

TONBRIDGE & MALLING BOROUGH COUNCIL

CABINET

02 April 2008

Report of the Director of Planning Transport and Leisure

Part 1- Public

Matters for Recommendation to Council

1 DEVELOPMENT LAND ALLOCATIONS DPD – INSPECTOR’S REPORT

Summary

The Inspector’s Report into the Public Examination of the Development Land Allocations Development Plan Document (DLA DPD) has been received. The Inspector has found the DPD to be sound subject to relatively minor changes. The DPD must therefore now be adopted taking on board her recommendations. This now means that all three of the Borough Council’s first tranche of DPDs in its Local Development Framework (LDF) have now been found to be sound.

1.1 Introduction

- 1.1.1 The Development Land Allocations DPD (DLA DPD) was submitted to the Secretary of State on 1 September 2006 at the same time as the Core Strategy and the Tonbridge Central Area Action Plan (TCAAP). A Public Examination of the DLA DPD took place on 20 and 21 November 2007. The Inspector’s Report has now been received and, subject to some minor changes, she has found the DLA DPD to be sound. Her recommendations are binding. The DLA DPD must therefore be recommended to Council, along with the TCAAP, on 22 April 2008 for adoption, incorporating the changes she proposes.
- 1.1.2 Copies of the Report may be viewed at the Council Offices and other deposit points throughout the Borough. It is on the Council’s Website and is available for sale. **It accompanies this agenda as a separately bound document.**
- 1.1.3 The receipt of this report concludes the first tranche of DPDs which together comprise part of the LDF. As Members will be aware, work has now started on the first phase of the Managing Development and the Environment DPD (MDE DPD) which will ultimately be a very important part of the LDF in terms of policies that will be particularly relevant to many day-to-day Development Control decisions. A number of Supplementary Planning Documents are also in the course of preparation. By its very nature, the LDF system is intended to be more flexible which will consequently enable partial reviews in due course, as and when the need arises.

1.2 The Inspector's Recommendations

- 1.2.1 The Inspector has found the DLA DPD to be sound subject to a number of changes being made. The majority of these changes are of a minor technical nature and were put forward by your officers during the course of the Public Examination in response to representations (see **Appendices 1 and 2** to her report). The only significant policy change is an amendment to the policy for employment land at Quarry Wood (east of Mills Road) indicating that a proposal for retail development in this particular location, which is acceptable in all other respects, should not have to justify a loss of employment land. Overall, I believe this is a helpful clarification.
- 1.2.2 The only other significant change is the incorporation of a new Chapter and Annex to more fully address the issues of Implementation and Monitoring. The Inspector had identified the need for some clarification in this respect and invited the Council to indicate how it would address the issue to ensure that the plan was sound. The Inspector has indicated that with these changes she is satisfied that the plan now meets the required test of soundness. She adopted a similar approach in the case of the TCAAP.
- 1.2.3 An important factor is that, in the face of objections from the land owners, land at Oast Park/Priory Works (the Wallace and Tiernon site) west of Woodgate Way, Tonbridge has been confirmed by the Inspector as being safeguarded for employment purposes. The owners had wanted most of the site allocated for housing. Her view was that this would undermine the employment strategy that she had only recently recommended in the Core Strategy and that there was no overriding requirement to allocate the land for housing.
- 1.2.4 In line with her findings on the Core Strategy the Inspector found no case to review the boundary of the Green Belt or to allocate any additional land for housing in the Borough. In reaching this position, she had regard to a number of representations arguing for greenfield land release and found them to be unjustified. She has fully endorsed the Council's policies for Isles Quarry West, Borough Green and for Preston Hall.

1.3 Legal Implications

- 1.3.1 In accordance with Section 23 of the Planning and Compulsory Purchase Act the Council must now resolve to adopt the DLA DPD incorporating the binding recommendations of the Inspector. In accordance with the Regulations, as soon as reasonably practicable after the DLA DPD is adopted, the Council must:
- Publish the Inspector's Report, make it available for inspection, include it on the Website and notify those who have asked to be notified (this has already been done. In fact, everyone who has commented on the plan has been notified).

- The DLA DPD as adopted must also be placed on deposit and on the Website together with an Adoption Statement which formally announces the adoption of the plan and indicates that any person aggrieved by that decision may make an application to the High Court to challenge the plan's adoption on a point of law.
- The adopted plan must also be accompanied by a further Statement indicating how the Sustainability Report and public consultation has been taken into account in preparing the DPD and how the environmental effects of the plan will be monitored.

1.4 Financial and Value for Money Considerations

- 1.4.1 The cost of the Public Examination, including the Inspector's fees, falls upon the Borough Council. Although I do not yet know exactly what these costs will be they are intended to be fully covered by the Planning Delivery Grant.

1.5 Risk Assessment

- 1.5.1 None.

1.6 Recommendations

- 1.6.1 That Cabinet recommend to Council that it resolves to adopt the Development Land Allocations DPD as recommended to be changed by the Inspector as set out under Appendices 1 and 2 to her report.

Background papers:

contact: Brian Gates

Submitted DLA DPD

Position Statements and other background documents submitted to the Public Examination

Steve Humphrey

Director of Planning Transport and Leisure