

# TONBRIDGE & MALLING BOROUGH COUNCIL



## EXECUTIVE SERVICES

---

### Chief Executive

Julie Beilby BSc (Hons) MBA

Gibson Building  
Gibson Drive  
Kings Hill, West Malling  
Kent ME19 4LZ  
West Malling (01732) 844522

---

**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](mailto:committee.services@tmbc.gov.uk)

26 August 2016

To: MEMBERS OF THE CABINET  
(Copies to all Members of the Council)

Dear Sir/Madam

Your attendance is requested at an extraordinary meeting of the Cabinet to be held in the Civic Suite, Gibson Building, Kings Hill, West Malling on Tuesday, 6th September, 2016 commencing at 7.30 pm

Yours faithfully

JULIE BEILBY

Chief Executive

## A G E N D A

### PART 1 - PUBLIC

- |    |                          |       |
|----|--------------------------|-------|
| 1. | Apologies for absence    | 5 - 6 |
| 2. | Declarations of interest | 7 - 8 |

3. Matters Referred from Planning and Transportation Advisory Board of 5 July 2016 9 - 12

See subsequent report on Local Plan – The Way Forward.

**Matters for Recommendation to the Council**

4. Flooding Update: Tonbridge, Hildenborough and East Peckham 13 - 24

**Executive Non-Key Decisions**

5. Local Plan - The Way Forward 25 - 106

*(Larger scale (A2) map of the potential development circulated separately to all Members of Cabinet)*

*(Hard copy of the map is available on request for other Members. Please allow sufficient time before the meeting for the document to be produced.)*

6. West Malling Parish Neighbourhood Area 107 - 120
7. Business Rates Retention Consultation and Fair Funding Review 121 - 138
8. Urgent Items 139 - 140

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

**Matters for consideration in Private**

9. Exclusion of Press and Public 141 - 142

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**

10. Urgent Items 143 - 144

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

Councillor N J Heslop, (Leader) and (Economic Regeneration)  
Councillor M A Coffin, (Finance, Innovation and Property)  
Councillor Mrs M F Heslop, (Community Services)  
Councillor D Lettington, (Street Scene and Environment Services)  
Councillor H S Rogers, (Strategic Planning and Infrastructure)  
Councillor Miss S O Shrubsole, (Housing)

Members of the Council who are not members of the executive may attend meetings of the Cabinet. With the agreement of the Leader, any such Member may address the Cabinet on any item on the agenda but may not vote.

This page is intentionally left blank



Apologies for absence

This page is intentionally left blank

Declarations of interest

This page is intentionally left blank

## TONBRIDGE AND MALLING BOROUGH COUNCIL

### PLANNING AND TRANSPORTATION ADVISORY BOARD

Tuesday, 5th July, 2016

**Present:** 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 Mrs S M Hall, Cllr Mrs F A Kemp, Cllr M Parry-Waller, 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, T Bishop, M A Coffin, D J Cure, Mrs T Dean, N J Heslop, Mrs S L Luck, P J Montague, Mrs A S Oakley and H S Rogers were also present pursuant to Council Procedure Rule No 15.21.

An apology for absence was received from Councillor R D Lancaster

#### **PE 16/10 DECLARATIONS OF INTEREST**

There were no declarations of interest made in accordance with the Code of Conduct. However, Councillor M Balfour indicated that he was the Cabinet Member for Environment and Transport at Kent County Council. Councillor M Davis advised of a potential interest in that his legal firm acted for a number of landowners in the Borough but as this did not amount to either a Disclosable Pecuniary Interest or an Other Significant Interest in the circumstances of this report, he did not withdraw from the meeting.

#### **PE 16/11 MINUTES**

**RESOLVED:** That the notes of the meeting of the Planning and Transportation Advisory Board held on 12 January 2016 be approved as a correct record and signed by the Chairman.

#### **MATTERS FOR RECOMMENDATION TO THE CABINET**

#### **PE 16/12 LOCAL PLAN - THE WAY FORWARD**

The report of the Director of Planning, Housing and Environmental Health provided an update on progress towards completing the Local Plan evidence base and set out proposals and arrangements for the Local Plan Regulation 18 public consultations to commence in September together with emerging development strategies.

Consideration was given to the draft document comprising the Regulation 18 consultations and entitled "The Local Plan – The Way Forward" which would form the focus of the public consultation. It was noted that it would be refined and updated if necessary by evidence yet

to be completed prior to seeking the approval of the Cabinet on 6 September 2016. Two supporting documents relating to Sustainability Appraisal and Habitat Regulations Assessment were appended to the report and would also be subject to public consultation.

Considerable discussion ensued with Members complimenting the officers on the quality of the document while requesting its simplification for the purposes of the public consultation and suggesting some changes to the format including creation of an executive summary at the front of the document, provision of clear, large scale maps, definition of who the consultation was aimed at and explanation of such terms as “sustainability” and “sensitivity testing”.

Members commented and sought information and clarification on a range of issues including provision of affordable houses for rent, housing for older people, densities and implications for infrastructure. Reference was also made to extension of the Green Belt, maintenance of a “strategic gap” between Tonbridge and Malling and Maidstone and buffer zones around settlements. It was acknowledged that presentation of the updated strategic land availability with colour coding would assist residents in making choices about sites.

An information report circulated at the meeting summarised comments received from a group of parish councils on sites within Borough Green and vicinity. It was noted that these would be considered by the Borough Council when the public consultation had taken place. Some Local Members requested the deletion of reference to the Borough Green and Platt by-pass from the Local Plan document since there was support for the east facing slip roads at the M25 junction 5 as a preferred solution. Officers advised against elimination at this stage on the grounds that the infrastructure in that part of the Borough should be tested and addressed as part of the public consultation.

Members queried the opportunities to see the revised document before it was formally approved by the Cabinet. In order to adhere to the timescale for preparation of the Local Plan, the Leader suggested that a supplementary report be presented to the Cabinet on 6 September reflecting the discussions of the Advisory Board and any Members would be invited to make comments as appropriate.

**RECOMMENDED:** That

- (1) the progress in respect of the preparation of the Local Plan evidence base and the proposed next steps including the Regulation 18 public consultations be noted; and
- (2) the documents appended to the report be approved as the basis for that consultation subject to presentation of a supplementary

report to the Cabinet in the light of the discussions at the Advisory Board meeting.  
**\*Referred to Cabinet**

**MATTERS FOR CONSIDERATION IN PRIVATE**

**PE 16/13 EXCLUSION OF PRESS AND PUBLIC**

There were no items considered in private.

The meeting ended at 9.06 pm

This page is intentionally left blank



## TONBRIDGE & MALLING BOROUGH COUNCIL

### CABINET

06 September 2016

#### Report of the Management Team

#### Part 1- Public

#### Matters for Recommendation to Council

#### **1 FLOODING UPDATE – TONBRIDGE, HILDENBOROUGH AND EAST PECKHAM.**

**This report provides Members with an important update on the flood mitigation project relating to the areas of the Borough on the River Medway that are most vulnerable to flooding. It recommends that Cabinet supports the ‘fast-tracked’ evaluation of the flood mitigation schemes, and seeks Council’s approval to update the Capital Plan to include a capital grant, as a partnership contribution, of £500,000 (maximum) in 2020/21.**

#### **1.1 Background**

- 1.1.1 Members will recall that over the Christmas and New Year period of 2013/14 there were very significant and damaging flooding events in parts of the Borough. Areas of Tonbridge, Hildenborough and East Peckham were amongst the worst effected locations with hundreds of residential and business properties being severely impacted.
- 1.1.2 The effect of the flooding events were far reaching, had drastic and lasting impacts on communities and the recovery period was very extensive which in turn gave rise to significant costs. The Borough Council’s role during and following the flood events was one of community leadership as well as providing considerable practical support in partnership with other agencies.
- 1.1.3 A report was made to the Planning and Transport Advisory Board in November 2014, outlining the ongoing flood recovery work at that time. A copy of that report is included at **[Annex 1]** for Members awareness. In particular, the Council agreed to contribute £100K towards a partnership approach to develop a project to increase the capacity of the Leigh Flood Storage Area. It was also resolved that “officers continue to liaise closely with the Environment Agency and put forward a clear representation of the Borough Council’s wish to pursue the most robust solutions in the case of all the proposed flood mitigation works”.
- 1.1.4 In recognition of the wider area of flood risk in this part of Kent (for example at Yalding and Collier Street in Maidstone) a comprehensive and partnership-based

project approach was established, also involving the Environment Agency, KCC and Maidstone Borough Council, to examine the feasibility of flood mitigation measures on the Rivers Medway, Teise and Beult. Considerable work has been advanced taking into account updated modelling and looking at the cost and benefit of various options. This is necessary to justify the business case and ultimately the release of funds from the Department of Environment, Food and Rural Affairs (DEFRA) to the Environment Agency to proceed with flood mitigation schemes.

- 1.1.5 The project work has now reached an important stage and concluded that the improvement of the Leigh Flood Storage Area (FSA) to increase capacity, combined with an embankment scheme to defend Hildenborough will proceed to the next stage of development. The flood alleviation scheme at East Peckham will also proceed.
- 1.1.6 In respect of mitigation measures on the Beult and Teise, no practical flood storage solutions were found that offered significant benefit measured against costs. However, as a separate project the Environment Agency will now be working with partners to consider property and community resilience schemes that could bring greater benefit to communities in those areas.
- 1.1.7 Reaching this stage of clarity in the overall project has taken some time and analysis but is now a welcome milestone that will enable progress to be made on the schemes of most direct interest to communities in Tonbridge and Malling. Taken together the projects for the Leigh FSA, Hildenborough and East Peckham will provide significant levels of defence to approximately 2500 residential and business properties from a 1 in 100 year flood event. In short, the Environment Agency modelling indicates that if the works proposed are successfully implemented they will provide protection from the type of flooding events experienced in 2013/14.

## **1.2 Programme and Funding**

- 1.2.1 In respect of the Leigh FSA and Hildenborough the programme is for a detailed and final business case to be made to DEFRA early next year, in order to release the majority of the funding, followed by detailed design and implementation to enable the works to be completed by 2022. East Peckham would proceed on a similar timetable but as a separate scheme.
- 1.2.2 In terms of funding, the overall costs of the Leigh FSA and Hildenborough projects are currently estimated at £17.1m and the East Peckham scheme at £7.5m; a total cost of £24.6m. The core finance available from DEFRA is likely to be £15.5m and so discussions have recently focussed on partnership funding in order to address the apparent gap.
- 1.2.3 A bid has been submitted for funding from the Local Growth Fund by the Borough Council with participation from KCC and the Environment Agency. Two main planks for successful LGF bids are being able to demonstrate that a project will

lead to or unlock growth and that a partnership approach to funding has been achieved.

- 1.2.4 In the bid we have demonstrated how flood risk has been a practical constraint and a cost burden to new development and investment, particularly in and around central Tonbridge. The bid also portrays how relieving flood risk can assist the Council and its partners to deliver growth objectives through the Local Plan and foster new business investment and the provision of new homes as well as relieve the risk to existing households and firms.
- 1.2.5 The LGF bid has also needed to be as clear as possible about funding. In addition to the DEFRA core finance, the bid includes provision for a partnership contribution of £2.5m from KCC, £0.5m from Tonbridge and Malling, previous contributions to project development of £1m and potential contributions from business and landowners in the region of £0.6m. This leaves a funding gap of £4.5m which has formed the basis of the bid submitted to the LGF. Although that bid remains the subject of approval, the initial assessments and indications are favourable and should that come to fruition then the scheme can proceed as fully funded.
- 1.2.6 The Borough Council's own contribution to this project must, of course, be considered and approved by Council, following a recommendation by Cabinet, within the context of the Capital Plan. In order to move the project this far it has been necessary for a degree of commitment to be indicated, alongside other partners, so that the LGF bid could be realistically advanced and considered. We hope Members will appreciate that this has been done in general terms in order to give the project the best chance of success at this stage. It is, however, now necessary to seek the approval of the Council for a sum of £500,000 (maximum) to be allocated to this capital project.
- 1.2.7 In the normal course of events we would bring forward proposals for capital projects and associated funding to the Cabinet during the Budget cycle (February) so that consideration of potential schemes is not done in isolation. However, given the sensitive and high profile nature of this scheme and the need to confirm a funding commitment (capital grant) to enable other funding 'bids' to progress (see paragraph 1.2.5), it is necessary to bring this to Cabinet outside of the normal timescales as a 'fast-tracked' initiative.
- 1.2.8 Accordingly, a capital plan evaluation template is attached at **[Annex 2]** for Members to consider. Cabinet will note that the capital grant, if approved, is not likely to be required to be paid over until the financial year 2020/21.

### **1.3 Legal Implications**

- 1.3.1 Under the Flood and Water Management Act 2010, Kent County Council are the "lead local flood authority" with responsibility for setting the flood risk management strategy for Kent. TMBC is a "risk management authority", and must carry out its flood risk management functions in accordance with the strategy.

- 1.3.2 By s.111 Local Government Act 1972 a local authority may incur expenditure in order to facilitate, or in a manner which is conducive or incidental to, any of its functions, this would clearly include TMBCs flood risk management functions.
- 1.3.3 Section 1 of the Localism Act 2011 provides a general power of competence for all local authorities, which permits TMBC to do anything, including in this case incurring expenditure, which an ordinary individual might do, but subject to important restrictions. Where the general power overlaps with a pre-existing power, then any limitations imposed upon that pre-existing power also apply to the s.111 power. In the present circumstances, none of the limitations on the s.111 power would apply.

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

- 1.4.1 Members are aware that capital expenditure is currently funded from the revenue reserve for capital schemes, grants from government and other bodies, developer contributions and from capital receipts derived from the sale of assets. The reserve is finite, and therefore as part of the Capital Strategy the Council has agreed an 'annual allowance' of £200,000 for capital expenditure (excluding capital renewals and recurring capital expenditure).
- 1.4.2 The proposed capital grant, as the Borough Council's contribution to the flood mitigation project, is in excess of the Council's annual capital allowance. However, Members are advised that we have been able to release some of the existing commitments for funding from the reserve for two main reasons, and therefore this project can be considered outside of normal capital plan review process.
- 1.4.3 Firstly, the Council's own direct funding contribution to the Town Lock project has been reduced following the ability to allocate a greater proportion of developer contributions to the project. Secondly, as reported to the Communities and Housing Advisory Board in July the increased Disabled Facilities Grant allocation through the Better Care Fund will mean that the Council (in the short term at least) will not need to top up the funding received from its own resources.
- 1.4.4 The Director of Finance & Transformation will as a matter of course be reporting on these changes during the budget cycle, but advises that she is satisfied that there is now sufficient scope within the revenue reserve for capital schemes to allocate funding of £500,000 (maximum) as set out above.
- 1.4.5 Support for the fast-tracked evaluation as set out in **[Annex 2]** and the consequential update of the existing Capital Plan is therefore recommended.

#### **1.5 Risk Assessment**

- 1.5.1 The risk to communities of these projects not proceeding is very considerable in terms of severe disruption to households and loss to local business. Equally, the cost of the project and the Council's contribution must be weighed against the very significant recovery costs that could potentially occur should a major flooding event recur.

1.5.2 The risk to the project of the Council (or indeed other partners) not contributing could delay or prevent the success of the LGF bid and the realisation of the project as a whole, which is dependent on the various funds being available as described in this report.

1.5.3 As well as clear and significant benefits to the many homes and business in the local communities, the project would also provide better flood protection to some public leisure facilities, such as Tonbridge Pool, and those premises enjoyed by community clubs, such as Tonbridge Judians and the Bowls Club.

## 1.6 Equality Impact Assessment

1.6.1 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.

## 1.7 Conclusions and Recommendations

1.7.1 Taking into account the serious and devastating experience of the effected communities, the number of people and businesses impacted and the ongoing consequences, it is difficult to imagine a more worthy use of resources than to address the issues of flood risk mitigation as outlined in this report.

1.7.2 It is true that financing flood mitigation is not a direct duty of the Borough Council. However, the way in which funding works for such schemes now inevitably requires a significant amount of partnership funding in one form or another. In view of the appropriate level of community leadership taken on by the Borough Council during the floods of 2013/14 it now seems most appropriate for a partnership contribution, in the form of a capital grant, to be made to the proposed project.

1.7.3 Cabinet is, therefore, RECOMMENDED to:

- 1) Support the 'fast-tracked' evaluation of the flood mitigation schemes for Leigh, Hildenborough and East Peckham as evidenced in **[Annex 2]**; and
- 2) Seek Council approval to the updating of the existing Capital Plan to reflect a capital grant, as a partnership contribution, towards the project of £500,000 (maximum) in 2020/21.

Background Papers:  
Report to the Planning and Transport Advisory Board  
November 2014

contact: Steve Humphrey  
Julie Beilby

Steve Humphrey  
Director of Planning, Housing and Environmental Health

This page is intentionally left blank

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

**18 November 2014**

**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 FLOODING UPDATE**

**This is a progress report on flood recovery within our borough following the events over the Christmas/New Year period and presents the Newsletter prepared for residents of these affected communities.**

**1.1 Introduction**

1.1.1 This report provides an update on the aspects and issues relevant to our involvement in the flood recovery and attached to the report is the multi-agency Technical Group Newsletter which is being distributed to residents across the flood affected areas of the borough.

**1.2 Multi-Agency Recovery Strategy**

1.2.1 Members will be aware that we have been participating in the county-wide Strategic and Tactical Recovery Coordinating Groups throughout the year which are chaired by Kent County Council. The aim of these groups is to work in partnership to support affected individuals, communities and organisations to recover from the floods and to return to a state of normality. Many of our residents are now back in their homes however at the start of this month there were still 32 properties where extensive repairs have been needed following the flood damage and are still not complete. These houses remain unoccupied.

**1.3 The Multi-Agency Technical Working Group**

1.3.1 The Technical Working Group was set up in February following the various public engagement meetings across the Borough. It consists of representatives from the organisations with an involvement in flood risk management and has been working consistently throughout the year to ensure that existing flood defence systems are sound and the sewer systems and drains are as functioning as intended.

1.3.2 In addition to this the Environment Agency is working on some key flood defence projects and we have been liaison closely on a range of design matters with them.

When implemented these measures will provide increased protection for local residents and businesses. The schemes are:

- Avebury Avenue, Tonbridge flood defence – this project is in the planning stages and the Environment Agency hope to start construction in early 2015
- Hildenborough flood defence – construction is planned to take place in the summer of 2015
- East Peckham and Little Mill – the Environment Agency hope to be able to progress this project in 2015/16
- Leigh Flood Storage Area – there will be a partnership approach to developing this project which will increase the capacity within the Leigh Flood Storage Area. This will be formed of the Environment Agency, KCC and TMBC. TMBC has agreed to contribute £100k from the “Flood Recovery and Defence” reserve we set up at the end of last year for an assessment of the options and the delivery of an outline design. Maidstone Borough Council will also participate in this project with a view to reducing flood risk at Yalding. We are working on a legal agreement to formalise this approach. The Borough Council will also be party to a bid to the Local Enterprise Partnership (LEP) for capital funding towards this project to ensure that it is constructed as soon as possible.

1.3.3 Further information relating to each of these projects can be found in the Technical Newsletter in **Annex 1**.

## **1.4 Flood Wardens**

1.4.1 A second training session for Flood Wardens was held at Kings Hill on 18 October. This has reinforced the Flood Warden numbers in Hildenborough and East Peckham and we now have six trained Flood Wardens in Tonbridge.

1.4.2 The Wardens for Hildenborough and East Peckham will operate under the parish flood/emergency plans and these are being updated with assistance from the Environment Agency and the Kent Resilience Team as necessary. In Tonbridge we are working closely with the Environment Agency and KCC Emergency Planning to develop a Community Plan for the Tonbridge area. An initial scoping meeting to develop this plan has been held with some of the Tonbridge Flood Wardens and we hope to have firm arrangements in place shortly to ensure that the Flood Wardens operate effectively and in a coordinated way in liaison with our staff and other agencies as appropriate.

1.4.3 All Flood Wardens are provided with a Flood Warden Handbook and basic equipment appropriate for the role.



## 1.5 Legal Implications

- 1.5.1 A legal agreement will be prepared for our involvement in the Leigh Flood Storage Area project.

## 1.6 Financial and Value for Money Considerations

- 1.6.1 A contribution of £100k will be made to the Environment Agency who are leading on the Leigh Flood Storage Area scheme.

## 1.7 Risk Assessment

- 1.7.1 Not required.

## 1.8 Equality Impact Assessment

- 1.8.1 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.

## 1.9 Policy Considerations

- 1.9.1 Community

## 1.10 Recommendations

- 1.10.1 Members are asked **TO NOTE** and **ENDORSE** the position set out in the report, including a contribution of £100k from the Flood Recovery and Defence reserve towards an assessment of the options and the delivery of an outline design for the Leigh Flood Storage Area scheme.

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: Mike O'Brien

Nil

Steve Humphrey

Director of Planning, Housing and Environmental Health

This page is intentionally left blank

## CAPITAL PLAN LIST C – EVALUATIONS

Project		Leigh Flood Storage Area(FSA), Hildenborough flood protection bund and East Peckham flood mitigation scheme					
1	<b>Specification:</b>						
	(i)	<b>Purpose of the scheme</b>	To provide flood protection and reduce flood risk to local households and business premises and a range of community and leisure facilities, including those in the ownership of the Council, particularly in central Tonbridge.				
	(ii)	<b>Relevance to National / Council's Strategic Objectives</b>	(a) National: DEFRA strategy to reduce flood risk (b) Council: Council priority (4c) to ' <i>reduce the risk of flooding of residential and commercial properties</i> ' and (3b) <i>promote and support the sustainable development of Tonbridge Town Centre</i> '				
	(iii)	<b>Targets for judging success</b>	Reduced incidence of flood impact on residential and business properties. (Note: the numbers of properties impacted by flooding were recorded following the flood events of 2013/14. These form a very worst case baseline of extraordinary circumstances that the projects are designed to prevent) Overall reduction in flood risk to properties in a 1:100 year flood event.				
2	<b>Description of Project / Design Issues:</b> The project consists of improvements to the Leigh FSA, a flood protection bund around the southern side of Hildenborough and a flood mitigation scheme at East Peckham. Each of the projects has been justified on the basis of updated modelling of the river catchment, have been evaluated against the DEFRA cost/benefit criteria and are now at outline design stage.						
3	<b>Consultation:</b> The project is being led by the Environment Agency supported by a partnership arrangement involving the Borough Council and KCC. The partnership has carried out public consultation via events and newsletters throughout the development of the project.						
4	<b>Capital Cost:</b> The overall project cost is estimated at £24.6m. This is proposed to be funded by DEFRA core funding (£15.5m), KCC (£2.5m), TMBC (£0.5m), private sector and landowner contributions (£0.6m), previous project development contributions (£1m – of which TMBC £100k). A bid has also been submitted by the Borough Council for Local Growth Funding of £4.5m.						
5	<b>Profiling of Expenditure</b> The Borough Council will be expected to enter into a legal agreement in respect of its partnership contribution early in 2017, although it is unlikely that the funds will be drawn down until 2020/2021						
		<b>2017/18 (£'000)</b>	<b>2018/19 (£'000)</b>	<b>2019/20 (£'000)</b>	<b>2020/21 (£'000)</b>	<b>2021/22 (£'000)</b>	<b>2022/23 (£'000)</b>
					<b>£500,000</b>		
6	<b>Capital Renewals Impact:</b> Not applicable						

## CAPITAL PLAN LIST C – EVALUATIONS

	7	<b>Revenue Impact:</b> Loss of investment income estimated at £25,000 (based on rate used currently for capital plan evaluation purposes)		
	8	<b>Partnership Funding:</b> See capital cost above.		
	9	<b>Post Implementation Review:</b> The overall project is estimated for completion in 2022.		
	10	<b>Screening for equality impacts:</b>		
		<b>Question</b>	<b>Answer</b>	<b>Explanation of impacts</b>
		a. Does the decision being made or recommended through this paper have potential to cause adverse impact or discriminate against different groups in the community?	No	
		b. Does the decision being made or recommended through this paper make a positive contribution to promoting equality?	No	
		c. What steps are you taking to mitigate, reduce, avoid or minimise the impacts identified above?	N/A	
	11	<b>Recommendation:</b> Transfer to Capital Plan (List A)		

## TONBRIDGE & MALLING BOROUGH COUNCIL

### CABINET

06 September 2016

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

#### Part 1- Public

#### Executive Non Key Decisions

#### 1 LOCAL PLAN – THE WAY FORWARD

**This report addresses the key points raised at the Planning and Transportation Advisory Board meeting on 5<sup>th</sup> July and updates the documents and arrangements that will form the basis of the Local Plan public consultation due to commence later this month.**

#### 1.1 Background

- 1.1.1 The Planning and Transportation Advisory Board at its meeting on the 5<sup>th</sup> July considered a report updating progress in respect of the Local Plan evidence base and setting out proposals and arrangements for the first major public consultation exercise as required by Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012, anticipated to commence later this month.
- 1.1.2 Members requested that consideration be given to simplifying the consultation document in the form of an executive summary and providing better quality mapping to assist the intended audience.
- 1.1.3 Members also raised a number of issues it was hoped could be addressed through the Local Plan process including, delivering affordable housing provision (specifically the role of the private rented sector); planning for housing for older people; accommodating higher housing densities and the implications for infrastructure; the extent and role of the Metropolitan Green Belt; and also the future of the Strategic Gap policy.
- 1.1.4 To ensure that the Local Plan timetable is not delayed, it was agreed that Cabinet should consider any changes to the consultation documents arising from the Board meeting so that arrangements can be put in place to commence the consultation exercise towards the end of September.

#### 1.2 Summary of Revisions to the Consultation Documents

- 1.2.1 In response to the matters raised at Board, a succinct summary of the Way Forward has been prepared, which aims to raise awareness of the Local Plan

process, 'tell the story' to date and signpost the reader to the main consultation documents, which have also been edited to reflect Member's comments. The summary will be used as an introduction to the main consultation document but can also be read and used as a stand-alone explanatory note. There is also a section at the rear of the summary explaining how to respond in a number of different ways ranging from an electronic survey accessed via our website, through more traditional methods such as in writing or by email.

- 1.2.2 The most significant change to the main document entitled the Way Forward is in the form of a more informed explanation of the proposed strategy by highlighting the main elements and describes how they meet the guiding principles and deliver wider planning objectives.
- 1.2.3 The mapping will be created in such a way as to offer the maximum amount of detail available and appropriate at this stage. A larger scale, more detailed map has been prepared to illustrate the potential development strategy, which will be made available at A2 size to accompany the hard copies of the document. There will also be an electronic version of the map accessible via our website, which will have a zoom function similar to the map used for the Interim Sites Assessments. This will 'go live' as the consultation exercise gets underway. Within the Way Forward there will be some insert maps to illustrate the key areas of consideration. These measures should address the helpful issues raised regarding the quality of the map.
- 1.2.4 As noted at the Board meeting there have been some updating changes to parts of the evidence base, particularly in respect of the Interim Sites Assessments. These changes will be incorporated into a revised set of Sites Assessments and will be uploaded to the website. This has resulted in some amendments to the sites included in the potential development strategy. The two main changes are the removal of site 421 north of Tonbridge Road, Hildenborough as there remains uncertainty over the availability of the site and a revision to the site boundary of site 196 north of Dry Hill Park Road Tonbridge to reflect the fact that a portion of the site in the ownership of Tonbridge School was submitted in error. The revised map is included in the Way Forward appended to this report.
- 1.2.5 Minor amendments have also been made to the Scoping report for the Sustainability Appraisal to reflect this. No changes have been necessary for the Habitats Regulations Assessment document.
- 1.2.6 Other parts of the evidence base are in the process of being updated, which may require minor amendments to the consultation documents prior to the launch of the consultation exercise, but these are not expected to be significant.
- 1.2.7 The revised Way Forward document, including a new executive summary and larger scale map of the potential development strategy together with an 'infographic' summarising the key points are appended to this report for approval. These documents together with the Sustainability Appraisal Scoping report and

Habitat Regulations Assessment report, which were considered by the Board in July, will form the basis of the consultations due to commence later this month.

### **1.3 Consultation Arrangements**

- 1.3.1 Subject to Cabinet approval, the anticipated start of the consultation exercise will be Friday 30th September concluding eight weeks later on the 25th November, which is longer than the minimum statutory consultation period of six weeks.
- 1.3.2 The main focus of the consultation will be the documents appended to this report. The Way Forward document is structured in a way that enables the reader to fully understand the Local Plan process as prescribed by national planning guidance before summarising the main issues arising from the evidence and proposing a potential development strategy. Set questions are posed throughout to provide consultees with a structure for responding, although comments can be made in a variety of ways on any aspect of the emerging Local Plan.
- 1.3.3 The executive summary and infographic are simpler formats summarising the main points and raising awareness of the Local Plan and the importance of this consultation. With signposting to the fuller consultation documents and the evidence base and clear advice on how to respond, these consultation tools should enable as many people as possible to get involved with the Local Plan.
- 1.3.4 As the consultation opens all the documents will become available on the website along with an electronic survey setting out the 15 set questions in the Way Forward. There will be hardcopies at the two main Council Offices and all libraries and further copies will be made available to all of the Parish and Town Councils.
- 1.3.5 There will be media briefings arranged prior to the launch and further publicity in the form of social media and posters for public notice boards. The Parish Partnership Panel on the 8<sup>th</sup> September will be used as an opportunity to brief local councils of the consultation arrangements and encourage them to work with their local communities to raise awareness and respond. This follows a previous briefing for Parish Councils held at the end of June in the lead-in to the PTAB meeting. An update can also be given to the Tonbridge Forum on 12 September.
- 1.3.6 There will also be a small number of manned exhibitions around the Borough during the 8 week consultation exercise to enable residents to discuss their views face to face with a planning officer should they wish. The number and duration of the manned sessions will have to reflect the limited resources available to the Local Plans Team during this busy stage of plan making.
- 1.3.7 Similarly, requests for meetings will have to be managed proportionately to the resources available. In order to plan for this eventuality, it is proposed that there will be a small number of Local Plan events for Parish and Town Councils and other local amenity and community groups who have expressed an interest in the Local Plan process during the consultation period.

1.3.8 These events will be located as far as possible so that they are accessible by local councils and other local groups. It is envisaged that there will be one or two representatives from each invited organisation. This seems to be a practical way of managing this aspect of the consultation programme and while there may be some flexibility to enable additional officer attendances at meetings on request we must be realistic in controlling and managing our resources. This approach can be explained at the Parish Partnership Panel on 8 September. A progress report will be made to the November meeting of the Planning and Transportation Advisory Board with a full report responding to all of the responses received to follow the close of the consultation exercise. This will inform the next stage of the Local Plan and a further round of consultations currently timetabled for the spring of 2017.

## **1.4 Conclusions**

- 1.4.1 This report responds to the matters raised at the Planning and Transportation Advisory Board in July in respect of the documents and arrangements for the first major public consultation exercise for the Local Plan required by Regulation 18 of the Local Plan Regulations.
- 1.4.2 Subject to the approval by the Cabinet the consultations, as described in section 1.3 of this report, will commence on 30<sup>th</sup> September and run for eight weeks.

## **1.5 Legal Implications**

- 1.5.1 Local Planning Authorities are required to prepare and keep up to date a Local Plan for their area. Failure to do so puts the Council's ability to manage development and plan positively at risk.
- 1.5.2 National planning guidance and the Local Plan Regulations require Local Planning Authorities to consult on their Local Plans for soundness. The minimum statutory period for such consultations is six weeks, but the consultation planned for late September will run for eight, going beyond the minimum to assist those who would wish a little more time. This approach is in line with the emerging Parish Charter.

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

- 1.6.1 The costs of the consultations including printing, advertising, venue hire and staff time can be met from existing budgets.

## **1.7 Risk Assessment**

- 1.7.1 The Regulation 18 consultations for a Local Plan are an important part of the statutory process intended to allow as many people that are affected by the proposals to be involved. Failure to do so runs the risk of the Plan being found unsound.



## **1.8 Equality Impact Assessment**

- 1.8.1 The consultation arrangements have been prepared in a way that provide a range of opportunities to access the information and respond so that as many people as possible may have their say.

## **1.9 Policy Considerations**

- 1.9.1 When finalised, the Local Plan will replace the adopted Local Development Framework, which provides the local planning policy context for Tonbridge and Malling. The emerging Local Plan will gain weight as a material planning consideration as the process progresses.

## **1.10 Recommendations**

- 1.10.1 That the documents appended to this report form the basis of the Local Plan Regulation 18 public consultations as described in section 1.3.

Background papers:

Nil

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

Steve Humphrey  
Director of Planning, Housing  
and Environmental Services

This page is intentionally left blank

# Appendix 1

## Tonbridge & Malling Borough Council

Local Plan

# 'The Way Forward'

Regulation 18  
Issues and Options

**\*DRAFT\***

September 2016





## Foreword

We would like to thank you for taking part in this consultation on the new Local Plan for Tonbridge & Malling.

This consultation marks the first stage of plan-making. It is about identifying and sharing with you the issues the borough will face in the coming years and how we could, through positive planning policy, provide for the needs of our communities in a way that is responsible and sustainable.

There are many issues we need to consider including homes, jobs, community facilities and transport. We also need to recognise the importance of protecting valued natural and heritage assets and understand matters such as flood risk and biodiversity.

As this is the first stage of plan-making, this consultation focusses on strategic matters and we are keen to receive your views on the direction the Local Plan should take.

We hope that you take this opportunity to help us in preparing a new Local Plan for Tonbridge & Malling by responding to the questions posed in this document.



Cllr Nicolas Heslop  
Leader of the Council



Cllr Howard Rogers  
Cabinet Member for Strategic  
Planning and Infrastructure



# **A New Local Plan for Tonbridge and Malling - The Way Forward Explained**

## **Introduction**

Tonbridge and Malling Borough Council is preparing a new Local Plan. This is a very important document that will guide and manage future development in the Borough up to 2031.

The purpose of having a Plan is to identify future needs for new homes, jobs and community facilities such as schools, medical facilities, roads and public open space and then to put policies and plans in place to meet them. The Plan also provides a framework for considering and determining planning applications for anything from home improvements to major new developments.

Most people only become aware of Local Plans when they make a planning application themselves or if they have been consulted on an application nearby, but most Local Authorities have one and they have to be kept up to date. In areas where there are no Plans in place or existing Plans are becoming out of date Local Authorities and the communities they serve have less control over where and when development can take place.

Fortunately, Tonbridge and Malling is not in this position. We have an existing Plan adopted between 2007-10 and sufficient land supply to meet our needs for at least the next five years. But we must not be complacent. The Government wants Local Authorities to prepare their new Local Plans as soon as possible to take on board the planning reforms introduced over recent years which are mainly aimed at providing for economic growth and ensuring a strong future supply of new homes. That is why we are pushing ahead with our timetable, which will see the new Plan adopted in 2019.

During this consultation we would like to invite you to become involved and share your views and comments on the emerging Plan. We will help you by guiding you through the process and by offering a number of different ways to get engaged during this consultation exercise.

Your comments will be carefully considered and taken into account as the Plan progresses. There will also be further consultations and opportunities for comment before the Plan is submitted to the Government next year.

This short note summarises the progress we have made so far in compiling the evidence to support the Plan. It also sets out as simply as possible some of the national and local planning objectives that we are seeking to achieve. It then looks at a proposed way forward in the form of a potential development strategy.

More detailed policies will follow in future drafts of the Plan while at this stage we are setting out the main issues for the Plan to address and establish a high level approach that will form the basis for the rest of the Local Plan.

This note will conclude by signposting and offering links to further information and full versions of the consultation documents as well as a summary of how to get involved.

## **A New Local Plan for Tonbridge and Malling – Progress So Far**

In order to plan for future development we have to understand what future needs will be and this has been the focus of the work so far. One of the most fundamental needs is for homes and for this reason one of the first pieces of evidence prepared was something called a Strategic Housing Market Assessment or SHMA.

This estimates the need for new housing up to 2031 based on population changes, how households change and how people moving into and out of the Borough. It also looks at ‘hidden households’, where people are not able to get the homes they need usually because of the affordability of the housing that is available.

The SHMA also considers where the needs should be met in the Borough depending on where the need arises, the type and tenure of housing (from flats to family homes, homes for older people and those buying their first home, for ownership or renting) and importantly, the affordability of new housing.

The SHMA will continue to be reviewed regularly to ensure it is up to date. In the summer of 2016 our need was for 13,460 new homes over the 20 year Local Plan period or 673 a year. However, once existing planning permissions and known sites are taken into consideration, we need to find land for approximately 6,000 additional homes. To put that into context, there are currently about 3,000 homes at Kings Hill.

To begin the process of finding sites where this future growth could be located we have also invited suggestions through a ‘call for sites’ during which we received over 250 submissions across the Borough. These have been assessed for their practical potential to deliver future growth by 2031. This exercise forms part of our Strategic Land Availability Assessment (or SLAA) which is an important part of our evidence but does not mean that the sites coming through will end up being allocated for development. We do believe though, that the evidence shows that we should be able to provide for our future housing needs. Other parts of the evidence base have considered our future needs for employment land and jobs. Like the housing assessments, this has been broken down into what type of employment land and jobs are needed and where it should be located. The evidence shows that we need



to find up to a further 33 hectares of employment land up to 2031 or the equivalent of about 20 football pitches.

This Local Plan will consider the best way to meet our future development needs and also deliver some of our other planning objectives, such as improving community facilities and protecting the best of our local environment, heritage assets and amenities. The consultation document 'The Way Forward' explains how we propose to do this and we would really appreciate your views, particularly in respect of the suggested development strategy.

Once the development strategy starts to take shape the rest of the Local Plan can be worked up, such as deciding where new schools and GP surgeries will be located, how and when improvements to the road network and other forms of transport will be introduced and the preparation of more detailed planning policies to supplement the national planning framework. We will also seek your views on these next year.

### **The Way Forward – A Proposed Development Strategy for the Local Plan**

The Way Forward document explains in more detail why we are preparing this Plan, what it has to address and the thinking that leads to a proposed strategy. Questions are posed throughout the document and there are a number of ways that you can respond, which will be explained at the end of this note.

To meet the needs we have identified we start by looking at the sites and opportunities that the Government and our own residents would expect us to prioritise, for example, any sites that have been previously developed (also known as 'brownfield' sites) and other sites located within built up areas that are at the least risk from flooding. There are also sites in the current Plan that have been previously identified as having potential for meeting future needs, safeguarded sites and opportunity areas. We have called these the building blocks for the strategy. They are the obvious starting point, but they alone will only meet about a third of our needs.

To meet the remainder we have applied a number of guiding principles based on national and local planning policy objectives. These include meeting needs where they arise across the two housing market areas and making the most of existing infrastructure by locating development around transportation hubs, for example in locations close to railway stations and bus routes.

It is also important to ensure that there is a range of sites, both large and small, so that the benefits of new growth can sustain local services and businesses in some of our smaller settlements while also delivering a higher volume of new homes through

larger developments to sustain our 5 year housing land supply which we are required to make available.

Some of those larger sites may also provide opportunities to deliver much needed, strategic infrastructure improvements, such as relief roads or new schools, the funding for which from more traditional sources is falling. However, they should be of a proportionate size capable of delivering the infrastructure to meet the needs of the new community.

The potential development strategy contained in the Way Forward is derived from tackling the issues arising from the evidence described earlier and working with these building blocks and guiding principles to suggest a quantum and distribution of future development that best meets our future needs while delivering on a number of national and local planning objectives in the most sustainable way.

We would welcome your views on the Way Forward whether you think we have got it about right or if you think there might be an alternative way. Further information on how to get involved can be found below.

### **How to Get Involved in the Local Plan and Have Your Say on the ‘Way Forward’**

The first public consultations on the new Local Plan for Tonbridge and Malling will commence on Friday 30th September 2016 and run for 8 weeks closing at 5pm on the 25th November.

There will be copies of everything you need on our website, but if you would prefer to see a hard copy of the consultation documents they will be placed at the Borough Council’s main offices at Kings Hill and Tonbridge Castle, all libraries in the Borough. Copies will also be provided to each of the 27 Parish and Town Councils in Tonbridge and Malling.

There are 15 set questions in the consultation document, which we would welcome your comments on either in writing, by email or by filling out a survey on-line. Alternatively you may wish to make your own comments, which again, we would welcome either in writing or by email (see addresses at the foot of this note).

There will be some small public exhibitions around the Borough for set periods during the 8 week consultation and these will be manned at times if you would prefer to talk to one of us about the Local Plan. Details can be found on our website.

To find out more about the Local Plan, the evidence base and see the full consultation documents and how to respond please visit our web-site here:

<https://www.tmbc.gov.uk/services/planning-and-development/planning/planning-local-plans>

Our address is: Tonbridge and Malling Borough Council, Local Plans Team, Gibson Building, Gibson Drive, Kings Hill, West Malling, ME19 4LZ

Our email address is: [localplan@tmbc.gov.uk](mailto:localplan@tmbc.gov.uk)

If you would like to be kept up to date with progress on the Local Plan and/or be contacted as part of future consultations you may wish to be included on our Local Plan mailing list? If so please send us your name and address and/or email address.

We look forward to hearing from you.

## The Local Plan must address:

A Housing need of 13,460 units  
(2011-2031) **(673 homes per year)**



A need of up to **33ha** of industrial space



.....and consider a significant number of potential development sites

## What else....

- Jobs and economic development
- The Green Belt
- Local Standards
- Tonbridge Town Centre
- and many more!

We want to achieve a future for the borough where people have a desire and ability to live locally because of the **quality of life.**

### How?



Respond positively to locally assessed need for homes and jobs

Protect high value, important natural and heritage assets



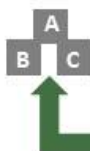
Support and sustain local communities across the borough

Deliver sustainable growth to support the urban and rural economies



## We need to work out a strategy....

### The 'foundations' (building blocks)



- Utilising brownfield land, at low risk of flooding within existing settlements/built confines
- Utilising land safeguarded in the existing Development Plan and the Area of Opportunity

**but these don't meet our needs!**

★ Some other guiding principles are needed:

We could consider land adjacent to a range of settlements (including urban areas), look at land in the least constrained parts of the borough, or land close to transport hubs, we could look at a mixed portfolio of sites both big and small, and consider a sustainable level of growth to facilitate improvements to infrastructure.....

**Our Potential Strategy is on pg. 63 of this document**



### Get involved

We want your comments on our Potential Development Strategy and the consultation questions (pg. 47 of this document). There are many ways to get in touch!( see pg. 45)



# Table of Contents

<b>1. INTRODUCTION</b>	<b>1</b>
1.1. What is the role of the Local Plan?	1
1.2. Why is it important to be involved with the making of a new Plan?	1
1.3. What is this consultation exercise aiming to achieve?	1
<b>2. CONTEXT</b>	<b>3</b>
2.1. Why is there a need to prepare a new Plan now?	3
2.2. What are the expectations of the Government?	3
2.3. Why is the Government keen to meet needs and boost significantly the supply of housing?	4
2.4. What are the risks of not preparing a new Plan or preparing a new Plan that does not respond to the Government's objectives?	4
2.5. What are the benefits of preparing a new Plan that responds to the Government's objectives?	5
<b>3. PLAN-MAKING PROCESS</b>	<b>7</b>
3.1. How will the new Local Plan be prepared?	7
3.2. How will the Plan be assessed?	8
<b>4. LOCAL PLAN ISSUES AND OBJECTIVES</b>	<b>9</b>
4.1. How were the issues identified?	9
4.2. What broad issues does the existing evidence identify?	9
4.3. What key issues has the evidence identified?	16
4.4. What the Local Plan cannot address	16
4.5. Which key objectives does the Plan need to address?	17
<b>5. LOCAL PLAN – STRATEGY CONSIDERATIONS</b>	<b>19</b>
5.1. Introduction	19
5.2. What are the building blocks for the Local Plan strategy?	19
5.3. How can the building block opportunities be assessed?	19
5.4. How is the potential contribution of each building block assessed?	20
5.5. How do the building blocks perform in the assessment?	21
5.6. Which principles should guide the development strategy for the new Local Plan?	21
5.7. What do we need to consider when applying the guiding principles to the formulation of a development strategy for the Local Plan?	23
5.8. How can we find a proportionate policy response?	24
5.9. What could a sustainable development strategy for the new Local Plan look like?	25
<b>6. LOCAL PLAN – OTHER KEY STRATEGIC CONSIDERATIONS</b>	<b>35</b>
6.1. How should the new Local Plan respond to the economic evidence?	35
6.2. What should be the future role of Tonbridge Town Centre?	36
6.3. What should the Green Belt boundaries be in the Local Plan?	37
<b>7. LOCAL PLAN – MANAGING DEVELOPMENT</b>	<b>41</b>
7.1. In delivering sustainable growth, what issues are important to you?	41
7.2. How should the Local Plan respond to the optional National Standards?	42
<b>8. LOCAL PLAN – PARTICIPATION</b>	<b>45</b>
8.1. How can you participate in this consultation?	45
Appendix A: Glossary of Terms	51
Appendix B: Key Constraints	53
Appendix C: Building Blocks Assessment Pro-forma	55
Appendix D: Building Blocks (A, B and C) Pro-formas	57
Appendix E: Combined Building Blocks (A, B and C) Map and Pro-forma assessment	61
Appendix F: Potential Development Strategy	63



# **Tonbridge & Malling Borough Local Plan**

## **The Way Forward**

**An invitation to have your say in shaping the future of  
where you live**

### **1. Introduction**

#### **1.1. What is the role of the Local Plan?**

1.1.1. The Local Plan should set out a vision and a framework for the future sustainable growth of the borough, addressing needs and opportunities for housing, the economy, community facilities and infrastructure as well as safeguarding natural and heritage assets and securing good design.

#### **1.2. Why is it important to be involved with the making of a new Plan?**

1.2.1. Your involvement will help the overall understanding of local priorities, opportunities for sustainable growth and constraints to future development.

1.2.2. This consultation is an opportunity to shape policies that, once adopted, will represent the starting point for decision-taking on development proposals for the next 10-15 years.

#### **1.3. What is this consultation exercise aiming to achieve?**

1.3.1. To have a clear direction the Plan needs to take account of local views in responding positively to meeting the needs of communities. It is important that we encourage constructive thoughts and support about how we can plan in this way.





## 2. Context

### 2.1. Why is there a need to prepare a new Plan now?

2.1.1. The Borough Council's existing [Development Plan Documents](#) are now a little dated; there is a need to respond to the [National Planning Policy Framework](#) and importantly to reflect current local evidence including objectively assessed needs for homes, land availability, flooding and employment.

### 2.2. What are the expectations of the Government?

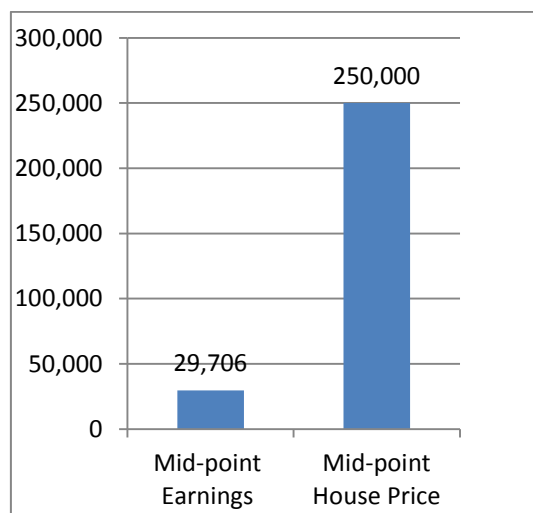
2.2.1. The Government's objectives are set out in the [National Planning Policy Framework \(NPPF\)](#). The NPPF places Local Plans at the heart of the planning system, so it is essential that they are in prepared and kept up-to-date. It makes it clear that local authorities should:

- positively seek opportunities to meet the development needs of their area (para.14)
- boost significantly the supply of housing (para.47)
- follow the approach of the presumption in favour of sustainable development so that it is clear that development which is sustainable can be approved without delay (para.15)
- deliver a sound plan which is positively prepared in terms of seeking to meet objectively assessed needs; is justified by the evidence; is deliverable; and consistent with national policy, (para. 182)
- work with neighbouring authorities to ensure that strategic priorities across local boundaries are properly coordinated and clearly reflected in individual Local Plans (para.179).
- have regard to conserving biodiversity as part of policy and decision making. This is known as the Biodiversity Duty.

### 2.3. Why is the Government keen to meet needs and boost significantly the supply of housing?

2.3.1. The supply of housing across the country, particularly in the South-East, is not keeping up with need. This mismatch has meant that affordability has become an acute problem.

Figure 1: Earnings compared with house prices in Tonbridge & Malling (2014)



Source: Strategic Housing Market Assessment (Figures 26 & 31) (June 2015)

2.3.2. In Tonbridge & Malling, mid-point house prices (overall) are over 8 times greater than mid-point earnings.

2.3.3. This means that there are many households in Tonbridge & Malling that are unable to access the housing market. Adding to the supply of homes of varying types, sizes and tenures will help address this. The Local Plan should take a constructive and positive stance towards meeting identifiable needs for new homes which will inevitably mean some challenging decisions in some parts of the borough.

### 2.4. What are the risks of not preparing a new Plan or preparing a new Plan that does not respond to the Government's objectives?

2.4.1. There are three significant risks:

- Uncertainty – The absence of a plan means that there would be no confidence over where development may or may not happen over the next 10-15 years. It could also stifle labour supply and economic growth.

- Planning by Appeal – The absence of a plan means that decisions on proposals will increasingly be made at Appeal rather than through local decision making
- Government intervention - If the Borough Council does not move forward with plan-making, there is the risk that the Government will intervene and force a local plan to be prepared for the borough.

2.4.2. All of these risks have one thing in common; reduced local influence over what happens in the borough.

## **2.5. What are the benefits of preparing a new Plan that responds to the Government's objectives?**

2.5.1. A sound plan, shaped by local people, provides certainty, and therefore confidence, in many ways:

- Clarity over where sustainable growth should take place.
- Certainty over the level of growth needed to deliver improvements in infrastructure to benefit existing and new communities.
- Supports economic growth.
- Clarity over which important natural and heritage assets can be protected from development.
- Ensuring that the basis for decision-making on proposals is clear and has been shaped by local evidence and local communities through on-going engagement.



### **3. Plan-making process**

#### **3.1. How will the new Local Plan be prepared?**

3.1.1. The starting point in the process is gathering evidence about key matters that will influence future development. The Council has collated, and continues to update, evidence covering matters including, population housing, jobs and flooding, as set out below. This has been shaped by the expectations of the Government. This evidence is explained in more detail in Section 4.

- Strategic Housing Market Assessment
- Strategic Land Availability Assessment
- Housing Land Supply Position
- Economic Futures Forecasting
- Employment Land Review
- A20 Corridor Study
- Gypsy and Traveller Accommodation Assessment
- Strategic Flood Risk Assessment
- Kent Habitats Survey
- Green Belt Study
- Plan Viability

3.1.2. This consultation is the next stage and introduces the issues the new Plan will need to tackle, together with the potential responses available to positively respond to them.

3.1.3. The Borough Council will carefully consider responses received during the initial consultation. This will inform the next stage in the plan-making process.

3.1.4. The full timetable can be found here: [www.tmbc.gov.uk/localplan](http://www.tmbc.gov.uk/localplan)

### 3.2. How will the Plan be assessed?

- 3.2.1. The environmental, economic and social credentials of the development options and policies in the emerging Local Plan will be subject to a **Sustainability Appraisal** (SA). The Sustainability Appraisal plays an important role in demonstrating that the Local Plan reflects sustainability objectives and has considered all reasonable alternatives. It incorporates the requirements of the Strategic Environmental Assessment (SEA) Directive.
- 3.2.2. The Local Plan will also be subject to a Habitats Regulations Assessment (HRA) undertaken in accordance with the Habitats Directive.
- 3.2.3. Both the Sustainability Appraisal, incorporating the requirements of the Strategic Environmental Assessment, and the Habitats Regulations Assessment will be published alongside this document for consultation.

## 4. Local Plan issues and objectives

### 4.1. How were the issues identified?

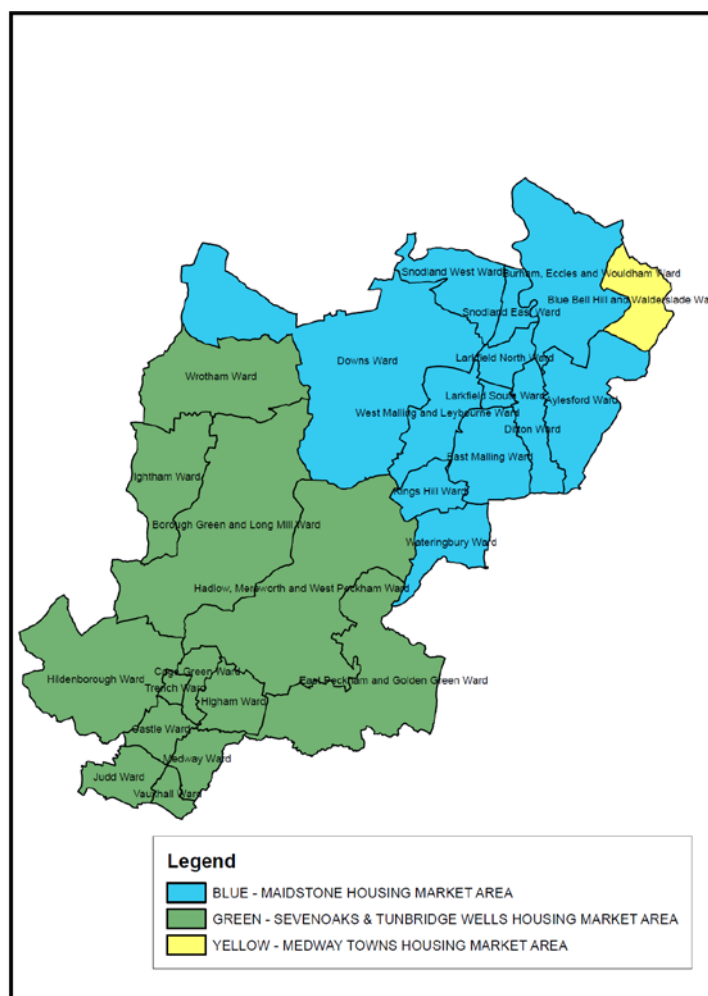
- 4.1.1. The Government's policy is very clear that '*...every effort should be made objectively to identify and then meet the housing, business and other development needs of an area...*' (NPPF, para.17, core principle 3). In response to this requirement the Council undertook evidence gathering for various issues including housing, employment and environmental matters. Set out below are the headlines from each piece of work. Further details, including the evidence itself, are available from the Local Plan web page: [www.tmbc.gov.uk/localplan](http://www.tmbc.gov.uk/localplan).

### 4.2. What broad issues does the existing evidence identify?

#### Housing

- 4.2.1. The Strategic Housing Market Assessment (SHMA) provides an understanding of housing market dynamics, an assessment of future housing needs for both market and affordable housing and the housing requirements of different groups within the population. The Strategic Housing Market Assessment concluded that there are, broadly speaking, two Housing Market Areas (HMAs) exerting an influence across the borough:
- Maidstone & Malling
  - Sevenoaks/Tunbridge Wells/Tonbridge
- 4.2.2. A housing market area is a geographical area defined by household demand and preferences for all types of housing, reflecting the key functional linkages between places where people live and work. To determine the geographical extent of HMAs, data including house prices, migration flows and travel to work areas is analysed.
- 4.2.3. Figure 2 illustrates the extent of the influence of each of these HMAs across the borough. An appreciation of this pattern of HMAs is important for understanding how far we can meet needs where they are generated and achieve sustainable patterns of development.

Figure 2: Influence of different Housing Market Areas on Tonbridge & Malling Borough



4.2.4. The Strategic Housing Market Assessment (SHMA) has identified an Objectively Assessed Need (OAN) of 673 homes per annum for the period 2011-2031. This is a demographic-based projection that has been subject to local sensitivity testing as required by the Government’s Planning Practice Guidance.

4.2.5. The figure of 673 homes per annum is the gross need for the borough; completions and outstanding commitments since the base date (2011) need to be subtracted, to work out the net need that the new Local Plan needs to address. As a result of positive planning by the Borough Council a significant amount of homes have been built since 2011<sup>1</sup> (1,933 units) and there are many units in the pipeline that already have planning permission (4,721 units). In addition there are 83 units from unimplemented allocations in the

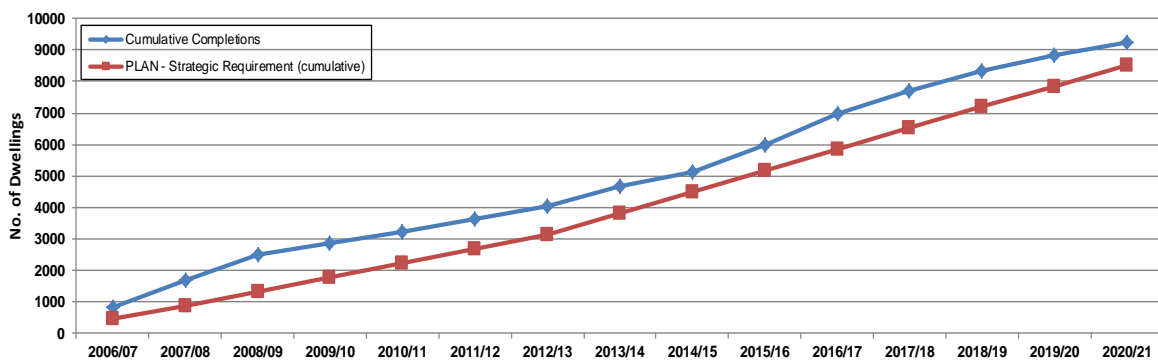
<sup>1</sup> Up until 31<sup>st</sup> March 2015, as evidenced in the [Annual Monitoring Report](#) (December 2015)



existing Development Plan. Taking account of a modest windfall projection from small sites (i.e. sites with a capacity of less than five units); this translates to a net need that the Plan must respond to of 6,000 units (375 units per annum, 2016-2031).

- 4.2.6. In addition the SHMA identified an affordable housing need of 277 homes per annum and a registered care need (C2 use class) of 20 bed spaces per annum for the plan period (2011-2031). The need to address affordable housing provision is particularly important in Tonbridge and Malling. Our evidence shows this and whilst there is has been a relatively strong supply in the recent past, changes to national policy and funding to Registered Housing Providers is making this task more challenging. We will need to set a policy with an intention to maintain the supply of affordable housing within that context. Inevitably that will mean different types of affordable homes, such as more starter homes, but we must also strive to seek more traditional forms of social rented accommodation.
- 4.2.7. Local evidence has concluded that there is a net need of 21 pitches (2012-2028) for Gypsy and Traveller accommodation. Analysis of data has shown a need for 2 plots for Travelling Showpeople over the assessment period.
- 4.2.8. **Historic Housing Land Supply:** Since the base date of the adopted Development Plan (2006/07), cumulative housing completions have consistently exceeded the cumulative requirements as illustrated in Figure 3 (below) (source: Annual Monitoring Report 2015, Figure A3). This demonstrates that the Borough Council has a sound record of delivery, according to the criteria set out in the Government’s [Planning Practice Guidance](#).

Figure 3: Housing Trajectory



4.2.9. This is a result of positive planning for significant opportunities that have arisen in the past including at Peter's Village, Kings Hill, Leybourne Chase and Holborough Lakes. The expectations of the Government are that this positive planning approach needs to continue. However, due to a long history of making the most of brownfield land to meet needs, the opportunities for locating new development on brownfield land are becoming few and far between. This presents challenges for the new Local Plan, to broadly maintain historical levels of development without the brownfield land resource to assist. In other words, significant areas of fresh land will need to be identified.

4.2.10. **Projected Five-Year Housing Supply:** The latest published position on local housing land supply is set out in the [Annual Monitoring Report 2015](#). As a result of positive local planning the Borough Council can demonstrate 5.3 years' worth of land supply as measured against the Objectively Assessed Need from the SHMA of 673 units per annum (+ 5% - see Table 1 below). This means that the relevant policies in the Borough Council's adopted Development Plan on supply are still current and not out-of-date, according to the requirements of [para.49](#) in the NPPF. But that is no reason for complacency. Rather it is a demonstration that forward looking planning provides the best way of managing the future of development in the borough.

Table 1: Housing Land Supply Position

Housing Land Supply 2006-2021 (673 units per year)

Year	Sites with Permission (1)	Small Sites Estimate	Large Sites Windfalls	Allocations (3)	Kings Hill Phase 3	Kings Hill (4)	Holborough Quarry (5)	Leybourne Grange	Peters Pit	Tonbridge Central Area completions and permissions	Completions (2)	5 Year Totals (2)	Total Supply 2006-2021 (2)	5 Year Supply 2015/16-2019/20 (2)
2006/07	437					281	85			47	850	3210	9302	3760
2007/08	349					300	137			53	839			
2008/09	280					224	91			203	798			
2009/10	209					93	47	16		7	372			
2010/11	145					55	18	59		74	351			
2011/12	119					90	100	22		113	444			
2012/13	151					84	59	70		30	394			
2013/14	257					108	12	82		149	608			
2014/15	267					91	43	26		60	487			
2015/16	387					90	80	100		185	842			
2016/17	428			5	50	73	80	108	70	198	1012			
2017/18	242			25	100	14	80	109	150	30	750			
2018/19	138			33	100	1	80	69	150	77	648			
2019/20	85			20	100		80	69	150	4	508			
2020/21	69				100		80		150		399			
2021/22	6				100		46		150		302			
2022/23					85		6		150		241			
2023/24									30		30	573		
2024/25											0			
2025/26											0			
Not Phased	89									23	112	112		
<b>Totals</b>	<b>3658</b>	<b>0</b>	<b>0</b>	<b>83</b>	<b>635</b>	<b>1504</b>	<b>1124</b>	<b>730</b>	<b>1000</b>	<b>1253</b>	<b>9875</b>			
													SHMA 5 yr OAN +5% (6)	3533
													Difference	227
													5-Year Supply (7)	106%
													No. of years of HLS (8)	5.3

- Note (1) Excluding Strategic Sites & Tonbridge Town Centre
- Note (2) Excluding windfalls but including allocations
- Note (3) Includes 65 dwellings on allocated land at Kings Hill
- Note (4) Excludes 65 dwellings on allocated land without permission
- Note (5) Holborough Quarry 2008/09 error - should have been 91 units not 182 units
- Note (6) Objectively Assessed Need (OAN) for housing identified in the Strategic Housing Market Assessment (SHMA) (Overview, June 2015) plus 5% buffer as required by para. 47 in the NPPF
- Note (7) Supply of ready to develop housing sites as a % of the 5-year OAN requirement (see footnote (6))
- Note (8) Number of years of Housing Land Supply (HLS) measured against 5-year OAN requirement + 5% (see footnote (6))

	Next 5 years of projected housing supply
	5-year supply as a percentage of the OAN requirement (see footnote (6))
	Post Plan Period (2006-2021)
	Number of years of housing land supply measured against 5-year SHMA requirement (see footnote (6))

## Employment

4.2.11. The Employment Land Review concluded that there is just enough supply, in quantitative terms, to meet office needs but there is a shortfall of industrial space of up to 33 ha. It is for the Local Plan to consider positive strategies for addressing this for the benefit of local people.

4.2.12. The Employment Land Review also concluded that given that much of the Borough is rural in nature, it is important that planning policy supports sustainable rural based employment development and responds positively to proposals that encourage the reuse of redundant agricultural buildings to meet future industrial and office based needs. The current roll-out of fibre broadband across Kent (which will extend coverage to significant parts of Tonbridge & Malling’s rural areas) will help to overcome some key

infrastructure and accessibility barriers typically faced by rural businesses and provide the opportunity for the Borough's rural locations to play a greater economic role in future.

### **Strategic Flood Risk**

4.2.13. The Level 1 Strategic Flood Risk Assessment (SFRA) (2016) recommends a risk-based and sequential approach to development and flood risk, so that development is located in low flood risk areas where possible; it is recommended that this approach is adopted for future developments within the borough. The SFRA recommends that development must seek opportunities to reduce overall levels of flood risk at sites, for example by: reducing volume and rate of surface water runoff; locating development to areas with lower flood risk; creating space for flooding; and/or integrating green infrastructure into mitigation measures for surface water runoff from potential development.

### **Green Belt**

4.2.14. An assessment of the robustness of the existing boundaries of the Green Belt, as measured against the purposes identified in the Government's [NPPF](#), is currently taking place in parallel with considering where the main areas of potential for new development might be. . The objective is to ensure that, at the end of this exercise, the boundaries are robust and can endure at least for the duration of the plan period (up to 2031).

### **Kent Habitats**

4.2.15. The [Kent Habitats Survey](#) (2012) identifies that Tonbridge & Malling District extends over four Natural Character Areas (NCAs), which contribute to the wide variety of habitats found within the area. This includes a range of UK Biodiversity Action Plan (BAP) Priority Habitats, some of which contribute significantly to Kent's overall resource.

### **Infrastructure**

4.2.16. As part of the assessment of the Call for Sites submissions, key infrastructure providers were engaged with to help with the assessment of suitability and the likely requirements for supporting infrastructure such as schools, healthcare and highways. The assessment of potential development options for the new Local Plan will need to take into account the land-take required for new community facilities and infrastructure. Equally, it is important that we positively plan for a level of sustainable

growth that can facilitate significant improvement to infrastructure taking into account the capacity and pressure on existing community facilities and infrastructure and the requirements generated by households within new communities. It will be important for the sites that eventually emerge as Local Plan allocations have the provision of appropriate community facilities and Infrastructure as an integral part of the allocation process to ensure the best opportunities for delivery...

- 4.2.17. A study to establish the baseline data for the A20 between Ashton Way and the Coldharbour roundabout was completed in May 2016. The study clarifies and confirms existing capacity issues along the corridor and identifies some minor improvements to junctions and traffic management measures. It also prepares the way for further modelling work that will 'test' the acceptability of potential new development allocations and importantly provide the justification for more significant improvements that could be delivered through the Local Plan.

### **Strategic Land Availability Assessment (SLAA)**

- 4.2.18. This piece of evidence identifies those sites that were brought forward as part of the 'Call for Sites' exercise as being potentially suitable and deliverable for development.
- 4.2.19. This assessment is a technical exercise in accordance with National Guidance, primarily to clarify practical aspects of the sites, rather than to judge whether or not they should feature as future allocations for development in the Local Plan. This means that the assessment did not take account of local policy considerations, including the extent of Green Belt boundaries, which are matters for consideration during the making of the Local Plan itself.
- 4.2.20. Based upon an average yield of 30 dwellings per hectare, the SLAA concluded that those sites assessed as suitable and deliverable have an overall capacity of approximately 26,000 homes. The outcome of this calculation is by no means a final figure or indeed any indication of what is acceptable in planning terms; if and when the sites are progressed through to this plan-making stage a more detailed assessment will be required, see later in this report. At that stage planning judgements about how much, if any, of a site is appropriate for development will need to be made which might well reduce the area and yield significantly. Again, at that stage it will be necessary to understand fully the land-take for supporting uses including schools, healthcare facilities, playing fields, amenity space and roads.

Potential yield at this stage is therefore very much a starting point for this exercise.

## Viability

4.2.21. ‘Whole plan viability’ will need to be assessed in accordance with government guidelines that seek to ensure that sites will come forward and not be stalled by financial burdens. The assessment needs to demonstrate that the sites and scale of development are viable, taking into account the need for infrastructure provision and the effect of other policies regarding development standards and, importantly affordable housing provision. The opportunity to undertake this assessment is when we have a clear development strategy and detailed policies.

## 4.3. What key issues has the evidence identified?

4.3.1. The evidence highlighted above has identified the following key issues:

- Objectively Assessed Need (OAN) for housing of 673 units per annum (2011-2031)
- Affordable housing need of 277 units per annum (2011-2031)
- Registered care need (C2 use class) of 20 bed spaces per annum (2011-2031)
- Good long-term record of housing delivery
- 5.3 years’ worth of housing land supply, see Table 1
- Shortfall of up to 33 ha of industrial space
- A range of UK Biodiversity Action Plan (BAP) Priority Habitats, some of which contribute significantly to Kent’s overall resource.
- A significant number of potential sites providing choice for future development.

## 4.4. What the Local Plan cannot address

4.4.1. In addition to considering what the Plan needs to cover, it is equally important to understand what the Plan cannot include. The Government’s [Planning Practice Guidance](#) makes it very clear what Local Plans should exclude:

*‘...In drafting policies the local planning authority should avoid undue repetition, for example by using generic policies to set out principles that may be common to different types of development...’.* (Paragraph: 010 Reference ID: 12-010-20140306)

*‘... There should be no need to reiterate policies that are already set out in the National Planning Policy Framework...’.* (Paragraph: 010 Reference ID: 12-010-20140306)

- 4.4.2. Where it is not supported by evidence to add anything locally-distinctive to the national policy objective(s), the Local Plan will sign-post the reader to the relevant policy in the NPPF or current Government policy at the time the plan is published. Examples of such National policies include those relating to **natural and historic assets**, for example: **Conservation Areas, Listed Buildings**, and **Sites of Special Scientific Interest**. In addition, the purposes and policy objectives of the **Green Belt** will not be replicated, although the existing boundaries will be assessed as part of the plan-making process as expected by the Government in the NPPF.

#### **4.5. Which key objectives does the Plan need to address?**

- 4.5.1. The local evidence, Government policy and initiatives promoting the most of brownfield land and transport hubs, point to the following set of objectives that the Local Plan should aim to achieve:

**Plan Objective 1: As far as possible to provide for homes and jobs that are best suited and accessible to meet identified local needs.**

**Plan Objective 2: Support and sustain local communities across the borough, big and small, by planning to meet needs, including needs for community facilities, where they are generated.**

**Plan Objective 3: Protect high value, important natural and heritage assets.**

**Plan Objective 4: Deliver sustainable growth to support urban and rural economies, making the best use of infrastructure.**

**Q1. Do you agree with this set of objectives for the new Local Plan, Yes/No?**

**Please explain.**





## 5. Local Plan – Strategy considerations

### 5.1. Introduction

5.1.1. The previous sections have identified the key national policies, issues and objectives that the Local Plan needs to respond to. This section outlines the potential way forward to address these matters.

### 5.2. What are the building blocks for the Local Plan strategy?

5.2.1. National planning policy has identified a number of key requirements that should underpin strategies in Local Plans. We have interpreted these as three building blocks (see list below) that should form the foundation of any strategy considered for this Local Plan.

#### Building Blocks:

**Meeting identified development needs on:**

**A. brownfield land within the built-up confines of settlements**

**B. land safeguarded in the existing Development Plan for future development, including the area of opportunity**

**C. land at low risk of flooding within existing settlements**

**Q2. Do you agree with this set of building blocks for the Local Plan strategy, Yes/No?**

**Please explain.**

### 5.3. How can the building block opportunities be assessed?

5.3.1. Information about the assessment process is set out in appendices C, D and E.

5.3.2. This assessment asked key questions including:

- Does this make a positive contribution to addressing assessed needs?
- Which plan objectives does this respond to?
- Would this achieve a sustainable pattern of development?

#### **5.4. How is the potential contribution of each building block assessed?**

- 5.4.1. The starting point is the assessment of the [Call for Sites](#) submissions. This was a technical assessment that took account of high-level constraints beyond the control of the Borough Council but which precluded development, for example, in Special Areas of Conservation, and areas at high risk of flooding.
- 5.4.2. Now that we are at the plan-making stage, consideration needs to be given to designations which will have more bearing on what could be realistically achieved. These include: Air Quality Management Areas; Conservation Areas; Listed Buildings; Historic Parks & Gardens, Areas of Outstanding Natural Beauty; Grade 1 Agricultural Land; Local Wildlife Sites and Priority Habitat Areas.
- 5.4.3. In assessing the development potential of sites, these designations are discounted from the developable area. In some cases this results in suitable and deliverable sites being eliminated altogether.
- 5.4.4. In respect of the Green Belt, the Government's National Planning Policy Framework is very clear that the preparation of the Local Plan is the time to review the boundaries of the Green Belt ([para.83](#)). With this in mind, land that currently falls within the Green Belt is not discounted, in the first instance, but instead the risks posed to the Green Belt are highlighted.
- 5.4.5. The outcome of this process is an area which is then multiplied by 30 (average density of housing units per hectare) to understand the broad development potential.

Please Note: This development potential should be treated with caution because it is inevitable that there will be land-take for necessary supporting infrastructure, for example roads and amenity space. For the larger sites, the land-take for supporting infrastructure is likely to be more significant because of the need for facilities including education, healthcare and local centres. This is something that will be revisited and worked-up in more detail in consultation with key infrastructure providers once we have a clearer direction for the new Local Plan.

## 5.5. How do the building blocks perform in the assessment?

5.5.1. It is evident from the assessments that the building blocks would not produce enough potential to form a sound approach to housing affordability and labour supply to support the local economy. It is also evident from the assessments that, individually, the building blocks would not adequately address the draft Plan Objectives. It is also the case that whilst making a significant contribution, the combination of all three building blocks would also not address the full set of Plan Objectives.

Table 2: Cumulative contribution of the building blocks

Building Block	Description	Potential Yield
<b>A</b>	Meeting identified development needs on brownfield land within the built-up confines of settlements	267
<b>B</b>	Meeting identified development needs on land safeguarded in the existing Development Plan for future development, including the area of opportunity	2,111
<b>C</b>	Meeting identified development needs on land at low risk of flooding within existing settlements	276
<b>Total Potential Yield</b>		<b>2,387*</b>

\*excluding double-counting where there is overlap between the building blocks

5.5.2. Although the potential development arising from the application of these building blocks alone would fall significantly short of the identified need for development, they are sound components that should form the foundation of whatever strategy ultimately underpins the new Local Plan.

## 5.6. Which principles should guide the development strategy for the new Local Plan?

5.6.1. The outcome of the assessment of the building blocks means that in order to effectively respond to Government policy, local evidence and the draft plan objectives, we need to consider opportunities beyond existing settlement confines.

5.6.2. To help guide decision-making on which opportunities should be considered in more detail, a set of principles have been prepared.

**Focussing the assessed development needs:**

- 1. Adjacent to the principal urban areas of the Medway Gap and Tonbridge, in each housing market area**
- 2. Adjacent to a range of settlements across the borough to help support and sustain local communities, big and small**
- 3. In reasonable proximity to transport hubs, utilising and building upon existing infrastructure**
- 4. In the least constrained parts of the borough**
- 5. By providing a mixed portfolio and location of sites, big and small, to meet a range of needs throughout the duration of the plan period up to 2031, over the short-term (up to 5 years), medium-term (6-10 years) and over the long-term (11-15 years)**
- 6. By delivering a level of growth at key locations to facilitate significant improvements to support infrastructure, eg schools, highways and healthcare, for the benefit of local communities**
- 7. By focussing on the contribution that larger potential sites could deliver in a proportionate way to meet wider plan objectives and ensure delivery in the plan period.**

**Please Note:** These principles should not be read in isolation.

**Q3. Do you agree with this set of guiding principles, Yes/No?**

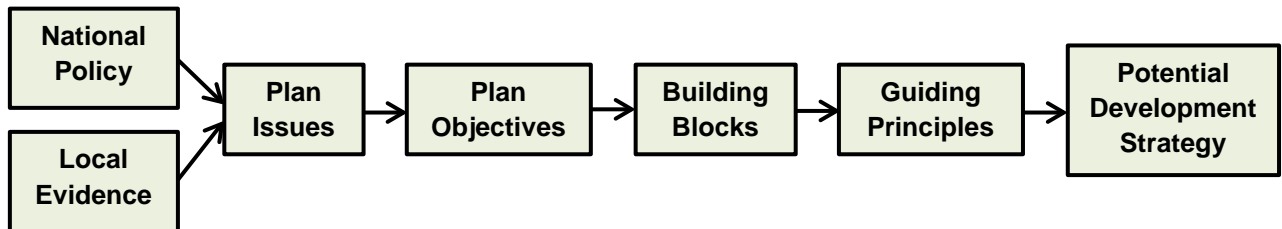
**Please explain.**

## 5.7. What do we need to consider when applying the guiding principles to the formulation of a development strategy for the Local Plan?

### What is the desired outcome?

5.7.1. We want to achieve a future for the borough where people have a desire and ability to live locally because of the quality of life. This means that we need to consider a positive policy response to the evidence that can sustainably meet the plan objectives in a way that is shaped by the guiding principles. To help appreciate this process the following flow-chart has been prepared.

Figure 4: Local Plan Development Strategy: Decision-making flow-chart



### How important is the size and mix of sites?

5.7.2. In determining what would make a sustainable and deliverable strategy for the new Local Plan it is important to consider the mix as well as the location of potential development sites. A strategy dominated by small to mid-sized sites may not generate the critical mass required for significant improvements to infrastructure (schools, highways and healthcare) which could benefit existing as well as new communities. A strategy dominated by a few strategic sites would bring in to question whether the short to medium-term housing needs of the borough would be adequately addressed because larger sites, by their nature, may not deliver at a rate required to sustain a five year supply.

### What could be realistically achieved?

5.7.3. In addition, it is important to consider the magnitude of development. The Local Plan needs to be realistic in terms of what the market can deliver. Historically, the local market has delivered just over 600 homes per year<sup>2</sup>. In

<sup>2</sup> 615 units per annum average (2001/2 to 2011/12), para. 4.109, Strategic Housing Market Assessment (March 2014)

considering the magnitude of development, the Local Plan needs to strike the balance between positively addressing our assessed needs with making sure opportunities remain to meet the longer-term needs of the borough beyond 2031. It is important to bear in mind that this plan has a time horizon of 2031 and that in preparing it we must have an eye on how we can possibly meet longer-term development needs stretching beyond the plan period. This is an expectation of the Government. If we are to effectively respond to this expectation it would be unwise to exhaust all of our genuine opportunities in the short-medium term; that would not be good husbandry.

### **What could happen if we allocated all the potential development sites?**

5.7.4. With these considerations in mind, it is evident that the unfettered allocation of all of the potentially suitable and deliverable sites (as evidenced in the Strategic Land Availability Assessment) beyond but adjacent to the confines of existing settlements would result in an unsustainable and unrealistic development strategy. The sheer quantum of development would put significant pressure on infrastructure and pose a serious risk to air quality, local amenity, natural and heritage assets and biodiversity and the local economy. Furthermore, in light of what the local market has previously delivered, it is questionable whether all the sites would be realistically deliverable in the plan period. That is why we should plan for a selective range of sites to come forward.

### **5.8. How can we find a proportionate policy response?**

- 5.8.1. To help focus on what could represent a proportionate approach to future development, the Borough Council has devised a set of sustainability buffers. These are areas beyond but immediately adjacent to the settlement confines. These buffers extend beyond the confines by 500 metres for urban areas and 250 metres for all other settlements. These are considered to be reasonable sustainable distances from the outer extents (a maximum of 10 mins walking distance) which would help avoid the coalescence of settlements, thereby protecting the integrity and separate identity of urban areas and villages. We appreciate that this is important to local communities.
- 5.8.2. These buffers have only been devised as a guide for focussing on a potential way forward; they are not prescriptive. In some cases, the potential developable area identified for each opportunity site is not necessarily the full extent of the land within the buffer that is free from constraint and local

designations. Issues including topography, landscape, existing operations (on-site and neighbouring) and access have been considered which has had the effect of reducing the extent of the potential developable area.

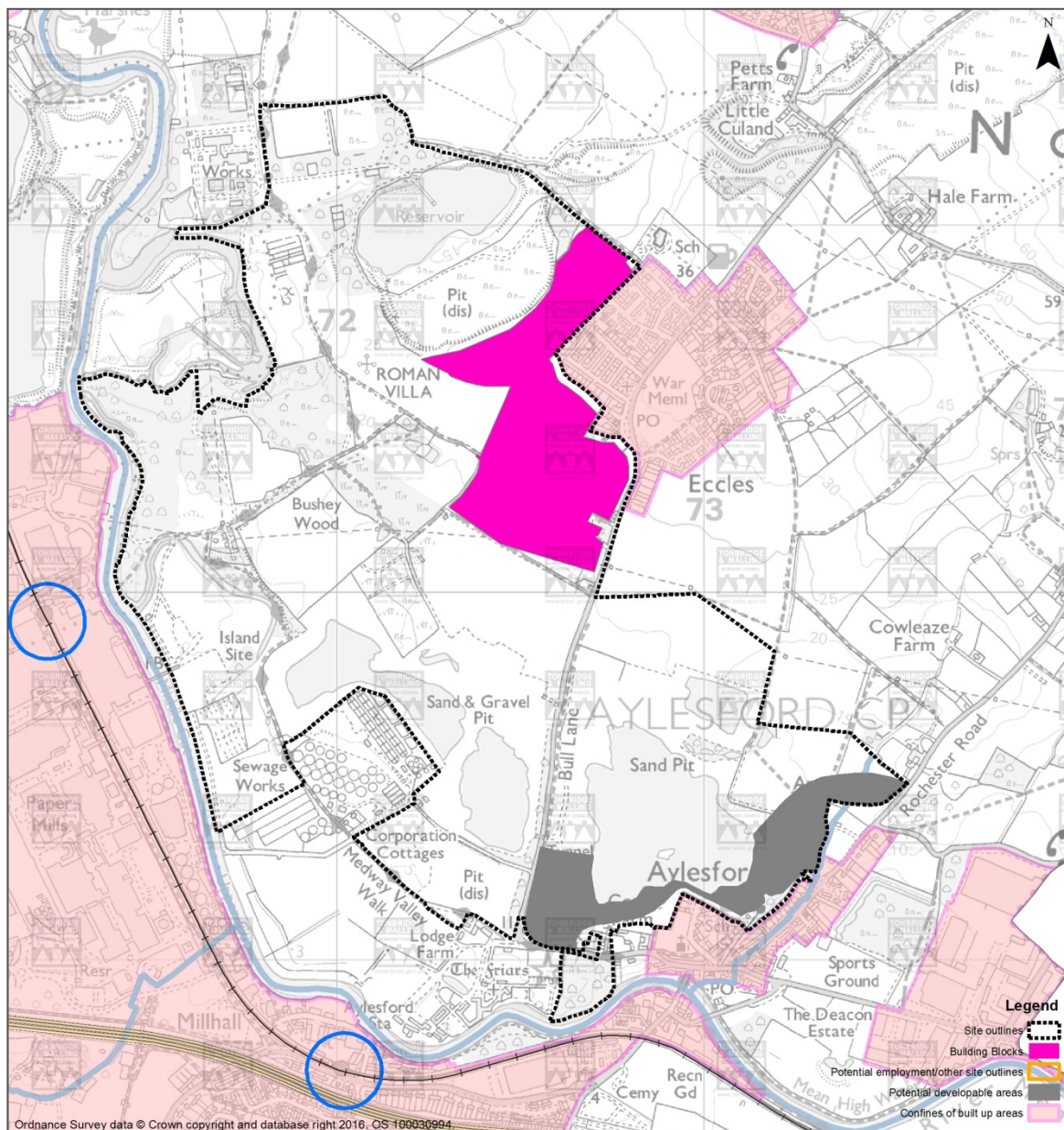
- 5.8.3. The application of the buffers to the urban areas, rural service centres and rural settlements has resulted in a number of opportunities across the borough for consideration.

## 5.9. What could a sustainable development strategy for the new Local Plan look like?

- 5.9.1. With the plan objectives, building blocks, guiding principles and the Government's expectations in mind, the overall strategy illustrated on the map at Appendix F could represent a sound direction for the new Local Plan to take. This could, potentially, deliver in the region of 10,000 homes so it builds in some flexibility and choices at this stage, although this estimate would need to be subject to more detailed assessment.
- 5.9.2. The following descriptions provide a brief summary of the key locations that could form components of a strategy for future development and upon which we would like to hear your views::
- 5.9.3. **The East Bank of the Medway:** This area of the borough has seen significant change in the shape of the planned community at Peter's Village and the related transport improvements including the construction of a new Medway bridge. In the current development plan an area known as **Bushey Wood** is earmarked as an Area of Opportunity for future development that could, in part, take advantage of some of those infrastructure improvements. A refinement of the wider Area of Opportunity, taking into account local constraints, could provide a way forward for development in the general vicinity of Eccles village. It would be of a scale to support investment in a new primary school and other community facilities.
- 5.9.4. At **Aylesford Quarry**, an opportunity arises to consider some housing development to the north of Aylesford Village together with the provision of leisure and community uses. Accessibility needs to be tested here as does the general impact on the village. It is an opportunity to scope a development that could bring forward some currently despoiled land but, if it proceeds, the scale would need to be determined by further investigations of land conditions and other practical matters.



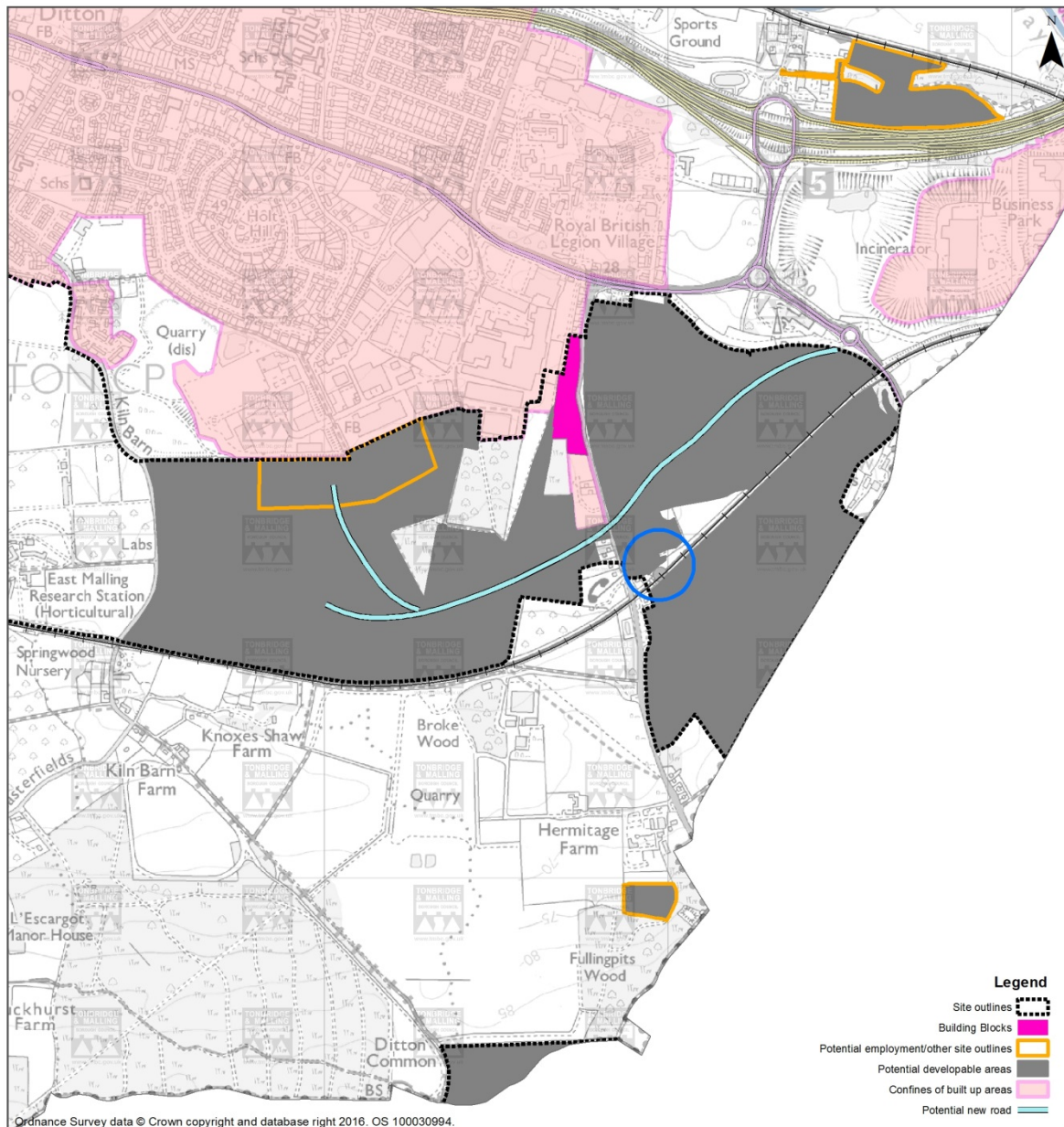
Figure 5: Local Plan Strategy: The East Bank of the Medway and Aylesford Quarry



5.9.5. **South Aylesford and Ditton:** The area, broadly from the A20, south and eastwards across Hermitage Lane to Kiln Barn Lane, is worthy of further consideration as a strategic development opportunity. It includes land currently farmed and part of the East Malling Trust land. This is an area that has historically provided some open separation between communities in the borough and Maidstone, but is otherwise relatively free of land use planning constraints. Development in Maidstone Borough has continued in a piecemeal form up to the borough boundary and along Hermitage Lane.



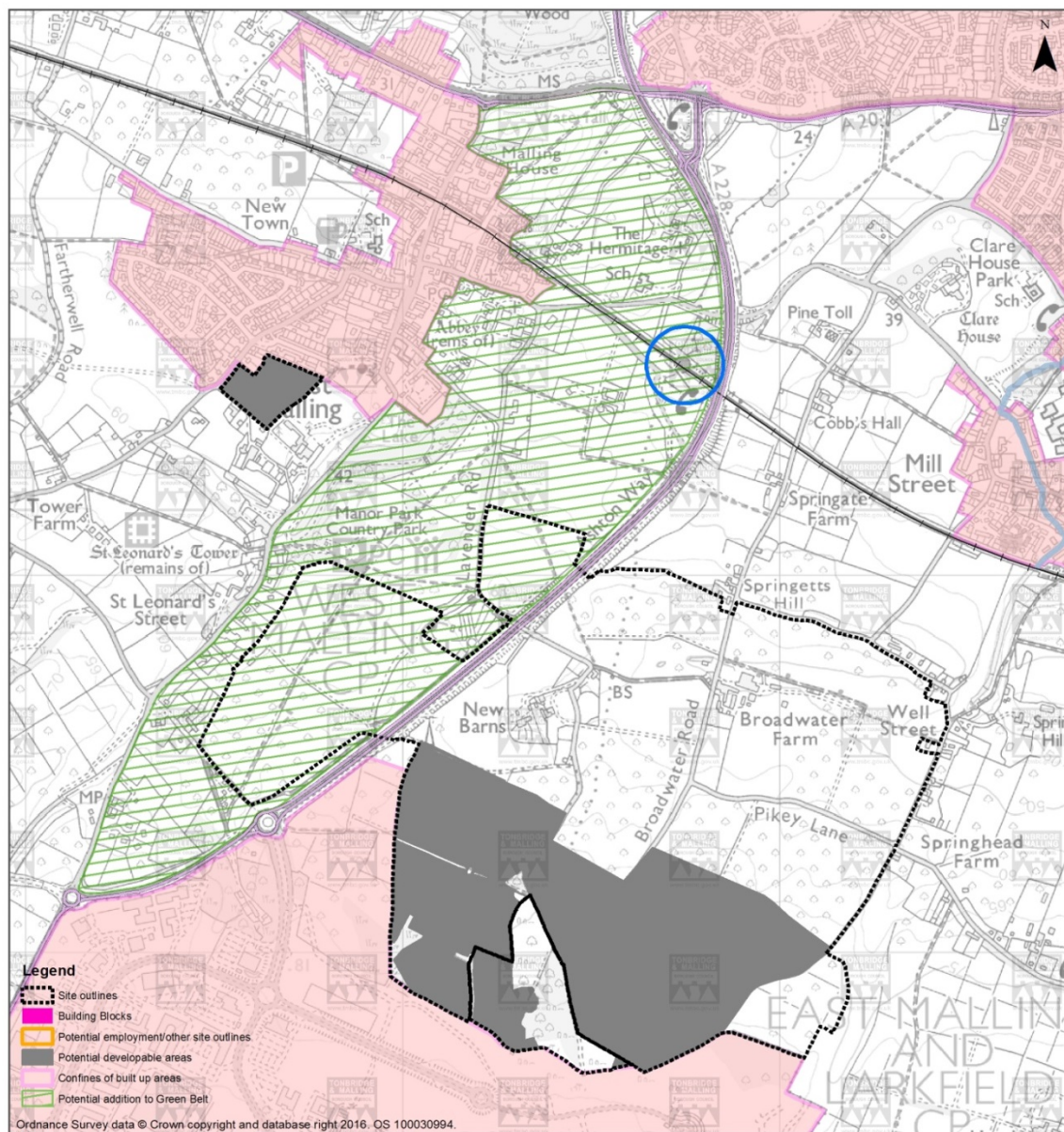
Figure 6: Local Plan Strategy: South Aylesford and Ditton



5.9.6. There is an opportunity here to consider a strategic approach to housing provision and some employment development of a scale that could provide longer term solutions to transport challenges in the vicinity. It would need a collaborative approach between landowners otherwise the essential purpose would be lost. A new road could link the south side of the South Aylesford Business Park across Hermitage Lane to the A20 and M20 to provide a highway solution that could bring significant benefit. This will need careful testing. There may also be an opportunity to improve Barming railway station and to integrate new education and health care facilities.

5.9.7. On part of **Broadwater Farm**, there is an opportunity to plan for a further phase of the successful development at Kings Hill. This could support and benefit from existing community facilities at Kings Hill, complimented by further provision for example in education provision. Any expansion here though must be proportionate and recognise the impact on the wider rural area and existing settlements. That is essentially why the indicative boundary has been drawn to suggest a more modest proposition than that envisaged at the ‘call for sites’ stage. The separation between existing settlements, particularly Kings Hill and West Malling, is critical and to address that in part, a new extension to the Green Belt boundary east from West Malling has been considered (see section 6.3 below)

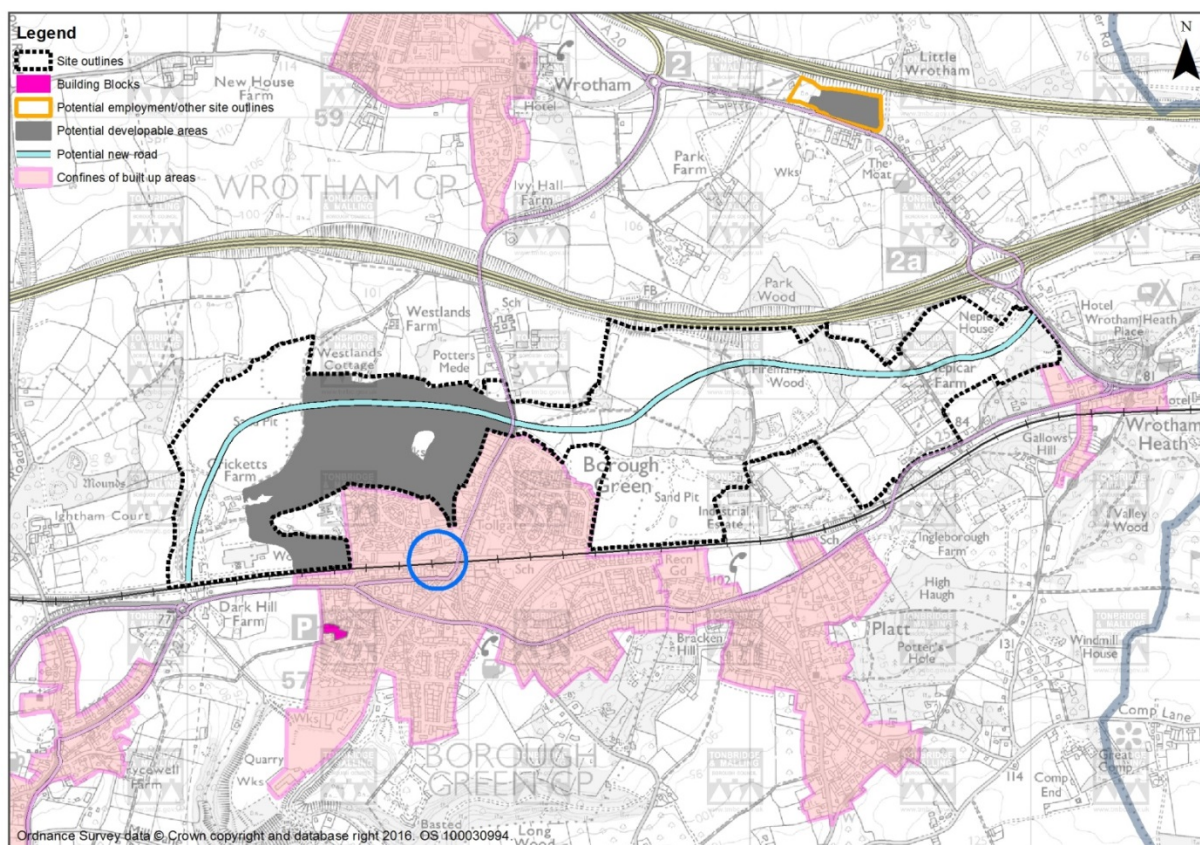
Figure 7: Local Plan Strategy: Broadwater Farm



- 5.9.8. At **Borough Green and Platt** a major initiative for new development to the north of the villages extending eastwards to Nepicar was put forward by a consortium of landowners at the call for sites stage. The proposition is for very significant housing and employment development incorporating a new road which would link through the development from east to west. The extent to which this could function as relief to traffic and air quality conditions on the A25 will need to be assessed fully. Borough Green is one of the larger villages in the Borough and a local centre, having a range of services including a main line railway station. It also falls within the Tonbridge/Sevenoaks housing market area where it will be expected that provision for growth will be made. In that context, consideration of development in this Local Plan seems right.
- 5.9.9. Part of the land in the west of the site is practically available but there is less clarity over land generally to the east of the A227 where mineral workings are still live. This matter remains to be fully examined to practically test whether comprehensive development is a realistic prospect in the timeframe of this Local Plan to 2031. Clearly development of the whole of the land here would bring substantial change to the local area. It would also mean removing a significant area of land from the Green Belt, albeit contained to an extent by roads which would then provide a firm boundary moving into the future. It would, however, also be an opportunity to provide a level of investment in the village centre of Borough Green along with necessary community facilities. The scale of development could provide a long term supply of housing and employment for the borough as a whole, in the way that strategic sites of this nature have previously done in the current Development Plan.



Figure 8: Local Plan Strategy: Borough Green and Platt

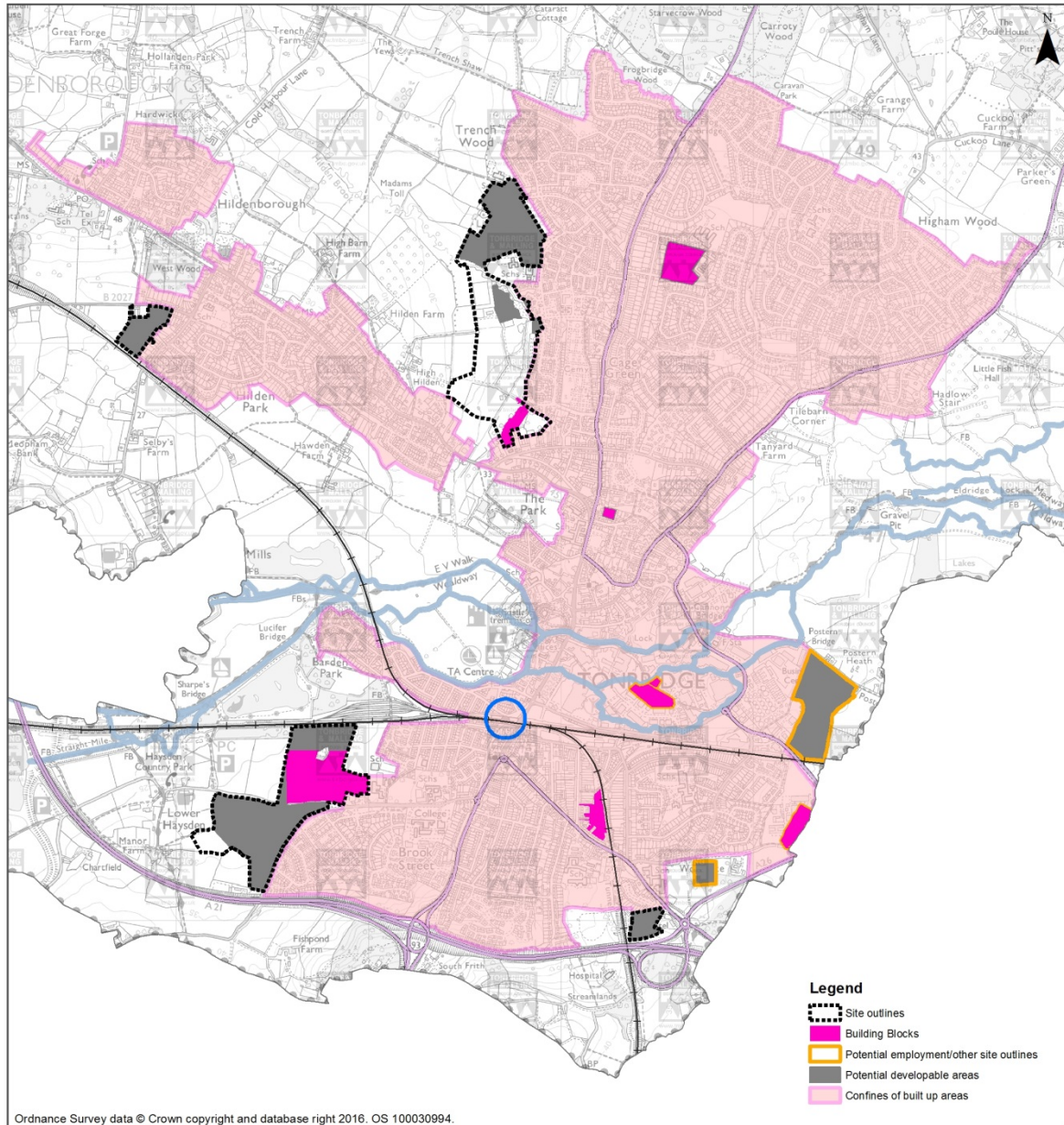


5.9.10. At **Tonbridge** the overall choices for new development are limited by flood risk and other constraints including Green Belt. That said, the town has seen considerable outward expansion and in recent years there has been a focus on new, relatively high density development in and close to the town centre which has supported businesses and local services. Investment in the High Street has also served to assist that strategy.

5.9.11. Generally speaking, little contribution to the Local Plan objectives is achieved by major further outward suburban expansion that would simply add to traffic problems into the town and erode open unspoilt countryside. Nevertheless, along with Borough Green this area of the borough falls within a different housing market area to the northern part of the borough and it is right for some new development to be considered to address needs where they arise. The land to the south west of the town in the Haysden area offers the most contained and logical opportunity to examine the prospects for new housing development. It is relatively well located in respect of the town centre, railway station and education facilities. Similarly there seems merit in looking at the potential of some areas to the north west of the town and at a

smaller scale in Hildenborough. To the east of the existing industrial estate there is an opportunity to explore new employment uses.

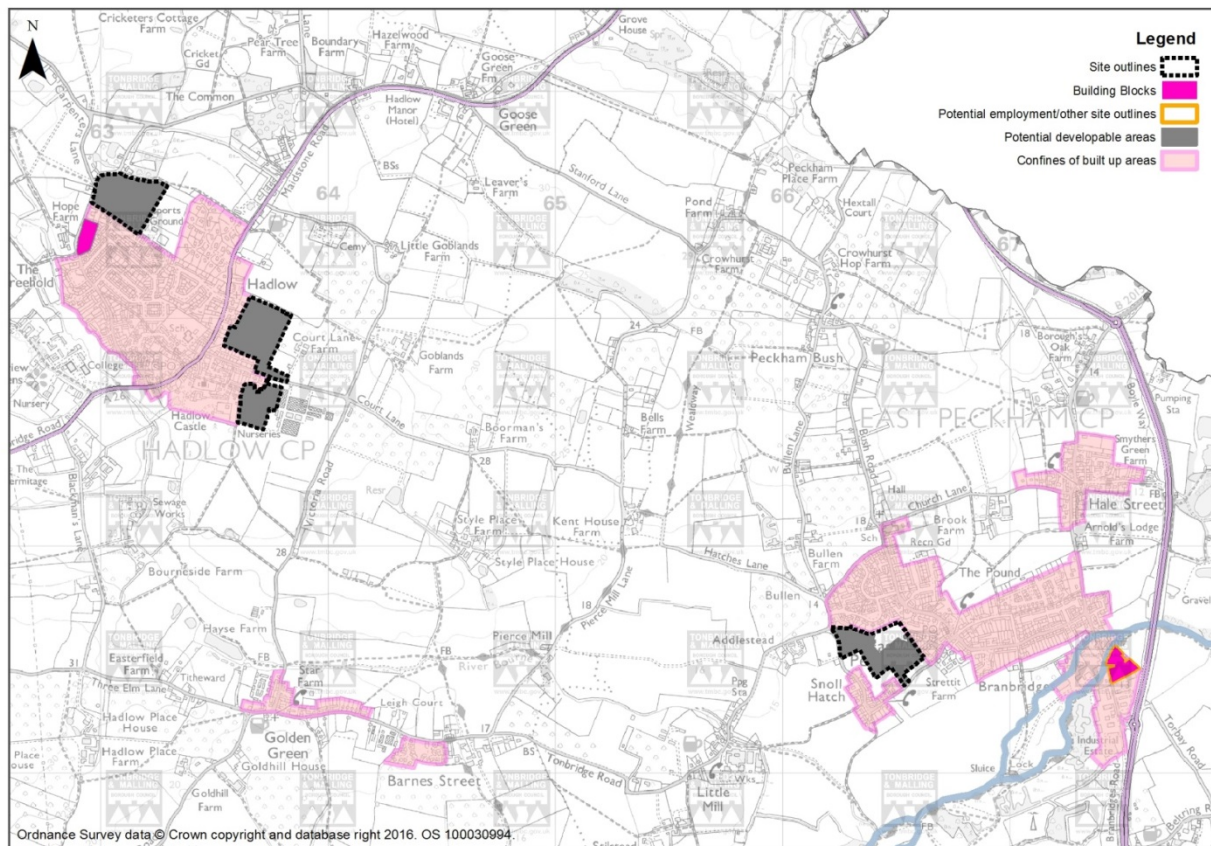
Figure 9: Local Plan Strategy: Tonbridge



5.9.12. **Smaller settlements:** At Hadlow, East Peckham and West Malling some sites have emerged that present opportunities to consider provision for local development needs and a contribution to the needs of the Borough overall. Appropriate and proportionate levels of development at these locations could contribute to the sustainability of local services and the particular housing needs of those communities. There may be alternative and additional sites that emerge in these and other smaller settlements that arise during the consultation for the Council to consider further.



Figure 10: Local Plan Strategy: Smaller settlements



**What contribution could this strategy make to the plan objectives?**

5.9.13. A potential development strategy of this type could make a positive contribution to the Plan Objectives by supporting growth across the borough in communities in each of the Housing Market Areas, thereby enabling a sustainable pattern of development with good connectivity to local services and employment opportunities (locally and further afield).

**Would this potential strategy represent a proportionate policy response?**

5.9.14. This foundation is built-upon by the opportunities presented by the guiding principles (the reasonable alternatives), making sure a **proportionate policy response** is achieved in light of the assessed needs, infrastructure capacity, local natural and heritage assets and biodiversity, and the need to consider long-term development needs beyond the plan-period.

**Would this potential strategy deliver a mixed portfolio of development sites?**

5.9.15. These opportunities would enable the supply of a mixed portfolio of sites that should enable the delivery of homes over the period of the Plan (short, medium and long-term, as sourced from the Strategic Land Availability Assessment) for the benefit of urban and rural communities. The inclusion of strategic sized development areas will facilitate, in the medium to long-term, significant improvements in infrastructure provision which will be of benefit not just to those people moving into the new homes but the wider local community.

**How does this potential strategy perform against the Sustainability Appraisal objectives?**

5.9.16. **Summary of Interim Assessment:** Although avoiding areas of high environmental value and flood risk and making use of existing brownfield land this option does require the use of some greenfield land. The dispersed pattern of development at a range of settlements across the borough provides support for both the urban and rural economies and attempts to address the needs of a range of communities, including significant support for the town centre. A distribution of sites across both HMAs supports a sustainable pattern of development. The smaller sites are likely to result in short-term small scale impacts which could be mitigated where necessary. However, the large strategic sites may have a long lead in time which could mean that they are more likely to begin delivery in the medium to long-term, and therefore any impacts are also likely to see a similar time frame.

**What to do next**

5.9.17. We would like your views on this potential approach to a development strategy for the new Local Plan. When considering your response, please bear in mind the evidence base, the Government's expectations, the plan objectives and the guiding principles.

**Q4. Do you agree that this potential approach to a development strategy could provide a sound direction for the new Local Plan to take, Yes/No?**

**Please explain.**





## 6. Local Plan – Other key strategic considerations

### 6.1. How should the new Local Plan respond to the economic evidence?

6.1.1. The Employment Land Review concluded that there is just enough supply, in quantitative terms, to meet office needs but there is a shortfall of industrial space of up 33 ha, depending on the scenario for future growth.

6.1.2. National planning policy in respect of employment land has evolved significantly since the existing Development Plan was prepared. The expectation of the Government is that a more flexible approach to economic development needs to be deployed by local planning authorities in order support its growth. The NPPF, at [para. 22](#), states:

*'...Planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Land allocations should be regularly reviewed. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities....'*

6.1.3. It is important to bear in mind the degree to which the Local Plan can actually influence current and future patterns of economic development. For example, offices can now be converted to residential properties under permitted development rights.

6.1.4. In light of these changes and policy expectations, we need to consider how we can effectively respond to the economic evidence in a way that is compliant with national policies and regulations and nurtures (and does not hinder) economic growth.

**Q5. Should the new Local Plan continue to support and focus new economic development at and around existing economic hubs such as the Tonbridge Industrial Estate, New Hythe Lane, Kings Hill, Hermitage Lane and Quarry Wood or should an alternative strategy be considered?**

**Please explain.**

**Q6. Should we consider a wide range of employment generating uses within existing economic hubs in the borough, Yes/No?**

**Please explain.**

**Q7. Should the Local Plan be supportive of more mixed-use developments, including start-up units within residential schemes, Yes/No?**

**Please explain.**

## **6.2. What should be the future role of Tonbridge Town Centre?**

- 6.2.1. Tonbridge is the principal town in the Borough.
- 6.2.2. Tonbridge Town Centre has undergone a significant transformation over the past 10 years. A key part of this has been steered by the Borough Council's [Tonbridge Central Area Action Plan](#) which has seen more people living in the heart of the town. Improvements to the High Street have been undertaken this year to help improve the environment for shoppers, workers and visitors alike.
- 6.2.3. At the same time, rapid transformation has occurred in shopping habits which has had a consequential impact on retail markets and the types of activity that we see in the town centre today.
- 6.2.4. As a result, the character of Tonbridge has evolved, and the use of property in the High Street and immediately adjoining areas is changing too, with a stronger emphasis on leisure, service and more individual retailing. Equally, the area just beyond and adjoining the heart of the town centre is currently the subject of change and investment proposals.
- 6.2.5. With these changes in mind, and with a view that the rate of change for some of the influences on Tonbridge, eg retail market, has proven to be quicker than the cycle of Local Plan making itself, we need to carefully consider what the best policy response is for the Town moving forward. We must consider how we can effectively balance the need to protect Tonbridge's identity with the need to allow it to effectively respond to changing markets and the opportunities they present to allow it to thrive and be a vital place.

**Q8. What should be the role of Tonbridge Town Centre moving forward, i.e. should it be a retail hub, a social and cultural hub or a combination of the two?**

**Please explain.**

**Q9. Should the Local Plan include a flexible policy framework for Tonbridge to allow the Town to be able to respond to future market opportunities to enable the Centre and adjoining areas to thrive  
Yes/No?**

**Please explain.**

**Q10. Do you have other thoughts about how planning policy should guide development in and around the town centre?**

### **6.3. What should the Green Belt boundaries be in the Local Plan?**

6.3.1. As part of the evidence gathering for the new Local Plan, the robustness of the existing Green Belt boundaries was assessed against the five purposes of the Green Belt as identified in the [Government's NPPF](#):

- to check the unrestricted sprawl of large built-up areas;
- to prevent neighbouring towns merging into one another;
- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns; and
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

6.3.2. The Government's National Planning Policy Framework is very clear that the preparation of the Local Plan is the time to review the boundaries of the Green Belt ([para.83](#)). Furthermore, the NPPF makes it very clear ([para.84](#)) that in....

*'...reviewing Green Belt boundaries local planning authorities should take account of the need to promote sustainable patterns of development...'*

6.3.3. It further states:

*'...They should consider the consequences for sustainable development of channelling development towards urban areas inside the Green Belt'*

*boundary, towards towns and villages inset within the Green Belt or towards locations beyond the outer Green Belt boundary...’.*

- 6.3.4. With this in mind and taking account of the Housing Market Areas exerting an influence over the borough, it is evident that if the new Local Plan is to effectively promote sustainable patterns of development and positively address assessed needs to support and sustain communities across the borough, some land will inevitably need to be taken out of the Green Belt.
- 6.3.5. This is a difficult decision to take but it would, ultimately, be positive action that could help improve housing affordability and help mitigate wider negative impacts on the environment, amenity and the local economy of sustainable growth. It is important that the Green Belt boundaries that feature in the new plan are strategically defensible and can endure for at least the lifetime of the plan.
- 6.3.6. Having said this, the preparation of the new Local Plan presents an opportunity to consider whether certain boundaries need to be re-aligned so that the Green Belt performs a more effective function (as measured against the five purposes outlined in the Government’s NPPF – see above). This could have the consequence of increasing the amount of land within the Green Belt in certain locations which, overall, could ensure the quantum of land within the Green Belt across the borough is not significantly eroded.
- 6.3.7. Figure 11 (overleaf) suggests a proposed strategic extension to the Green Belt in the vicinity of West Malling and Kings Hill. It is considered that this potential addition of 134 Ha would be a more reliable and defensible boundary that would contribute positively to purposes of the Green Belt.

**Q11. Do you agree that the Local Plan should put land into the Green Belt east of West Malling, Yes/No?**

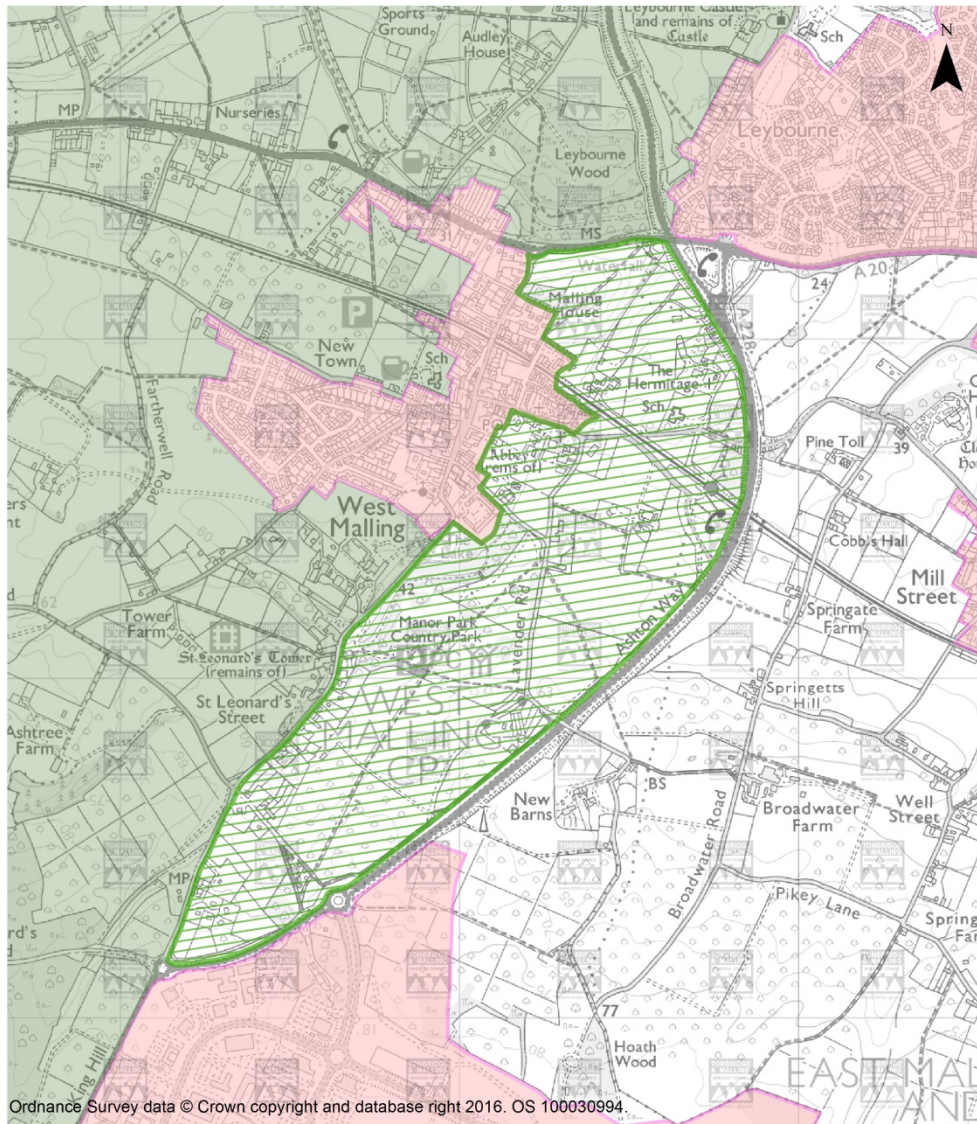
**Please explain.**

**Q12. Are there any other parcels of land in the borough that you think could be justifiably (as measured against the five purposes) put in, or alternatively removed from the Green Belt, without putting at risk the requirement for the Local Plan to positively address**

assessed needs in a sustainable way?




Please explain.

Figure 11: Proposed extension of the Green Belt in the vicinity of West Malling and Kings Hill



Ordnance Survey data © Crown copyright and database right 2016. OS 100030994

**Legend**

-  Potential addition to Green Belt
-  Existing Green Belt extent
-  Confines of built up areas





## 7. Local Plan – Managing development

### 7.1. In delivering sustainable growth, what issues are important to you?

7.1.1. It is important that when development takes place, it does so in a way that will achieve a quality living experience for the benefit of local communities. However, in pursuing this objective the Borough Council needs to be mindful of the need for the sites allocated for development in the new Local Plan to be viable and therefore deliverable. This message is made very clear in the Government's National Planning Policy Framework ([para 174](#)) which states:

*'...In order to be appropriate, the cumulative impact of these standards and policies should not put implementation of the plan at serious risk...'*

7.1.2. With this in mind, the Borough Council needs to understand which local standards are important to you.. The extent to which the Borough Council can pursue any or a combination of the following local standards will be informed by evidence but will ultimately be determined by viability assessments. It should be noted that a significant outcome of the Government's [Housing Standards Review](#) was the withdrawal of the Code for Sustainable Homes and the integration of the requirements in respect of the environmental performance of new buildings (carbon emissions) within the Building Regulations.

**Q13. In delivering development, which local standards are important to you? Please can you rank the following potential standards in order of importance, giving 1 for the most important down to 7 for the least important:**

- Affordable housing
- Publicly accessible open space
- Car parking
- Housing densities

- Internal space standards
- Accessibility standards
- Water efficiency standards

## 7.2. How should the Local Plan respond to the optional National Standards?

- 7.2.1. One of the outcomes of the Government's [Housing Standards Review](#) was the establishment of additional technical requirements exceeding the minimum standards required by Building Regulations in respect of access and water, and an optional nationally described space standard. The Government's [Planning Practice Guidance](#) makes it very clear that the time to consider exceeding and/or pursuing the optional space standard is at the plan-making stage and that these should only be justified through local evidence and viability testing.
- 7.2.2. The Government's [Technical housing standards – nationally described space standard](#). The minimum gross internal space standards in the technical housing standards are set out in Table 3.
- 7.2.3. Further information on the access and water efficiency standards in the Building Regulations is available from the [Planning Portal](#).



Table 3 - Minimum gross internal floor areas and storage (m<sup>2</sup>)

Number of bedrooms (b)	Number of bed spaces (persons)	1 storey dwellings	2 storey dwellings	3 storey dwellings	Built-in storage
1b	1p	39 (37) <sup>2</sup>			1.0
	2p	50	58		1.5
2b	3p	61	70		2.0
	4p	70	79		
3b	4p	74	84	90	2.5
	5p	86	93	99	
	6p	95	102	108	
4b	5p	90	97	103	3.0
	6p	99	106	112	
	7p	108	115	121	
	8p	117	124	130	
5b	6p	103	110	116	3.5
	7p	112	119	125	
	8p	121	128	134	
6b	7p	116	123	129	4.0
	8p	125	132	138	

**Q14. Do you think the Borough Council should assess the viability of including the nationally described space standards in the new Local Plan, Yes/No?**

**Please explain.**

**Q15. Do you think the Borough Council should assess the viability of exceeding the minimum standards required by Building Regulations in respect of access and water, Yes / No?**

**Please explain.**



## 8. Local Plan – Participation

### 8.1. How can you participate in this consultation?

8.1.1. There are many ways that you can take part in this consultation:

- **Online** – The consultation document and an interactive form is available from the Council’s website: [www.tmbc.gov.uk/localplan](http://www.tmbc.gov.uk/localplan)
- **E-mail** – You can download the consultation form and complete it offline and e-mail it to: [localplan@tmbc.gov.uk](mailto:localplan@tmbc.gov.uk)
- **In-writing** – You can submit your responses to the questions to the following postal address:
  - Ian Bailey, Planning Policy Manager, Tonbridge & Malling Borough Council, Gibson Building, Gibson Drive, Kings Hill, West Malling, Kent ME19 4LZ

8.1.2. The document is also available to view at the Council’s offices at Kings Hill and Tonbridge Castle. In addition public exhibitions will be held at the following locations:

- **XXXXXX**, date, time
- **YYYYY**, date time

8.1.3. As a reminder, the full set of consultation questions are listed on the following pages.

8.1.4. The deadline for comments is **xx xxxxxxxx 2016**.



## Summary of Consultation Questions

**Q1. Do you agree with this set of objectives for the new Local Plan, Yes/No? (p.17)**

**Please explain.**

**Q2. Do you agree with this set of building blocks for the Local Plan strategy, Yes/No? (p.18)**

**Please explain.**

**Q3. Do you agree with this set of guiding principles, Yes/No? (p.22)**

**Please explain.**

**Q4. Do you agree that this potential approach to a development strategy could provide a sound direction for the new Local Plan to take, Yes/No? (p.33)**

**Please explain.**

**Q5. Should the new Local Plan continue to support and focus new economic development at and around existing economic hubs such as the Tonbridge Industrial Estate, New Hythe Lane, Kings Hill, Hermitage Lane and Quarry Wood or should an alternative strategy be considered? (p.35)**

**Please explain.**

**Q6. Should we consider a wide range of employment generating uses within existing economic hubs in the borough, Yes/No? (p.36)**

**Please explain.**

**Q7. Should the Local Plan be supportive of more mixed-use developments, including start-up units within residential schemes, Yes/No? (p.36)**

**Please explain.**

**Q8. What should be the role of Tonbridge Town Centre moving forward, i.e. should it be a retail hub, a social and cultural hub or a combination of the two? (p.37)**

**Please explain.**

**Q9. Should the Local Plan include a flexible policy framework for Tonbridge to allow the Town to be able to respond to future market opportunities to enable the Centre and adjoining areas to thrive Yes/No? (p.37)**

**Please explain.**

**Q10. Do you have other thoughts about how planning policy should guide development in and around the town centre? (p.37)**

**Q11. Do you agree that the Local Plan should put land into the Green Belt east of West Malling, Yes/No? (p.38)**

**Please explain.**

**Q12. Are there any other parcels of land in the borough that you think could be justifiably (as measured against the five purposes) put in, or alternatively removed from the Green Belt, without putting at risk the requirement for the Local Plan to positively address assessed needs in a sustainable way? (p.38)**

**Please explain.**

**Q13. In delivering development, which local standards are important to you? Please can you rank the following potential standards in order of importance, giving 1 for the most important down to 7 for the least important (p.41):**

- Affordable housing
- Publicly accessible open space
- Car parking
- Housing densities
- Internal space standards
- Accessibility standards
- Water efficiency standards

**Q14. Do you think the Borough Council should assess the viability of including the nationally described space standards in the new Local Plan, Yes/No? (p.43)**

**Please explain.**

**Q15. Do you think the Borough Council should assess the viability of exceeding the minimum standards required by Building Regulations in respect of access and water, Yes/No? (see p.43)**

**Please explain.**





## Appendix A: Glossary of Terms

Please also refer to the Glossary in the [National Planning Policy Framework](#).

**Area of Opportunity:** This refers to the Bushey Wood area near Eccles. This area is safeguarded in the Council's adopted Development Plan for long-term development beyond the time horizon of the existing plan of 2021. It is an area of search within which development may eventually take place if and when it is needed.

**Brownfield land:** This refers to land that has been previously developed.

**Building Blocks:** These are core elements of the development strategy for the Local Plan. They reflect key objectives of National and local planning policy and are applied in the assessment of sites to determine which sites have the potential to form part of the development strategy.

**Constraints:** These are designations and/or policies that restrict the development potential of a site.

**Deliverability:** This refers to the economic viability of sites and whether or not there is a reasonable prospect of a site being developed within the plan period up to 2031.

**Density:** This is the number of dwellings per hectare and it is applied to calculate the development potential.

**Development Potential:** This is a basic assessment of how many homes a site could accommodate taking account of constraints and a density of 30 dwellings per hectare. The starting point for this work is the Strategic Land Availability Assessment.

**Employment Land Review:** This study provides an up-to-date understanding of the potential employment growth in Tonbridge & Malling Borough to help inform employment targets in the new Local Plan, as well as an updated assessment and review of existing employment land and premises.

**Flood Risk:** This refers to the probability of an area being susceptible to flooding from all sources including rivers and the sea, directly from rainfall on the ground surface and rising groundwater, overwhelmed sewers and drainage systems, and from reservoirs, canals and lakes and other artificial sources.

**Guiding Principles:** These have been directed by National policy, the local evidence base and the draft plan objectives and they have been devised to help provide focus for where growth should be located in the borough.

**Infrastructure:** This includes roads and other transport facilities, flood defences, schools and other educational facilities, medical facilities, sporting and recreational

facilities, open spaces which are needed to support and serve communities living in developments.

**National Planning Policy Framework:** This was published on 27 March 2012 and it sets out the Government's planning policies for England and how these are expected to be applied. It provides the wider context for the Local Plan.

**National Planning Practice Guidance:** This was initially published on 6 March 2014 and it sets out how the Government's expects the planning policies in the National Planning Policy Framework to be interpreted and implemented.

**Objectively Assessed Need:** The Objectively Assessed Need (OAN) is the overall need for housing across the borough that has been calculated for the period 2011-2031.

**Quantum of Development:** This means the amount of development, either expressed as the number of homes or the area of commercial floorspace.

**Safeguarded Land:** This is land between the urban areas and the Green Belt identified in the Council's existing Development Plan in order to meet longer-term development needs.

**Sensitivity-Testing:** This involves an analysis of local economic and social circumstances and assessing whether these exert any pressure for an uplift of the housing need figure arising from the Government's Household Projections. Local circumstances that are taken into account include jobs forecast and the affordability of housing.

**Strategic Housing Market Assessment:** The Strategic Housing Market Assessment (SHMA) is a piece of evidence that provides an understanding of housing market dynamics, an assessment of future housing needs for both market and affordable housing and the housing requirements of different groups within the population.

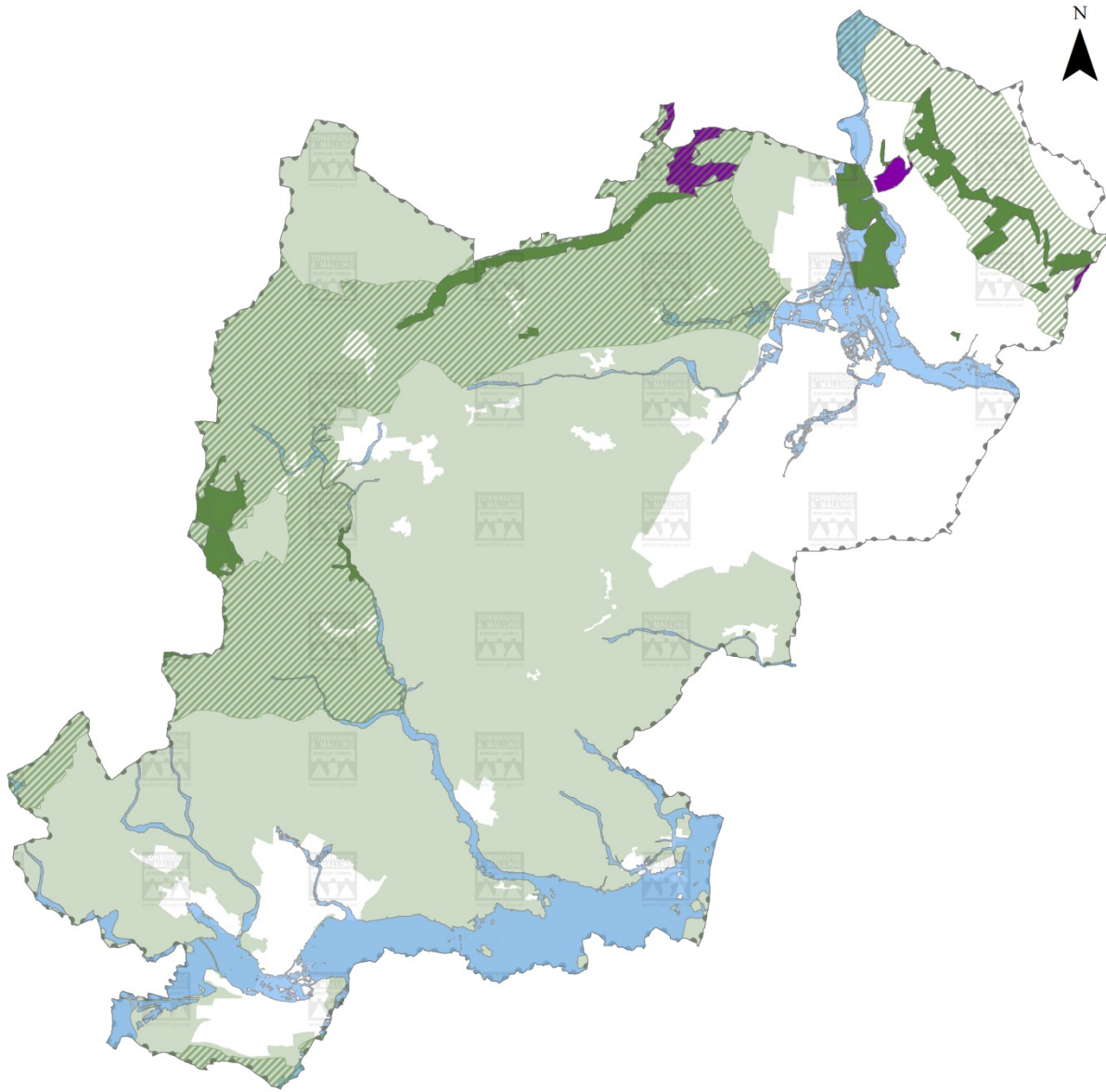
**Strategic Land Availability Assessment:** This identifies a potential future supply of land which is suitable, available and achievable for housing and economic development uses over the plan period.

**Sustainable Development:** This is growth that meets the social and economic needs of the community within the environmental limits without compromising the ability of future generations to meet their own needs.

**Sustainability Appraisal:** This is an audit of the environmental, economic and social credentials of the strategy and policies in the Local Plan.






**Viability:** This refers to the economic costs of delivering development and whether or not there is a reasonable prospect of development taking place on a site within the plan period up to 2031.

## Appendix B: Key Constraints



Ordnance Survey data © Crown copyright and database right 2016. OS 100030994.

### Legend

-  AONB
-  SAC
-  SSSI
-  Flood Zone 3
-  Green Belt



## Appendix C: Building Blocks Assessment Pro-forma

<b>Building Block Title</b>	
<b>Description</b>	A brief description of the building block, outlining what it means.
<b>Does this make a positive contribution to addressing assessed needs?</b>	A high-level assessment of whether this option could deliver, across the time frame of the plan period (up to 2031) a quantum of development that could positively address assessed needs, in particular the Objectively assessed Need for housing. This assessment would take account of high level constraints <sup>3</sup> and designations <sup>4</sup> .
<b>Which Plan Objectives does this respond to?</b>	A list of Plan objectives that this building block would make a contribution to.
<b>Would this achieve a sustainable pattern of development?</b>	An assessment of whether the resultant quantity, deliverability and geographical spread of sites would amount to a sustainable pattern of development. The objective of the Government is for Local Plan strategies to promote sustainable patterns of development, particularly when reviewing Green Belt boundaries (see para. 84 in the <a href="#">NPPF</a> ). In answering the question ' <i>Will this strategy achieve a sustainable pattern of development?</i> ' factors including housing market areas and economic generating opportunities, as well as important natural and heritage assets, are taken into account.
<b>What are the risks of pursuing this alone?</b>	An initial assessment of the consequences of pursuing this building block alone without considering alternative/additional opportunities.

<sup>3</sup> High-level constraints that preclude development are: Special Areas of Conservation (SAC); Sites of Special Scientific Interest (SSSI); Flood Zone 3 (for more vulnerable uses, eg residential); Ancient Monuments; Ancient Woodlands; and areas, parks and woodlands covered by Tree Preservation Orders

<sup>4</sup> Air Quality Management Areas; Conservation Areas; Listed Buildings; Historic Parks & Gardens, Areas of Outstanding Natural Beauty; Green Belt; and Local Wildlife Sites



## Appendix D: Building Blocks (A, B and C) Pro-formas

<b>Building Block A</b>	<b>Meeting identified development needs on brownfield land within the built-up confines of settlements</b>
<b>Description</b>	This building block focusses on the opportunities of responding to assessed needs on previously-developed land within the built-up confines of existing settlements <sup>5</sup> . This is, essentially, land which is or was occupied by development, including the curtilage of the developed land. It excludes land that is or has been occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill purposes where provision for restoration has been made through development control procedures; land in built-up areas such as private residential gardens, parks, recreation grounds and allotments; and land that was previously-developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time.
<b>Does this make a positive contribution to addressing assessed needs?</b>	No. This building block, alone, would not generate a mixed portfolio of suitable and deliverable sites over the short, medium and long-term of the plan period (up to 2031) to positively address the net Objectively Assessed Need. It would only generate a potential yield of 267 units, all of which are small. A basic assessment discounting high level constraints and designations means that there is limited potential from this source.
<b>Which Plan Objectives does this respond to?</b>	Objectives 3
<b>Would this achieve a sustainable pattern of development?</b>	No. Whilst this building block would make the best use of existing previously-developed land within the built-up confines of the settlements across the borough in both housing market areas, it would, in reality, deliver very few new homes. Opportunities to support and sustain a range of communities across the borough would be limited.
<b>What are the risks of pursuing this alone?</b>	A significant risk of pursuing this building block, alone, is that affordability is likely to worsen, resulting in more and more local people being unable to access housing in the borough (to buy/rent).

<sup>5</sup> built-up confines of urban areas, rural service centres and rural settlements as defined in the Council's existing Development Plan. These are illustrated on the [Proposals Map](#)

<b>Building Block B</b>	<b>Meeting identified development needs on land safeguarded in the existing Development Plan for future development, including the area of opportunity</b>
<b>Description</b>	This building block focusses on the opportunities of responding to assessed needs on land safeguarded in the Council's existing Development Plan to meet longer-term development needs beyond the existing plan period (up to 2021). This includes sites identified in Policy CP4 in the <a href="#">Core Strategy</a> as well as the Bushey Wood Area of Opportunity (Policy CP16 in the Core Strategy).
<b>Does this make a positive contribution to addressing assessed needs?</b>	No. This building block, alone, would not generate a mixed portfolio of suitable and deliverable sites, particularly over the short-term of the plan period, to positively address the net Objectively Assessed Need. It would only generate a potential yield of 2,111 units, with the majority of potential on a single site (Bushey Wood Area of Opportunity). A basic assessment discounting high level constraints and designations means that there is limited potential from this source.
<b>Which Plan Objectives does this respond to?</b>	Partially Objectives 1, 2 and 3
<b>Would this achieve a sustainable pattern of development?</b>	No. Whilst this building block would make use of previously identified opportunities at locations in each Housing Market Area, it would not deliver a mixed portfolio of sites and would not deliver a sufficient number of new homes. Opportunities to support and sustain a range of communities across the borough would be limited.
<b>What are the risks of pursuing this alone?</b>	A significant risk of pursuing this building block, alone, is that affordability is likely to worsen, resulting in more and more local people being unable to access housing in the borough (to buy/rent). Furthermore there is the risk that there would be an adequate supply of new homes in the short to medium term of the Local Plan.



<b>Building Block C</b>	<b>Meeting identified development needs on land at low risk of flooding within existing settlements</b>
<b>Description</b>	This building block focusses on the opportunities of responding to assessed needs on suitable and deliverable sites in areas at low risk of flooding (Flood Zone 1) within existing settlements. The Government's Planning Practice Guidance is very clear that the <b>Sequential Test</b> should be applied in the preparation of a Local Plan, hence the assessment of this strategy option. The Sequential Test essentially involves, in the first instance, the assessment of whether or not sustainable development can be achieved through new development located entirely within areas with a low probability of flooding (Flood Zone 1). For the purposes of this assessment, 'sustainable development' is defined as development close to services and centres, i.e. within the built-up confines of existing settlements <sup>6</sup> .
<b>Does this make a positive contribution to addressing assessed needs?</b>	No. This building block, alone, would not generate a mixed portfolio of suitable and deliverable sites, to positively address the net Objectively Assessed Need. It would only generate a potential yield of 276 units. A basic assessment discounting high level constraints and designations means that there is limited potential from this source.
<b>Which Plan Objectives does this respond to?</b>	Partially Objective 3.
<b>Would this achieve a sustainable pattern of development?</b>	No. Whilst this building block would make use of opportunities at locations in each Housing Market Area, it would not deliver a mixed portfolio of sites and would not deliver a sufficient number of new homes. Opportunities to support and sustain a range of communities across the borough would be limited.
<b>What are the risks of pursuing this alone?</b>	A significant risk of pursuing this building block, alone, is that affordability is likely to worsen, resulting in more and more local people being unable to access housing in the borough (to buy/rent).

<sup>6</sup> built-up confines of urban areas, rural service centres and rural settlements as defined in the Council's existing Development Plan. These are illustrated on the [Proposals Map](#)



## Appendix E: Combined Building Blocks (A, B and C) Map and Pro-forma assessment

<b>Building Blocks A, B and C</b>	<b>Combination of all 3 (Meeting identified development needs on brownfield land within the built-up confines of settlements, Meeting identified development needs on land safeguarded in the existing Development Plan for future development, including the area of opportunity and ) Meeting identified development needs on land at low risk of flooding within existing settlements</b>
<b>Description</b>	See above and the pro forma for each building block
<b>Does this make a positive contribution to addressing assessed needs?</b>	No, it would not make a very positive contribution. Cumulatively the building blocks would generate a potential yield of 2,387 units (excluding double-counting where there is an overlap between the building blocks). It is questionable whether the portfolio is sufficiently mixed to meet the short, medium and long-term assessed needs. A basic assessment discounting high level constraints and designations means that there is limited potential from this source.
<b>Which Plan Objectives does this respond to?</b>	Partially Objectives 1 and 2. Objective 3.
<b>Sustainability Appraisal (Interim Assessment)</b>	Although avoiding areas of high environmental value and flood risk, making use of existing brownfield land, and supporting local economies, the quantum of development will be insufficient to meet identified need. The small sites are likely to result in short-term small scale impacts which could be mitigated where necessary. However, a large strategic site may have a long lead in time which means that it is more likely to begin delivery in the medium to long-term, and therefore any impacts are also likely to see a similar time frame.
<b>Would this achieve a sustainable pattern of development?</b>	To a degree, yes. The combination of the building blocks would generate opportunities at locations in each Housing Market Area. However, it is highly questionable whether this distribution is adequately balanced across the two HMAs with a significant amount of potential focussed in the Maidstone & Tonbridge & Malling area (north-east part of the borough). Opportunities to support and sustain a range of communities across the borough would be limited. Furthermore, the majority of the potential is on a couple of large sites which means that there would be a limited range of opportunities to address needs throughout the plan period (short, medium and long-term).

<p><b>Building Blocks A, B and C</b></p>	<p><b>Combination of all 3 (Meeting identified development needs on brownfield land within the built-up confines of settlements, Meeting identified development needs on land safeguarded in the existing Development Plan for future development, including the area of opportunity and ) Meeting identified development needs on land at low risk of flooding within existing settlements</b></p>
<p><b>What are the risks of pursuing a combination of these building blocks?</b></p>	<p>A risk of pursuing a combination of these building blocks is that the assessed needs may not be fully addressed which could have negative consequences on affordability, although not as severe if only one building block underpinned the new Local Plan. There is also the risk that the imbalance of suitable and deliverable sites across the two HMAs could result in unsustainable patterns of development emerging with the generation of new, long trips by the car between people living in one HMA (Maidstone and Tonbridge &amp; Malling) and commuting to places of work in the other HMA (Sevenoaks, Tunbridge Wells and Tonbridge &amp; Malling). This could have negative impacts on the environment (air) and, at times, on the economy (traffic delays). In addition the long-term sustainability of some local communities is at risk because they would not benefit from the opportunities presented by this approach. Furthermore, there is the risk that the needs throughout the plan-period are inadequately addressed as a result of a limited mix of sites.</p>

## **Appendix F: Potential Development Strategy**

*(see A2 Map – separate)*



## TONBRIDGE & MALLING BOROUGH COUNCIL

### CABINET

06 September 2016

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

#### Part 1- Public

#### Executive Non Key Decisions

#### 1 WEST MALLING PARISH NEIGHBOURHOOD AREA

**Summary: West Malling Parish Council has made an application to designate the whole of the Parished area as a Neighbourhood Area in accordance with the Localism Act. This report sets out the process for considering the application, the results of the public consultation exercise and invites Members to approve the designation.**

#### 1.1 Introduction

- 1.1.1 The Localism Act 2011 introduced new neighbourhood planning provisions for which Regulations came into force on 6 April 2012. The Localism Act 2011, together with these regulations, places various duties and responsibilities upon the Council in relation to neighbourhood planning and as part of these duties, defines the process for designating neighbourhood areas and neighbourhood forums (where applicable).
- 1.1.2 West Malling Parish Council applied to the Borough Council, with the required accompanying information on 14<sup>th</sup> July 2016 for the designation of a Neighbourhood Area. The proposal covers the whole of the parished area of West Malling and is the first step for the Parish Council in preparing a Neighbourhood Plan (see Appendix 1). A four week public consultation was carried out by the Borough Council, from 21<sup>st</sup> July to 18<sup>th</sup> August 2016 in accordance with the Regulations (as amended). This consultation was solely focussed on the designation of the Neighbourhood Area and was not a consultation on the Neighbourhood Plan itself.
- 1.1.3 Consultation documents were posted on the Borough Council's website, made available at the Gibson Building reception at Kings Hill and in West Malling and Larkfield libraries. The adjoining Parish Councils of East Malling & Larkfield, Leybourne, Kings Hill, Mereworth, Offham and Ryarsh were also sent copies of the consultation documents.
- 1.1.4 At the close of the consultation period, 51 responses had been received in support of the Neighbourhood Plan. The responses make no specific comment on the

designation, but one response from Gladman Developments Ltd highlights the key requirements to which any Neighbourhood Plan should have regard Gladman have also offered their assistance to the Parish Council in the preparation of their Neighbourhood Plan (see Appendix 2). These concerns are not relevant to the decision to designate the Neighbourhood Planning Area, but they have been shared with West Malling Parish Council.

## **1.2 Determining the Application**

- 1.2.1 Parish Councils are known as ‘qualifying bodies’ for the purpose of designating Neighbourhood Areas. This means that they do not have to apply separately to become Neighbourhood Planning Forums for their area. In non-parished areas communities have to apply to become Neighbourhood Planning Forums before they can designate a Neighbourhood Area and begin a Neighbourhood Plan.
- 1.2.2 The Local Planning Authority has to decide whether the application to designate a Neighbourhood Area should be approved, approved with modifications or rejected.
- 1.2.3 The Planning Advisory Service suggests that the area applied for by the qualifying body should be approved by the LPA unless there are clear reasons why an alternative Neighbourhood Area is more appropriate. The starting point should be a boundary that makes sense to that community and is logical and in coming to a decision on an application LPAs should consider what makes an appropriate boundary for a Neighbourhood Area based on sound planning reasons.
- 1.2.4 In this case as the area to be designated is the Parish Council boundary and the Parish Council is a qualifying body there are no clear reasons why the designation should not be approved.

## **1.3 Legal Implications**

- 1.3.1 There are no legal implications arising directly from the designation of Neighbourhood Area. Should the Parish Council decide to prepare a Neighbourhood Plan and that Plan is adopted after a successful examination and local referendum, it would form part of the statutory development plan for the area.
- 1.3.2 West Malling Parish council is a relevant body under Section 61(G) of the Localism Act 2011 and pursuant to that section may apply to the Council as a local planning authority for the designation of a specified area as a “Neighbourhood Area”.

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

- 1.4.1 The application to approve the West Malling Neighbourhood Area does not raise any financial or resource implications for the Council at this stage. However, the Council has a duty to support and advise Neighbourhood Planning Bodies if they decide to prepare Neighbourhood Plans, including paying for the independent examination and the referendum.



LPAs can claim £20,000 once they have set a date for a referendum following a successful examination, for each Neighbourhood Plan. In addition to this, LPAs can claim £5,000 for the first five neighbourhood areas designated. The limit of five areas applies to the total number of areas designated in the LPA (i.e. it includes areas designated in previous years). At present the Council have only designated one Neighbourhood Planning Area; Ditton. A full explanation of the Government's financial assistance available to LPAs can be found at Appendix 3 to this report.

## **1.5 Risk Assessment**

- 1.5.1 Amendments to the Neighbourhood Planning Regulations introduced timescales for Local Planning Authorities to determine Neighbourhood Area applications within eight weeks of being publicised. This means that a decision on this application should be made by 15<sup>th</sup> September 2016.

## **1.6 Equality Impact Assessment**

- 1.6.1 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.

## **1.7 Recommendations**

- 1.7.1 That the designation of the Neighbourhood Area shown at Appendix 1 is approved.

Background papers:

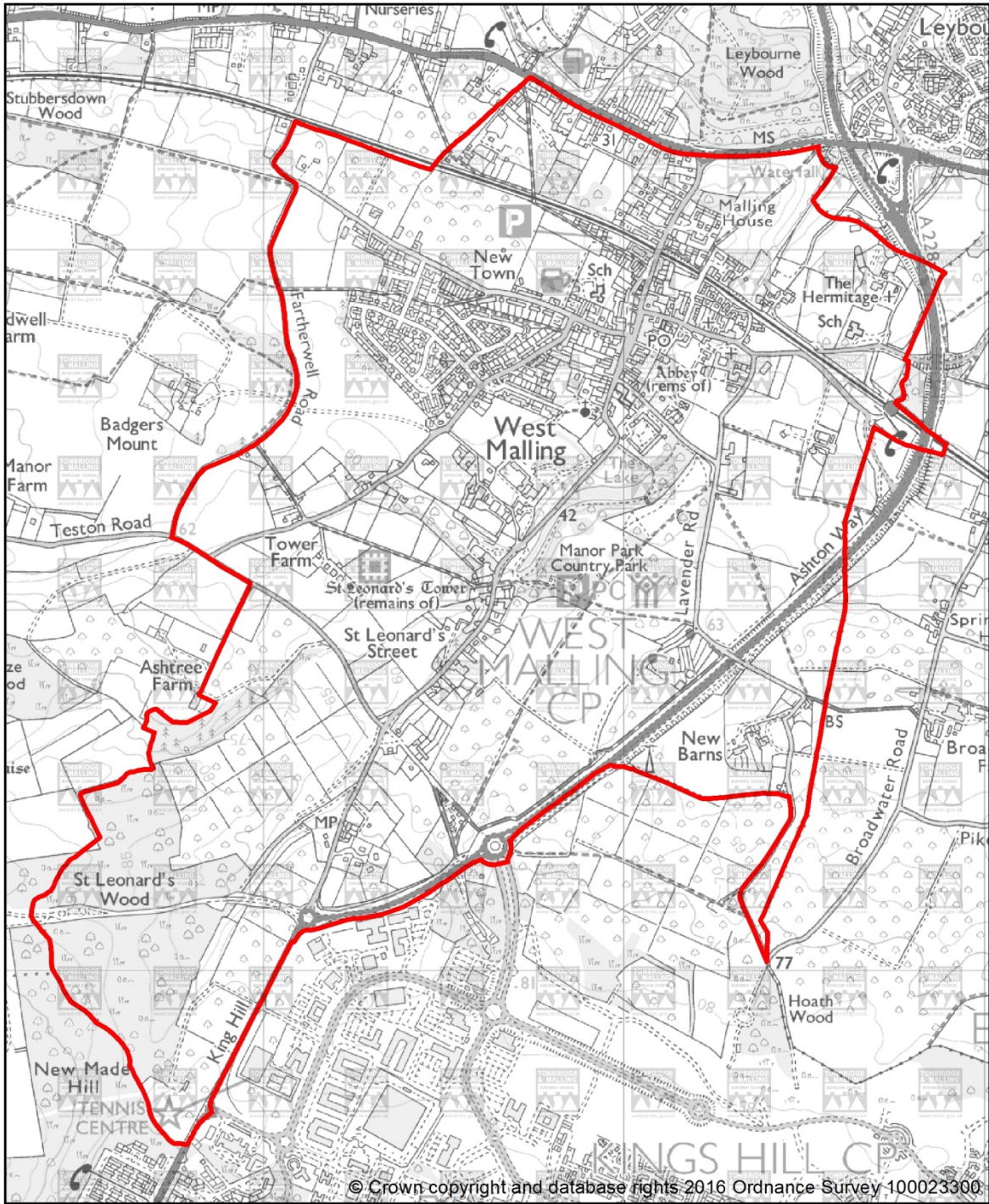
contact: Ian Bailey

Nil

Steve Humphrey

Director of Planning, Housing and Environmental Health

This page is intentionally left blank



Parish: West Malling



Scale: 1:13,500

This page is intentionally left blank



Gladman House, Alexandria Way  
 Congleton Business Park  
 Congleton, Cheshire  
 CW12 1LB

T: 01260 288800

F: 01260 288801

www.gladman.co.uk

Planning Policy Team  
 Gibson Building  
 Gibson Drive  
 Kings Hill  
 ME19 4LZ

(Representations sent via email to localplan@tmbc.gov.uk)

8<sup>th</sup> August 2016

**Re: West Malling Neighbourhood Development Plan – Application for Neighbourhood Area Designation**

Dear Sirs,

Gladman Developments Ltd (Gladman) specialise in the promotion of strategic land for residential development and associated community infrastructure. This letter provides Gladman's response on the application made by West Malling Parish Council for the designation of a Neighbourhood Area, for the purposes of preparing a Neighbourhood Development Plan.

At this stage Gladman have no specific comments to make on the application for Neighbourhood Area designation. However, as this is the first formal stage of preparing a Neighbourhood Plan, we would like to take the opportunity to highlight a number of key requirements to which the development of the emerging Neighbourhood Plan should have regard.

Gladman would also like to assist the Parish Council in preparing the emerging Neighbourhood Plan in order to meet the community's aspirations for its development needs and invite the Parish Council to contact us in this regard.

**Legal Requirements**

Before a Neighbourhood Plan can proceed to referendum it must be tested against the Neighbourhood Plan Basic Conditions, set out in §8(2) of Schedule 4b of the Town and Country Planning Act 1990. These basic conditions are:

- a) *Having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood plan*
- b) *Having special regard to the desirability of preserving any listed building or its setting or any features of special architectural or historic interest that it possesses, it is appropriate to make the order*

- c) *Having special regard to the desirability of preserving or enhancing the character or appearance of any conservation area, it is appropriate to make the order*
- d) *The making of the neighbourhood plan contributes to the achievement of sustainable development*
- e) *The making of the neighbourhood plan is in general conformity with the strategic policies contained within the development plan for the area of the authority*
- f) *The making of the neighbourhood plan does not breach, and is otherwise compatible with, EU obligations*
- g) *Prescribed conditions are met in relation to the plan and prescribed matters have been complied with in connection with the proposal for the neighbourhood plan*

## **National Policy and Guidance**

The National Planning Policy Framework (the Framework) sets out the Government's planning policies for England and how these are expected to be applied. In doing so it sets out the requirements for the preparation of neighbourhood plans and the role that these Plans should take in setting out the policies relevant for their local areas. Accordingly §6 of the Framework makes clear that the purpose of the planning system is to contribute to the achievement, a neighbourhood plan basic condition. Therefore policies in paragraphs 18 to 219, taken as a whole, should be considered throughout the preparation of the neighbourhood plan as this constitutes the Government's view of what sustainable development in England means in practice for the planning system.

At the heart of the Framework is a presumption in favour of sustainable development, which should be seen as a golden thread through both plan-making and decision-taking. For plan-making this means that plan makers should positively seek opportunities to meet the development needs of their area and Local Plans should meet objectively assessed needs (OAN) for housing, with sufficient flexibility to adapt to rapid change. This requirement is also applicable to neighbourhood plans.

The requirements set out in the Framework are further supplemented by the advice and guidance contained in the Neighbourhood Planning chapter of the Planning Practice Guidance (PPG). These updates make clear that Neighbourhood Plans should support strategic needs and deliver against objectively assessed housing needs. Where there is uncertainty regarding what a local authority's objectively assessed need is, the neighbourhood plan should consider the allocation of housing land to meet local needs and the allocation of reserve sites to minimise any potential conflicts that can arise so that those policies contained in the Neighbourhood Plan are not ultimately overridden by the policies contained in an emerging Local Plan.

The PPG also advises that Neighbourhood Plans should not contain policies restricting sustainable development opportunities<sup>1</sup>. Accordingly, to ensure the Plan contains sufficient flexibility we would recommend the use of criteria based policies to guide the future development of the neighbourhood plan area in order to meet the communities' wider aspirations.

### Relationship with Local Plans

To meet the requirements of the Framework and the Neighbourhood Plan Basic Conditions, Neighbourhood Plans should be prepared to conform to the up-to-date strategic policy requirements set out in Local Plans. In this regard, the relevant development Plan consists of the Tonbridge and Malling Core Strategy that was adopted in September 2007. The adopted Development Plan was prepared in the context of a previous era in national planning policy. The Council has now decided to embark on the preparation of a new Local Plan to meet the requirements of the Framework.

---

<sup>1</sup> PPG Paragraph: 001 Reference ID: 50-001-20160519

Accordingly, the Neighbourhood Plan should ensure that it contains sufficient flexibility in the event that the future Local Plan requires West Malling to accommodate some of its objectively assessed needs for housing. It should be noted that the adopted Core Strategy makes clear that the housing target should be considered as a minimum. Accordingly, the Neighbourhood Plan should ensure that its housing policies reflect this principle so that it allows for a degree of flexibility in the event that a future Local Plan alters the housing provision expected to be delivered in the Neighbourhood Area.

### **Neighbourhood Plan Policies and Proposals**

In accordance with the Neighbourhood Plan Basic Conditions, Neighbourhood Plan policies should align with the requirements of the Framework and the wider strategic policies for the area set out in the Council's Local Plan. Neighbourhood Plans should provide a policy framework that complements and supports the requirements set out in these higher-order documents, setting out further, locally-specific requirements that will be applied to development proposals coming forward.

The Neighbourhood Plan should seek to positively plan for new development in order to contribute to the delivery of sustainable growth. Therefore, the Neighbourhood Plan should seek to enable sufficient growth to take place in order to assist in delivering local housing needs and to assist the District Council in meeting the full Objectively Assessed Needs for housing.

The vision, objectives and policies contained in the Plan should be clearly worded and flexible so that they allow a decision maker to apply those policies consistently and with ease. Policies and proposals should be designed to add value to policies set out in Local Plan and national guidance, as opposed to replicating their requirements. The community should liaise with the Council's planning team to seek advice on the appropriateness of the Neighbourhood Plan's proposals.

### **Sustainability Appraisal/Strategic Environmental Assessment**

The preparation of a Neighbourhood Plan may fall under the scope of the Environmental Assessment of Plans and Programmes Regulations 2004 (SEA Regulations) that require a Strategic Environmental Assessment (SEA) to be undertaken where a Plan's proposals would be likely to have significant environmental effects. The requirement to undertake an SEA will be dependent on a Neighbourhood Plan's proposals, but is likely to be necessary where a Plan is proposing specific allocations or site designations.

In accordance with Schedule 1 of the SEA Regulations, a Screening Assessment of a Neighbourhood Plan's proposals should be completed to assess whether an SEA must be prepared. Where an SEA is required this should be commenced at the earliest opportunity, alongside the preparation of the emerging Neighbourhood Plan, to ensure the Neighbourhood Plan's proposals have been properly considered through the SEA process, and appropriately justified against other reasonable alternatives. Although Neighbourhood Plans do not require a Sustainability Appraisal (SA) of their proposals, preparing an SA can help to show how a Neighbourhood Plan will contribute to the achievement of sustainable development, a Neighbourhood Plan Basic Condition. Where an SEA is required, extending this assessment to the preparation of an SA is unlikely to require significant additional input.

The Council's planning team will be able to advise on the likely need for an SEA of the Neighbourhood Plan's proposals.

Yours Faithfully

John Fleming

This page is intentionally left blank





Department for  
Communities and  
Local Government

**Ruth Stanier**  
**Planning Director**

***Department for Communities and Local  
Government***

Fry Building  
2 Marsham Street  
London  
SW1P 4DF

E-Mail: [ruth.stanier@communities.gsi.gov.uk](mailto:ruth.stanier@communities.gsi.gov.uk)

[www.communities.gov.uk](http://www.communities.gov.uk)

Chief Planning Officers  
Local Planning Authorities (England)

9 March 2016

Dear Chief Planning Officer

**Update on financial support for neighbourhood planning in 2016/17**

Neighbourhood planning is a vital part of the Government's reforms to help local communities play a much stronger role in shaping the areas in which they live and work and in supporting new development proposals.

To support the vital role of local authorities in the neighbourhood planning process, the Department is today announcing updated arrangements for funding local planning authorities. Confirmation of this funding, and details of the arrangements for claiming it, are set out in the Annex to this letter.

We are continuing to provide support for communities who choose to prepare neighbourhood plans, in the form of grants of up to £9,000. In addition, groups in certain priority areas (including unparished areas, business areas, deprived areas, clusters of parishes and areas of high growth) are eligible to apply for a further £6,000 grant funding and technical support packages (such as assessing housing needs, masterplanning and design, evidence base and policy review, and strategic environmental assessment). Information on how to apply for the funding and support is at [www.mycommunity.org.uk](http://www.mycommunity.org.uk)

I would also like to take this opportunity to draw your attention to some clarifications to planning guidance on neighbourhood planning made recently, to clarify how planning applications should be decided where there is a made, or an emerging neighbourhood plan but the local planning authority does not have a five-year land supply of deliverable housing sites. Guidance on 'What evidence is needed to support a neighbourhood plan or Order?' and 'Can a Neighbourhood Plan come forward before an up-to-date Local Plan is in place?' has been clarified to emphasise the importance of having up to date evidence on housing needs, and minimising conflicts with emerging Local Plan policies. Advice on the ability of a Parish or Town council to establish an advisory committee or sub-committee has also been updated. The guidance is available online at:

<http://planningguidance.communities.gov.uk/blog/guidance/neighbourhood-planning/>

**RUTH STANIER**  
**PLANNING DIRECTOR**

## Financial support for neighbourhood planning in 2016/17

1. The arrangements for claiming financial support for neighbourhood planning have been reviewed and updated. From April 2016, local planning authorities will be able to claim as follows:

For all areas: LPAs can claim £20,000 once they have set a date for a referendum following a successful examination.

Additional funding is available in certain areas:

Area designation: LPAs can claim £5,000 for the first five neighbourhood areas designated. The limit of five areas applies to the total number of areas designated in the LPA (i.e. it includes areas designated in previous years).

Forum designation: LPAs can claim £5,000 for the first five neighbourhood forums they designate. The limit of five forums applies to the total number of areas designated in the LPA (i.e. it includes forums designated in previous years).

Business areas: LPAs can claim a further £10,000 once they have set a date for a referendum following a successful examination.

Neighbourhood Development Orders and Community Right to Build Orders: LPAs can claim £20,000 in relation to NDOs and/or CRtBOs for each neighbourhood planning area per year. The claim can be made once the date for the referendum on the orders has been set.

2. In order to help local planning authorities and DCLG manage this in a simple way, we invite you to submit aggregate claims for payment during the months of June and December (updated). All claims need to be submitted via LOGASnet.
3. Payments will be made under section 31 of the Local Government Act 2003 (and in respect of National Parks Authorities under section 72 of the Environment Act 1995 and in respect of the Broads Authority under section 15 of the Norfolk and Suffolk Broads Act 1988<sup>1</sup>).
4. The Q&A at Annex B covers many frequently asked questions. Any other questions should be forwarded to [decentralisation@communities.qsi.gov.uk](mailto:decentralisation@communities.qsi.gov.uk)

---

<sup>1</sup> In making these payments, we will ask the national parks authority or the Broads authority to make a payment to the local authority for the work in relation to the referendum it will undertake on behalf of the National Parks Authority or Broads Authority.

## Frequently Asked Questions on neighbourhood planning funding for Local Planning Authorities

### Q1. What is this funding for?

A. This money is to ensure Local Planning Authorities (LPAs) receive sufficient funding to enable them to meet new legislative duties in relation to neighbourhood planning. Specifically, it covers **the neighbourhood planning duties introduced in the Localism Act 2011 which are to provide advice or assistance; to hold an examination; and to make arrangements for a referendum.**

### Q2. What does “advice or assistance” mean?

A. The extent of advice and assistance will be different in each area. The legislation requires local planning authorities to provide such advice or assistance to qualifying bodies as, in all the circumstances, they consider appropriate for the purpose of, or in connection with, facilitating the making of proposals for neighbourhood development plans orders. Planning guidance states that a local authority should:

- be proactive in providing information to communities about neighbourhood planning
- fulfil its duties and take decisions as soon as possible, particularly regarding applications for area and forum designation
- set out a clear and transparent decision making timetable and share this with those wishing to prepare a neighbourhood plan or Order
- constructively engage with the community throughout the process

### Q3. How do I apply for this funding?

A. Any LPA supporting neighbourhood planning will be able to claim using LOGASnet.

### Q4. When and how can I submit a claim? (updated)

A. There will be two opportunities to submit claims using LOGASnet each year. There will be windows between 1 and 30 June, and 1 and 31 December. Payments will usually be made in September and March.

### Q5. Why is this money being paid to LPAs and not direct to communities?

A. LPAs have a duty to support and advise parish councils, neighbourhood forums and community right to build organisations and pay for examination and referendum. We want to ensure that LPAs receive the appropriate funding to enable the fulfilment of this duty in line with new burdens principles.

Information about support available for communities doing neighbourhood planning is at <http://mycommunity.org.uk/programme/neighbourhood-planning/>

**Q6. What about National Parks Authorities and the Broads Authority that are supporting neighbourhood plans?**

**A.** National Parks Authorities and the Broads Authority may make claims as above. Payments to National Park Authorities are made under section 72 of the Environment Act 1995 and the Broads Authority under section 15 of the Norfolk and Suffolk Broads Act 1988. In making these payments we will ask the National Park Authority or the Broads Authority to make a payment to the local authority in relation to the referendum it will undertake on behalf of the National Park Authority or Broads Authority.

**Q7. What happens where a designated area crosses the boundary of two local planning authority areas?**

**A.** Where a neighbourhood area falls within the area of more than one local planning authority, including a National Park Authority or the Broads Authority, it will be for each authority to decide on who to make the claim and how to share the payment locally. We would expect it normally to be the area with the largest proportion of the neighbourhood area or whichever authority has agreed to lead. However, this may not necessarily be the case if both parties agree otherwise. We would expect the lead authority to share the payment, in such proportions as may be locally agreed, with the other authorities working on the scheme.

**Q8. How much will we be able to claim if we have to hold a business referendum?**

**A.** Where a neighbourhood area is considered to be wholly or predominantly business in nature the legislation enables the local planning authority to designate this as a 'business area'. In these areas an additional referendum must take place in which non-domestic rate payers can vote. Where a responsible authority must run two referendums we will make an additional payment of £10,000. This can be claimed at the same time as the £20,000 payment on setting a date for a referendum following a successful examination.

**Q9. How much can we claim for a Neighbourhood Development Order or Community Right to Build Order?**

**A.** Where there are successful NDOs or CRtBOs, LPAs can claim £20,000 for each neighbourhood planning area per year. This means that where a parish, neighbourhood forum or community organisation (in the case of CRtB) prepares one or more NDO or CRtBO, the LPA can make a single claim for that area in each year. As with neighbourhood plans, the claim can be made once a referendum date is set.

**Q10. How much can we claim where a neighbourhood plan is reviewed?**

**A.** A neighbourhood plan that is reviewed needs to follow the same process of examination and referendum. In such circumstances LPAs can claim £10,000 following the setting of a referendum date.

## TONBRIDGE & MALLING BOROUGH COUNCIL

### CABINET

06 September 2016

#### Report of the Director of Finance and Transformation

#### Part 1- Public

#### Executive Non Key Decisions

**1 SELF-SUFFICIENT LOCAL GOVERNMENT: 100% BUSINESS RATES RETENTION CONSULTATION DOCUMENT; AND FAIR FUNDING REVIEW: CALL FOR EVIDENCE ON NEEDS AND REDISTRIBUTION**

In July 2016 the Department for Communities and Local Government published two papers – **Self-sufficient local government: 100% Business Rates Retention Consultation Document; and Fair Funding Review: Call for evidence on Needs and Redistribution**. This report provides an overview of both documents, together with proposed responses to both papers.

#### 1.1 Introduction

- 1.1.1 In October 2015, the Government announced that, by the end of the Parliament, local government will keep 100% of the income raised through business rates, and will take on new responsibilities to be funded from this additional income as central government grants are phased out.
- 1.1.2 In launching the 100% Business Rates Retention Consultation, the Rt Hon Greg Clark MP said ‘this crucial reform will make councils the drivers of economic growth in their communities, while also helping to transform the key services that their residents value’.
- 1.1.3 Alongside the 100% Business Rates Retention Consultation is to be a Fair Funding Review. Its aim to provide councils with their fair share of funding according to local needs under the new system.

#### *Self-sufficient local government: 100% Business Rates Retention Consultation*

- 1.1.4 This consultation seeks views on the implementation of the Government’s commitment to allow local government to retain 100% of the business rates that they raise locally. Specifically this consultation seeks to identify some of the issues that should be kept in mind when designing the reforms. A more detailed technical paper is expected to be issued for consultation in due course.

1.1.5 The consultation can be found at the following link:

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/535022/Business\\_Rates\\_Retention\\_Consultation\\_5\\_July\\_2016.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/535022/Business_Rates_Retention_Consultation_5_July_2016.pdf)

1.1.6 The return date for responses to the consultation is 26 September 2016. A copy of the proposed response can be found at **[Annex 1]**.

*Fair Funding Review: Call for evidence on Needs and Redistribution*

1.1.7 The Government is to undertake a Fair Funding Review of what the needs assessment formula should be with the implementation of 100% business rates retention and, as a first step, has issued a 'call for evidence'.

1.1.8 The paper can be found at the following link:

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/534956/Discussion\\_document\\_-\\_Needs\\_and\\_Redistribution.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/534956/Discussion_document_-_Needs_and_Redistribution.pdf)

1.1.9 The return date for responses is again 26 September 2016. A copy of the proposed response can be found at **[Annex 2]**.

## **1.2 100% Business Rates Retention**

1.2.1 Key changes will include:

- Ensuring the system is designed to encourage and reward councils that promote and support economic growth in their areas.
- Ensuring a system of redistribution of funding that recognises the needs and demands of different councils, including in cases where there are combined authorities and mayoral areas.
- Measures to manage risk within the system, including the improved management of appeals.
- Ability to reduce the business rates tax rate (the multiplier) and the ability for Combined Authority Mayors to levy a supplement on business rates bills to fund new infrastructure projects, provided they have the support of the business community through the Local Enterprise Partnership.

1.2.2 Elements of the current system expected to remain include:

- A level of redistribution between councils, through a system of top-ups and tariffs – underpinned by the Fair Funding Review.
- Protection built into the system to insulate authorities from shocks, or significant reductions in income.

- Enterprise Zones continuing to keep 100% in the growth in business rates for 25 years.
- The New Burdens Doctrine, which requires Departments to assess and fund the impact on councils of any new policies, will remain in place.

### *Background*

- 1.2.3 Before considering the move to 100% business rates retention it might be helpful to remind ourselves, in broad terms, of the current Business Rates Retention scheme. Currently, in two-tier areas such as Kent the business rates 'take' is split: Central Government 50%, Borough Council 40%, County Council 9% and Fire Authority 1%.
- 1.2.4 By way of example, the business rates baseline for a borough council based on a business rates 'take' of £60m would be £24m (£60m x 40%). The authority's business rates baseline is then compared to its baseline funding level (**relative need**). Where an authority's business rates baseline is higher than its baseline funding level it pays a tariff and where the reverse is true it receives a top-up. If the authority's baseline funding level is £2m it would pay a tariff of £22m in this example (£24m - £2m). The baseline funding level is the sum included in the Settlement Funding Assessment as part of the Local Government Finance Settlement.
- 1.2.5 Some examples of how the current scheme works in practice based on the above example are given below.
- 1) Business rates 'take' £61m. Of the additional £1m (61m - £60m) the borough council share is £400,000 on which a levy of up to 50% is paid. At a levy rate of 50% the additional business rates retained by the borough council is £200,000 over and above the baseline funding level of £2m. It should be noted that for authorities in a business rates pool the levy rate is notably lower and can be nil.  
  
The Government has already announced that the levy on growth will be scrapped under 100% business rates retention.
  - 2) Business rates 'take' £59m. In this scenario the borough council's retained business rates income is £1.6m (£59m x 40% minus the tariff of £22m). However, a safety net 'kicks in' at 92.5% of the baseline funding level or £1.85m (£2m x 92.5%). As a result the borough council receives a safety net payment of £250,000. The £1.85m is £150,000 short of the baseline funding level set out in the Local Government Finance Settlement which is met by the borough council.
- 1.2.6 Example 2 above is a position we found ourselves in following our joint highest business ratepayer going into administration (something we had no control over) shortly after the introduction of the current Business Rates Retention scheme. As

a result, since 2013/14 through to 2016/17 the Council will receive around £619,000 less than the amounts set out in the Local Government Finance Settlements over the same period as detailed in the table below. In other words, the Council is not receiving what is deemed to be its relative need over that period of time (see paragraph 1.2.4).

	<b>2013/14</b> £	<b>2014/15</b> £	<b>2015/16</b> £	<b>2016/17</b> £	<b>Total</b> £
LGFS	2,010,774	2,049,945	2,089,115	2,106,525	8,256,359
Safety Net	1,859,966	1,896,199	1,932,431	1,948,536	7,637,132
<b>Shortfall</b>	<b>150,808</b>	<b>153,746</b>	<b>156,684</b>	<b>157,989</b>	<b>619,227</b>

### *Devolution of responsibilities*

- 1.2.7 A list of potential responsibilities that could be transferred to councils has been published to be funded from additional retained business rates. No matter which new services councils agree to, the amount of extra business rates income kept by councils must meet their cost, **both now and in the future**. Government also needs to allow councils to use some of the extra business rates income to meet existing funding gaps. We do not believe that demand-led services (e.g. Attendance Allowances) that can increase very quickly and services where there is a statutory obligation to provide them (e.g. Disabled Facilities Grants as part of the Improved Better Care Fund) are candidates for devolution under this scheme and where demand is not related to economic growth.

### *Business rates system*

- 1.2.8 On the extent and frequency of resets, and taking account of our own experience to date, officers' view is that there should be a full reset of the system, including all achieved growth, every five years particularly as local authorities under the new system will be **heavily dependent on business rates income for delivery of core services**.
- 1.2.9 The Government's intention is to maintain the current top up and tariff system. Top-ups and tariffs will be fixed between resets (with similar adjustments to the current system for multiplier increases and revaluation) to promote growth. The Government currently adjusts each authority's tariff, or top-up, following a revaluation, to ensure that their retained income is the same after revaluation as immediately before.
- 1.2.10 On the subject of tier splits and whether fire authority funding should be removed from the business rates retention scheme, it seems appropriate, as with police funding, that fire authority funding be provided through a separate grant and, in so doing, introduce in an area such as Kent a two-way split.
- 1.2.11 As Members are aware, this Council saw its joint highest business ratepayer go into administration shortly after the introduction of the current Business Rates



Retention scheme pushing the Council into safety net (where it has remained). This matter was taken up at the time with the then Minister for Local Government, Kris Hopkins.

- 1.2.12 A change we would want to see is for the safety net to be at the baseline funding level (see paragraph 1.2.17), and on that basis for the split in two-tier areas to be 50:50.
- 1.2.13 On the other hand, if the safety net is to be set as now, coupled with the likelihood that baseline funding levels will increase to reflect any additional responsibilities transferred to councils, the tier split will need to reflect exposure to risk and resilience/ability to manage risk.
- 1.2.14 Setting tier splits for the future 100% business rates retention is to be the subject of further consideration, and will need to take into account the services that are expected to be delivered at each tier of government and the impact of different options on a local authority's exposure to risk and incentive to grow their business rates base.
- 1.2.15 The paper reaffirms the previous announced commitment that Enterprise Zones will remain in place and with the original funding guarantee (100% growth guaranteed for 25 years).
- 1.2.16 The paper asks about 'riskier' hereditaments, e.g. power stations, oil refineries and national airports and whether it would be helpful to move these from the local rating list to the central list. Again, if the safety net is set at the baseline funding level the need to do so is less acute than it would otherwise be. It is not clear what is to be seen as 'riskier' - e.g. would Aylesford Newsprint have fallen into that category? - albeit the removal of hereditaments that were more in the nature of national infrastructure seems appropriate.
- 1.2.17 Again, **taking account of our own experience** it is proposed that the **safety net be set at the baseline funding level** as this is, to all intents and purposes, a measure of need. It would reconcile with what is set out in the Local Government Finance Settlement; and is a figure that is, more often than not, used for budgeting purposes and as such should aid financial planning, together with the likelihood that baseline funding levels will increase to reflect any additional responsibilities transferred to councils. How this is to be funded of course will need to be included in the design of a new business rates scheme.

#### *Local tax flexibilities*

- 1.2.18 Local authorities will have the ability to reduce the business rates tax rate (the multiplier) and the ability for Combined Authority Mayors to levy a supplement on business rates bills to fund new infrastructure projects, provided they have the support of the business community through the Local Enterprise Partnership.

1.2.19 On the assumption that fire authority funding is by way of a separate grant, officers' view is that in a two-tier area either authority should be able to reduce the multiplier and the authorities in question to agree how to share the costs. The consultation makes it clear that new levying powers will only be open to Combined Authority Mayors and as a result, we have not proffered a response to the associated questions.

*Accountability and accounting*

1.2.20 As proposals for business rates retention develop, the Government will continue to work with councils and others to explore the implications and consequences of the new system in terms of accountability and accounting, and the type of information required from councils as part of the system.

1.2.21 It is important that the arrangements **promote transparency and accountability rather than adding complexity** to the local government finance system.

### **1.3 Fair Funding Review**

1.3.1 There will need to be some system of redistribution between local authorities to balance revenue with relative needs. A system of top-ups and tariffs is used to redistribute funding from those local authorities that collect more in business rates to those who do not collect enough compared to their identified need. Top-ups and tariffs will be fixed for the period between resets.

1.3.2 The Government expects to have a final consultation on the formulae in the Summer of 2018 and crucially the starting point, an authority's **baseline funding level** will not be known until nearer the introduction of 100% business rates retention.

1.3.3 This Council has not fared favourably on previous assessments of relative need and of further (probably greater) concern is reference to 'as central government grants are phased out'. What about New Homes Bonus – is that in the frame?

1.3.4 The new system on needs assessment and redistribution should be fair, transparent and capable of being kept up to date and clearly the simpler the system, the easier it should be to explain and understand. It also needs to recognise particular arrangements that only exist in some authorities, such as internal drainage boards and consideration needs to be given to the balance between statutory and discretionary services.

1.3.5 The problem is whatever the funding formulae it will be seen to be a fair, satisfactory or unsatisfactory representation of relative need depending on the outcome. On that basis the methodology used on the introduction of the current Business Rates Retention scheme using up-to-date data could be as 'good' an option as any other. There is an overarching principle we would wish to put forward and set this out below.

- 1.3.6 As part of the Local Government Finance Settlement 2016/17 local authorities were provided with indicative figures for both their Settlement Funding Assessment (SFA) and New Homes Bonus (NHB) for the period 2016/17 to 2019/20 which they would, at that time, have taken due regard to for budgeting purposes and financial planning.
- 1.3.7 Therefore, a principle we would want to see applied is for the baseline funding level to be at least equal to the indicative SFA figure for 2019/20 and if NHB is to be subsumed within the system the sum of the indicative SFA and NHB figures for that year; plus any additional funding as a result of devolution of responsibilities. In this way no council should be any worse off than it had been expecting (and working towards) in the lead up to 100% business rates retention and included in their core spending power calculations.
- 1.3.8 If this principle is not adopted, the level of funding any one council receives post 2020 could alter significantly for the worse and place financial sustainability at risk where transitional arrangements in the form of damping will be a prerequisite.
- 1.3.9 Furthermore, to give greater control and flexibility over their finances council tax levels should be a decision for councils and the council tax referendum principles withdrawn.

#### **1.4 Legal Implications**

- 1.4.1 The legislative framework for the billing, collection, recovery and administration of national non-domestic rates (business rates) is set out in the Local Government and Finance Act 1988.
- 1.4.2 The Local Government Finance Act 2012 and regulations that followed introduced the current Business Rates Retention scheme.

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

- 1.5.1 What is as important, and arguably more so, is what will our baseline funding level be on the introduction of 100% business rates retention and how this compares to that reflected in the Medium Term Financial Strategy taking into account transfer of any new responsibilities; and crucially what is to happen to New Homes Bonus. An authority's baseline funding level will not be known until nearer the introduction of 100% business rates retention.
- 1.5.2 The level of funding any one authority receives in future could alter significantly for the worse and place financial sustainability at risk where transitional arrangements in the form of damping will be a prerequisite.

## 1.6 Risk Assessment

- 1.6.1 There is so much uncertainty and volatility that financial planning is becoming increasingly difficult with the increased risk of significant variances compared to projections.
- 1.6.2 Business rates income volatility and consequent exposure to risk may be greater under 100% business rates retention.
- 1.6.3 The implications of the level of reserves held to deal with potentially greater income volatility.

## 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 Subject to any further comments, Cabinet is asked to **ENDORSE** and **APPROVE**:
- 1) The proposed response to the Self-sufficient local government: 100% Business Rates Retention Consultation **[Annex 1]**.
  - 2) The proposed response to the paper, Fair Funding Review: Call for evidence on Needs and Redistribution **[Annex 2]**.

Background papers:

Nil

contact: Sharon Shelton  
Neil Lawley

Sharon Shelton  
Director of Finance and Transformation

## Summary of Questions and Responses (100% Business Rate Retention)

Question 1: Which of these identified grants / responsibilities do you think are the best candidates to be funded from retained business rates?

**No matter which new services councils agree to, the amount of extra business rates income kept by councils must meet their cost, both now and in the future. Government also needs to allow councils to use some of the extra business rates income to meet existing funding gaps. We do not believe that demand-led services (e.g. Attendance Allowances) that can increase very quickly and services where there is a statutory obligation to provide them (e.g. Disabled Facilities Grants as part of the Improved Better Care Fund) are candidates for devolution under this scheme and where demand is not related to economic growth.**

Question 2: Are there other grants / responsibilities that you consider should be devolved instead of or alongside those identified above?

**None that come to mind, but again no matter which new services councils agree to, the amount of extra business rates income kept by councils must meet their cost, both now and in the future.**

Question 3: Do you have any views on the range of associated budgets that could be pooled at the Combined Authority level?

**The approach outlined would mean that the services listed would only be available to councils as part of a devolution deal and the range of services devolved would be different in different parts of the country and for different councils. We would question how this sits with the aim of a business rates retention system that is simple to operate and understand.**

Question 4: Do you have views on whether some or all of the commitments in existing and future deals could be funded through retained business rates?

**See response to question 3 and again no matter which new services councils agree to, the amount of extra business rates income kept by councils must meet their cost, both now and in the future.**

Question 5: Do you agree that we should continue with the new burdens doctrine post- 2020?

**Agree.**

Question 6: Do you agree that we should fix reset periods for the system?

**Agree. We support a full reset of the system, including all achieved growth, every five years particularly as local authorities under the new system will be heavily dependent on business rates income for delivery of core services.**

Question 7: What is the right balance in the system between rewarding growth and redistributing to meet changing need?

**See response to question 6.**

Question 8: Having regard to the balance between rewarding growth and protecting authorities with declining resources, how would you like to see a partial reset work?

**See response to question 6.**

Question 9: Is the current system of tariffs and top-ups the right one for redistribution between local authorities?

**Support the current system of tariffs and top-ups for the purposes of redistribution between authorities.**

Question 10: Should we continue to adjust retained incomes for individual local authorities to cancel out the effect of future revaluations?

**Support the same approach as now continuing to apply following a revaluation.**

Question 11: Should Mayoral Combined Authority areas have the opportunity to be given additional powers and incentives, as set out above?

**Not applicable.**

Question 12: What has your experience been of the tier splits under the current 50% rates retention scheme? What changes would you want to see under 100% rates retention system?

**This Council saw its joint highest business ratepayer go into administration shortly after the introduction of the current Business Rates Retention scheme pushing the Council into safety net (where it has remained). This matter was taken up at the time with the then Minister for Local Government, Kris Hopkins given the significant financial pressures it instantly created for the Council.**

**A change we would want to see is for the safety net to be at the baseline funding level and on that basis for the split in two-tier areas to be 50:50.**

**On the other hand, if the safety net is to be set as now, coupled with the likelihood that baseline funding levels will increase to reflect any additional responsibilities transferred to councils, the tier split will need to reflect exposure to risk and resilience/ability to manage risk.**

Question 13: Do you consider that fire funding should be removed from the business rates retention scheme and what might be the advantages and disadvantages of this approach?

**It would seem appropriate, as with police funding, that fire authority funding be provided through a separate grant. The funding is not then subject to a volatile income stream; it reduces the number of tier splits; and owing to the fact that Police and Crime Commissioners will be able to take on responsibility for fire where a local case can be made.**

Question 14: What are your views on how we could further incentivise growth under a 100% retention scheme? Are there additional incentives for growth that we should consider?

**What is important is for the baseline funding level, the 'starting point' to be fair, reasonable and just. This in itself will incentivise growth supported by the fact that the levy on growth is to be scrapped.**

**Whilst there is demand from businesses, the levels of speculative development of commercial and industrial premises is low as values are considerably lower than residential values. As such, a financial incentive that specifically makes the development of new commercial and industrial premises more attractive to developers, businesses and inward investors would not only help to stimulate business growth, it would also help to create more balanced communities.**

**Giving wider consideration to the growth impact of infrastructure projects, it is also important that government ensures that opportunities, such as the Local Growth Fund, are continued and adequately funded.**

Question 15: Would it be helpful to move some of the 'riskier' hereditaments off local lists? If so, what type of hereditaments should be moved?

**If the safety net is set at the baseline funding level the need to do so is less acute than it would otherwise be. It is not clear what is to be seen as 'riskier' albeit the removal of hereditaments that were more in the nature of national infrastructure seems appropriate.**

Question 16: Would you support the idea of introducing area level lists in Combined Authority areas? If so, what type of properties could sit on these lists, and how should income be used? Could this approach work for other authorities?

**First part of the question is for Combined Authority areas to respond. Non-combined authority areas should be able to take advantage of abilities to pool and to form area lists, subject to agreement in these areas. That said how does this sit with the aim of a business rates retention system that is simple to operate and understand?**

Question 17: At what level should risk associated with successful business rates appeals be managed? Do you have a preference for local, area (including Combined Authority), or national level (across all local authorities) management as set out in the options above?

**If the safety net is set at the baseline funding level local authorities to continue managing the risk of successful business rates appeals as they do now with increased support to improve local ability to set aside the right amount in provisions.**

**If the safety net is to be set as now the risk associated with successful appeals to be managed at a national level.**

Question 18: What would help your local authority better manage risks associated with successful business rates appeals?

**More streamlined decision making process leading to period of potential backdating to no more than a few years.**

Question 19: Would pooling risk, including a pool-area safety net, be attractive to local authorities?

**Local authorities should be able to take advantage of abilities to pool risk subject to agreement. That said how does this sit with the aim of a business rates retention system that is simple to operate and understand?**

**But not including the safety net.**

Question 20: What level of income protection should a system aim to provide? Should this be nationally set, or defined at area levels?

**This Council saw its joint highest business ratepayer go into administration shortly after the introduction of the current Business Rates Retention scheme pushing the Council into safety net (where it has remained). This matter was taken up at the time with the then Minister for Local Government, Kris Hopkins given the significant financial pressures it instantly created for the Council.**

**A change we would want to see is for the safety net to be at the baseline funding level as this is to all intents and purposes a measure of need; would agree with what is set out in the Local Government Finance Settlement; and is more often than not used for budgeting purposes and as such should aid financial planning, together with the likelihood that baseline funding levels will increase to reflect any additional responsibilities transferred to councils.**

**How this is funded will need to be included in the design of a new business rates scheme.**



Question 21: What are your views on which authority should be able to reduce the multiplier and how the costs should be met?

**On the assumption that fire authority funding is by way of a separate grant, either authority should be able to reduce the multiplier and the authorities in question to agree how to share the costs.**

Question 22: What are your views on the interaction between the power to reduce the multiplier and the local discount powers?

**Authorities should be given more flexibility on mandatory rate relief. This would help target incentives and tackle avoidance.**

Question 23: What are your views on increasing the multiplier after a reduction?

**Do not support capping increases in the multiplier after a reduction. Decision on increases in the multiplier after a reduction should rest with individual local authorities.**

Question 24: Do you have views on the above issues or on any other aspects of the power to reduce the multiplier?

**No further comments.**

Question 25: What are your views on what flexibility levying authorities should have to set a rateable value threshold for the levy?

**Not relevant.**

Question 26: What are your views on how the infrastructure levy should interact with existing BRS powers?

**No comments.**

Question 27: What are your views on the process for obtaining approval for a levy from the LEP?

**Not relevant.**

Question 28: What are your views on arrangements for the duration and review of levies?

**Not relevant.**

Question 29: What are your views on how infrastructure should be defined for the purposes of the levy?

**Not relevant.**

Question 30: What are your views on charging multiple levies, or using a single levy to fund multiple infrastructure projects?

**Not relevant.**

Question 31: Do you have views on the above issues or on any other aspects of the power to introduce an infrastructure levy?

**No comments.**

Question 32: Do you have any views on how to increase certainty and strengthen local accountability for councils in setting their budgets?

**With a move to 100% business rates retention councils will raise a greater share of their funding locally and direct funding from Government reduced. The funding from Government should be made known earlier in the budget setting process with indicative figures provided for a minimum of a further three years to aid financial planning.**

Question 33: Do you have views on where the balance between national and local accountability should fall, and how best to minimise any overlaps in accountability?

**Parliament to be accountable for funding decisions made at the national level; and to continue to consider and discuss the implications for accountability as the scheme develops.**

Question 34: Do you have views on whether the requirement to prepare a Collection Fund Account should remain in the new system?

**Requirement to prepare a Collection Fund Account should remain in the new system.**

Question 35: Do you have views on how the calculation of a balanced budget may be altered to be better aligned with the way local authorities run their business?

**No comments.**

Question 36: Do you have views on how the Business Rates data collection activities may be altered to collect and record information in a more timely and transparent manner?

**Agree there is scope to revise and improve data collection activities which should become clearer as the scheme develops.**

## Summary of Questions and Responses (Fair Funding Review)

Question 1: What is your view on the balance between simple and complex funding formulae?

**The new system on needs assessment and redistribution should be fair, transparent and capable of being kept up to date and clearly the simpler the system, the easier it should be to explain and understand.**

**The problem is that, whatever the funding formulae, it will be seen to be a fair, satisfactory or unsatisfactory representation of relative need depending on the outcome for a particular authority. On that basis, the methodology used on the introduction of the current Business Rates Retention scheme using up to date data could be as 'good' an option as any other. There is an overarching principle we would wish to put forward and set this out below:**

**As part of the Local Government Finance Settlement 2016/17 local authorities were provided with indicative figures for both their Settlement Funding Assessment (SFA) and New Homes Bonus (NHB) for the period 2016/17 to 2019/20. Due regard would have been taken to these indicative figures for budgeting purposes and financial planning.**

**Therefore, a principle we would want to see applied is for the baseline funding level to be at least equal to the indicative SFA figure for 2019/20 and, if NHB is to be subsumed within the system, the sum of the indicative SFA and NHB figures for that year; plus any additional funding as a result of devolution of responsibilities. In this way no council should be any worse off than it had been expecting (and working towards) in the lead up to 100% business rates retention and included in their core spending power calculations.**

**If this principle is not adopted, the level of funding any one council receives post 2020 could alter significantly for the worse and place financial sustainability at risk where transitional arrangements in the form of damping will be a prerequisite.**

Question 2: Are there particular services for which a more detailed formula approach is needed, and – if so – what are these services?

**See response to question 1.**

Question 3: Should expenditure based regression continue to be used to assess councils' funding needs?

**See response to question 1.**

Question 4: What other measures besides councils' spending on services should we consider as a measure of their need to spend?

**See response to question 1.**

Question 5: What other statistical techniques besides those mentioned above should be considered for arriving at the formulae for distributing funding?

**See response to question 1.**

Question 6: What other considerations should we keep in mind when measuring the relative need of authorities?

**It needs to recognise particular arrangements that only exist in some authorities, such as internal drainage boards and consideration needs to be given to the balance between statutory and discretionary services.**

Question 7: What is your view on how we should take into account the growth in local taxes since 2013-14?

**Do not support taking into account the growth in local taxes. Furthermore, to give greater control and flexibility over their finances council tax levels should be a decision for councils and the council tax referendum principles withdrawn.**

Question 8: Should we allow step-changes in local authorities' funding following the new needs assessment?

**If the principle set out in the response to question one is not applied the level of funding any one authority receives post 2020 could alter significantly for the worse and place financial sustainability at risk where transitional arrangements in the form of damping will be a prerequisite. In this scenario adopt the same approach to that in 2013/14.**

Question 9: If not, what are your views on how we should transition to the new distribution of funding?

**See response to question 8.**

Question 10: What are your views on a local government finance system that assessed need and distributed funding at a larger geographical area than the current system – for example, at the Combined Authority level?

**For Combined Authority areas at their request but generally do not support in that it replicates the national debate on relative need at a local level.**

Question 11: How should we decide the composition of these areas if we were to introduce such a system?

**See response to question 10.**

Question 12: What other considerations would we need to keep in mind if we were to introduce such a system?

**See response to question 10.**

Question 13: What behaviours should the reformed local government finance system incentivise?

**No comments.**

Question 14: How can we build these incentives in to the assessment of councils' funding needs?

**No comments.**

This page is intentionally left blank

# 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.

This page is intentionally left blank



# Agenda Item 9

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**

This page is intentionally left blank

# Agenda Item 10

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

This page is intentionally left blank