

**TONBRIDGE & MALLING BOROUGH COUNCIL**  
**PLANNING and TRANSPORTATION ADVISORY BOARD**

**04 June 2013**

**Report of the Director of Planning, Housing and Environmental Health**

**Part 1- Public**

**Matters for Recommendation to Cabinet - Non-Key Decision (Decision may be taken by the Cabinet Member)**

**1     LOCAL PLAN UPDATE**

**This report updates Members on progress towards a new Local Plan for Tonbridge and Malling, including the commissioning of key parts of the evidence base and the current timetable, which is proposed as a replacement for the 2009 Local Development Scheme. It also sets out a recommended way forward in respect of a new consultation and engagement strategy.**

**1.1   Evidence Base Progress**

- 1.1.1   As I have reported previously, getting the evidence for the new local plan soundly based is of critical importance to the formulation and independent testing by inspectors of the future development strategy for the Borough.

**1.2   Strategic Housing Market Assessment**

- 1.2.1   At the last meeting of the Board Members recommended the joint commissioning of specialist work with Maidstone Borough Council to prepare a new Strategic Housing Market Assessment (SHMA) for the Maidstone and Malling area and to refresh the West Kent SHMA covering the remainder of the Borough.
- 1.2.2   A sound SHMA is essential as it will be a key ingredient to the decision-making process that will ultimately lead to the number, type and location of new housing in the Borough.
- 1.2.3   Since that meeting officers have continued to work closely with colleagues from Maidstone Borough Council and Ashford Borough Council to appoint specialised consultants to carry out this key piece of evidence for the new Local Plan. Our officers took the lead in preparing a brief for the work, Ashford has taken on the tendering exercise and Maidstone will oversee the procurement of the successful consultants. Not only does this ensure good value for money, as there are savings arising from joint commissioning, it is a good example of joint, collaborative working, which will be a positive contribution to meeting the Duty to Cooperate.

- 1.2.4 Tenders were invited from six consultants known to have experience in this field and two submitted bids, GVA Grimley and GL Hearn and Partners. Interviews were held in Ashford on 15 May and a unanimous decision reached by officers from all three authorities to offer the work to GL Hearn.
- 1.2.5 In brief, GL Hearn responded well to the brief, offered an experienced team of senior staff who could demonstrate a good track record of working as a team preparing similar work. They showed sensitivity to local circumstances and a good understanding of local housing markets. They responded well to questions relating to the wider contextual issues and the possibility of new government guidance being published during the project.
- 1.2.6 Given the challenging timescales of completing the SHMAs by mid July, the interviewing officers felt that these were critical factors in choosing the right team. GL Hearn was also the lowest priced tender, although it is significant to note that this was not the determining factor. The fee proposal for the shared elements of the work is £32,430, which equates to a sum of £10,810 for Tonbridge and Malling's contribution.
- 1.2.7 Appointments and feedback were provided the day after the interviews. An inception meeting with the consultants was held in Ashford on 23 May. Compilation of data, defining housing markets and analysis will take place through June, with first draft reports expected in the last week of June and completed by the end of the summer.

### **1.3 Demographic and Growth Scenarios**

- 1.3.1 At the last meeting of the Board Members also agreed that specialist work on population and growth projections for the Borough to 2031 to underpin the Local Plan evidence base and provide a basis for considering future growth options be commissioned. This work will also provide a picture of the likely and possible nature of employment patterns that in turn will inform how the Borough Council can formulate part of its economic strategy.
- 1.3.2 In accordance with contract procedure rules three consultants were invited to tender by 14 May. Two responded by the deadline, Experian and Nathaniel Lichfield and Partners. At the time of writing this report these bids were being considered. An update will be provided at the Board meeting on 4 June. Both are within the anticipated budget for this work.
- 1.3.3 The estimate for the completion of this work is September which will allow the outcome to be considered alongside the SHMA work as clearly the two strands of evidence are inter-related.

### **1.4 Strategic Housing Land Availability Assessment**

- 1.4.1 Work towards a strategic land availability assessment (SHLAA) is also progressing. The first part of this is a review of the deliverability of sites that are

already allocated or permitted for development. This is an important part of building a picture of the likely future supply of housing land, particularly bearing in mind the current emphasis placed on the viability of development sites. A similar exercise will be carried out in relation to currently earmarked employment land.

- 1.4.2 The next phase of this work, having regard to the outcome of the SHMA, will be to carry out a search of other possible sites that might be considered for future development, beyond those already identified. This has commonly been labelled the 'call for sites' and should be done in conjunction with landowners, developers and other agencies. This stage will most likely take place in the autumn and will inevitably give rise to some aspirations and concerns being expressed, although it must be remembered that when we arrive at that stage any land highlighted by any party will still be subject to consideration, not least against the level of development that is ultimately needed to be identified.

## **1.5 Infrastructure Provision**

- 1.5.1 Another important element in building up the picture for the future development strategy is the extent of infrastructure in place or planned by a range of providers. We are currently in the process of ascertaining the current levels of provision, pressures on various services and planned investments by infrastructure providers. This will ultimately assist in assessing the implications of new development. Equally it will open lines of communication so that providers can themselves begin to plan for the future.

## **1.6 Gypsy and Traveller Accommodation Assessment**

- 1.6.1 In the last Local Plan update to the Board in April it was noted that the new Gypsy and Traveller Accommodation Assessment (GTAA) was nearing completion. Part One of the GTAA dealing with Gypsies and Travellers was completed in May and is already being used as supporting evidence in ongoing planning appeals. It will also form part of the evidence base for the Local Plan, which will respond to the objectively assessed needs for additional pitches over the plan period.
- 1.6.2 Part Two is a shorter report dealing with the needs of Travelling Showpeople and at the time of writing was also nearing completion.
- 1.6.3 Salford University were commissioned jointly with Gravesham and Ashford Borough Council last autumn to prepare individual borough reports to update the Ashford, Maidstone, Tonbridge and Malling and Tunbridge Wells GTAA published in 2005/6. Salford had already successfully updated GTAA's for Sevenoaks and Maidstone and have since been commissioned by most of the remaining Kent authorities.
- 1.6.4 Another report on this agenda explains the findings in more detail.

## **1.7 Habitat Survey**

- 1.7.1 Officers have recently received an updated habitat survey for the borough, which will form part of the natural environment evidence base for the new Local Plan. The update formed part of the ARCH Kent Habitat Survey, which in turn was part of a wider European Interreg project assessing regional changes in habitat.
- 1.7.2 The project, which began in 2009 and concluded on time and on budget in March, involved a number of partner organisations including KCC, Conseil Regional of Nord-Pas de Calais, Conservatoire botanique national de Bailleul, Kent Wildlife Trust, Kent and Medway Biological Records Centre and the Environment Agency. Financial contributions were also provided by Medway Council, Canterbury City Council, Maidstone Borough Council, Swale Borough Council, Tonbridge and Malling Borough Council and Tunbridge Wells Borough Council.

## **1.8 A NEW CONSULTATION AND ENGAGEMENT STRATEGY FOR THE LOCAL PLAN**

- 1.8.1 At the last Board meeting Members were advised that early and meaningful engagement and collaboration with neighbourhoods, local organisations and businesses is given a high priority in the National Planning Policy Framework (NPPF) and that this will be embedded into the Local Plan process.
- 1.8.2 Parish and Town Councils are seen as playing a key role in this process. Awareness of the Government's planning reforms and the Council's intention to prepare a new Local Plan has been raised via the Parish Partnership Panel and through correspondence seeking information on current and future infrastructure provision. There will be a further opportunity to update the Panel on the Local Plan and in particular on this aspect of the process at the June meeting.
- 1.8.3 It is also proposed to hold an event for Parish Councils in September to explain the Local Plan process in more detail, provide an update of progress so far and set out the Council's proposals for consultation and engagement, including roles for wider engagement with local communities. An important outcome of this event will be to agree a practical and deliverable way forward that both the Borough and Parish Councils can agree and commit to.
- 1.8.4 Community engagement and consultation if done well can imbue ownership of the plan, but it has to be managed correctly. It can also be resource hungry and lead to delays in the programme, but there is also the potential for positive and open collaboration aimed at a smoother passage and ultimately deliver a sound plan by the time it reaches the Examination stage.
- 1.8.5 There will inevitably need to be compromise but if communities feel they have been provided with the opportunity to share their views, at the right time, can and do contribute to the discussion and see how their input has been taken into consideration in arriving at the end product, this will have the effect of delivering 'neighbourhood planning' through the Local Plan.

- 1.8.6 The new consultation and engagement strategy will effectively update the Statement of Community Involvement (SCI), prepared in 2005 for the Local Development Framework. It will need to reflect changes in legislation, take on board experience from the previous plan process and consider the effectiveness of new methods of engagement carried out by Local Planning Authorities who have recently prepared these strategies.
- 1.8.7 In addition to embedding consultation and engagement processes from the outset and through the process, there are two formal, statutory consultation stages that must be carried out. The first stage is covered by Regulation 18 of the Town and Country Planning (Local Planning)(England) Regulations 2012 and involves formal consultation on issues and options and what any preferred options may be. The Council must be able to demonstrate how the comments made at this stage have been taken into consideration in the preparation of the Local Plan.
- 1.8.8 Regulation 19 stage requires a formal consultation on the version of the plan that the Council proposes to submit to the Government for independent examination. The Council is not required, or indeed permitted to respond to any representations made at this stage, but these are submitted along with the plan to the Inspector. The intention is that any issues should be raised at the Regulation 18 stage and those issues as far as possible should be resolved before the draft plan is prepared.
- 1.8.9 If consensus is to be reached, early and helpful engagement must take place. The new SCI must reflect a programme to work closely with our partners and stakeholders to disseminate important information that informs the planning approach and debate the issues that need to be addressed. The Council's ability to engage with the public is a key consideration of "soundness" of the local plan at the examination stage.

## **1.9 LOCAL PLAN TIMETABLE/LOCAL DEVELOPMENT SCHEME**

- 1.9.1 At the last meeting of the Board an indicative timetable for preparing the Local Plan was set out in an appendix anticipating adoption of a new plan by the end of 2015.
- 1.9.2 The programme has not changed since the last meeting although as noted previously this is by nature an iterative process and therefore it is proposed to append the timetable to future reports on the Local Plan as a standard item and pick up any amendments in the accompanying report.
- 1.9.3 The timetable for preparing the Local Development Framework formed a formal part of the suite of documents making up the LDF and was known as a Local Development Scheme or LDS. The current version of the LDS dates from 2009 and is now out of date.
- 1.9.4 Despite the Government's planning reforms and the introduction of new Local Plans to replace LDFs the requirement to prepare and update an LDS remains.

Therefore it is recommended that the Local Plan Programme appended to this report form the basis of a new LDS to replace the 2009 version.

## **1.10 Legal Implications**

- 1.10.1 The Council as Local Planning Authority is required to prepare a new Local Plan. To be found sound, the plan has to meet various tests including whether it has been prepared on robust, relevant and up to date evidence, can demonstrate compliance with the duty to cooperate and has met the minimum requirements for consultation and engagement. The contents of this report aim to meet and surpass those minimum requirements.
- 1.10.2 The legal requirements for the joint commissioning of consultants have been checked with Legal Services.

## **1.11 Financial and Value for Money Considerations**

- 1.11.1 The joint commissioning of consultants for the SHMA and GTAA has delivered cost savings. There was less opportunity for joint commissioning of the demographic and growth scenarios due to the urgency of the task, the specialist nature of the work and the fact no other Kent local authorities require this work at the present time.

## **1.12 Risk Assessment**

- 1.12.1 Failing to have an up-to-date and robust evidence base, meeting the duty to cooperate and carrying out an appropriate level of consultation and community engagement represents a significant risk to securing the soundness of the Local Plan at the examination stage.

## **1.13 Equality Impact Assessment**

- 1.13.1 See 'Screening for equality impacts' table at end of report

## **1.14 Policy Considerations**

- 1.14.1 The new Local Plan for Tonbridge and Malling will replace the existing statutory development plan.

## **1.15 Recommendations**

- 1.15.1 The Board notes the updates in respect of the progress made towards the Local Plan;
- 1.15.2 The Cabinet be recommended to endorse the proposed approach in respect of a new Consultation and Engagement Strategy to replace and update the Statement of Community Involvement; and

1.15.3 That the Local Plan timetable at **[Annex 1]** to this report form the basis of a new Local Development Scheme.

The Chief Planning Officer confirms that the proposals contained in the recommendation(s), if approved, will fall within the Council's Budget and policy Framework.

Background papers:

Nil

contact: Ian Bailey  
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Director of Planning, Housing and Environmental Health

Screening for equality impacts:		
Question	Answer	Explanation of impacts
a. Does the decision being made or recommended through this paper have potential to cause adverse impact or discriminate against different groups in the community?	No	This report provides an update on the Local Plan preparation and seeks endorsement for a new Consultation and Engagement Strategy to engage local communities in the Local Plan process.
b. Does the decision being made or recommended through this paper make a positive contribution to promoting equality?	No	See above
c. What steps are you taking to mitigate, reduce, avoid or minimise the impacts identified above?		

*In submitting this report, the Chief Officer doing so is confirming that they have given due regard to the equality impacts of the decision being considered, as noted in the table above.*