

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

26 February 2018

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, 6th March, 2018 commencing at 7.30 pm

Yours faithfully

JULIE BEILBY

Chief Executive

A G E N D A

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The report summarises the progress and next stages in the preparation of the new London Plan, highlights some of the key issues for Tonbridge and Malling and the wider south east and seeks endorsement of the officer level comments returned by the 2 March 2018 deadline.

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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 D Keers

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, 5th December, 2017

Present: Cllr D A S Davis (Chairman), Cllr M A C Balfour, Cllr P F Bolt, Cllr V M C Branson, Cllr M O Davis, Cllr B T M Elks, Cllr D Keers, Cllr R D Lancaster, Cllr S C Perry, Cllr R V Roud, Cllr A K Sullivan and Cllr M Taylor

Councillors Mrs J A Anderson, O C Baldock, R P Betts, M A Coffin, D J Cure, N J Heslop, Mrs S L Luck, B J Luker, M R Rhodes, H S Rogers and T B Shaw were also present pursuant to Council Procedure Rule No 15.21.

Apologies for absence were received from Councillors T Edmondston-Low (Vice-Chairman), Mrs S M Barker, Mrs F A Kemp and M Parry-Waller

PE 17/15 DECLARATIONS OF INTEREST

Councillor M Davis declared an Other Significant Interest in items on the agenda relating to the Local Plan on the grounds of his status as a partner of Warners 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 Planning, Highways, Transport and Waste at Kent County Council.

PE 17/16 MINUTES

RESOLVED: That the notes of the meeting of the Planning and Transportation Advisory Board held on 25 July 2017 be approved as a correct record and signed by the Chairman.

MATTERS FOR RECOMMENDATION TO THE CABINET

PE 17/17 PRE-APPLICATION PLANNING ADVICE CHARGING REGIME AND BUILDING CONTROL APPLICATION FEES

Consideration was given to the report of the Director of Planning, Housing and Environmental Health regarding proposed changes to the Pre-application Planning Advice Charging Regime and an overall approach to Building Control Fees. It was noted that detailed monitoring between 1 April and 1 November 2017 indicated that no changes to the Pre-application Protocol were necessary but the fees should be adjusted

in order to recover costs of providing advice, as set out at Annex 1 to the report.

Reference was made to the partnership arrangement with Sevenoaks District Council for provision of building control services, overseen by a Management Board, and to an approach aiming at a fee increase of approximately 3% across the range of application types. Since further detailed work was required to set the precise fee scales, it was suggested that the Director of Planning, Housing and Environmental Health be authorised to agree them within the overall context in liaison with Sevenoaks through the Management Board.

RECOMMENDED: That

- (1) the updated pre-application charging regime for planning, set out at Annex 1 to the report, be approved; and
- (2) the Director of Planning, Housing and Environmental Health be given delegated authority to set the detailed building control application fee scales within a general guide of a 3% increase.

***Referred to Cabinet**

**PE 17/18 PLANNING FOR THE RIGHT HOMES IN THE RIGHT PLACES -
CONSULTATION RESPONSE**

Decision Notice D170077MEM

The report of the Director of Planning, Housing and Environmental Health sought endorsement of a response to a Department for Communities and Local Government (DCLG) consultation which had been submitted by the 9 November deadline. Details were given of the 19 questions on which views had been invited together with the full response to each.

The proposals raised a number of concerns, particularly in relation to the approach to calculating housing needs and questions were raised regarding the sustainability of the targets, delivery of affordability and consistency of approach across the country. It was noted that the consultation introduced delay and uncertainty to the Local Plan process. In view of the importance and high profile of this subject, the response to the consultation had been sent to all Members and a presentation made to the recent meeting of the Parish Partnership Panel. It was requested that an attempt be made to quantify the additional work involved in re-examining the evidence base as a result of the proposals for transmission to the DCLG.

RECOMMENDED: That the comments set out at Annex 1 to the report be endorsed as the Council's formal response to the consultation together with a quantification of the additional work involved.

PE 17/19 LOCAL PLAN: DUTY TO CO-OPERATE

Decision Notice D170078MEM

The report of the Director of Planning, Housing and Environmental Health sought endorsement of a response to a recent Sevenoaks District Council Local Plan consultation required by Regulation 18 of the Town and Country Planning Regulations. Reference was made to the different approaches to addressing unmet housing need in terms of releases of Green Belt land, together with implications of the Government's proposals on standardised methodology. An update was also given on other matters relating to the Duty to Co-operate including the introduction of Statements of Common Ground.

RECOMMENDED: That the contents of the report be noted and the response set out at Annex 1 thereto be endorsed.

MATTERS SUBMITTED FOR INFORMATION

PE 17/20 LOCAL PLAN STATUS AND UPDATE

The report of the Director of Planning, Housing and Environmental Health provided an update on the Local Plan process and the implications for the timetable and five year housing land supply of the Government consultation "Planning for the Right Homes in the Right Places". Reference was made to the concerns expressed regarding incorporation of the Government's proposed new housing need figures into the Local Plan (Minute PE 17/18) and the implications for updating the evidence base and managing the resulting uncertainty. It was anticipated that a revised timetable would be presented to the Advisory Board in January 2018 depending on the conclusion of the consultation being announced.

Members expressed frustration at the delay and uncertainty created by the consultation, particularly as the Council was making good progress in preparation of the Local Plan. It was noted that the standardised methodology would result in an undeliverable level of housing in both of the housing market areas in the Borough and discussions would be held with neighbouring authorities to address unmet need. Some work with the Planning Advisory Service involving the Council and Sevenoaks and Tunbridge Wells Councils becoming a Statement of Common Ground "pilot" was seen as helpful in drawing out these issues. Attention was also drawn to the implications of the London Plan.

PE 17/21 MEDWAY FLOOD MANAGEMENT PARTNERSHIP

The report outlined the direction of the Medway Flood Action Plan launched by the Medway Flood Partnership on 1 December 2017. The

Plan addressed flood risk in the Medway catchment, focusing on three work streams led by partner organisations in respect of capital investment and maintenance, community resilience and natural flood management.

The Advisory Board was updated on the timescale of the project to increase the capacity of the Leigh Flood Storage Area, due for completion in 2023. Members considered that it would be useful for representatives of the Environment Agency and Internal Drainage Boards to attend a future meeting.

PE 17/22 EXCLUSION OF PRESS AND PUBLIC

There were no matters considered in private.

The meeting ended at 8.45 pm

TONBRIDGE & MALLING BOROUGH COUNCIL

PLANNING and TRANSPORTATION ADVISORY BOARD

06 March 2018

Report of the Director of Housing, Planning 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

This report sets out a revised timetable for preparing the Local Plan following the publication of 'Building the Right Homes in the Right Places' by the Government for consultation in September 2017. The report also provides an update in respect of the most recent elements of the Local Plan evidence base that have now been finalised or updated.

1.1 Background

- 1.1.1 In September last year the Government launched a consultation entitled 'Building the Right Homes in the Right Places', building on some of the reforms to the planning system initially proposed in the Housing White Paper published in February 2017. One of the main and most controversial proposals relates to the introduction of a standardised method for calculating housing need in Local Plans.
- 1.1.2 Members will recall that a report to this Board in December last year set out a comprehensive response to the consultation raising a number of significant concerns, particularly in relation to the implications arising from the proposed methodology, which would as proposed have the effect of increasing the annual housing need for Tonbridge and Malling by 23% or 159 extra dwellings per year. This would equate to 3,260 extra dwellings over the Local Plan period.
- 1.1.3 Our own evidence base has identified a need of 696 new homes each year, which is already a significant increase on historic delivery rates. There is a risk that the new figure (859 per annum) may simply not be deliverable in market terms and would place an acceptable pressure on infrastructure. These points, amongst others, have been made in the Council's response to the consultation. At the time of writing this report the Government has made no statements in respect of the consultation responses, although the consultation page on the Ministry of Housing, Communities and Local Government (formally the DCLG) website suggests there will be a statement soon. Indications are that a draft version of the revised National Planning Policy Framework, which will introduce the new methodology, will be published for consultation this spring. It is less clear when the final version of the NPPF will be published although the Government has

indicated that Local Plans submitted to the Secretary of State after that time will have to reflect the new methodology.

- 1.1.4 Members at the Board meeting in December provided a steer for officers to progress the Local Plan at the earliest opportunity reflecting a deliverable housing target supported by robust evidence.
- 1.1.5 As there remains some uncertainty as to when the new methodology will be introduced and whether there will be any adjustments to the way it is calculated, the preferred way forward is to proceed on the basis of our own evidence that has identified a level of growth that seems practically deliverable.
- 1.1.6 However, it will be prudent and indeed necessary for the purposes of presenting the Council's case at an examination, to acknowledge that there will be a proposed uplift in the new housing need for the Local Plan, but to explain and demonstrate that the level of new homes per year that can practicably be delivered consistently over the plan period will be less. This will effectively be recognising that there will be unmet need the extent of which will rightly be based on a proper analysis of the local evidence.
- 1.1.7 The importance of progressing the Local Plan as soon as practicably possible remains a key consideration for the Local Planning Authority, particularly in determining planning applications and in addressing the current lack of a five year housing land supply that first became apparent through the Annual Monitoring Report for the year ending 31st March 2017. Further delays to the process increases the risks associated with an out of date development plan, albeit that key delays to date have not been of the Council's making. The responsibility is clearly on the Council to pursue the new plan efficiently whilst in the meantime responding to the undoubted challenges of dealing with planning applications that come forward in advance of the Plan.

1.2 Revised Local Plan Timetable

1.2.1 The next steps in the Local Plan process can be summarised as follows:

- Complete the remaining elements of the evidence base;
- Agree the proposed strategy as refined from the version consulted on during the Regulation 18 consultation in the autumn of 2016; and
- Prepare and agree a draft Local Plan, including policies, allocations and a policies and proposals map, for the purposes of public consultations

1.2.2 It is envisaged that these matters will be the focus of the next two meetings of the Board, following which it will be necessary to seek full Council approval of the draft Local Plan for the purposes of a further round of public consultation required by Regulation 19 of the Town and Country Planning (Local Plans) Regulations.

1.2.3 The revised timetable for approval is appended to this report.

1.2.4 The Local Plan evidence base

1.2.5 Most of the evidence base for the Local Plan has now been completed or revised and uploaded to the Council's website. These include:

- A20 Corridor Traffic (Visum) Modelling
- Employment Land Review
- Housing Delivery Study
- Strategic Land Availability Assessment Part 1
- Gypsy and Traveller Accommodation Assessment
- Green Belt Study Part 2
- Green Infrastructure Report
- Open Space Report

1.2.6 The remaining pieces of evidence are:

- Transport Assessment (Completion expected end of March)
- Air Quality Assessment (Completion expected end of March)
- Whole Plan Viability Assessment (Completion expected end of April/early May)
- Infrastructure Delivery Plan (Completion expected end of April/early May)

1.2.6 The borough-wide Transport Assessment will complement the VISUM modelling focusing on the A20 corridor and is being prepared in partnership with the consultants Mott MacDonald. The Air Quality Assessment is being prepared in parallel with the Transport Assessment by the same consultants using the same data, which was collected in November 2017. This work will also update the Habitats Regulations Assessment for the Local Plan in respect of the potential impacts that future planned development will have on Special Character Areas, such as the Ashdown Forest. Once completed these will also be uploaded to the website, which is currently anticipated to be at the end of this month.

1.2.7 The whole plan viability assessment is an important piece of evidence that essentially demonstrates that the Local Plan will be deliverable. By its nature, this piece of work has to be prepared once the draft Local Plan starts to take shape. This work has been put in place and is expected to be completed by early May.

- 1.2.8 The Infrastructure Delivery Plan will build on the ongoing liaison and discussions with the main infrastructure providers. It will also be informed by the viability assessment to ensure that the necessary infrastructure is deliverable.
- 1.2.9 Agreeing the proposed strategy for the Local Plan
- 1.2.10 Members will be aware that the proposed strategy included in the Regulation 18 public consultation document The Way Forward is in the process of being refined to reflect the responses received during the consultation, the outputs from the evidence base and other known changes, such as emerging national planning reforms and changing land ownerships.
- 1.2.11 Subject to Member's approval of the revised Local Plan timetable, the strategy will form part of the draft Local Plan that will be brought back to this Board for consideration at the next scheduled meeting in June.
- 1.2.12 Preparing the Draft Local Plan
- 1.2.13 The draft Local Plan itself will resemble the adopted Local Development Framework (LDF) insofar as it will include policies and reasoned justifications and a policies and proposal map, but it will be a more succinct document. Members will recall that the LDF is comprised of a number of separate development plan documents. The Government guidance for development plan making at the time was that each document could be updated separately so that if one part of the LDF became out of date it could be revised without requiring the whole plan to be subject to the statutory processes, ostensibly requiring less time and resources while ensuring the development plan remained up to date.
- 1.2.14 In practice, although Tonbridge and Malling managed to adopt a full suite of documents between 2007-10, LDFs took much longer for most Local Planning Authorities to complete and a significant number had not completed the task by the time the Government replaced LDFs with Local Plans in March 2012 with the publication of the National Planning Policy Framework (NPPF). The NPPF replaced over 1,000 pages of national planning policy and made it clear for plan makers that national planning policy should not be repeated in Local Plans. It also introduced the concept of Local Plans and the evidence supporting them being 'proportionate'.
- 1.2.15 It is expected that one of the changes to be introduced when the NPPF is updated later this year is that Local Plans will be required to be revised within 5 years of adoption. These messages all point to a more streamlined document.
- 1.2.16 An audit of the current LDF policies has been carried out to ensure that those policies that have proved to be most effective and frequently used will where possible be brought forward and refreshed in the draft Local Plan alongside a small number of new policies.

1.2.17 The revised timetable as proposed would see the draft of the Local Plan also being considered at the June meeting of this Board, with the opportunity also to revisit some issues at the Board meeting in July in the event that further information and advice was required before making a recommendation to Cabinet.

1.2.18 It is not certain when the final version of the revised NPPF will be published, but this could be in the summer, assuming a draft is published in the spring. Alternatively, there may be some delay and a decision taken to postpone publication until after the summer recess, as was the case with 'Building the right homes in the right places' last year. It may be unwise to speculate that the Local Plan will be submitted before the NPPF is relaunched, but there may be some advantage to be gained depending on how advanced the Local Plan is at that point in time.

1.3 Next Steps

1.3.1 Subject to the agreement of the Board through the June and July meetings, a recommendation will be made to the Cabinet and then the Council to agree the draft Local Plan document for the purposes of a further round of public consultations required by Regulation 19 of the Town and Country Planning (Local Plans) Regulations 2012. Following the conclusion of that exercise, the Council's plan would be submitted to the Secretary of State (along with the outturn of consultation) and would subsequently be the subject of a public examination overseen by a planning inspector.

1.3.2 If members are minded to agree the timetable appended to this report, and subject to Full Council approval, the Regulation 19 consultation could take place in October and November with submission to the Secretary of State in early January 2019. On this basis adoption is still anticipated during 2019.

1.4 Legal Implications

1.4.1 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. The Council needs to ensure that it continue to comply with the regulations governing the sustainability appraisal process and the habitats regulations assessment.

1.5 Financial and Value for Money Considerations

1.5.1 There are costs arising from the preparation and updating of the evidence base using consultants, but these can be met from the Local Plan budget.

1.6 Risk Assessment

1.6.1 It is important that the development plan is kept up to date for the purposes of carrying out the functions of the Local Planning Authority. The proposed timetable set out in this report seeks to progress the Local Plan as soon as practicably

possible. If there are further delays to the timetable this will increase the risk of the Plan becoming out of date.

1.7 Recommendations

- 1.7.1 That the progress on the Local Plan and evidence base is noted; and
- 1.7.2 The revised timetable for preparing the Local Plan as set out in this report and at Annex 1 is agreed and reports on the new Local Plan be brought forward to the next meetings of this Board.

The Director of Housing, Planning 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:

Nil

contact: Ian Bailey
Planning Policy Manager
Louise Reid
Head of Planning

Steve Humphrey
Director of Planning, Housing and Environmental Health

Timetable for the Local Plan to form the basis of a new Local Development Scheme – (Revised March 2018)

ANNEX 1

| | | | | | | | | | | | | | | | |
|------|------|--|--|--|--|------|--|--|--|--|------|--|--|--|--|
| Year | 2018 | | | | | 2019 | | | | | 2020 | | | | |
|------|------|--|--|--|--|------|--|--|--|--|------|--|--|--|--|

| 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 | █ | █ | █ | █ | █ | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Draft Local Plan Reg19 | | | █ | █ | █ | █ | █ | █ | █ | C | █ | █ | | | | | | | | | | | | | | | | | | | | | | | | |
| Submission Exam Report | | | | | | | | | | | | S | █ | █ | █ | █ | █ | R | | | | | | | | | | | | | | | | | | |
| Modifications Adoption | | | | | | | | | | | | | | | | | | | | | M | █ | █ | A | | | | | | | | | | | | |
| Monitoring Review | | | | | | | | | | | | | | | | | | | | | | | | | █ | █ | █ | █ | █ | █ | █ | █ | █ | █ | █ | █ |

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

(Please note, the month in which the letter appears is when that event is expected to happen, so for example, the Regulation 19 consultation is expected to commence in October 2018. The coloured bars leading up to an event represent the time required for preparation. The Modifications stage is optional depending on the recommendations of the Inspector’s report).

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TONBRIDGE & MALLING BOROUGH COUNCIL

PLANNING and TRANSPORTATION ADVISORY BOARD

06 March 2018

Report of the Director of Planning Housing & Environmental Health

Part 1- Public

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

1 NEW LONDON PLAN CONSULTATION

This report summarises the progress and next stages in the preparation of the new London Plan, highlights some of the key issues for Tonbridge and Malling and the wider south east and seeks endorsement of the officer level comments attached at Annex 1, which were returned by the deadline of the 2nd March 2018.

1.1 Background

- 1.1.1 The planning system for Greater London is different to that applying to Tonbridge and Malling and the local authorities making up the wider south east. In Greater London there are 33 unitary authorities comprising the 32 London Boroughs and the City of London Corporation, which are required to prepare Local Plans in the same way, but these plans also have to be in accordance with a higher level strategic plan covering the whole of Greater London. This is called the London Plan and it is prepared by the Mayor for London, currently Sadiq Khan and the Greater London Authority.
- 1.1.2 The Draft London Plan that has recently been the subject of public consultations is the 3rd iteration, the previous versions being adopted in 2004 under Mayor Ken Livingstone and in 2011 under Mayor Boris Johnson, although there have been various alterations to these plans in the intervening years.
- 1.1.3 Due to the size of the Greater London conurbation and its role as a world city, the planning and development of London inevitably has a significant effect on the wider south east and the country as a whole. Consequently there has been a lot of interest in the proposals in the draft plan and joint responses by Kent and the South East England Councils (SEEC) have also been prepared with contributions from Kent Districts including Tonbridge and Malling. A draft of the Kent response is attached at Annex 2 for information. The final version of the SEEC response was not available at the time of writing this report.

1.1.4 The comments made in these joint responses are shared by Tonbridge and Malling and have been reflected in the officer level response at Annex 1 to the report.

1.1.5 Representations received within the consultation period will be considered by an independent Inspector at an Examination in Public anticipated to be held in the autumn of this year, the target adoption date for the new Plan is autumn 2019.

1.2 Summary of the Key New London Plan Policies and Proposals

1.2.1 Housing Need

1.2.2 The objectively assessed housing need for London is based on the 2017 London Strategic Housing Market Assessment (SHMA) prepared by the GLA. The draft London Plan sets out an overall housing target of 66,000 dwellings per annum for the first ten years of the plan (2019 to 2029). The methodology used by the GLA uses a shorter term migration trend analysis than that employed by the Office of National Statistics, which tends to be used by other Local Planning Authorities. The GLA justify this by pointing to the fluctuations in migration patterns before and after the economic recession in 2008, but it does mean there is a difference in the underlying assumptions used by the local planning authorities in the wider south east.

1.2.3 The SHMA pre-dates the government's proposed standardised methodology which was the subject of consultations last September and is expected to be introduced in the form of a revised National Planning Policy Framework later this year. If the methodology were to be applied to the Greater London authorities their housing need would increase by 6,000 dwellings per year resulting in an annual housing need of 72,000. It is anticipated that the London Plan will be submitted to the Secretary of State before the new requirements are introduced, but this does raise the question of how the likely uplift will be taken into account, particularly post 2029.

1.2.4 The London Strategic Housing Land Availability Assessment (2017) concludes that there is enough land within London to deliver 65,000 dwellings per annum through development (and redevelopment) opportunities within identified 'Opportunity Areas', within or on the edge of town centres and transport nodes and areas in outer London with good accessibility to public transport. Higher density and intensification is supported to deliver the homes needed. The Plan suggests that the shortfall of 1,000 dwellings per annum will be met by working with "willing partners" in the wider south east, although there is no indication of which local authorities in the wider south east this may be.

1.2.5 Based on current delivery rates, the anticipated completion of 65,000 new dwellings per year is ambitious and would appear to be relying on large increases in the outer London boroughs. Bromley for example would see an increase in its target from 641 to 1,424 per year (+122%). The London Plan justifies this on the grounds that outer boroughs tend to be relatively more affordable than inner

London and that higher densities of development should be considered, although it is unclear if there has been any analysis of the capacity of these housing market areas to increase delivery to this extent.

- 1.2.6 This reliance on large increases in delivery in the outer London Boroughs brings into question the ability of the Plan to meet most of its need within its boundaries. Add in the fact that housing needs are likely to increase with the introduction of the standardised methodology and a reluctance to consider Green Belt releases within Greater London and the unmet need could be significantly higher than the 1,000 currently accepted.
- 1.2.7 Half of all new homes are to be truly affordable through the provision of a mix of low cost rent and shared ownership.
- 1.2.8 New residential car parking spaces are to have the electric charging points for electric vehicles.
- 1.2.9 Green Belt Policy
- 1.2.10 The draft London Plan does not propose any revisions to the Green Belt designations within the Greater London area. As the draft Plan accepts that there will be unmet need it seems unreasonable that this option is not even being explored and runs contrary to the sustainable planning principles set out in the NPPF. If the implication is that 'willing partners' in the wider south east will be asked to take some of that unmet need, it raises the issue of whether revising Green Belt designations outside London is more or less acceptable than within Greater London.
- 1.2.11 Economy
- 1.2.12 The draft London Plan rightly recognises the need to sustain the wider city region and the Wider South East economy and seeks to sustain growth in jobs balanced with the number and type of homes London needs. It identifies potential for Strategic Industrial Locations beyond London's boundary where there are mutual benefits and scope to substitute some of London's industrial capacity.
- 1.2.13 The new London Plan supports additional aviation capacity but continues to oppose the expansion of Heathrow Airport if it results in a deterioration of air and noise quality.
- 1.2.14 Strategic Infrastructure
- 1.2.15 Thirteen strategic Infrastructure priorities are identified in the new London Plan and have been endorsed by the wider south east partners for initial delivery. In Kent, there are three priorities and these are:
- Thames Gateway Kent – Elizabeth Line extension and HS1
 - Lower Thames Crossing

- A27/M27/A259 and rail corridor improving links between Southampton and Dover

1.3 Implications of the new London Plan for Tonbridge & Malling

- 1.3.1 The housing targets set out in the new London Plan are approximately twice the current delivery rates and whilst welcoming the commitment to meet almost all of London's growth needs within its boundaries, it is questionable whether or not this can realistically be delivered. Unmet need will almost certainly put pressure on surrounding local planning authorities to help deliver more homes, especially in light of the fact that the outer London Boroughs would be unable to consider releasing Green Belt land in preparing their Local Plans.
- 1.3.2 The capacity for local authorities in the wider south east to accommodate unmet need from Greater London is already severely limited and should the uplift in housing need in the proposed standardised methodology be introduced, there will also be widespread unmet need in the wider south east, begging the question 'How and where will the unmet need be addressed?'.
- 1.3.3 These concerns have been addressed in the officer level comments which can be found in Annex 1.

1.4 Legal Implications

- 1.4.1 There are no legal implications arising from this report.

1.5 Financial and Value for Money Considerations

- 1.5.1 There are no budgetary implications arising from this report.

1.6 Risk Assessment

- 1.6.1 Comments made in respect of the emerging London Plan will be taken into consideration by the Mayor and GLA, but failure to do so will run the risk of these concerns not being recorded.

1.7 Recommendations

- 1.7.1 That Members note the progress made in respect of preparing the draft London Plan and
- 1.7.2 Subject to any further comments members wish to make, endorse the officer response at Annex 1.

The Planning, Housing & 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:

Nil

contact: Ian Bailey
Planning Policy Manager
Louise Reid
Head of Planning

Steve Humphrey
Director of Planning, Housing and Environmental Health

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Sadiq Khan (Mayor of London)
New London Plan
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London Plan Team
Post Point 18
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Annex 1

Dear Sadiq,

Consultation on the Draft New London Plan – Response on behalf of Tonbridge and Malling

Thank you for the opportunity to respond to the consultation draft of the new London Plan. Please note that these comments are made at officer level on behalf of Tonbridge and Malling Borough Council and will be considered by Members at the Planning and Transportation Advisory Board on the 6th March.

The Borough Council welcomes and acknowledges the ongoing dialogue between the Mayor and Greater London Authority and the local authorities making up the wider south east and in particular through the engagement with SEEC, which is Chaired by our Leader Councillor Nicolas Heslop.

Many of the issues highlighted in this response are similar in nature to those expressed by SEEC and also Kent County Council on behalf of all of the Kent Districts and Medway Council.

While acknowledging the methodological approach adopted by the GLA in preparing the Strategic Housing Market Assessment is different to that used in Tonbridge and Malling and the rest of the Kent Districts, the objectively assessed housing need for Greater London for the first ten years of the London Plan to 2029 is estimated to be 66,000 net new dwellings per year. The draft Plan asserts that most of this need (65,000 per annum) can be delivered within the Greater London area, which is welcomed, although the levels of delivery, particularly in the outer boroughs is considered to be ambitious given current rates of delivery.

However, assuming the Plan target can be met there is an accepted unmet need of 1,000 dwellings per year. The Plan argues that this will be accommodated by working with willing partners beyond the Greater London boundary, but no further detail is provided. Presumably, this will be addressed before the Plan is subject to examination later this year in order to satisfy the London Plan Inspector?

By the time the Plan is expected to be at examination in the autumn, it is very likely that the revised National Planning Policy Framework (NPPF) will be relaunched, introducing the proposed standardised methodology for assessing housing need in Local Plans. Although the London Plan will be allowed to proceed with the current assessments, assuming it will have been submitted to the Secretary of State before the NPPF is published, this may not be the case for the willing partner authorities in the wider south east.

In Tonbridge and Malling for example the uplift would represent a 23% increase or an additional 159 units per year on top of an already challenging target of 696. Evidence prepared to support our emerging Local Plan suggests delivery at these levels is unsustainable and Tonbridge and Malling has a good track record of delivery despite being over 70% Green Belt. Consequently, it is anticipated that we will be planning for some unmet need.

Therefore, if the uplift in housing need is as proposed in the recent consultation 'Building the right homes in the right places' it would seem unlikely that any local authorities in the wider south east would have the capacity to consider taking unmet need from their neighbours in the same Housing Market Area, let alone from Greater London. This would imply a significant risk to demonstrating the deliverability of the Plan.

In view of the fact that in reality there may be more than 1,000 dwellings of unmet need in London (i.e. to achieve this would require a considerable increase on current delivery rates, representing almost a doubling of annual completions, which would be concentrated in the outer London Boroughs) this risk could increase.

Since the draft London Plan only includes housing targets to 2029 implying an early review of the housing needs and delivery, this will inevitably have to incorporate the new standardised methodology soon to be introduced by the NPPF. This, as currently proposed, would have the effect of increasing London's need by another 6,000 dwellings per year.

So while the commitment to meet the majority of future housing need within Greater London is welcomed, the risks of an increasingly significant level of unmet need will need to be addressed urgently as part of the London Plan process. The consequences of sustained under delivery will be pressure on increased outward migration and rising house prices, which will counteract the efforts of all local authorities in the wider south east to meet their own needs and importantly increase the availability of more affordable housing.

Related to the risk of meeting future housing need is the approach adopted in the draft London Plan towards the use of Green Belt land. In Tonbridge and Malling, which is a borough with over 70% Green Belt designations, the emerging Local Plan is seeking to demonstrate exceptional circumstances to release some Green Belt to meet future needs for housing, employment and much needed infrastructure. In order to meet future needs where they arise and to explore sustainable patterns of development in accordance with the NPPF this is an approach that local planning authorities should explore once all other options have been exhausted.

By refusing to apply the same rationale to the inner edge of the Green Belt in Greater London this will have the effect of transposing some of London's unmet need beyond the Green Belt and into the wider south east and beyond, while increasing development pressures and land values within London. It is also inequitable to ask other Green Belt Authorities to consider taking some of London's unmet need, when there is a reluctance to do so closer to home.

Tonbridge and Malling therefore requests that the draft London Plan be amended to allow for a review of the Green Belt within Greater London as a precursor to working with willing partners in order to plan for future unmet housing need.

I hope these brief comments are of assistance. Please do not hesitate to contact me in the first instance if you have any further queries.

Yours Sincerely,

Ian Bailey
Planning Policy Manager
TMBC

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Annex 2

Sadiq Khan (Mayor of London)
New London Plan
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London Plan Team
Post Point 18
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London SE1 2AA

Dear Sadiq,

On behalf of Kent Leaders, I would like to thank you for inviting us to comment on the draft London Plan. We recognise the role and importance of the emerging Plan in guiding and shaping how London grows in coming years. As a County, we hope to be fully engaged as the Plan process evolves, to ensure the delivery of new housing, employment and required services and infrastructure across the Plan period.

Over recent years, Kent and Medway have delivered some of the highest housing rates in the country. However, with unprecedented funding challenges, this growth has far outpaced the delivery of the infrastructure that is needed to sustain it. The County is at breaking point, with severe congestion on the roads, overcrowded trains and even longer waiting times for health facilities, an ever increasing challenge to quality of life for residents and businesses.

Nonetheless, as a strategic gateway and link to Europe, and its contribution to the Capital's workforce, the County remains critically important to national productivity, and key infrastructure projects such as the Lower Thames Crossing and the proposed Crossrail to Ebbsfleet extension (C2E) will significantly enhance this role.

Infrastructure and housing requirements need to be considered over a wide strategic geography and in the case of the County of Kent¹, the proximity to London is increasing housing demand and impacting on Kent's growth and infrastructure. With a further forecast population increase in the coming years and issues around house price affordability in London, Greater London will continue to have an increasing impact on Kent.

The challenge for districts and boroughs from additional population flows into the County is not just from pressure on already stretched infrastructure provision and service capacity, but also in finding the suitable sites to deliver growth sustainably.

The intention for the draft London Plan to deliver just short of 65,000 of the 66,000 annual housing need forecast is welcomed, as is the commitment for collaboration with the wider South East.

This letter sets out the concerns of the County as a whole. Individual districts in Kent will be making their own representations on the draft London Plan.

1) Meeting London's housing needs

¹ Reference to "Kent" throughout this letter incorporates the areas within the Kent County Council and Medway Unitary Council's boundaries

The Kent and Medway Growth and Infrastructure Framework (GIF) identifies a significant pressure on infrastructure provision to meet an increased forecast rise in both population and housing across the County up to 2031. With population growth up to 2031 forecast at 178,600, and planned housing growth of 396,200 within the same period, the cost of infrastructure to meet that growth is calculated at over £16 billion. The ambition of the draft London Plan to meet most of its own identified housing need within the London boundary is therefore strongly supported, as any additional population flows into the County would put increased pressure on already stretched infrastructure provision and service capacity. Nevertheless, there are a number of issues in relation to the provision of housing that are likely have direct implications for Kent and Medway, to which concerns are raised.

The use of a separate methodology (as set out in the Strategic Housing Market Assessment (SHMA)) to determine the housing need figures for the London Plan will create ambiguity. Its inconsistency with national planning guidance and the way in which authorities in Kent have calculated their needs, will open up risk to challenges to Local Plans in Kent (and wider), where developers seek to apply London's assessment methodology for housing need. Current need assessments prepared by the districts already factor in internal out-migration from London and further clarity is also needed on the implications of London migration patterns in Kent, to ensure there is not double counting.

In planning to deliver just short of 65,000 of the 66,000 annual housing need forecast, the draft London Plan identifies a **delivery shortfall of 1,000 houses a year**. The district and borough councils within the County have already including an uplift for net migration from London within their SHMAs. Any additional cumulative impact of up to 1,000 additional homes a year that might be apportioned to the County would have significant implications on the provision of housing, infrastructure and services across the County, particularly given the severe pressures in provision and funding of infrastructure already identified in the GIF.

In addition to this, we are currently awaiting the outcome of the **Government's consultation on a standardised national housing methodology**. If this does come into force, it would place pressure on the County to meet additional housing, well over and above our existing housing targets – the Kent and Medway annual housing requirement would have to increase by 39%. The draft London Plan calls for the construction of new homes to increase substantially to 66,000 additional homes a year. However, this figure still remains well below the figure of 72,400 a year set out in the Government's proposed housing methodology; a figure that would potentially require some seven new settlements.

There is also concern that **the draft Plan's focus on the first ten years** - to deliver just short of 65,000 dwellings a year up to 2028/29 - leaves uncertainty over the remainder of the Plan period to 2041. The Plan is unclear of the role of areas outside London in meeting post 2029 needs. More certainty and further explanatory detail is required, particularly around priorities and delivery after the first ten years of the Plan.

The draft London Plan also introduces an **increased emphasis on delivering small sites for housing** (Policy H2). The delivery of small sites is supported in so far as it will help to increase delivery of new homes. However, the development of small sites can hamper the ability to provide comprehensive infrastructure to support housing growth, and there will need to mechanisms in place to prevent knock-on impacts, particularly on Kent's districts and boroughs adjoining the London boundary, where capacity where service capacity is already stretched. In order to prevent the Plan from being too prescriptive in determining growth of housing on small sites, it would be beneficial to undertake further collaboration with local boroughs to encourage delivery on a variety of sites based on local

opportunities. In some locations, the level of delivery on small sites may be unachievable due to the lack of availability.

The London Plan must ensure that the **required range and mix of private and affordable housing** is delivered within the boundaries of London. London boroughs should be required to deliver affordable homes within a reasonable vicinity of their area to avoid significant relocation into Kent and to prevent inevitable additional strains on resources from already stretched public services.

There is a potential risk that with the ambitious housing targets for the outer boroughs and the refusal to assess the functioning of the inner boundary of the Green Belt, London may not be able to meet all of its needs within its boundaries. This could result in unmet needs. It is highly questionable whether the housing markets outside London will have the capacity to deliver not just a boost in supply arising from current need assessments prepared by the districts, but any additional housing to help meet London's projected needs. This is a concern not just in terms of the availability of deliverable sites – taking account of constraints such as the Green Belt and Areas of Outstanding Natural Beauty – but also in terms of what the local markets can realistically support. This is a genuine concern, particularly given the current uncertain economic climate.

The scale of growth across the Wider South East is significant. With an increasing focus on the Northern Powerhouse to invest and develop in industries in the north of England, there needs to be renewed focus on the industries in the South East, to ensure that they remain competitive against the investment in the North. **Kent Leaders strongly advocate the need for much more positive inter-regional planning, where London is seen as an integral part of the Wider South East, to relieve pressure on the South East.**

We would like to know how you will deliver your aim of meeting London's need within its boundary and how the annual 1,000 homes gap will be tackled. Kent Leaders would expect to see a clear and robust mechanism incorporated into the London Plan to ensure that if housing delivery targets are not being met, actions are triggered to ensure that any surplus housing needing to be accommodated outside the London boundary is supported by the additional supporting services and infrastructure.

2) Cross boundary working and strategic infrastructure

The clear recognition within the draft London Plan of the impact on areas outside London (most notably in "Chapter 2: Spatial Development Patterns") is acknowledged and supported.

However, whilst references to partnership work are encouraging, in reality there have been limited examples of cross-boundary working. There has, in our opinion, been no sustained attempt to identify, establish or develop working relationships with district and boroughs who could be potential willing partners for growth. Within this context, looking forward, it is not clear how the Mayor intends to work with the Wider South East partners on regional challenges and shared strategic concerns (as referenced in Policy SD2). The continued reference to 'willing partners' provides no clarity as to the potential value that may derive from this relationship.

There are already current pressures across the County in providing infrastructure to support planned growth, with the emerging GIF 2017 Update identifying an infrastructure cost gap of over £3.9 billion to meet the County's planned growth up to 2031. Kent and Medway are therefore facing increasing challenges to meet our own growth requirements, with the need for major infrastructure proving a significant hurdle and constraint to major growth. Any additional housing pressures from London cannot be subsumed within the County without significant investment in strategic infrastructure.

The draft London Plan references the need to work with willing partners beyond London to explore whether there is potential to accommodate more growth in sustainable locations outside the capital (para. 2.3.4), with policy SD3 seeking joint working and recognition of mutual benefits (e.g. strategic infrastructure from growth locations outside London). County Leaders would like robust assurances included in the London Plan to set out what this will look like, particularly given the context of still only limited meaningful cross-boundary working to date. Details on specific incentives and actions are also required to evidence how the desired employment relocation may be achieved.

Your recognition of Thames Gateway (Elizabeth Line extension and HS1) and the Lower Thames Crossing as critical strategic infrastructure projects (and set out as Strategic Infrastructure Priorities in Figure 2.15) is also strongly supported.

Officers have been engaged with your officers, the London Borough of Bexley and others to explore the potential for rail improvements beyond the current Crossrail terminus at Abbey Wood and the County strongly backs the Mayor's support of the London borough of Bexley and adjoining Kent authorities in seeking an extension of the Elizabeth Line (paragraph 2.1.53). Support is also given to Policy T3, in classing it as a priority for delivery through planning decisions. Notwithstanding this, major capital contribution to the Crossrail extension, as well as for necessary infrastructure, will be required and funding support from the Mayor will be crucial.

3) Green Belt and Housing Needs

The commitment to growth within the London boundaries is supported. However, it is hard to see how the combination of 1) ruling out the de-designation of any areas within the inner edge of the Green Belt and 2) housing targets that will require a significant jump to delivery rates, will not result in placing significant pressure on meeting London's needs beyond the outer edge of the Green Belt. It is questionable if this is the most sustainable pattern of development.

The significance of paragraph 84 of the National Planning Policy Framework (NPPF), and in particular the need to promote sustainable patterns of development when reviewing Green Belt boundaries, should not be under-estimated, and was indeed a key issue raised at a number of Local Plan examinations². It is not clear how the London Plan accords with this paragraph of the NPPF.

With areas outside London being under pressure to commit to, and undertake, greenbelt reviews in order to accommodate high levels of growth, this same approach should be consistent across London. However, Policy G2 "London's Green Belt" is much more restrictive than national policy and would not create a level playing field between Local Plans outside London governed by national Green Belt policy and those within London.

Furthermore, the risk of adopting a policy that is much more restrictive to growth, in favour of strong Green Belt protectionism, will risk a reduction in the ability of London Boroughs to plan to meet their needs in their Local Plans. It is noted that a further proportion of the capital is also protected as "Metropolitan Open Land" where restrictions similar to Green Belt apply. The knock on effect will be that areas outside London are expected to accommodate a higher proportion of London's housing need in the future – which will likely be beyond the annual 1,000 houses already acknowledged in the draft London Plan.

² Including Coventry, Cheshire East, Cambridge City and South Cambridgeshire and the Vale of White Horse

As District and Borough Leaders representing all the districts and boroughs across Kent, Kent County Council and Medway Council, we look forward to the opportunity to work with you as work on the London Plan continues to develop, particularly around the drafting and progression of policies relating to the wider South East.

Yours sincerely

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Agenda Item 6

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 7

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.

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INFORMATION**

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Agenda Item 8

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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