

TONBRIDGE & MALLING BOROUGH COUNCIL



EXECUTIVE SERVICES

Chief Executive

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NB - This agenda contains proposals, recommendations and options. These do not represent Council policy or decisions until they have received proper consideration through the full decision making process.

Contact: Committee Services
committee.services@tmbc.gov.uk

27 February 2017

To: MEMBERS OF THE PLANNING AND TRANSPORTATION ADVISORY BOARD

(Copies to all Members of the Council)

Dear Sir/Madam

Your attendance is requested at a meeting of the Planning and Transportation Advisory Board to be held in the Civic Suite, Gibson Building, Kings Hill, West Malling on Tuesday, 7th March, 2017 commencing at 7.30 pm

Yours faithfully

JULIE BEILBY

Chief Executive

A G E N D A

PART 1 - PUBLIC

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To confirm as a correct record the Notes of the meeting of the Planning and Transportation Advisory Board held on 15 November 2016

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Matters for consideration in Private

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The Chairman to move that the press and public be excluded from the remainder of the meeting during consideration of any items the publication of which would disclose exempt information.

PART 2 - PRIVATE

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Any other items which the Chairman decides are urgent due to special circumstances and of which notice has been given to the Chief Executive.

MEMBERSHIP

Cllr D A S Davis (Chairman)
Cllr T Edmondston-Low (Vice-Chairman)

Cllr M A C Balfour
Cllr Mrs S M Barker
Cllr P F Bolt
Cllr V M C Branson
Cllr M O Davis
Cllr B T M Elks
Cllr Mrs S M Hall

Cllr Mrs F A Kemp
Cllr R D Lancaster
Cllr M Parry-Waller
Cllr S C Perry
Cllr R V Roud
Cllr A K Sullivan
Cllr M Taylor

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Apologies for absence

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Declarations of interest

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TONBRIDGE AND MALLING BOROUGH COUNCIL

PLANNING AND TRANSPORTATION ADVISORY BOARD

Tuesday, 15th November, 2016

Present: Cllr D A S Davis (Chairman), Cllr T Edmondston-Low (Vice-Chairman), Cllr M A C Balfour, Cllr P F Bolt, Cllr M O Davis, Cllr Mrs S M Hall, Cllr Mrs F A Kemp, Cllr R D Lancaster, Cllr M Parry-Waller, Cllr S C Perry, Cllr R V Roud and Cllr M Taylor

Councillors Mrs J A Anderson, O C Baldock, M A Coffin, N J Heslop, D Lettington and H S Rogers were also present pursuant to Council Procedure Rule No 15.21.

Apologies for absence were received from Councillors Mrs S M Barker, V M C Branson, B T M Elks and A K Sullivan

PE 16/20 DECLARATIONS OF INTEREST

Councillor M Davis declared an Other Significant Interest in items on the agenda on the grounds of his status as a partner of Wards Solicitors. In accordance with the dispensation granted at Minute GP 16/19 (meeting of 20 October 2016), he remained in the meeting and addressed the Advisory Board but took no further part in the discussion or voting.

In the interests of transparency Councillor M Balfour indicated that he was the Cabinet Member for Environment and Transport at Kent County Council.

PE 16/21 MINUTES

RESOLVED: That the notes of the meeting of the Planning and Transportation Advisory Board held on 26 July 2016 be approved as a correct record and signed by the Chairman.

MATTERS FOR RECOMMENDATION TO THE CABINET

PE 16/22 LOCAL TRANSPORT PLAN FOR KENT - CONSULTATION

Decision Notice D160089MEM

The report of the Director of Planning, Housing and Environmental Health sought endorsement of officer level comments returned to Kent County Council (KCC) in respect of the recent consultation on the fourth Local Transport Plan which closed on 30 October. An update was also provided on other relevant transportation items.

Reference was made to the nine strategic priorities within the Plan together with the additional district priorities for Tonbridge and Malling

which had been highlighted in the Growth and Infrastructure Framework. Attention was drawn to a number of further priorities which reflected early responses received in relation to the emerging Local Plan. During discussion it was requested that a letter be sent to KCC reinforcing the Borough Council's priorities and emphasising the need for air quality issues to be afforded greater priority in the Plan, for liaison between authorities on improvements to the A20 corridor, and advancement of the Tonbridge High Street traffic signal co-ordination project.

RECOMMENDED: That:

The comments in the questionnaire that are supportive of Local Transport Plan 4 and the identified priorities for Tonbridge and Malling, as set out at Annex 1 to the report, be endorsed and a further letter be sent to Kent County Council on the matters outlined above.

MATTERS SUBMITTED FOR INFORMATION

PE 16/23 AIRPORTS UPDATE

The report provided an update on the Government's recent decision to support a third runway at Heathrow together with an outline of the process that would now follow. Members were advised that the Government would bring forward a National Policy Statement (NPS) for consultation and, following its adoption, a Development Consent Order (DCO) could be made by the promoter of the scheme for Heathrow. It would be important to monitor the content of the NPS as some commentators considered that there might be scope for other airports including Gatwick to promote a DCO.

PE 16/24 LOCAL PLAN UPDATE

Further to Decision No D160061CAB, the report gave an update on the current Local Plan consultation exercise which began on 30 September and was due to close on 25 November 2016. It was noted that the public exhibitions had been well attended and to date around 300 responses had been received in various formats.

Reference was made to the emergence of a number of co-ordinated responses to some specific issues including extension of the Green Belt designation further eastwards than suggested in the Way Forward and objections to the proposed development strategy in respect of Lower Haysden in Tonbridge, north of Borough Green and in the vicinity of Hermitage Lane, Aylesford. It was reported that a petition had recently been received from the New Allington Action Group calling for no more development in the Hermitage Lane corridor and would be dealt with in accordance with the Council's Petitions Scheme.

Members were advised that on closure of the consultation all responses would be carefully considered and form part of a report back to the Advisory Board.

MATTERS FOR CONSIDERATION IN PRIVATE

PE 16/25 EXCLUSION OF PRESS AND PUBLIC

There were no matters considered in private.

The meeting ended at 9.05 pm

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TONBRIDGE & MALLING BOROUGH COUNCIL

PLANNING and TRANSPORTATION ADVISORY BOARD

07 March 2017

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 NATIONAL POLICY STATEMENT ON AIRPORTS

Summary

This report advises the Board on the publication of the Government's National Policy Statement (NPS) on Airports, drawing on key issues of interest to the Borough.

1.1 Background

- 1.1.1 The last time this subject was reported to the Board, in November of last year, following the announcement that a third runway to the northeast of the current airport at Heathrow was the Government's preferred option in addressing airport capacity. Members will recall that this announcement had been made following the recommendations of the Airports Commission led by Sir Howard Davis.
- 1.1.2 The Governments position overall has not shifted and it was a conclusion that the Borough Council had positively supported, both because of the national and regional economic benefit of the preferred option and in recognition of the environmental harm that alternative expansion at Gatwick would bring to communities within the south of the Borough and elsewhere in west Kent.
- 1.1.3 The draft NPS reaffirms the Government's view that there is a need for additional airport capacity by 2030 and that the proposed Heathrow Northwest Runway is the preferred option. It sets out some analysis that compares the benefits of the preferred option with the other short-listed alternatives which include a second runway at Gatwick. In this respect the NPS recognises that the Gatwick option has less overall adverse environmental impact than Heathrow and impacts on fewer people. However, the wider economic boost, the benefit to passengers and better connectivity all weigh heavily in favour of the Heathrow Northwest Runway option, despite the environmental drawbacks.
- 1.1.4 The remainder of the NPS goes into more detail of the planning and environmental issues and mitigation that will need to be addressed through the submission of a Development Consent Order (DCO) application. The annexes to the NPS set out stringent measures that will need to be satisfactorily dealt with.

These cover a wide range of issues such as air quality, surface access, noise, carbon emissions and other environmental matters to do with habitats, flood risk, heritage light impact and so forth. Of course conventional planning considerations such as green belt and landscape impact will also need to be dealt with by the DCO. There will also be the question of the very considerable compensation that will be due and has been pledged in respect of local communities. Should Members wish to examine the documents in more detail the following link may be used:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/588764/draft-airports-nps-web-version.pdf

1.2 Observations

- 1.2.1 Some broad questions are asked in the NPS consultation about the need to identify capacity and the preferred alternative. It is recommended that the Borough Council should reaffirm its general position on these strategic considerations.
- 1.2.2 In respect of the planning and environmental issues for the DCO application to address, these seem to be comprehensive. They will, of course, generally be matters that are of greatest concern to communities and local authorities in the areas local to Heathrow.
- 1.2.3 The NPS makes it clear that the DCO application must deliver on all the matters identified and gives particular emphasis to certain issues, such as air quality levels and the assumptions made about surface access journeys made by public transport. All these environmental mitigation and compensatory measures are currently being evaluated by those putting together the DCO application. There is no doubt that will be very challenging and the standards to be achieved are very high and it remains to be seen what evidence will be presented to satisfy and monitor the aspirations of the NPS regarding mitigation.
- 1.2.4 One overall concern is that the measures to be taken could be unrealistic or unachievable without further intervention by Government, either financially or otherwise. It will be important to keep a close watch on how this situation develops through the DCO process. It is possible that opponents of Heathrow may well seize on these issues (as they have begun to do already in terms of challenging air quality matters) and seek to reintroduce other alternatives on this basis. For now it is recommended that every encouragement is given to promoting the successful delivery of the Governments preferred option.

1.3 Legal Implications

- 1.3.1 There are none arising from this report.

1.4 Financial and Value for Money Considerations

- 1.4.1 There are none directly arising from this report.

1.5 Risk Assessment

- 1.5.1 The risk for some communities in the south of the Borough has always been the prospect of expansion at Gatwick. Whilst this seems to have reduced, the NPS still recognises the apparent environmental advantage of Gatwick over Heathrow (notwithstanding the other key issues in favour of Heathrow). There remains some risk therefore that challenges to the NPS and the subsequent DCO process in respect of the Heathrow Northwest runway may well be made.

1.6 Recommendations

In responding to the NPS consultation it is recommended that:

- 1.6.1 The Council's support for meeting need for additional airport capacity at Heathrow and the Government's preferred option of the northwest runway be reaffirmed,
- 1.6.2 The Council support the overall approach towards environmental mitigation measures in respect of the preferred option, but the risks to deliverability be noted as referred to in this report.

The Director of Planning, Housing and Environmental Health confirms that the proposals contained in the recommendation(s), if approved, will fall within the Council's Budget and policy Framework.

Background papers:

contact: Steve Humphrey

Steve Humphrey
Director of Planning, Housing and Environmental Health

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TONBRIDGE & MALLING BOROUGH COUNCIL

PLANNING and TRANSPORTATION ADVISORY BOARD

07 March 2017

Report of the Director of Planning, Housing & Environmental Health

Part 1- Public

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

1 KCC DRAFT FREIGHT ACTION PLAN FOR KENT

Kent County Council has produced a consultation draft Freight Action Plan for Kent that sets out 5 specific actions on how KCC and partners plan to reduce the impact that road freight can have on local communities in Kent. They are seeking views via a questionnaire on the draft document, by 12 March 2017. The Freight Action Plan (FAP) acts as a ‘daughter’ document to the KCC Local Transport Plan 4.

1.1 Background

1.1.1 The current consultation draft seeks to build on the achievements of the previous Freight Action Plan (2012 to 2016) and address the impacts road freight has on the County’s roads and communities.

1.1.2 Key achievements to date include:

- Lobbying government to achieve £250 million of funding for a permanent lorry holding area as a solution to Operation Stack
- Developing and adopting the Freight Journey Planner, a web based route planning tool to help HGV drivers and Transport Managers to plan their routes within Kent.
- Implementing a number of Lorry Watch schemes across the county to empower local residents to record the details of vehicles contravening restrictions.
- Continuing signing improvements (pictorial signage) across the county to help drivers whose first language is not English.
- Establishing Operation Kindle – collaborative working between KCC, Kent Police, Highways England and Medway/ Borough and District Councils to clamp and move on illegally or antisocially parked HGVs.

- Lobbying government to introduce a HGV Road User Levy – a taxing mechanism to levy financial contributions towards improvements and maintenance of the national road network.
- ECO Stars Scheme, pilot scheme (Swale Borough Council) to provide public recognition for operators who are actively taking steps to improve efficiency, reduce fuel consumption and reduce their impact on local air quality. The scheme provides support for operators in better fuel management and driver training.

1.2 Freight Action Plan for Kent Consultation Draft 2017

- 1.2.1 The Consultation Draft sets out the County's position with regards to freight, recognising the important role Kent plays in the distribution of goods between the continent and the UK. Freight vehicles account for up to 41% of all vehicles on the county's strategic road network via the M2/ M20 and the M20/A20 corridors. The document acknowledges the positive economic and social benefits that the industry brings both to Kent and to the UK as a whole but also recognises the negative impacts too. The purpose of the Freight Action Plan (FAP) is specifically to mitigate these negative impacts, a 'daughter' document to the Local Transport Plan 4 (LTP4) document 'Delivering Growth Without Gridlock'.
- 1.2.2 The key stakeholders of freight transport within Kent include a wide range of bodies and organisations as the impacts of freight are varied. Tonbridge & Malling Borough Council, along with Medway Council and the other Borough/ District Councils in Kent are key partners due to responsibilities to coordinate and manage air quality action plans and parking enforcement powers.
- 1.2.3 Other partners include Parish and Town Councils, the Freight Transport Association, the Road Haulage Association, Eurotunnel, Port of Dover, Port of Ramsgate and Thamesport. The Department for Transport, Kent Policy and Highways England also have a role to play.
- 1.2.4 The five actions for the FAP are:
- 1) To tackle the problem of overnight lorry parking in Kent
 - 2) To find a long term solution to Operation Stack
 - 3) To effectively manage the routing of HGV traffic to ensure that such movements remain on the strategic road network for as much of its journey as possible
 - 4) To take steps to address problems caused by freight traffic to communities; and
 - 5) To ensure that KCC continues to make effective use of planning and development control powers to reduce the impact of freight traffic.

1.2.5 A proposed response to the consultation questionnaire is contained in **annex a** of this report. To summarise, the Officer level response is generally supportive of the actions set out in the FAP and in particular supports:

- Measures to increase the amount of parking for HGVs in lorry parks, particularly in West Kent where there is a lack of provision, and the continued use of cost effective deterrents such as on the spot fines.
- A multi-agency approach to managing the needs of local communities and the freight industry within this context.
- The proposal for a permanent lorry area to reduce/ remove the need for freight traffic to be queued on the M20 at the Stanford West site located to the west of M20 junction 11, i.e. a long term solution to Operation Stack.
- The creation and provision of opportunities for HGV drivers and Transport Managers to use the strategic road network as much as possible and every opportunity should be taken to ensure that the strategic road network is well maintained and improved as necessary to ensure the free flow of all traffic through the County.

1.2.6 In addition, the following comments are proposed:

- If the Lower Thames Crossing goes ahead, there will be significant implications for north/ south links between the M2 and the M20. These links, particularly the A227, A228, A229 will need to be improved as the bifurcation of traffic to and from the ports will result in increased traffic, particularly HGV movements along these routes.
- In the absence of a Lorry Watch scheme, there should be clear and easy mechanisms for reporting inappropriate HGV parking and other behaviours which are unacceptable.
- KCC should continue in their efforts to work with local planning authorities and developers to keep impacts of HGV movements to a minimum. For example, wherever possible, planning and development control powers can be used to ensure new developments that have large scale HGV movements are located next to the strategic road network.
- TMBC has 4 Air Quality Management Areas (AQMA) that are likely to be impacted by freight traffic along the M20. There is one AQMA on the M20 itself, and 3 along the A20, which runs adjacent. The amount of freight traffic in this area will be contributing to the levels of air pollution experienced by local residents. If some of the freight traffic is travelling down smaller roads not intended for such traffic in order to park overnight, then this is also likely to be having an adverse impact on local air quality. This will be particularly true for vehicles with engines left running in order to maintain power to on-board equipment such as refrigeration. The

appropriate provision of a lorry holding area for freight traffic away from sensitive receptors (e.g. homes, schools, care homes) will help to address this issue. A lorry watch scheme will also assist here, however it may also simply push the problem to another area.

1.2.7 Members are asked to **ENDORSE** the content of this report and the attached questionnaire as the Council's response to the Consultation.

The Director of Planning, Housing and Environmental Health confirms that the proposals contained in the recommendation(s), if approved, will fall within the Council's Budget and policy Framework.

Background papers:

contact: Ian A Bailey

Nil

Steve Humphrey

Director of Planning, Housing and Environmental Health.



Freight Action Plan Consultation Questionnaire

Kent is unique in its strategic location in the country as a gateway to mainland Europe. Road freight makes a significant contribution to Kent's economy and it is important to recognise the positive benefits this brings to Kent and the UK as a whole. Despite these benefits there are negative implications of road freight and we must ensure that residents and visitors to Kent are not disadvantaged by these.

Kent County Council's draft Freight Action Plan (FAP) outlines what we have already achieved and what we plan and continue to do to mitigate the negative impacts of road freight in Kent.

We will be consulting on the draft Freight Action Plan for an eight week period from January 16th to March 12th. Your responses will help us to develop our policy, which will be presented as a final draft at KCC's Environment and Transport Cabinet Committee in the summer of 2017, as part of the document approval process.

This questionnaire can be completed online at kent.gov.uk/freightactionplan. Alternatively, fill in this paper form and return it to: Transport Strategy Team, Kent County Council, Invicta House, County Hall, Maidstone, Kent ME14 1XX

Please ensure your response reaches us by Sunday 12th March 2017

Privacy: Kent County Council collects and processes personal information in order to provide a range of public services. Kent County Council respects the privacy of individuals and endeavours to ensure personal information is collected fairly, lawfully, and in compliance with the Data Protection Act 1998.

Alternative formats: To request a hard copy of the draft Freight Action Plan, or for any other formats or languages, please email: alternativeformats@kent.gov.uk or call: 03000 421553 (text relay service number: 18001 03000 421553). This number goes to an answering machine, which is monitored during office hours.

Q1. Are you completing this questionnaire on behalf of:

Please select the option that *most closely* represents how you will be responding to this consultation. Please select **one** box.

<input type="checkbox"/>	Yourself as an individual
<input type="checkbox"/>	A local community group or residents association
<input checked="" type="checkbox"/>	A Parish / Borough / District Council in an official capacity
<input type="checkbox"/>	A charity, voluntary or community sector organisation (VCS)
<input type="checkbox"/>	A Trade Association (e.g. Freight Transport Association)
<input type="checkbox"/>	A Business
<input type="checkbox"/>	Other, please specify: <input type="text"/>

Q1a. If you are responding on behalf of a community group, resident association, council, business, trade association or any other organisation, please tell us the name of your organisation here:

Tonbridge & Malling Borough Council

Q2. Please tell us your postcode: ME19 4LZ

We use this to help us to analyse our data. It will not be used to identify who you are.

Q3. Does road freight traffic have a negative impact on you / your local community?

Please select **one** box.

Yes	No	Not applicable	Don't know
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Q3a. Please add any comments you have on the impact of road freight traffic here:

<p>TMBC has 4 Air Quality Management Areas (AQMA) that are likely to be strongly impacted by freight traffic along the M20. There is one AQMA on the M20 itself, and 3 along the A20, which runs adjacent. The amount of freight traffic in this area will be contributing to the levels of air pollution experienced by local residents. If some of the freight traffic is travelling down smaller roads not intended for such traffic in order to park overnight, then this is also likely to be having an adverse impact on local air quality. This will be particularly true for vehicles with engines left running in order to maintain power to on-board equipment such as refrigeration. The appropriate provision of a lorry holding area for freight traffic away from sensitive receptors (e.g. homes, schools, care homes) will help to address this issue. A lorry</p>
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watch scheme will also assist here, however it may also simply push to problem to another area.

Q4. Does inappropriate lorry parking have a negative impact on you / your local community?

Please select **one** box.

Yes	No	Not applicable	Don't know
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Q4a. Please add any comments you have on the impact of inappropriate lorry parking here:

The majority of HGV parking problems take place in the north of the Borough around Bluebell Hill, Quarry Wood, Wrotham and Leybourne/ New Hythe. Clamping inappropriately parked lorries isn't always cost effective as the cost of clamping vehicles is often higher than on the spot fines received. Issuing on the spot fines can work in the short term, but in reality only moves the problem elsewhere. TMBC supports any measures to increase the amount of parking for HGVs in lorry parks, particularly in West Kent where there is a lack of provision, and the continued use of cost effective deterrents such as on the spot fines.

Action 1

Q5. To what extent do you agree or disagree with KCC's approach to tackling the problems of overnight lorry parking in Kent (pages 9 to 12 in the FAP)?

Please select **one** box.

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	Don't know
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Q5a. Please add any comments you have on Action 1 here:

Support multi-agency approach and the continued use of cost effective measures to deter inappropriate parking and the increase in suitable small scale parking provision in areas where there is a shortfall, i.e. in West Kent.

Action 2

Q6. To what extent do you agree or disagree with the approach to finding a solution to Operation Stack (pages 13 to 14 in the FAP)?

Please select one box.

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	Don't know
x	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Q6a. Please add any comments you have on Action 2 here:

Tonbridge & Malling Borough Council supports the proposal for a permanent lorry area to reduce/ remove the need for freight traffic to be queued on the M20 at the Stanford West site located to the west of M20 junction 11.

Action 3

Q7. To what extent do you agree or disagree with KCC's approach to managing the routing of HGV traffic to remain on the strategic road network where possible (pages 15 to 16 in the FAP)?

Please select one box.

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	Don't know
x	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Q7a. Please add any comments you have on Action 3 here:

Ideally, all developments with large freight movements would be located off the strategic road network where freight vehicles could be kept away from residential areas. However, this is not always possible for a variety of reasons. Creating and providing opportunities for HGV drivers and Transport Managers to use the strategic road network as much as possible is a sensible approach and every opportunity should be taken to ensure that the strategic road network is well maintained and improved as necessary to ensure the free flow of all traffic through the County.

In particular, if the Lower Thames Crossing goes ahead, there will be significant implications for north/ south links between the M2 and the M20. These links, the A227, A228, A229 will need to be improved and the bifurcation of traffic to and from the ports will result in increased traffic, particularly HGV movements along these routes.

Action 4

Q8. To what extent do you agree or disagree with KCC's steps to address the problems caused by freight traffic to communities (pages 17 to 18 in the FAP)?

Please select one box.

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	Don't know
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Q8a. Please add any comments you have on Action 4 here:

Whilst TMBC supports the measures set out and recognises that Lorry Watch schemes have been successful, it is not clear what action can be taken where complaints made outside of the scheme. Clearer mechanisms for reporting problems could be more explicit here.

Lorry Watch is a joint project between Kent County Council and Kent Police where local residents are empowered to record the details of large vehicles using unsuitable routes or routeing through areas with a weight, height or width restriction.

Q8b. Were you aware of the Lorry Watch scheme available to residents / Parishes in Kent before taking part in this consultation?

Please select one box.

Yes	No	Don't know
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Action 5

Q9. To what extent do you agree or disagree that KCC makes effective use of planning and development control powers to reduce the impact of freight traffic (page 19 in the FAP)?

Please select one box.

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	Don't know
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Q9a. Please add any comments you have on Action 5 here:

KCC should continue in their efforts to work with local planning authorities and developers to keep impacts of HGV movements to a minimum. For example, wherever possible, planning and development control powers can be used to ensure new developments that have large scale HGV movements are located next to the strategic road network.

Q10. If there is anything else that you think should be included in the Freight Action Plan, or if you have any other comments please write these in below.

TONBRIDGE & MALLING BOROUGH COUNCIL

PLANNING and TRANSPORTATION ADVISORY BOARD

07 March 2017

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 KENT MINERALS AND WASTE LOCAL PLAN: SAFEGUARDING SUPPLEMENTARY PLAN DOCUMENT (DRAFT, SEPTEMBER 2016)

Summary

Kent County Council (KCC) consulted on a draft mineral and waste infrastructure safeguarding Supplementary Planning Document (SPD) between 5th December 2016 and 30 January 2017. This report seeks endorsement of the officer-level comments made in response to this consultation.

1.1 Background to the Consultation

- 1.1.1 The Kent Minerals and Waste Local Plan (KMWLP) was adopted by KCC in July 2016 and contains a number of policies concerning minerals and waste safeguarding. The Local Plan Examination for the KMWLP recognised the need for KCC to produce a safeguarding Supplementary Planning Document (SPD) following the adoption of the KMWLP. The SPD provides guidance on the implementation of the safeguarding policies within the KMWLP.
- 1.1.2 Safeguarding policies are not show-stoppers in respect of non-mineral/waste development. The primary function of the policies is to flag up the presence of resources and set out a process that needs to be followed to avoid, where possible, the sterilisation of the resource by exploring the feasibility and viability of extraction prior to development. The SPD sets out the details on how to comply with the safeguarding policies.
- 1.1.3 It is important that the Council responds to consultations in respect of the KMWLP because it forms part of Tonbridge & Malling Borough Council's (T&MBC's) Development Plan. This means that the safeguarding policies contained within the KMWLP, along with any SPD, have implications for the Planning functions of the Council, namely the making of a new Local Plan and the processing of planning applications.

1.2 Response to Consultation

- 1.2.1 The officer-level comments that were submitted in response to the consultation are set out in Annex 1 to this report. Annex 2 sets out the principal Safeguarding Mineral Resources policy in the KMWLP (Policy DM7), for your information.
- 1.2.2 These comments were framed by the fact that the KMWLP is part of the Council's Development Plan, which means that the Planning function of T&MBC will be responsible, in part, for implementing the requirements of the SPD. With this in mind, the comments have been underpinned with the objective of ensuring that the requirements are reasonable and proportionate, in light of the safeguarding policies. It is important to be mindful of this because there may be potential implications in the short-term in respect of the preparation of site allocations as part of the Council's emerging Local Plan.

1.3 Legal Implications

- 1.3.1 The KMWLP forms part of the Council's Development Plan which means that implementing the requirements of the SPD will be the responsibility of the Planning function of the Council.

1.4 Financial and Value for Money Considerations

- 1.4.1 At this stage, there are no immediate financial and value for money considerations.

1.5 Risk Assessment

- 1.5.1 As highlighted above, the KMWLP forms part of the statutory Development Plan for Tonbridge and Malling Borough. If a representation is not made and endorsed at this stage, there is the risk that the concerns and priorities of this Council, particularly in respect of the Planning function, will not be fully addressed.

1.6 Policy Considerations

- 1.6.1 No policy considerations.

1.7 Equality Impact Assessment

- 1.7.1 The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

1.8 Recommendations

- 1.8.1 It is recommended Members **ENDORSE** the officer-level comments [**ANNEX 1**] made in response to the consultation on KCC's mineral and waste infrastructure safeguarding Supplementary Planning Document (SPD).

The Director of Planning, Housing and Environmental Health confirms that the proposals contained in the recommendation(s), if approved, will fall within the Council's Budget and policy Framework

Background papers:
Kent Minerals and Waste Local Plan: Safeguarding
Supplementary Planning Document (Draft, September
2016)

contact: Nigel De Wit

Steve Humphrey
Director of Planning, Housing and Environmental Health

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**Kent Minerals and Waste Local Plan
Safeguarding Supplementary Planning Document (Draft, Sept' 2016)**

Tonbridge & Malling Borough Council - Officer-level Comments

1. Introduction

- 1.1. Thank you for the opportunity to comment on the draft Safeguarding Supplementary Planning Document (SPD).
- 1.2. Set out below are the officer-level comments from Tonbridge and Malling Borough Council. The order of the comments reflects the order of the document.
- 1.3. These comments will need to be subject to ratification by Members in March 2017.

2. Officer-level Comments

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Para. No.	Officer-level comments
4.11	<p><u>Proposed Minimum threshold for MSA</u></p> <p>While acknowledging the MPA's concern that even a small development may have an impact on a MSA, it is strongly recommended that a minimum threshold of 10 residential units should be applied to the implementation of Policy DM 7. The exercise of demonstrating compliance with DM 7 will involve several specialists (plant operators, geologists, planning and/or economic consultants) that are unlikely to be insignificant in terms of cost and time.</p>

Para. No.	Officer-level comments
	<p>The Government's National Planning Policy Framework (NPPF) makes it very clear that planning policies should be mindful of the issue of viability:</p> <p><i>'...the sites and the scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened...'</i> (para.173, NPPF).</p> <p>With this in mind it is suggested that a minimum threshold of 10 residential units represents a reasonable amount of development above which the requirements of DM 7 can be applied. This is a threshold that is supported by the Government for the application of other planning requirements such as contributions for affordable housing and the integration of sustainable drainage systems.</p> <p>It is questionable whether requiring all of this action is reasonable and proportionate for a scheme of fewer than 10 residential units.</p>
4.25-4.26	<p><u>Clarification of DM 7 (5) Material Considerations</u></p> <p>Disagree with the interpretation of 'or' in Policy DM 7. This policy states 'either' at the end of the opening statement with 'or' inserted after each clause. 'Either' and 'or' together in the same policy mean choices can be made between alternatives, i.e. only one clause needs to be satisfied for compliance with the policy.</p> <p>If the intention was for all of the clauses (1-7) in Policy DM 7 to be satisfied, or even considered, the word 'either' would not feature and 'and' would be stated at the end of each clause (not 'or').</p> <p>However, the Minerals and Waste Local Plan has been adopted and it is not for the SPD to attempt to reinterpret what is clearly stated in the Development Plan, as suggested in para. 4.25 where it states:</p> <p><i>'...In order for the planning application to proceed without an objection from the County Council, the conclusions of the Mineral Assessment would have to satisfactorily demonstrate that Policy DM 7 clauses 1 – 3 or 5 apply to the proposed development...'</i></p> <p>Policy DM 7 does not permit a selective position to be taken in the SPD. This is quite arbitrary and also unjustified by the Minerals and Waste Local Plan. Furthermore, Policy DM 7 in the Local Plan does not provide scope for a sequential approach to meeting the clauses in the Policy, as stated in para.4.26:</p> <p><i>'...The 'or' after each of the clauses in Policy DM 7 means that they each need to be considered. However, sequentially it will</i></p>

Para. No.	Officer-level comments
	<p><i>make sense for consideration of the economic value (clause 1) and viability and practicability of extraction being considered first before considering practicability of prior extraction (clause 2) and whether the need for the development outweighs the safeguarding of the mineral (clause 5)...’.</i></p> <p>If the County Council will not object to a non-mineral planning application if the Mineral Assessment demonstrates that only clause 5 of Policy DM 7 applies, then more details are required on what ‘material considerations’ are relevant. This clause states:</p> <p><i>‘...material considerations indicate that the need for the development overrides the presumption for safeguarding such that the sterilization of the mineral can be permitted following the exploration of opportunities for prior extraction...’.</i></p> <p>To aid this process and provide clarity for the Kent districts and developers, some examples of what material considerations would be considered acceptable need to be provided, eg need for housing to contribute to housing land supply position/meeting Objectively Assessed Need (OAN).</p> <p>Clarification of DM 7 (6) Exemptions</p> <p>It would be helpful if <i>‘infill development of a minor nature in existing built up areas’</i> is defined in the SPD to ensure there is a consistent interpretation.</p>
4.43	<p><u>Procedure Notes and Flowchart recommended</u></p> <p>It is understood that to enable the effective implementation of the requirements of Policy DM 7, the requirement for a Mineral Assessment needs to be integrated into the local list of validation information requirements for planning applications within Mineral Safeguarding Areas (MSAs) and Mineral Consultation Areas (MCAs) and within 250m of safeguarded minerals and waste facilities. There is a requirement to review the local list every two years, as set out in the PPG, and amendments are normally incorporated at this time. The review process requires public consultation before any changes are adopted by the LPA,</p> <p>To help this process, it is considered that the SPD should include a consolidated pro-forma that takes the applicant and local planning authorities step-by-step through the procedure for compliance with the requirements of Policy DM 7. Furthermore, the SPD would benefit from a decision-making flow chart so that users can understand the logical line of thinking and what applies in certain local circumstances.</p>

Para. No.	Officer-level comments
	<p>Essentially this process needs to be as standardised and transparent as possible so that developers do not encounter variations of requirements from one Kent district to the next, which would be unhelpful. Please also see the comments made in respect of 'material considerations' above.</p>
5.12-5.16	<p><u>More 'Proportionate' approach for Local Plan Allocations</u></p> <p>Concern is expressed about the requirements for draft Local Plan allocations prepared by the Kent districts. Para. 5.13 states that '<i>...the relevant factors for consideration are the same as those for a planning application...</i>'. It is not clear if this means that the full process that planning applicants need to follow equally applies to Local Plan allocations. The reason why this is a concern is because several Kent districts are covered by extensive MSAs and MCAs. It is, therefore, considered that a proportionate requirement for this particular process needs to be adopted, which is more strategic and less detailed than the process for individual planning applications. This needs to be clearly set out in the SPD. It is important to be mindful of the Government's objective of having full coverage of up-to-date Local Plans across the country as soon as possible, which means that the process of plan-making should not be unduly delayed. Using a proportionate evidence base is clearly stated in the NPPF and as a local planning authority we need to demonstrate compliance with this during our Local Plan-making.</p> <p>Para. 5.16 states:</p> <p><i>'...Where site allocations are proposed in these areas the local planning authority will need to demonstrate the need for the development at the location and consult the County Council to consider what measures may be taken to mitigate the effect of the development on the safeguarded resources or assets, in order to ensure conformity with the Kent MWLP policies.</i></p> <p>It is not clear what information is needed to demonstrate why the development is being pursued at the locations in the local plans, which could result in various interpretations by the Kent districts. A standardised, transparent process needs to be put in place. This may include, for example, a set of questions that need to be answered by the local planning authorities, eg Does this location of development achieve key objectives and principles underpinning the Local Plan?</p> <p>In responding to consultations from the Kent districts on emerging local plans, there needs to be an appreciation of the Government's objective of boosting significantly the supply of housing (NPPF, para.47).</p>

Policy DM 7**Safeguarding Mineral Resources**

Planning permission will only be granted for non-mineral development that is incompatible with minerals safeguarding where it is demonstrated that either:

1. the mineral is not of economic value or does not exist; or
2. that extraction of the mineral would not be viable or practicable; or
3. the mineral can be extracted satisfactorily, having regard to Policy DM9, prior to the non-minerals development taking place without adversely affecting the viability or deliverability of the non-minerals development; or
4. the incompatible development is of a temporary nature that can be completed and the site returned to a condition that does not prevent mineral extraction within the timescale that the mineral is likely to be needed; or
5. material considerations indicate that the need for the development overrides the presumption for mineral safeguarding such that sterilisation of the mineral can be permitted following the exploration of opportunities for prior extraction; or
6. it constitutes development that is exempt from mineral safeguarding policy, namely householder applications, infill development of a minor nature in existing built up areas, advertisement applications, reserved matters applications, minor extensions and changes of use of buildings, minor works, non-material amendments to current planning permissions; or
7. it constitutes development on a site allocated in the adopted development Plan

Further guidance on the application of this policy will be included in a Supplementary Planning Document.

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TONBRIDGE & MALLING BOROUGH COUNCIL

PLANNING and TRANSPORTATION ADVISORY BOARD

07 March 2017

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 THE HOUSING WHITE PAPER

This report summarises the main points arising from the recently published Housing White Paper 'Fixing Our Broken Housing Market' and highlights those matters which may potentially have significant implications for the Local Plan and housing delivery through the planning system generally. The report also sets out some comments that could form the basis of a formal response to the Government.

1.1 Introduction

- 1.1.1 The Government published its Housing White Paper on the 7th February. There had been speculation that it was due to be released last autumn and then earlier this year. It summarises the problems facing the housing market in England and those trying to access it and sets out a number of actions and proposals to address these in order to increase the delivery of new housing and make better uses of the existing stock.
- 1.1.2 The document runs to 104 pages and in simple terms contains four sections dealing with further planning reforms, speeding up the delivery of new homes, creating more capacity in the small and medium build sector and some quick wins to help those struggling to access the housing market now. There is also a more detailed Annex inviting comments on the actions and proposals set out in the first two sections based around 38 set questions. Comments are invited up to the 2nd May.
- 1.1.3 Due to the short timescale between publication and the Board meeting it is proposed that a response be based on the main points raised in this report rather than prepare a response to each of the 38 questions in the Annex.
- 1.1.4 In broad terms the White Paper consolidates and revises much of the planning reforms, consultations, Ministerial Statements and other proposals relating to planning and housing that have taken place over the last few years together with some new initiatives, for which views are sought. Some of these have been

amended to take account of new priorities and proposals emerging since the new administration took over after the Referendum last summer.

- 1.1.5 Some of the measures will come into force almost immediately, while others will be phased over a longer timescale. Some will be implemented through the Neighbourhood Planning Bill currently with Parliament and it is proposed that the National Planning Policy Framework will be updated in the autumn. There is also the option of further legislative changes, regulations and guidance depending on the responses received to the matters which are subject of further consultation.
- 1.1.6 One of the reasons suggested for delays in adopting Local Plans is that Local Planning Authorities have to take into account planning reforms and yet this seems to be ongoing despite reassurances to the contrary. The rest of this report will focus on those matters set out in the White Paper that could have implications for the Tonbridge and Malling Local Plan and a suggested response to Government, where an opportunity is offered. The Local Plan update report also on the Board's agenda will assess the implications for the Local Plan timetable.

1.2 A Short Summary of the White Paper

- 1.2.1 Embedded throughout the White Paper is the recognition that as a country we need to deliver more housing and specifically enough of the right type of housing and in the right places. To do this will require radical reform, building a consensus for a new positive mindset to house building and time.
- 1.2.2 To set the scene the White Paper illustrates the current challenges by highlighting a widening affordability gap, falling/delayed home ownership and rising private sector rents due to the housing shortage. The planning system and the development sector are singled out as the main reasons for the low level of housing delivery. The former due to a lack of an up to date Plan causing confusion and delays in some parts of the country and the latter because houses are not being built quickly enough, despite the large number of planning permissions already granted. One of the problems identified with delivery is the fact most capacity is now provided by a small number of large volume house builders.
- 1.2.3 To tackle these issues the Government has proposed a range of measures to speed up local plan preparation, remove other barriers to development from the planning system, broaden the definition of affordable housing, encourage larger house builders to build more quickly and enable more small and medium builders to play a bigger part.
- 1.2.4 There are also measures aimed at helping more people to access the housing market, tackle some of the issues in the private rented sector and prevent homelessness.
- 1.2.5 Consequently the White Paper brings together a dazzling array of proposals, actions, initiatives, funding streams and all with the aim of delivering more houses. This report will focus on the implications for the Local Plan, but **[Annex 1]**

represents a short summary of all of the proposals set out in the White Paper to illustrate the scale of the changes being proposed.

- 1.2.6 The White Paper certainly represents a shift in emphasis at the national level to promoting housing development wherever it is considered appropriate to do so. This can be illustrated by reference to a recent planning appeal decision in Lichfield, Staffordshire, where the Secretary of State allowed the appeal for 750 homes, a school, neighbourhood facilities and related infrastructure because in his view the social and economic benefits of providing affordable and market housing were of such importance they outweighed the environmental harm. This was despite the Local Planning Authority having an up to date Local Plan, a five year housing land supply and the proposal being contrary to local policies, which the appeal Inspector had accepted in recommending the appeal be dismissed.

1.3 Key Points and Implications for the Local Plan

- 1.3.1 Generally speaking much of what is proposed in the White Paper already reflects the approach we have taken in preparing the Local Plan thus far. For example, the importance we have placed on ensuring the evidence base is up to date and particularly the objectively assessed housing needs, while maintaining a five year housing land supply and making progress with the new Local Plan. There are many similarities with the approach taken in the 'Way Forward' document, for example, by maximising the use of brown field sites before considering other sites and having a range of different sized sites to meet future housing needs.
- 1.3.2 Much of the criticism of the planning system contributing to delay and uncertainty would not apply in the case of Tonbridge and Malling. For example, the White Paper notes at paragraph 1.1 that as of January 2017, 34 Local Planning Authorities had not produced a Local Plan for consultation since the 2004 Planning and Compulsory Purchase Act. Tonbridge and Malling was one of the first to prepare a new Local Development Framework after the 2004 Act between 2007-10. However, the White Paper does go on to say that only a third of Local Planning Authorities have adopted a Local Plan since the NPPF was published in 2012, so there is a clear message to proceed to adoption at the earliest opportunity.
- 1.3.3 Unfortunately, some of the proposals to encourage those Planning Authorities that could improve their performance will inevitably have implications on the evidence base and the process of Plan making for all. Other measures will have resource implications, for example, by increasing the amount of monitoring required.
- 1.3.4 The following examples represent those actions and proposals that potentially have the most significant impacts on the Local Plan, with some comments that could form the basis of a response. A full list of all the proposals can be found at **[Annex 1]** for information.

1.3.5 New Standardised Methodology for Calculating Objective Assessed Needs

1.3.6 The Government believe that one of the main causes for delay in the plan making process is disagreement over how objectively assessed needs for housing is calculated. It is suggested that some Authorities are reluctant to agree a robust figure as it will be unpopular with residents. Procrastination or setting a low level of need that is open to challenge causes delay at the Hearing stage and carries the risk of planning by appeal.

1.3.7 The proposal is for a standard methodology to be introduced so that it is clear on what basis housing need is calculated. It is proposed that there will be further consultations on what the methodology should be and that it will be introduced by April 2018. On introduction it would then be used to calculate 5 year land supply.

1.3.8 Comment

1.3.9 While there is some merit in using a standard methodology that will no doubt save time across the country as a whole, this represents a risk to those Local Planning Authorities who have already prepared this part of the evidence base, should the standardised methodology be different to the one used.

1.3.10 Officers are confident that the methodology that we have applied (advised by the consultants G L Hearn and Partners) is robust and reflects current best practice, but it may be necessary to revisit the Strategic Housing Market Assessment during 2018 as a result of this change. This will obviously have a cost and time implication. If the new assessment results in a higher need figure this may have implications for our 5 year land supply, although, unlikely as it may seem, it may result in lower figure.

1.3.11 In responding to this proposal in the White Paper some reassurance from the Government that those Local Plans that have applied an otherwise sound methodology and reached the submission stage of Plan making should not be required to significantly delay the process any more than is necessary.

1.3.12 Clarification of Green Belt Policy

1.3.13 The White Paper reaffirms national green belt policy and takes an opportunity to clarify the circumstances in which Local Planning Authorities may consider amending boundaries as part of preparing their Local Plans.

1.3.14 In Chapter 1 of the White Paper under the heading 'Making enough land available in the right places' it is acknowledged that Local Planning Authorities should do all they can to meet their housing requirements, even though not every area may be able to do so. In proposed changes to the NPPF, national policy will be amended to state that '.. identified housing requirements should be accommodated unless there are policies elsewhere in the NPPF that provide strong reasons for restricting development, or the adverse impacts of meeting this requirement would significantly and demonstrably outweigh the benefits'.

1.3.15 The Annex to the White Paper at paragraph A.38 goes further by saying:

‘As part of these changes the Government proposes to clarify which national policies it regards as providing a strong reason to restrict development when preparing plans, or which indicate that development should be restricted when making decisions on planning applications: it is proposed that these are limited to the policies listed currently at footnote 9 of the National Planning Policy Framework, with the addition of Ancient Woodland and aged or veteran trees; and that these are no longer set out as ‘examples’ but as a clear list. There has been uncertainty about this aspect of national policy, so this change should provide a clearer position for both plan makers and those making decisions on applications. Ancient Woodland and aged or veteran trees are irreplaceable habitats and we consider it important that national policy reflects the need to protect them’.

1.3.16 Green belt is included in list of policies at footnote 9.

1.3.17 Paragraph 1.39 refers specifically to proposed amendments to the green belt policy in the NPPF, stating that authorities should only amend green belt boundaries when they can demonstrate that they have examined fully all other reasonable options for meeting their identified development requirements including:

- Making effective use of suitable brown field land and opportunities offered by estate regeneration;
- The potential offered by land which is currently underused, including surplus public sector land where appropriate;
- Optimising the proposed density of development; and
- Exploring whether other authorities can help to meet some of the identified development requirement.

1.3.18 It goes further to suggest that where green belt land is removed that the impact should be offset by compensatory improvements to the environmental quality or accessibility of the remaining green belt.

1.3.19 Comment

1.3.20 There has been some speculation that one of the reasons for the delay in publication of the White Paper was that Ministers were uneasy about earlier proposals for green belt releases to meet housing needs. Whether that is true or not, the proposed changes to national green belt policy seem to go much further than simple reassurance. It is still the case that a Local Planning Authority should where appropriate put forward exceptional circumstances for removing the green belt designation, for example, to meet needs where they arise as suggested in our consultation document “The Way Forward”, but the task of convincing an

Inspector has not been made any easier by the proposed amendments to the NPPF.

- 1.3.21 In the case of the proposed strategy set out in The Way Forward, there are other development options outside of the Green Belt, but these would not meet the housing needs in that part of the borough in the West Kent housing market area. The strategy as proposed is a reasonable and balanced option in terms of meeting the guiding principles, which are based on those in the NPPF. However, the proposed changes would appear as a minimum to now require us to explore with neighbouring authorities (presumably Sevenoaks and Tunbridge Wells which are in the same housing market area) whether they can help to meet some of our identified need before proceeding with any proposed green belt deletions. And of course the reverse would also be the case.
- 1.3.22 The amended NPPF would also require some form of compensatory enhancements to the remaining green belt. Notwithstanding the practical difficulties of implementing such improvements with land owners who may not be the same as those having the designation removed, this seems contrary to the purposes of green belt designation. The key purposes of green belt are retaining openness and separation of settlements. Green belt does not have to 'pretty' to fulfil these functions although there is often a strong correlation. These proposals suggest that some green belt is more important than another part because of how it looks, which is a dangerous precedent to set in national policy.
- 1.3.23 There is another issue around consistency of approach to the green belt policy as proposed, but this is picked up under the next heading.
- 1.3.24 New Statement of Common Ground
- 1.3.25 This is new proposal that subject to further consultation will appear in the revised NPPF later this year. Where Local Planning Authorities demonstrate that they cannot meet all of their housing requirement, they will in future be required to work constructively with neighbouring authorities on how best to address the remainder setting out how they will work together to meet housing requirements and any address other cross boundary issues in a new Statement of Common Ground.
- 1.3.26 Comment
- 1.3.27 This proposal is in response to the ineffectiveness of the Duty to Co-operate to successfully address meeting unmet housing need and other cross boundary issues. It does not make the task any easier, but it will have the effect of requiring neighbouring Authorities to explain and justify why they can or cannot accommodate additional growth to meet needs from the wider housing market area.
- 1.3.28 Potential problems could include the fact that neighbouring authorities might be at different stages of Plan making and unable to commit to meeting unmet need at the point that a neighbour makes an approach. There is also the issue of whether

there is the capacity for one authority to deliver housing above a certain threshold, whether there is willingness to do so and sites are available.

- 1.3.29 Another issue for green belt authorities is agreeing consistency in approach. If for example, one authority argues that it is reasonable to remove sites from the Green Belt to meet needs where they arise as an exceptional circumstance, but a neighbouring green belt authority adheres to the reaffirmed national policy on green belt as explained in paragraphs 1.3.12-22 above, then agreeing a Statement of Common Ground could be problematic, to say the least.
- 1.3.30 Clarification should also be sought for what would happen in the event that a Statement of Common Ground is not agreed and whether this would be included in the proposed new powers of intervention in Plan making for the Secretary of State.
- 1.3.31 New Housing Delivery Test
- 1.3.32 The new housing delivery test is intended to hold local authorities to account by monitoring housing delivery against targets. If the number of new housing completions falls below target measured over a three year rolling average Local Planning Authorities will be required to prepare a report explaining why and set out an action plan to address the problem.
- 1.3.33 It is anticipated that the test will be introduced in November and that if an authority's housing delivery is 95% or less than the annual housing requirement that an action plan will be required. If delivery is 85% or less than the target then an additional 20% will be added to the 5 year land supply figure (currently this is only applied to consistent under performers. All Local Planning Authorities have to apply a 5% buffer to their land supply as a contingency i.e. if some sites do not deliver for some reason).
- 1.3.34 From November 2018 a new element to the test will be added. If delivery falls below 25% of target the presumption in favour of sustainable development in the NPPF would apply automatically. This effectively means local policies would carry no weight and any site coming forward that is considered suitable in terms of the NPPF would be deemed to have planning permission in principle.
- 1.3.35 The 25% will be raised to 45% and 65% in subsequent years to enable Local Planning Authorities time to address under delivery in their area.
- 1.3.36 Comment
- 1.3.37 Based on current housing targets and the last three year's delivery rates it is unlikely that T&M will fail the proposed housing delivery tests, however this will need to be carefully monitored in the light of the proposed changes to calculating objectively assessed needs proposed elsewhere in the White Paper.

- 1.3.38 The test is quite onerous given that Local Authorities do not have direct control over delivery of the vast majority of housing in their areas and will have to rely largely on private sector house builders. Seen as part of a package of other measures to encourage faster delivery, for example the suggestion that an applicant's past performance in delivery might become a material planning consideration in future, it does have some merit, but ultimately success or failure will depend on developers delivering what they say they will.
- 1.3.39 It will have a resource implication for the additional monitoring and where necessary preparing action plans. Currently Local Planning Authorities include in their Annual Monitoring Reports a housing trajectory estimating future delivery, based on information from developers, historic delivery rates, national and local trends and local knowledge.
- 1.3.40 Revised Definition of Affordable Housing
- 1.3.41 Members will recall that the Government proposed to revise the definition of affordable housing last year as part of consultations into proposed revisions to the NPPF and to accompany proposals for the new Starter Homes set out in the Housing and Planning Act 2016.
- 1.3.42 The latest proposed definition refines the definition to include discounted market sales housing as an additional affordable home ownership option and introduces affordable private rent housing. This will be subject to further consultation before appearing in the revised NPPF this autumn.
- 1.3.43 The proposed requirement that 20% of qualifying sites should be Starter Homes will be replaced by a new requirement that 10% of large housing sites should be made up by affordable home ownership options, to allow Local Authorities and developers more flexibility in delivering a range of affordable housing.
- 1.3.44 Starter Homes will also have new eligibility criteria in addition to those requiring applicants to be under the age of 40 and being a first time buyer. In future there will also be a household income cap of £80,000 (£90,000 in London) and applicants must have a mortgage. There will also be a 15 year repayment period. If a property is sold in less than 15 years some of the benefit would have to be paid back. These measures are aimed at preventing abuses of the system by property speculators.
- 1.3.45 Discounted market sales housing and affordable private rent housing is described as being 20% or less than market rates.
- 1.3.46 Comment
- 1.3.47 Whilst the proposed changes to the affordable housing definition and Starter Home requirement/eligibility are welcomed, the underlying difficulty of delivering truly affordable housing remain the same. There has been no real effort in the White Paper to address those fundamental barriers to affordability, particularly for

those households who are unlikely to be able to access the private housing market and will need to rely on other forms of tenure. The retention of the Right to Buy will do little to stabilise the more affordable housing stock.

1.4 Conclusions

- 1.4.1 The Housing White Paper represents another significant raft of planning reforms, drawing together and building upon previous reforms, legislation, Ministerial statements, consultations and other proposals with the common goal of increasing housing delivery in England. Further changes are inevitable owing to the fact some of the proposals will be subject to consultation and others areas where views are sought.
- 1.4.2 Some of the changes will have implications for the Local Plan as described in section 1.3 of this report, but there is a clear message from Government that Local Plans should now be adopted as soon as practicably possible. This will be explored further in the Local Plan Update report also on this agenda.

1.5 Legal Implications

- 1.5.1 While there are no direct legal implications arising from this Government White Paper, the proposals will have to be taken into consideration as part of the Plan making process when they are finalised.

1.6 Financial and Value for Money Considerations

- 1.6.1 Some of the proposed changes set out in the White Paper will have financial implications both in terms of the resources necessary for preparing the Local Plan and also in respect of more specific recommendations such as the proposal to increase planning fees by 20% from July 2017. As many of these are proposals at the present time further analysis will be necessary as and when they are finalised.

1.7 Risk Assessment

- 1.7.1 The risks associated with not having an up to date Local Plan have been discussed in some detail in the White Paper. It is in the Council's interest to complete the Local Plan at the earliest opportunity.

1.8 Recommendations

- 1.8.1 That the summary of the Housing White Paper be **NOTED** and that the comments in respect of the key points set out at Section 1.3 of the report form the basis of a response back to the Government by the consultation deadline of 2nd May 2017.

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

Background papers:

contact: Ian Bailey

Nil

Steve Humphrey

Director of Planning, Housing and Environmental Health

Summary of Proposed Actions Set out in the White Paper

Proposed Changes to the Planning System

- Requirement that all areas to be covered by a Plan (Neighbourhood Planning Bill)
- New powers for intervention in plan making (Neighbourhood Planning Bill)
- Requirement for Plans to be reviewed every five years (Neighbourhood Planning Bill)
- New Statement of Common Ground proposed (Revised NPPF following consultation)
- Options for different types of Plan to cover an area – not just a single Local Plan (Neighbourhood Planning Bill)
- Standardised methodology for calculating Objectively Assessed Needs (Revised NPPF following consultation)
- Clearer policies for meeting housing needs for older and disabled people (Revised NPPF)
- Greater transparency on land ownership and options (Land Registry and possible further legislation following consultation)
- Local Plans to have clear strategy for maximising the use of suitable land (Revised NPPF)
- Greater weight for using suitable brownfield land for housing (Revised NPPF)
- More flexibility for Local Authorities to dispose of land at less than best consideration (views sought)
- Encourage more estate regeneration (Revised NPPF)
- Policies to support development of small windfall sites (Revised NPPF)
- 10% of sites allocated for residential development in Local plans to be of 0.5 hectares or less (Revised NPPF)
- Encourage greater use of Local Development Orders and area wide design codes (Revised NPPF)
- Locally accountable New Town Development Corporations to be established (New legislation)
- Clarification of national Green Belt Policy (Revised NPPF)
- Strengthening Neighbourhood Planning and Design – including the option of obtaining a housing requirement figure for the neighbourhood plan area (Neighbourhood Planning Bill and Revised NPPF)
- Rationalising of housing standards (further consultation)
- Ensuring the efficient use of land with higher densities (Revised NPPF)
- Review of nationally prescribed space standards (subject to review)
- Increase nationally set planning fees (20% from July) (Government)
- Explore fees for appeal (subject to consultations)
- New policy requirement for high quality digital infrastructure (subject to consultations)
- Measure to ensure utilities planning and delivery keep pace with house building (Government review)
- Tackling unnecessary delays due to planning conditions (Neighbourhood Planning Bill)

- Strategic approach to habitat management for protected species – licensing across whole area rather than site by site (Roll out of pilot in Woking)
- Reform of developer contributions regime (CIL and S106) (Autumn Statement 2017)
- Likelihood of a site being developed to become a material consideration in granting planning permission (Revised NPPF)
- Possible material consideration for applicant’s track record of delivery (Views being sought)
- Shortening timescales for implementation for planning permissions from 3 to 2 years (Revised NPPF)
- Simplifying the completion notice process (proposal)
- Encouraging greater use of CPO powers to bring forward stalled sites (new guidance following consultation)
- New Housing Delivery Test (to be introduced from November 2017)
- Continued support for custom build including retention of CIL exemption pending review of developer contributions.
- Proactive support for Build to Rent (Revised NPPF)
- Starter Homes amendments (Revised NPPF)
- Clarification of the definition of sustainable development (Revised NPPF)
- Amendments to the list of climate change factors in the NPPF to include rising temperatures (Revised NPPF)
- Clarification of the application of the Exception Test in addressing flood risk (Revised NPPF)

Other Proposed Non-Planning Measures

- Restrictive covenants to be reviewed
- Family friendly tenancy agreements (at least 3 years) to be encouraged
- Housing Association rents to be agreed over longer terms to enable borrowing against future income
- Homes and Communities Agency to be rebranded as Homes England and have a more proactive role in delivering affordable housing
- More Local Authority house building to be encouraged via Development corporations, housing companies and Special Purpose Vehicles
- Off-Site construction to be more widely used through the Government’s Accelerated building programme
- Training in construction sector to be enhanced
- New measures to ban letting agency fees and deal with rogue landlords

Summary of Funding Streams referred to in the White Paper

- Home Building Fund (£3bn)
- Housing and Infrastructure Fund (£2.3bn)
- Affordable Homes fund (£1.4bn)
- Starter Homes Land Fund (£1.2bn)

- Business Rate Relief (Local Government Finance Bill) (£60m)
- Land Release Fund (£45m)
- Funding for Local Authorities to engage with local communities on the design, mix and location of new homes (£25m)
- Rough Sleepers Fund (£10m)
- Further funding for neighbourhood planning groups (£?)
- New funding to boost capacity and capability of Local planning Authorities (£?)

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TONBRIDGE & MALLING BOROUGH COUNCIL

PLANNING and TRANSPORTATION ADVISORY BOARD

07 March 2017

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 provides Members with an update on the preparation of the Local Plan including an overview of the responses to the Regulation 18 consultations that closed in November and looking forward to the next stages of Plan making.

1.1 Introduction

1.1.1 The last Local Plan update to this Board was provided for the meeting of 15th November 2016, 10 days before the close of the Regulation 18 consultation exercise on the 25th. At that time it was reported that some 300 responses had been received. By the close on the 25th this had grown to 1,319 responses.

1.1.2 Due to the volume of responses received towards the end of the consultation period and the complexity of many, the process of summarising the comments, identifying key themes and carefully considering the points made has taken longer than was anticipated. This task is now nearing completion. Consequently, this update report will focus on setting out the next stages of the process and the implications of the proposed planning reforms in the recently published Housing White Paper.

1.2 Outstanding Tasks

1.2.1 Once the responses have been carefully considered a view can be taken as to whether any changes to the proposed strategy set out in the Way Forward document might be necessary. This would then form the basis of a further report to the Board together with recommendations for progressing to the next stage of Plan making. This would be accompanied by a summary of the consultation responses and if necessary a revised Local Plan timetable.

1.2.2 It is anticipated that this will be presented at a future scheduled meeting of the Board in either June or July. A revised timetable for the Local Plan is attached for Members' information and approval at **[Annex 1]**.

- 1.2.3 Evidence for the Local Plan either in preparation or in need of a refresh will continue in parallel with the Plan making process. This will include the VISUM modelling of the A20 corridor commissioned with Kent Highways and Amey expected to be made available in April, ongoing discussions with key infrastructure providers that will form the basis of the Infrastructure Delivery Plan and whole plan viability testing. The evidence that will be considered for a refresh will include the Employment Land Review, completed in December 2014.

1.3 Implications arising from the Housing White Paper

- 1.3.1 The long awaited Housing White Paper was published on 7th February and as speculated contains another set of wide ranging planning reforms, some of which will have implications for Local Plans (for more details see report on this agenda).
- 1.3.2 Some Local Planning Authorities put their Local Plans on hold in the months leading up to the publication in anticipation of the changes that could have an impact on how Local Plans are prepared, but the underlying message in the White Paper is that Local Plans should be adopted as soon as possible to positively plan to meet identified needs in an area and remove uncertainty.
- 1.3.3 Amendments to the National Planning Policy Framework to require every Local Planning Authority area in England to have a Plan in place and review those plans within five years, together with new legislation in the form of the Neighbourhood Planning Bill to enhance the Secretary of State's powers of intervention in Local Plan processes if progress is not being made are strong messages from the Government that Local Plans should be progressed swiftly.
- 1.3.4 Some of the proposals in the White Paper will come into force almost immediately, others will be implemented through emerging legislation, new regulations or the anticipated review of the NPPF this autumn. Other proposals will be subject to further consultation before the Government decides on what action to take. Unfortunately this will result in some uncertainty surrounding National Planning Policy and planning processes in the meantime.
- 1.3.5 Generally, the approach we have adopted in preparing the Local Plan is in line with the measures being proposed in the White Paper, which is encouraging. However, the proposals are so wide ranging that almost inevitably some could potentially delay the process, for example the proposal for a standardised methodology for calculating objectively assessed housing needs.
- 1.3.6 The message is clear that Local Authorities should press on with their Local Plans and this will be taken into account in the next report to the Board.

1.4 Next Stages

- 1.4.1 Subject to completing the outstanding tasks described in section 1.2 of this report, a further report will be brought back to this Board summarising the results of the consultation exercise and proposing recommendations for taking forward the

Local Plan. This will include an indication of what the draft Local Plan might look like taking into account among other things, the proposals in the Housing White Paper. This will clearly be an important stage for Members that will shape the content of the Plan, both in terms of determining the preferred development allocations and the policy areas that will be covered.

- 1.4.2 There will also be an opportunity to provide an update on progress made in respect of the evidence base.

1.5 Legal Implications

- 1.5.1 It is important that the Local Authority has an up to date development plan for the purposes of long term future planning and determining planning applications.

1.6 Financial and Value for Money Considerations

- 1.6.1 There are no direct financial implications arising from this information report. These will be revisited in the next report to the Board. Financial implications arising from the Housing White Paper have been addressed in a different report on this agenda.

1.7 Risk Assessment

- 1.7.1 The risks associated with failing to prepare and keep up to date a robust, sound Local Plan include, loss of local control over development decisions, an increasing number of successful appeals and possible intervention by the Secretary of State.

1.8 Recommendation

- 1.8.1 That the update on the Local Plan progress be **NOTED** and that the revised timetable at Annex 1 be agreed.

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

Background papers:

contact: Ian Bailey

Nil

Steve Humphrey
Director of Planning, Housing and Environmental Health

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Timetable for the Local Plan to form the basis of a new Local Development Scheme – (Revised February 2017)

ANNEX 1

Year	2016					2017					2018				
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Stage	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D		
Evidence Base	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y																					
Issues & Options Reg 18						R	R	R	C	R	R	R	R	R	R	R	R	R	R																			
Draft Plan Reg19/20																																						
Submission Exam Report																																						

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Notes: C = Consultations, S = Submission, P = Pre-examination meeting, E = Examination, R = Inspector’s Report received, A = Adoption

(Please note, the month in which the letter appears is when that event is expected to happen, so for example, the first Regulation 18 Issues and Options public consultations will start in September 2016. The coloured bars leading up to September represent the time required for putting the consultation arrangements in place and the bars after September represent the period of consultation itself and consideration of the responses received)

Timetable for the Local Plan to form the basis of a new Local Development Scheme (Revised February 2016)

Year	2019					2020					2021				
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Stage	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D		
Adoption				A																																		

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Agenda Item 9

Any other items which the Chairman decides are urgent due to special circumstances and of which notice has been given to the Chief Executive.

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Agenda Item 10

The Chairman to move that the press and public be excluded from the remainder of the meeting during consideration of any items the publication of which would disclose exempt information.

**ANY REPORTS APPEARING AFTER THIS PAGE CONTAIN EXEMPT
INFORMATION**

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Agenda Item 11

Any other items which the Chairman decides are urgent due to special circumstances and of which notice has been given to the Chief Executive.

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