

TONBRIDGE & MALLING BOROUGH COUNCIL

PLANNING and TRANSPORTATION ADVISORY BOARD

12 March 2013

Report of the Director of Planning, Transport and Leisure

Part 1- Public

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

1 LOCAL PLAN UPDATE

To update Members on progress with the preparation of the new Local Plan and seek endorsement for the procurement of consultants

1.1 Draft Local Plan Timetable

1.1.1 The process for preparing a Local Plan is largely unchanged from that used for Development Plan Documents under the Local Development Framework. A simplified illustration of the key stages can be found at Appendix 1 to this report.

1.1.2 Appendix 2 represents a draft timetable for completing the Local Plan. Although this will be an iterative process, it is anticipated that a draft plan can be prepared by early in 2015. Adoption of the Local Plan should be possible by the end of 2015. It is anticipated that this will become a revised Local Development Scheme for preparing the Plan in due course.

1.1.3 Stage One – Evidence Base

1.1.4 At the outset it is important to prepare the detailed evidence base necessary to underpin the Plan and without which no Plan is likely to be endorsed at its Examination by an Independent Inspector. This building of an evidence base has been estimated to take up to a year to complete. The NPPF identifies this as a crucial component and one that will be tested at an independent examination. The NPPF notes that evidence should be 'proportionate', which requires the Local Planning Authorities to decide what type of evidence is important to support local priorities, as applied in the national policy context, and the scope and level of detail required. In plain English this means, don't spend too much time or resources on evidence that is not truly necessary, but make sure what you do need is robust. Specifically paragraph 158 of the NPPF states that '..Local Planning Authorities should ensure that the Local Plan is based on adequate, up-to-date and relevant evidence about the economic, social and environmental characteristics and prospects of the area'.

- 1.1.5 Officers have already begun reviewing the evidence base prepared for the Local Development Framework to see if any parts remain relevant or can be refreshed and if there are any gaps that require new evidence.
- 1.1.6 There are three issues emerging:
- The potential growth scenario testing and consequent population projections in particular are becoming a priority as the outcomes will determine the nature of other forms of evidence;
 - The Duty to Cooperate is a requirement but also presents an opportunity for joint working including joint commissioning of studies with neighbouring authorities where necessary or appropriate; and
 - The resource implications of preparing evidence either in-house or by using consultants – both in terms of the availability of relevant skill sets and any consequential expenditure. .
- 1.1.7 Some progress has already been made, for example, the renewing of the Gypsy & Traveller Accommodation Assessment is nearing completion. Letters have also been sent to all of the main infrastructure providers to open a dialogue in anticipation of preparing an Infrastructure Delivery Plan required to accompany the new Local Plan. These letters have also been sent to all of the Parish and Town Councils as local infrastructure providers in their own right, but also to ascertain if the Parish Councils perceive that there are any shortfalls in infrastructure provision.
- 1.1.8 The evidence base will provide the basis for setting the strategic priorities for the Borough. The NPPF notes that these should include:
- The jobs and homes needed in the area;
 - The provision of retail, leisure and other commercial development;
 - The provision of infrastructure for transport, telecommunications, waste management, water supply, waste water, flood risk, green infrastructure and the provision of minerals and energy;
 - The provision of health, security, community and cultural infrastructure and other local facilities; and
 - Climate change mitigation and adaptation, conservation and enhancement of the natural and historic environment including landscape.
- 1.1.9 Stage Two – Issues and Choices
- 1.1.10 The next key stage in the process is the preparation of issues and choices, which is accompanied by a formal public consultation exercise. This is the formal

notification by the Local Planning Authority of the intention to prepare a Local Plan and it is accompanied by certain statutory requirements, for example, inviting representations from a specified list of consultees about what the Plan should contain. These representations have to be considered by the Local Planning Authority in drafting the Plan.

- 1.1.11 Although this is the first formal consultation, early and meaningful engagement and collaboration with neighbourhoods, local organisations and businesses is described as 'essential' in the NPPF, meaning that it is assumed that Local Planning Authorities consult widely well in advance of the Issues and Choices stage. This is consistent with the aim that Local Plans are the key to delivering sustainable development that reflects the vision and aspirations of local communities.
- 1.1.12 This can be achieved in a number of ways and some other Kent Authorities have been experimenting with innovative engagement exercises designed to encourage people to get involved by taking a step back from more 'traditional' forms of planning consultation. Officers will monitor the success or otherwise of these exercises, but it is anticipated that some form of early engagement will take place by utilising the Citizen's Panel.
- 1.1.13 There is also the Duty to Cooperate to be considered. The NPPF states that cooperation should be a continuous process of engagement from initial thinking through to implementation, resulting in a final position where plans are in place to provide the land and infrastructure necessary to support current and projected future levels of development. Local Planning Authorities will be expected to demonstrate evidence of having effectively cooperated to plan for issues with impacts that arise across administrative boundaries when their Local Plans are submitted for examination.
- 1.1.14 Officers have been liaising with neighbouring boroughs over some of the evidence base and this work is continuing. This is a significant new challenge facing all Local Planning Authorities and new guidance has been recommended as part of the Taylor Review.
- 1.1.15 Another important part of the evidence base is the Strategic Environmental Assessment and Sustainability Appraisal, which should be embedded in the plan making process from the outset.
- 1.1.16 Once the engagement process, the duty to cooperate and the other necessary procedural matters have been addressed the Local Planning Authority can progress to the next key stage, which is to consider issues and choices for the Local Plan.
- 1.1.17 Stage 3 – Draft Plan
- 1.1.18 Having taken into consideration all of the representations received at the Issues and Choices stage, the next key stage will be to publish a draft Local Plan. Work

on the draft plan will have begun earlier in the process, but by the time it is formally published for further consultation, it is expected that the plan has taken shape and is recognisable as the finished article. This draft will incorporate the policies and reasoned justifications that will address the spatial implications of the economic, social and environmental changes that will accompany the vision and aspirations of local communities established through the earlier stages of plan making.

1.1.19 Before submitting the plan to the Secretary of State, a further public consultation exercise is carried out. This time the Local Planning Authority is not expected to respond to the representations received. The Plan at this stage in the process is expected to be sound, when received by the Secretary of State's Inspector and as far as the Local Planning Authority is concerned. So representations at this stage are forwarded to the Secretary of State with the Plan, and any supporting documents, for the independent Inspector to consider.

1.1.20 Stage 4 – Submission and Examination

1.1.21 Following submission to the Secretary of State an independent Inspector is appointed, who in turn will arrange a pre-examination meeting and an examination. After the examination the Inspector prepares a report with recommendations. This report is not binding, but the Local Planning Authority is required to consider the recommendations. If the Plan is found to be sound, the Plan can be adopted.

1.2 **Growth Scenarios and the commissioning of consultants**

1.2.1 For previous plans, the Local Development Framework and the Borough Plan, the anticipated level of growth in houses and jobs was set variously by the Government, the Regional Planning Body and the County Structure Plan. The Secretary of State for Communities and Local Government has recently announced the revocation of the South East Plan that set the current growth targets. The National Planning Policy Framework (NPPF) published in March last year places this responsibility with Local Planning Authorities.

1.2.2 The Current Local Development Framework runs to 2021 and due to a number of large development sites coming forward over the plan period, the Borough has delivered a significant level of growth exceeding its housing targets in the South East Plan. The Council has benefited from this high performance in the form of the former Housing and Planning Delivery Grant and more recently New Homes Bonus as well as additional Council Tax from the new properties. In practice it has also meant that the Borough Council has been able to respond well to local need for housing and other forms of development.

1.2.3 Local businesses have enjoyed the additional spending that extra residents have brought to the area and there have been improvements to existing infrastructure delivered through developer contributions. There remains a healthy housing land

supply for the next 5 years and there are in excess of 3,000 homes with planning permission in the system.

- 1.2.4 The new Local Plan will extend the plan period to 2031(i.e. 15 years from the anticipated adoption date) and will have to determine what level of growth is sustainable and desirable in future and where it should be planned for.
- 1.2.5 The NPPF expects Local Planning Authorities to positively seek opportunities to meet the development needs of their area. The strategic planning matters, which would previously have been dealt with by the County Council or Regional Planning Body are now expected to be addressed through the Duty to Cooperate. Paragraph 179 of the NPPF states that ‘Local Planning Authorities should work collaboratively with other bodies to ensure that strategic priorities across local boundaries are properly coordinated and clearly reflected in individual Local Plans’. Local Planning Authorities will in future have to demonstrate how they have met this duty in preparing their plans and this will be a key test at the examination stage. Some authorities have already fallen foul of the duty, but Lord Taylor’s recent review of Planning Guidance has at least identified this as a priority area for new guidance.
- 1.2.6 In order to objectively assess future needs we will need to obtain the most up to date information available on population growth, the state of the local economy and work closer with neighbouring authorities on delivering strategic priorities.

1.3 Population and Growth Projections

- 1.3.1 One of the key components of the evidence base for a Local Plan is gaining an understanding of the potential population and growth of the area. This is an area of expertise that is not normally found in-house and as this underpins the rest of the evidence base this information is usually sought from consultants.
- 1.3.2 Kent County Council’s Business Strategy and Support Unit have provided this information to Districts in the past using Edge Analytics (demographic modelling consultants) using POPGROUP software. However, due to changes at KCC, Districts have been advised to contact the consultants direct for analytical requirements. Officers in researching this matter have also been made aware that some Districts have utilised Experian and also Nathaniel Lichfield and Partners with some success. This being a specialist area of expertise, there are few in the market place that can offer similar services.
- 1.3.3 Experian has carried out similar work for Canterbury City Council and also Swale Borough Council, which has been well received. Experian are leaders in the field of forecasting, currently involved in the production of 2011-based population projections for Government. Experian have also been employed by South East Water to assess population growth in Kent so that the company can assess future water supply. They are therefore familiar with the area and are able to not only forecast potential social and economic futures for Tonbridge and Malling, but also

assess the impact of national and regional economic trends and drivers on Tonbridge and Malling and the economic resilience of the Borough to change.

- 1.3.4 Preliminary enquiries with Experian suggest that they currently have the capacity to undertake this work which will take approximately 3 months to complete. The Canterbury work cost in the region of £50K.
- 1.3.5 Given the specialist nature of the task and the priority afforded to this work for progressing the Local Plan, it is proposed to make an appointment at earliest convenience in accordance with our normal procurement rules. There are sufficient funds in the LDF Reserve Budget for this crucial piece of evidence to be commissioned.

1.4 Strategic Housing Needs Assessment

- 1.4.1 Another key component of the Local Plan evidence base will be an assessment of housing needs. Strategic Housing Market Assessments (SHMAs) as the name suggests relate to housing market areas, where the majority of people living there live, work, shop and socialise within the vicinity and consequently they do not always coincide with borough boundaries.
- 1.4.2 The original guidance for preparing SHMAs was published in 2007 and a West Kent SHMA was published in December 2008 that included Tonbridge & Malling, Sevenoaks and Tunbridge Wells. This SHMA is now out of date and does not reflect the fact that part of Tonbridge and Malling is closely linked with Maidstone as a housing market area. Officers from Sevenoaks and Tunbridge Wells have indicated that they will not be looking to revise the SHMA until at least 2014.
- 1.4.3 In accordance with the Duty to Cooperate officers have been liaising with colleagues from Maidstone on a number of strategic planning matters over the last year. It is unfortunate, but by no means untypical, that Maidstone (like Sevenoaks and Tunbridge Wells) are at a different stage of plan making to Tonbridge & Malling. However, Maidstone are committed to updating their evidence base to support their next plan making stage and have proposed working together to prepare a new SHMA, which would include the Malling area. Some of this work can be done in house, but there is significant value in external specialist advice in preparing the final assessment.
- 1.4.4 A preliminary meeting was held in December and further meeting in January. Maidstone are keen to move swiftly to a commission, but have been advised of the need for officers to obtain Member endorsement and to ensure that a brief that satisfies all partners is agreed before commissioning the work. It is critical that effective joint-working with Maidstone is undertaken for this piece of evidence because the outputs are likely to have significant implications for the potential strategy that will underpin the new Local Plan. It is anticipated that Maidstone Borough Council's procurement procedures will be used to make the necessary appointments.

- 1.4.5 This provides an opportunity for us to:
- 1.4.6 Update the SHMA for Tonbridge & Malling by preparing a new joint SHMA with Maidstone (it is anticipated that the same consultant can update the residual 'West Kent' SHMA covering the rest of the Borough for an additional fee);
- 1.4.7 Demonstrate joint working on a key area of Local Plan evidence base to meet the Duty to Cooperate; and
- 1.4.8 Capture a cost saving through joint commissioning of consultants with Maidstone and potentially other Kent authorities who are also wishing to update their SHMAs at this time (Ashford and Swale have expressed an interest).

1.5 Legal Implications

- 1.5.1 The Council as Local Planning Authority is required to prepare a new Local Plan. To be found sound, the plan has to be based on a robust evidence base and to be able to demonstrate how it meets the duty to cooperate. This report recommends two courses of action that will help to meet these requirements.

1.6 Financial and Value for Money Considerations

- 1.6.1 The proposal to combine population projections with economic growth scenarios negates the prospect of commissioning two separate pieces of work and will provide a vital input to other forms of evidence.
- 1.6.2 Joint commissioning of a new SHMA will deliver some economies of scale as has already been demonstrated by the joint commissioning of the Gypsy and Traveller Assessment.

1.7 Risk Assessment

- 1.7.1 Failing to have an up-to-date and robust evidence base and meeting the duty to cooperate represents a significant risk to securing the soundness of the Local Plan at the examination stage.

1.8 Equality Impact Assessment

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

1.9 Policy Considerations

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

1.10 Recommendations

- 1.10.1 That the Cabinet be recommended to endorse the overall programme for the Local Plan production and:

1.10.2 The commissioning of 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; and

1.10.3 Joint commissioning of specialist work with Maidstone Borough Council to prepare a new Strategic Housing Market Assessment for the Maidstone and Malling area and to refresh the West Kent SHMA covering the remainder of the Borough.

The Director of Planning, Transport and Leisure confirms that the proposals contained in the recommendation(s), if approved, will fall within the Council's Budget and Policy Framework.

Background papers:

Nil

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| Screening for equality impacts: | | |
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| 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 the commissioning of consultants to prepare evidence to support the plan. |
| 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.