

# TONBRIDGE & MALLING BOROUGH COUNCIL



## EXECUTIVE SERVICES

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### Chief Executive

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

Contact: Democratic Services  
[committee.services@tmbc.gov.uk](mailto:committee.services@tmbc.gov.uk)

2 November 2021

To: MEMBERS OF THE PLANNING AND TRANSPORTATION ADVISORY BOARD

(Copies to all Members of the Council)

Dear Sir/Madam

Your attendance is requested at a meeting of the Planning and Transportation Advisory Board to be held in the Council Chamber, Gibson Drive, Kings Hill on Wednesday, 10th November, 2021 commencing at 7.30 pm.

Members of the Committee are required to attend in person. Other Members are encouraged to participate online via MS Teams.

Information on how to observe the meeting will be published on the Council's website.

Yours faithfully

JULIE BEILBY

Chief Executive

## A G E N D A

### PART 1 - PUBLIC

1. Apologies for absence

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2. Declarations of interest 7 - 8
- Members in any doubt about such declarations are advised to contact Legal or Democratic Services in advance of the meeting*

3. Minutes 9 - 14

To confirm as a correct record the Notes of the meeting of the Planning and Transportation Advisory Board held on 29 June 2021

**Matters for Recommendation to the Cabinet**

4. Local Plan Update 15 - 38

*This report provides an update of progress made following the decision of Full Council in July to withdraw the Local Plan submitted in January 2021 and prepare a revised Plan at the earliest opportunity. It sets out the priority pieces of evidence that need to be updated in order to prepare a document for Regulation 18 consultations to commence in 2022, including a Call for Sites exercise and seeks approval for a revised Local Development Scheme setting out the key milestones to Adoption.*

5. Review of Pre-application Advice Service 39 - 60

*This report provides a review of the pre-application advice service offered by the Council and sets out proposed revisions to the service along with the proposed new charges for 2022-2023.*

6. Review of the Planning Performance Agreement Protocol and Fee Charging Schedule 61 - 70

*This report provides a review of the planning performance agreement protocol and sets out the proposed new charges for 2022-2023.*

7. Development Management Update 71 - 80

*This report provides an update on various matters pertaining to the Development Management function over the course of the year. The recommended actions contained within the report result in some savings in wider service efficiencies to support the Council's medium term financial strategy.*

8. Gatwick Northern Runway Consultation 81 - 124

*This report provides an overview of the Gatwick Northern Runway consultation and draft consultation response.*

9. Affordable Housing Protocol 125 - 138

*This report sets out the policy approach for addressing affordable housing and seeks approval to use for Development Management purposes until the Local Plan is adopted.*

**Matters submitted for Information**

10. 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**

11. 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**

**Matters for Recommendation to the Cabinet**

12. Local Plan Update 143 - 148

*This report provides details of financial and value for money implications in respect of the Local Plan Update.*

13. Urgent Items 149 - 150

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

## **MEMBERSHIP**

Cllr J L Botten (Chairman)  
Cllr D J Cooper (Vice-Chairman)

Cllr M C Base  
Cllr T Bishop  
Cllr R W Dalton  
Cllr D A S Davis  
Cllr M O Davis  
Cllr S A Hudson  
Cllr A P J Keeley

Cllr Mrs F A Kemp  
Cllr A Kennedy  
Cllr D W King  
Cllr H S Rogers  
Cllr N G Stapleton  
Cllr M Taylor  
Cllr D Thornewell

Apologies for absence

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Declarations of interest

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## TONBRIDGE AND MALLING BOROUGH COUNCIL

### PLANNING AND TRANSPORTATION ADVISORY BOARD

Tuesday, 29th June, 2021

**Present:** Cllr J L Botten (Chairman), Cllr D J Cooper (Vice-Chairman), Cllr T Bishop, Cllr D A S Davis, Cllr M O Davis, Cllr Mrs F A Kemp, Cllr A Kennedy, Cllr D W King, Cllr H S Rogers, Cllr N G Stapleton, Cllr M Taylor and Cllr D Thornevell

Councillors Mrs J A Anderson, Mrs S Bell, R P Betts, V M C Branson, M A Coffin, N J Heslop, M A J Hood, J R S Lark, D Lettington, B J Luker, P J Montague, Mrs A S Oakley, W E Palmer, M R Rhodes and R V Roud participated via MS Teams and joined the discussion when invited to do so by the Chairman in accordance with Council Procedure Rule No 15.21.

(Note: As Councillors R W Dalton and S A Hudson were unable to attend in person and participated via MS Teams they were unable to vote on any matters)

Apologies for absence were received from Councillors M D Boughton, R W Dalton, S A Hudson and D Keers

#### **PE 21/10 DECLARATIONS OF INTEREST**

Councillor M Davis declared an Other Significant Interest in the agenda item relating to the Local Plan on the grounds of his status as a partner of Warner's Solicitors. He noted however that he was entitled to remain in the meeting in accordance with the dispensation granted to him under section 33 of the Localism Act 2011 at Minute GP 19/13 (General Purposes Committee of 19 June 2019).

#### **PE 21/11 MINUTES**

**RESOLVED:** That the notes of the meeting of the Planning and Transportation Advisory Board held on 17 May 2021 be approved as a correct record and signed by the Chairman.

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

#### **PE 21/12 THE ADOPTION OF THE KENT DOWNS AREA OF OUTSTANDING NATURAL BEAUTY (AONB) MANAGEMENT PLAN**

The report of the Director of Planning, Housing and Environmental Health reminded Members of the requirement under The Countryside and Rights of Way (CROW) Act 2000 for local authorities to produce, adopt and keep under review Management Plans for Areas of Outstanding Natural Beauty (AONB). The report outlined the review

undertaken to update the current Kent Downs (AONB) Management Plan for the period 2021-2026.

**RECOMMENDED:** That

- (1) Cabinet commends that Council resolve to adopt the Kent Downs AONB Management Plan 2021-2026 as a material planning consideration; and
- (2) Delegated authority be given to the Director of Planning, Housing and Environmental Health, in consultation with the Cabinet Member for Strategic Planning and Infrastructure, to produce the Kent Downs AONB Management Plan and to make further minor changes during the adoption process.

**\*Referred to Cabinet**

**PE 21/13 TUNBRIDGE WELLS LOCAL PLAN STATEMENT OF COMMON GROUND**

(Decision Notice D210064MEM)

The report of the Director of Planning, Housing and Environmental Health provided a summary of the Statement of Common Ground between Tunbridge Wells and Tonbridge and Malling and sought approval for it to be returned to Tunbridge Wells Borough Council to accompany its Local Plan submission to the Secretary of State. In response to comments regarding the Governance arrangements the Planning Policy Manager advised that the text of Section 7 would be amended to extend the level of Member involvement. The Portfolio Holder agreed to consider any further suggested amendments from Members up to mid-July in order that the Statement could be finalised and returned to Tunbridge Wells Borough Council before the submission of their Local Plan in August.

**RECOMMENDED:** That

- (1) the content of the report be noted; and
- (2) subject to the amendment of section 7 and any further proposed changes, the Statement of Common Ground with Tunbridge Wells Borough Council, as set out at Annex 1 to the report, be approved.

**PE 21/14 HOUSING DELIVERY TEST ACTION PLAN**

(Decision Notice D210065MEM)

The report of the Director of Planning, Housing and Environmental Health provided an explanation of the Government's Housing Delivery Test which provided an annual measurement of housing delivery at local level. The report sought endorsement of the preparation of an Action Plan which identified the profile of housing supply within the Borough and actions to be taken to boost delivery.

**RECOMMENDED:** That

- (1) the draft Housing Delivery Test Action Plan, set out at Annex 1 to the report, be endorsed; and
- (2) following engagement with relevant stakeholders, the Director of Planning, Housing and Environmental Health, in consultation with the Cabinet Member for Strategic Planning and Infrastructure and the Chairman of the Planning and Transportation Advisory Board, be authorised to agree the final version of the Action Plan.

**PE 21/15 BOROUGH GREEN GARDENS**

(Decision Notice D210066MEM)

The report of the Director of Planning, Housing and Environmental Health provided an update on the garden communities work undertaken to support the delivery of development at Borough Green Gardens, a significant strategic allocation in the Council's draft Local Plan. The report informed Members about the creation of a Project Board to enable discussion with technical consultees and delivery partners involved in the Garden Communities project. In addition it was reported that, in order to progress the draft Development Brief towards formal public consultation later in 2021, it was important to seek the views of the local community, including businesses, residents and community groups so that benefits for existing and future residents could be maximised.

**RECOMMENDED:** That

- (1) the content of the report be noted; and
- (2) the project next steps and timetable be endorsed to allow community engagement activities to commence.

**PE 21/16 REVIEW OF PLANNING ENFORCEMENT PLAN AND ASSOCIATED PROTOCOLS**

(Decision Notice D210067MEM)

The report of the Director of Planning, Housing and Environmental Health provided an update on the activities undertaken by the Planning Enforcement Team over the past 12 months, with particular reference to the effectiveness of the adopted Planning Enforcement Plan and the publication of additional guidance in respect of the issuing of Cautions. Additionally, the report sought approval to the adoption of a Tree Protection Enforcement Protocol.

**RECOMMENDED:** That

- (1) the principle of a Tree Protection Enforcement Protocol be adopted subject to
  - consideration by the Cabinet of any necessary amendments to the draft document to reflect all feedback from the Planning and Transportation Advisory Board to ensure it was fit for purpose; and
  - a 6-month review period following the successful appointment to the Tree and Landscape Officer post;
- (2) the Director of Planning, Housing and Environmental Health be granted delegated authority to approve the final protocol in consultation with the Cabinet Member for Strategic Planning and Infrastructure; and
- (3) the Simple Cautions and Planning Enforcement Guidance Note, as attached at Annex 2 to the report, be adopted.

**PE 21/17 TREE RELATED SERVICE IMPROVEMENTS AND TREE PRESERVATION ORDER PROTOCOL**

(Decision Notice D210068MEM)

The report provided an update on the ongoing review into how the service dealt with all tree related matters and outlined proposed changes to processes and procedures to facilitate improvements. Additionally, the report outlined the terms and scope of a Protocol intended to provide a clear and transparent framework on the administration of Tree Preservation Order work.

**RECOMMENDED:** That the proposed strategy in respect of tree related matters, as set out in the report, be approved as follows:-

- (1) the principle of a Tree Preservation Order Protocol be adopted, subject to
  - consideration by the Cabinet of any necessary amendments to the draft document to reflect all feedback from the Planning and Transportation Advisory Board to ensure it was fit for purpose; and
  - a 6-month review period following the successful appointment to the Tree and Landscape Officer post;
- (2) the Director of Planning, Housing and Environmental Health be granted delegated authority to approve the final protocol in consultation with the Cabinet Member for Strategic Planning and Infrastructure;
- (3) Officers seek to develop a new Protocol further to the adopted Planning Enforcement Plan setting out in detail how alleged unauthorised works to protected trees will be investigated and how any evidenced breaches will be addressed;
- (4) Officers progress on-site Member training event(s) to enhance the information provided within the Member Briefing Note at a practical level following the successful appointment to the Landscape Officer post. Final arrangements for how the training event(s) will take place to be delegated to the Director of Planning, Housing and Environmental Health in consultation with the Cabinet Member for Strategic Planning and Infrastructure;
- (5) Officers continue to develop detailed parameters for the review of historic TPOs across the Borough reflecting all feedback from the Planning and Transportation Advisory Board to ensure it is suitably focused and has a defined and achievable scope;
- (6) Officers build into 1 and 3-5 (inclusive) a review period to take place 6 months following the successful appointment to the Landscape Officer post to be reported to the Planning and Transportation Advisory Board for consideration of an updated, refined Protocol as necessary; and
- (7) Officers continue to review and improve all tree-related internal processes and administrative work to ensure that Members are regularly updated on improvements made.

**MATTERS FOR CONSIDERATION IN PRIVATE**

**PE 21/18 EXCLUSION OF PRESS AND PUBLIC**

The Chairman moved, it was seconded and

**RESOLVED:** That as public discussion would disclose exempt information, the following matters be considered in private.

**MATTERS FOR RECOMMENDATION TO THE CABINET**

**PE 21/19 LOCAL PLAN DELIVERY APPROACH**

(Reasons: LGA 1972 Sch 12A Paragraph 5 – Legal Advice)

The report of the Director of Planning, Housing and Environmental Health provided an update on the Local Plan covering the period since March 2021. Members were invited to consider a number of options for adopting a Local Plan at the earliest opportunity and to recommend a preferred option.

**RECOMMENDED:** That Option 3, to withdraw the current Plan and Review, Refresh and Resubmit the Local Plan, as set out in Annex 3 to the report, be commended to Council as the preferred option.

**\*Referred to Cabinet**

The meeting ended at 11.28 pm  
having commenced at 8 pm

## TONBRIDGE & MALLING BOROUGH COUNCIL

### PLANNING and TRANSPORTATION ADVISORY BOARD

10 November 2021

Report of the Director of Planning, Housing and Environmental Health

#### Part 1- Public

#### Matters for Recommendation to Cabinet - Key Decision

#### 1 LOCAL PLAN UPDATE

This report provides Members with an update of progress made following the decision of Full Council in July to withdraw the Local Plan submitted in January 2021 and prepare a revised Plan at the earliest opportunity.

It also sets out the priority pieces of evidence that need to be updated in order to prepare a document for Regulation 18 consultations to commence in 2022, including a Call for Sites exercise.

Approval is sought for a revised Local Development Scheme setting out the key milestones to Adoption.

#### 1.1 Progress since July 2021

##### Withdrawal of the 2019 Local Plan

- 1.1.1 Following the decision of Full Council on 13<sup>th</sup> July endorsing the recommendation of this Board on 29<sup>th</sup> June, the Local Plan submitted in January 2019 was formally withdrawn during the week commencing 1<sup>st</sup> November 2021. All Members were advised of this in advance by email. Regulation 27 of the Town and Country Planning (Local Plan) Regulations 2012 requires that a statement explaining that the Plan has been withdrawn is published (a copy of the statement can be found at **Annex 1** to this report) and that the general consultation bodies are informed. The Regulations also state that any documents relating to the withdrawn Local Plan should no longer be made available and consequently, arrangements have been made to remove relevant documents from the Council's website.
- 1.1.2 The decision also agreed the recommendation that resubmitting the Local Plan based on the current development strategy with some adaptations and additions to meet the higher housing requirement as the preferred option for adopting a Plan at the earliest opportunity.

### Refreshing the Local Plan Evidence Base

- 1.1.3 In order to resubmit a revised Local Plan, it will be necessary to reset the base date and update the evidence to reflect the new plan period.
- 1.1.4 The base date and plan period in the 2019 Plan was 31<sup>st</sup> March 2011 and 2011-2031 respectively. The new dates will be 31<sup>st</sup> March 2021 and 2021-2039. This reflects the latest version of the National Planning Policy Framework (NPPF) that suggests Local Plans should include a plan period of at least 15 years post anticipated adoption. The revised Local Development Scheme (LDS) is appended to this report.
- 1.1.5 The housing need for this Plan will be set by the Standard Methodology, which is generated by the Government and kept under review. This is currently 839 new dwellings per annum (dpa) for Tonbridge and Malling, which compares to 696 dpa in the previous Plan. Members will recall that this was derived using a local methodology for calculating housing need in accordance with the 2012 NPPF. The effect of using 839 instead of 696 for the new plan period is an increase of 2,574 (+21%).
- 1.1.6 The total need for the previous plan period was for 13,920 new dwellings (696x20 years). The new need to be planned for equates to 15,102 (839x18 years).
- 1.1.7 In order to ensure the most effective use of land and maximise the use of brownfield sites before considering any additional greenfield options to meet these needs consultants have been appointed to prepare an Urban Capacity Study for the first time and also carry out a new Call for Sites exercise. This is explained in more detail below.
- 1.1.8 To update the development strategy to reflect these changes requires prioritising a review of parts of the evidence base in order that an issues and options consultation required by Regulation 18 can take place as soon as practicably possible. The following consultants have recently been appointed to review these parts of the evidence base.
- Housing Delivery Study (GL Hearn and Partners)
  - Gypsy and Traveller Accommodation Assessment (TBC)
  - Economic Development Needs Study (Lichfields)
  - Strategic Flood Risk Assessment (JBA)
  - Sustainability Appraisal (JBA)
  - Urban Capacity Study (Urban Intelligence)
  - Call for Sites Exercise (Urban Intelligence)

### The Call for Sites exercise

- 1.1.9 The Call for Sites exercise invites landowners and those with an interest in land to promote sites for inclusion in the Local Plan in order to meet future identified needs. The previous exercise took place in 2014/15 and generated over 200 proposals, which were assessed for their suitability, availability and deliverability. Planning judgements were then made to identify those sites for inclusion in the development strategy that could best meet the aims and objectives of the Plan.
- 1.1.10 As there may have been changes since the last exercise (e.g. a change of ownership could affect the availability of a site) it is appropriate to reopen the exercise to update our records and also to invite additional sites for consideration, for meeting the needs for housing (including pitches for Travellers and self-build plots), employment, infrastructure and other land uses over the plan period.
- 1.1.11 The consultants Urban Intelligence have been appointed to carry out the Call for Sites exercise. Their previous clients include Birmingham City Council and the London Borough of Hounslow. The consultants have devised computer software called 'Placemaker' to assess the whole borough based on a methodology agreed with the Local Authority. This has the effect of significantly reducing the time it takes to assess sites once they have been submitted in the normal way.
- 1.1.12 It also has the added benefit of highlighting prospective sites that have not been submitted that could be more suitable, for example, brownfield sites that we wish to prioritise. In these cases there would be the option of contacting landowners to see if they would be willing to promote these sites to ensure previously developed land can be considered before turning to greenfield options.
- 1.1.13 The criteria for identifying suitable sites reflects the high level constraints that were applied to the previous exercise (e.g. removing areas at high risk of flooding), but the computer modelling allows for more filters to be applied. These can be found at **Annex 2**.
- 1.1.14 An invitation to submit to our Call for Sites was issued in early November. The exercise will be split into two broad categories, with owners/promoters of sites identified as part of the previous exercise (i.e. those which form part of the existing Development Strategy on which the new Strategy will be based) being asked to confirm the position on their site with updated delivery timescales. Where appropriate, there will also be an opportunity for these sites to indicate whether they feel there is additional capacity on their site. This will be tested against the 'Placemaker' modelling and against key criteria such as infrastructure capacity.
- 1.1.15 The second category will be for additional sites to augment the Development Strategy, which will be needed in order to meet the housing delivery target now identified for the borough as at 1.1.5 above. These sites will be asked to provide relevant information relating to their site and the officer team will also use the

outcomes of the modelling exercise based on the criteria at **Annex 2** to contact prospective sites and invite them to submit.

- 1.1.16 The Call for Sites exercise will run for 4 weeks. This is a much shorter time period than previously, however this is mitigated by the facts that the existing development strategy will remain as the starting point for consideration and that we are using technology to support the process.

#### Member engagement

- 1.1.17 The Leader and Deputy Leader have been kept regularly updated on Local Plan progress and the LDS timetable proposed in this report is based on discussions to date with them about Members' aspiration to have a Local Plan adopted as soon as possible.
- 1.1.18 A Member briefing session has been held for representatives of the political groups. Further briefing sessions will be organised at key points throughout the development of the Local Plan.

## **1.2 Next Steps**

- 1.2.1 The outputs of the Call for Sites exercise will be a crucial input to the other pieces of evidence, particularly the Sustainability Appraisal, which will have to assess the development strategy options and the sites included.
- 1.2.2 All of the consultants will then complete their tasks and the updated evidence can be used to form the development strategy options for the Regulation 18 consultation anticipated to take place next spring.
- 1.2.3 The remainder of the evidence base will be updated during 2022 in time for drafting a new Local Plan document for member approval for the purposes of Regulation 19 consultations and subsequent submission to the Secretary of State. It is expected that this approval will be secured before the end of 2022, enabling the Plan to be submitted in the first half of 2023.
- 1.2.4 These key milestones and a timetable to adoption (expected to be during 2024) are set out in a new Local Development Scheme a copy of which can be found at **Annex 3** for approval.

## **1.3 Duty to Cooperate**

- 1.3.1 Since the 2019 Local Plan was deemed to have failed in respect of the Duty to Cooperate with regard to the single cross boundary issue of unmet housing need in Sevenoaks District, it will be important to ensure that the requirement of the duty are met in full as we prepare to resubmit a Local Plan.
- 1.3.2 To address this issue the regular officer level meetings with all of our neighbouring Local Planning Authorities will be supplemented by Member level meetings involving the Portfolio Holder/Deputy Leader and other Members as appropriate.

- 1.3.3 The current status of neighbouring authorities Local Plan preparation can be found at **Annex 4** to this report.

## **1.4 Legal Implications**

- 1.4.1 The Local Plan submitted in January 2019 has been withdrawn in accordance with Regulation 27 of the Town and Country Planning (Local Plans) Regulations (2012).
- 1.4.2 The consultants listed in paragraph 1.1.8 have been appointed in accordance with the Council procurement procedures.

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

- 1.5.1 The full Financial implications are laid out in the attached part 2 report (restricted due to LGA 1972 - Schedule 12A Paragraph 3 – Financial or business affairs of any particular person). However, it important for Members to note that the additional cost of the proposed timetable for Local Plan delivery, compared to a longer programme, is estimated to be in the region of £200,000.

## **1.6 Risk Assessment**

- 1.6.1 Any delay in the Local Plan process carries the risk of the Council's adopted policies becoming more out of date and extends the period of time before the Council can re-establish a 5-year housing land supply (5YHLS). This is likely to result in a significant increase both in 'speculative' applications (i.e. those that are not draft allocations in the current Local Plan draft) and those in areas with certain protections where applicants consider the Local Plan and 5YHLS in conjunction with other special circumstances for their scheme may be sufficient to make an acceptable planning case.

## **1.7 Equality Impact Assessment**

- 1.7.1 Members are reminded of the requirement, under the Public Sector Equality Duty (section 149 of the Equality Act 2010) to have due regard to (i) eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010, (ii) advance equality of opportunity between people from different groups, and (iii) foster good relations between people from different groups. The decisions recommended through this paper directly impact on end users. The impact has been analysed and does not vary between groups of people. The results of this analysis are set out immediately below.
- 1.7.2 There is no perceived impact on end users.

## **1.8 Recommendations**

- 1.8.1 That the contents of the report, including the proposed way forward in respect of the new Call for Sites exercise in Section 1.1.9-1.1.16 and **Annex 2** of the report are **NOTED**; and

1.8.2 that the Local Development Scheme appended at **Annex 3** is **AGREED** subject to the Financial Implications detailed in the Part 2 report of Local Plan Update.

Background papers:

Nil

contact: Ian Bailey  
Planning Policy Manager

Eleanor Hoyle

Director of Planning, Housing and Environmental Health

## NOTICE OF WITHDRAWAL OF LOCAL PLAN

### **PLANNING AND COMPULSORY PURCHASE ACT 2004 & THE TOWN AND COUNTRY PLANNING (LOCAL PLANNING) (ENGLAND) REGULATIONS 2012, AS AMENDED**

#### **Tonbridge and Malling Borough Council – Tonbridge and Malling Local Plan 2019**

In accordance with Regulation 27 of the Town and Country Planning (Local Planning)(England) Regulations 2012, as amended, this statement gives notice that Tonbridge and Malling Borough Council has withdrawn the Tonbridge and Malling Local Plan, which had been submitted to the Secretary of State for Examination on 23<sup>rd</sup> January 2019.

The resolution to withdraw the Tonbridge and Malling Local Plan 2019 was made at a Full Council meeting held on 13<sup>th</sup> July 2021. The resolution to withdraw was under the provisions of Section 22 of the Planning and Compulsory Purchase Act 2004, which provides for a local planning authority to withdraw a local development document at any time up to its adoption.

Any questions regarding the withdrawal of the Tonbridge and Malling Local Plan 2019 should be directed to the Planning Policy Team at:

Planning Policy  
Council Offices  
Gibson Building  
Gibson Drive  
Kings Hill  
WEST MALLING  
ME19 4LZ

[localplan@tmbc.gov.uk](mailto:localplan@tmbc.gov.uk)

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# Suitability and Sustainability Assessment of Sites - Methodology

This explanatory note provides an overview of the methodology for assessing the development suitability and sustainability of sites within Tonbridge & Malling Borough Council (TMBC), using Urban Intelligence's PlaceMaker software.

## Suitability

Initially, all Land Registry parcels and Call-for-Sites (CFS) submissions will be assessed for suitability with a standardised approach for individual constraints. These constraints include environmental layers, infrastructure, and others.

An approach for how each constraint is treated in the assessment has been drafted by Urban Intelligence in collaboration with TMBC officers, who advised on the judgements that needed to be made. This approach is shown in Table 1. The approaches are defined here:

Approach	Explanation
Clip	These layers have been judged to be not compatible with development. Accordingly, the extent of these layers will be removed from the 'Developable Area' of sites, i.e. they are unsuitable for development.
Balance	These layers may be compatible with development individually, however a cumulation of these layers on a site may make the site unsuitable. These have been categorised into levels of impact, with constraints that have a 'High' impact on suitability being the most severe. The cumulative impact allows a balanced assessment to take place.
For Information	Layers designated as 'For Information' will not have an automatic impact on site suitability. They are markers for matters that may need to be taken account of at a more detailed stage of plan-making.
Ignore	These layers have been judged as not relevant for this stage of assessment, and therefore will not be used or displayed within PlaceMaker.



Table 1: Suitability		
Layer Name	Suitability Treatment	Suitability Impact (Negative)
<b>Administrative Layers</b>		
Wards	N/A	N/A
Constituencies	N/A	N/A
<b>Local Policy Layers</b>		
Air Quality	Clip	N/A
AOCV Accepted	Balance	Low
AOCV Not Accepted	Ignore	N/A
AOCV Under Consideration	Balance	Low
Area of Special Control for Adverts	Ignore	N/A
Article 4 Direction	Ignore	N/A
Discontinuance Order	Ignore	N/A
Environmental Health Directive	Ignore	N/A
Extinguishment Order	Ignore	N/A
LDF - E1 (Core Employment Areas)	For Information	N/A
LDF - E2	For Information	N/A
LDF - E3	For Information	N/A
LDF - Housing Allocations	For Information	N/A
LDF - Gypsy and Traveller Site	For Information	N/A
LDF - Safeguarded Land (White Land)	For Information	N/A
LDF - Area of Opportunity	For Information	N/A
Local Development Orders - Rochester Airport Innovations Park	For Information	N/A
Section 106 and Section 52 Agreements	For Information	N/A
<b>Environmental Layers</b>		
Agricultural Land - Grade 1 (DEFRA)	Clip	N/A
Agricultural Land - Grade 2 (DEFRA)	Balance	Medium
Agricultural Land - Grade 3 (DEFRA)	Balance	Low
Allotments (OS1 and OS2 in LDF)	For Information	N/A
Ancient Woodland	Clip	N/A
Ancient Woodland 50m Buffer	Balance	Medium
Area of Outstanding Natural Beauty	Balance	High



<b>Table 1: Suitability</b>		
<b>Layer Name</b>	<b>Suitability Treatment</b>	<b>Suitability Impact (Negative)</b>
AONB 100m Buffer	Balance	Medium
AONB 500m Buffer	Balance	Low
Common Land	Clip	N/A
Consultation with Env Protection Needed	Ignore	N/A
Educational playing Fields (OS1 LDF)	Balance	High
Golf Courses (OS1 LDF)	Balance	Medium
Greenbelt	Balance	Medium
Historic Landfill Sites	Balance	Low
Active Landfill Area	Balance	High
Local Nature Reserves Policy NE1	Clip	N/A
Local Nature Reserves Policy NE1 15m Buffer	Balance	Medium
Local Wildlife Site	Clip	N/A
Local Wildlife Site 15m Buffer	Balance	Medium
Min Consultation Area	Ignore	N/A
Mineral Safeguarding	Balance	Low
Minerals, Waste Safeguarded Facilities	Balance	Low
Parks and Gardens (OS1 LDF)	Clip	N/A
Private Open Space	Ignore	N/A
Private Playing Fields	Balance	Low
Public Open Space (OS1 LDF)	Balance	High
Public Playing Fields (OS1 LDF)	Balance	High
Radon	Ignore	N/A
Regional Important Geological Site NE1	Clip	N/A
Revocation Order	Ignore	N/A
Roadside Nature Reserves	Clip	N/A
Special Area of Conservation	Clip	N/A
Special Area of Conservation 200m Buffer	Balance	Medium
SSSI	Clip	N/A
SSSI 100m Buffer	Balance	Medium
Protected Trees (Polygons)	Balance	High
Protected Trees (Points)	Ignore	N/A



<b>Table 1: Suitability</b>		
<b>Layer Name</b>	<b>Suitability Treatment</b>	<b>Suitability Impact (Negative)</b>
Village Green	Clip	N/A
<b>Ecological Layers</b>		
Priority Habitats	Clip	N/A
Marginal Priority Habitats	Balance	Medium
Kent Habitat Survey	For Information	N/A
<b>Rivers &amp; Flooding Layers</b>		
Aquifers Bedrock Geology	Ignore	N/A
Aquifers Superficial Deposits	Ignore	N/A
Detailed River Network Main	Ignore	N/A
Detailed River Network Nodes	Ignore	N/A
Detailed River Network Offline	Ignore	N/A
Flood plain	Ignore	N/A
Flood Zone 1	Ignore	N/A
Flood Zone 2	Balance	Medium
Flood Zone 3a (High Risk)	Balance	High
Flood Zone 3b (Functional Floodplain 1 in 20yr Event)	Clip	N/A
Groundwater Special Protection Zone	Balance	Low
Water Bodies (OSMM topo)	Clip	N/A
Water gathering area	Ignore	N/A
<b>Heritage Layers</b>		
Ancient Monuments	Clip	N/A
Ancient Monuments 10m Buffer	Balance	Low
Area of Archaeological Potential	For Information	N/A
Conservation Area	Balance	High
Historic Conservation Area	Ignore	N/A
Historic Park and Garden Non-Designated	Balance	Medium
Historic Park/Garden	Clip	N/A
Listed Buildings	Clip	N/A
<b>Economic Layers</b>		
Local/District/Village Centres	For Information	N/A
Primary Shopping Area (LDF TCA3)	For Information	N/A



<b>Table 1: Suitability</b>		
<b>Layer Name</b>	<b>Suitability Treatment</b>	<b>Suitability Impact (Negative)</b>
<b>Other Constraints</b>		
Civil Aviation Authority	Ignore	N/A
Gas pipeline	Ignore	N/A
Govt oil pipeline	For Information	N/A
Limit of airfield site	Ignore	N/A
M2 widening	Ignore	N/A
Major gas pipeline	For Information	N/A
Medium and Intermediate Gas Pipe Lines	Ignore	N/A
Ministry of Defence (CONNAME Mereworth Woods)	Clip	N/A
Ministry of Defence (CONNAME RAF Thurnham)	Ignore	N/A
Ministry of Defence (CONNAME Wrotham Technical Site)	Ignore	N/A
Modification Order	Ignore	N/A
Private Water Supply	Ignore	N/A
Unusual Restrictions	Ignore	N/A
<b>Transport Layers</b>		
Classified road	Ignore	N/A
Public Rights of Way	Ignore	N/A
<b>Site Specific Layers</b>		
Brownfield Register Sites	Ignore	N/A
SHLAA	For Information	N/A
<b>TMBC Ownership</b>		
TMBC Ownership	Ownership Information	N/A
<b>TMBC Planning Applications</b>		
PD General	Planning History Info	N/A
PD Residential Conversion	Planning History Info	N/A
Extant Permissions	Planning History Info	N/A



## Sustainability

As well as suitability, sites will also be automatically assessed for their high-level sustainability credentials based upon the proximity of sites to transport, education, health facilities and other local essential facilities, and also by their location in relation to the settlement hierarchy.

<b>Table 2: Sustainability</b>		
<b>Access to Services</b>		
<b>Facility/Infrastructure</b>		
<b>Transport</b>	<b>Sustainable Distance</b>	<b>Unsustainable Distance</b>
Bus Stops	<400m	>400m
Train Stations	<1600m	>1600m
<b>Local Facilities</b>		
<b>Education</b>	<b>Sustainable Distance</b>	<b>Unsustainable Distance</b>
Preschool/Nursery	<800m	>800m
Primary School	<800m	>800m
Secondary Schools	<1600m	>1600m
<b>Health</b>	<b>Sustainable Distance</b>	<b>Unsustainable Distance</b>
GP	<1000m	>1000m
Dentists	<1000m	>1000m
Pharmacy	<1000m	>1000m
<b>Essentials</b>	<b>Sustainable Distance</b>	<b>Unsustainable Distance</b>
Convenience Retail	<800m	>800m
Supermarket	<1600m	>1600m
Post Office	<800m	>800m
Pub	<800m	>800m
<b>Site Location</b>		
<b>Settlement Classification</b>	<b>Sustainability</b>	
LDF - CP11 (Urban Areas)	High	
LDF - CP12 (Rural Service Centres)	Medium	
LDF - CP13 (Other Rural Settlements)	Low	
LDF - CP14 (Development in the Countryside) - Adjacent to CP11, 12, 13	Low	
LDF - CP14 (Development in the Countryside) - Isolated Development	Low	

# Tonbridge & Malling Borough Council

## Local Development Scheme

### November 2021

#### 1. Introduction

- 1.1 Tonbridge and Malling Borough Council is required to prepare and maintain a Local Development Scheme (LDS) in accordance with Section 15 of the Planning and Compulsory Purchase Act 2004 (as amended by the Localism Act 2011).
- 1.2 As set out in the Planning and Compulsory Purchase Act 2004 (Section 15) the LDS must specify:
- The local development documents which are to be development plan documents.
  - The subject matter and geographical areas to which each development plan document is to relate.
  - Which development plan documents (if any) are to be prepared jointly with one or more other local planning authorities.
  - Any matter or area in respect of which the authority has agreed (or propose to agree) the constitution of a joint committee under section 29.
  - The timetable for the preparation and revision of the development plan documents.
- 1.3 The LDS is a project plan which sets out the timetable for the production of new or revised development plan documents which will form the Council's Local Development Plan. This LDS sets out a work programme for the Council's Local Plan over the period to the end of 2024 and its anticipated adoption. Progress against this LDS will be reviewed annually through the Authority Monitoring Report.
- 1.4 The Council produced its most recent timetable for the Local Plan, which could form the basis of a new LDS, in March 2020. It was reported to, and approved by, the Planning and Transportation Advisory Board on 03/03/20. This related to the submitted Local Plan (Submitted Jan 2019). However, following the receipt of the Inspectors Final Report on 8th June 2021, at a meeting of Full Council on 13th July 2021, a resolution was made to withdraw the current Plan and Review, Refresh and Resubmit the Local Plan. This LDS supersedes the March 2020 version and contains a new Local Plan programme.

## **2. The current adopted development plan documents for Tonbridge and Malling**

2.1 The current statutory adopted elements of the development plan for Tonbridge and Malling Borough are:

- Core Strategy (Adopted September 2007)
- Development Land Allocations DPD (Adopted April 2008)
- Tonbridge Central Area Action Plan (Adopted April 2008)
- Managing Development and the Environment DPD (Adopted April 2010)
- The Kent Minerals and Waste Local Plan (Adopted XXX)

## **3. Current Supplementary Planning Documents**

3.1 The Local Development Framework (LDF) is supported by a number of existing Supplementary Planning Documents (SPDs) which provide greater details on the policies. All these documents were subject to public consultation.

3.2 Currently adopted SPDs for the Borough are:

- Affordable Housing SPD (Adopted July 2008)
- Kent Design SPD
- Character Area Appraisals SPD (Adopted February 2011-February 2012)

## **4. Other Relevant Documents**

### **Statement of Community Involvement**

4.1 Tonbridge and Malling's Statement of Community Involvement (February 2015) sets out the Council's approach to public and key stakeholder participation in all planning matters, including the preparation of the local plan, supplementary planning documents and arrangements for consultations on planning applications.

### **Sustainability Appraisal**

4.2 The council will meet the requirements of sustainability appraisal throughout the local plan preparation process, which will involve carrying out iterative appraisals of the sustainability of the options, proposals and draft policies in the local plan and prepare reports on the findings. These will be carried out at the key stages of plan preparation and will inform progress on the Plan. The sustainability appraisals carried out at the

key stages of plan preparation will also accompany consultation drafts of the plan for public comment.

### **Authority Monitoring Report**

- 4.3 The Council publishes an Annual Monitoring Report (AMR) relating to the previous monitoring year (which runs 1 April – 31 March). This provides updates on the status of the LDS timetable; progress on the Local Plan; reports on public consultations; duty to cooperate consultations; neighbourhood planning and borough wide statistics on planning topics such as housing, employment, environment, and transport.

### **Policies Map**

- 4.4 The Council is required to produce a Policies Map which shows the location of development proposals in all current, adopted development plan documents on an ordnance survey base map. For Tonbridge and Malling, this is the Proposals Map which accompanies the adopted development plan.

## **5. Emerging Development Plans for Tonbridge and Malling**

### **Tonbridge and Malling Local Plan 2024-2039**

- 5.1 The Local Plan will set the vision and framework for development needs for the whole of Tonbridge and Malling Borough area from 2024-2039. This will include addressing revisions to the National Planning Policy Framework and associated Practice Guidance (2021); addressing housing need; the local economy; environmental considerations; community infrastructure needs; plus, transport and other physical infrastructure needs. The plan will include strategic policies to address these matters and put forward a development strategy for the Borough. It will also include site specific allocations to meet identified need and retain; update or include new detailed topic development management policies to guide determination of planning applications.
- 5.2 Work began on the Local Plan following the resolution by Council (13 July 2021), with early scoping and evidence gathering/commissioning, within the context of major review of national planning policy and Government policy to significantly boost housing delivery. The key stages of the process are set out at Appendix 1. The complete timetable for the production and public examination of the Local Plan is set out at Appendix 2.
- 5.3 Although the Council is keeping up Duty to Cooperate consultation with neighbouring planning authorities and on the London Plan, to identify potential cross boundary

issues no scope or intention for joint plan making has been identified at this point in time.

### **Neighbourhood Plans**

- 5.4 No Neighbourhood Plans have yet been progressed in the borough. However, applications have been made to Tonbridge and Malling Borough Council for the designation of the following neighbourhood areas:
- Ditton Neighbourhood Area Application (Approved June 2015)
  - West Malling Neighbourhood Area Application (Approved September 2016)
  - Hildenborough Neighbourhood Area Application (Approved January 2021)
- 5.5 Approved neighbourhood plans sit alongside the Local Plan to inform decisions on planning applications.
- 5.6 They give communities direct power to develop a shared vision for their neighbourhood and shape the development and growth of their local area. Plans must be led by parish or town councils or neighbourhood forums with the involvement of local stakeholder groups.
- 5.7 Although neighbourhood plans, once adopted, form part of the development plan, they are not programmed by the local planning authority and are therefore not included within this LDS timetable. They must be in general conformity with the strategic policies of the adopted local plan and have regards to any emerging local plans.

### **Resources and Project Management**

- 5.8 Tonbridge and Malling Borough Council has strong corporate commitment to the preparation and adoption of a Local Plan. The Local Plan will be led by the Planning Policy Team. The importance of the work is recognised and supported across the authority with input and expertise from other teams across the Council; and the use of outside consultants (where appropriate); plus, engagement with stakeholders; organisations and the public to help inform and develop the plan.

**Appendix 1: Tonbridge and Malling Local Plan Key Stages**

<b>Event</b>	<b>Date</b>
Local Plan Review, Refresh and Resubmit decision	July 2021
Refresh evidence base	Ongoing – June 2022
Regulation 18 consultation	April – June 2021
Regulation 19 consultation	Nov-Dec 2022
Submission of Plan for Examination (Reg 22)	March 2023
Examination (timing to be determined by the Planning Inspectorate)	July 2023 – March 2024
Inspector's Report	April 2024
Main Modifications consultation	June – July 2024
Adoption of the Local Plan by Tonbridge and Malling Borough Council	September 2024

## Appendix 2: Tonbridge and Malling Local Plan Timetable

Year	2021												2022												2023											
Stage	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D
Refresh of Evidence Base	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█													
SA Scoping Report Consultation (Stat consultees only)										█	█																									
Reg 18 Consultation (inc Interim SA report)																█	█	█																		
Reg19 Consultation (inc SA Environmental Report)																						█	█													
Submission to Secretary of State																										█										

Year	2023	2024	2025
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Stage	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D			
Examination																																							
Inspector's Report received																																							
Main Modifications consultations																																							
Adoption																																							

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**Status of Neighbouring Authorities Local Plan Preparation (correct at time of writing)**

(Please Note: This Table will become a regular item for future Local Plan update reports. Columns will be added to record Duty to Cooperate meetings at officer and Member level and a summary of the cross-boundary issues discussed)

Local Planning Authority	Local Plan Status	Comments
Sevenoaks	<p>Preparing a new Local Plan (similar timescales to T&amp;M)</p> <p>New LDS agreed at Development and Conservation Advisory Committee on 19.10.21</p> <p>Call for Sites exercise launched 14.10.21 (open to 20.1.22)</p>	Duty to Cooperate meetings at officer and Member level currently being arranged.
Tunbridge Wells	<p>Preparing to Submit a Local Plan to the Secretary of State.</p> <p>Latest LDS (Feb 2021) is out of date (anticipates submission in June 2021)</p>	<p>Statement of Common Ground incorporating the comments of this Board being finalised.</p> <p>Member level Duty to Cooperate meeting held 14.6.21.</p> <p>Officer attendance at Strategic Sites Working Group</p>
Maidstone	<p>Preparing for Regulation 19 consultation (October start).</p> <p>Latest LDS (July 2021)</p>	<p>Member level Duty to Cooperate meeting held on 28.9.21.</p> <p>Statement of Common Ground drafted (September 2021)</p>
Gravesham	<p>Preparing for Regulation 19 consultation. No dates currently published.</p> <p>Regulation 18 Stage 2 consultations closed 31.12.20</p> <p>Latest LDS (Oct 2019) is out of date.</p>	Duty to Cooperate meetings at officer and Member level currently being arranged.
Medway	<p>Preparing for Regulation 19 consultation.</p> <p>Latest LDS (September 2021) suggests Autumn 2021, but may slip to January 2022.</p>	<p>Officer level meeting 13.10.21</p> <p>Member meeting to be arranged.</p>

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## TONBRIDGE & MALLING BOROUGH COUNCIL

### PLANNING and TRANSPORTATION ADVISORY BOARD

10 November 2021

Report of the Director of Planning, Housing and Environmental Health

#### Part 1- Public

#### Matters for Recommendation to Cabinet - Key Decision

### 1 REVIEW OF PRE-APPLICATION ADVICE SERVICE

**Summary: This report provides a review of the pre-application advice service offered by the Council and sets out proposed revisions to the service along with the proposed new charges for 2022-2023. It is necessary to review the service provided every year in order to ensure the Council continues to provide a comprehensive, high quality service and that we are effectively recovering all of the costs associated with service provision. In ensuring that the charging schedule is fairly applied and costs recovery continues to take place proportionately, an increase in fees is proposed for the 2022/23 financial year.**

#### 1.1 Introduction

- 1.1.1 The current pre-application advice protocol and charging regime was introduced on 01 April 2016 and has since been updated annually following ongoing periods of monitoring and review. As part of this, Officers continue to record the feedback received in connection with this service along with the time spent providing the advice sought.
- 1.1.2 Since its inception, the service and fee structure has identified five main categories:
- 1) **Householders:-** includes proposals relating to individual houses and flats for residential purposes where the building affected is not a listed building.
  - 2) **Minor development:-** includes alterations to an existing building (not householder) where there is no increase in floor space, increase in floor space less than 499 sq.m., new or replacement shop fronts, new or replacement advertisements, alterations to a listed building, demolition of an unlisted building within a conservation area, proposals for Telecommunications Equipment, proposals for Air Conditioning / Ventilation Equipment, amendments to Previously Approved Schemes, discharge of conditions attached to permissions and 1 new residential unit.

- 3) Medium development:- includes advice on 2 to 9 new residential units or the creation/change of use of up to 999 sq.m. floor space.
- 4) Major development:- includes advice on 10 to 99 new residential units or the creation/change of use of 1,000 to 9,999 sq.m.
- 5) Large/Strategic development:- includes advice on 100 or more new residential units or the creation/change of use of 10,000 sq.m. or more floor space.

1.1.3 The charges for advice are predicated on the submission of one query only. Submissions that include multiple options, amended drawings submitted following a meeting/site visit and any additional matters not included with the original submission are viewed as new enquiries and are subject to a separate fee.

1.1.4 The Protocol identifies two categories where fees will not apply:

- Advice to third parties affected by the development and/or change of use
- Disabled access improvements.

1.1.5 The Protocol offers a three option system as follows:

- A pre-application written response
- A pre-application meeting at the Council offices, followed by a letter [since March 2020 the office meeting option has changed to a virtual meeting and this will remain the case going forward]
- A pre-application meeting on site, followed by a letter.

## **1.2 Review of current service**

1.2.1 The pre-application advice service continues to prove effective in delivering technical planning advice since it was introduced, having established a clear framework to all parties in how the Council will provide such advice. In previous years, the Council has incrementally increased fees in line with inflation to seek to recover costs in providing this discretionary service. Over the past year, the team has experienced increasing numbers of requests for advice, and we have taken the opportunity to undertake a wholesale review of the service offered to ensure that it is efficient, proportionate, and effective. This review has concluded that several wider changes to the service are now needed which better focus available officer resources, ensure costs recovery whilst still providing a high-quality customer focused service.

1.2.2 The proposed changes are summarised as follows and should be read in conjunction with the Annexes to this report.

1.2.3 Generally, it should be noted that in respect of fee charging, the review has focused on ensuring true costs recovery based on thorough consideration of the

officer time taken in fulfilling this function. **Annexes 1 and 2** set out the existing and proposed charging schedules and in some instances the fees are proposed to increase markedly. This is based on the fact that the existing schedule accounts for only 30 minutes of officer time to prepare, research and write a response to a householder enquiry. This is not a realistic estimate of the time taken to provide such advice and has therefore been accounted for in the latest revisions.

Householder and minor development

- 1.2.4 Presently, the service offers a three-tiered system which allows for prospective applicants and developers to choose whether they want a written response, a meeting followed by a letter or a site meeting followed by a letter.
- 1.2.5 Extensive experience of operating within this regime now has indicated that whilst some of the categories necessitate a meeting or site visit, some do not and place a significant burden on available resources in a manner that detracts from the team being able to focus on providing detailed advice on schemes that require such consideration.
- 1.2.6 In particular, the option to hold meetings (both virtually and on site) for householder and minor scale development (aside from listed buildings as discussed above) is disproportionate to the nature of the advice usually required, which most often relates to individual relationships between buildings, for example. Experience has demonstrated that provision of these services places a significant resource burden on the Council in a manner that cannot be truly recovered by the fee charging regime. Subject to sufficient details being provided by the customer, detailed advice can readily and more efficiently be provided in writing in such cases, thus enabling the customer to receive a timely response and the team to focus meetings on more complex development proposals. It is therefore proposed to remove these options from the fee charging schedule.

Works to listed buildings:

- 1.2.7 These are currently included within the “minor development” category but habitually involve far more detailed research and advice to be given than, for example, alterations to a shopfront which are also considered to fall within the same category. Officers regularly need to visit the sites to ensure they are cognisant of all relevant factors and in many instances alongside the Conservation Officers which are provided via a Service Level Agreement with Tunbridge Wells Borough Council, which involves a cost to the Council.
- 1.2.8 Given the statutory protection afforded to listed buildings, we recognise that it is crucial that we seek to offer detailed and informed advice on development proposals for listed buildings.
- 1.2.9 It is therefore proposed that a new category be included within the service, dealing specifically with all proposals to works and alterations to listed buildings, whatever

their use. Where a building is in residential use, this category option should be used rather than the householder category in all instances.

- 1.2.10 Furthermore, it is proposed that requests for confirmation as to whether listed building consent is required for any proposed works, customers will be directed to make a formal application seeking a lawful development certificate, for which a fee would be payable under the Fee Regulations. This would amount to a formal determination as to whether consent was required, giving the customer far more surety, which is important given the criminal sanctions in the event that unauthorised works take place.

Medium-scale development

- 1.2.11 Presently, this development category covers development ranging from a single new dwellinghouse, up to 9 new dwellinghouses and all new floor space created up to 999 sq.m. This category covers an extremely broad spectrum and as it currently stands the single fees required for providing the level of planning advice (and the associated time and resource implications for providing that advice) is not considered to be reflective. For example, proposals for between 1 – 4 new dwellinghouses would not trigger the need for any planning obligations and the associated likely need for the case officers to liaise with internal colleagues concerning the amount and nature of such obligations to ensure that they were providing full and detailed advice in this respect. Similarly, the range of issues to address as more houses are introduced to a scheme expand.

- 1.2.12 As such, it is proposed to separate this category as follows:

- Medium development – between 1 – 4 residential units and less than 499 sq.m of newly created non-residential floorspace; and
- Larger scale development – between 5 – 9 residential units, between 499 and 999 sq.m of newly created non-residential floorspace.

Discharge of planning conditions:

- 1.2.13 Presently, the service sets a standard fee for providing advice on the appropriate discharge of planning conditions imposed on a permission. The level of complexity and the associated resource taken to respond to such requests are wholly dependent on the nature and scale of the development in question. As such, it is appropriate to link the associated fee for advising on conditions discharge back to the development type for the parent planning permission.

Development types to be directed to formal submission process:

- 1.2.14 There are some enquiries that are most appropriately directed through the formal application regimes rather than via the pre-application advice service. These are as follows:

- Confirmation as to whether proposed works require listed building consent - in these cases, prospective applicants should be directed to submit a certificate of lawfulness (as discussed above)
- Determination as to whether amendments to approved schemes are “non-material” in nature – in these cases a s96A application should be submitted and a formal decision issued

1.2.15 This follows an already established principle for determining whether proposals for dropped kerbs require planning permission, where lawful development certificates are required for submission to allow the Council to make a formal decision, which is a requirement of the County Council in subsequently allowing those works to take place.

*Major and large-scale strategic development*

1.2.16 Historically, an option has been available for pre-application advice to be offered in writing only. Given that these are usually complex and controversial in nature, it is considered that they should be addressed through a combination of site visit and meetings. Therefore, the option for a written response only is proposed to be removed.

1.2.17 In these cases, the fees have been modified to ensure a true reflection in officer time and resource arising from the need for a preliminary site visit, internal officer engagement and contributions at meetings with external parties.

### **1.3 Exemptions**

1.3.1 As part of the review, we have also taken the opportunity to evaluate whether the exemptions applied until now remain appropriate. Presently, the exemptions applied are cited as being:

- Advice to third parties affected by current applications and
- Provision of disabled access.

1.3.2 Members will be aware that the Council does not provide advice to third parties affected by current planning applications, nor should it. Anyone who considers they could be adversely impacted by a development proposal should make representations to the Council setting out what those impacts are. The representations made, insofar as they raise material planning considerations, will always be considered in the formal assessment undertaken and referenced within the officer report where necessary to do so. Individuals can seek independent advice on such matters and instruct representations to be made on their behalf, but it is beyond the scope of the Council to provide advice to individuals in this way.

- 1.3.3 As the exemption is currently phrased, it could be interpreted to mean that such advice is offered by the Council but that we do not charge for it. As such, the notes contained within the 2022/23 charging schedule [**Annex 2**] makes clear that no such advice is provided.
- 1.3.4 The exemption applying in respect of disabled access should continue but presently the scope of the exemption is unclear. This should only apply in connection with making a building accessible. If, for example, the building is listed then separate advice should be sought in accordance with the fee charging schedule. Again, this has been made clearer at **Annex 2**.

#### **1.4 Pre-application advice checklists**

- 1.4.1 Members will appreciate that a minimum level of information is required to be submitted with any request for pre-application advice to ensure detailed, informed responses can be provided by officers. Recently, we have noted that the level of information habitually submitted with these requests for advice are not sufficient to provide an adequate level of advice. This can create issues if prospective applicants subsequently feel they have not been given a full response or where applications come forward which indicate a change in circumstances from that established from limited information garnered at the pre-application stage. Whilst it is appreciated that many prospective applicants will not wish to incur costs at the early stages of developing their proposals through the use of agents and/or architects, it is still crucial that a minimum level of information is provided to enable officers to provide advice. With this in mind, we have taken the opportunity to review the checklists published online, and the proposed checklists reflecting the proposed new categories of development type is included at **Annex 3** to this report.
- 1.4.2 Alongside this, we intend to expand upon existing internal practices and processes to ensure enquiries are checked at the initial stages of receipt, with a view to returning if sufficient detail is not provided to ensure resources are not used unnecessarily.

#### **1.5 Interaction with Planning Performance Agreements**

- 1.5.1 Members will be aware that the Council has an adopted Planning Performance Agreement Protocol and associated fee charging schedule. This is closely linked to the pre-application advice service but on occasion there has been some confusion about how the two regimes operate in practice. To avoid any such confusion going forward, it will be made clear that an initial pre-application enquiry will always be dealt with via the pre-application advice service. If a PPA is subsequently agreed, that will be subject to the separate regime and fee charging schedule. The initial pre-application fee incurred will not be refundable or deductible for any reason. This is also addressed in the proposed amendments to the PPA protocol which is reported elsewhere on the agenda.

## 1.6 Service Provision

1.6.1 Whilst this is a discretionary service, it is appreciated that the fees charged must be relevant and proportionate to the service being offered. To ensure this remains a high-quality service, the Council will undertake the following:

- An initial check of the enquiry made to ensure the minimum level of detail has been provided, along with the relevant fee. If this is not the case, the enquiry will be returned, and the customer directed to the information contained on the website **[Annex 4]**.
- Where multiple “options” are submitted for comment under a single enquiry, these will be returned at the initial checking stage and the customer advised that each option should be subject to a separate enquiry.
- Once we are satisfied that the minimum level of information has been provided, the enquiry will be acknowledged and assigned to a suitable case officer.
- Where a site visit or meeting is required, the case officer will make the necessary arrangements in liaison with the enquirer.
- It will always be at the discretion of the assigned case officer as to whether specialist conservation officers need to attend meetings relating to the listed building development category and customers will be advised of this when arrangements are made.
- Monthly internal meetings will be scheduled to enable case officers to discuss major and strategic developments submitted at the pre-application stage with internal services across the Council. In these circumstances, the case officer will advise the customer of the date of the meeting their scheme will be discussed at and provide an indication of the subsequent timeframes for a response to be issued. This will very much be on a case-by-case basis and for the case officers to manage individually.
- The charges for advice continue to relate to the submission of one query only. Submissions that include multiple options, amended drawings submitted following a meeting/site visit and any additional matters not included with the original submission will always be viewed as new enquiries and are subject to a separate fee.

## 1.7 Future charging opportunities

1.7.1 As part of the review, we have taken the opportunity to scrutinise whether any additional services could be offered to customers on a chargeable basis. However, at this time such further options have been discounted because it would be unlikely that we would be able to realistically recover our costs and there would

be significant further demands placed on the team, which must be balanced against the benefits of offering such a service.

- 1.7.2 It is therefore suggested that we carefully review the wholesale revisions proposed over the next 12 months with a view to establishing whether any additional services could be integrated in the future.

## **1.8 Legal Implications**

- 1.8.1 The Local Government Act 2003 provides the power for local authorities to charge for discretionary services (as defined in the Local Government Act 1999). Discretionary services are those services that an authority has the power but not a duty to provide. An authority may charge where the person who receives the service has agreed to its provision. The power to charge under this provision does not apply where the power to provide the service in question already benefits from a charging power or is subject to an express prohibition from charging.
- 1.8.2 The Local Government Act 2003 places a duty on authorities to ensure that, taken one year with another, the income from charges for each kind of discretionary service does not exceed the costs of provision. An authority may set charges as it thinks fit, and may, in particular, charge only certain people for a service or charge different people different amounts.
- 1.8.3 Local authorities are required to have regard for any guidance that may be issued by the Secretary of State in terms of carrying out their functions under the 2003 Act. Section 93(7) of the Act provides that certain prohibitions in other legislation preventing authorities from raising money are specifically dis-applied in relation to the exercise of the charging power.
- 1.8.4 Local Planning Authorities therefore have powers to recover the costs of pre-application advice in recognition of the time officers have to spend researching information in order to provide answers to prospective developers or applicants.

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

- 1.9.1 It is appropriate to review the protocol and charging schedule every year, to ensure we continue to effectively recover costs. This will ensure that we are responsive to the needs of the customer and that the charging schedule is fairly applied.

## **1.10 Risk Assessment**

- 1.10.1 Robust monitoring should be carried out every year to ensure the protocol and charging schedule in place is based on up to date evidence.

## **1.11 Equality Impact Assessment**

- 1.11.1 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.

## 1.12 Recommendations

1.12.1 It is **RECOMMENDED TO CABINET** to **APPROVE** the following amendment with effect from 01 April 2022:

- Adopt the updated Pre-application Charging Schedule 2022/23 as attached at **Annex 2**.

Background papers:

contact: Emma Keefe

Annex 1: Existing Fee Charging Schedule

Annex 2: Proposed Fee Charging Schedule

Annex 3: Proposed Development Categories

Annex 4: Proposed Submission Requirements

Eleanor Hoyle

Director of Planning, Housing and Environmental Health

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<b>Tonbridge and Malling Borough Council</b>				
<b>Pre-application charging schedule 2021/2022</b>				
	<b>Type of Development</b>	<b>Fee for written advice only</b>	<b>Fee for a virtual meeting and letter</b>	<b>Fee for a meeting on site and letter</b>
1	Householder development	£128.00 £107 + VAT	£194.00 £161 + VAT	£291.00 £242 + VAT
2	Minor development	£162.00 £135 + VAT	£291.00 £242 + VAT	£387.00 £322 + VAT
3	Medium development	£195.00 £162 + VAT	£387.00 £322 + VAT	£419.00 £349 + VAT
4	Major development	£576.00 £480 + VAT	£780.00 £650 + VAT	£900.00 £750 + VAT
5	Large scale/strategic development	Site visit/meeting and written response option only £1,200 £1000 + VAT + additional officers		
<b>Exemptions</b>				
<ul style="list-style-type: none"> <li>• Advice to third parties affected by development proposals</li> <li>• Disabled access</li> </ul>				

<b>Notes</b>
<ul style="list-style-type: none"><li>• The charges set out above relate to each separate query submitted to the Council</li><li>• Further queries and variations raised following the issue of advice by the Council will be subject to a new fee</li></ul>

Tonbridge and Malling Borough Council				
Pre-application charging schedule 2022/2023				
	Type of Development	Fee for written advice only	Fee for a virtual meeting and letter	Fee for a meeting on site and letter
1	Householder development	£257.00 £214 + VAT		
2	Minor development	£324.00 £270 + VAT		
3	Works to listed buildings		£436.00 £363 + VAT	£580.00 £483 + VAT
4	Medium development	£389.00 £324 + VAT	£773.00 £644 + VAT	£837.00 £698 + VAT
5	Larger scale development	£583.00 £486 + VAT	£1159.00 £966 + VAT	£1256.00 £1047 + VAT
6	Major development	£1,800 (£1,500+VAT)  <u>The fee covers:</u> Preliminary site visit by case officer Internal meeting by case officer with internal services		

		<p>Initial briefing by case officer to key Members (where the case officer considers it necessary and proportionate to do so in liaison with those Members)</p> <p>Virtual meeting between developer and Council teams (60 mins)</p> <p>Written response (format to be agreed by the parties)</p>
7	Strategic development	<p style="text-align: center;">£2,400</p> <p style="text-align: center;">£2,000 + VAT</p> <p><u>The fee covers:</u></p> <p>Preliminary site visit by case officer</p> <p>Internal meeting by case officer with internal services</p> <p>Initial briefing by case officer to key Members</p> <p>Virtual meeting between developer and Council teams (90 mins)</p> <p>Written response (format to be agreed by the parties)</p>
<b>Notes</b>		
<ul style="list-style-type: none"> <li>• The charges set out above relate to each separate query submitted to the Council</li> <li>• Further queries and variations raised following the issue of advice by the Council will be subject to a new fee</li> <li>• Enquiries that include requests for advice on multiple development options will be returned</li> <li>• Enquiries regarding potential non-material amendments to approved schemes should be subject to formal applications under section 96A of the Town and Country Planning Act</li> <li>• Enquiries as to whether listed building consent is required for proposed works should be subject to a formal application seeking a lawful development certificate</li> <li>• Where advice is sought concerning discharge of planning condition, the fee will be related to the development type of the parent application</li> <li>• Please note that the Council does not offer advice to third parties on current planning applications. If you consider you may be affected by a development proposal, you should make representations to the Council in the normal way, and these will be taken into account in reaching a decision.</li> <li>• Alterations to an existing or creation of a new dropped kerb for your home can only be dealt with by making an application for a lawful development certificate . This will fall into the residential: enlargement, improvement or alteration category for fee calculation.</li> </ul>		

### Exemptions

- Proposals for making buildings accessible under the Equalities Act 2010 (other than in circumstances where the works would be undertaken to a listed building)

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## **Building development types**

### **Householder**

- alteration or extension of individual houses for residential purposes and where the building affected is not a listed building

### **Minor**

- alterations to an existing building where there is no increase in floor space and no new residential units are to be created
- new or replacement shopfronts
- new or replacement advertisements
- demolition
- telecommunications equipment
- air conditioning/ventilation equipment

### **Medium**

- creation of 1-4 new residential units
- where the floorspace to be created/changed in use is less than 499 square metres

### **Larger scale**

- creation of 5 – 9 new residential units
- where the floorspace to be created/changed in use is between 499 – 999 sq metres

### **Works to listed buildings**

- internal and external works to listed buildings
- enquiries relating to whether proposed works require listed building consent should be subject to a formal application for a lawful development certificate

### **Major**

- 10-99 new residential units
- creation /change of use is between 1000 square metres 9,999 square metres
- Proposals for residential units where floorspace exceeds 9,999 square metres will fall within the large/strategic development type

## **Strategic**

- creation of 100 or more new residential units
- creation or change of use of 10,000 square metres or more floorspace

## Pre-application advice checklist

What you will need to send us will depend on which development type you choose, and the correct fee for the type of response you want to receive from us.

You should be aware that the detail and quality of the information submitted to us greatly affects the detail of the advice we are able to offer. Please be aware that unclear information will mean that we cannot provide full advice and this may mean you need to make multiple enquiries, all of which will incur separate fees.

This list details the **minimum** level of information required for each development type. If one or more pieces of requisite information is not provided with your initial request, it will not be dealt with and will be returned to you unanswered.

### Householder

- correct fee
- a plan clearly identifying your property/site relative to the public highway and adjoining boundaries/properties
- clear drawings of your proposal, either to scale or with dimensions clearly indicated with adjoining boundaries shown
- photographs of the property/site, in particular showing the relationship with any neighbouring buildings

### Minor

- correct fee
- a plan clearly identifying your property/site relative to the public highway and adjoining boundaries/properties
- clear drawings of your proposal, either to scale or with dimensions clearly indicated with adjoining boundaries shown
- photographs of the property/site, in particular showing the relationship with any neighbouring buildings

### Works to listed buildings

- correct fee
- a plan clearly identifying your property/site relative to the public highway and adjoining boundaries/properties
- clear drawings of your proposal, either to scale or with dimensions clearly indicated with adjoining boundaries shown
- photographs of the property/site, in particular showing the relationship with any neighbouring buildings
- a full description of the proposed works and how these may affect the historic fabric and design of the building

- an explanation as to why the proposed works are required
- photographs of the building, in particular covering the aspect of the building that you wish to change

### **Medium development**

- correct fee
- a plan clearly identifying your property/site relative to the public highway and adjoining boundaries/properties
- clear drawings of your proposal, either to scale or with dimensions clearly indicated with adjoining boundaries shown
- photographs of the property/site, in particular showing the relationship with any neighbouring buildings

### **Larger scale development**

- correct fee
- a scaled plan identifying your site
- sketches and scaled drawings of your proposal
- photographs of the site, in particular showing the site context and its relationship with any neighbouring buildings
- description of the scope of proposed development including scale, land uses, schedule of floorspace, housing details including tenure and mix
- clarification of land ownership if a legal agreements is likely to be required, including details of any other relevant interests such as tenancies, mortgages etc
- list of suggested planning obligations, including a commitment to S106 legal agreement and to paying the council's legal costs involved in negotiating, preparing and completing the agreement

### **Major**

- correct fee
- a scaled plan identifying your site
- sketches and scaled drawings of your proposal
- photographs of the site, in particular showing the site context and its relationship with any neighbouring buildings
- description of the scope of proposed development including scale, land uses, schedule of floorspace, housing details including tenure and mix
- clarification of land ownership if a legal agreements is likely to be required, including details of any other relevant interests such as tenancies, mortgages etc

- list of suggested planning obligations, including a commitment to S106 legal agreement and to paying the council's legal costs involved in negotiating, preparing and completing the agreement

### **Strategic**

- correct fee
- a scaled plan identifying your site
- sketches and scaled drawings of your proposal
- photographs of the site showing the site context and its relationship with any neighbouring buildings
- description of the scope of proposed development including scale, land uses, schedule of floorspace, housing details including tenure and mix
- clarification of land ownership if a legal agreement is likely to be required, including details of any other relevant interests such as tenancies, mortgages etc
- list of suggested planning obligations, including a commitment to S106 legal agreement and to paying the council's legal costs involved in negotiating, preparing and completing the agreement

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## TONBRIDGE & MALLING BOROUGH COUNCIL

### PLANNING and TRANSPORTATION ADVISORY BOARD

10 November 2021

Report of the Director of Planning, Housing and Environmental Health

#### Part 1- Public

#### Matters for Recommendation to Cabinet - Key Decision

#### **1 REVIEW OF THE PLANNING PERFORMANCE AGREEMENT PROTOCOL AND FEE CHARGING SCHEDULE**

**Summary:** This report provides a review of the planning performance agreement protocol and sets out the proposed new charges for 2022-2023. It is necessary to review the protocol every year to ensure the Council continues to provide a comprehensive, high-quality service and that the evidence base remains up to date. The charging schedule should also be considered annually.

#### **1.1 Introduction**

1.1.1 The PPA protocol and charging regime was first introduced on 01 April 2020. Since then, officers have been regularly reviewing how the service is utilised by applicants and how successful it has been in meeting its objectives.

#### **1.2 The current Protocol**

1.2.1 The protocol and fee structure, introduced identifies four main development types, as follows:

- 1) Small development: under 50 dwellings or up to 2,500 sq. m of commercial floor space.
- 2) Medium development: between 50 and 99 dwellings or 2,500 – 4,999 sq. m of commercial floor space.
- 3) Large development: between 100 and 249 dwellings or 5,000 – 9,999 sq. m of commercial floor space.
- 4) Strategic development: over 250 dwellings or 10,000 sq. m of commercial floor space.

1.2.2 The schedule then goes on to set out expectations for the number of meetings with officers and Member briefings provided for within the PPA.

1.2.3 The current fee charging schedule is produced at **Annex 1** for Members' information.

### **1.3 Review of current Protocol**

1.3.1 There remains a strong uptake on the use of PPAs and officers are in negotiations with developers continually to promote them as a key project management tool, particularly for large and strategic development types. The intention remains to utilise the fees collected to assist in resourcing the DM team to ensure the programmes agreed within PPAs can be met whilst continuing to meet and, wherever possible exceed, wider targets for decision making. This has, to date, occurred on an ad hoc basis but within the context of extremely high volumes of cases being received within the team which has had implications for wider resourcing and resilience this year. Officers are currently considering other options for utilising this income to bring in dedicated resources to work on some of the higher level, strategic developments we know are likely to come forward before the end of the year. This would be in association with more general backfilling to ensure the officer team are sufficiently resourced and resilient going forward.

1.3.2 Comprehensive review of the protocol and template agreement by officers has identified several key issues which require addressing to ensure PPAs can continue to be valuable tools for the service. These are discussed as follows:

1.3.3 Commonly, it has been noted that there are delays on the part of applicants in completing the PPA and paying the associated fee. These should be completed and paid for prior to the formal submission being made but habitually this does not happen in good time. Such delays place an unnecessary administrative burden on the team along with delays to the initial registration, consultation and assessment processes. It is therefore recommended that the expectations enshrined within the protocol should be more explicit to ensure that signed and dated PPAs and the associated fees are submitted well in advance of the application submission documents. Internal processes should also be finessed to reflect this.

1.3.4 Furthermore, on occasion applicants have disputed making additional payments to commission reports during an application, particularly around viability work. To avoid any ambiguity around our expectations in this regard, the protocol and associated template agreement should be amended to ensure the scope for commissioning such work and paying for it is sufficiently broad. It is also important that officers also understand that they have the flexibility to negotiate these clauses should they consider it to be necessary. This will be dependent on the scale and nature of individual schemes and will become clear as the pre-application discussions are taking place.

1.3.5 Questions have recently been raised as to whether it is possible or appropriate to enter into PPAs once an application has been submitted and initial assessment has taken place. Our view is that whilst this is legally possible it has the effect of

diluting the entire rationale behind the PPA process. The PPA negotiations are supposed to take place at the pre-application stage, indeed at the very earliest of opportunities, to ensure their value. As such, the Council should not agree to PPAs once an application has been submitted for formal consideration and the protocol should be amended to make this clearer and avoid any future confusion on the part of the applicants.

- 1.3.6 Furthermore, as Members will have noted elsewhere on the agenda, PPA discussions will take place during the initial pre-application enquiry. If the parties decide that a PPA would be appropriate in the prevailing circumstances, the initial pre-application fee paid is in no way refundable or discounted from the subsequent PPA fee. This should be made explicit in the protocol itself and will be cross-referenced within the information contained within the pre-application advice pages of the website.
- 1.3.7 Officers have, on occasion, indicated that applicants seek to impose unrealistic deadlines within PPA programmes which simply cannot be met given our own processes and committee structures, regardless of whether additional resources are brought in via PPA fees. Whilst it is recognised that there needs to be some flexibility on our part, the protocol should manage developer expectations on what is realistically achievable. Equally, officers should be making these factors clear during their own negotiations with developers on the programme. This should be made more overt within the amended protocol itself.
- 1.3.8 Additionally, in terms of managing the expectations of developers in dealing with PPA cases, the protocol should be amended to expand on what we require them to submit before meetings take place and how meetings will be arranged and conducted. It is our experience that some applicants seek to utilise the PPA process to make unrealistic demands on time and resources. Whilst it is fully accepted that PPAs mean we are required to provide an agreed level of service, this must be achievable; expecting officers to attend a meeting with less than 24 hours' notice with no advanced material provided for example is not reasonable and will not result in constructive discussions about the merits of the scheme, which is the overarching purpose of a PPA, as a tool for good decision making. It is therefore proposed that the protocol and template agreement be amended to make far clearer that a minimum time period, to be agreed between the parties, must be adhered to for agendas and associated material to be circulated. It should also make clear that the Council reserves the right to cancel pre-arranged meetings where such deadlines have not been met.
- 1.3.9 Previous reports to this Board have indicated that fees charged for PPAs are likely to be underestimated. This remains a concern, particularly for large-scale and strategic developments given their scale and complexities. Benchmarking has indicated it would be more proportionate in some circumstances to seek a proportion of what the total application fee, which is likely to be more representative of the work sitting behind the application. For example, presently strategic sites such as Broadwater Farm are subject to a flat fee of £13,800

whereas this would be increased to £22,500 based on 15% of the application fee in this instance. This is reflected in the proposed fee charging schedule produced at **Annex 2** to this report. For the avoidance of any doubt, this fee is in addition to the requisite application fee and in addition to any pre-application meetings undertaken before the PPA was entered into.

- 1.3.10 It is just as important to recognise development types where it is less prudent to seek to enter into PPAs in order to suitably focus officer resources on more complex development proposals. With this in mind, it is recommended that there be a threshold cap on the scale and nature of developments that can be subject to a PPA – suggest no fewer than 10 residential units and no less than 1,000 sq.m of non-residential floorspace. Again, this is reflected in the proposed fee schedule at **Annex 2**.
- 1.3.11 Furthermore, there are some schemes coming forward that are unacceptable in planning terms for a range of reasons. In these instances, applicants can seek to enter into PPAs with a view to narrowing the issues/eventual grounds of refusal. Whilst this approach on the part of the applicant is understood, it does not necessarily reflect best practice or most suitable use of available resources for us and creates uncertainty amongst stakeholders and local communities if decisions are delayed. It is therefore recommended that the protocol be amended to make clear that the Council reserves the right not to enter in to a PPA where it is not considered constructive to do so. In terms of internal processes, it would be a matter for the case officer to establish and make recommendations to the Development Manager as to the costs/benefits of entering into an agreement.
- 1.3.12 The recommended amendments to the protocol itself and the associated template agreement should be expedited at the earliest opportunity, certainly before the new fees come into effect on 01 April 2022. As such, it is recommended that authority to publish the final updated version be delegated to the Director of Planning, Housing and Environmental Health in consultation with the Cabinet Member for Strategic Planning and Infrastructure. This is included within the recommendation that follows.

## **1.4 Legal Implications**

- 1.4.1 PPAs are intended to be agreed in the spirit of a ‘memorandum of understanding’. They are not intended to be a legally binding contract unless the parties wish to approach it in this way. It is helpful to be clear about its status in the planning performance agreement itself. The parties are encouraged to make the existence and content of a planning performance agreement publicly available, so that the agreed process and timescale are transparent.
- 1.4.2 A PPA does not differ from other forms of pre-application engagement. It does not commit the local planning authority to a particular outcome. It is instead a commitment to a process and timetable for determining an application.

## 1.5 Financial and Value for Money Considerations

- 1.5.1 The Planning Practice Guidance (PPG) states that local planning authorities may make a charge for the administrative work involved in agreeing and implementing the planning performance agreement itself. As such, a fee schedule is produced as an appendix to the protocol.
- 1.5.2 The fees to be charged should be subject to annual review.

## 1.6 Risk Assessment

- 1.6.1 Encouraging the use of PPAs at the early stages of engagement with applicants, agents and developers will create greater certainty in the decision making process in terms of expectations placed on each of the parties and in particular timescales for determination. This should assist in ensuring appeals against non-determination are avoided because the existence of a PPA means that the statutory time limits for determining the application no longer apply (to the extent that the agreement specifies a longer period for the decision, in which case the agreement will count in the same way as an agreed extension of time). If an authority fails to determine the application by the agreed date, then the applicant may appeal.

## 1.7 Equality Impact Assessment

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

## 1.8 Recommendations

- 1.8.1 It is **RECOMMENDED TO CABINET** to **APPROVE** the following amendment with effect from 01 April 2021:
- Adopt the updated Planning Performance Agreement Charging Schedule 2022/23 as attached at **Annex 2**.
- 1.8.2 It be **AGREED** that amendment and publication of the Planning Performance Agreement Protocol after 11 November 2021 be delegated to the Director of Planning, Housing and Environmental Health in consultation with the Cabinet Member for Strategic Planning and Infrastructure.

Background papers:

contact: Emma Keefe

Annex 1: Existing Charging Schedule 2021/22

Annex 2: Proposed Charging Schedule 2022/23

Eleanor Hoyle

Director of Planning, Housing and Environmental Health

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Planning Performance Agreement ProtocolAnnex 1: Existing Fee Schedule 2021 – 22

Development Type	Residential Units	Commercial Floorspace	Meetings	Member Briefings	Fee
Small	Under 50	Up to 2,500 sq.m	Up to 2	0	£3,500
Medium	50 – 99	2,500 – 4,999 sq.m	Up to 3	Up to 1	£5,000
Large	100 – 249	5,000 – 9,999 sq.m	Up to 4	Up to 1	£7,500
Strategic	250 +	10,000 sq.m +	Up to 6	Up to 2 plus Members Site Inspection	£13,800 (where a design reviews is agreed as necessary this is paid for separately)

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**Planning Performance Agreement Protocol****Annex 2: Proposed Fee Schedule 2022/23**

Development Type	Residential Units	Commercial Floorspace	Meetings	Member Briefings	Fee
Small	Between 10 & 50	Between 1,000 & 2,500 sq.m	Up to 2	0	£3,500 or 15% of application fee, whichever is the greater
Medium	50 – 99	2,500 – 4,999 sq.m	Up to 3	Up to 1	£5,000 or 15% of application fee, whichever is the greater
Large	100 – 249	5,000 – 9,999 sq.m	Up to 4	Up to 1	£7,500 or 15% of application fee, whichever is the greater
Strategic	250 +	10,000 sq.m +	Up to 6	Up to 2 plus Members Site Inspection	£13,800 or 15% of application fee, whichever is the greater

**Notes:**

For the avoidance of any doubt, all PPA fees are payable in addition to the requisite application fee as set out by the Fee Regulations.

Furthermore, if it is agreed between the parties at any point during pre-application discussions that a PPA is an appropriate tool, the pre-application fees already incurred will not be refunded or deducted from the PPA fee

In any instance, where a design review is agreed as necessary between the parties this is paid for separately in full by the developer/applicant

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## TONBRIDGE & MALLING BOROUGH COUNCIL

### PLANNING and TRANSPORTATION ADVISORY BOARD

10 November 2021

#### 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 DEVELOPMENT MANAGEMENT UPDATE

#### Summary:

**This report seeks to provide an update on various matters pertaining to the Development Management function over the course of the year. The recommended actions contained within the report result in some savings in wider service efficiencies to support the Council's medium term financial strategy.**

#### 1.1 Introduction

- 1.1.1 Presently, the Development Management team comprises a total of 11 officers who are responsible for the assessment and determination of all applications made under the Town and Country Planning Acts and ensuring compliance with all statutory requirements in making such decisions. The team also deals with planning appeals through written representations, attendance at informal hearing and giving evidence at inquiry, post decision matters such as discharging conditions and reviewing scheme amendments in addition to providing pre-application advice to prospective applicants.
- 1.1.2 The planning enforcement team comprises a total of 3 officers who are responsible for investigating breaches of planning control, taking necessary remedial action and progressing prosecutions where necessary to do so, including giving evidence in court.
- 1.1.3 As Members will be aware during 2021, the team has been operating at reduced capacity because of officers leaving the authority at relatively short notice and delays with successful recruitment to those vacant posts. This, coupled with high volumes of case work, has meant that the team have experienced a highly pressurised work environment over a prolonged period. This is evidenced below by some of the key statistics provided. Nevertheless, the team continues to operate in a collaborative manner, keen to engender improvements to our key service functions. These are also discussed throughout the report that follows.

## 1.2 Decision Making and Key Statistics

### Planning applications:

- 1.2.1 For the period September 2020 – September 2021, a total of 2886 planning and allied applications were submitted to the Authority for determination, compared to a total of 2105 for the same period in 2019/20.
- 1.2.2 The Planning Practice Guidance sets out that once a planning application has been validated, the local planning authority should make a decision on the proposal as quickly as possible, and in any event within the statutory time limit unless a longer period is agreed in writing with the applicant. The statutory time limits are usually 13 weeks for applications for major development and 8 weeks for all other types of development (unless an application is subject to an Environmental Impact Assessment, in which case a 16 week limit applies).
- 1.2.3 Where a valid application has not been determined within the relevant statutory period (or such other period as has been agreed in writing between the local planning authority and the applicant), the applicant has a right to appeal to the Secretary of State against non-determination.
- 1.2.4 If the applicant has not exercised this right of appeal, and the application remains undetermined after 26 weeks, then the fee paid by the applicant can be refunded to them (unless a longer period for the decision has been agreed).
- 1.2.5 Furthermore, Section 62B of the Town and Country Planning Act 1990 (as amended) allows the Secretary of State to designate local planning authorities that “are not adequately performing their function of determining applications”, when assessed against published criteria. Those criteria relate to:
- the speed of decisions made by local planning authorities for applications for major and non-major development, measured by the percentage of applications that have been determined within the statutory period or such extended time as has been agreed between the local planning authority and the applicant
  - the quality of decisions made by local planning authorities for applications for major and non-major development, measured by the proportion of decisions on applications that are subsequently overturned at appeal (including those arising from a ‘deemed refusal’ where an application has not been determined within the statutory period).
- 1.2.6 If a local planning authority falls below the performance thresholds set out in the criteria it may be designated for its performance in relation to applications for major development, non-major development, or both.
- 1.2.7 In this case, section 62A of the Town and Country Planning Act 1990 (as amended) allows applications for the category of development for which the

authority has been designated (i.e. major development, non-major development or both) to be submitted directly to the Secretary of State (if the applicant wishes) as long as the designation remains in place. This excludes householder and retrospective applications, which must still be made directly to the local planning authority.

1.2.8 Within this context, in terms of decisions issued for the year to date as of the end of September, our performance measured against nationally set targets is:

- Major applications – 60% (against a target of 60%);
- Minor applications – 66% (against a target of 60%);
- All other applications – 72% (against a target of 80%).

1.2.9 Members will be aware that our statistics historically have been very strong, and the figures above are not representative of our long-term track record for efficient decision making, albeit in most cases we still remain over the nationally set targets. Members will also be aware that this year has been an exceptionally challenging one for the DM team in terms of the high volume of applications received alongside some vacant posts sitting within the team. Recent new appointments within the team and continued efforts to seek to make effective use of the income generated by PPAs should assist in improving this position for the remainder of the year.

#### Income and Fees

1.2.10 For the financial year 2021/22, by the end of September the total income on planning applications stood at £498,212 and a total of £37,196 had been received for pre-application advice.

1.2.11 As a basis for comparison, for the same period in 2020/21, the income received stood at £450,531 (planning applications) and £28,165 (pre-application advice).

#### Planning Inspectorate Decisions

1.2.12 Since 01 January 2021, a total of 40 appeals have been lodged with the Planning Inspectorate so far this year; 0 against non-determination within the statutory timeframe, 9 against the serving of Enforcement Notices and the remainder against the decision of the Authority to refuse planning permission.

1.2.13 In September, a 4-day public inquiry was held at the Council offices in connection with the refusal of the Council to grant retrospective planning permission for the change of use of land to residential occupation by a traveller family at Oak Tree Stables, Vigo Road. The Council was represented by a specialist consultant along with Counsel and the outcome of the appeal is awaited at the time of writing this report. The inspector's decision in this case will be an important material planning

consideration in respect of any discussion around unmet need for pitches across the Borough going forward.

- 1.2.14 Another 3 public inquiries are to take place in the coming months, all of which have complex and controversial planning enforcement histories related to them and where the decision has been taken to appoint external consultants to defend the Council's position.
- 1.2.15 Since 01 January 2021, the Planning Inspectorate has determined a total of 26 appeals for development in the Borough, with a total of 8 being allowed.
- 1.2.16 Within this time period, there has been one award of costs made against the Council: TM/19/00786/FL (The Oast House, Hollow Lane, Snodland). The inspector's decision in this case was circulated to all Members and I can advise that the costs paid to the appellant in this case amount to £1,500.

### Judicial Reviews

- 1.2.17 There have been no legal challenges brought against the Council in respect of its planning decisions over the course of the past year. This is testament to the diligent and careful way decisions are made, both under delegated powers and by the three Area Planning Committees.

## **1.3 Public Consultation and Engagement**

- 1.3.1 As Members are aware, since March 2020, Town and Parish Councils have been notified of the receipt of planning applications via our published weekly list and are given a 21-day period from publication within which to make any representations on individual applications. Since this was introduced, we have taken every opportunity to improve the content of the weekly list to ensure it contains key information to assist Parish Councils in establishing whether they may want to make representations and what the timescales are for doing so. Although this was a significant shift in historic practices, the new practice has integrated well and now that the weekly list has been refined, there are no reported issues with how this is working operationally. Indeed, feedback from officers is that the new practice is far more efficient.
- 1.3.2 In making this change, it had been anticipated that PCs would have been able to use the Public Access system to a greater extent to sign up to locational based alerts. The functionality of this system has however presented some issues, but a comprehensive user guide has been produced and circulated for assistance with this.

## **1.4 Engagement with Developers and Applicants**

- 1.4.1 Another key change in how the team operates introduced last year related to the decision to not accept amendments or additional supporting information on applications which are not subject to a Planning Performance Agreement (PPA).

- 1.4.2 Unsurprisingly, there has been mixed feedback on the introduction of this practice with notable benefits identified around efficient and consistent decision making throughout the team. Negative feedback has centred on certain applicants and agents being frustrated that they are no longer able to seek to resolve issues arising during the course of the application itself. The rationale behind the changes to our practices in this respect was set out in March 2020 and remains the case now; whilst there is a need to positively engage with applicants and developers in order to achieve well designed, acceptable schemes, this must be balanced against the need for timely and efficient decision making in addition to ensuring fairness of information provision through public consultation, as set out above. There is nothing contained within legislation or the Constitution that *requires* the Council to accept unsolicited amendments or additional supporting information to planning applications.
- 1.4.3 In practical terms, the correct time for constructive negotiations to take place on proposed schemes remains via the pre-application process and using PPAs where necessary.
- 1.4.4 I appreciate that elsewhere on this agenda, changes to the PPA protocol are recommended, specifically that we should not seek to enter into PPAs for schemes below 10 residential units or 1,000 square metres. It is accepted that this change coupled with the protocol of not accepting amendments on applications outside of the PPA process could disenfranchise those applicants making submissions for such development types. However, it remains the case that the correct forum for seeking to negotiate on the quality of schemes is via the pre-application advice service. It is recommended that the website content be expanded to make absolutely clear the Council's position in these respects.
- 1.4.5 Officers have reported that a possible unintended consequence of our new practices in this respect has been around resources being diverted by lengthy discussions with applicants about the relative merits of withdrawal and resubmission or receiving a refusal and having the option to appeal to the Secretary of State via his Planning Inspectorate. This indicates that our own internal practices around how we engage and inform applicants requires some improvement, alongside messaging via our website and the pre-application advice service we offer. This will be developed over the course of next few months and progress will be reported to Members in due course.
- 1.4.6 Linked to this, it is important to remember that submissions on this scale will always require a minimum level of supporting information to be provided to assist in our assessments and ultimately the decision as to whether planning permission should be granted.
- 1.4.7 As Members will be aware, there are national information requirements that set out what information must accompany all planning applications (set out in the Town and Country Planning (Development Management Procedure (England)

(Order) 2015). These requirements set a minimum amount of information that must be submitted with an application.

- 1.4.8 The Government's policy on local information requirements can be found in the National Planning Policy Framework. It sets out that LPAs should take a proportionate approach to the information requested in support of planning applications.
- 1.4.9 An LPA may request supporting information with a planning application. Its requirements should be specified on a formally adopted 'local list' which has been published on its website less than 2 years before an application is submitted. Local information requirements have no bearing on whether a planning application is valid unless they are set out on such a list.
- 1.4.10 The local list is prepared by the local planning authority to clarify what information is usually required for applications of a particular type, scale or location. In addition to being specified on an up-to-date local list published on the local planning authority's website, information requested with a particular planning application must be:
- reasonable having regard, in particular, to the nature and scale of the proposed development; and
  - about a matter which it is reasonable to think will be a material consideration in the determination of the application.
- 1.4.11 We do have a published local list, but it needs review to ensure it continues to be fit for purpose. The PPG sets out the recommended process for reviewing and revising local lists. It is therefore proposed that we embark on a comprehensive review of the local requirements with a view to reporting back to this Board in early 2022. In the meantime, internally, our practices need to reflect the importance of adhering to these requirements in all circumstances.
- 1.4.12 As such, at this time it is not proposed to change our practices and allow for amendments or additional information to be submitted outside the PPA process.

## **1.5 Section 106 Protocol and Monitoring**

- 1.5.1 The Protocol and associated monitoring fees were adopted by the Council in April 2021. As yet, it is too early to report any significant themes arising from the adoption of the protocol other than to note as follows.
- 1.5.2 The suggestion has been made that requiring the monitoring fees to be paid at the point the legal agreements are completed is unfair and a phased approach to payment should be considered. This option was discounted previously when recommending to Members that a monitoring fee should be introduced because the fee is predicated on ensuring the obligations are being met for the lifetime of the development and phasing payment would, in effect, add a further layer of

monitoring to the process, diverting resources from the principal task. As such, it is not recommended to make any changes to the requirements surrounding the payment of monitoring fees presently. This will be kept under review.

- 1.5.3 We have recently sought to recruit to the post of Senior Development Obligations Officer but that exercise has not resulted in an appointment. This role is considered to be crucial in ensuring that developments and their associated obligations are monitored in an effective manner throughout the life of the development and also that third parties involved in delivery and mitigation are also meeting their obligations. As such, at the time of writing this report, options are being considered as to how we fill the post.
- 1.5.4 An important component of the protocol as published centres on the constructive engagement with Town and Parish Councils and other local community groups to ensure community-based provision associated with new developments comes forward in a way that is truly reflective of local needs, where that can be properly evidenced.
- 1.5.5 In June, we wrote to all Parish Councils explaining that as part of our ongoing work on s106 monitoring and delivery, we are seeking to engage further with PCs about the protocol and what they can put in place/what support we can offer them in ensuring they're able to access s106 contributions where appropriate and evidence their use.
- 1.5.6 To date, one Parish Council has made an approach regarding obtaining some specific training and we are presently looking to progress that with them.

## **1.6 Member Training**

- 1.6.1 The Member training programme has continued throughout 2021, with the most recent MS Teams sessions focusing on the assessment of highway impacts and viability in decision making.
- 1.6.2 In liaison with the Cabinet Member for Strategic Planning and Infrastructure, the training topics for 2022 have been agreed to cover the following:
- Overview of the Building Regulations and interaction with planning considerations
  - Kent Design
  - Heritage considerations in planning decisions
  - The role of small and medium developers in planning

## **1.7 Reflecting on the year and looking ahead**

- 1.7.1 Pre-application engagement is indicating that we should expect a continued upward trend in the submission of planning applications particularly given the

current position in respect of plan making and within the context of a continued absence of a five-year housing land supply. We are, for example, expecting formal submissions by the end of this year for developments of Broadwater Farm and Bushey Wood. Similarly, the various outline planning permissions that have been granted within the north of the Borough, including Aylesford Newsprint and Whitepost Field, will trigger the submission of reserved matters submissions and discharge of conditions and it will be crucial to ensure they are dealt with in a manner that ensures those developments come forward in an altogether high-quality manner. Careful consideration is being given as to how best the team can be resourced to ensure effective and efficient decision making in these regards alongside wider service delivery.

- 1.7.2 We also remain mindful that there is likely to be a series of reform to the planning system moving forward although presently the detail of that remains unclear. In respect of the administration of planning applications and in particular public engagement, we are likely to experience some wholesale changes to how the government expects LPAs to conduct themselves. Members will be aware that the Planning for the Future White Paper (published August 2020) makes clear the government's vision on how it expects public engagement with the planning system to take place in the future. It states:

*“We need to modernise the day-to-day operation of the planning system. Residents should not have to rely on planning notices attached to lamp posts, printed in newspapers or posted in libraries. The COVID-19 pandemic has highlighted the need for modern digital planning services that can be accessed from home, and many planners and local authorities have responded brilliantly to this challenge. The planning system must build on this success and follow other sectors in harnessing the benefits which digitisation can bring – real-time information, high-quality virtual simulation, straightforward end-to-end processes. It should be based on data, not documents, inclusive for all members of society, and stimulate the innovation of the great British design industry.”*

- 1.7.3 It also sets out the intention to take a digital-first approach to modernise the planning process. This means moving from a process based on documents to a process driven by data.
- 1.7.4 As the agenda becomes clearer in this respect, implications for delivery of the service will be explained to this Board and recommendations made. Any such recommendations will also have the Council's own medium financial strategy embedded within them.

## **1.8 Legal Implications**

- 1.8.1 The ongoing work set out above will ensure that all functions undertaken by the Development Management team will continue to meet all statutory duties and requirements.

## 1.9 Financial and Value for Money Considerations

1.9.1 All services provided across the Development Management function are managed within existing budgets.

## 1.10 Risk Assessment

1.10.1 Failure to properly manage and deliver Development Management functions could result in an increased number of appeals, with associated resource and financial implications, risk of costs being awarded against the Authority for unreasonable behaviour. Furthermore, persistent failure to meet nationally prescribed determination targets could result in “designation” by the Secretary of State.

## 1.11 Equality Impact Assessment

1.11.1 No issues raised.

## 1.12 Recommendations

1.12.1 That the contents of the report be **NOTED**, having regard to the following:

- 1) Officers will commence a review of the Council’s local validation requirements in accordance with the recommended processes set out in the Planning Practice Guidance;
- 2) Improvements will be made to messaging contained on the Council’s website concerning use of the pre-application advice service and our approach to not accepting amendments/additional information post submission where PPAs are not in place; and
- 3) Officers will continue to review the effectiveness of the adopted Section 106 Protocol with a substantive update to be reported to the Board after a further period of implementation.

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: Emma Keefe

Nil

Eleanor Hoyle

Director of Planning, Housing and Environmental Health

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## TONBRIDGE & MALLING BOROUGH COUNCIL

### PLANNING and TRANSPORTATION ADVISORY BOARD

10 November 2021

#### 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 GATWICK NORTHERN RUNWAY CONSULTATION

**Summary: This report provides an overview of the Gatwick Northern Runway consultation and draft consultation response.**

#### 1.1 Our Northern Runway: making the best use of Gatwick

- 1.1.1 Gatwick Airport is consulting on our proposals to bring the existing Northern Runway into routine use alongside their main runway. Additional development, reconfiguration and mitigation works are also proposed, this includes terminal building extensions, junction and highways improvements, an additional 18,500 car parking spaces, hotels with capacity for 1000 rooms, and 9000 sq/ft of office accommodation.
- 1.1.2 The consultation will run for 12 weeks and concludes on 1 December 2021. Further details can be found on the Gatwick Airport [website](#). The consultation summary is included at **Annex 1**.
- 1.1.3 If approved in due course Gatwick Airport anticipate that by 2038, the proposals would increase passenger throughput to approximately 75.6 million passengers per annum (mppa), compared to a maximum potential passenger throughput based on the existing runway of approximately 62.4 mppa. This represents an anticipated increase in capacity of approximately 13.2 mppa.
- 1.1.4 This level of passenger increase, along with the road improvements needed to support it, means the project is classed as a Nationally Significant Infrastructure Project (NSIP) and Gatwick will need to apply for a development consent order (DCO) to build and operate it.
- 1.1.5 The consultation is part of the DCO process. The feedback received, along with further technical work and environmental studies, will inform the development of the proposals ahead of submission of a DCO application to the Planning Inspectorate (PINS). PINS will then review and examine the application, before making a recommendation to the Secretary of State for Transport, who will take the final decision on whether or not to grant consent.

- 1.1.6 A draft consultation response is included at **Annex 2**. This makes clear that Tonbridge & Malling Borough Council (TMBC) does not support the proposal to bring the existing northern runway into use for the take-off of smaller aircraft. At present the runway is only used for emergency landings.
- 1.1.7 Having reviewed the proposals it is considered that the justification for airport expansion is inadequate. Especially so given that the Government has made it clear that the focus of expansion in the South East should be at Heathrow, following the publication of the Davies review in 2015. A third runway at Heathrow would provide capacity for more than 280,000 flights per year should it go ahead in the future, and therefore would satisfy any future regional growth requirement.
- 1.1.8 The nature of business travel is likely to change in the future as a consequence of the pandemic, with greater use of virtual communications reducing the need for some to travel. This combined with a growing concern regarding the need to reduce carbon emissions, could result in demand for air travel in the future which is less than the capacity forecasts referenced. The passenger projections are therefore considered to be highly ambitious, the supporting case for which is insufficient.
- 1.1.9 The proposed mitigation regarding surface transport connectivity with West Kent is inadequate, this has been a longstanding concern of West Kent authorities including TMBC. Whilst the consultation states that 42% of passengers who access the airport do so by rail, there is no ambition to increase this which will be difficult to achieve without a frequent direct rail connection via Redhill to Tonbridge. In the draft response we strongly urge Gatwick to work with partners including the DfT, TfSE, the LEP's and Great British Railways to cost and fund this connection as part of their northern runway DCO proposals.
- 1.1.10 At present the proposals are of limited material benefit to Tonbridge & Malling residents and businesses and are likely to worsen the impacts of aircraft overflight for some. Particularly those in West Tonbridge which remains beyond the 51dB noise contour for aircraft operations.

## 1.2 Conclusion

- 1.2.1 Tonbridge & Malling Borough Council does not support the proposal to bring the existing northern runway into use for the take-off of smaller aircraft, and associated developments, the justification for which is insufficient. If the proposals are progressed, investment in a direct rail connection to Tonbridge via Redhill is strongly requested, to shift related trip demand away from vehicles using roads including the A21, M25 and M23. This would further help to reduce the long-term carbon impact of the airport's operations.

## 1.3 Legal Implications

- 1.3.1 There are no direct legal implications arising from this report.

## 1.4 Financial and Value for Money Considerations

- 1.4.1 There are no direct financial or value for money considerations arising from this report, there may however be wider economic benefits for local residents and businesses if the airport expansion plans gain planning consent in due course.

## 1.5 Risk Assessment

- 1.5.1 TMBC should respond to this consultation, to express its objection regarding the northern runway proposal, which in effect is a comprehensive masterplan for the expansion of the airport. If the proposals progress there could be an increase in related vehicle-based journeys due to a lack of rail infrastructure, and a worsening of noise arising from aircraft overflight.

## 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 content of this report be **NOTED**, and that TMBC objects to the northern runway proposals as set out in the draft consultation response. That this be supported for **APPROVAL** by the Cabinet Member and submission to Gatwick Airport.

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:

Annex 1 – Consultation Summary  
Annex 2 – Consultation Questionnaire

contact: Bartholomew Wren  
(Principal Planning Officer)

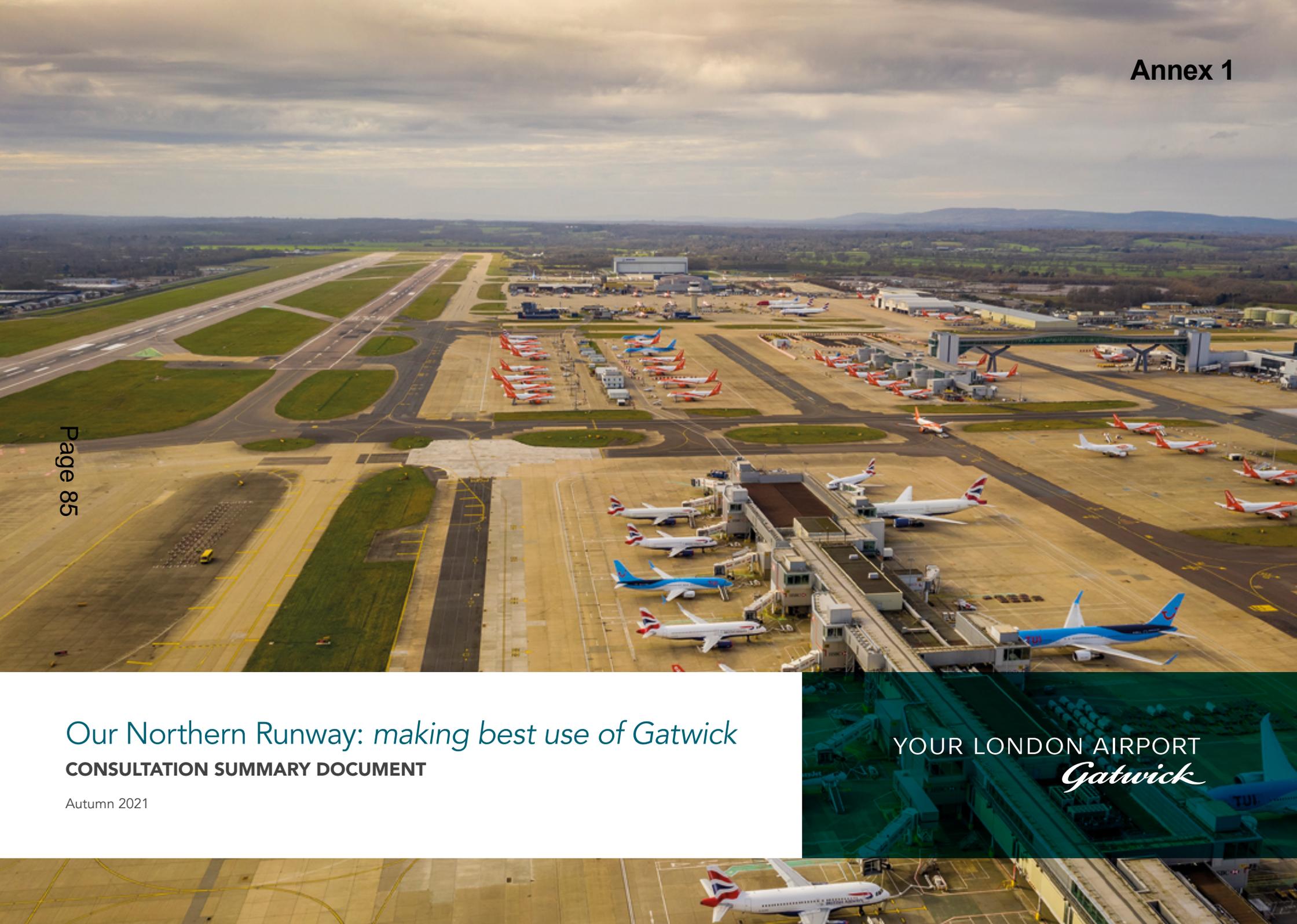
Eleanor Hoyle  
Direct of Planning, Housing and Environmental Health

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Our Northern Runway: *making best use of Gatwick*  
**CONSULTATION SUMMARY DOCUMENT**

Autumn 2021

YOUR LONDON AIRPORT  
*Gatwick*



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Here at Gatwick - we are looking forward. I'm proud that Gatwick Airport is a key piece of national infrastructure and that we have remained operational since the pandemic started. I'm also proud that Gatwick has historically been one of the world's busiest single runway airports. In 2019 we had seen a decade of growth to more than 46 million passengers, supporting over 135,000 jobs nationally and making a contribution of £8.3bn to the UK economy every year.

Looking forward - by the end of the next decade we will need more capacity to maintain efficient operations, improve resilience and meet passenger demand. This is why we would like to bring our existing Northern Runway into routine use, using a sustainable approach which maximises the use of our existing infrastructure. The Project proposals are largely confined within our current airport boundary, are low impact and are in line with Government policy of making best use of existing runways. We are taking our plans forward now to be ready to meet demand in the future because of the time it would take to secure approvals, complete construction and start dual runway operations.

In January 2019 we concluded a 12-week public consultation on our Master Plan. This is where we first explained our scheme. Two thirds of those who responded were supportive. We listened to points raised in that public consultation, reviewed our plans, and in July 2019 we announced we would be taking this Project forward through the Development Consent Order (DCO) process.

Both 2020 and 2021 have been challenging years for everyone and the impact of the pandemic on Gatwick has been devastating due to unprecedented travel restrictions and long periods of lockdown. Whilst we still face many challenges, we are confident we will return to pre-pandemic passenger levels in the next four to five years and that by the end of the 2020s, passenger levels will have returned to broadly where they would have been had the pandemic not occurred.

Our Northern Runway proposals will help boost our economy, maintain competition within the London market, open up new connections and support a Global Britain. They will also open up exciting new employment opportunities, create additional jobs and further enable travel to visit family and friends, take a leisure break or foster trade and business links. Our proposals are forward looking and seek to bring significant benefits for our region.

At the same time, we are acutely aware of our responsibilities to the future of the planet - on climate change and the environment. We will grow in a way that supports the Government in achieving its commitment to net zero emissions by 2050. On noise, we have proposed a noise 'envelope' that provides certainty for residents and allows the benefits of quieter aircraft to be shared with them. We will seek to deliver our proposals in a sustainable way, addressing environmental and community impacts whilst also helping the Government achieve its climate change target.

I am confident in our future and very pleased to present these proposals for public consultation. We would like to hear views from local residents and anyone interested in our proposals. I encourage everyone to take time to review our plans and respond by 1 December 2021.

**Stewart Wingate**

Chief Executive Officer, Gatwick Airport

# 1. The consultation

We are now consulting on our proposals to bring the existing Northern Runway into routine use alongside our main runway. We are calling our proposals the Northern Runway Project. It is anticipated that by 2038 this would increase Gatwick's passenger throughput to approximately 75.6 million passengers per annum (mppa), compared to a maximum potential passenger throughput based on the existing runway of approximately 62.4 mppa. This represents an anticipated increase in capacity of approximately 13.2 mppa.

This level of passenger increase, along with the road improvements needed to support it, means the project is classed as a Nationally Significant Infrastructure Project (NSIP) and we will need to apply for a development consent order (DCO) to build and operate it. A DCO can combine planning consent to develop, operate and maintain an infrastructure project, with other important planning and environmental approvals that would otherwise need to be applied for separately.

Consultation is an important part of the DCO process as it enables everyone to comment on the proposals. The feedback received, along with further technical work and environmental studies, will inform the development of our proposals ahead of submission of our DCO application to the Planning Inspectorate. The Planning Inspectorate will then review and examine the application, including encouraging submission of views from local people and other interested parties, before making a recommendation to the Secretary of State for Transport, who will take the final decision on whether or not to grant consent.

For more information on the DCO planning process, please visit: [infrastructure.planninginspectorate.gov.uk](https://infrastructure.planninginspectorate.gov.uk).



Figure 1.1: Existing Gatwick runways

## Scope of the consultation

During this consultation, we are seeking your views on our proposals, which are outlined in this Consultation Summary Document.

Further details on our proposals, including preliminary environmental information, can be found in:

- › **Consultation Overview Document** - includes more information about the context in which we are operating and sets out our proposals and approach to managing their impacts;
- › **Volume 1: Preliminary Environmental Information Report (PEIR)** - sets out the environmental considerations associated with our proposals and how we have assessed them, along with proposed mitigation measures. There is also a Non-Technical Summary of the PEIR included as part of the consultation;
- › **Volume 2: PEIR Figures;**
- › **Volume 3: PEIR Appendices;** and
- › **Other technical documents** including our Economic Impact Report, Noise Insulation Scheme, Outline Employment, Skills and Business Strategy, and Land Use and Construction Phasing plans.

The consultation is being carried out in accordance with our Statement of Community Consultation (SoCC), which can be viewed online at: [gatwickairport.com/futureplans](http://gatwickairport.com/futureplans).

The following areas are not included in this consultation:

- › Airport regulation and economic licensing. Gatwick is licensed to operate by the Civil Aviation Authority (CAA). At the airport, the CAA regulates airspace policy, safety, consumer protection and economics, such as service levels and charges to our airline customers; and
- › Modernising of airspace. The Northern Runway Project does not require any further approvals for changes to existing flightpaths. Future Airspace Strategy Implementation South (FASI-South) is a major review proposing to re-design airspace over London and the South East to improve services and to reduce delays and the effects of noise. This work is being undertaken by the national air traffic control provider, NATS, in partnership with the Department for Transport (DfT) and the CAA. However, as this process is only in its early stages as we consult on our Northern Runway Project proposals, we have not been able to show any potential changes that may arise from it.

## Environmental Impact Assessment (EIA)

The Northern Runway Project is classed as a development requiring assessment of likely significant effects on the environment under The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017. We will therefore carry out an Environmental Impact Assessment (EIA) and submit a full Environmental Statement (ES) and non-technical summary as part of our application for development consent.

We are consulting on preliminary environmental information, in the form of a PEIR. The PEIR presents environmental information that has been collected and assessed by the date of the consultation in relation to the likely significant environmental effects of the Northern Runway Project and indicates preliminary measures that we may need to put in place in order to avoid, prevent, reduce, and mitigate any residual environmental impacts.



Figure 1.2: Project timeline

## HOW TO FIND OUT MORE

The Northern Runway Project consultation will run for 12 weeks, from 9 September 2021 to 11:59pm on 1 December 2021, and is open to anyone with an interest in our proposals.

All consultation documents will be available to download from the Gatwick Northern Runway consultation website and on USB drives, upon request. We will provide hard copies of this Consultation Summary Document and Consultation Questionnaire free of charge. We will also have a Mobile Project Office that will help to distribute these materials within the local area (see Table 1.1). These dates and venues may be subject to change for reasons outside our control. Please visit our website ([gatwickairport.com/futureplans](https://gatwickairport.com/futureplans)) which will be kept up to date with any changes to venues or times.

Hard copies of all consultation documents will be placed in appropriate public buildings across the region, assuming pandemic restrictions allow. Details of the deposit locations are set out in Table 1.2. Should any of the deposit locations have to close for a prolonged period of time due to COVID-19 (or other) restrictions, then alternative arrangements will be considered for allowing members of the public access to the documents.

MOBILE PROJECT OFFICE LOCATIONS		
DATE	TIME	LOCATION
17 Sept	9:30am - 12:30pm	Crawley, K2 Leisure Centre, Pease Pottage Hill, Crawley, RH11 9BQ
	2pm - 5pm	Horsham, The Bridges Leisure Centre, Wickhurst Lane, Broadbridge Heath, Horsham, West Sussex, RH12 3YS
23 Sept	9:30am - 12:30pm	East Grinstead, Sainsburys, Brooklands Way, East Grinstead, RH19 1DD
	2pm - 5pm	Edenbridge, Edenbridge Leisure Centre, Stangrove Park, Edenbridge, TN8 5LU
24 Sept	9:30am - 12:30pm	Horley, Horley Leisure Centre, Anderson Way, Horley, RH6 8SP
	2pm - 5pm	Lingfield, Lingfield and Dormansland Community Centre, Lingfield High St, RH7 6AB
28 Sept	9:30am - 12:30pm	Caterham, Morrisons, 28 Church Walk, Caterham, CR3 6RT
	2pm - 5pm	Oxted, Morrisons, 43 East Hill, Oxted, RH8 9AE
30 Sept	9:30am - 12:30pm	Reigate, Morrisons, 22-32 Bell Street, Reigate, RH2 7BA
	2pm - 5pm	Dorking, Dorking Sports Centre, Reigate Road, Dorking, RH4 1SN
02 Oct	9:30am - 12:30pm	Horsham, The Bridges Leisure Centre, Wickhurst Lane, Broadbridge Heath, Horsham, West Sussex, RH12 3YS
	2pm - 5pm	Crawley, Sainsburys, Crawley Avenue, Crawley RH10 8NF
05 Oct	2pm - 5pm	Capel, Capel Parish Hall, Dorking, RH5 5LD
	6pm - 8pm	Billingshurst, Billingshurst Centre, Roman Way, Billingshurst, RH14 9EW
06 Oct	9:30am - 12:30pm	Edenbridge, Frantfield, 14 Frantfield, Edenbridge TN8 5BB
	2pm - 5pm	Royal Tunbridge Wells, Sainsbury's, Linden Park Rd, Royal Tunbridge Wells, TN2 5QL
07 Oct	2pm - 5pm	Brighton, Asda Brighton Hollingbury Superstore, Unit 1 Crowhurst Road, off Carden Avenue Brighton, BN1 8AS
12 Oct	2pm - 5pm	Haywards Heath, Ashenground Community Centre, Southdown Close, Haywards Heath, RH16 4JR
	6pm - 8pm	Uckfield, The Uckfield Club, Bell Lane, Bellbrook Industrial Estate, Uckfield, TN22 1QL
14 Oct	9:30am-12:30pm	East Grinstead, Sainsbury's, Brooklands Way, East Grinstead, RH19 1DD
	2pm - 5pm	Redhill, Sainsbury's, London Road, Redhill, RH1 1NN
16 Oct	9:30am - 12:30pm	Burgess Hill, Market Place Shopping Centre, Burgess Hill, RH15 9NP
	2pm - 5pm	Crowborough, Croft Road Car Park, Crowborough, TN6 1DL
19 Oct	9:30am - 12:30pm	East Grinstead, Sainsbury's, Brooklands Way, East Grinstead, RH19 1DD
	2pm - 5pm	Crawley, K2 Leisure Centre, Pease Pottage Hill, Crawley, RH11 9BQ
21 Oct	2pm - 5pm	Horley, Horley Town Council, 92 Albert Road, Horley, RH6 7HZ
	6pm - 8pm	Horsham, The Bridges Leisure Centre, Wickhurst Lane, Broadbridge Heath, Horsham, West Sussex, RH12 3YS
05 Nov	9:30am - 12:30pm	Royal Tunbridge Wells, Sainsbury's, Linden Park Road, Royal Tunbridge Wells, TN2 5QL
	2pm - 5pm	Edenbridge, Frantfield, 14 Frantfield, Edenbridge, TN8 5BB
12 Nov	2pm - 5pm	Brighton, Asda Brighton Hollingbury Superstore, Unit 1 Crowhurst Road, off Carden Avenue Brighton, BN1 8AS
13 Nov	2pm - 5pm	Horley, Horley Town Council, 92 Albert Road, Horley, RH6 7HZ

Table 1.1: Mobile Project Office locations

DEPOSIT LOCATIONS	OPENING TIMES <i>(correct at time of publication)</i>						
	MON	TUE	WED	THU	FRI	SAT	SUN
Crowborough Community Centre, Pine Grove, Crowborough, TN6 1FE	8am - 1pm						✘
Uckfield Library, Library Way, High Street, Uckfield, TN22 1AR	10am - 1pm	10am - 4:30pm	2pm - 4:30pm	10am - 6pm	10am - 4:30pm		✘
Tunbridge Wells Library, Level 1, Royal Victoria Pl Shopping Centre, Tunbridge Wells TN1 2SS	9am - 6pm				9am - 5pm	10:30am - 4pm	
Edenbridge Library, The Eden Centre, Four Elms Road, Edenbridge, TN8 6BY	9am - 1pm	9am - 5pm		1pm - 5pm	10am - 3pm	✘	
Dorking Library, St Martin's Walk, Dorking, RH4 1UT	9:30am - 5.30pm				9:30am - 5pm	✘	
Leatherhead Library, The Mansion, 68 Church St, Leatherhead, KT22 8DP	✘	9:30am - 5pm				✘	
Reigate and Banstead Town Hall, Castlefield Road, Reigate, RH2 0SH	8:45am - 5pm			8:45am - 4:45pm	✘	✘	
Horley Library, 55-57 Russell Square, Victoria Road, Horley, RH6 7QH	✘	9:30am - 5pm				✘	
Oxted Library, 12 Gresham Road, Oxted, RH8 0BQ	✘	9.30am - 5pm				✘	
Caterham Valley Library, Stafford Rd, Caterham, CR3 6JG	✘	9.30am - 5pm				✘	
Crawley Library, Southgate Avenue, Crawley, RH10 6HG	9am - 6pm			9am - 5pm	✘		
Broadfield Library, 46 Broadfield Place, Crawley, RH11 9BA	10am - 5pm			10am - 2pm	✘		
Horsham Library, Lower Tanbridge Way, Horsham, RH12 1PJ	9am - 6pm			9am - 5pm	✘		
Billingshurst Library, Mill Lane, Billingshurst, RH14 9JZ	10am - 5pm			10am - 2pm	✘		
Mid Sussex District Council, Oaklands, Oaklands Rd, Haywards Heath, RH16 1SS	8:45am - 5:15pm			8:45am - 4:15pm	✘	✘	
East Grinstead Library, 32 - 40 West St, East Grinstead, RH19 4SR	9:30am - 6pm				9:30am - 5pm	✘	
Jubilee Library, Jubilee Street, Brighton, BN1 1GE	10am - 5pm					11am - 5pm	
Westdene Library, 24 Bankside, Brighton, BN1 5GN	9am - 5pm				9:30am - 5pm	11am - 5pm	

Table 1.2: Deposit locations

To learn about our proposals:

-  Read this Consultation Summary Document
-  Find out more details in the Consultation Overview Document
-  Visit our website and virtual exhibition at [gatwickairport.com/futureplans](http://gatwickairport.com/futureplans)
-  Visit our Mobile Project Office (see Table 1.1 and visit our website for details)
-  Book a telephone surgery (by visiting our website or calling the hotline) to speak to an expert
-  Call our freephone hotline **0800 038 3486** between 9:30am and 5:30pm
-  Send us an email to [info@gatwickfutureplans.com](mailto:info@gatwickfutureplans.com)
-  Follow us on Facebook , Instagram , LinkedIn  and Twitter 

To respond to the Northern Runway Project consultation:

-  Complete the online consultation questionnaire on our website [gatwickairport.com/futureplans](http://gatwickairport.com/futureplans)
-  Email your comments to: [feedback@gatwickfutureplans.com](mailto:feedback@gatwickfutureplans.com)
-  Call **0800 038 3486** to speak to someone, Monday to Friday, 9.30am to 5.30pm
-  Post your written responses (no stamp required) to: **FREEPOST RTRB-LUUJ-AGBY**
-  Complete a hard copy questionnaire and return it using the FREEPOST address

Your comments must be received by  
11:59pm on 1 December 2021.

## 2. Why grow?

In recent months the aviation sector has been particularly affected by the COVID-19 pandemic and, over the years, has also been a focus of the urgent need to address climate change. However, the need to maintain and enhance international connectivity by investing in infrastructure has not changed.

Before the COVID-19 pandemic, the UK had the largest aviation network in Europe and the third largest in the world. Our aviation industry contributed more than £22 billion a year to the UK economy. And in the five years to 2019, passenger numbers at London airports grew by more than 34 million.

Gatwick, along with the rest of the sector, has been devastated by the COVID-19 pandemic and recovery will take some time. While the short-term outlook remains challenging, there is confidence that passenger and airline demand at Gatwick will return to previous levels over the next four to five years and then continue to grow.

We understand some people may wonder why we are consulting on the Northern Runway Project when the return to pre-pandemic passenger levels is some years away. We believe we will recover and we want to harness the extraordinary benefits that the airport delivers to help the region rebuild.

### Resilience and meeting demand

We also want to contribute towards meeting national demand for aviation growth - including providing resilience (the ability to recover from disruption) within the London airport system - and cater for more Gatwick-specific demand within our catchment markets.

In 2019, Gatwick contributed £8.3 billion to the UK economy and supported over 135,000 jobs. It was also the busiest it has ever been, with our single runway handling 46.6 million passengers and an average of 851 daily aircraft movements in the summer season. This intensity of operation means Gatwick as a single runway airport is full.

Operating at capacity brings particular challenges. Gatwick can struggle to recover quickly from routine but unplanned events or from more serious incidents. This can have disproportionate effects on airlines, airport staff and passengers. It can also impact on the local community as planes run late or adopt holding patterns for longer.

With the Northern Runway Project, we estimate that the airport would be able to recover three times more quickly from disruption by, for example, enabling delayed departures to get away and free up the main runway for arrivals.

During the time it would take to gain approvals for (and build) the Northern Runway, we expect passenger numbers at Gatwick to grow through a combination of better year-round use of take-off and landing slots, larger aircraft, and higher average passenger load factors. But this will not be enough to meet demand, with London airports expected to reach maximum capacity by the mid-2030s.

We are now proposing sustainable growth using a runway that already exists, which means we could start delivering extra capacity by 2029, supporting growth and providing a significant economic boost to the region. Critically, investing in this vital infrastructure would also ensure greater resilience in the aviation system, including at Gatwick, and support new connections across the globe.

### Delivering clean growth

UK Government policy has consistently recognised the importance of aviation to international connectivity – for holidays, family visits, and business. Plans for maintaining the benefits of air travel while also delivering clean growth are set out in their recently published Transport Decarbonisation Plan and ‘Jet Zero Consultation’.

Growing sustainably has been a key part of Gatwick’s transformation since 2009, including our ambition to be the UK’s most sustainable airport, and our pledge to reach Net Zero for direct emissions before 2040, which we are already well advanced on the path to achieving.

We are fully committed to working with the UK Government to help reduce carbon emissions, including from aviation. More information about how we will grow sustainably is available in [Chapter 3, Consultation Overview Document](#).

# Benefits of the Northern Runway Project

In 2038:



10,900

Additional local jobs

Gatwick  
Diamond

18,400

Additional local jobs

Local + East & West Sussex, Surrey,  
Kent, and Brighton & Hove

20,300

Total additional jobs

Local + regional  
+ national



33% more  
airport jobs

Jobs at the airport would increase from  
24,000 (pre-COVID levels) to 32,000 in 2038



Up to  
£22 billion

The value of the Project to the wider  
economy over a 60-year period



Over 50% skilled jobs

More than half of new airport jobs would be in higher and semi-skilled categories such as pilots, air traffic controllers and flight operations staff, customs, immigration, police, fire staff, and information technology roles.

## Economic benefits of growth

Our proposals would deliver significant national, regional, and local economic and social benefits, including:

- > **Economy and jobs:** economic growth means new jobs, more expenditure, supply chain opportunities, stimulus for inward investment and businesses moving into the area, and all contributing to increases in tax revenues.
- > **Resilience:** dual runway operations would help increase route frequency, better manage disruption and reduce delays, particularly those due to recovery from unexpected events.
- > **Competition:** greater competition offers benefits such as fare reductions, improvements in services for passengers and innovation to find more cost-effective ways of doing business.
- > **Freight:** increases of up to 115% in freight compared with 2018/2019 levels would mean new opportunities for trade.
- > **Tourism:** a vital gateway to the world for the UK's tourism industry, Gatwick was the UK's gateway for 5.5 million overseas visitors and their £4.7 billion of spending in 2017. These visitors supported 93,000 jobs and £1.2 billion in tax revenues. Growing our airport would ensure that we can support economic recovery for the region and continue providing an important access point for tourism.

We recognise that if Gatwick takes longer than expected to grow, the benefits associated will take longer to materialise. However, securing planning permission now would give our airlines, suppliers, and local businesses greater certainty regarding their ability to grow at, and with, Gatwick.

## Local employment, skills and business benefits

Gatwick Airport is an economic engine for local and regional growth, providing significant value to the economy through activity on site, in supply chains to the airport, and from other businesses located in the region.

Of the 24,000 people who worked across Gatwick, 57% were living close by. In the Gatwick Diamond Business area, research has shown that Gatwick supported one in every 12 jobs.

Growth due to the Northern Runway Project would mean businesses at the airport and across the supply chain would benefit further. Some businesses would expand, while others - attracted by improved connectivity - would locate themselves near to the airport, concentrating business activity, creating new jobs, and increasing the size of the regional economy.

More than 90% of the jobs and value generated by the Northern Runway Project in 2038 would occur within the local and regional area. This equates to a local and regional cost of 18,400 additional jobs and £1.5 billion of annual value. A significant number of jobs would also be created during construction, including as many as 1,300 during the peak construction period in 2026.

Investing for future growth with the Northern Runway Project offers significant opportunities for new jobs, the development of new skills and careers, as well as for business growth and increased productivity, and we want local people and businesses to benefit as much as possible. Our Outline Employment, Skills and Business Strategy (OESBS) sets out proposals for achieving this, including:

- › construction-focused training and up-skilling as well as apprenticeship opportunities, delivered in partnership with industry experts like the National Skills Academy for Construction (NSAFC), the Construction Industry Training Board (CITB) and local education and training providers, backed by a robust skills and employment plan to maximise opportunities for local people;

- › using our procurement process to maximise the opportunity for small businesses to be included in our supply chains. This would help increase investment in local business. We would also aim to increase productivity by partnering with businesses and education providers on new innovation. This could include technology in transferable areas like shopping, dining, hospitality or smart use of energy; and
- › working with businesses in and around the airport to develop a detailed strategy for recruitment, training and skills development. This would include exploring the expansion of capacity for providing STEM (Science, Technology, Engineering and Mathematics) learning on the airport site to support new job opportunities at Gatwick and with other employers in the area.

An Employment, Skills and Business Strategy Implementation Plan will be developed during the next stage of our work. It will set out the objectives for the Strategy, the initiatives that will be delivered, arrangements for the engagement of partners in shaping and delivering initiatives, targets, milestones and projected benefits.

More detail on the economic benefits is available in [Chapter 7, Consultation Overview Document](#).

## Gatwick in the community

Gatwick already plays a significant role in the local community. We invest in community funds, support charities and sponsor events and activities across the region. Our support is aimed at sharing the benefits of Gatwick, particularly to those communities most affected by our operations. We seek to improve local employment opportunities, promote sustainable transport, and improve local natural habitats. We are also part-funding the upgrade of Gatwick's railway station, which will be completed by 2023.

The Northern Runway Project would mean more opportunities to support our local communities. Initiatives and organisations we support include:

- › [Gatwick Airport Community Trust](#) - an independent charity for communities most affected by Gatwick's operations, which we have supported with donations of over £2.26 million in the last 10 years.
- › [Gatwick Foundation Fund](#) - which has awarded over £1.3 million to local projects and community groups since it was established in 2016.
- › [Gatwick Greenspace Partnership](#) - promotes sustainable use of local natural habitats and maintains and improves wildlife around the airport.
- › [Sustainable Transport Fund](#) - encourages passengers and staff to use forms of transport other than the private car.
- › [Local and regional events](#) - such as Horsham District Year of Culture 2019; High Street Live at The Crawley Festival; Horley Carnival; Gatwick Fun Day; Crawley Community Awards; St Catherine's Hospice Midnight Walk; and London to Brighton Veteran Car Run.
- › [Long-term partnerships](#) - with the Surrey and Sussex Healthcare NHS Trust (SASH); Kent, Surrey and Sussex Air Ambulance and our on-site charity Gatwick TravelCare.

We also regularly engage with community and business groups, including the Gatwick Airport Consultative Committee (GATCOM), where we discuss and consult on issues with representatives from the local community and the business, aviation, and environmental sectors. We also work with other groups interested in the use of airspace and noise.



### 3. Our proposals

The key elements of our proposals to enable dual runway operations and support increased passenger numbers at Gatwick, include (see Figure 3.1):

- › alterations to the existing Northern Runway, including repositioning its centreline 12 metres further north;
- › reconfiguration of taxiways to accommodate the changes being made to the Northern Runway and ensuring sufficient room for the safe manoeuvring of aircraft;

- › changes to some aircraft stands to improve the handling of different types of aircraft and a proposed new remote pier (Pier 7) that would serve both North and South Terminals;
- › reconfiguration of a number of airfield facilities to facilitate taxiway changes;
- › extensions to the North and South Terminal buildings to accommodate passenger growth, improve baggage handling, and enhance the experience of our customers;
- › provision of additional hotels and office space;

- › provision of reconfigured car parking, including new surface and multi-storey car parks;
- › surface access (highway) improvements;
- › reconfiguration of existing utilities, including surface water, foul drainage and power; and
- › landscape/ecological planting and environmental mitigation.

Flights departing from the Northern Runway will continue to use existing flightpaths.

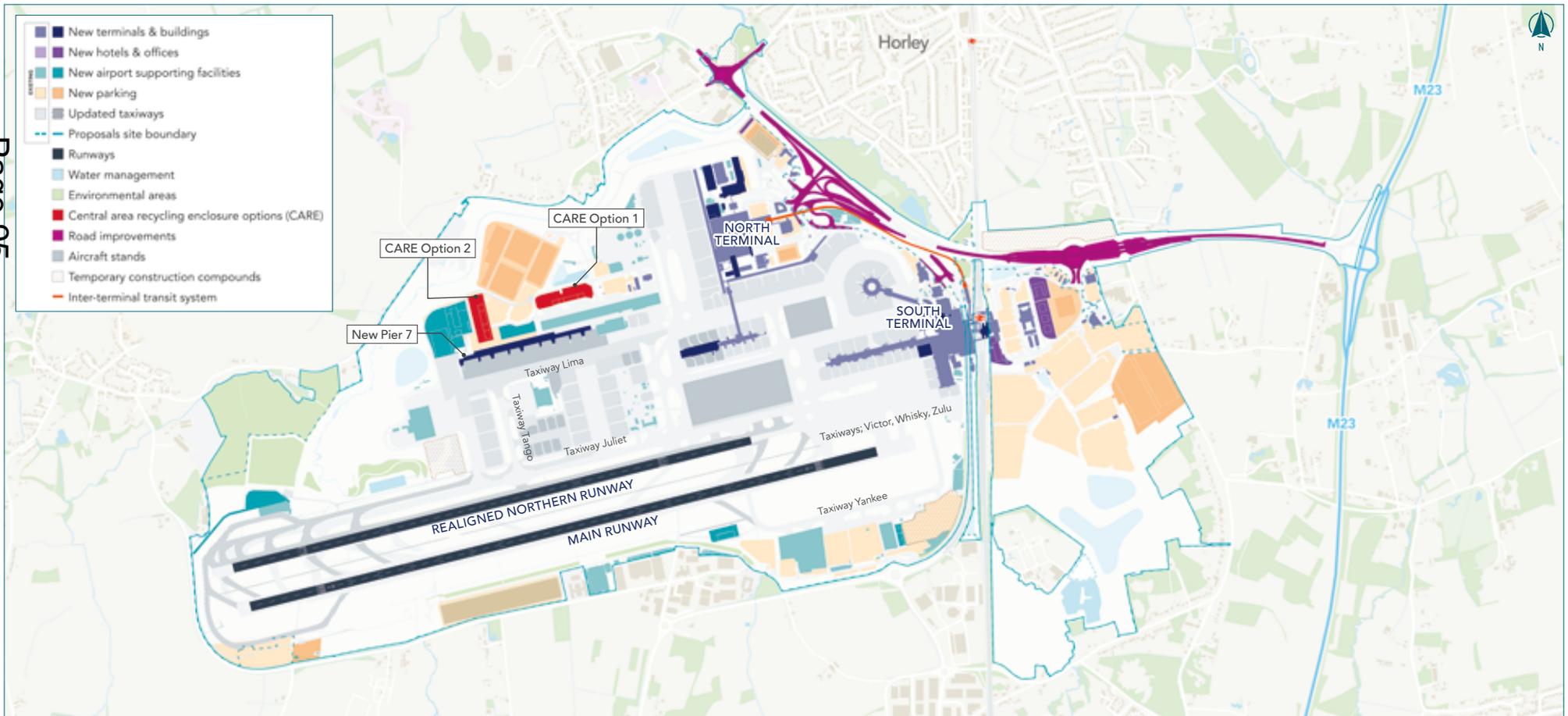


Figure 3.1: Project overview (2038)

## Airfield infrastructure

The changes to the Northern Runway we are proposing to achieve a dual runway operation are:

- building a 12m wide strip along the northern side of the runway so as to enable the repositioning of its centreline 12m further north, to ensure a centre line distance of 210m between it and the Main Runway. This is required to meet European Aviation Safety Agency standards for closely spaced parallel runways;
- removal of the redundant 12m strip to the south of the altered Northern Runway; and
- resurfacing and provision of new markings for the 33m-wide section of retained existing runway together with the new 12m to the north.

Amendments and realignments of the existing taxiways - Juliet, Lima, Tango, Whiskey, Victor and Zulu - are proposed to accommodate the altered northern runway and provide sufficient room for safe manoeuvring of aircraft associated with both runways. We are proposing eight new runway exit/entrance taxiways between the Northern Runway and Taxiway Juliet, while a further six are proposed from the

Main Runway to allow arriving aircraft to be held before crossing the northern runway. Six existing exit/entrance taxiways would be removed, and one would be retained unchanged, while end around taxiways are proposed at the end of both runways.

We are also proposing a new configuration to an existing apron and stands to allow aircraft to be held just prior to accessing the Northern Runway. This proposal, known as Charlie box, would allow us to remove aircraft from busy taxiways and optimise runway efficiency.

The changes we are proposing to the airfield infrastructure would mean (see Figure 3.2):

- all flight arrivals would use the existing Main Runway;
- departure flights would be shared between the existing Main Runway and the Northern Runway, which would be used for smaller aircraft; and
- there would be controlled dependency between the two runways to enable safe crossing of the Northern Runway by arriving flights.

## Airport supporting facilities

We would need to change or relocate some of our existing facilities to accommodate the proposed alterations to the Northern Runway and some new, additional facilities would also be needed. These changes would be largely within the current airport boundary.

The current Central Area Recycling Enclosure (CARE) facilities would be relocated to the north west side of the airport. The new facility would process most of the airport's waste and include a biomass boiler flue.

The proposed CARE building would be up to 22m in height above ground level. The biomass boiler flue height is likely to be up to 50m above ground level. We are considering two potential locations for the CARE (see Figure 3.3):

- **Option 1:** to the north of the cargo hall (north east of the proposed Pier 7); or
- **Option 2:** to the northwest of the proposed Pier 7. 

Other facilities that would need to be relocated or provided within the airport include:

- motor transport facilities serving on-site vehicles would be relocated from the north of Taxiway Juliet to a new facility in the north western part of the airport;
- the grounds maintenance facilities and surface transport facilities would be relocated to the south eastern side of the airport;
- the emergency control tower near to the Virgin hangar would be demolished and the Rendezvous Point North for off-site emergency vehicles would be moved to the north of the central airport area;
- the airport fire training ground would be moved to the north of its existing location and include a fire training rig expected to be up to 25m in height;
- a Satellite Airport Fire Service facility may need to be built to the south of the main runway for direct access to the taxiway system;
- the existing Virgin hangar in the north west part of the airport would be converted to an airside operation;

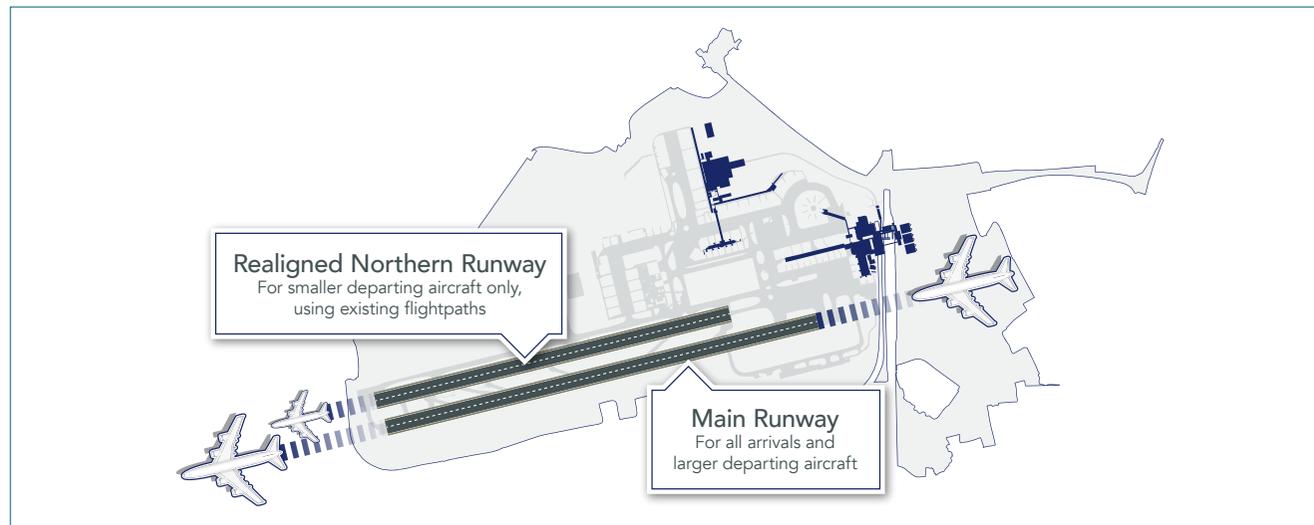


Figure 3.2: Dual runway operations

- an additional hangar of up to 32m in height would be built in the north western part of the airport, to the north of Larkins Road and close to the Boeing hangar; and
- an existing noise bund at the western end of the airfield used to reduce noise levels from taxiing aircraft would be replaced by a new longer bund or barrier.

Other facilities would need minor alterations or changes, including:

- some cargo facilities would require internal improvements, but the facilities would not need to be expanded; and
- aircraft engine ground running for testing and maintenance would be undertaken on Taxiway Juliet, close to where it is currently undertaken.

We anticipate that the appearance of relocated facilities would be similar to the existing provision, but where they are replaced with more modern buildings it is likely to mean improvements in terms of appearance. The extensions to the North and South airport terminals are also likely to be similar in design to the existing buildings, but the interiors would be updated.

For more information see [Chapter 3, Consultation Overview Document](#).

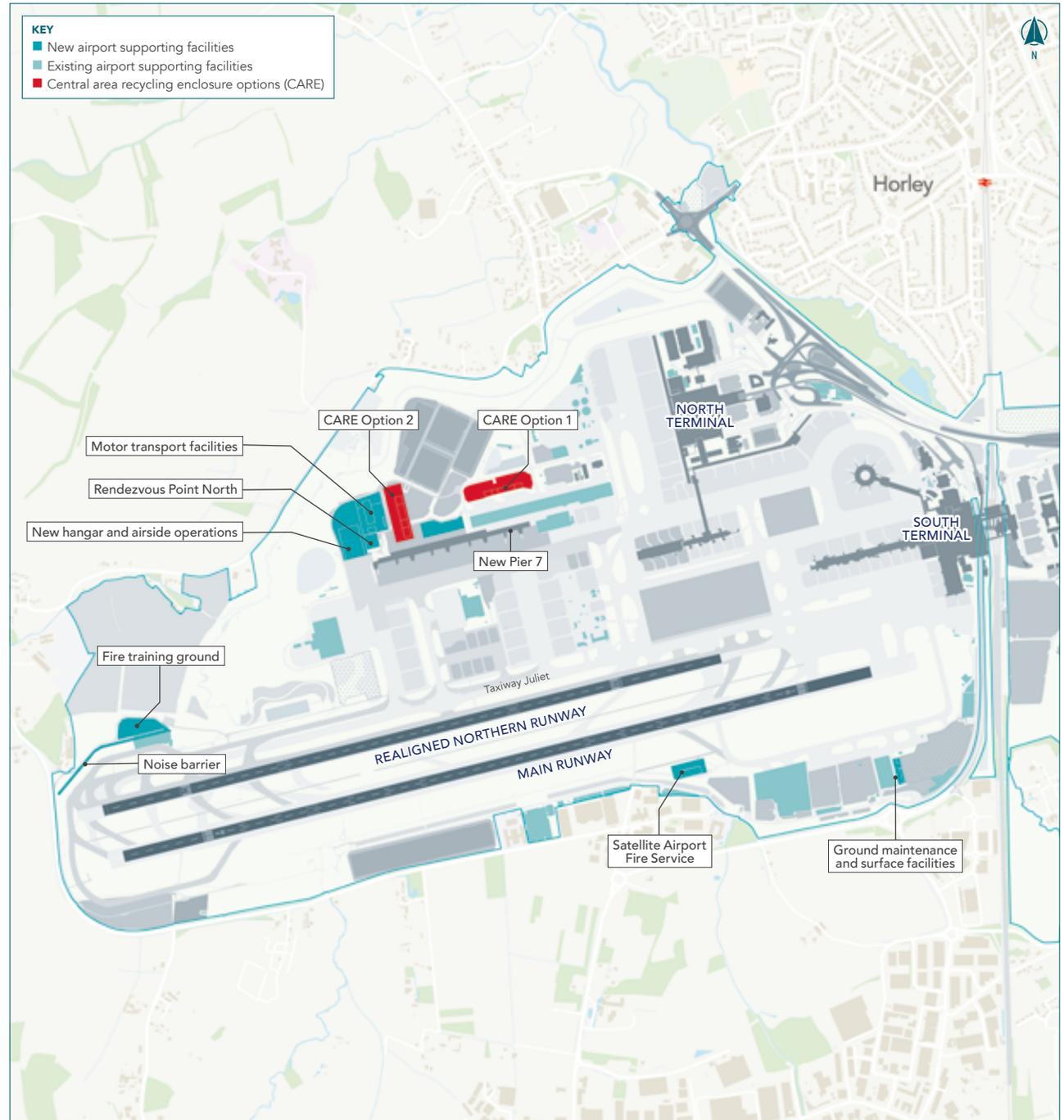


Figure 3.3: Proposed Airport supporting facilities

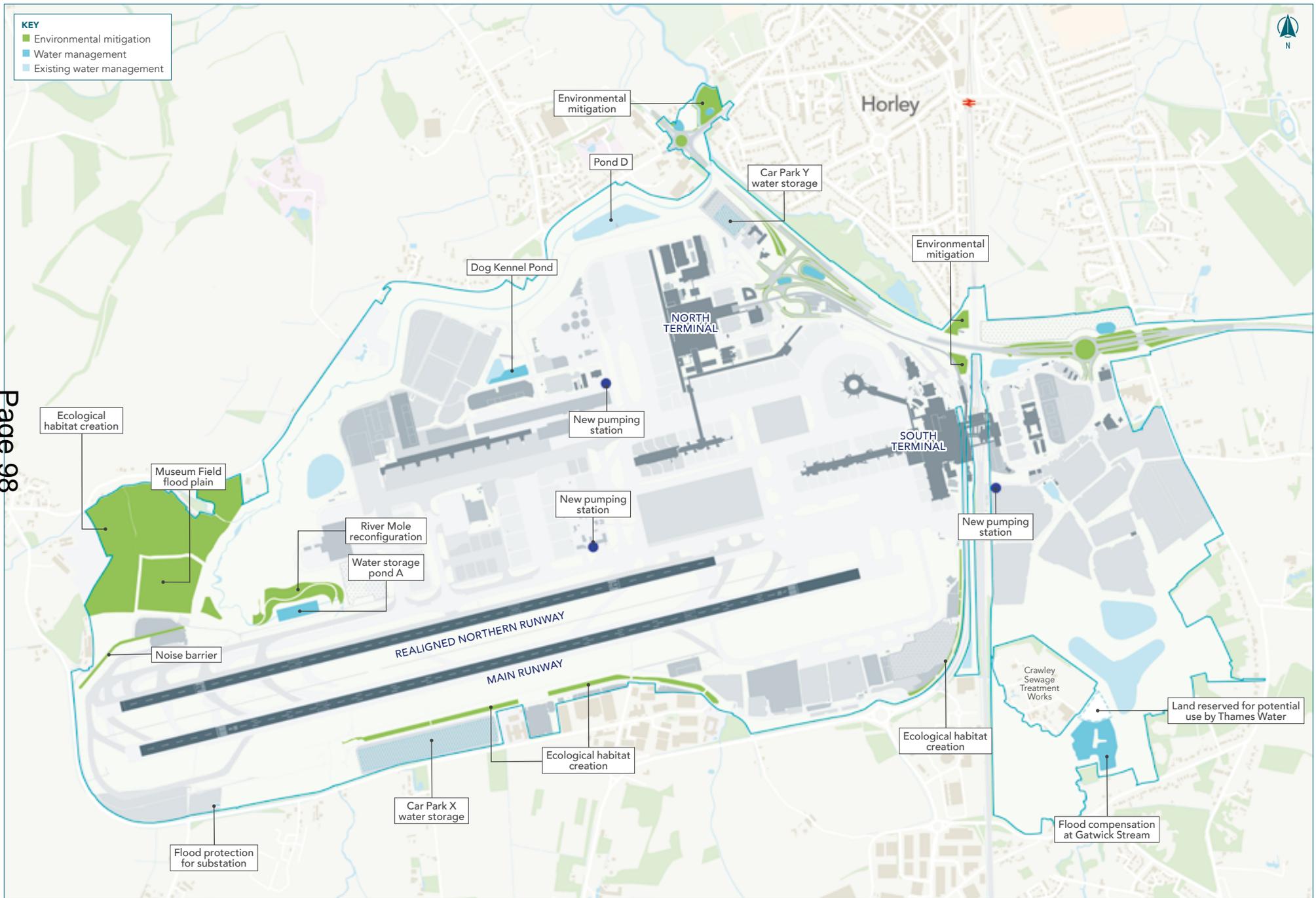


Figure 3.4: Environmental mitigation and water management

## Landscape and ecological proposals

Our current landscape and ecological proposals include:

- › a strategy to ensure green space is retained wherever possible and important environmental and community assets are protected. This would include the protection of existing significant hedgerows, woodland, trees, shrubs and wetland. Where possible, we would also make landscaping improvements and plant new trees next to construction areas or maintenance activities;
- › provision of new public open space and footpaths, including a new area or areas at Horley, a new pedestrian and cycle bridge over the River Mole and associated publicly accessible land; and
- › creation of new habitat including woodland, tree, scrub, shrub, wetland/pond and grassland.

Several measures have been designed into the Project to reduce potential for landscape impacts, including:

- › retention and protection of existing vegetation;
- › proposed new planting;
- › proposed new areas of open space;
- › a lighting strategy;
- › proposed earthworks/earth shaping; and
- › proposed visual screens.

For further information see [Chapter 8, Consultation Overview Document](#).

## Lighting

New lighting would be needed to ensure the safe operation of the airport with dual runway operations and for external areas to ensure the safety of the public and airport personnel at, for example, new car parks, road junctions and carriageways. We are preparing a lighting strategy setting out the type of lighting to be used and measures to reduce effects on our neighbours and nearby sensitive locations. The strategy will consider relevant good practice guidance and will be submitted as part of our DCO application.

## Water management

We are proposing changes to how the current water drainage and surface water run-off systems operate to accommodate the new taxiway infrastructure and some of the associated development. Our proposals for managing water are shown on Figure 3.4 and include:

- › creating an additional run-off treatment and storage area (including run-off from de-icing areas) underground beneath Car Park Y and an extension to the existing Dog Kennel Pond;
- › relocating Pond A;
- › diverting the River Mole corridor;
- › providing additional floodplain capacity by:
  - lowering ground levels at Museum Field along the western airport boundary;
  - creating a new flood compensation area to the east of Museum Field;
  - lowering the existing ground levels under Car Park X;
  - creating a new flood compensation area to the east of Gatwick Stream, south of Crawley Sewage Treatment Works;
- › works to realign the existing surface water drainage infrastructure along Taxiway Yankee, providing a connection to Pond D; and
- › works to protect the existing Substation L from potential flooding.

Improvements to how we manage waste and foul water from the extended terminals, hotels and the new Pier include proposals for three new pumping stations, a new pipeline to Crawley Sewage Works and improvements to some existing pipelines. A number of existing pumping stations would be decommissioned because of the reconfiguration of airport infrastructure.

Thames Water is currently studying the ability of the Crawley Sewage Works to meet future capacity demands from its catchment in the long-term. If additional land

is required in future to expand it, land currently owned by Gatwick alongside the existing plant could be made available to allow this. Such an expansion does not form part of this DCO.

## Hotels and offices

We are proposing three additional hotel facilities with a total capacity of up to 1,000 rooms and three new office spaces to meet additional demand from the predicted growth in passenger numbers (see Figure 3.1).

The three new hotels would be located at:

- › the South Terminal on the site of the current car park H (up to 400 bedrooms);
- › the North Terminal in the location of existing car park Y (up to 400 bedrooms); and
- › the former car rental location adjacent to the railway station, which is currently being used as the construction compound for the station upgrade (up to 200 bedrooms).

New office accommodation is proposed on the location of the current car park H. The space allocated could provide for up to three new office blocks up to approximately 27m high, with around 9,000m<sup>2</sup> of floor space. The exact configuration, phasing and amount of floorspace would depend on when they are required.



## 4. Getting to and from Gatwick

### Our approach

Gatwick Airport is a major transport hub for the South East of England, acting as both a destination and interchange across different forms of transport. We have excellent rail and road connections and are the only London airport with daily 24-hour rail, bus and coach access, which has enabled us to already achieve a sustainable travel mode share for passengers of 48%.

To support the Northern Runway Project, our transport strategy aims to:

- › continue increasing the overall share of passengers using public transport to get to and from the airport as passenger numbers increase;
- › deliver improvements to local highways and junctions, where they are necessary to support Gatwick's growth and remain important to background traffic for local communities; and
- › encourage and support greater use of public transport and active modes by our staff by further developing our cycling and walking strategy and improved facilities for both, along with further sustainable travel incentives.

We are using a number of tools to understand the potential effects of our Northern Runway proposals on regional, local and on-airport transport networks, and to develop proposals to improve them where necessary. Work to date suggests that construction and operation is not expected to have significant effects beyond the immediate local highways. We are therefore consulting on proposed improvements to local networks and airport transport.

For more information see [Chapter 4, Consultation Overview Document](#).

### Roads

Around 75-80% of airport-related traffic approaches Gatwick from the M23 Spur in peak periods. Most of this traffic travels to or from north of Gatwick with around a quarter to or from the south. This tendency for traffic to use the M23 is expected to

continue with the M23 Smart Motorway, which was completed in 2020. The remaining airport-related road trips are distributed in much smaller proportions across the local network to the north, west and south of the airport, such as the A23 and A217.

We are proposing changes to a number of junctions to add capacity and improve flow of the increased traffic volumes that are likely to result from our Northern Runway proposals. These changes also take account of background traffic and are being designed with all users in mind. Other measures we are proposing to adopt include a Construction Traffic Management and Travel Plan, with ongoing monitoring of travel patterns so we can encourage use of sustainable modes of transport as part of the Airport Surface Access Strategy (see [Chapter 4, Consultation Overview Document](#) for more details).

#### South Terminal roundabout

Also known as the Welcome Roundabout, the South Terminal roundabout is the sole entry point into the South Terminal area, including the terminal forecourt, long stay car parks and commercial premises. The majority of Gatwick traffic passes through this roundabout.

We are proposing to introduce a flyover to take through-traffic above the existing roundabout by raising the M23 Spur/Airport Way (see Figure 4.1). The flyover would be approximately 8m above existing ground level and around 130m long and would include a noise barrier. The existing bridge over the B2036 Balcombe Road would require improvement works or replacement to allow the existing road bridge to be raised and widened to accommodate the flyover and any additional lanes that might be required as part of works to the eastbound M23 spur.

#### North Terminal roundabout

The North Terminal roundabout is the entry point to the North Terminal and local access roads, including the northern and east perimeter roads. The existing roundabout has no direct entry southbound from Horley and no direct exit onto the A23 southbound towards Crawley.

We are proposing to replace the current roundabout with a signal controlled junction and a new flyover to carry westbound traffic between Airport Way (from South Terminal and the M23) and the A23 towards Horley (see Figure 4.2). This would remove the need for traffic between the M23 at Junction 9 and Horley to use the new junction. A new signal controlled junction on the A23 would improve access southbound towards Crawley and reduce u-turning at Longbridge Roundabout. Two noise barriers would be constructed. The first barrier would be located along the flyover central section of highway, while the second would be on a section adjacent to Riverside Garden Park.

#### Longbridge roundabout

The existing Longbridge roundabout is where the A23 London Road meets Povey Cross Road, the A217 and A23 Brighton Road.

We are proposing to provide full width lanes throughout the junction, increasing the overall size of the roundabout further west and north to accommodate them. We are also proposing improved pedestrian crossings and extra capacity on exit and entry lanes (see Figure 4.3).

#### On-airport - roads and forecourts

We are proposing changes to access routes within the airport boundary, to allow for some alterations to other facilities around the airfield, including:

- › the temporary realigning of Larkins Road; and
- › a new east-west track between the Main and Northern runways.

We are also proposing to improve the forecourts at both terminals to accommodate vehicles arriving at the terminals. Improvements would include routes providing access to car parks, pick-up and drop-off areas, and hotels. More information on our road proposals is available in [Chapter 4, Consultation Overview Document](#).



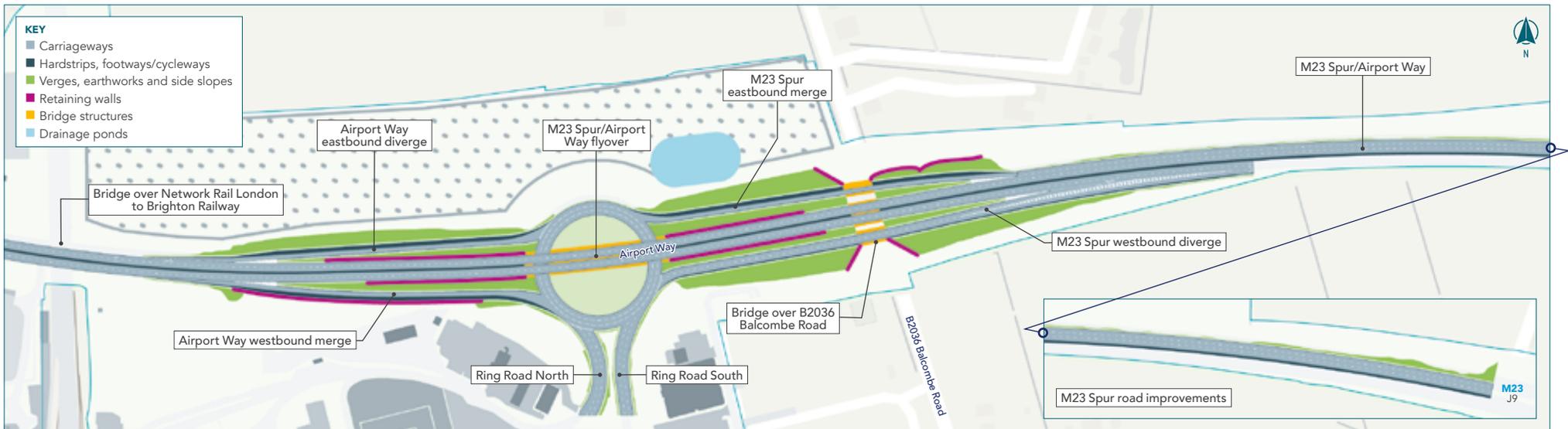


Figure 4.1: Proposed South Terminal roundabout improvements

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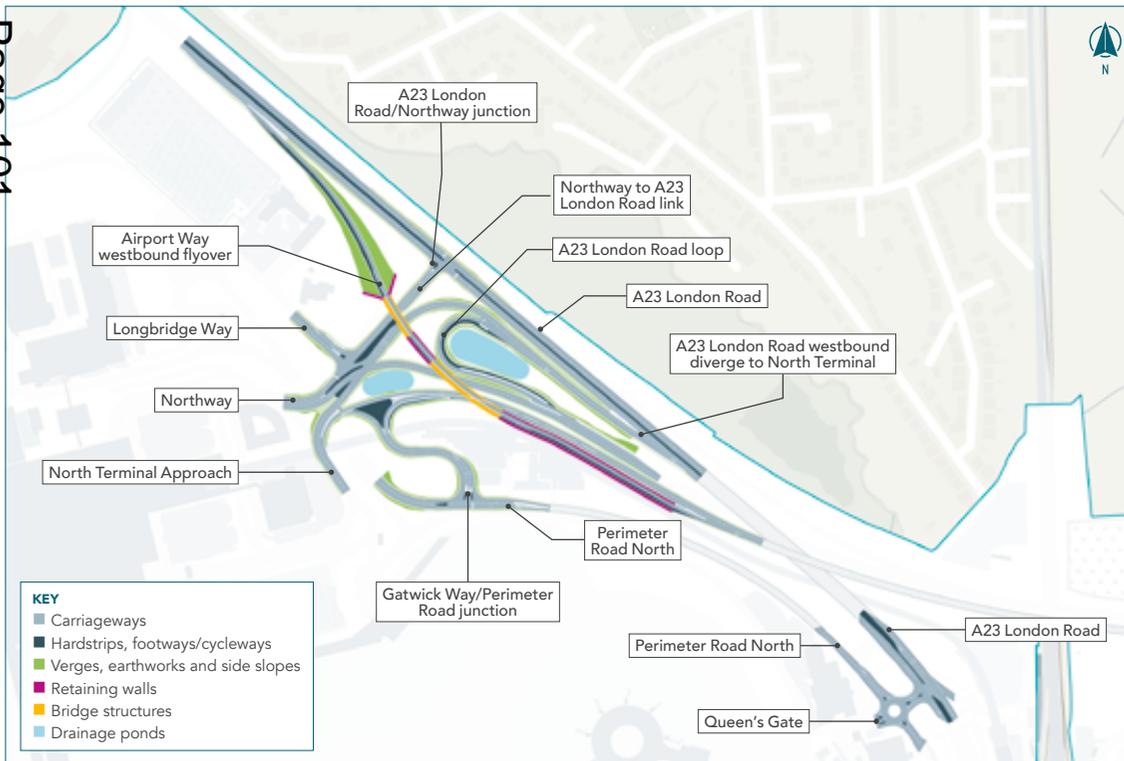


Figure 4.2: Proposed North Terminal roundabout improvements

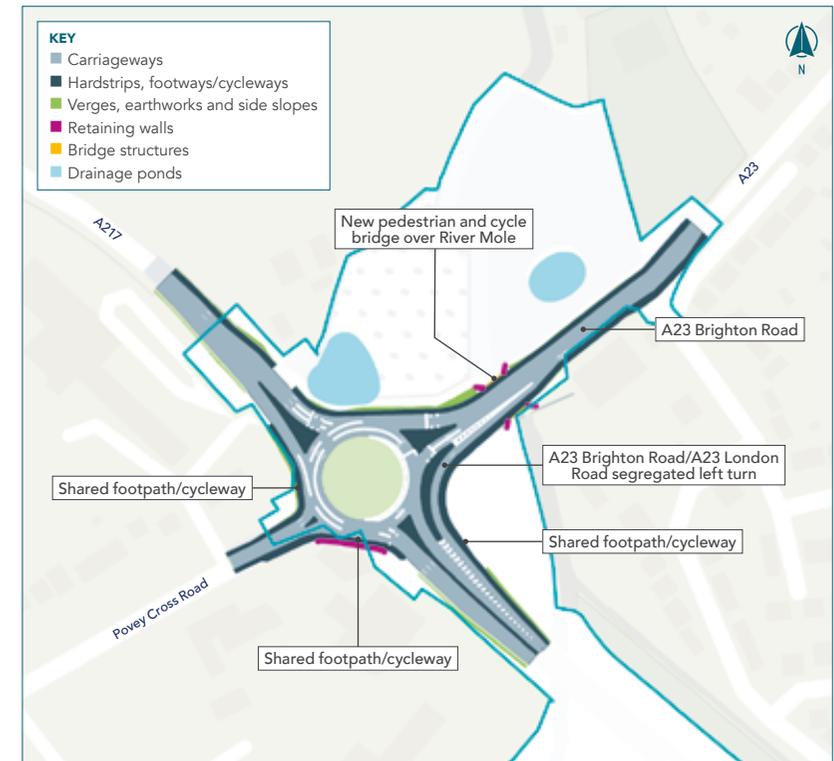


Figure 4.3: Proposed Longbridge roundabout improvements

## Public and sustainable transport

Our proposals in support of the Northern Runway Project include specific targets for changing the way passengers and staff travel to and from the airport, including:

- 60% of passengers using sustainable transport by 2030 (from 48% in 2020);
- demonstrating clear progress towards 50% of passengers using rail by 2030 (from 42% in 2019); and
- 60% of staff journeys to work using sustainable transport - public transport, active travel, employer-provided group travel, car share, and zero emissions vehicles - by 2030 (from 39% in the 2016 Staff Travel Survey).

Forecourt charging has already been introduced to help meet our commitment to reducing 'kiss and fly' car trips, which are the least sustainable type of journey to the airport. There are a number of other measures we can use to help achieve these targets, such as increasing bus usage by staff and passengers, increasing staff car sharing journeys, incentivising use of zero emissions vehicles by passengers and staff, and reducing staff car parking.

We will continue to develop these proposals and include further information as part of our Airport Surface Access Strategy (ASAS) and Travel Plan, to be included as part of our DCO application.

### Rail

Gatwick Airport Station is an important, strategic interchange, primarily for passengers connecting to air services via the terminals but also for staff, commuters and local residents. Prior to the COVID-19 pandemic, it handled over 21 million rail passenger journeys per year, making it the busiest station in the South East, outside of London.

With 42% of passengers using the train for their trips to and from the airport we are proud to have a higher percentage of passengers travelling by train than any other UK airport. Construction of a station upgrade is due to be completed by 2023. This will double the size of the concourse, add five new lifts and eight escalators to improve passenger flow, and widen two platforms. Our assessment shows these changes will be sufficient to manage the increase in passenger growth with Northern Runway operations.

Our Inter-Terminal Shuttle System (or Shuttle) provides a dedicated system for moving people between the North and South Terminals. We are reviewing the ability of the Shuttle to cater for increased capacity at the airport and examining whether the current system can accommodate an increase in the frequency of services.

### Buses and coaches

The airport is served by frequent bus and coach services at both North and South Terminals. On average there are approximately 450 to 500 daily arrivals and departures offering services to destinations throughout the UK. We are working with the local bus operator, Metrobus, to support more and better bus routes serving the Crawley and Horley areas, where a significant proportion of staff live, to increase availability 24 hours a day. We also offer discounted travel for staff to increase their use of bus, coach and rail to get to work.

### Pedestrians and cyclists

Existing off-road pedestrian and cycle links provide access to the local catchment areas of Horley and Crawley. Around 11% of Gatwick employees travel three miles or less to work by car, and many are within a comfortable walking or cycling distance. We already provide more than 300 cycle parking spaces, along with locker and shower facilities for staff choosing to walk or cycle. We are proposing to increase the number and quality of these facilities, as well as providing them in additional, convenient locations. Other proposals to encourage staff who live close by to walk or cycle include:

- new footpaths and a pedestrian and cycle path over the River Mole providing a direct link between Longbridge roundabout and the North Terminal;
- signal-controlled pedestrian crossings at the North Terminal roundabout;
- a shared cycle and footpath along the Perimeter Road North; and
- an improved connection to National Cycle Network route 21 at the South Terminal, which connects north to Horley and south to Crawley.



Inter-Terminal Shuttle System

## Car Parking

The total number of existing and planned (without the northern runway proposals) car parking spaces at Gatwick is 53,451. New car parking would be needed to meet the additional demand generated by the Northern Runway Project and to replace car parking spaces lost due to development associated with it.

Our proposals provide for an additional 18,500 spaces in a number of locations (see Figure 4.4). As we continue to encourage sustainable modes of transport, it may be that not all of this proposed space for car parking is needed.

We have also identified an area in the western part of Crawter's Field that may be required for surface parking to replace part of the existing 'Purple Parking' (operated by a third party).

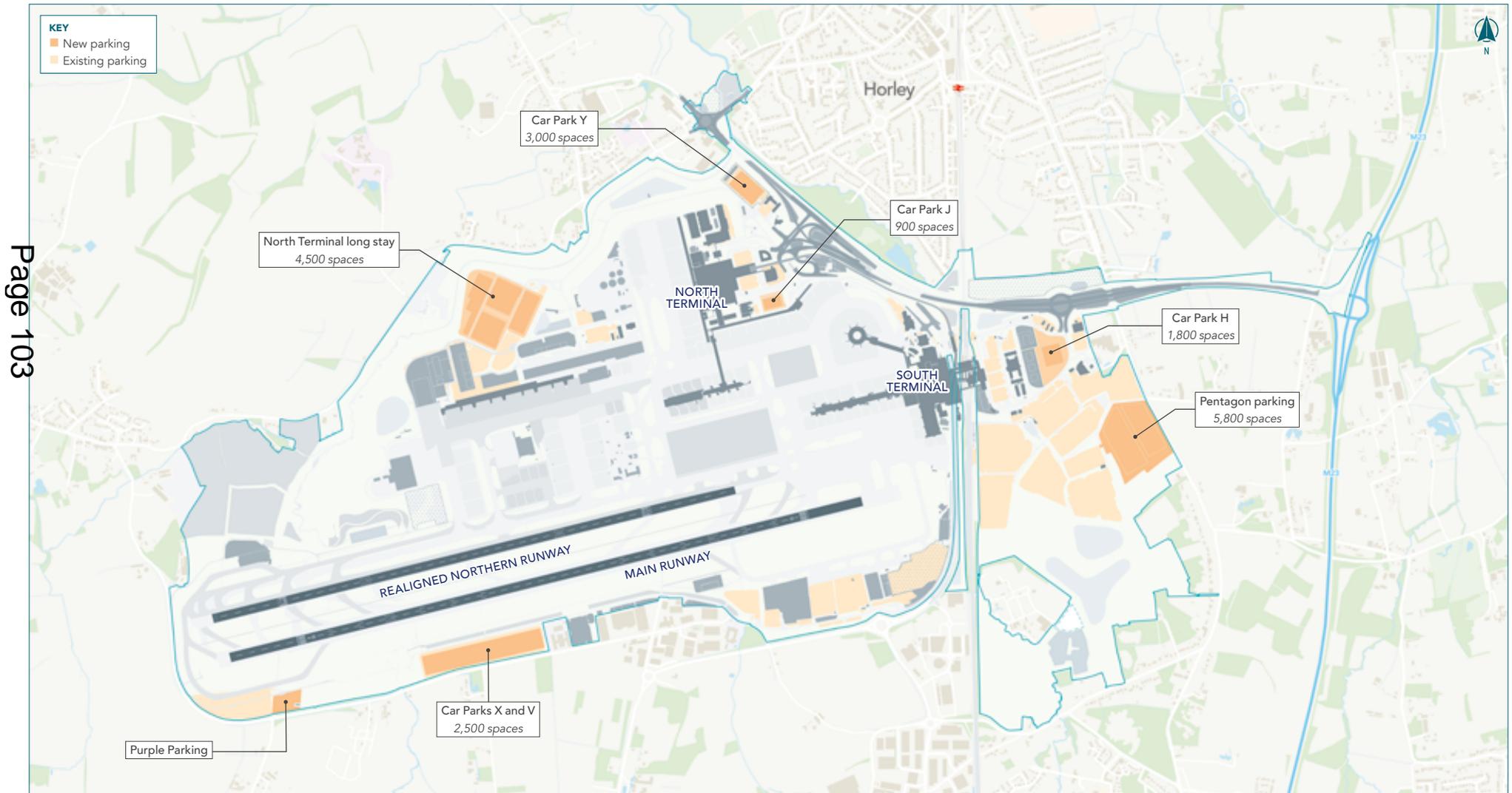


Figure 4.4: Car parking proposals

## 5. Construction

We are committed to being a good and responsible neighbour throughout construction, maintaining consideration of the community and for the environmental impacts of the development. This will include incorporating best practices where applicable, consulting with local authorities and community groups, and employing local businesses wherever practicable.

The details of construction methods, timing and phasing will be refined during the EIA, however we expect the core airfield works would take approximately five years from 2024 to 2029, with further works continuing at a lower intensity over the period to 2038. A summary of the indicative phasing of construction works is included in Figure 5.2.

A workforce of around 1,300 workers would be required during the peak periods of construction, which is expected to occur in winter 2026/27.

For more information on our construction proposals, see [Chapter 5, Consultation Overview Document](#).

### Temporary construction compounds

At this stage, we anticipate needing a number of temporary compounds to support construction. While there may be a need for some additional, smaller compounds, Figure 5.1 shows the expected locations of the main proposed compounds, including:

#### > The main contractor compound

Located in the south eastern part of the airport, this compound would be around five hectares in size. It would be used by the majority of the construction workforce as well as the project management team, and would include offices, concrete batching plants and storage areas. It is likely that a new temporary entrance would be needed from the existing Perimeter Road East for construction traffic.

#### > An airfield satellite contractor compound

Located to the west of Taxiway Uniform and south of the Boeing hangar, this compound would be around six hectares

in size. It would include offices, one concrete batching plant with bulk material storage, a stockpile location, and access facilities for contractors such as parking and a bus terminal.

#### > Three satellite contractor compounds that will also serve surface access works

- i. Located to the north of the South Terminal roundabout, the compound serving the works here would be around two hectares in size. It would include offices, bulk material storage, laydown areas, and access facilities for contractors and supply chain vehicles, including parking and a bus terminal.
- ii. The North Terminal roundabout compound would be around 1.6 hectares in size. It would include offices,

a concrete batching plant with bulk material storage, laydown areas, and access facilities for contractors and supply chain vehicles, including parking and a bus terminal.

- iii. A compound to serve construction at the Longbridge roundabout would be needed on land north of the roundabout, occupying an area of roughly 0.65 hectares. It would accommodate offices, short term material laydown and access facilities for contractors, including limited parking and a pick-up point for a workforce minibus.

Once works are complete, all the areas used for contractor compounds will be returned to their former uses.

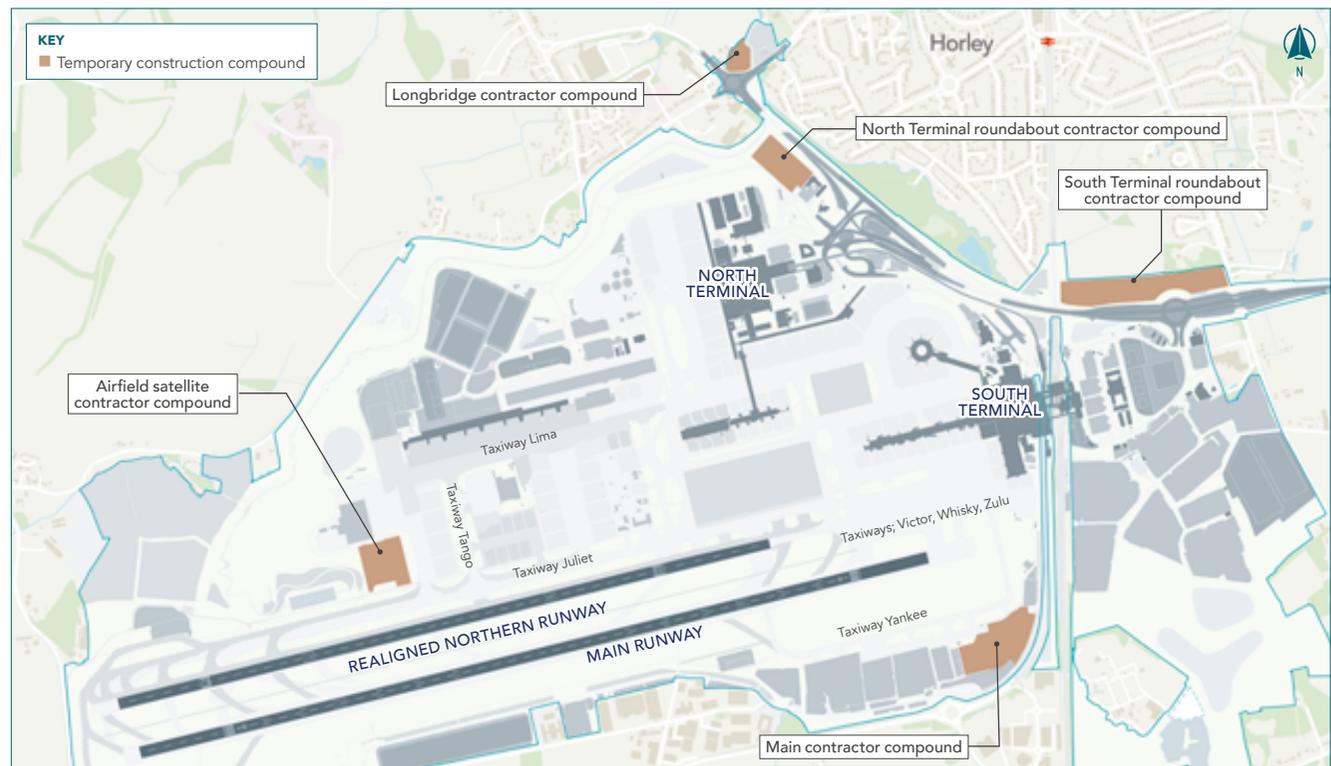


Figure 5.1: Proposed temporary construction compounds



### Construction logistics consolidation centre

We are examining the potential for use of a temporary logistics facility to allow scheduling and consolidation of deliveries to the appropriate work sites and to reduce the number of HGVs on local roads. If this facility is required, it is likely to be located at an existing facility, or a site with an existing consent for such use. It would include warehouse facilities with loading/unloading docks, a secure airside screening area, material laydown areas, HGV parking, electric vehicle charging stations, driver welfare facilities and some limited parking. At the current time, traffic modelling has assumed no consolidation centre would be in place, which represents a worst case in terms of total traffic numbers at the site access points. If a facility is needed it will be assessed within the EIA process and included within the Environmental Statement.

### Construction deliveries to the airport

While there may be lane restrictions and short term closures while roads are being improved, disruption in peak traffic periods will be minimised. To avoid impacts on public highways at busy times, deliveries of some construction materials and movement of the workforce may need to occur overnight and at weekends. A construction traffic management strategy would be put in place during construction to minimise environmental effects. We are also proposing that all construction traffic would use Junction 9 of the M23, via the M23 Spur and Airport Way to access sites at the airport.

### Minimising construction waste

We have developed a draft waste strategy to help us identify ways that we can avoid, reduce and manage waste during construction. This will also help us properly manage any potentially hazardous waste safely and appropriately.

### Drainage

We will install temporary drainage systems in the areas not currently provided with drainage, or in areas where construction works have the potential to increase surface water runoff. As far as possible this would include sustainable drainage systems such as swales (low tracts of marshy land that slow and control the flow of water to prevent flooding) and attenuation ponds (for storing run-off water and reducing flooding), although some piped drainage and pumps may be required. This would reduce the amount that would need to be taken off-site for disposal and minimise vehicle movements as much as possible.

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### Construction working hours

During construction, the airport would continue to operate 24 hours a day, seven days a week. In order to maintain operational safety and to minimise disruption, construction activity in close proximity to existing runways and taxiways would have to take place at night when there are fewer flights. We will further develop our proposals and discuss with local authorities and relevant regulators how we can minimise and reduce disruption and noise from construction.

### Earthworks strategy

We are aiming to maximise the re-use of materials and our early analysis suggests that materials recovered from demolition and construction could be reused within the airport boundary. An area within the Northern Runway Project boundary, has been identified as a spoil receptor site.

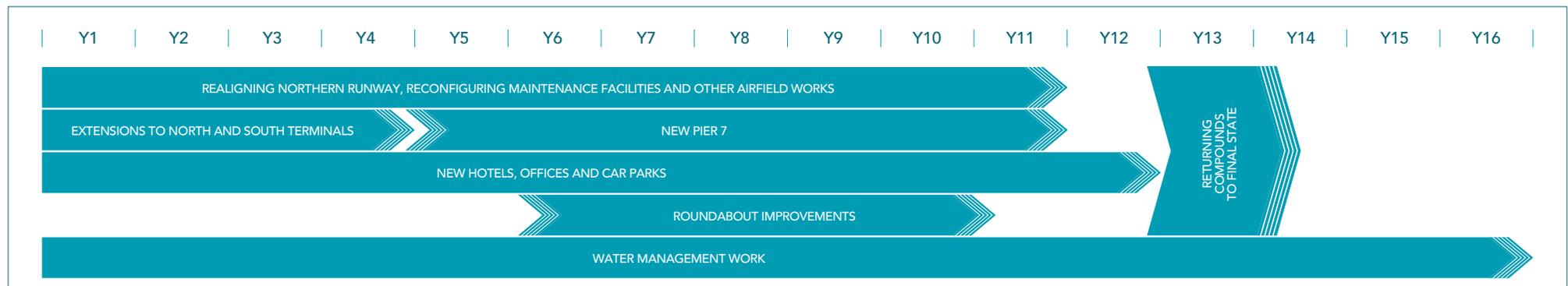


Figure 5.2: Indicative construction phasing

## 6. Managing and mitigating effects

Our overarching vision for Gatwick is for it to be the airport of the future and a model for sustainable growth. We are working to become the UK's most sustainable airport, striving to meet targets set in our second Decade of Change (2020-2030) sustainability policy, including building on our work in the community and local environment, while also increasing our focus on people and emissions. We monitor and report on our sustainability performance every year (for more information visit [www.gatwickairport.com/sustainabilityreport](http://www.gatwickairport.com/sustainabilityreport)).

The overall aim in developing our proposals has been to avoid potential adverse impacts wherever possible. Where this is not possible, we are proposing mitigation - and in some cases, environmental enhancements - as we work to strike a balance between the social and economic benefits of our proposals and their impacts.

### Chapter 8 of the Consultation Overview Document

provides a summary of the effects of our proposals on the historic environment, natural landscape, ecology and nature conservation, geology and ground conditions, water environment and flood risk, socio-economics, and health and recreation. It also includes information about the assessments of noise, climate change, and overall air quality associated with our proposals, which are summarised here.

## Noise

We have assessed all potential noise that could occur as a result of our proposals, including:

- air noise - from aircraft in the air, departing or arriving on a runway, up to 7,000 feet above ground level;
- ground noise - including aircraft taxiing and traffic within the airport; and
- road traffic noise outside the airport, including construction noise, however temporary.

### Air noise

Over the past 20 years, Gatwick has reduced its noise footprint by 48%. We expect this trend to continue as more of Gatwick's fleet are replaced with modern, quieter aircraft.

While many people benefit from having Gatwick on their doorstep, we understand that aircraft noise is an issue for some people who live around the airport. With aircraft continuing to use existing flight paths and the Northern Runway being used in dual runway operations - generally for departing aircraft of A320 and B737 size - the main noise impacts from our proposals are expected to be predominantly as a result of the increased frequency of flights rather than new noise impacts over previously unaffected areas.

Figure 6.1 shows the change in 2032 predicted noise levels with the Northern Runway Project. We anticipate that the current restriction of night flights would continue, thereby restricting noise exposure between 11.30pm and 6:00am.

There are two key proposals designed to mitigate the effect of air noise on local communities:

- a new and improved Noise Insulation Scheme (NIS) and Homeowners Assisted Moving Scheme; and

- a proposed 'noise envelope' to set limits and manage noise from future operations at Gatwick.

We will also continue to work with partners and stakeholders to create the most noise efficient operation possible, including through the Noise Management Board (NMB), the Noise and Track Monitoring Advisory Group (NaTMAG) and its subgroup the Gatwick Noise Monitoring Group (GNMG).

### Noise envelope

We are committed to achieving a balance between growth and noise reduction, so are proposing to introduce a 'noise envelope' to set limits on noise from future operations at Gatwick. The noise envelope would come into effect at the start of a dual runway operation, giving residents certainty that the noise limits within it would not be exceeded. Those limits on noise would then be tightened further as aircraft movements grow, which would incentivise airlines and the airport to use quieter planes and guarantee that there would be less impact from aircraft noise than was experienced in 2019, even though the airport would have expanded.

Further information on how we have approached the development of the noise envelope is set out in [Chapter 8, Consultation Overview Document](#).

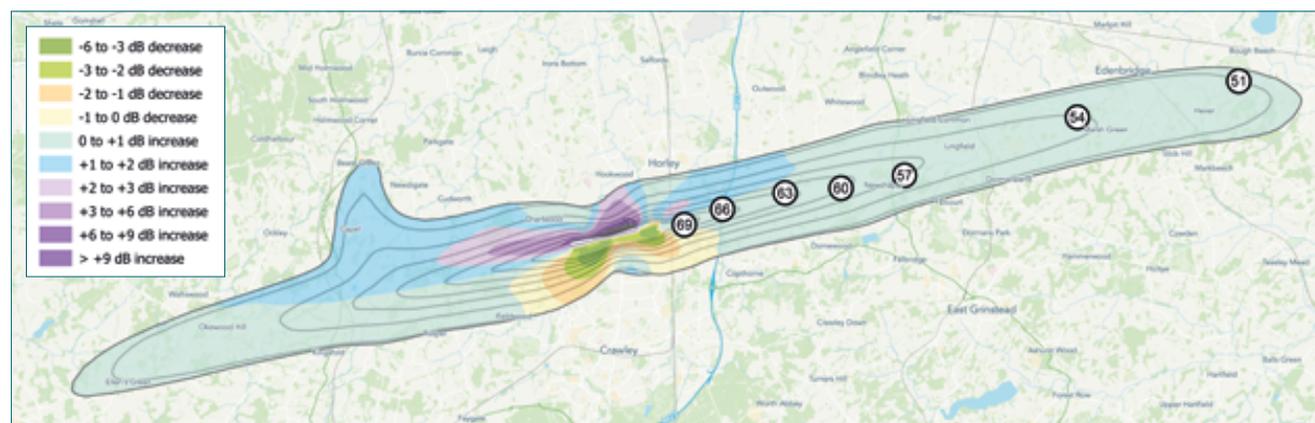


Figure 6.1: Air noise 2032 day change with the Northern Runway Project

## Noise Insulation Scheme

The improved Noise Insulation Scheme (NIS) offers different levels of noise insulation, depending on the noise experienced and is designed to avoid significant effects on health and quality of life. It is based on predicted day and night noise contours for 2032 (see Figure 6.2):

1. **New Inner Zone, Leq 8 hr night 55dB contour (incorporating Leq 16hr daytime 63dB contour).** Offering the highest level of noise insulation, we expect this new zone will apply to around 250 and 450 households during the daytime and night time respectively.

It would include replacement acoustic glazing or internal secondary glazing to all windows, acoustic ventilators and blinds to noise-sensitive rooms as well as replacement doors to these rooms where necessary. It would also include acoustic upgrading of bedroom ceilings where necessary and possible.

2. **New Outer Zone, related to the Leq 16 hr 54dB contour.** Provided for around 3,300 homes outside of the Inner Zone, this zone is proposed to offer acoustic ventilators for noise sensitive rooms, allowing windows to remain closed with ventilation.

A Schools NIS is proposed for all schools with noise sensitive teaching spaces within the forecast 2032 Leq, 16 hour 51dB noise contour. Where schools are concerned that aircraft noise could be affecting teaching, each classroom area would be surveyed to assess the effects of all types of noise including local road traffic. Noise insulation measures could include improved glazing and acoustic fresh air ventilation. We will work with the school to deliver a suitable noise insulation package if found to be required.

Residents who have previously taken up grants under the existing NIS will have the opportunity to apply for the new scheme.

The new scheme would start at the same time as construction of the Project begins.

### Homeowners Assisted Moving Scheme

Homeowners newly within the Leq, 16-hour 66dB noise contour as a result of the northern runway proposals would be offered a package to help them move if they chose to do so.

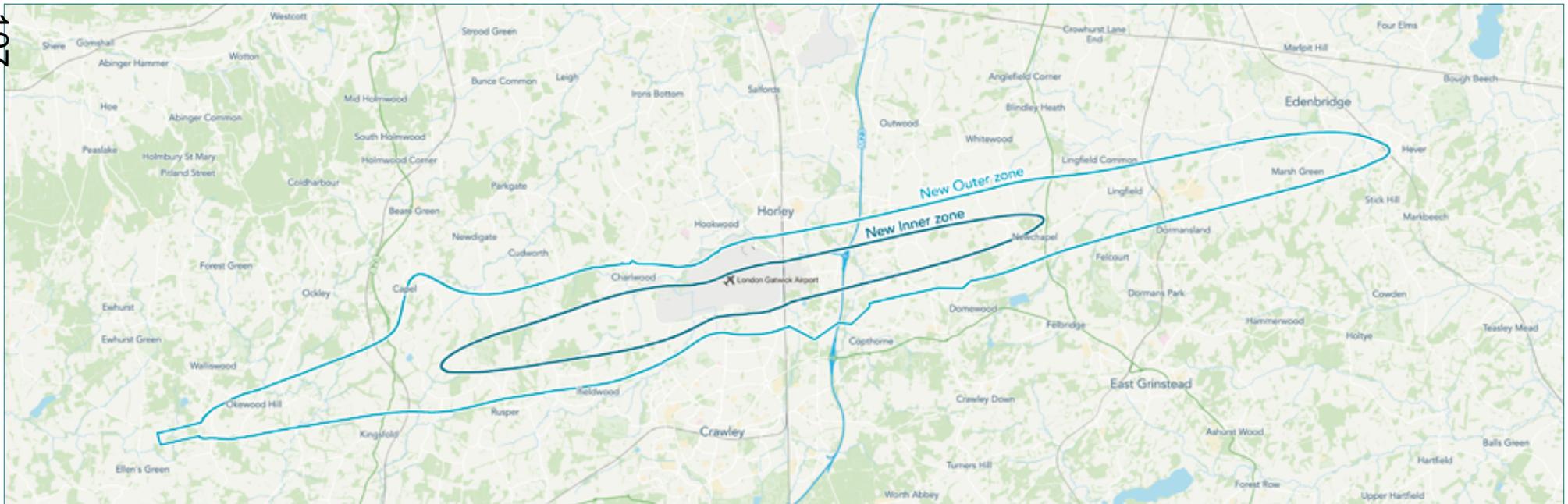


Figure 6.2: Proposed Noise Insulation Scheme zones



### Ground noise

We are proposing to move Taxiway Juliet slightly further north and extend Taxiway Lima so that both taxiways join-up (see Figure 3.1). This would provide the main route for all aircraft taxiing to and from the western end of the runways.

We expect that an increase in aircraft numbers, along with the changes to the taxiways, has the potential to lead to some ground noise increases in Charlwood, Povey Cross and immediately to the south of the airport.

To reduce the effects of ground noise we are proposing a new noise barrier at the western end of the northern runway. It would consist of eight metre high bunding and a new noise mitigation barrier (up to 10m high and with a landscaped external face) adjoining the bund. The proposed barrier would be to the north of the relocated Juliet Taxiway and approximately 500 metres long (see Figure 3.1).

The majority of properties around the airport perimeter that have the potential to be affected by ground noise are within the current or proposed Noise Insulation Scheme areas and will therefore be offered insulation that would further reduce any impacts.

### Construction noise

We have examined the predicted noise levels for the preliminary design of different phases of construction for the Northern Runway and its associated developments.

With much of the work on the airfield proposed to be undertaken at night, there is potential for neighbouring communities to be affected. We are proposing a number of measures to reduce noise from construction, including quieter methods of working, screening, limiting hours of work and, a potential construction noise insulation scheme.

While early predictions suggest that some night-time impacts may be sufficient to require noise insulation, this will be reviewed based on further technical and environmental work and included in the Environmental Statement.

### Road traffic noise

We are proposing to build noise barriers to reduce the impact of road noise including:

- a noise barrier stretching along the A23 on the edge of Riverside Garden Park;
- a noise barrier along the elevated section of the North Terminal roundabout flyover (facing Riverside Garden Park); and,
- a one-metre-high noise barrier along the north side of the elevated section of the South Terminal roundabout flyover.

Our initial assessments show that the road noise impacts as a result of the Northern Runway Project would be insignificant in most areas, and in a small number of areas there could be significant noise improvements.

Noise levels on other roads not part of the highway works could be affected, but our initial predictions suggest this will not be significant. We will undertake further modelling and report our findings in the Environmental Statement.

### Air quality

We have assessed the likely effects of the Northern Runway Project on air quality, including emissions from aircraft and road traffic. The results of our work show no significant effects for air quality are anticipated during construction or once the project is in operation.

We are proposing air quality mitigation measures to ensure best practice is followed during construction, including construction traffic management, construction workforce travel plans, dust management and the use of appropriate low/zero emission vehicles, plant, and equipment. Other proposals include promotion of sustainable forms of transport and active travel for passengers and staff, which would also reduce emissions.

## Climate change and carbon

Aviation currently accounts for 7.3% of UK carbon emissions but is expected to increase as a proportion in the future. The Government believes the benefits from aviation are vital to the UK's long-term economic prosperity and are also compatible with meeting greenhouse gas reduction targets.

Government policy points to a combination of areas to reconcile this, including developments in technology and improvements in efficiency alongside carbon offsetting - for example, by planting trees - and removal (taking carbon from the air and locking it away).

The recently published Transport Decarbonisation Plan and 'Jet Zero' consultation, set out a number of decarbonisation initiatives, including:

- › a combination of improvements in aircraft and airspace technology and efficiency;
- › accelerating moves to sustainable aviation fuel, for example from waste or bio resources;
- › development of electric, hydrogen, or hybrid aircraft especially for domestic or short haul flights; and
- › further net reductions in carbon through offsets or carbon removals.

The consultation confirms the Government's commitment to continuing to work with the airports and airlines to help deliver these initiatives.

We strongly support the Government's approach to cutting greenhouse gas emissions, including its commitment to cut emissions by 78% by 2035 compared to 1990 levels, and to reach net zero by 2050.

We also support the implementation of net zero aviation and are committed to low-carbon growth and playing our part. We are already playing a leading role and are proud to have been awarded the status of becoming the first carbon neutral London airport in 2017. We use 100% certified renewable energy to run the airport and, since 2010, carbon emissions from our buildings and ground

vehicles have reduced by 50%, and energy consumption by 12%. Earlier this year we published our second Decade of Change policy, for the period to 2030. This sets out further commitments to achieve 80% reduction on 1990 Scope 1 and 2 emissions by 2030, with a longer-term goal to achieve 'net zero' before 2040. Scope 1 emissions are made directly from our own operations, for example, our vehicle fleets or the heating of our buildings; Scope 2 are emissions made indirectly, for example, from the electricity or energy we buy from others.

We are committed to the use of best practice measures to reduce greenhouse gas emissions throughout the construction process of this project, including the use of low embodied carbon construction materials, re-use of recycled waste materials, minimising the need to remove excavated material from site, deployment of low or zero carbon construction plant and equipment and the proactive management of construction related transport.

We are now developing a detailed Carbon and Climate Change Action Plan, alongside our updated energy and transport strategies, and intend to publish the draft Action Plan as part of our DCO application. This will set out how we will achieve emission reductions, including how we intend to encourage reductions in emissions in the control of our partners. Making best use of Gatwick's runway capacity would enable the airport to grow whilst ensuring Gatwick does not compromise the net zero UK carbon target.

For more information see [Chapters 3 and 8, Consultation Overview Document](#).

## Other environmental topics

[Chapter 8 of the Consultation Overview Document](#) includes information on a number of other environmental topics including:

- › Historic Environment;
- › Landscape, Townscape and Visual Resources;
- › Ecology and Nature Conservation;
- › Geology and Ground Conditions;
- › Noise and Vibration;
- › Socio-Economics;
- › Health and Wellbeing; and
- › Agricultural Land Use and Recreation.

## 7. Other information

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### Purchase of land

Gatwick owns or is in control of most of the land needed to deliver our Northern Runway Project proposals. However, as part of our DCO application, we will be seeking powers to compulsorily acquire the additional land where required.

Where land is required, we are committed to reaching agreement with affected landowners for the private acquisition of land wherever possible. We have already identified the land we do not own that we would need to use for our proposals and have contacted the owners. If you believe you have a legal interest in any of the land required for our proposals, please contact us.

### Statutory compensation

Property owners and occupiers of property who are affected by our proposals but who are not subject to compulsory acquisition may be entitled to compensation for loss of value of a property arising from the development during construction and for loss of value arising from the operation of an expanded airport.

## 8. Next steps

### Respond to our consultation

The Northern Runway Project consultation will run for 12 weeks, from 9 September 2021 to 11.59pm on 1 December 2021.

We are inviting comments from anyone with an interest in our proposals who considers they may be directly or indirectly affected, or who has a view that they would like to be considered. We also welcome feedback from all organisations with an interest as well as from landowners who may be affected by the proposals.

Following the consultation, we will consider all feedback - along with further environmental and modelling assessments, continued engagement with statutory authorities and others - when finalising our proposals ahead of submitting an application for a DCO for the Northern Runway Project.

Your comments must be received by 11.59pm on 1 December 2021.

### To learn about our proposals:



Read this consultation summary document



Book a telephone surgery (by visiting our website or calling the hotline) to speak to an expert



Find out more details in the Consultation Overview Document



Call our freephone hotline **0800 038 3486** between 9:30am and 5:30pm



Visit our website and virtual exhibition at [gatwickairport.com/futureplans](http://gatwickairport.com/futureplans)



Send us an email to [info@gatwickfutureplans.com](mailto:info@gatwickfutureplans.com)



Visit our Mobile Project Office (see Table 1.1 and visit our website for details)



Follow us on Facebook , Instagram , LinkedIn  and Twitter 

### To respond to the Northern Runway Project consultation:



Complete the online consultation questionnaire on our website [gatwickairport.com/futureplans](http://gatwickairport.com/futureplans)



Post your written responses to (no stamp required): FREEPOST RTRB-LUJ-AGBY



Email your comments to: [feedback@gatwickfutureplans.com](mailto:feedback@gatwickfutureplans.com)



Complete a hard copy questionnaire and return it using the FREEPOST address



Call **0800 038 3486** to speak to someone, Monday to Friday, 9.30am to 5.30pm

Your comments must be received by 11:59pm on 1 December 2021.



Northern Runway Project  
CONSULTATION QUESTIONNAIRE

Autumn 2021

YOUR LONDON AIRPORT  
*Gatwick*

# HOW TO RESPOND

To learn about our proposals:

-  Read the Consultation Summary Document
-  Find out more details in the Consultation Overview Document
-  Visit our website and virtual exhibition at [gatwickairport.com/futureplans](http://gatwickairport.com/futureplans)
-  Visit our Mobile Project Office (see [gatwickairport.com/futureplans](http://gatwickairport.com/futureplans) for details)
-  Book a telephone surgery (by visiting our website or calling the hotline) to speak to an expert
-  Call our freephone hotline **0800 038 3486** Monday to Friday, 9.30am to 5.30pm
-  Send us an email to [info@gatwickfutureplans.com](mailto:info@gatwickfutureplans.com)
-  Follow us on Facebook , Instagram , LinkedIn  and Twitter 

To respond to the Northern Runway Project consultation:

-  Complete the online consultation questionnaire on our website [gatwickairport.com/futureplans](http://gatwickairport.com/futureplans)
-  Email your comments to: [feedback@gatwickfutureplans.com](mailto:feedback@gatwickfutureplans.com)
-  Call **0800 038 3486** to speak to someone, Monday to Friday, 9.30am to 5.30pm
-  Post your written responses (no stamp required) to: FREEPOST RTRB-LUJJ-AGBY
-  Complete a hard copy questionnaire and return it using the FREEPOST address

Your comments must be received by  
11:59pm on 1 December 2021.

We are inviting comments from anyone with an interest in our proposals who considers they may be directly or indirectly affected, or who has a view that they would like to be considered. We also welcome feedback from all organisations with an interest as well as from landowners who may be affected by the proposals.

Following the consultation, we will consider all feedback - along with further environmental and modelling assessments, continued engagement with statutory authorities and others - when finalising our proposals ahead of submitting an application for development consent for the Northern Runway Project.

Welcome to the consultation on our proposals to bring the existing Northern Runway into routine use alongside our Main Runway. Your views are important to the development of our proposals and, along with further technical work and environmental assessment, will help shape our plans.

This questionnaire has been designed to be answered having read the information in our Consultation Summary Document, which is available in hard copy on request (call 0800 038 3486 or email [info@gatwickfutureplans.com](mailto:info@gatwickfutureplans.com)) or at our Mobile Project Office (where the documents are also available to take away on USB memory sticks).

Details of proposed Mobile Project Office visits can be found at [www.gatwickairport.com/futureplans](http://www.gatwickairport.com/futureplans).

You can also read the consultation documents - including the Consultation Overview Document and Preliminary Environmental Information Report - and answer the questionnaire online at [www.gatwickairport.com/futureplans](http://www.gatwickairport.com/futureplans).

This questionnaire invites feedback on our strategies and proposals. You are welcome to answer as many or as few of the questions as you like. Alternatively, if you would prefer to provide an overall comment, please only answer Question 1. Additional sheets may be added in order to make comments, but please remember to mark relevant question numbers clearly. All page and figure references within this questionnaire relate to the Consultation Summary Document.

Please note that you can also provide your feedback by writing to us. You do not need to submit a completed questionnaire as your official response. To return this questionnaire, or any other written response, please post it (no stamp or further address required) to:

**FREEPOST RTRB-LUJJ-AGBY**

**All feedback for the consultation must be received by 11:59pm on 1 December 2021.**

## About you

If you'd prefer your comments to be anonymous, you do not have to provide your details but your postcode will help us understand where you live in relation to the airport.

Name: Bartholomew Wren

Address: Gibson Building, Gibson Drive, Kings Hill, West Malling

Postcode: ME19 4LZ

Are you responding on behalf of an organisation?  Yes  No

If yes, please provide the name of your organisation and your role within it:

Organisation: Tonbridge & Malling Borough Council

Role: Principal Planning Officer

### PRIVACY NOTICE

By completing and submitting this questionnaire you confirm you have been provided with and read our Privacy Notice. The collection of your personal data is undertaken in accordance with the terms of our Privacy Notice. Our Privacy Notice can be downloaded at <https://www.gatwickairport.com/privacy-policy/>.

By completing this questionnaire, your personal data is being collected by Gatwick Airport Limited and its consultants for use in connection with the consultation process and subsequent planning applications related to the Northern Runway Project. Your response to this questionnaire may be published (in whole or in part) as part of our consultation programme (including any personal details if included in the response). We will not otherwise publish personal details or publicly attribute a response to an identified individual. We will not use your personal data for any other purposes.

Your response could be made available (with your personal details) in due course to the relevant planning or local authority or government body, so they take it into account. Although not directly within our control, we will request that your personal details are not made publicly available by them and in any event, they will be required to comply with their legal obligations under applicable privacy laws.

## 1. Northern Runway proposals: overall

We are proposing to bring the existing Northern Runway into routine use alongside our Main Runway. Enabling dual runway operations and supporting increased passenger numbers at Gatwick would involve other changes, including to airport infrastructure and some surrounding roads. We have included proposals to mitigate the effects of the Northern Runway Project and maximise the benefits, especially to local economic growth and new jobs.

To what extent do you support or oppose our proposals to bring the existing Northern Runway into routine use?

Strongly support  Tend to support  Neither support nor oppose  Tend to oppose  Strongly oppose  Don't know

Tonbridge & Malling Borough Council does not support the proposal to bring the existing emergency/northern runway into use for the take off of smaller aircraft. We have reviewed the detail of the proposals and consider that the justification for them is inadequate, especially so given that the Government has made it clear that the focus of airport expansion in the South East should be at Heathrow following the publication of the Davies review in 2015. A third runway at Heathrow would provide capacity for more than 280,000 flight per year should it go ahead in the future, and therefore satisfy any future regional growth requirement.

The nature of business travel is likely to change in the future as a consequence of the pandemic, with greater use of virtual communications reducing the need for some to travel. This combined with a growing concern regarding the need to reduce carbon emissions, could result in demand for air travel in the future which is less than the capacity forecasts referenced in the consultation (62.4 million passengers per annum without the second runway, and 75.6 million with the second runway and associated developments by 2038). We consider these capacity expectations to be highly ambitious and that the supporting case is insufficient.

Furthermore the proposed mitigation is insufficient, particularly regarding surface transport connectivity with West Kent. This has been a longstanding concern of West Kent authorities including ourselves, and whilst the consultation states that 42% of passengers who access the airport do so by rail, there is no ambition to increase this, which will be difficult to achieve without a frequent direct rail connection via Redhill to Tonbridge. We therefore strongly urge Gatwick to work with partners including the DfT, TfSE, the LEP's and Great British Railways to cost and fund this connection should the northern runway proposals be submitted as a DCO.

At present the proposals are of limited material benefit to Tonbridge & Malling residents and businesses and are likely to worsen the impacts of aircraft overflight.

## 2. Economic benefits: jobs and skills

*Consultation Summary Document: pages 6 to 8*

We are proposing a number of measures designed to maximise employment and skills benefits resulting from the Northern Runway Project.

Do you think we could do anything more - or differently - to maximise local and regional employment and skills benefits?

Not specifically and assume that Gatwick is working with the Coast to Capital and South East LEP, Job Centre Plus, as well as local authority economic development teams, to ensure that employment and skills opportunities are being well publicised.

## 3. Economic benefits: business and the economy

*Consultation Summary Document: pages 6 to 8*

We are proposing a number of measures designed to maximise benefits to business and the economy resulting from the Northern Runway Project.

Do you think we could do anything more - or differently - to maximise benefits to business and the economy?

Not specifically and again assume that Gatwick is working with relevant partners to ensure that opportunities for businesses are being promoted.

#### 4. Airport supporting facilities

Consultation Summary Document: pages 10 to 11

We would need to change or relocate some facilities to accommodate the proposed alterations to the existing Northern Runway. Some new, additional facilities would also be needed. These changes would be largely within the current airport boundary.

The current Central Area Recycling Enclosure (CARE) facilities would be relocated. We are considering two potential locations for the CARE.

1. **Option 1:** to the north of the cargo hall (north east of the proposed Pier 7)

Do you think this location is:

Appropriate    Inappropriate    Don't know

2. **Option 2:** to the north west of the proposed Pier 7

Do you think this location is:

Appropriate    Inappropriate    Don't know

Please explain your views.

Tonbridge and Malling Borough Council does not wish to express a view on these matters which are more appropriate for Crawley Borough Council and The Planning Inspectorate to consider. We would however say that the consultation is clearly far more than an alteration to the use of the current emergency runway. The proposals are extensive and include hotel accommodation for a further 1000 rooms, 9000 sq/ft of office accommodation and 18,500 additional car parking spaces, this is in practice a comprehensive expansion of the existing airport and should be clearly identified as such.

#### 5. Landscape and ecology

Consultation Summary Document: pages 12 and 13

Our proposals include keeping green space wherever possible, protection of important environmental and community assets, improved landscaping, provision of public open space and footpaths, and the creation of new habitats.

What are your views on our landscape and ecological proposals?

These appear to be very limited and inadequate in relation to the further intensification of the site for aviation activity, built extensions, revised highways infrastructure and parking facilities.

Limited reference is given to ecology, and no reference is made to the forthcoming Environment Bill and the potential requirement for biodiversity net gain arising from the proposed development.

## 6. Land use: overall

*Consultation Summary Document: pages 9 to 19*

We have aimed to develop the Northern Runway Project largely within the current footprint of the airport to minimise disruption to our neighbours and make efficient use of our land. Where we are planning to use land temporarily during construction, we are also proposing to restore it to its previous use once construction is complete.

What are your views on our approach to land use?

Tonbridge and Malling Borough Council does not wish to express a view on these matters which are more appropriate for Crawley Borough Council and The Planning Inspectorate to consider.

## 7. Getting to and from the airport: our approach

*Consultation Summary Document: pages 14 to 17*

Almost half of Gatwick's passengers already use sustainable modes of transport to get to the airport. To support the Northern Runway proposals, our transport strategy aims to continue increasing the overall share of passengers using public transport to get to and from the airport, deliver improvements to local highways and junctions, and encourage greater use of public transport and active modes by our staff.

Do you think we could do things better, or differently, to ensure all passengers and staff have appropriate choices for accessing the airport?

As we have expressed elsewhere in our response, we consider that the proposed sustainable transport mitigation is insufficient, particularly regarding surface transport connectivity with West Kent. This has been a longstanding concern of West Kent authorities including ourselves, and whilst the consultation states that 42% of passengers which access the airport do so by rail, there is no ambition to increase this, which will be difficult to achieve without a frequent direct rail connection via Redhill to Tonbridge.

We therefore strongly urge Gatwick to work with partners including the DfT, TfSE, the LEP's and Great British Railways to cost and fund this connection should the northern runway proposals be submitted as a DCO.

## 8. Road improvements

*Consultation Summary Document: pages 14 to 15*

We propose to significantly enhance the roundabouts at North Terminal and South Terminal (including by raising the M23 Spur/ Airport Way to take through-traffic above the existing roundabout) as well as improving Longbridge Roundabout by widening lanes to provide extra capacity. These improvements are necessary even with our strategy to promote the use of public transport and will cater for both airport and general traffic growth.

What are your views on our proposals to improve local junctions to support airport growth as well as provide capacity for local traffic? Please specify the improvements to which your comments refer.

Tonbridge and Malling Borough Council considers that too much focus is being placed upon road access and parking capacity improvements, and that the full extent of these should be reconsidered to prioritise investment in rail infrastructure and improve connectivity with West Kent. At present there are no direct public transport connections available which means that most passengers travel by car to access Gatwick from our area.

## 9. Public and sustainable transport

*Consultation Summary Document: page 16*

Our proposed target of 60% of journeys by sustainable transport to and from the airport by 2030 would be the highest for a major UK airport. We are proposing measures both to encourage public transport use and discourage unnecessary use of private cars by both passengers and staff. For our employees this includes promoting cycling and walking, car sharing and using zero emission vehicles where travelling by car is the only option. This describes our overall approach but there are specific things we propose in some areas, for example around Crawley and Horley.

What are your views on how our proposals for increasing use of public and sustainable transport apply in your area? Please specify the proposals to which your comments refer and tell us if there are other things we could do that would be relevant to your journeys.

As expressed elsewhere in this response, TMBC considers the public and sustainable transport measures to be inadequate. A direct rail connection between Gatwick and Tonbridge via Redhill, should be funded if the proposal to bring into use the existing emergency runway is approved in due course.

## 10. Construction: managing impacts

*Consultation Summary Document: pages 18 to 19*

We are committed to being a good and responsible neighbour throughout the construction phase, giving consideration to both the local community and managing the environmental impacts of construction activity. While still to be finalised, we have included indicative details of anticipated construction methods, timings and phasing. These will be refined throughout the Environmental Impact Assessment process, but we will seek to incorporate best practices.

Are there any particular measures or activities for managing construction impacts that you would like us to consider including in our proposals as construction details are defined?

Tonbridge and Malling Borough Council does not wish to express a view on these matters which are more appropriate for Crawley Borough Council and The Planning Inspectorate to consider.

## 11. Construction: transport

*Consultation Summary Document: pages 18 to 19*

We are proposing a package of measures to manage construction related traffic following best practice. This includes the routes vehicles take, the time they travel and measures to reduce the number of vehicles by re-using materials on site as much as possible. Our aim is to minimise the impacts of construction on local roads, keeping traffic on the strategic road network wherever possible.

What are your views on our construction transport proposals?

Tonbridge and Malling Borough Council does not wish to express a view on these matters which are more appropriate for Crawley Borough Council and The Planning Inspectorate to consider.

## 12. Managing and mitigating effects: climate change and carbon

Consultation Summary Document: page 23

We are proposing to mitigate increased greenhouse gas emissions associated with the Northern Runway Project with improvements in design and other measures. We are also developing a Carbon and Climate Change Action Plan that will demonstrate how we will continue to reduce carbon emissions from the airport and ensure Gatwick does not compromise the net zero UK carbon target.

Do you have any comments on our approach or suggestions for specific measures to be incorporated into the Action Plan?

TMBC considered that proposals to further reduce carbon emissions arising from air travel and therefore the operation of the airport do not exist at present. The consultation itself identifies that aviation accounts for 7.3% of UK emissions, and that this is expected to increase in the future. Furthermore the Transport Decarbonisation Plan 'Jet Zero' includes initiatives which are not yet deliverable, in particular the use of electric, hydrogen and hybrid aircraft. There is otherwise not clarity regarding the effectiveness of using more sustainable fuels and off setting in reducing the carbon impact of aviation operations.

## 13. Managing and mitigating effects: noise envelope

Consultation Summary Document: page 20

We are proposing to introduce a 'noise envelope' to set limits on noise from future operations at Gatwick. The noise envelope would come into effect at the start of a dual runway operation, giving residents certainty that the noise limits it prescribes would not be exceeded. This envelope would then be tightened in the future, giving residents further certainty that air noise levels would have to be lower than they were in 2019 for the full capacity of the Northern Runway Project to be realised.

Do you think the proposed noise envelope is:

Appropriate  Inappropriate  Don't know

Please explain your views.

The noise envelope should be extended to align fully with the 51dB noise contour, it does not do this at present. Therefore the the benefits of the noise insulation scheme will not extended to everyone within the defined 51dB noise contour.

## 14. Managing and mitigating effects: noise mitigation

*Consultation Summary Document: pages 20 to 21*

In addition to the Noise Envelope, we are proposing other measures to mitigate the noise effects associated with the Northern Runway Project, including an enhanced Noise Insulation Scheme, the noise envelope, a new noise barrier at the western end of the Northern Runway, and noise barriers to support changes to the highway network.

What are your views on our approach to noise mitigation? Please specify the measures to which your comments refer.

Whilst Gatwick is rightly proposing significant measures with the noise insulation scheme, to mitigate the impact of noise upon residents within the Leq 8hr night 55dB and Leq 16hr 54dB noise contours, no mitigation is proposed beyond this.

Some residents in Tonbridge are affected by noise arising from then overflight of aircraft, however Tonbridge is situated outside of the the new new outer zone which extends to Hever but not as far as the 51dB noise contour. Whilst minimal there will be a worsening of aircraft noise for residents and businesses within and close to the 51db noise contour during the day should the runway and related development be granted planning consent.

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## 15. Consultation process

For this consultation we have made details of our proposals available in a number of ways, including in hard copy documents, on our project website, in a virtual exhibition and by providing opportunities to speak to members of the team. We welcome your feedback on how you have found the consultation process.

Please let us know if you have any comments about the consultation process.

No comment.





## TONBRIDGE & MALLING BOROUGH COUNCIL

### PLANNING and TRANSPORTATION ADVISORY BOARD

10 November 2021

#### 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 AFFORDABLE HOUSING PROTOCOL

#### 1.1 Background

1.1.1 CP17 in the TMBC Core Strategy has been assessed by officers against the 2021 NPPF and is considered to remain in overall consistency. This policy will therefore continue to be afforded full weight in decision making. However, there have been a number of changes in the national guidance on affordable housing, both in terms of definition and product types since the production of CP17, most notably the introduction of First Homes.

1.1.2 As per previous reports to this Board, the draft Local Plan is currently being reviewed and refined with an intention to resubmit following the necessary consultation stages at Regulations 18 and 19. As such, the evidence base associated with the current draft, including the Whole Plan Viability Study, is not considered to be of material consideration in current applications. This means that the existing CP17 requirement for 40% affordable housing to be delivered on schemes meeting the criteria for AH delivery remains TMBC's policy position.

1.1.3 An updated set of affordable housing related policies and guidance will be put in place as part of the current Local Plan revision process, however at present, we do not have up to date detailed guidance in place to support policy CP17.

1.1.4 Planning officers, in liaison with the Housing Strategy and Enabling Manager, are experiencing significant divergences in the level of information relating to Affordable Housing that is being provided by applicants currently. This is resulting in drawn out discussions on a number of issues, most notably scheme viability and unit mix.

#### 1.2 Affordable Housing Protocol

1.2.1 In order to address the need for detailed guidance and to seek efficiencies in processing of applications, officers have drafted the attached Affordable Housing Protocol [**Annex 1**]. The document aims to give applicants information on the information that will be required in the Affordable Housing statement that should

accompany any application with an AH requirement and also lays out how viability will be assessed should less than policy compliant provision be proposed.

- 1.2.2 The report details how the new First Homes guidance will be applied and, importantly, makes a statement based on ONS affordability data that TMBC does not consider the 'standard' First Homes discount (30%) to be sufficient in the borough. The First Homes provisions allow boroughs to require a deeper discount should they have evidence to support it. As First Homes is currently being trialled and will be implemented fully from April 2022, there are no existing schemes on which to base a policy position. Therefore, officers are proposing that our policy position is based on ONS affordability data and that we take a prudent approach to First Homes discussions with applicants as the national policy establishes itself.
- 1.2.3 It is proposed that this Protocol is adopted for Development Management purposes and will therefore be a material consideration in application processes, albeit not with the same weight as an examined and adopted policy (which will be an output from the Local Plan process).

### **1.3 Legal Implications**

- 1.3.1 This protocol is not a legal requirement. However, it is considered to be a prudent development management tool given the current position with the Local Plan.

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

- 1.4.1 Planning applications have a specific viability process, which is laid out in the protocol and has RICS authored national guidance in addition to provisions within the NPPF.
- 1.4.2 The protocol offers some guidance on how the new First Homes requirements need to be applied from the relevant dates. An important point to note is that the 25% requirement for First Homes applies not only to onsite delivery but also to any developer contributions in lieu of on site delivery. This would therefore mean that the overall amounts of s106 available for the Council to direct to other affordable housing projects (where onsite delivery was not able to be secured) may be reduced.

### **1.5 Equality Impact Assessment**

- 1.5.1 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.

### **1.6 Policy Considerations**

- 1.6.1 Customer Contact

## 1.7 Recommendations

- 1.7.1 It is recommended that Members **APPROVE** the Affordable Housing Protocol **[Annex 1]** for adoption by the Council for Development Management purposes, with final approval for any changes required to the document before publication be delegated to the Director for Planning, Housing and Environmental Health in consultation with the Cabinet Members for Strategic Planning & Infrastructure and Housing.

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: Eleanor Hoyle

Nil

Eleanor Hoyle

Director of Planning, Housing and Environmental Health

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## Affordable Housing Protocol

### November 2021

#### 1. Aims and scope of the protocol

- 1.1. The aim of this protocol is to lay out in detail our position on Affordable Housing Delivery in the interim period before a new Local Plan is adopted. This protocol will be used for Development Management decision making.

#### 2. Local and national policy context

- 2.1. Tonbridge and Malling Borough Council's affordable housing policy is set out in CP17 of the Core Strategy (2007), which forms part of the Council's adopted development plan. This represents the starting position of the Council on affordable housing delivery.
- 2.2. To support the implementation of CP17, the Council produced an Affordable Housing Supplementary Planning Document (SPD) in 2008. This is a material consideration that the Council has regard to when seeking affordable housing provision.
- 2.3. The Government's policy and definition of affordable housing is set out in the National Planning Policy Framework (NPPF) which is supported by planning practice guidance. These are current material considerations which the Council has regard to when taking decisions on planning proposals involving affordable housing.
- 2.4. The Council has formally withdrawn the draft Local Plan that was submitted for examination in January 2019 and is reviewing and refining the development strategy that draft Plan was based on. However, at present, that Plan and its evidence base cannot be relied upon as evidence in the making of any applications to the Council as it has not been tested.
- 2.5. The refreshed Plan will include an up-to-date policies on affordable housing. This process will respond to national policy and practice guidance, be informed by local evidence, for example housing affordability, and take account of whole plan viability work.

#### 3. Our evidence base

- 3.1. CP17 in the TMBC Core Strategy has been assessed against the 2021 NPPF and is considered to remain in overall consistency. This policy will therefore continue to be afforded full weight in decision making.
- 3.2. Supporting evidence to determine housing affordability can be access via the ONS All data related to Housing affordability in England and Wales: 2020 – Office for National Statistics ([ons.gov.uk](https://ons.gov.uk)).
- 3.3. A Housing Needs survey is currently underway across the borough and the results will be published in early 2022, from which time the Council expects applicants to have due regard to this data in their affordable housing proposals.
- 3.4. A snapshot report on our Housing Register data from September 2021 is attached to this protocol at Appendix 1 in order to provide up to date local information regarding the bed size need profile. This snapshot will be updated every six months.

#### 4. Tenure types

- 4.1. The (NPPF)<sup>1</sup> defines affordable housing. The categories of affordable housing tenure are:
  - Affordable housing for rent – this includes Social Rent and Affordable Rent
  - Starter homes – as specified in Sections 2 and 3 of the Housing and Planning Act 2016 and any secondary legislation made under these sections
  - Discounted market sales housing – housing sold at a discount of at least 20% below local market value

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<sup>1</sup> See NPPF, Annex 2: Glossary for full definitions.

- Other affordable routes to home ownership – including shared ownership, relevant equity loans, other low-cost homes for sale (at a price equivalent to at least 20% below local market value) and rent to buy (which includes a period of intermediate rent).
  - First Homes – The Government has included First Homes in this definition<sup>2</sup>. First Homes are discounted (a minimum of 30%) market sale units that are sold to first-time buyers. First Homes are considered to meet the definition of ‘affordable housing’, being a form of discounted market sales housing. The Government has set a requirement that a minimum of 25% of all affordable housing units secured through developer contributions should be First Homes.
- 4.2. Affordable Home Ownership - in addition, the Government requires planning decisions involving major development (10 or more units in total or sites of 0.5 hectares or more in area) to expect at least 10% of the total number of homes to be available for affordable home ownership<sup>3</sup>. The provision of First Homes can count towards meeting the Government’s expectation that at least 10% of the total number of homes on major development (10 units or more or sites of 0.5 hectares or more in area) are available for affordable home ownership<sup>4</sup>.
- 4.3. At the time decisions are taken on planning applications, the Council will have regard to the current definition of affordable housing set by the Government in national policy and practice guidance when implementing policy CP17 in the adopted Core Strategy.
- 4.4. CP17 sets out a 40% affordable housing requirement, with a 70/30 split between affordable housing for rent and other affordable housing tenures. This should be considered the starting point for all applications.**
- 4.5. With the introduction of First Homes, it is important that applicants are aware how the Council will deliver the expectations of the Government in respect of First Homes and affordable home ownership alongside the requirements of policy CP17. A detailed explanation of First Homes considerations is attached to this protocol at Appendix 2.
- 4.6. In CP17, the definition ‘social rented housing’ is utilised. For the avoidance of doubt, this shall be deemed to include social rent and affordable rent for the lifetime of this protocol. Of the remaining affordable housing requirement after the First Homes policy has been applied, social rented housing will be delivered in the same percentage as set out in CP17 in the Core Strategy, i.e., 70% of the remaining requirement.
- 4.7. The residual affordable housing requirement, after First Homes and social rent have been addressed (see above), will be met with the provision of intermediate housing, as defined in CP17 and the supporting text to this policy. Intermediate housing includes affordable rent, shared-ownership, shared equity, or discounted market sales housing.
5. Engagement at pre-application stage
- 5.1. In all instances, the Council strongly encourages prospective applications to enter into early pre-application discussions on proposals for development. Where those development proposals involve provision of affordable housing, prospective applicants should also engage with the Council’s Housing Strategy and Enabling Manager to discuss the specifics surrounding suitable affordable housing requirements. The discussions should include the following:
- Amount, type, size, tenure of affordable housing to be provided.
  - Design and location of the affordable housing units within the wider development.
  - Identification of possible registered providers and potential funding opportunities.

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<sup>2</sup> See details in the Government’s Planning Practice Guidance: [First Homes - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/first-homes)

<sup>3</sup> See para.65 in the NPPF (July 2021)

<sup>4</sup> See NPPF (July 2021), para.65

- Agree with the Council the Heads of Terms of the s.106 Agreement that will be required to ensure the delivery of the affordable housing

5.2. Wherever possible, these pre-application discussions should include a Registered Provider.

## 6. Submission requirements

6.1. An affordable housing statement should specify what is being proposed in relation to affordable housing and should provide a justification for the amount and type proposed and the location within the site.

6.2. A typical affordable housing statement should include details of the following:

the total number of all proposed residential units

- details of the affordable provision as a percentage of the overall number of residential units
- details of the tenure mix of the affordable units, (eg. market housing, affordable rent, intermediate / shared housing etc) and the percentage split
- details of affordable units, numbers of bedrooms and property types across all tenures to demonstrate a representative mix of unit types and size (for the avoidance of doubt, any significant differences between the bed size mix in private and affordable tenures will not be considered acceptable unless supported by evidence)
- details of the affordable unit space standards (with a need to meet at least national minimum space standards) and floor areas in sqm
- scaled plans showing the location of affordable units within the site (for the avoidance of doubt, TMBC seeks to approve well designed schemes with appropriate siting of various tenures and will not accept significant locational differences between private and affordable tenures without supporting evidence as to why this is necessary to make the development viable)
- details of any Registered Providers acting as development partners (or market testing information from a number of RPs indicating their views on the proposals)
- the different levels or types of affordability or tenure proposed for different units. This should be clearly and fully explained in line with the adopted development plan position
- explanation as to how the affordable housing units will be managed

6.3. The Council accepts that in the case of outline submissions, some of the detailed information above may be unknown. If this is the case, the Statement should confirm that a legal agreement will be entered into in order to accord with the adopted policy position. Further information on our outline application validation requirements is available via the TMBC website.

## 7. Where less than policy compliant levels are proposed on site

7.1. The Council recognises that the impact of any planning obligations, when coupled with other policy requirements, may affect the viability of some development proposals. In such exceptional circumstances, the Council will consider whether the benefits of the proposed development would outweigh the disadvantages of a more limited planning obligation, or no planning obligation at all. This will only be possible, however, where the developer provides evidence of the likely impact of the proposed planning obligation(s) on the viability of their development. Within this context, if a reduced percentage of affordable housing is being offered, the Affordable Housing Statement must explain why. If the reason for no provision, or for provision below the Council's adopted policy position, is viability then a detailed financial viability assessment must be provided as part of the Affordable Housing Statement.

- 7.2. This financial viability assessment should include as a minimum the information listed at Appendix 3.
- 7.3. Where such cases are put forward, the Council will engage an external consultant to review the submitted evidence. In all instances, the Council will expect the applicant to cover the costs in appointing such a consultant. The overall cost will be dependent on the specifics and complexities of individual cases. **This information will form part of the validation requirements for an application and as such, the application will not be considered until this information has been provided. The payment for this service will be required up front.**
8. S106 provisions for AH
- 8.1. TMBC has prepared model planning obligations relating to the delivery of affordable housing to seek to ensure wherever possible that tenure and bed size mix parameters are set at outline stage and these will be the starting point for all s106 negotiations relating to affordable housing. TMBC is mindful that in some instances, particularly with very large schemes, not all detail will be available at outline application stage. However, we will expect that the evidence base laid out at section 3 of this protocol is utilised to inform affordable housing proposals both at outline and RM application stages and the draft s106 clauses are designed to ensure that is the case.
- 8.2. In relation to First Homes, TMBC will adopt the model clauses provided by Homes England.
9. Off-site delivery
- 9.1. In exceptional circumstances (as detailed in CP17, 6.3.29 of the LDF), TMBC may approve off-site delivery of affordable housing.
10. How the Council will deliver using commuted sums
- 10.1. Should on-site and off-site delivery be ruled out as options, a commuted sum may be deemed acceptable. The initial calculation for a commuted sum will be subject to discussion between viability consultants as part of the process laid out at section 7.
- 10.2. Projects involving use of S106 contributions go through the Council's usual approval to spend process which includes approval by legal and finance officers, as well as approval at corporate director and lead member level. Projects are then submitted to Cabinet for approval.
- 10.3. Financial contributions will be 'ring-fenced' for use towards meeting the Council's affordable housing objectives as follows:
- Provision of new affordable housing in the Borough, including additional housing provision on developments, new standalone schemes (including specialist provision) and purchase of existing properties
  - Purchase on Council owned accommodation, including for use as temporary accommodation
  - Initiatives to improve and make better use of the existing social housing stock
  - Supporting the development of small sites and rural exception sites which deliver affordable housing that meets identified local housing need
- 10.4. Financial contributions will be used across the Borough.

**Appendix 1: Housing Register data**

Housing Register data 30 September 2021

Month	Live applications by bedroom need				Total
	1	2	3	4+	
Sep-21	625	347	207	100	1279
%	49	27	16	8	100



which is below the 4.5x threshold that has been applied. The outcome is a product that would be accessible to typical first-time buyers in Tonbridge & Malling. **As a result, the Council will require all First Homes provided to be discounted by 40% of the market value.**

- e) **First Homes Qualifying Criteria** – In addition to the discount, there are other qualifying criteria that need to be met. These are outlined in more detail in the Written Ministerial Statement published on 24 May 2021. They are:
- After the discount has been applied, the first sale must be at a price no higher than £250,000
  - A purchaser (or, if a joint purchase, all the purchasers) of a First Home should be a first-time buyer as defined in paragraph 6 of schedule 6ZA of the Finance Act 2003 for the purposes of Stamp Duty Relief for first-time buyers
  - Purchasers of First Homes, whether individuals, couples or group purchasers, should have a combined annual household income not exceeding £80,000 in the tax year immediately preceding the year of purchase
  - A purchaser of a First Home should have a mortgage or home purchase plan (if required to comply with Islamic law) to fund a minimum of 50% of the discounted purchase price.

These national standard criteria will also apply at all future sales of a First Home.

In addition to these national standard criteria, the Council will expect the following local eligibility criteria to be met:

- f) A purchaser of a First Home will need to meet the Council's local connection criteria, as outlined on page 2 of the Housing Allocations Scheme. These local eligibility criteria will also apply at all future sales of a First Home.
- g) **Securing First Homes** – The Council will secure the requirement for First Homes through section 106 planning obligations. Model conditions have been made available from Homes England and in the first instance, these will be utilised. In accordance with paragraph 63 of the NPPF, affordable housing is expected to be delivered on-site unless off-site provision or an appropriate financial contribution in lieu can be robustly justified, and the agreed approach contributes to the objective of creating mixed and balanced communities. Where commuted sums for affordable housing are secured instead of on-site units, a minimum of 25% of these contributions will be used to secure First Homes. This could be achieved, for example, by acquiring additional First Homes from market development, paying the developer a sum to offset the discount from market price, and securing the tenure through section 106 planning obligations. Where a mixture of cash contributions towards affordable housing and on-site units are secured, 25% of the overall value of affordable housing contributions will be applied to First Homes.
- h) In accordance with national planning practice guidance<sup>9</sup>, the new First Homes policy requirement does not apply for the following:
- sites with full or outline planning permissions already in place or determined (or where a right to appeal against non-determination has arisen) before 28 December 2021; and
  - applications for full or outline planning permission where there has been significant pre-application engagement which are determined before 28 March 2022.

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<sup>9</sup> First Homes - GOV.UK ([www.gov.uk](http://www.gov.uk)), para. 020 Reference ID: 70-020-20210524

### **Appendix 3 – required minimum content for applicant’s viability appraisal**

a) Residual Land Value:

Gross Development Value supported by:

- i. Comparable market evidence for the Market Housing / Commercial floorspace confirming address of comparable, sale price, date of sale, analysis of comparable and how applied to proposed development.
- ii. Accommodation schedule confirming
- iii. Unit type, tenure, Gross Internal Area and as relevant Net Internal Area and/or Net Sales Area of the units.
- iv. Unit values for Market Housing and Affordable Housing and offers from Registered Provider if available
- v. Ground Rents as appropriate
- vi. Unit values for any non-residential element (rent and yield or capital values comparables)
- vii. Assumptions made in relation to Affordable Housing units and values

Cost Plan based upon BCIS data confirming:

- i. Base build cost of the proposed development;
- ii. Contingency
- iii. Professional fees
- iv. Abnormal development costs including for example:
- v. Contamination remediation
- vi. Adverse ground conditions and specialist foundation types
- vii. Archaeology
- viii. Access and site servicing
- ix. Ecology

Development Programme confirming periods for:

- i. Pre-commencement
- ii. Build
- iii. Sales (overlap)
- iv. Affordable Housing phased payment assumptions

Section 106 and CIL assumptions including for example:

- i. CIL assumptions
- ii. SANGS and SAMM

- iii. Site specific Section 106 contributions

Other variables including for example:

- i. Agent and legal fees on purchase and sale
  - ii. Marketing costs
  - iii. Finance costs
  - iv. Developer's profit assumptions (Market Housing, Affordable Housing, commercial parts etc)
- b) Residual Land Value to be supported by evidence from comparable development land sales.
  - c) Confirmation of the price paid for the property or the price expected to be paid for the property on the grant of planning permission together with confirmation of the contractual terms relevant to the determination of the purchase price within any contingent sale agreement or option agreement including minimum price and overage provisions.
  - d) Benchmark Land Value
    - i. Confirmation of existing use
    - ii. Confirmation of Existing Use Value supported by comparable market and supported by an accommodation schedule confirming Gross Internal Area and as relevant Net Internal Area and/or Net Sales Area and unit values
    - iii. Confirmation of premium adopted and justification for the premium

**or**

    - i. Confirmation of Alternative Use and planning permission for the Alternative Use
    - ii. Confirmation of Alternative Use Value supported by relevant information (see Residual Land Value above).
  - e) Confirmation that the mandatory requirements of the RICS Professional Statement Financial viability in planning: conduct and reporting 1st Edition May 2019 have been satisfied.
  - f) Confirmation that the assessment of the Residual Land Value has been prepared in accordance with RICS Guidance Note Valuation of development property 1st Edition October 2019.

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# 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.

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# Agenda Item 11

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

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

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By virtue of paragraph(s) 3 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted

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# Agenda Item 13

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

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