

**TONBRIDGE & MALLING BOROUGH COUNCIL**

**PLANNING and TRANSPORTATION ADVISORY BOARD**

**08 January 2008**

**Report of the Director of Planning Transport and Leisure**

**Part 1- Public**

**Matters for Recommendation to Cabinet – Council Decision**

**1 CHANNEL TUNNEL RAIL LINK – SIMPLIFIED PLANNING MEMORANDUM**

**Summary**

**It is recommended that now construction of the high speed rail link is complete, a revised, simplified, Planning Memorandum is agreed, and the Planning Forum is no longer required.**

**1.1 Introduction**

- 1.1.1 Section 1 of the Channel Tunnel Rail Link (CTRL) opened in 2003. CTRL, now renamed High Speed 1 (HS1), has now started operations, with the first train leaving from St Pancras in November 2007.
- 1.1.2 During the construction of the rail link, Local Authorities that had signed up to the Planning Memorandum as 'qualifying authorities' were able to exercise the powers in Schedule 6 of the CTRL Act. This gave the authorities, including this Council, the right to receive applications and exercise controls over a wide range of CTRL construction works and arrangements.
- 1.1.3 The Planning Memorandum set out the standards that both the promoter and local authorities were to follow in requesting and determining planning applications. This regime will continue to be the process by which HS1 gains approval for future development - albeit such developments are likely to be infrequent, small scale and of local rather than of cross boundary or route wide interest. The Planning Forum has concluded that a Simplified Planning Memorandum, which accompanies this report (**Annex 1**), is now appropriate.
- 1.1.4 In view of the strict timetable for dealing with applications under the CTRL Act, in 1996 the Council approved delegations to enable the (then) Borough Planning Officer to determine all submissions pursuant to the Act, irrespective of whether or not a material objection had been received from a third party. Authority was also delegated to represent the Borough Council's position on any appeal, including any appeal made against an officer decision taken under delegated powers on any application under the procedures. These arrangements need to be continued under the simplified planning memorandum.

1.1.5 The Planning Forum was established by the High Level Forum as the primary focus of officer liaison to ensure the successful operation of common procedures and interpretation of the Act in order to facilitate the expedited handling of applications and to resolve issues of cross boundary or route wide concern.

## **1.2 The Proposal**

1.2.1 The Planning Forum considers that its continued existence post HS1 operation is no longer required.

1.2.2 The Planning Forum is asking all 'qualifying authorities' to agree to the revised Memorandum and the closure of the Forum. The High Level Forum on 10 October agreed that the Planning Forum should close after all qualifying authorities had accepted the Simplified Planning Memorandum.

## **1.3 Legal Implications**

1.3.1 The Council needs to updated Part 3 of the Constitution (responsibilities) to record the delegations referred to in paragraph 1.1.4 above.

## **1.4 Financial and Value for Money Consideration**

1.4.1 Very limited as the Planning Forum has not met for some time requiring TMBC involvement.

## **1.5 Risk Assessment**

1.5.1 A failure to agree this approach would leave the Council unable to consider any submissions that may emerge on HS1.

## **1.6 Recommendation**

1.9.1 The Simplified Planning Memorandum and the closure of the Planning Forum **BE ACCEPTED**.

1.9.2 The current arrangements whereby all decisions on submissions under the Planning Memorandum are delegated to the Director of Planning, Transport and Leisure **CONTINUE IN PLACE** under the Simplified Planning Memorandum.

1.9.3 The Council's Constitution **BE UPDATED** to reflect the delegations referred to in the report.

Background papers:

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Nil

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