

TONBRIDGE & MALLING BOROUGH COUNCIL

PLANNING and TRANSPORTATION ADVISORY BOARD

16 November 2011

Report of the Director of Planning, Transport and Leisure

Part 1- Public

Matters for Information

1 NATIONAL PLANNING POLICY FRAMEWORK AND THE LOCAL DEVELOPMENT FRAMEWORK

Summary

Consultation on a draft National Planning Policy Framework (NPPF) has just finished. This report considers the likely implications of the NPPF for the future of the Local Development Framework and our forward planning policy work in general terms.

1.1 Introduction

1.1.1 The Government has recently been consulting on a draft National Planning Policy Framework (NPPF) which consolidates and updates existing national planning policy. The closing date for comments was 17 October 2011.

1.1.2 I attach for Members' information (under **ANNEX A**) a copy of the report to Cabinet on this matter. It should be noted that the version of Annex B to the Cabinet Report is the version sent to Government and includes changes made by Cabinet. I also attach under **ANNEX B** to this report a copy of the letter that was sent to the Secretary of State identifying the main areas of concern for Tonbridge and Malling.

1.2 Potential implications for Local Planning in Tonbridge and Malling

1.2.1 The first point to make is that the NPPF is not yet in its final form and there has been considerable criticism of it, including the constructive comments made by this authority. It is therefore possible that it may be changed in detail and in emphasis by the time it is finally published during next Spring. Once finally published, it will set the high- level context for the determination of planning applications. Indeed, even now in its draft form, it is a material consideration.

1.2.2 More particularly, it will set the context for the next review of the LDF, which in future can, once more, be called a Local Plan. Needless to say, I am already giving consideration as to what this might mean in terms of work commitment. We are currently evaluating the extent to which the policies in our existing planning documents can be said to be in general conformity with the draft NPPF. This work

will obviously have to be updated once the final version of the NPPF is published but we consider it prudent to be prepared. Our reaction as a Local Planning Authority will also be determined to some extent by changes made to the NPPF, in particular any relating to the process of 'conformity' for local plans and any transitional arrangements that might be introduced.

- 1.2.3 One fundamental area where, on the face of it, the existing LDF will not be in full accordance with national policy is the requirement for the Council plan to meet the "full need for market and affordable housing", because the existing plan is in accordance with the South East Plan which intentionally constrained the level of housing development in this area and diverted some of our needs elsewhere (eg Thames Gateway). Under the new arrangements, there will be no South East Plan and no ability to divert growth elsewhere other than by agreement with our neighbours. This is an area where we have expressed deep concern in the attached representation (see Annex B to the Cabinet Report).
- 1.2.4 Much will therefore depend upon how much notice is taken of the comments we and others have made and what the finally published version of the NPPF says, but one thing is clear; there will no longer be a South East Plan and therefore no top-down imposed level of growth. It will be for the Borough Council to decide on its own level of growth but this must be informed by a sound evidence base. In this respect, I reported to your last meeting on a Kent Planning Officers' Group initiative to produce useful guidance on the preparation of locally-derived demographic projections and housing requirements on a consistent basis across the county. It will be my intention to initiate this work on this commonly agreed basis. In this respect, it will be important that the NPPF is amended to remove or revise reference to Strategic Housing Market Assessments (SHMAs) since these are produced on a different basis and can give rise to some very different results. It will however still be necessary to undertake some essential housing need assessment work in parallel with the demographic based work.
- 1.2.5 Whatever happens, it is clear that in due course we will need to review the Core Strategy and roll forward the Development Land Allocations DPD from a 2021 time horizon to 2031. Although, formal commencement of a review of the LDF should await the publication of the final version of the NPPF and be triggered by it, this does not mean that preliminary work on building up the evidence-base should not start right away. It is therefore my intention, in addition to the **Housing and Population Projection** work referred to above, to initiate in the new year work on the following:-
- **Strategic Housing Land Assessment (SHLAA)** to identify potential housing development sites in the Borough. A SHLAA was not prepared for the LDF because it preceded the requirement to have one.
 - **Employment Land Review (ELR)** – the existing ELR prepared for the LDF is now 6 year's old and needs to be updated. Once the Housing and

Population Projections have been agreed the need (if any) for more employment land can be established.

- **Retail Studies** - the existing Retail Studies for the LDF are also 6 years old and need to be updated. Indeed, those relating specifically to Tonbridge town centre will need to be brought forward as a priority in order to inform impending Development Management decisions that may need to be taken before the Tonbridge Central Area Action Plan is reviewed.

It will be my intention that as much as possible of this work will be undertaken in-house, but there will inevitably be a need to use external consultants on certain specialist areas, like retail projections and viability assessments. These external costs will be met from the LDF reserve budget.

1.2.6 It will be my intention to keep Members of the Planning and Transportation Advisory Board regularly informed of progress and to report to the Board on the results of specific Studies so that recommendations can be made to Cabinet on the direction to take on particular matters.

1.2.7 These are my early thoughts on the emerging work programme for the Council in maintaining its robust approach to forward planning and policy development. We are currently well placed but the expectation and need before too long will be that a new local plan for the Borough, backed by new evidence and reacting to a new national policy framework will be required. Of course as work develops consultation with local communities will be paramount.

1.3 Legal Implications

1.3.1 Whilst the NPPF will provide a statement of Government Policy, the legislation on the preparation of Development Plan Documents will not be significantly changed by the Localism Bill. There will still be a requirement for the Council have, and keep up to date, a Development Plan for its area.

1.4 Financial and Value for Money Considerations

1.4.1 The cost of taking forward a review of the LDF is covered by the LDF Reserve budget.

1.5 Risk Assessment

1.5.1 There is a risk that if the Council's LDF becomes out-of date it will have to fight an increasing number of appeals and could well lose those appeals if its plan is not in accordance with the NPPF.

Background papers:

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Nil

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