

TONBRIDGE & MALLING BOROUGH COUNCIL



EXECUTIVE SERVICES

Chief Executive

Julie Beilby BSc (Hons) MBA

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

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

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

30 August 2022

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

Dear Sir/Madam

Your attendance is requested at a meeting of the Cabinet to be held in the Council Chamber, Gibson Drive, Kings Hill on Wednesday, 7th September, 2022 commencing at 7.30 pm.

Members of the Cabinet are required to attend in person. Other Members may attend in person or participate online via MS Teams.

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

(NB: Background papers to items referred from Scrutiny Select Committees and Committees have been omitted from printed agenda packs.)

Yours faithfully

JULIE BEILBY

Chief Executive

A G E N D A

1. Guidance for the Conduct of Meetings

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PART 1 - PUBLIC

2. Apologies for absence 9 - 10
3. Declarations of interest 11 - 12

Members in any doubt about such declarations are advised to contact Legal or Democratic Services in advance of the meeting

4. Minutes 13 - 20

To confirm as a correct record the Minutes of the meeting of the Cabinet held on 5 July 2022 and the extraordinary meeting of the Cabinet held on 4 August 2022

Matters submitted for Information

5. Decisions taken by Cabinet Members 21 - 22

A record of the decisions taken by portfolio holders since the last meeting of Cabinet are attached.

Executive Key Decisions

6. Statement of Community Involvement 23 - 42

Item HP 22/5 referred from Housing and Planning Scrutiny Select Committee of 19 July 2022

7. Regulation 18 Local Plan 43 - 192

Item HP 22/12 referred from Housing and Planning Scrutiny Select Committee of 6 September 2022. The recommendations of the Scrutiny Select Committee will either be circulated in advance or a verbal update will be provided at the meeting.

8. Housing Allocations Scheme Review 193 - 270

This report presents a revised Scheme and seeks permission from Cabinet to enter into the required engagement to notify those who will be affected of the changes proposed and how this will affect them and seek feedback from other key partners identified within the guidance supporting this area of work.

Please note that Appendix D is restricted to Members only as it contains legal advice.

Executive Non-Key Decisions

9. Highway Officer Attendance at TMBC Area Planning Committees 271 - 280

Item HP 22/6 referred from the Housing and Planning Scrutiny Select Committee of 19 July 2022

10. Executive Scrutiny Protocol 281 - 324
Item OS 22/24 referred from Overview and Scrutiny Committee of 7 July 2022
11. East Peckham Allotments - Compulsory Purchase Order 325 - 328
Cabinet is asked to consider whether it wishes to continue with the Compulsory Purchase Order to acquire the land as allotments to be administered by the Borough Council, or to discontinue with making the Order.
12. Covid-19 Additional Relief Fund Policy 329 - 342
A report seeking an amendment to the Council's policy in order to maximise the level of relief awarded
13. Saturday Freighter Service 343 - 366
Following its temporary suspension this report considers the future of the Saturday Freighter Service.
[Item CE 22/5 \(1\)](#) referred from Communities and Environment Scrutiny Select Committee of 20 July 2022
14. Urgent Items 367 - 368
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
15. Exclusion of Press and Public 369 - 370
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
Executive Key Decision
16. Household Bulky Refuse Collection Service 371 - 376
(Reasons: LGA 1972 - Schedule 12A Paragraph 3 – Financial or business affairs of any particular person)
This report sets out options for fees and charges for the provision of services in respect of household bulky refuse & fridge/freezer collections and suggests a marketing campaign for the service.
[Item CE 22/5 \(2\)](#) referred from Communities and Environment Scrutiny Select Committee of 20 July 2022

Executive Non Key Decision

17. Gibson Building - High Level Options for Long Term Officer 377 - 404
Accommodation

(Reasons: LGA 1972 - Sch 12A Paragraph 3 – Financial or business affairs of any particular person and Sch 12A Paragraph 5 – Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings)

This report updates Members on progress with reviewing the Council's office accommodation requirements and presents high-level options for consideration.

18. Urgent Items 405 - 406

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

MEMBERSHIP

Councillor M D Boughton, (Leader)
Councillor R P Betts, (Environment and Climate Change)
Councillor V M C Branson, (Economic Regeneration)
Councillor M A Coffin, (Finance, Innovation and Property)
Councillor D A S Davis, (Strategic Planning and Infrastructure)
Councillor D Keers, Community Services
Councillor P J Montague, (Technical and Waste Services)
Councillor K B Tanner, (Housing)

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

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GUIDANCE ON HOW MEETINGS WILL BE CONDUCTED

- (1) All meetings of the Borough Council will be livestreamed to YouTube here, unless there is exempt or confidential business be discussed:

<https://www.youtube.com/channel/UCPp-IJISNgoF-ugSzxjAPfw/featured>
- (2) There are no fire drills planned during the time a meeting is being held. For the benefit of those in the meeting room, the fire alarm is a long continuous bell and the exits are via the doors used to enter the room. An officer on site will lead any evacuation.
- (3) Should you need this agenda or any of the reports in a different format, or have any other queries concerning the meeting, please contact Democratic Services on committee.services@tmbc.gov.uk in the first instance.

Attendance:

- Members of the Committee/Advisory Board are required to attend in person and be present in the meeting room. Only these Members are able to move/ second or amend motions, and vote.
- Other Members of the Council can join via MS Teams and can take part in any discussion and ask questions, when invited to do so by the Chairman, but cannot move/ second or amend motions or vote on any matters. Members participating remotely are reminded that this does not count towards their formal committee attendance.
- Occasionally, Members of the Committee/Advisory Board are unable to attend in person and may join via MS Teams in the same way as other Members. However, they are unable to move/ second or amend motions or vote on any matters if they are not present in the meeting room. As with other Members joining via MS Teams, this does not count towards their formal committee attendance.
- Officers can participate in person or online.
- Members of the public addressing an Area Planning Committee can participate in person or online. Please contact committee.services@tmbc.gov.uk for further information.

Before formal proceedings start there will be a sound check of Members/Officers in the room. This is done as a roll call and confirms attendance of voting Members.

Ground Rules:

The meeting will operate under the following ground rules:

- Members in the Chamber should indicate to speak in the usual way and use the fixed microphones in front of them. These need to be switched on when speaking or comments will not be heard by those participating online. Please switch off microphones when not speaking.
- If there any technical issues the meeting will be adjourned to try and rectify them. If this is not possible there are a number of options that can be taken to enable the meeting to continue. These will be explained if it becomes necessary.

For those Members participating online:

- please request to speak using the 'chat or hand raised function';
- please turn off cameras and microphones when not speaking;
- please do not use the 'chat function' for other matters as comments can be seen by all;
- Members may wish to blur the background on their camera using the facility on Microsoft teams.
- Please avoid distractions and general chat if not addressing the meeting
- Please remember to turn off or silence mobile phones

Voting:

Voting may be undertaken by way of a roll call and each Member should verbally respond For, Against, Abstain. The vote will be noted and announced by the Democratic Services Officer.

Alternatively, votes may be taken by general affirmation if it seems that there is agreement amongst Members. The Chairman will announce the outcome of the vote for those participating and viewing online.

Apologies for absence

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Declarations of interest

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TONBRIDGE AND MALLING BOROUGH COUNCIL

CABINET

MINUTES

Tuesday, 5th July, 2022

Present: Cllr M D Boughton (Chair), Cllr R P Betts, Cllr D A S Davis, Cllr D Keers, Cllr P J Montague and Cllr K B Tanner.

Councillors V M C Branson and M A Coffin were unable to attend in person and participated via MS Teams. They were unable to vote on any matters.

In attendance: Councillor M A J Hood was also present pursuant to Access to Information Rule No 23.

Councillors Mrs P A Bates, Mrs S Bell, S A Hudson, Mrs A S Oakley, M R Rhodes and J L Sergison participated via MS Teams and joined the discussion when invited to do so by the Chair in accordance with Access to Information Rule No 23.

PART 1 - PUBLIC

CB 22/65 DECLARATIONS OF INTEREST

There were no declarations of interest made in accordance with the Code of Conduct.

CB 22/66 MINUTES

RESOLVED: That the Minutes of the meeting of the Cabinet held on 7 June 2022 be approved as a correct record and signed by the Chairman.

CB 22/67 MATTERS REFERRED FROM PANELS, BOARDS AND OTHER GROUPS

The Minutes of the meetings of the following Panels, Boards and other Groups were received, any recommendations contained therein being incorporated within the decisions of the Cabinet reproduced at the annex to these Minutes.

- Parish Partnership Panel of 26 May 2022
- Joint Transportation Board of 6 June 2022

EXECUTIVE KEY DECISIONS**CB 22/68 UK SHARED PROSPERITY FUND**

Decision Notice: D220057CAB

Information on the UK Shared Prosperity Fund was provided and, in order to ultimately access the £1 million allocation ring-fenced for the Borough, endorsement was sought of the work undertaken to date to produce the Tonbridge and Malling Investment Plan.

The draft Tonbridge and Malling Investment Plan (as set out in Appendices 1-3) highlighted the key challenges faced by the Borough Council in respect of communities and place, local business investment and people and skills. In addition, the Investment Plan identified key intervention areas and highlighted a broad range of initiatives. Further detail was set out at 1.3.5 and 1.3.6 of the report.

Members welcomed the proposal to purchase mobile CCTV cameras that could be placed in various locations across the Borough as the need arose. It was expected that these would be used by the Borough Council to tackle anti-social behaviour, fly tipping and working in partnership with a number of agencies. In addition, the focus on green initiatives and support for businesses was welcomed.

The Cabinet considered the next steps, the legal implications and financial and value for money considerations and

RESOLVED: That

- (1) the Tonbridge and Malling UK Shared Prosperity Fund Investment Plan be endorsed; and
- (2) delegated authority be granted to the Chief Executive, in liaison with the Leader of the Council, to approve any necessary minor changes to the Tonbridge and Malling Investment Plan prior to submission by the deadline of 1 August 2022 for the purposes of presentation or improving clarity.

EXECUTIVE NON-KEY DECISIONS**CB 22/69 TONBRIDGE TOWN CENTRE ASSET REVIEW PHASE 1 REPORT**

Decision Notice: D220058CAB

The report submitted by external consultants (Mace) provided an analysis of the town centre and identified the scope, aims and objectives of a review into the Borough Council's land and property assets in Tonbridge town centre. Project objectives and recommended next steps to progress the review were also presented.

Careful consideration was given to the options detailed in the Phase 1 report (attached at Annex 1), recommended next steps and the legal and financial considerations. It was recognised that if the Borough Council wished to progress the review in line with the recommendations of the external consultant the identified workstreams should be scoped to establish those which the Borough Council could progress on its own, those which required support and those which needed to be undertaken by a specialist company.

Finally, the Cabinet recorded appreciation to Mace for the work undertaken as part of the review into Tonbridge town centre assets.

RESOLVED: That

- (1) the Phase 1 report, as attached at Annex 1, be noted;
- (2) the Head of Administrative and Property Services be asked to undertake a scoping exercise of the next steps recommended in the Phase 1 report, in liaison with other Borough Council services;
- (3) delegated authority be given to the Director of Central Services and Deputy Chief Executive, in consultation with the Cabinet Member for Finance, Innovation and Property, to seek a fee proposal from Mace for progressing the next stage of the review (Phase 2A as set out on page 40 of the report) upon completion of the scoping exercise; and
- (4) upon receipt of the fee proposal, if the Director of Central Services and Deputy Chief Executive, in consultation with the Cabinet Member for Finance, Innovation and Property, considered the proposal offered value for money then Mace be appointed if appropriate budget provision was identified.

CB 22/70 ALLOCATIONS SCHEME REVIEW

This item was WITHDRAWN from this agenda to enable further time to be given to undertaking an equality impact assessment.

CB 22/71 HOUSING STRATEGY 2022-27

Decision Notice: D220059CAB

The final draft of the Housing Strategy 2022-2027 which set out the strategic approach to housing in the Borough was presented for consideration.

The Strategy encompassed an updated Tenancy Strategy, noted an action to develop a Homelessness and Rough Sleeping Strategy and

outlined a number of priority objectives which would be monitored through annual action plans.

Cabinet had regard to the legal implications and financial and value for money considerations detailed in the report and noted that not having an up to date Housing Strategy put the Borough Council at risk of challenge. It was also recognised that a Strategy focused on local need and priorities could help with future funding opportunities. Particular reference was made to the valuable working relationship between the Borough Council and the Royal British Legion Industries (RBLI) and it was suggested that specific reference be made to this in the Strategy to illustrate the importance of partnership working.

RESOLVED: That

- (1) the Housing Strategy 2022-2027 (attached at Annex 1 to the report) be adopted, subject to making specific reference to the valuable working relationship with the RBLI; and
- (2) approval of minor changes to the Year 1 Action Plan 2022-2023 be delegated to the Director of Planning, Housing and Environmental Health, in liaison with the Cabinet Member for Housing.

CB 22/72 FINANCIAL PLANNING AND CONTROL

Decision Notice: D220060CAB

The report brought together information on salaries, major operational income streams and investment income. Performance of key budget areas, together with approved variations to the revenue budget and areas identified through revenue budget monitoring, were summarised to provide an indicative overall budget position for the year.

An update on capital expenditure and variations agreed in relation to the capital plan was also provided.

Cabinet noted that in respect of salaries, overall expenditure to the end of May was £10,700 more than budgeted and that overall actual income to the end of May was £49,600 less than budgeted. The increased risk to the Borough Council's financial sustainability due to the ongoing Ukraine conflict and its adverse impact on global economic conditions was also noted. Given the impact of these global economic pressures it was essential that the savings target of £350,000 was achieved by the start of 2023/24.

RESOLVED: That

- (1) it be noted that as end of May 2022 the projected overall outturn position for the year 2022/23 was a net adverse variance of circa £66,550 when compared to the budget set in February 2022; and
- (2) the not insignificant impact of the current economic global conditions on the Borough Council's finances, and the need to identify and implement opportunities to deliver as a minimum this year's savings target of £350,000 be noted.

CB 22/73 CLIMATE CHANGE ACTION PLAN - YEAR 2 PROGRESS REPORT AND PROPOSED YEAR 3 ACTIONS

Decision Notice: D220061CAB

The report set out progress being made against the Climate Change Action Plan Year 2 and advised that good progress had been made across all 32 actions to tackle climate change and meet the Borough Council's 2030 net zero target.

The Year 3 Action Plan was also presented for approval and recommended 51 actions. Initial work would include further emissions monitoring through annual carbon audits, monitoring and reporting of borough wide emissions and the development of an emissions reduction pathway.

Members referred to the anti-idling campaign and expressed concern that more needed to be done to reduce congestion outside of schools. It was noted that these issues could be wider than anti-idling and the Director of Planning, Housing and Environmental Health suggested that further information be gathered outside of the meeting.

With regard to the Green Business Grants Scheme, the Borough Council continued to explore external funding opportunities and it was hoped that a further round of grants could be secured via the UK Shared Prosperity Fund.

RESOLVED: That

- (1) the Climate Change Action Plan Year 2 progress report (as set out in Annex 1) be endorsed; and
- (2) the Climate Change Action Plan Year 3 2022-23 (as set out in Annex 2) be adopted.

MATTERS SUBMITTED FOR INFORMATION**CB 22/74 DECISIONS TAKEN BY CABINET MEMBERS**

Details of the Decisions taken in accordance with the rules for the making of decisions by executive members, as set out in Part 4 of the Constitution, were presented for information.

Subsequent to the publication of the agenda, the Cabinet Member for Finance, Innovation and Property had taken a decision in respect of a lease at Tonbridge Sailing Club ([D220055MEM](#)) and the Cabinet Member for Environment and Climate Change had taken a decision in respect of the Food Safety Plan 2022/23 ([D220056MEM](#)).

CB 22/75 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 8.50 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

CABINET

MINUTES

Thursday, 4th August, 2022

Present: Cllr M D Boughton (Chair), Cllr V M C Branson, Cllr M A Coffin, Cllr D A S Davis, Cllr D Keers and Cllr P J Montague

Councillors D Harman, W Palmer, M Rhodes, H Rogers, R Roud and J Sergison participated via MS Teams and joined the discussion when invited to do so by the Chair in accordance with Access to Information Rule No 23.

Apologies for absence were received from Councillors R P Betts and K B Tanner

PART 1 - PUBLIC

CB 22/76 DECLARATIONS OF INTEREST

There were no declarations of interest made in accordance with the Code of Conduct.

EXECUTIVE NON-KEY DECISIONS

CB 22/77 HOUSEHOLD SUPPORT FUND

Decision Notice D220067CAB

The report of the Director of Finance and Transformation sought approval of the Council's approach in the use of the current grant of Household Support Fund (HSF) for the Borough. Cabinet was reminded that the Fund was initially established as part of the covid recovery financial package and now formed part of the national cost of living support package to those in most need across England with the cost of food, energy, water bills and other essentials. The report advised that, in Kent, the Fund was allocated to the County Council which had decided to distribute a proportion of the fund to district councils to target support in their areas on conditional agreement of the direction of spend meeting national and local criteria. The grant was to be used in the period 1 April 2022 to 30 September 2022 and, in Tonbridge and Malling, amounted to a total of £326,896.00 in the form of two allocations:

Allocation A – to support pensioners with energy bills (£262,710.00)

Allocation B – to support vulnerable households in line with wider Government guidance (£64,186.00)

The report proposed that, in respect of Allocation A, direct awards/payments of £100 be made to all pensioner households in receipt of local council tax reduction during the grant period (approximately 2,500 households) with the residual balance being used to assist individual pensioner households in hardship through rising energy costs on referral from Council services or supporting agencies. With regard to Allocation B the report proposed that this be distributed on negotiation to the network of foodbanks across the Borough, having regard to those areas with highest demand.

After careful consideration of the legal and resource implications, financial and value for money considerations and the risk and equality impact assessments, the Cabinet

RESOLVED: That

- (1) the Household Support Fund Policy, as set out at Annex 1 to the report, be approved; and
- (2) delegated authority be granted to the Director of Finance and Transformation to establish an effective operational scheme to disburse funds in accordance with the detail in that Policy.

CB 22/78 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 7.44 pm


Executive Decisions Record - July 2022

Decision Number	Title	Cabinet Member	Date of Decision	Date Published	Call-in period ends	Called in	Scrutiny Committee Consideration	Referred back to Cabinet	Referred back to Council	Council referred to Cabinet	Date Decision Effective
D220057CAB	UK Shared Prosperity Fund	Cabinet	05.07.22	7.07.22	14.07.22						15.07.22
D220058CAB	Tonbridge Town Centre Asset Review - Phase 1 report	Cabinet	05.07.22								
D220059CAB	Housing Strategy 2022/27	Cabinet	05.07.22								
D220060CAB	Financial Planning and Control	Cabinet	05.07.22								
D220061CAB	Climate Change Action Plan; Yr 2 progress report and proposed yr 3 actions	Cabinet	05.07.22								
D220062MEM	Housing Delivery Test - Action Plan Update	Strategic Planning & Infra.	06.07.22	08.07.22	15.07.22						16.07.22
D220063MEM	Admin. error in respect of consecutive numbering										
D220064MEM	Closure of Blue Bell Hill Commuter Car Park at the weekends	Community Services	20.07.22	20.07.22	27.07.22						
D220065MEM	Purchase of NEC Form Designer software	Finance, Innovation & Property	19.07.22	25.07.22	01.08.22						
D220066MEM	TMLT Utility Costs sharing agreement	Finance, Innovation & Property	12.07.22	25.07.22	01.08.22						
Decision pending	Call in period	Key Decision									

STATEMENT OF COMMUNITY INVOLVEMENT

Item HP 22/5 referred from Housing and Planning Scrutiny Select Committee of 19 July 2022

The report of the Director for Planning, Housing and Environmental Health explained how residents and other stakeholders would be engaged as the Council prepared planning policies and determined planning applications. The Statement of Community Involvement was attached at Annex 1 to the report. During discussion, members sought clarification on advertising means, the weight given to responses received from statutory consultative groups, and reassurance that there was consistency between the Statement of Community Involvement and the Development Management Protocol.

RECOMMENDED: That the Statement of Community Involvement be adopted for development management and planning policy purposes. 

* Referred to Cabinet

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TONBRIDGE & MALLING BOROUGH COUNCIL
HOUSING AND PLANNING SCRUTINY SELECT COMMITTEE

19 July 2022

Report of the Director of Planning, Housing and Environmental Health

Part 1- Public

Matters for Recommendation to Cabinet - Key Decision

1 STATEMENT OF COMMUNITY INVOLVEMENT

1.1 Background

- 1.1.1 The Council is currently working towards the preparation of its new Local Plan. As part of this work, it is important to consider and clearly set out how to successfully engage with statutory partners, residents, businesses and other interested parties. The Council wants to encourage more people to engage in planning the future of the borough which is considered to be a vital part of the planning process, and to give people the opportunity to be involved in the proposals which affect their communities from the earliest stages.
- 1.1.2 The requirement to produce a Statement of Community Involvement (SCI) was first introduced in Section 18 of the Planning and Compulsory Purchase Act 2004 (as amended), subsequently the Council adopted its first SCI in July 2005, this was updated in February 2015. The Covid 19 pandemic has more recently driven trends of on-line and digital engagement, which are considered within the updated document **[Annex 1]**.
- 1.1.3 An updated SCI has been prepared to ensure that the council effectively engages with all stakeholders in both the development of local planning policy and in taking decisions on planning applications, by setting out how and when people can contribute. The document also covers engagement matters relating to planning enforcement and tree matters.
- 1.1.4 The Localism Act 2011 places engagement with local communities at the heart of the planning system. Methods of engagement are based upon the Government's statutory requirements as set out in the Development Management Procedure Order (DMPO) 2015.
- 1.1.5 The Council must consult with certain organisations as set out in in the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended). These include specific consultation bodies, which are those who may have an interest in the subject of the proposed local plan; general consultation bodies, those considered appropriate by TMBC; and other stakeholders, which includes residents or other people including business representatives in the borough.

1.2 Legal Implications

- 1.2.1 There are no direct legal implications arising from this report. The Council is however responsible for fulfilling its duties in accordance with planning legislation as referenced in the SCI.

1.3 Financial and Value for Money Considerations

- 1.3.1 There are no direct financial or value for money considerations arising from this report.

1.4 Risk Assessment

- 1.4.1 The Council should have an up-to-date SCI in place so that planning related community engagement and consultation practices can be clearly understood.

1.5 Equality Impact Assessment

- 1.5.1 The decisions recommended through this paper have relevance to the substance of the Equality Act 2010. The Council is committed to ensuring that consultation and engagement is accessible to as many people as possible, regardless of gender, faith, race, disability, sexual orientation or age.
- 1.5.2 As set out in the SCI, arrangements will be made to make all documents available in alternative formats such as braille, should this be required. Assistance for those whose first language is not English will be provided, including, where appropriate the use of Language Line.

1.6 Recommendations

Cabinet be requested to:

- 1.6.1 **APPROVE** the adoption of the Statement of Community Involvement for development management and planning policy purposes.

Background papers:
Statement of Community Involvement - Annex 1

contact: Bartholomew Wren
Principal Planning Officer

Eleanor Hoyle
Director of Planning, Housing and Environmental Health

Tonbridge and Malling Borough Council

Statement of Community Involvement (SCI)

July 2022

(SCI)

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(SCI)

Introduction

Tonbridge and Malling Borough Council (TMBC) want to encourage more people to engage in planning for the future of the borough. We understand that in order to try and build consensus with local communities on how the borough should evolve over time, people need to be given the opportunity to be involved in the planning process from the earliest stages.

The Council has prepared this Statement of Community Involvement (SCI) to make sure that we effectively engage our stakeholders and communities in both the development of local planning policy and in decisions on planning applications, by setting out how and when people can contribute.

The requirement to produce a SCI was first introduced in Section 18 of the Planning and Compulsory Purchase Act 2004 (as amended), and we adopted our first SCI in July 2005, and then a subsequent version in February 2015. However, since this time there have been several changes to the planning system including revisions to permitted development rights, some of which were introduced to increase the supply of housing, as well as in response to the Covid-19 pandemic, to provide more flexibility for retail uses. Therefore, we have taken the opportunity to update this document to reflect recent changes as well as developments in best practice and advances in digital technology.

Sometimes there are circumstances which are beyond the Council's control (such as the Covid-19 pandemic), which may result in variation to the engagement methods set out in this document, for example national or local lockdowns could prevent in person events taking place. Notwithstanding we are committed to ensuring that community views are heard as far as is practicable and in compliance with Government guidance.

Getting Involved

There are two main areas of planning that this statement covers:

1. Plan Making / Planning Policy (Local Plans and Supplementary Planning Documents) – these set the policy framework against which planning applications are assessed; and
2. Development Management (Planning Applications) – most types of development require a planning application to be submitted and approved. Anyone can comment on a planning application.

Planning applications are determined in accordance with the adopted development plan; therefore, it is important for interested parties to get involved with the preparation of local planning policy as well as specific planning applications.

Why We Consult

A key influence upon Plan making and decision taking is consultation. Community engagement is vital for us to achieve our vision for the borough.

The Localism Act 2011 places engagement with local communities at the heart of the planning system. Methods of engagement are based upon the Government's

(SCI)

statutory requirements as set out in the Development Management Procedure Order (DMPO) 2015.

Who We Consult

We must consult with certain organisations as set out in in the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended). These include specific consultation bodies - those who may have an interest in the content of a draft Local Plan; general consultation bodies – as considered appropriate by the Council and other stakeholders, including residents and business representatives with an interest the borough. We may keep separate databases related to these 3 groups to make it easier for us to consult appropriately.

When undertaking consultations on planning applications, the Council will identify the relevant consultee groups on a case-by-case basis. Guidance on what constitutes 'material considerations' as part of the determination of planning applications is outlined on the Council's website: <https://www.tmbc.gov.uk/planning-applications-appeals/check-planning-comments-can-consider>.

TMBC is committed to engaging with hard-to-reach groups, and we will seek to make the planning process accessible to everybody, including (but not limited to) those with a language barrier, those less physically able, those on low incomes, those with limited or no access to the internet, and the elderly. We will provide paper copies of documents and send letters where appropriate, to ensure that we reach out successfully to the whole community.

General Data Protection Regulations (GDPR)

We may keep separate databases to make it easier for us to consult with specific groups appropriately. We have current databases of consultees who have either previously commented upon, or expressed an interest in being involved in the production of our planning policy documents. Databases are kept up to date and used to keep registered individuals, organisations and groups informed on the production of any planning policy documents.

In order to accord with the requirements of the General Data Protection Regulations (GDPR) 2018, those wishing to be contacted in relation to community engagement and updates to the Local Plan, must register with TMBC by emailing localplan@tmbc.gov.uk or writing to us using the address below, in order to be added to our databases so that they may receive notifications.

Tonbridge and Malling Borough Council
Gibson Building
Gibson Drive
Kings Hill
West Malling
Kent
ME19 4LZ
01732 876266

(SCI)

In compliance with GDPR, contact details cannot be shared with other departments within TMBC so it is vital that those wishing to be consulted have contacted us as above.

Circumstances Outside of Our Control

The planning system's response to the Covid-19 pandemic is embedded within the Town and Country Planning (Local Planning) (England) (Coronavirus) (Amendment) Regulations 2020.

If national or local lockdowns are re-imposed during the lifetime of this SCI, physical, in-person consultation events or engagement may not be permitted. In such circumstances, we would look to maximise engagement by using some of the following measures, to ensure inclusivity and engagement especially with hard-to-reach groups:

- Placing adverts
- Sending letters and hard copies of presentations/information
- Using social media (Twitter - @TMBC_Kent, Facebook - 'Tonbridge and Malling', Instagram - @tmbc.kent)
- Placing information at noticeboards owned by the Council and parish councils
- Use of virtual meetings and workshops on Zoom or Microsoft Teams
- Use of video presentations and explainer videos to communicate key messages about what we are doing and sharing these via our website and social media platforms
- Digital/interactive consultations utilising specific software
- Providing documents on our website and hard copies only for those without internet access

We may also look to extend consultation periods to ensure that everyone has their say, if we feel that circumstances beyond our control have impacted on how the community gains access to consultation information.

Plan Making

When We Will Consult

The Local Plan is a single document that once adopted will contain all of the Council's planning policies. These policies must be supported by evidence, comply with national planning policy and be subject to a process of sustainability appraisal.

There are a number of stages in the production of the Local Plan during which the local community and stakeholders can get involved (see table below). The Local Development Scheme (LDS) sets out these key stages and the detailed timetable for production. The LDS can be viewed on the [TMBC website](#).

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Key Stages	Town and Country Planning (Local Plan) (England) Regulations 2012 (as amended)	Consultation details
Plan Preparation	Regulation 18	A period of on-going consultation with communities and stakeholders, including at least one formal public consultation period for a minimum of 6 weeks on an issues and options draft of the Plan.
Plan Publication	Regulation 19	Statutory public consultation period of 6 weeks on the draft Plan. This is effectively the final stage when representations can be made to the Council.
Submission of Plan to Secretary of State	Regulation 22	A copy of the proposed Local Plan and associated documents are submitted to the Secretary of State for examination.
Independent Examination	Regulation 24	An Independent Inspector is appointed to examine the soundness of the Plan. At this stage, the Council cannot consider new formal representations. However, opportunities exist for additional statements to be made to the Inspector to elaborate on representations previously made under Regulation 19. Those parties who made representations under Regulation 19 may also be invited by the Inspector to participate in Hearing Sessions.
Receipt of Inspector's report, Main Modifications and adoption,	Regulations 25 & 26	The Inspector writes a report of the examination and decides what changes (if any) need to be made. Once this report is received, the Council have to amend the plan in line with the recommendations. It is this version of the Plan that will be adopted.

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Duty To Cooperate

In relation to Plan making, the government introduced a Duty to Cooperate in the Localism Act 2011; many of the consultees required under the Duty to Cooperate are already included in the list of 'statutory consultees' and 'general consultation bodies'.

This Duty to Cooperate is not defined as consultation, but ensures that we work with neighbouring authorities and other public bodies to address strategic issues that affect Local Plans and cross boundary matters such as roads and secondary education provision. This will ensure that infrastructure providers are involved in decisions about how the borough may change over time, and are able to incorporate this into their own plans and strategies for the provision of their services. This is important as the planning system does not have control over all infrastructure and services, and is therefore reliant on partner organisations. We will report on how the Council has met the Duty to Cooperate in our Annual Monitoring Report (AMR).

Supplementary Planning Documents

A Supplementary Planning Document (SPD) is a document which can be used to add further detail to policies in a Local Plan. They can be used to provide additional guidance on the development of a specific site or on a particular issue. SPDs are a material consideration in determining planning applications, but do not form part of the development plan. The following table provides an overview of the preparation stages:

Key Stages	Town and Country Planning (Local Plan) (England) Regulations 2012 (as amended)	Consultation details
Consultation on draft SPD	Regulation 12	A copy of the proposed SPD is made available for public consultation for a period of 4-6 weeks.
Adoption	Regulation 14	Following public consultation, the draft SPD may be amended to take into account issues raised before being adopted by the Council.

The National Planning Policy Framework (updated July 2021) states that SPDs should only be produced where they can help applicants make successful applications or aid infrastructure delivery and should not be used to add unnecessarily to the financial burdens on development.

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How We Will Consult on Draft Plans

Local Authorities are required to publish all consultation documents on their website and make copies available at the Council offices, in the case of Tonbridge and Malling this is the Gibson Building, Kings Hill and Gateway at Tonbridge Castle; as well as all libraries in the Borough (unless this is unachievable due to national or local lockdowns associated with the Covid-19 pandemic).

We recognise the value in going beyond these measures and including more of the community in the planning policy process in order to best reflect local needs and priorities, and to maximise engagement. To reflect this, we will apply the following general principles to consultations where appropriate:

- We will work with parish councils and elected Members to achieve consensus
- We will make full use of community information networks, including local publications to disseminate information and seek views
- We will seek views of interested and affected parties as early as possible
- We will continue to co-operate with neighbouring boroughs and public bodies to ensure that strategic matters are appropriately addressed
- Involvement will be open to all regardless of gender, faith, race, disability, sexual orientation, age etc
- We will consult local community and voluntary bodies
- We will choose consultation processes which balance appropriately cost and time constraints, community impact and available resources
- We will publish all consultation documents and response forms on the website
- We will seek to maximise the use of electronic communication methods when contacting stakeholders and the community
- Consultation publications will be clear and concise and avoid unnecessary jargon, without understating the complexities of any decisions; and
- We will inform those who respond to a consultation of any outcomes and of later stages in the process.

Depending on what TMBC is consulting on, the type of consultation method may vary. We may therefore look to utilise any of the following specific methods of consultation:

- Notify everyone on our consultation databases by email and/or letter
- Publish adverts in the local press and local publications
- Use social media (Twitter @TMBC_Kent, Facebook 'Tonbridge and Malling', Instagram @tmbc.kent)
- Hold public meetings or in-person consultation events/exhibitions
- Use our website to publish information
- Hold video conferences or meetings via Zoom or Microsoft Teams
- Hold workshops online or in-person
- Publish video guides/presentations or explainer videos to communicate key messages about what we are doing and share these via our website, social media and on request
- Publish leaflets and updates (hard copy and digital)
- Send letters and information

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- Place notices on Council owned boards and those owned by parish councils and libraries
- Hold targeted workshops or meetings with identified groups (including those considered hard-to-reach)
- Digital/interactive consultations utilising specific software
- Make hard copies of documents available (unless made impracticable by national or local lockdowns as discussed).
- Providing documents on our website and hard copies for those without internet access (for planning policy consultations only).

Arrangements will be made to make all documents available in alternative formats such as braille, should this be required. Assistance for those whose first language is not English will be provided, including, where appropriate the use of Language Line.

Sustainability Appraisal

Local Authorities must undertake a Sustainability Appraisal (SA) of their Local Plan. Sustainability Appraisal (SA) aims to ensure that the policies and proposals reflect the principles of sustainable development. An SA Scoping Report was prepared at the start of Local Plan preparation, and further SA work will be undertaken whilst preparing each stage of the Local Plan. A Final SA Report will be published and consulted on alongside the Local Plan Publication Stage (Reg 19).

How Your Comments Help

The information we obtain through community and stakeholder engagement will be used to inform our decisions and shape the documents we produce. We acknowledge that an important part of community involvement is to report back to those who have taken the time to get involved. Whilst we welcome and encourage comments, it can be difficult to find solutions that satisfy all stakeholders, but we do listen and seriously consider all comments and suggestions that are put forward in response to consultations.

Following a period of consultation, a summary report will be produced outlining all representations received. This is a formal stage of the Local Plan process, and a consultation report will be submitted to the Planning Inspectorate with the draft Plan for independent examination (Reg 22).

Development Management

Development Management is a statutory decision-making function, responsible for the granting and refusing of planning permission for development and enforcing against breaches of planning control. It is an enabling function to achieve well-designed homes, places of work, and important infrastructure such as new transport facilities and schools.

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Planning Applications

Where applicable, planning applications should be accompanied by a document setting out what consultation has been carried out by the applicant, including details of public involvement and how this might have influenced the planning application proposals.

Once an application has been submitted, validated and entered onto the Planning Register, the consultation process will commence and representations will be invited in accordance with the relevant legislation (Article 13 of the Town and Country Planning (Development Management Procedures) (England) Order 2010 as amended). These requirements vary according to the type of development proposed and any particular designations applicable to the application site.

Planning applications are public documents and can be viewed on the [Council's website](#). In addition, the Council publishes a weekly list of planning applications received. This is also published on the [Council's website](#) and can be viewed in person at the Council's offices by prior appointment.

All planning application decisions are published on the Council's website along with the reasons for the decision. All comments received on an individual planning application, including those from statutory consultees, are posted on the Council's website as soon as possible after they are received.

Applications can be inspected at any time on the website, as well as via public access computers during normal office hours at the following premises:

- Gibson Building, Gibson Drive, Kings Hill, ME19 4LZ
- Tonbridge Castle, Castle Street, Tonbridge, TN9 1BG

If you have an interest in a particular area, application or site history, you can set up an account on our website and receive relevant email updates by selecting your area of interest or the 'track' option. A Weekly List of all applications is produced and is available on the website.

The statutory publicity for planning applications is undertaken by the notification of adjoining neighbours and where relevant the posting of a yellow 'Planning Notice' on or adjoining each application site. The posting of a notice is intended to advise immediate neighbours and the public generally of a current application. The initial statutory period of notification is 21 days. The requirements are different for EiA's (see below).

Environmental Impact Assessment Consultation Procedures

The process of Environmental Impact Assessment (EiA) in the context of town and country planning in England is governed by the [Town and Country Planning \(Environmental Impact Assessment\) Regulations 2017 \(the '2017 Regulations'\)](#). These regulations apply to development which is given planning permission under Part III of the Town and Country Planning Act 1990.

The aim of EiA is to protect the environment by ensuring that a local planning authority when deciding whether to grant planning permission for a project, which is likely to have significant effects on the environment, does so in the full knowledge of

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the likely significant effects, and takes this into account in the decision-making process.

The Environmental Statement (and the application for development to which it relates) must be publicised electronically and by public notice. The statutory consultation bodies and the public must be given an opportunity to give their views about the proposed development and the Environmental Statement.

The planning application and the Environmental Statement should be publicised in accordance with the procedures set out in [article 15](#) and [article 16](#) of, and [Schedule 3](#) to the Town and Country Planning (Development Management Procedure) (England) Order 2015. [Schedule 3](#) to the Order contains the appropriate form for the notices to be published in the local press and posted on site, which must:

- state that a copy of the Environmental Statement is included in the documents which will be open to inspection by the public and give the address where the documents can be inspected free of charge
- give an address in the locality where copies of the Environmental Statement may be obtained
- state that a copy may be obtained at that address while stocks last and the amount of any charge to be made for supplying a copy
- give details of a website maintained by or on behalf of the authority on which the environmental statement and the other documents have been made available; and
- state the latest date by which any written representations about the application should be made to the local planning authority (being a date not less than 30 days later than the date on which the notice is published).

Copies of the Environmental Statement and the application must be sent to those consultation bodies that have not received one directly from the applicant.

Any particular persons or bodies (including non-governmental organisations promoting environmental protection) whom the local planning authority is aware are likely to be affected by, or have an interest in, the application, but are unlikely to become aware of it through a site notice or local advertisement, should be sent equivalent information to that publicised in the newspaper notice, so that they may obtain a copy of the Environmental Statement and comment or make representations if they wish.

The local planning authority must send a copy of the Environmental Statement and planning application to the Secretary of State within 14 days of receipt.

The Environmental Statement must be placed on Part I of the planning register, as should any related screening or scoping opinion or direction as soon as possible after publication.

Permitted Development

'Permitted development rights' cover certain types of work which do not need planning permission. It is legislated by The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). The Order sets out the circumstances under which permitted development does, or does not, apply. Prior Approval is required to be obtained first from the Council.

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Permitted development rights do not apply to flats, maisonettes or other buildings. Furthermore, commercial properties have different permitted development rights, and rights are more restricted in Conservation Areas and Areas of Outstanding Natural Beauty.

Planning Performance Agreements

Planning Performance Agreements (PPA's) were proposed in the Planning White Paper (2007) as a means of speeding up the delivery of large-scale applications. They provide a framework for dealing with large scale planning applications in a collaborative way. Where used by prior agreement with the Council, the applicant must ensure that all pre-application community consultation is meaningful and relevant. The Council will also consult as part of the formal planning application process.

Pre-Application Advice

The Council has a long-standing practise of encouraging developers to discuss their proposals with planning officers prior to submitting an application. This helps to confirm whether the principle of development is acceptable and to clarify the format, type and level of detail required to enable the Council to determine an application. Pre-application advice is currently provided on request and is subject to a fee, which will vary in scale, depending on the type of development proposed and the officer time required. More information on the Council's charging regime and the level of information required to enable the Council to provide a detailed response is available on the [TMBC website](#).

In many cases, the Council encourages applicants to enter into early engagement at the appropriate level with the local community and other interested parties as advocated by the National Planning Policy Framework (NPPF) (updated July 2021).

Planning Committee

TMBC has 3 area planning committees. Each committee has been appointed to make decisions on planning applications and related matters and exercise all functions of the council as the Local Planning Authority relating to their respective wards as specified in Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000) except where recommended for approval in fundamental conflict with the plans and strategies which together comprise the Development Plan.

Whilst the determination of a planning application is not a 'quasi-judicial' process, it is a formal administrative process involving the application of policies with reference to legislation/case law.

To be able to speak at meetings of the planning committee, representors need to submit a formal comment to Planning Services at least two days before the meeting and register with Democratic Services by 5pm on the day before the meeting.

Those wishing to speak can email committee.services@tmbc.gov.uk who will be able to offer further guidance on the rules for public speaking.

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Area 1 Planning Committee is for functions relating to town and country planning and development control for the Wards of Cage Green; Castle; Hadlow (that part within the parish of Hadlow); Higham; Hildenborough; Judd; Medway; Trench and Vauxhall.

Area 2 Planning Committee is for functions relating to town and country planning and development control for the Wards of Birling; Borough Green and Long Mill; Downs and Mereworth; East Peckham; Kings Hill; Leybourne and Ryarsh; Wateringbury; West Malling and Leybourne; West Peckham; Wrotham, Ightham and Stansted.

Area 3 Planning Committee is for functions relating to town and country planning and development control for the Wards of Aylesford North & Walderslade; Aylesford South; Burham & Wouldham; Ditton; East Malling; Larkfield North; Larkfield South; Snodland East & Ham Hill; and Snodland West & Holborough Lakes.

Planning Appeals

You can appeal a planning decision if either:

- you disagree with it
- the decision was not made within eight weeks (13 weeks for a major development, such as 10 or more dwellings or a building of more than 1,000 square metres) or 16 weeks for EIA development

Applicants have the right to appeal against a refusal of a planning application or against any conditions imposed by the Council, or if the Council does not make a decision on an application within the statutory time frame. There are no provisions for third parties, including objectors, to appeal against a decision.

Find out how to appeal to the planning inspectorate against a planning decision on www.gov.uk. The appeals process is managed by the Planning Inspectorate, in accordance with their published procedural guidelines. An appeal may be determined by written representations, an informal hearing or a public inquiry. Appeals determined by written representations involve an exchange of statements and may include a site visit by the Inspector. Informal hearings are a discussion between parties, chaired by an Inspector. Public inquiries are much more formal with parties usually using legal representation, and are often used for major planning application proposals.

Tree Matters

Background and procedures

In accordance with the national tree preservation legislation, trees can benefit from statutory protection by inclusion within a Tree Preservation Order (TPO) and/or by virtue of standing within a designated Conservation Area.

Trees included within a TPO

TPOs can be issued by Local Planning Authorities and are made to protect trees that are of public amenity value. All types of tree, but not hedges, bushes or shrubs can be protected, and a TPO can protect anything from a single tree to all trees within a defined area or woodland. A TPO is a written order, which makes it a criminal

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offence to cut down, top, lop, uproot, wilfully damage or destroy a tree protected by that order, or to cause or permit such actions, without the authority's permission.

In accordance with the legislation treatment of tree(s) which are included within a TPO requires the prior formal consent of the LPA (Tonbridge and Malling Borough Council). An application to undertake treatment to TPO tree(s) has an eight week target date (starting from the date on which the complete valid application was received by the LPA).

Applications to discharge conditions imposed as part of a TPO tree work consent (e.g. requiring details of proposed replacement planting) also have an eight week target date.

Trees that are not included within a TPO, but benefit from Conservation Area protection

Trees in a Conservation Area that are not protected by an Order (TPO) are protected by the provisions in section 211 of the Town and Country Planning Act 1990.

In accordance with the legislation where a tree is standing within a designated Conservation Area (but not included within a TPO) anyone wishing to undertake treatment to that tree should give the LPA six weeks' prior written Notice of the Intended tree work. Such written notice (known as a s211 Notice of Intent) has a six week statutory time period (starting from the date on which the complete valid Notice of Intent was received by the LPA).

Please note the legislation does include some specific exemptions from the usual application/six week notification procedures (such as for works to a tree which is completely dead). Where an exemption applies the LPA's consent to carry out works is not needed, but written notice of those works may need to be given to the LPA in accordance with the legislation. If the LPA receives clear evidence/subsequently becomes aware that proposed work subject of an application/notification benefits from exemption provisions/does not require the consent of the LPA we will advise the applicant/agent accordingly.

National guidance and information regarding TPOs and trees in conservation areas can be found in the National [Planning Practice Guidance](#).

Publication/notification of tree work applications and notices

As tree works are not development, the requirements of article 15 of the Development Management Procedure Order (as amended) do not apply to tree work applications and notices. However, details of tree work applications and notices that have been received by TMBC appear on the Council's website and can be [viewed by using the search facility](#).

Applications for work to TPO trees/the discharge of conditions imposed as part of a TPO tree work consent and Notices of Intent for work to trees benefitting solely from Conservation Area protection will appear on the Planning weekly list (which can also be accessed by using the link above, the list for a particular week remains visible on the website for twelve weeks). As noted above s211 Notices of Intent have a statutory time period which the LPA cannot amend, or extend and any representations about tree work that is subject of a such a Notice should be made in

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sufficient time so that such comments can be taken into account before the expiry of the six week period.

In addition, for applications to undertake treatment to TPO trees the Council will usually undertake further public consultation by sending written notification to neighbouring properties (those with a boundary that abuts the application site, or - where there is a large site which has many adjacent properties - those with a boundary that abuts the application site closest to the subject trees). The Council may, if deemed appropriate for the specific TPO tree work application, undertake alternative/wider consultation which could include putting up a site notice or sending out further letters of consultation.

Planning Enforcement

Local planning authorities have the power to take enforcement action against inappropriate development or breach of planning conditions. The Council will always attempt to negotiate a solution with concerned parties first but, should this not be possible, formal enforcement action may be taken. Action could be taken by the issuing of:

- An enforcement notice
- A stop notice
- A temporary stop notice
- A breach of condition notice.

If the breach is serious or of an urgent nature, an injunction may be sought.

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Agenda Item 7

Item HP 22/12 referred from Housing and Planning Scrutiny Select Committee of 6 September 2022. The recommendations of the Scrutiny Select Committee will either be circulated in advance or a verbal update will be provided at the meeting.

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TONBRIDGE & MALLING BOROUGH COUNCIL
HOUSING AND PLANNING SCRUTINY SELECT COMMITTEE

06 September 2022

Report of the Director of Planning, Housing and Environmental Health

Part 1- Public

Matters for Recommendation to Cabinet - Key Decision

1 REGULATION 18 LOCAL PLAN

1.1 Background

- 1.1.1 The Council is currently working towards the preparation of its new Local Plan. The new local plan covers the period between 2021 and 2040. A first draft (known as Regulation 18) of the plan has been prepared for public consultation.
- 1.1.2 Regulation 18 is the first of two prescribed consultation processes. The purpose of the Regulation 18 consultation process is to seek a wide range of views from communities and stakeholders, specifically inviting comment on what a local plan should contain. There is limited prescription within the primary and secondary legislation on the form and format of a Regulation 18 local plan, provided statutory consultation duties are met.
- 1.1.3 This report seeks a HPSSC recommendation to Cabinet for approval of the publication of the Regulation 18 Local Plan [**Annex 1**] for public consultation for a period of six weeks (the statutory minimum), commencing 15 September 2022 (subject to call-in period). The consultation will be in accordance with Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended).
- 1.1.4 Comments are also sought in accordance with the Environmental Assessment of Plans and Programmes Regulations, 2004 on the Interim draft Sustainability Appraisal (SA). Other supporting evidence base documents will also be made available alongside the Local Plan (see **Annex 2**) but unlike the Local Plan and the SA, are not specifically consulted upon.

1.2 Preparation and content

- 1.2.1 Since the decision to withdraw the previous Local Plan in July 2021, work has focussed upon the preparation of a new evidence base. This includes key evidence base documents in relation to the Green Belt, economic development, housing and transport (see **Annex 2**). Following consultation on the Sustainability Appraisal Scoping Report in February 2022, an interim draft Sustainability Appraisal has also been prepared (link within **Annex 2**). The prepared evidence

and sustainability appraisal process has been used to inform the content of the Regulation 18 Local Plan.

- 1.2.2 At this stage the plan identifies key ‘issues’ relating to the borough. This includes identifying potential ‘Spatial Strategy Options’ (see section 4 of **Annex 1**) and ‘strategic priorities’ (see section 5 of **Annex 1**), inviting representations on these matters. At this stage, the Local Plan does not present draft policies or propose any site allocations. The Regulation 18 Local Plan includes a list of sites at Appendix 1 which have been identified through the Call for Sites process which concluded in February 2022, the Urban Capacity Study, and 12 formally proposed allocations within the withdrawn Local Plan. These sites are currently considered to have *potential* for development for housing, employment or a mix of uses within the plan period. It is anticipated that this list will be subject to further refinement following the completion of further suitability and availability analysis, the production of new evidence base documents, and the receipt of any additional site submissions invited through the consultation.
- 1.2.3 **At this stage, the information within Appendix 1 should only be considered as a broad indication of the council’s ability to meet its objectively assessed needs and does not represent the quantum or pattern of development to be proposed through future site allocations.**
- 1.2.4 The Sustainability Appraisal consists of the main report plus an extensive appendix which includes an assessment of each submitted site against the sustainability objectives. At paragraph 5.41 of the main report (available through the link at **Annex 2**) some sites are identified as scoring particularly well or poorly against these objectives. At this early stage these conclusions should not be considered to have much bearing on the overall outcomes as further analysis is yet to take place, and mitigation measures taken into account.
- 1.2.5 The planning policy team liaises with neighbouring boroughs on an ongoing basis, updating the Duty to Cooperate grid on a regular basis. The latest version of this grid is available on request. Officers will organise bespoke duty to cooperate meetings on the Regulation 18 local plan once it is out to consultation.

1.3 Consultation approach

The consultation requirements for Regulation 18 are set out within the above Regulations. The Council has also prepared an up-to-date Statement of Community Involvement (SCI) which sets out the approach to local plan consultations. This will include making the consultation documents publicly available in hard copy at the council’s main office, the website and on the INOVEM [consultation portal](#).

- 1.3.1 All statutory consultees, and stakeholders/other interested parties registered on the council’s consultation portal will be notified by email of the consultation. The consultation will also be publicised via the council’s communication channels, e.g. twitter. Links will be provided to a consultation video and a leaflet explaining the

content of the local plan. Further details of the approach to this consultation are contained within **Annex 3**.

- 1.3.2 Consultation responses will be invited by the consultation portal, however an email address and postal address will also be provided for receipt of other responses, including via a consultation form. Questions are invited throughout the document to give some structure to the responses, although more general comments will also be carefully considered and taken into account.
- 1.3.3 The representations received during this consultation will be reviewed and key issues will be identified and summarised. This will be reported back to members at the earliest opportunity, dependent on the amount and complexity of responses received, but this is anticipated in November 2022. The feedback will inform the next stage of plan preparation, alongside new and emerging evidence base documents, the outcomes of the sustainability appraisal and habitats regulations processes.
- 1.3.4 The next consultation stage will be on the Regulation 19 version of the Local Plan. This will be the plan which the council considers to be 'sound', which will then be submitted to the Secretary of State, via the Planning Inspectorate. Further details on timescales can be found within the [Local Development Scheme, November 2021](#)

1.4 Legal Implications

- 1.4.1 Local Planning Authorities are required to prepare and keep up to date development plan for their area. The Planning and Compulsory Purchase 2004 (as amended) and the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) set out the requirements and the statutory process for the preparation of a Local Plan.
- 1.4.2 The Regulation 18 Local Plan, the interim Sustainability Appraisal and other supporting documents have been subject to extensive (external) legal input.

1.5 Financial and Value for Money Considerations

- 1.5.1 There will be direct financial and value for money considerations associated with the public consultation exercise described in this report. These costs will be met from existing budgets.

1.6 Risk Assessment

- 1.6.1 The preparation of the new local plan will provide the council with an up-to-date Local Plan on adoption (anticipated 2025). This will alleviate the current risks associated with not having an up-to-date development plan in place. There are reputational risks should the local plan programme not be delivered on time.

1.7 Equality Impact Assessment

- 1.7.1 The decisions recommended through this report have relevance to the substance of the Equality Act 2010. The Regulation 18 consultation will be undertaken in accordance with the new Statement of Community Involvement (subject to Cabinet approval) which ensures that planning policy consultations are accessible to all, irrespective of protected characteristics. An Equalities Impact Assessment will be undertaken alongside the preparation of the Regulation 19 Local Plan.

1.8 Recommendations

HPSSC is asked to recommend to Cabinet:

- 1.8.1 **APPROVAL** of the commencement of the Regulation 18 consultation on the draft Local Plan and Interim Sustainability Appraisal.
- 1.8.2 **DELEGATE AUTHORITY** to the Director of Planning, Housing and Environmental Health for any minor amendments including typographical corrections to the Regulation 18 consultation on the draft Local Plan.
- 1.8.3 **APPROVAL** of publishing of the evidence base documents at **Annex 2** alongside the Local Plan.

Background papers:

Annex 1 - Regulation 18 Local Plan (including plan Appendices)

Annex 2 - links to the Interim Sustainability Appraisal, evidence base and other supporting documents

Annex 3 - Engagement Strategy note

contact: Gudrun Andrews
Planning Policy Manager

Eleanor Hoyle

Director of Planning, Housing and Environmental Health

Regulation 18 Local Plan



Tonbridge
& Malling

September 2022

Local Plan Infographic

The below image is a summary of some of the key themes for exploration as part of the Local Plan. For illustrative purposes only.



Foreword

We are starting to develop Tonbridge and Malling's new Local Plan which will shape our community until 2040. This is a key document that builds our borough's future and identifies how we can provide affordable homes, safeguard green spaces and deliver local jobs in our towns and villages.

Our requirement from Government is to identify sites for 15,941 new homes within the boundaries of Tonbridge and Malling during this time. This is an average of 839 homes each year in our community. Our Local Plan must meet this figure, and this is why we are asking for your thoughts now on the best way to approach this.

While a number of sites have been put forward to the council for development, no sites have yet been committed in developing our new Local Plan. Instead, at this stage, we are first asking you for your thoughts on the principles that should determine where these homes should be built, and how we can deliver much needed infrastructure improvements across Tonbridge and Malling.

Please do answer the questions presented over the course of the document so, during the next stages, we can bring forward a Local Plan which is in line with the priorities of all of us across Tonbridge and Malling.

From reducing traffic to providing better public transport options, allowing for better access to GPs and schools, to increasing biodiversity – we have the opportunity through this Local Plan to deliver sustainable improvements in every town and village. While meeting our housing and employment needs will be difficult given how much of our beautiful landscape is protected, we are determined to do so in a way which improves infrastructure.

We will continue making the case to Government that our need ought to be reduced but, in the meantime, we welcome all your thoughts on how we can best overcome these challenges. A robust Local Plan allows us to protect our borough from inappropriate development that places a significant burden on Tonbridge and Malling's infrastructure and enables us to best control where and how new homes are built.

Councillor Matt Boughton, Leader of the Council

Councillor Dave Davis, Cabinet Member for Strategic Planning and Infrastructure

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Tonbridge & Malling Borough Local Plan

Regulation 18 Consultation

1. Introduction

1.1. What is the Local Plan?

- 1.1.1. The Local Plan is a strategy document that will provide a positive vision for the future of Tonbridge & Malling borough. It includes a framework for addressing assessed development needs and environmental and social priorities.
- 1.1.1. A Local Plan should be prepared in accordance with national planning policy within the National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG). On adoption, the Local Plan will form the development plan for the borough, and will be at the heart of the planning system. It will represent the starting point for decision-making on planning applications within the borough. This is why it is important to have an up-to-date Local Plan in place.
- 1.1.2. The Plan needs to include a vision for the place we would like Tonbridge and Malling to be by the end of the plan period (2040). This needs to be aspirational but deliverable. It should contribute to realising the vision, values and priorities of the council's Corporate Strategy, which includes a commitment to delivering innovation and change to meet the needs of the borough. Our Corporate Strategy recognises that the Local Plan can lead on valuing our environment and encouraging sustainable growth by planning for our future homes and jobs.
- 1.1.3. It also needs to include strategic policies that address assessed development needs and respond to other local evidence. This includes how we expect the borough to grow, spatially, over the coming years.
- 1.1.4. In addition, it needs to include policies on non-strategic matters relating to how development is managed and delivered, reflecting local priorities and being mindful of the impacts on viability and therefore deliverability of development.

1.2. Why do we need to review and refresh the Local Plan?

- 1.2.1. We need to review and refresh the Local Plan because the Council does not have an up-to-date Plan in place. The current suite of adopted development plan documents that make up the Local Development Framework (LDF) date back to 2007-10 and have a time horizon of 2021. These plans pre-date current national policy and practice guidance and local evidence. This does not mean that all policies in the adopted development plan are out-of-date. Policies are regularly checked for their conformity with the Government’s current National Planning Policy Framework (NPPF) to determine the weight they should be afforded during decision-taking on planning applications.
- 1.2.2. The Council did prepare a detailed Local Plan which was submitted for examination back in January 2019. However, following the Inspectors’ final report, the council withdrew this Plan and took the decision to commence a review and refresh process.
- 1.2.3. We need an up-to-date Local Plan because it is at the heart of decision-taking on planning matters. A current Plan that responds positively to our assessed needs and priorities provides greater certainty for how the borough will grow and evolve, resulting in more democratic local control over the process.

1.3. What are the expectations of the Government?

- 1.3.1. The Government’s planning policies for England are set out in the National Planning Policy Framework (NPPF)¹. This is supported by Planning Practice Guidance (PPG)² that explains in more detail how to achieve national policies.
- 1.3.2. National policy is very clear that the planning system should be genuinely plan-led, hence the need to get an up-to-date Local Plan in place.
- 1.3.3. Section 3 on ‘Plan-making’ in the NPPF³ sets out the Government’s expectations for Local Plans. This is supported by planning practice guidance on ‘Plan-making’⁴. The Plan should:
 - contribute to the achievement of sustainable development
 - be as focused, concise and accessible as possible

¹ <https://www.gov.uk/guidance/national-planning-policy-framework>

² <https://www.gov.uk/government/collections/planning-practice-guidance>

³ [National Planning Policy Framework - 3. Plan-making - Guidance - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/national-planning-policy-framework-3-plan-making-guidance)

⁴ <https://www.gov.uk/guidance/plan-making>

- be prepared positively, in a way that is aspirational but deliverable
- be clear and unambiguous
- avoid unnecessary duplication of existing policies, including those in the NPPF.

1.3.4. Together the NPPF and the NPPG set out expectations around the assessment of objectively assessed need for housing, and for other economic development needs, at paragraph 11 “strategic policies should, as a minimum, provide for objectively assessed needs for housing⁵ and other uses, as well as any needs that cannot be met within neighbouring areas”.

1.4. What are the risks of not having an up-to-date Local Plan?

1.4.1. An up-to-date Local Plan would provide a high degree of certainty about how Tonbridge & Malling would grow and evolve over the coming years. It would also ensure a high degree of local democratic control over decisions about planning matters in the borough.

1.4.2. The absence of an up-to-date Local Plan increases the chances of planning by appeal where decisions are not made locally by representatives of the community. Furthermore, the risk of intervention by the Government would increase, where plan-making would be managed by individuals not local to Tonbridge & Malling.

1.5. What is the timeframe for the Local Plan?

1.5.1. The NPPF requires Local Plans to include strategic policies and proposals addressing assessed development needs and other priorities over a minimum 15-year period from adoption. The current programme for plan production, the Local Development Scheme⁶, identifies adoption of the Plan in 2025. This means that in order for the Local Plan to respond effectively to national policy, it needs a time horizon of 2040. 2040 is considered a reasonable time horizon for the Plan because it provides conformity with national policy and a degree of confidence about effective planning for the future of the borough. The base date of the plan period is

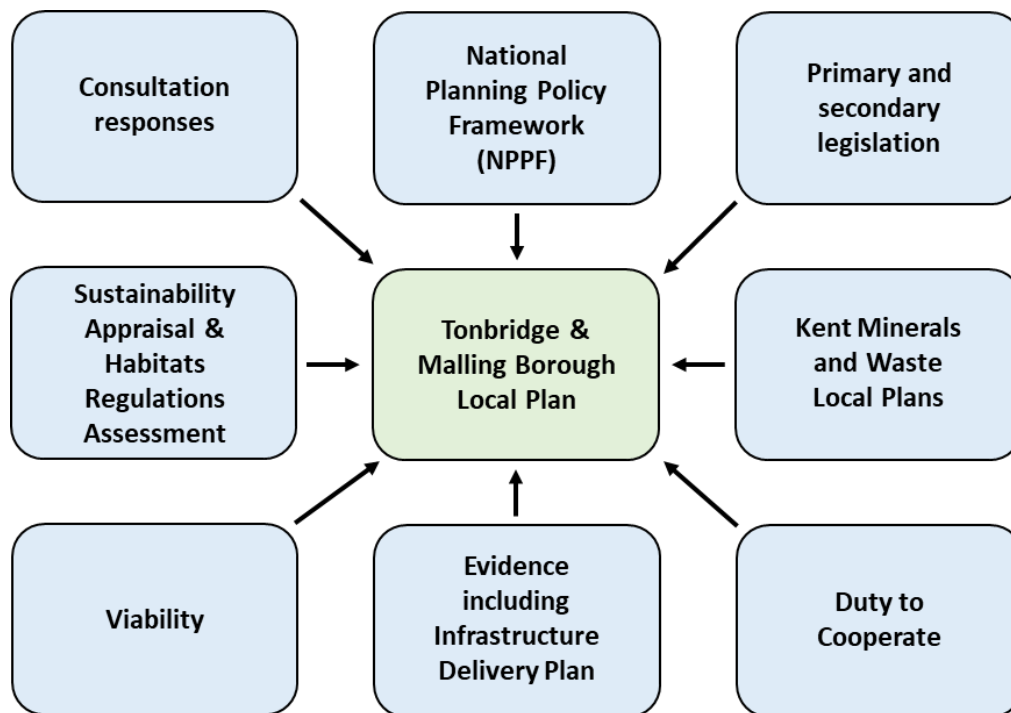
⁵ Housing need is an unconstrained assessment of the number of homes needed in an area. Assessing housing need is the first step in the process of deciding how many homes need to be planned for. It should be undertaken separately from assessing land availability, establishing a housing requirement figure and preparing policies to address this such as site allocations...The National Planning Policy Framework expects strategic policy-making authorities to follow the standard method in this guidance for assessing local housing need...” (gov.uk guidance on assessing housing need, updated December 2020)

⁶ <https://www.tmbc.gov.uk/local-plan/local-development-scheme>

2021, which is when the council took the decision to withdraw the previously submitted Local Plan from examination.

1.6. What are the influences on the Local Plan?

- 1.6.1. There are many influences on the preparation of the Local Plan. As well as national policy and local evidence, feedback received during consultation exercises needs to be considered when developing detailed policies that will shape the future of local places. Understanding the infrastructure that needs to be in place (and by when) to support development, such as schools and roads, is important. We also need to be mindful of their viability, i.e. ensuring that developments are realistically deliverable from a financial perspective once the costs of a range of local policy requirements on matters such as affordable housing, education and highways have been addressed. This is crucial because unviable development means that much needed homes will not be delivered and opportunities for providing additional schools, healthcare and green and digital infrastructure will be lost. This must be avoided.
- 1.6.2. Furthermore, it is essential that plan-making is fully informed by the Sustainability Appraisal process, which assesses the performance of policies and proposals against a set of locally derived sustainability objectives. Active, on-going engagement with neighbouring councils is essential to address strategic matters that may have cross-boundary implications. This is because these matters do not stop at administrative boundaries; development and issues in other places can impact on TMBC and vice versa. The influences on the Plan are summarised in figure 1.

Figure 1. Influences on the Plan

1.7. How does neighbourhood planning relate to the Local Plan?

1.7.1. The council understands the interest in planning at the local level, and the importance of engaging communities about where they live and what matters to them. We also recognise that the Government expects neighbourhood plans to support the delivery of strategic policies contained within a Local Plan. With this in mind and given that this Plan represents the first stage of the process, we would like to work with local communities, including parish councils, and focus our energies on getting the strategic policies right.

1.8. Why is it important to be involved with the making of the Local Plan?

1.8.1. Engagement with local communities and other parties and people with an interest in planning matters in Tonbridge & Malling is a vital part of plan-making. To make the Plan locally distinctive, it is important that opportunities are provided for local people to help shape their surroundings and voice their priorities. This can help generate a wider sense of ownership of the Plan.

1.8.2. This Plan represents the beginning of the formal process. The council wants to know your views on the key issues and understand what you consider the priorities to be. There will be an opportunity to comment on the Plan as it progresses to the more detailed stage. Further details on this Local Plan consultation and how you

can take part are available on the council’s website⁷ [and within section 7](#). The website also contains a more detailed timetable for the production of the Plan, known as the Local Development Scheme⁸.

⁷ <https://www.tmbc.gov.uk/localplan>

⁸ <https://www.tmbc.gov.uk/local-plan/local-development-scheme>

2. Local Context

2.1. What is the spatial portrait of the borough?

- 2.1.1. The borough of Tonbridge and Malling is a diverse and characterful place. Located in west Kent, the borough stretches to the north to include areas of Walderslade and the Kent Downs Area of Outstanding Natural Beauty (AONB), and to the south to Tonbridge and the High Weald AONB. From the historic village of Ightham in the west, to the urban area of the Medway Gap in the east. Tonbridge is the principal town in the borough and offers a wide range of services and facilities. However, the majority of the borough is rural in nature, with villages and small towns of varying size and character supporting a range of communities and businesses. The borough benefits from proximity to London and the South-East coast, making it an attractive place to live.
- 2.1.2. The borough includes areas of recent development and growth together with historic and pre-historic environments. Its geography is varied, and the physical characteristics have and will continue to impact patterns of land use and activity. The underlying geology has resulted in extensive areas of quarrying in the Borough, some still active. It is a place where traditional and modern businesses thrive, where established and new communities have flourished but where pressures on infrastructure and the diverse natural environment are challenging.
- 2.1.3. The majority of the borough is covered by Green Belt. There are also several international, national and local environmental designations. Key constraints, along with the distribution of existing settlements and key infrastructure in the borough, are illustrated in the Key Diagram (Appendix A).
- 2.1.4. Table 1 below, sets out key characteristics of the borough.

Table 1. Spatial Portrait

Spatial Element	Details
Area:	24, 013 ha
Strategic Location:	<p>West Kent.</p> <p>Bordered by: Sevenoaks District (to the west); Tunbridge Wells Borough (south); Maidstone Borough (east); Medway (north); Gravesham Borough (north-west).</p>
Transportation links:	<p>Three motorways (M20, M26 and M2) cross the borough in the north. The A21 trunk road passes by the south and west of Tonbridge.</p> <p>Three train lines providing links to London and the north Kent line.</p> <p>Channel Tunnel Rail Link (channelled under the Kent Downs, no stations).</p> <p>High Speed 1 services stop at Snodland station</p>
Population:	<p>Total: 132,600 (mid-2020 estimate)</p> <p>Split: 49% Male; 51% Female</p> <p>Average age: 40.9 years</p> <p>Aged 0-15: 21%</p> <p>Aged 16-64: 61%</p> <p>Aged 65+: 18%</p>
Urban/Rural Split:	<p>Most of the borough is rural in character.</p> <p>Largest rural settlements are West Malling, Borough Green, Hadlow, Hildenborough and East Peckham.</p> <p>Principal town: Tonbridge, located in the south-west of the borough.</p> <p>Other built-up urban areas: Kings Hill, Snodland, Aylesford/Ditton/Larkfield/Leybourne (known as the Medway Gap) and Walderslade (part) located in the north-east of the borough.</p>

Spatial Element	Details
Assets & Constraints:	<p>Special Areas of Conservation: North Downs Woodland; Peter’s Pit (3.54% of the borough)</p> <p>Sites of Special Scientific Interest (SSSIs): 11 (1.32% of the borough)</p> <p>Areas of Outstanding Natural Beauty: Kent Downs and High Weald (26.84% of the borough)</p> <p>Ancient Woodland: 2,621 ha (11% of the borough)</p> <p>Conservation Areas: 61</p> <p>Scheduled Monuments: 25</p> <p>Listed Buildings: Approx. 1,300 listed buildings or structures</p> <p>Green Belt: Approx. 70% coverage of the borough</p>
Rivers:	<p>River Medway and its tributaries pass through the borough in the south and south-east (fluvial) and in the north-east (tidal stretch north of Allington Lock).</p> <p>River Bourne passes through the borough from the south-east to the north-west.</p>
Dwelling Stock:	<p>Total: 56,096 (as at 1 April 2021)</p> <p>Private sector: 47,594</p> <p>Private registered provider: 8,481</p> <p>Other public sector: 11</p> <p>Local Authority: 10</p>

3. Vision

3.1. What kind of place do you want Tonbridge & Malling to be in 2040?

- 3.1.1. When reading and responding to this draft Plan, it is important to bear in mind the future of the borough and what kind of place you would like it to be by the end of the plan period in 2040. This may reflect your personal or professional circumstances and goals or wider objectives and priorities related to groups of which you are part. However you approach this, it is important to remember that the vision needs to be aspirational but deliverable.
- 3.1.2. To help the drafting of a vision for Tonbridge & Malling, we need to understand what matters most to you. It is important to bear in mind that as we move forward with plan-making there will be further evidence produced that will inform decisions on policies and proposals. We also need to be mindful of any changes to national policy that the Local Plan may need to respond to.

Key elements – what matters to you

- 3.1.3. We would like to understand which of the following elements you believe should form an integral part of the vision for Tonbridge & Malling in 2040. Please indicate three elements you believe should form the core of the vision for the Plan – see question 1 below. If you believe the vision should be balanced, addressing the full range of elements as far as possible, please select ‘All’.

Q.1. Which elements should feature in the vision for the borough in 2040?

Element	Select (no limit)
A place where the range of housing needs are being met in full and affordability is much improved.	
A place where there are plentiful jobs opportunities, both within the rural and urban economies, to meet the needs of local communities.	
A place with well-designed, accessible, homes and neighbourhoods that are safe, legible, energy efficient and respect the local character.	
A place where people and communities are connected digitally in an effective and reliable way.	
A place where biodiversity thrives alongside communities.	

Element	Select (no limit)
A place where landscapes and open countryside are respected and can be easily accessed and enjoyed.	
A place where there are plentiful opportunities to enjoy the borough safely and healthily by cycling and walking.	
All are equally important	

4. Spatial Distribution of Development

4.1. What is the hierarchy of settlements across the borough?

- 4.1.1. Tonbridge and Malling borough includes a diverse range of settlements. This includes built-up urban areas such as Tonbridge, large rural settlements including Borough Green and West Malling, as well as many smaller settlements such as Golden Green and Burham. Beyond these settlements, there are significant areas of open countryside. We have used this structure, or hierarchy, of settlements to guide decisions on where development should be focussed. Those settlements at the top of the hierarchy, i.e. urban areas, have been the focus for a significant amount of development because they contain an array of services including schools, shops and healthcare, and are well connected in terms of public transport and opportunities for active travel such as cycling and walking to destinations. They also contain opportunities for making use of previously-developed land. Essentially, they are most likely to provide opportunities for sustainable development.
- 4.1.2. Settlements further down the hierarchy, such as ‘other rural settlements’ are much smaller in size and either have limited services or are remote from places with services, such as the urban areas and the rural service centres. Development has been limited at these locations to minor projects, proportionate to the character and scale of the existing settlement. Beyond the other rural settlements is the open countryside where development has been restricted.
- 4.1.3. We have used this settlement hierarchy to not only inform decisions on planning applications that have come forward but to inform the spatial strategy in the adopted development plan. This settlement hierarchy has been updated with the addition of Peters Village and Leybourne Chase as other rural settlements. It is the intention to continue with this approach in this Local Plan because it can provide a framework to deliver sustainable development.

Figure 2. Existing Settlement Hierarchy



Q.2. Do you agree that this settlement hierarchy should be retained and inform the spatial strategy for the Local Plan? Yes/No Please explain

4.2. How should development be distributed across the borough?

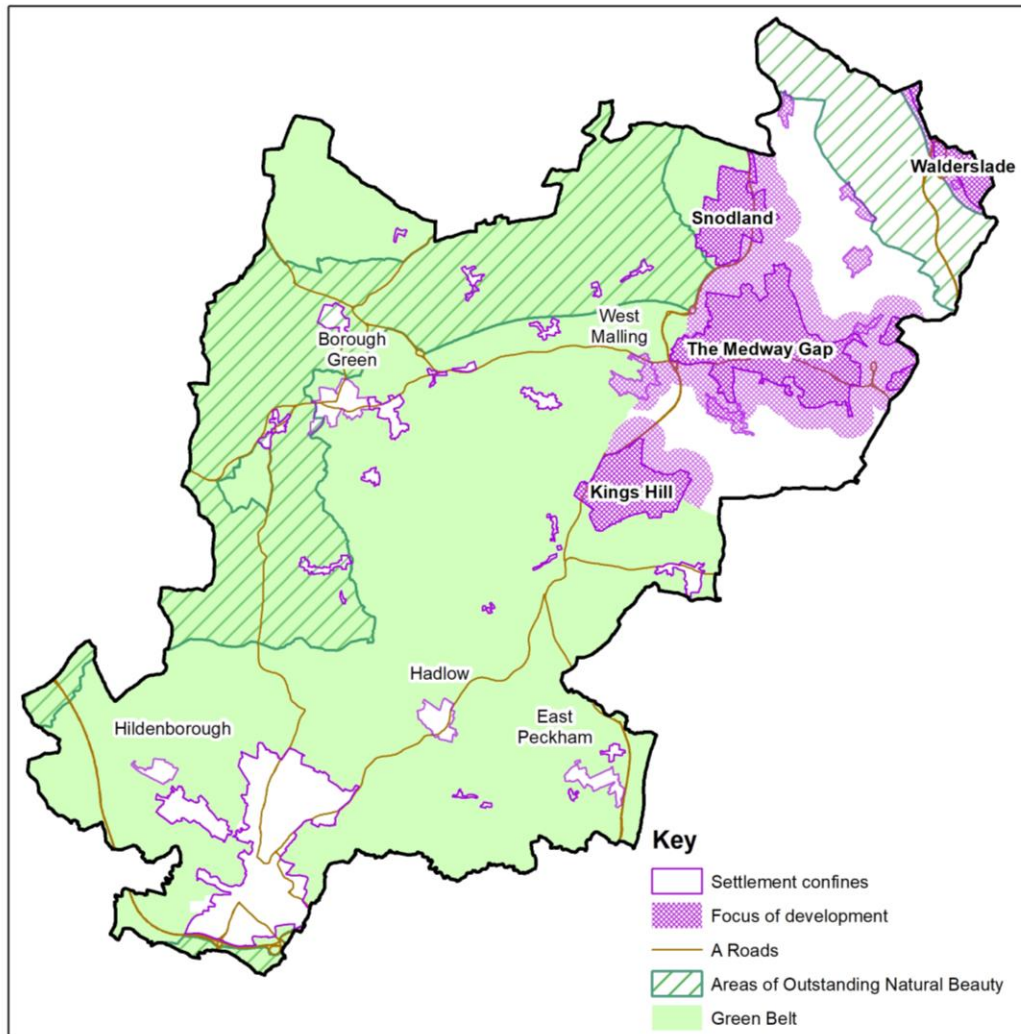
- 4.2.1. Development must seek to balance the need to support sustainable patterns of growth with the need to protect natural and heritage assets as far as possible, and ensure the necessary infrastructure is in place. In order to conserve and protect the environmental and heritage assets in the borough, the following designations, as far as possible, should be avoided: Special Areas of Conservation, Sites of Special Scientific Interest, Areas of Outstanding Natural Beauty, Ancient Woodland, areas at high risk of flooding for more vulnerable uses such as housing, Conservation Areas, Listed Buildings, Scheduled Monuments, Historic Parks and Gardens, and Grade 1 agricultural land.
- 4.2.2. In addition to these designations, c. 70% of the borough is designated as Green Belt. Land can only be removed from the Green Belt where exceptional circumstances can be demonstrated, to help deliver a sustainable pattern of development.

- 4.2.3. Within Tonbridge & Malling there are two Housing Market Areas (HMAs) that exert an influence across the borough: the Sevenoaks/Tonbridge/Tunbridge Wells HMA; and the Maidstone HMA. A HMA defines a geographical area within which there is a significant amount of self-containment in terms of the movement of people and activity on a regular basis, eg commuting to and from work or travelling to services and shops. A sustainable pattern of development should seek to address the need where it arises.
- 4.2.4. To date, the council has endeavoured to make best use of previously-developed land in built up areas such as Tonbridge for many years now including developments at Medway Wharf Road, Cannons Wharf and Sovereign Way. However, these types of sites are becoming less common as many have already been developed, and so the council will need to consider the use of greenfield sites in order to meet its objectively assessed need.
- 4.2.5. Ensuring a mixed portfolio of sites of varying sizes should ensure opportunities for small and medium developers. Sites within or adjacent to settlements across the settlement hierarchy could provide opportunities for a range of communities, as well as support local services and facilities.
- 4.2.6. Having regard to meeting assessed need, the constraints in the borough, as well as the two HMAs, making best use of previously-developed land, as well as the range and character of existing communities and settlements as set out by the Core Strategy in the adopted settlement hierarchy, the following potential spatial strategy options have been identified. Indicative maps are included, illustrating each option. It is important to appreciate that these maps are a broad representation of the option; they are not to scale and their purpose is to give an indication of the distribution of development and where it would be focussed.

Option 1

- 4.2.7. This Option seeks to focus development in and adjacent to settlements beyond the outer Green Belt boundary and outside of the Areas of Outstanding Natural Beauty, thereby seeking to avoid the need to release of any land from the Green Belt as well as avoiding development within a protected landscape. An indicative map illustrating this option is set out in Figure 3.

Figure 3. Spatial Strategy: Option 1

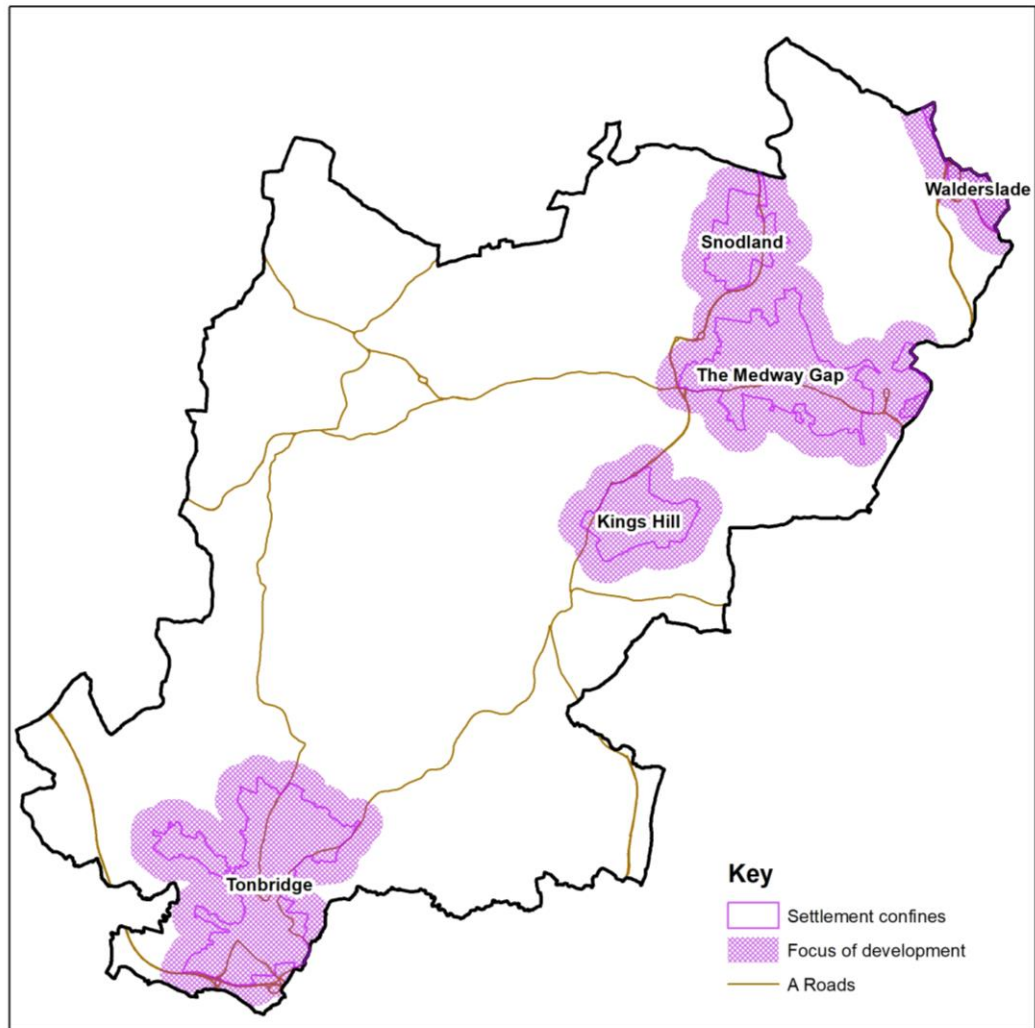


Option 2

4.2.8. This Option has an urban focus. In this instance development would be focussed on greenfield and previously-developed land within the urban areas⁹ as well as land adjacent to these settlements. This seeks to locate development in areas with good access to existing services and facilities. An indicative map illustrating this option is set out in Figure 4.

⁹ Core Strategy (2007), Policy CP11 settlements: Tonbridge, Medway Gap, Kings Hill, Snodland, Walderslade

Figure 4. Spatial Strategy: Option 2

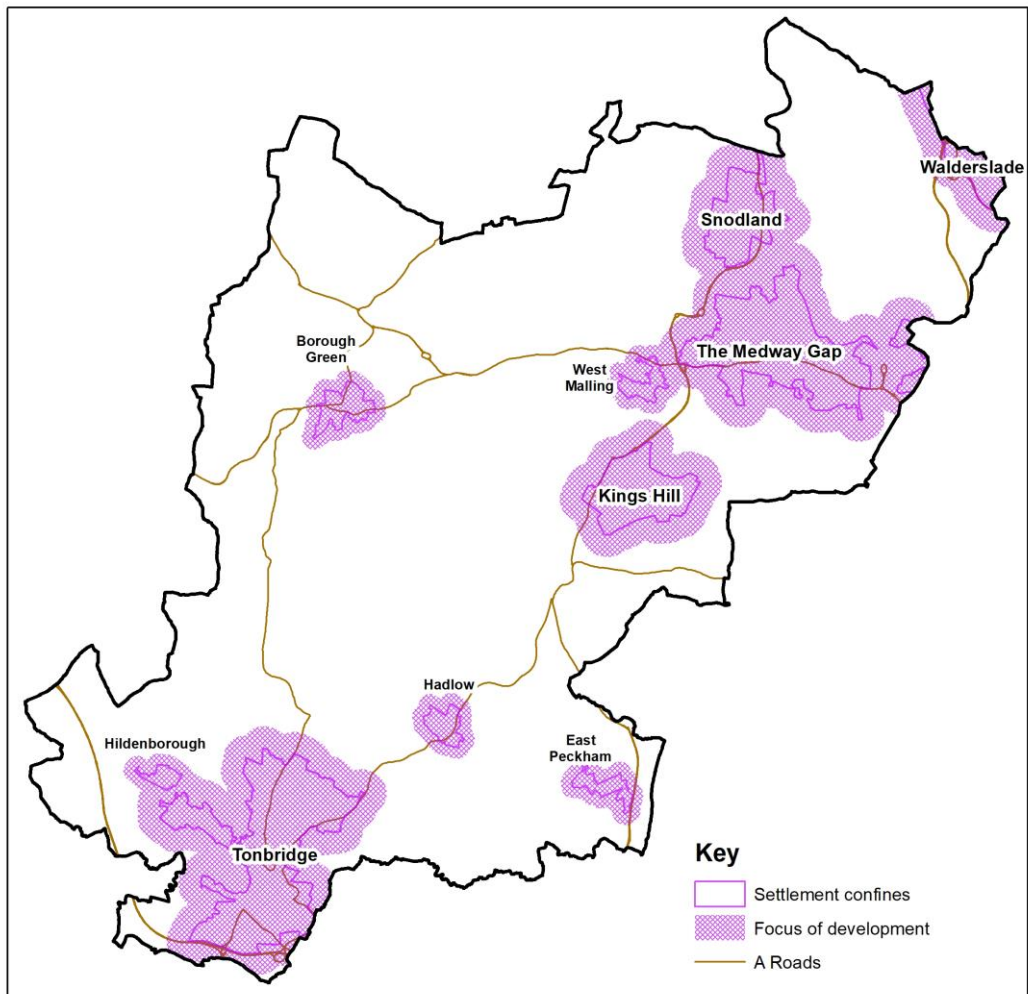


Option 3

4.2.9. This Option is focussed on settlements near the top of the settlement hierarchy. In this instance development would be focussed on greenfield and previously-developed land within the urban areas and rural service centres¹⁰, as well as land adjacent to these settlements. This seeks to locate development in areas with good access to existing services and facilities, as well as meeting the needs of a wider range of communities in accessible locations. An indicative map illustrating this option is set out in Figure 5.

¹⁰ Core Strategy Policy CP12 settlements: Borough Green, East Peckham, Hadlow, Hildenborough, West Malling

Figure 5. Spatial Strategy: Option 3

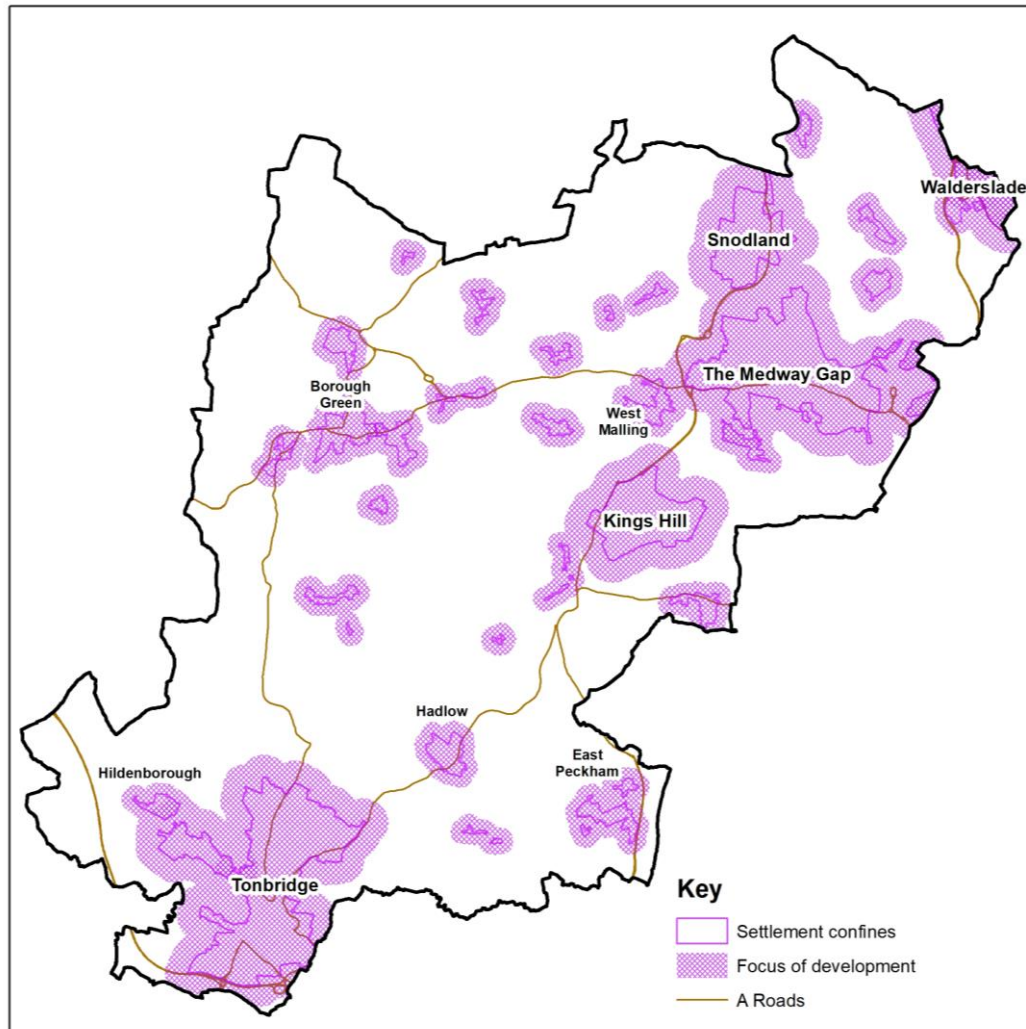


Option 4

4.2.10. This Option facilitates a distributed pattern of development across the borough. Development would be focussed on greenfield and previously-developed land within the urban areas, rural service centres and other rural settlements¹¹, as well as adjacent to these settlements. Thereby seeking to maximise the use of previously-developed land in the borough, as well as supporting a wide range of communities. An indicative map illustrating this option is set out in Figure 6.

¹¹ Core Strategy Policy CP13 settlements: Addington, Addington Clearway, Aylesford Village, Birling, Blue Bell hill, Crouch, Dunks Green, East Malling Village, Eccles, Fairseat, Golden Green, Hale Street, Ightham, Leybourne Chase, Mereworth, Offham, Peters Village, Platt, Plaxtol, Ryarsh, Snoll Hatch, Trottscliffe, Wateringbury, West Peckham, Wouldham, Wrotham Heath

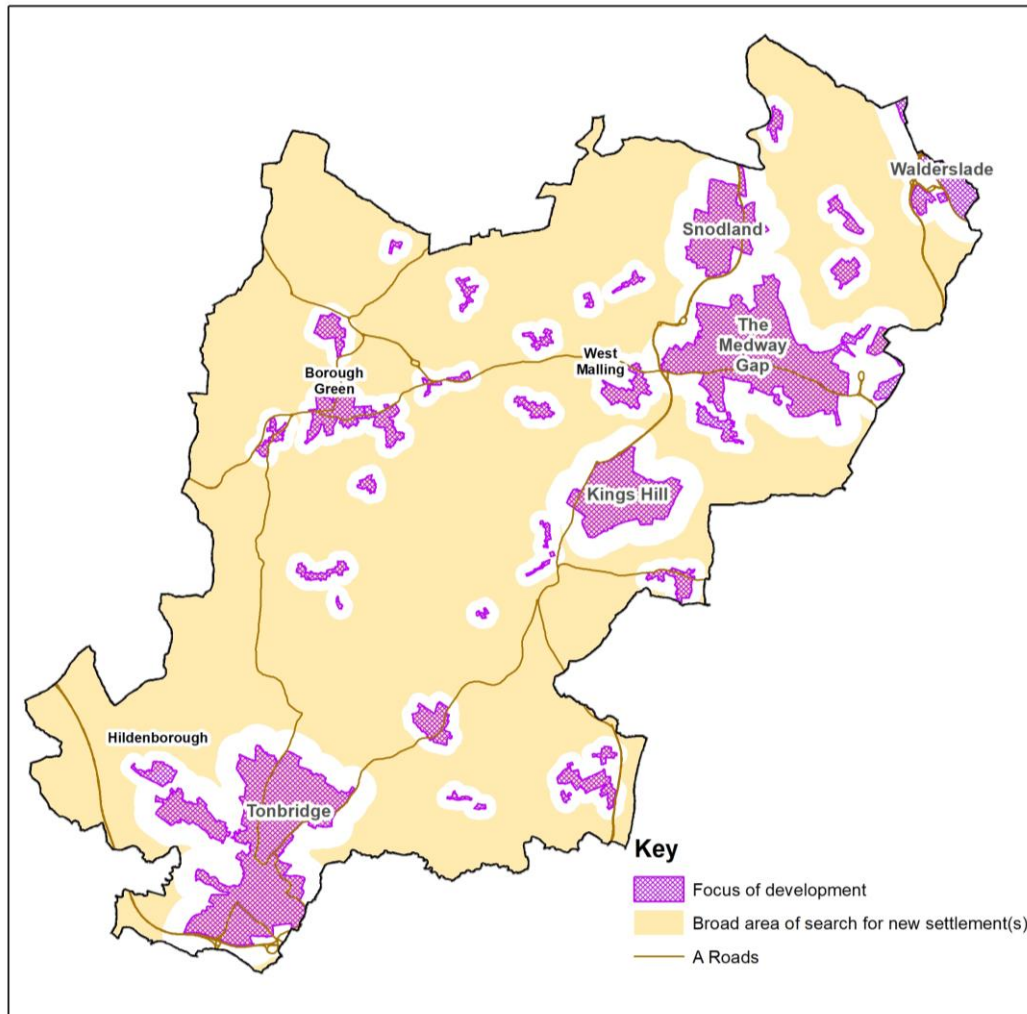
Figure 6. Spatial Strategy: Option 4



Option 5

4.2.11. This Option considers the potential for a new settlement/s in the borough in principle. Development would be focussed on greenfield and previously-developed land within the urban areas, rural service centres and other rural settlements, thereby seeking to maximise the use of previously-developed land in the borough, as well as a new settlement/s remote from existing towns and villages. An indicative map illustrating this option is set out in Figure 7. In order to provide distinct, reasonable alternative spatial strategies in this Plan, it makes sense to assess the notion of a new settlement(s) once, as we have done so with this option.

Figure 7. Spatial Strategy: Option 5



4.2.12. A summary of the potential spatial strategy development options is set out below in question 5. Each Option is individually assessed against the Sustainability Appraisal objectives in Chapter 4 of the Interim Sustainability Appraisal Report.

Strategy – quantum options

4.2.13. In addition to the spatial distribution of development across the borough, we need to consider the strategic options for the amount, or quantum, of development that the Local Plan addresses.

4.2.14. The expectation of national policy is that Local Plans should as a minimum provide for objectively assessed needs for housing and other uses, including retail, leisure,

office and other main town centre uses¹². Where these needs relate to housing these needs should be assessed using a clear and justified method as set out within the framework¹³. In the case of Tonbridge & Malling borough these needs are 839 dwellings per annum or 15,941 dwellings (gross) across the plan period up to 2040. Of course, some of this will be addressed by existing commitments and a projection of supply from windfall developments.

- 4.2.15. In determining the quantum options, we need to be mindful that two Housing Market Areas exert an influence across the borough and that neighbouring authorities are facing similar challenges to addressing their assessed needs. We also need to appreciate the capacity of the local housing markets to absorb growth, taking account of what they have supported before and the economic outlook. Furthermore, given the time horizon of 2040, we should consider the need for flexibility to be built into the strategy so that it can be resilient to unforeseen changes that may occur during the latter years of the plan period.
- 4.2.16. On the basis of meeting all objectively assessed needs for housing and other uses as a minimum, two distinct quantum options have been identified: meeting assessed needs; and meeting assessed housing need + up to 10%. For the purposes of the SA process, the maximum of +10% has been appraised.

Spatial strategy – preferred option

- 4.2.17. Please identify, in question 3, your preferred quantum option (A or B). Please identify, in question 5, your preferred spatial strategy option for the Local Plan (1-5).
- 4.2.18. Each of the reasonable alternative strategic policy options have been subject to Sustainability Appraisal, the results of which can be found in Chapter 4 of the Interim Sustainability Appraisal. At this stage, preferred options are not identified from the suite of reasonable alternative options. These will be set out at the next stage of plan-making, and the council will draw on the SA findings and consultation responses, as well as other information, to inform the preferred option.

¹² Unless particular circumstances set out in paragraph 11 (b) of the NPPF apply

¹³ Unless exceptional circumstances justify an alternative approach which also reflects current and future demographic trends and market signals (see NPPF paragraph 61)The Interim SA explains (at paragraph 4.5) why the council considers that meeting less than objectively assessed needs would not be reasonable

Q.3. Which quantum option for the spatial strategy do you prefer?

Strategy	Title and description	Preferred strategy – indicate with an ‘X’ below
Option A	Quantum 1 – Meeting Assessed Housing Need	
Option B	Quantum 2 – Meeting Assessed Housing Need + up to 10%	

Q.4. What are your reasons for selecting this particular quantum option for the Local Plan (outline briefly)?

Q.5. Which spatial strategy option do you prefer?

Strategy	Title and description	Preferred strategy – indicate with an ‘X’ below
Option 1	Focus development in and adjacent to settlements beyond the outer Green Belt boundary and outside of the Areas of Outstanding Natural Beauty	
Option 2	Urban: Development focussed on sites within (greenfield as well as previously-development land) as well as adjacent to urban settlements.	
Option 3	Urban and Rural Service Centres: Development focussed on sites within (greenfield as well as PDL) as well as adjacent to urban areas and rural service centre settlements.	
Option 4	Distributed: Development focussed on sites within (greenfield as well as PDL) as well as adjacent to urban areas, rural service centres and other rural settlements to support a range of communities.	
Option 5	New Settlement: Development focussed on sites within (greenfield as well as PDL) urban areas, rural service	

Strategy	Title and description	Preferred strategy – indicate with an ‘X’ below
	centres and other rural settlements, as well as a new settlement/s.	

Q.6. What are your reasons for selecting this particular spatial strategy option for the Local Plan (outline briefly)?

4.3. Where should development be located in the borough?

- 4.3.1. At this stage in the Local Plan process the Call for Sites exercise and Urban Capacity Study have identified a range of sites across the borough that could be considered for development. These, coupled with sites that have been allocated for development in the adopted development plan and the withdrawn Local Plan but have not already been granted planning permission, form a pool of sites from which allocations can be chosen. A full list of these sites can be found in Appendix B.
- 4.3.2. Appendix B provides a unique reference number for each site, that remains consistent throughout the Local Plan and the evidence base (where relevant) to facilitate cross referencing. Information is also provided on the site area, proposed use, ward and the potential yield (for residential sites only). ‘To be confirmed’ (TBC) is inserted for those sites promoted for employment or mixed uses, because further information and evidence is needed before a reasonable assessment can be made of their potential. The methodology for calculating the potential optimised yield for residential is set out in the Urban Capacity Study.
- 4.3.3. **No decision has yet been taken on which of these sites should be taken forward and assessed further as an allocation for development.** All of the sites listed in Appendix B have been subject to the Sustainability Appraisal, with each site assessed against the Sustainability Appraisal Objectives. The results of these assessments are set out in Chapter 5/Appendix D of the Interim Sustainability Appraisal Report (2022). These results, along with other pieces of evidence and the responses to consultation, will inform decisions on allocations. We welcome your views on these sites, in particular your responses to the following questions.

Q.7. Do you agree with the findings of the strategic policy options assessments in Chapter 4 of the Interim Sustainability Appraisal Report? Yes/No Please specify the option and explain.

Q.8. Do you agree with the findings of the individual site assessments in Appendix D of the Interim Sustainability Appraisal Report? Yes/No Please explain and quote the individual site reference number

If you have a site that was not submitted during the Call-for-Sites exercise that you would like the council to assess for development potential, please provide details online using the PlaceMaker software.

5. Strategic Matters

5.1. What are the strategic matters that the Plan needs to address?

5.1.1. The Local Plan needs to identify the strategic planning matters that need to be addressed across the period up to 2040. As well as identifying these matters, we need to understand what the priorities are for Tonbridge & Malling. This will inform the preparation of the relevant policies in the Plan.

5.1.2. We have identified the following list of strategic matters that we think are relevant to Tonbridge and Malling and need to be addressed in the Local Plan. Let us know if you think this is the right set of strategic matters that the Plan needs to address.

- Housing
- Economic development
- Transport
- Tonbridge (as the borough’s principal town centre)
- Retail
- Community facilities and infrastructure
- Natural environment
- Built and historic environment
- Green Belt
- Climate change

Q.9. Do you agree with this set of strategic matters? Yes/No. Please explain

5.2. What are the priorities for Tonbridge & Malling?

- 5.2.1. We would like to understand which of these strategic matters, in your view, are priorities for the Local Plan, moving forward.
- 5.2.2. In question 10, please select the three strategic matters which mean the most to you in terms of what the priorities should be for the Local Plan. You do not need to order this in terms of importance.

Q.10. Which strategic matters should be priorities in the Local Plan?

Strategic Matters	Select (3 in total)
Housing	
Economic development	
Transport	
Tonbridge (as the borough’s principal town centre)	
Retail	
Community facilities and infrastructure	
Natural environment	
Built and historic environment	
Green Belt	
Climate change	
Other – please state and include in ranking	

Q.11. What are your reasons for selecting these particular strategic matters as priorities for the Local Plan (outline briefly)?

5.3. Housing – what are the issues?

National – boosting housing supply

- 5.3.1. One of the Government’s key objectives for planning is to significantly boost the supply of homes. This includes not just market housing but also housing to meet the needs of different groups in society.
- 5.3.2. To determine the minimum number of homes needed for each area the Government has set out that local plans should be informed by local housing needs assessment, using their own ‘standard method’ set out in national planning guidance. Based upon this standard method, the housing need for Tonbridge & Malling is 839 dwellings per annum (dpa) (2021). This translates to a gross need across the plan period of 15,941 dwellings.

National – standard method for assessing need

- 5.3.3. To help achieve this objective the Government has devised a standard method for calculating housing need. This is a formula based upon household projections that also takes account of affordability of homes at the local level. What this means for Tonbridge & Malling is set out below.

National – affordable housing

- 5.3.4. As well as addressing the overall need for housing, the Government expects the Local Plan to identify and address the need for affordable homes for those people who are unable to access open market housing. This includes the provision of First Homes¹⁴ (25% of affordable housing provision) for first time buyers that meet specific criteria, and a requirement for at least 10% of the total number of homes planned for to be available for affordable home ownership.

National – needs of different groups

- 5.3.5. Assessing and responding to the housing needs of different groups in the community, including the elderly, people with disabilities and Gypsies and Travellers are important issues that the Government expects the Local Plan to address.
- 5.3.6. The Government is also mindful of the desire of some individuals/small groups for self-build and custom housebuilding projects, and for smaller house builders to be involved in providing homes locally. This is best achieved by ensuring an adequate

¹⁴ [First Homes - GOV.UK \(www.gov.uk\)](https://www.gov.uk)

supply of small and medium sized sites, which can help with the supply of new homes in the short-medium term.

National – quality place-making

- 5.3.7. In terms of housing, the Government is not just concerned about the number of homes that are provided but the way they are delivered. Quality place-making is an important national objective as demonstrated by the National Model Design Code¹⁵ and the garden communities programme supported by the Government. The garden communities programme is focussed on supporting the development of new settlements, or large extensions to existing settlements, that provide a mix of homes, job opportunities, community facilities connected with safe walking, cycling and public transport routes with attractive, generous and accessible green space and public realm areas. As recognised by the Government in the NPPF, the supply of large numbers of new homes can often be best achieved through planning for larger scale development, such as a garden community.
- 5.3.8. It is envisaged that these garden communities are designed and delivered with the engagement and involvement of the existing local community, and future residents and businesses. The issue of design is addressed in a later section in this Plan.

National – Modern Methods of Construction (MMC)

- 5.3.9. The role of Modern Methods of Construction (MMC) in delivering affordable and sustainable new homes is increasing and receiving support from the Government. Due to the factory-based nature of MMC, homes can be assembled on-site more efficiently with fewer delays and disruption caused by weather, transportation and labour and material supply. These efficiencies can translate to a more affordable product. It can also be designed and constructed with factory quality control which means that waste can be reduced, higher levels of air tightness can be achieved and fewer transport loads to development sites are needed, i.e. homes built using MMC can be more sustainable than traditionally built homes. We welcome your views on the level of support for MMC in the Local Plan (see table 10).

Local – housing need (overall)

- 5.3.10. As highlighted above the housing need within the borough has been determined by the Government’s standard method. In determining the net need, we need to take account of existing commitments (as at 31 March 2021), i.e., sites that currently have planning permission that are expected to be built-out during the early years of

¹⁵ [National Model Design Code - GOV.UK \(www.gov.uk\)](https://www.gov.uk)

the plan period. This pipeline of sites needs to be discounted from the gross (overall) need. In addition, we need to discount completions that have taken place since the base date. The completion data relating to 2021/22 is in the process of being gathered and analysed and will feed into the Local Plan process as and when it is validated and published.

- 5.3.11. As well as commitments and completions, we also need to consider a windfall allowance. Windfall sites are sites that are not allocated in the Plan but come forward for development during the plan period. Given that the time horizon of the Plan is 2040, it is reasonable to expect a supply of homes from this source, certainly in the medium to long-term when it is challenging to predict future economic conditions and national policies. Taking account of a projected supply from this source, which is a sensible thing to do given the likelihood of these coming forward, would have the effect of reducing the need to allocate land in the Plan to address our assessed needs for new homes. The windfall allowance methodology is explained in more detail later in this chapter.
- 5.3.12. The gross need for housing is checked significantly by these sources of supply. Table 2 highlights that the net need (2021-2040) is 9,245 dwellings.

Table 2. Housing need (net) (as at 31 March 2021)

Need and Supply - Description	Need and Supply - Number
Housing need (gross) 2021-2040:	15,941 dwellings (839 dpa)
Extant planning permissions:	3,594 dwellings
Small sites windfall allowance:	1,050 dwellings (70 dpa from 2025/26)
Large sites windfall allowance	2,052 dwellings (114 dpa ¹⁶ between 2027/28 and 2034/25 and 228 dpa between 2035/36 and 2039/40)
Housing need (net) 2021-2040:	9,245 dwellings

Local – housing affordability

- 5.3.13. An important local factor to appreciate when considering how to address our assessed housing needs is affordability. This can be defined by comparing house

¹⁶ 50% discount of trend data

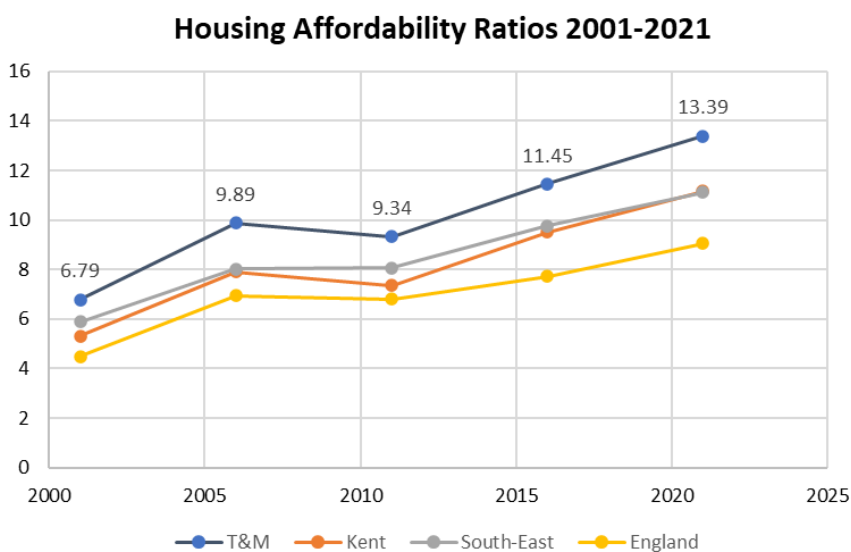
prices with household earnings. The gap, or ratio between the two, is the housing affordability. The larger the ratio, the worse the affordability is.

5.3.14. Table 3 sets out the housing affordability ratios produced by the Office for National Statistics (ONS). This is the ratio of median house price to median workplace-based earnings. The data for Tonbridge & Malling is set within the county (Kent), regional (South-East) and country (England) context. Figure 8 highlights trend data.

Table 3. Housing affordability ratio (median) 2021

Geography	Affordability Ratio
Tonbridge & Malling	13.39
Kent	11.16
South-East	11.12
England	9.05

Figure 8. Housing affordability ratios (median) (2001-2021)



5.3.15. It is evident that housing affordability is a significant issue that has worsened over time. In 2021, full-time employees could typically expect to spend over 13 times their workplace-based annual earnings on purchasing a home in Tonbridge and Malling. This compares to over 6 times their workplace-based annual earnings in 2001. This is an indicator that the supply of homes in the borough is not keeping pace with demand.

5.3.16. To put this into context, housing affordability in Tonbridge & Malling has, and continues to be, worse than the position at the county, region and national level. The gap has widened over the last twenty years. This worsening affordability will make it increasingly challenging for younger households to get their foot on the first step of the property ladder. This is a concern because an injection of first-time buyers is vital to allow existing homeowners to move up the property ladder to meet their changing needs. The Local Plan can make a difference by making adequate provision to address assessed needs.

Local - housing requirement

5.3.17. In determining the housing requirement for the Local Plan, the council has taken account of currently available local evidence and national policy. The council is mindful of the worsening housing affordability in the borough and what this means for households trying to access as well as move up the property ladder. In addition, the council recognises that boosting housing supply and addressing assessed needs are key objectives of national planning policy.

5.3.18. With these matters in mind, and notwithstanding the constraints within the borough, the council considers that the only reasonable approach to take is to meet the assessed need for housing in full, as directed by the NPPF¹⁷. This should be the minimum position because anything less would have the effect of worsening housing affordability and run the risk of not delivering key national planning policy objectives. Please also see paragraphs 4.2.13-16.

Q.12. With reference to your answers to questions 3 and 4, do you agree that the housing requirement for the Local Plan should involve meeting the identified housing needs in full, as a minimum? Yes/No Please explain

Local – housing need (different groups)

5.3.19. The council has commissioned evidence on housing need at the local level, looking at different groups and different products. This includes recommendations to be considered as part of the plan-making process, as set out below in table 8. In addition, the study includes recommendations on dwelling types (house/flat/bungalow/level access) and sizes (1/2/3 or more bedrooms) across the borough which need to be reflected in planning policies, as made clear in the

¹⁷ See NPPF paragraph 11 (b)

NPPF¹⁸. Part of this process will involve an assessment of the impact of these recommendations on the viability, and therefore deliverability of development.

Table 4. Housing Need Study (2022) Recommendations

Category of Need	Recommended Need
Affordable housing need	283 dpa across the plan period
Affordable housing tenure split	63% rented, 37% affordable home ownership inc. First Homes
Accommodation for older people	38 older persons C3 units per annum across the plan period. 13 C2 bed spaces per annum,
Wheelchair accessible homes	3.6% of new dwellings to be M4(3) wheelchair accessible, all affordable and 20% of market dwellings to be M4(2)
First Homes	40% discount

Local – Travellers and Travelling Showpeople needs

- 5.3.20. As well as market and affordable housing, the Local Plan needs to make provision to address the needs of Gypsies, Travellers and Travelling Showpeople. An assessment of the needs of Gypsies, Travellers and Travelling Showpeople has been prepared. This has responded to the Government’s expectations as set out in the Planning Policy for Traveller Sites¹⁹ (PPTS) (2015) and local evidence. The key findings are set out in table 5 below.
- 5.3.21. There are well-established Gypsy and Traveller communities living in Tonbridge and Malling Borough. There are 73 Gypsy and Traveller pitches across 20 sites, there are two council sites (40 pitches), seven private authorised sites (12 pitches), one private temporary authorised site (2 pitches) and ten unauthorised sites (19 pitches). There are two Travelling Showperson’s yards in the borough (4 plots).
- 5.3.22. Government policy requires authorities to meet the needs of all Gypsies and Travellers. The PPTS is used to plan for the accommodation needs of those Gypsies and Travellers who continue to lead a nomadic habit of life, even if they are

¹⁸ [National Planning Policy Framework - 5. Delivering a sufficient supply of homes - Guidance - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/national-planning-policy-framework-5-delivering-a-sufficient-supply-of-homes-guidance)

¹⁹ <https://www.gov.uk/government/publications/planning-policy-for-traveller-sites>

temporarily not travelling. The NPPF is used to plan for the accommodation needs of those Gypsies and Travellers that no longer lead a nomadic habit of life.

Table 5. Gypsy and Traveller pitch need: 2021/22 to 2039/40

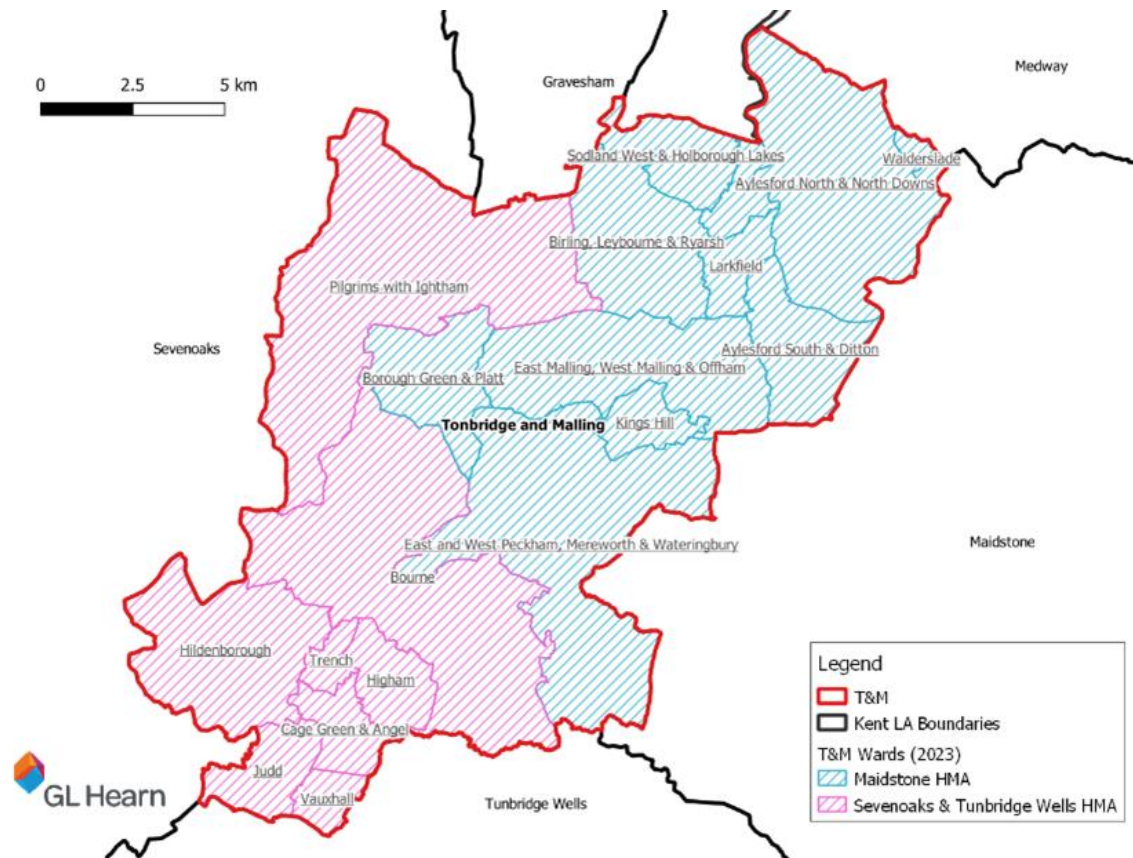
Gypsy and Traveller pitch need: 2021/22 to 2039/40		
Tonbridge and Malling Borough	Cultural need	of which: PPTS NEED
Short-term need TOTAL - 2021/22 to 2026/27	20	13
Longer-term need - 2027/28 to 2031/32	7	4
Longer-term need - 2032/33 to 2036/37	12	7
Longer-term need - 2037/38 to 2039/40	2	1
Longer-term need TOTAL	21	12
TOTAL NET SHORTFALL 2021/22 to 2039/40	41	25
Annualised need	2.1	1.3

Local – Housing Market Areas (HMAs)

5.3.23. As well as identifying need, it is important to understand the Housing Market Areas (HMAs) that exert an influence across the borough. An HMA is a geographical area defined by household demand and preferences for all types of housing, reflecting the key functional linkages between places where people live and work. It represents an area where there is a high degree of containment in terms of the movement of people for work, services and homes.

5.3.24. The Housing Market Delivery Study (July 2022) has confirmed our existing understanding of the dominant HMAs that exert an influence across Tonbridge & Malling. Principally, there are two HMAs: the Maidstone HMA (across the north-eastern and eastern parts of the borough); and the Sevenoaks/Tonbridge/Tunbridge Wells HMA, aka the West Kent HMA, (across the north-western, south-western and south-eastern parts of the borough). This split is highlighted by figure 9 below.

Figure 9. HMAs across the borough



Extract from Housing Market Delivery Study prepared by GL Hearn

5.3.25. This understanding of the HMAs is important when considering how best to distribute housing across the borough in order to achieve sustainable development.

Local – Wider housing needs

5.3.26. We need to be mindful that the HMAs span more than one local authority area. It is important that we understand how assessed housing needs in neighbouring authorities are being addressed through their respective plan-making processes and what this might mean for our Local Plan. Given the influences of the two HMAs across our borough, it is important that we continue to engage, in an active and on-going basis, with our neighbouring authorities so that we can understand this issue better and how it can be tackled in a reasonable, consistent, and sustainable way that meets the expectations of national policy. A range of factors will need to be considered and understood as part of this process including the coverage of high-level constraints such as the Green Belt and Areas of Outstanding Natural Beauty, as well as local evidence on matters such as transport and the capacity of local infrastructure.

Local – supply opportunities (Call for Sites and Urban Capacity Study)

- 5.3.27. The earlier part of this section has highlighted the various housing needs that have been assessed and identified. It is the role of the Local Plan to address these assessed needs.
- 5.3.28. The council conducted a Call-for-Sites exercise between December 2021 and February 2022. We received a positive response with 291 sites being submitted for assessment. These sites are listed in Appendix B to this Plan. They have been subject to the Sustainability Appraisal (SA) process. The outcomes of these assessments are documented in the Interim SA Report, which has been published alongside this Plan – please see section 3.3 in this Plan for more details on how you can review and comment on these assessments. Section 3.3 also highlights that the Call-for-Sites exercise is open for the duration of the consultation on this Regulation 18 Plan, to allow for the submission of sites for assessment which were not made during the initial exercise. The assessment of these sites will feed into the Strategic Land Availability Assessment (SLAA) which will be published after the Regulation 18 Plan consultation has concluded. This will allow the SLAA to take account of responses and comments made on the sites and the SA process.
- 5.3.29. It is important to bear in mind that the Call-for-Sites exercise is evidence that will be used to inform plan-making but does not in itself determine whether a site should be allocated for development. Allocation of land for development will depend upon the extent of policy and practical constraints identified in the assessment and the choices ultimately made by the council following public consultation on the strategy options available. The assessment provides information on the range of sites which are available to meet need, but it is for the Local Plan itself to determine which of those sites are the most suitable to meet those needs.
- 5.3.30. The council will consider the range of opportunities identified through the Call-for-Sites exercise and how these can respond to the expectations of national policy.
- 5.3.31. In addition to appraising sites promoted to the council, we have also assessed the potential for residential development in the urban areas and the larger rural settlements as part of the **Urban Capacity Study (UCS)**. This is focussed on a range of potential sources including previously-developed vacant and derelict land and buildings, car parks and vacant land not previously-developed. It also includes a handful of sites (nine in total) from the Call-for-Sites exercise that met the relevant criteria. The prevailing density of surrounding areas has been used to guide the

calculation of the optimised density of development that could be achieved. It is important to appreciate that the UCS is focussed on identifying potential for residential development. Further work needs to be undertaken to determine availability. It is the Local Plan process, and not the UCS, that will determine whether a site should be allocated, having regard to other evidence and responses to consultation.

- 5.3.32. The UCS concluded that the urban areas and the rural service centres have the potential to deliver over 1,900 homes, if densities are optimised within the prevailing character of the local area. This relatively small amount is not a surprise given that the council has pursued for many years a strategy of making the best use of previously-developed (brownfield) land within existing areas to meet housing and other development needs, as highlighted by the high density developments at Medway Wharf Road, Cannons Wharf and Sovereign House in central Tonbridge. This potential represents 21% of the net need for housing, which leaves a shortfall of 7,299 units.
- 5.3.33. Given that the net need for housing is in excess of 9,000 units, it is evident that consideration of sites beyond the confines of the urban areas and larger rural service centres needs to be considered if we are to meet our assessed needs in full. The potential spatial strategy options are detailed in section 4 of this plan and are assessed as part of the Sustainability Appraisal process. The list of sites identified through the Call-for-Sites exercise and in the UCS, as well as those housing allocations from the withdrawn Plan which were not submitted during the Call-for-Sites exercise and do not have planning permission, are set out in Appendix B to this Plan. The site ID allows the reader to cross-refer to the Sustainability Appraisal (SA) where the assessments against the SA objectives can be reviewed (see Appendix D in the Interim SA Report).

Local – diversity of supply

- 5.3.34. One of the key soundness tests for the Local Plan is whether it is ‘effective’, i.e. deliverable over the plan period. The council is mindful that one way of building resilience into the supply of new homes across the whole of the plan period is through diversity. This can be diversity in terms of the size of sites, tenure of homes and the types and sizes of homes provided. This is recognised in national policy and in the Housing Market Delivery Study.
- 5.3.35. When considering diversity, we need to be mindful of evidence on housing affordability, as outlined above. This indicates that it is becoming increasingly

challenging for households to access open market housing and move up the property ladder. As a consequence, more and more households are turning to the private rented sector as the only realistic option for finding a home for themselves. In this respect, products such as Build to Rent may have a role to play, certainly for those local households whose prospects of becoming homeowners in the near future are slim. In addition, we need to recognise that some households are turning to self-build and custom housebuilding projects as a way of providing an affordable home that meets their requirements. The Housing Needs Study provides evidence on the need for a mix of house types, being informed by local evidence including engagement with members of local communities.

Q.13. Do you agree that the Local Plan should allocate a mix of sites (small, medium, and large) to help maintain supply throughout the plan period? Yes/No Please explain.

Q.14. Do you agree that the Local Plan should require a specified mix of dwelling types (eg flatted, terraced, semi-detached, detached) on large development sites to meet the range of households' needs? Yes/No Please explain

Q.15. Do you agree that the Local Plan should require a proportion of plots on large developments to be made available for self-build and custom house building? Yes/No Please explain

Q.16. Do you agree that the Local Plan should require a proportion of homes on large development sites to be Build-to-Rent products? Yes/No Please explain

Local – windfall allowance: methodology

- 5.3.36. The council has published a [windfall allowance methodology paper](#) that explains the process for determining a reasonable and realistic allowance that has been informed by compelling local evidence. Given local trend data, the long time horizon of the Local Plan and the recent changes to permitted development rights allowing commercial buildings to convert into homes without planning permission, subject to the prior approval process, it is reasonable to include a windfall allowance form small sites (a yield of fewer than five units) and large sites (a yield of five units or more).
- 5.3.37. Table 2 (above) highlights the outputs from the application of the windfall allowance methodology. This has been informed by a long trend data period which indicates that supply from windfall sites shows no signs of diminishing. Discounting of trend data by 50% in the windfall allowance for large sites has been applied for

the middle period of the Plan because there is a greater degree of certainty about the supply from larger sites during this time as a result of the Call-for-Sites exercise and Urban Capacity Study which will feed into the allocation of sites process. The council's methodology has also been informed by recent practice that has been examined and found sound.

Q.17. Do you agree with the windfall allowance methodology? Yes/No Please explain

Local – housing: supporting infrastructure

- 5.3.38. Delivering homes needs to be done in a way that can achieve quality, well connected places where people are happy and proud to live. For places to function properly, it is critical that new homes are served by supporting infrastructure such as schools, health care centres, open spaces, and opportunities for active travel such as walking and cycling. This is important for the health and well-being of the new residents. We understand the importance of not just the amount of supporting infrastructure but also when it is delivered to meet the needs of the new communities. Through the making of this Plan, the council will endeavour to engage and work closely with the various providers of infrastructure to ensure that the sites that come forward are planned for in a sustainable way.

Local – housing: other issues

- 5.3.39. We would like to understand if there are other pressing housing issues that the Local Plan needs to consider and address. We are mindful of how the recent COVID-19 pandemic brought about transformational change to our working habits, with many people now working from home. Interest has grown in making homes more fit for work purposes which raises the question of whether a positive response needs to be examined as part of the plan-making process.

Risks – not positively addressing housing needs

- 5.3.40. A significant consequence of not positively addressing our assessed needs is that housing affordability worsens. This would make it very challenging for younger households (first-time buyers) to get their foot on the property ladder or to find cost effective rental options locally. This lack of injection of first-time buyers will make it difficult for existing home-owners to move up the property ladder to meet their changing needs. In addition, a constrained supply of new homes would put upward pressure on private rental values, making it very challenging for younger households to save a deposit for their own home.

5.3.41. Furthermore, supporting the growth of local communities with new homeowners is important to the long-term future of local facilities and services. Schools, shops and pubs can only be sustained if enough people are using or need them. If communities are not allowed to grow, not only would this put at risk these much-valued facilities but also push many people with local ties to look elsewhere to live.

Housing – what matters to you

5.3.42. This section has highlighted the broad range of issues relating to housing need, requirement, and supply. Question 18 (below) sets out specific matters relating to these broad issues.

5.3.43. We appreciate that not all matters are equally important to everyone. We would like to understand what matters most to you, in terms of the focus of this Local Plan.

5.3.44. In question 18, can you please select five matters that are most important to you. We do not expect you to rank these in order of importance. This does not mean that the remaining issues are not relevant; however, the Local Plan will need to set some priorities and give guidance on where the focus should be, bearing in mind the issue of viability and the cumulative impact of requirements on the delivery of development.

Q.18. Which housing matters are most important to you?

Housing Matter (alphabetical order)	Select (5 in total)
Accessible housing (eg for wheelchair users)	
Affordable housing – to buy	
Affordable housing – to rent	
Build to Rent	
Density of housing development	
Distribution of housing across the borough (taking account of where the needs are generated)	
First-time buyers’ housing	
Garden communities	
Gypsy and Traveller accommodation	

Housing Matter (alphabetical order)	Select (5 in total)
Home-working opportunities	
Infrastructure (schools, roads, healthcare, open space etc) supporting new homes delivered in a timely fashion	
Modern Methods of Construction (MMC)	
Self-build and custom housebuilding	
Size of housing (1-bedroom, 2-bedrooms, 3+ bedrooms)	
Size of housing sites	
Specialist housing for people with particular care needs	
Tenure of housing (market purchase/private rent/affordable rent)	
Travelling Showpeople accommodation	
Type of housing (flat/house)	
Other – please state and include	

Q.19. What are your reasons for selecting these particular housing matters as priorities for the Local Plan (outline briefly)?

5.4. Economic development – what are the issues?

National

5.4.1. In terms of building a strong and competitive economy, the NPPF states that:

Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development”. (paragraph 81)

5.4.2. Planning policies are therefore required to:

- set out a clear economic vision and strategy which positively and proactively encourages sustainable economic growth
- set criteria, or identify strategic sites, for local and inward investment to match the strategy and to meet anticipated needs over the plan period
- seek to address potential barriers to investment, such as inadequate infrastructure

- be flexible enough to accommodate needs not anticipated in the plan, allow for new and flexible working practices, and to enable a rapid response to changes in economic circumstances.
- 5.4.3. Planning policies and decisions should recognise and address the specific locational requirements of different sectors that are present and growing locally, including for example storage and distribution operations which have seen significant growth in the borough recently.
- 5.4.4. Supporting the rural economy is also important. The NPPF requires that planning policies enable:
- the sustainable growth and expansion of all types of business in rural areas
 - the development and diversification of agricultural and other land-based rural businesses
 - sustainable rural tourism and leisure developments, and
 - the retention and development of accessible local services and community facilities, such as shops, meet, sport and cultural buildings.

Local

- 5.4.5. Tonbridge and Malling borough remains part of the West Kent functional economic market area, which comprises the boroughs of Tunbridge Wells and Tonbridge & Malling and Sevenoaks District (Economic Development Needs Study (EDNS) 2022, para 6.3). West Kent plays a vital role in sustaining the Kent economy as a whole.
- 5.4.6. Future growth in the West Kent economy is constrained by high land values and a shortage of available development land, full employment and a lack of available skilled staff, insufficient investment in infrastructure, congestion on local transport networks and in some areas limited broadband and mobile connectivity. *“Whilst the West Kent economy is one of the best performing sub-regions of Kent, it underperforms compared to many other areas adjacent to the M25”* (West Kent Economic Priorities for Growth p6).
- 5.4.7. The West Kent economy both benefits and suffers from its proximity to London. A large number of residents commute to London taking high level skills away from the local economy. However, local businesses benefit from the additional spending power and operating costs are lower than in central London. House prices are amongst the highest in Kent too, reflecting easy access to London, but many younger and lower wage local employees are priced out of the market.

- 5.4.8. Tonbridge & Malling borough “has recorded good levels of job growth over the last 10 years (+10.2%), which is above the regional and national comparable of 9.2% and 9.5%, respectively. These trends are also reflected in job growth recorded for employment uses with an absolute increase of 4,500 jobs (+12%) in office, industrial and distribution sectors over the last 10 years. The largest employment sector in Tonbridge and Malling in 2021 is wholesale and transport” (EDNS 2022 para 6.3).
- 5.4.9. The local business base is dominated by Small and Medium Enterprises (SMEs) which are distributed across the borough but are concentrated in Tonbridge, Kings Hill and Aylesford. In recent years Tonbridge & Malling borough has been impacted by the economic shocks of Brexit, the COVID-19 pandemic and instability arising from the war in Ukraine. The Covid-19 pandemic in particular had a significant impact upon the local economy, with 12% of local working residents being furloughed through the Coronavirus Job Retention Scheme (JRS Q3 2021). *“The latest claimant figures (May 2022) show that there are still more claimants in the Borough compared to pre-pandemic, but compared to Kent and the South East, the Borough has shown a faster recovery.”* (EDNS 2022 para 6.3). This is encouraging; however the economic outlook remains uncertain with concern about inflation during 2022/23 and the impact this will have upon business costs.
- 5.4.10. The council recognises its key role in helping the local economy to recover, both in terms of setting a strategic framework for its approach as well as through the various initiatives it undertakes in order to contribute towards the creation of a better economy. The council has published an Economic Recovery Strategy²⁰ to assist with this. This identifies the importance of housing and commercial development as well as infrastructure investment to support economic resilience and growth. The council is mindful that the COVID-19 pandemic resulted in transformational change to the working habits of many people, most notably working from home remote from places of work. We need to consider how the Local Plan can respond positively to this change, which has become the norm for many workers, and what this means for planning for housing and transport as well as economic development.
- 5.4.11. Notwithstanding recent economic shocks, economic productivity in Tonbridge and Malling borough has increased over recent years, most notably in the wholesale and logistics sectors, this has offset declining productivity in manufacturing. This

²⁰ <https://www.tmbc.gov.uk/business/read-economic-recovery-strategy>

sector remains a growth opportunity as the economy continues to recover and moves beyond the pandemic. In addition, *“the pandemic has triggered an increase in home-working and there is currently an evolving structural change in business operations with emphasis on those sectors relating to office space”* (EDNS 2022 para 6.3). These ongoing structural changes present both challenges and opportunities for Tonbridge & Malling in terms of provision of sufficient and suitable employment land and premises.

- 5.4.12. Tonbridge and Malling has one of the largest stocks of employment space across Kent, however, this has been reduced significantly over the last few years. *“Over the last five years there has been a decrease of its industrial stock by 6.5%, while the longer-term equivalent is -9.5% according to the Valuation Office Agency (VOA)”*. *“The Council’s monitoring data indicates losses of office space since 2011/12; however, there were mixed B and B1 schemes delivered that partly balance the losses”* (EDNS 2022 para 6.3). Prior approvals from office to residential have contributed to this. Most of the losses, however, relate to industrial stock which has seen a decrease of 20% since 2010/11. Some key industrial redevelopments have been constructed to replace this, including ARC Logistics and Panattoni Parks.
- 5.4.13. Tonbridge and Malling has a strong land based and rural economy with very well established and diversifying agricultural businesses that produce, meat, fruit, grain and salad crops. The borough is home to both the National Institute of Agricultural Botany (NIAB) East Malling Research Station, the UK’s largest horticultural research and development organisation, as well as Hadlow College which specialises in land-based education. Recent growth has been seen amongst viticulture businesses which are producing sparkling wine and gin in addition to beer and cider.
- 5.4.14. Attracting and retaining staff to support our land based and agricultural businesses is vital. In a borough where the cost of living is relatively high the availability of linked agricultural dwellings and other affordable housing, is essential for those working in the sector. The provision of new built facilities to support business diversification remains important to ensure that the sector is competitive.
- 5.4.15. There is currently strong demand for new industrial and warehouse premises in the borough, reflecting the structural change in consumer spending on-line in recent years, and the strategic position of the north-east of the borough especially to the M2 and M20 motorways, which provide access to the channel ports. Kings Hill

remains a prominent high quality business park with a range of A grade office accommodation available.

- 5.4.16. In recent years employment land and premises have been lost, predominantly due to the conversion of offices to residential development in Tonbridge town centre, as well as the loss of industrial floorspace and designated employment land at Kings Hill to residential and other uses. The council is also mindful of recent regulatory changes resulting in certain uses such as shops, offices, restaurants and gyms being grouped together for planning purposes (known as Use Class E), with permitted development rights now in place allowing these uses to change to dwellings, subject to a prior approval process. These changes are covered by regulations that the Local Plan has no control or influence over. We need to consider what these changes might mean for some existing employment premises and the opportunities they present for achieving positive outcomes for the benefit of residents and the local economy.
- 5.4.17. The council has commissioned a new Economic Development Needs Study which has identified a range of future employment land scenarios over the plan period 2021-2040. The labour demand scenario appears to provide the most balanced view of future requirements, indicating *“a need for 296,260 sq.m (69.8ha) across the Plan period”* (EDNS 2022 para 6.4). This work is to be refined to support the Regulation 19 Local Plan, as the council considers the range of potential site opportunities that are available to meet future growth.

Risks – not positively addressing employment needs

- 5.4.18. The lack of available and affordable premises is a reason that businesses either don't expand and invest locally or relocate to areas outside of Tonbridge & Malling and more widely West Kent. A sufficient supply of employment land and premises is therefore required to support business and jobs growth, support rural diversification, balance housing growth and limit unsustainable patterns of out-commuting.

Key economic development issues which the Local Plan can help to address

- High land values and a shortage of employment land and premises for established and growing businesses as well as those looking to locate in the borough.
- Lack of investment in strategic infrastructure and congestion on local transport networks.

- Supporting land based and agricultural diversification.

**Q.20. Do you agree with the key economic development issues identified above?
Yes/No Please explain**

5.5. Transport – what are the issues?

National

- 5.5.1. Transport issues should be considered from the earliest stages of plan-making and development proposals, so that:
- the potential impacts of development on transport networks can be addressed
 - opportunities from existing or proposed transport infrastructure, and changing transport technology and usage, are realised
 - opportunities to promote walking, cycling and public transport use are identified and pursued
 - the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account, and
 - patterns of movement, streets, parking and other transport considerations are integral to the design of schemes, and contribute to making high quality places. (NPPF, paragraph 104)
- 5.5.2. The planning system is required to actively manage patterns of growth in support of these objectives. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, improve air quality and public health. Opportunities to maximise sustainable transport solutions will vary between urban and rural areas.
- 5.5.3. In accordance with the NPPF, planning policies prepared by the council should:
- support an appropriate mix of uses, to minimise the number and length of journeys needed for employment, shopping, leisure, education, and other activities
 - be prepared with the active involvement of Kent County Council and other transport infrastructure providers and operators, so that strategies

and investment for supporting sustainable transport and development are aligned

- identify and protect, where there is robust evidence, sites and routes which could be critical in developing infrastructure to widen transport choice and realise opportunities for large scale development
- provide for attractive and well-designed walking and cycling networks with supporting facilities such as secure cycle parking (drawing on Local Cycling and Walking Infrastructure Plans - LCWIP)
- provide for any large-scale transport facilities that need to be located in the area, and the infrastructure and wider development required to support their operation, expansion and contribution to the wider economy.

5.5.4. Where setting local parking standards for residential and non-residential development, policies should take into account:

- the accessibility of the development
- the type, mix and use of development
- the availability of and opportunities for public transport
- local car ownership levels; and
- the need to ensure an adequate provision of spaces for charging plug-in and other ultra-low emission vehicles. (NPPF, paragraph 107)

5.5.5. Maximum parking standards for residential and non-residential development should only be set where there is a clear and compelling justification that they are necessary for managing the local road network, or for optimising the density of development in locations that are well served by public transport.

5.5.6. The NPPF also requires that planning policies should recognise the importance of providing adequate overnight lorry parking facilities, taking into account any local shortages, to reduce the risk of parking in locations that lack proper facilities or could cause a nuisance.

Local

5.5.7. Tonbridge and Malling borough faces significant transport challenges, particularly in terms of managing congestion on local roads, supporting future growth, as well as needing to respond to the impacts of air quality and climate change. The council

has declared six air quality management areas due to nitrogen dioxide emissions. Both KCC and TMBC have declared a climate emergency and have set ambitions to reduce carbon emissions in the coming years.

- 5.5.8. KCC is the Local Highway Authority for Kent and is responsible for the management and maintenance of all adopted roads in the County, other than motorways which are the responsibility of National Highways (formerly Highways England). KCC is the Local Transport Authority for Kent and therefore has responsibility for procuring some public and school bus services. KCC also has a role in maintaining cycle routes, promoting cycling and maintaining public rights of way.
- 5.5.9. KCC is in the process of preparing a new Local Transport Plan (LTP) for Kent. It is expected that this will have a greater focus upon improving sustainable travel modes, including infrastructure for walking and cycling, in line with government policy.
- 5.5.10. TMBC is the Local Planning Authority, it also has delegated responsibility for Civil Parking Enforcement under the Traffic Management Act 2004. The council also undertakes the licensing of taxis and private hire vehicles, the provision of some bus shelters as well as the monitoring and improvement of air quality.
- 5.5.11. Approximately 25 per cent of bus services in Tonbridge and Malling are operated on a commercial basis and do not require local authority support. The remainder are either wholly or partly subsidised, to provide ‘socially necessary’ services, particularly in rural areas. Bus patronage has not recovered to pre-pandemic levels and there is concern at this time regarding the ongoing viability of many bus services, which could be lost if patronage does not improve, or if government funding is reduced or withdrawn. This is concerning given the reliance on bus services in supporting access to existing and new developments. Such services are not always financially sustainable in the long term.
- 5.5.12. Rail services in the borough are operated by Southeastern which is now wholly owned by the Department for Transport (DfT). Tonbridge is a significant transport interchange, with good rail connections to surrounding towns including Tunbridge Wells. The fast and frequent rail services to London attract a lot of rail commuters from outside the town and can overcrowd trains.
- 5.5.13. Rail services have an important role to play in supporting growth and sustainable travel in the future. The LTP identifies the potential to enhance Medway Valley rail services to improve connectivity between Tonbridge and the Medway Towns,

which will be of benefit to growing communities in the north of the borough. Both KCC and TMBC work closely with the train operating companies to secure station and rail service improvements and will continue to do so in the future, to support growth and to improve access especially for walking and cycling.

- 5.5.14. A new Active Travel Strategy (LCWIP) is being prepared to support existing and new communities. This will identify cycling and walking infrastructure priorities to support existing and new communities. This is essential to help tackle congestion, respond to climate change and to provide local people with transport mode choice.
- 5.5.15. Tonbridge has a lot of through traffic and as with other parts of the borough currently has poor connectivity for cyclists which will be improved through the implementation of the Active Travel Strategy. Tonbridge could benefit from an equivalent of Public Transport Accessibility Levels (PTALs) which are used within Greater London. These are a measure of public transport accessibility and could help to identify opportunities for network improvements.
- 5.5.16. In the north of the borough capacity issues on the road network are closely tied to growth and travel demand arising from Maidstone. Congestion occurs on the A20, A26 (particularly at Watlingbury) and the A228 and A229 corridors. If approved the delivery of the Lower Thames Crossing project will consume capacity on key routes linking the M20 and M2, requiring mitigation including junction improvements which are not currently funded. The presence of strategic roads in the borough does bring pressure for additional lorry parking. Currently lay-bys and wide slip lanes are used by hauliers, which is not always appropriate.
- 5.5.17. Both KCC and TMBC continue to work in partnership to identify local infrastructure requirements to support growth and to secure funding for these, which primarily comes from new development. A strategic transport model (known as VISUM) has been developed for Kent and will be used to identify existing baseline information and the potential impacts of growth options upon the local road network, in particular local junctions. The outputs from the modelling will assist in identifying road improvements including junctions, that will be required to support future growth identified in the Local Plan and accompanying Infrastructure Delivery Plan. A micro simulation model (known as VISSIM) has been developed for south and central Tonbridge, to more specifically look at junction capacity, to identify the impacts of growth and improvements that are needed.
- 5.5.18. Whilst the spatial strategy for future growth and development in the borough has yet to be confirmed, focusing development within and adjacent to the main urban

areas in the borough will help to reduce the need to travel and desire for multiple car households. The extent, design and enforcement of parking in new developments remains a contentious matter, especially in urban areas. Parking guidance is provided by the highway authority, where there are specific local circumstances there is potential to set parking policy at a local level in the Local Plan.

- 5.5.19. High quality place making remains key to the design of new developments, which will need to prioritise walking and cycling for local journeys and ensure that resident and visitor parking is adequate and well designed. Not only will this support sustainable living but benefit the health and well-being of residents.
- 5.5.20. It is recognised that there is no single solution to resolving complex transport challenges. With fuel prices increasing there is growing pressure upon residents and businesses to reconsider their travel and transport choices, indeed the extent to which they travel. It is recognised that it is not always possible to change travel behaviour without adequate infrastructure, in for example electric vehicle charging points and cycle routes. The achievement of genuine mode choice and better accessibility into urban areas by non-car modes is central to resolving these challenges.

Baseline transport modelling

- 5.5.21. To help our understanding of existing and future conditions on the highway network, the council commissioned baseline transport modelling work. The purpose of this work is to understand the current situation and identify potential transport challenges and opportunities that could help inform the plan-making process. This has been undertaken in conjunction with Kent County Council and utilises the Kent Transport Model. The initial modelling focussed on the existing baseline (as at 2019) and the future baseline of 2040, being the time horizon of the plan period. The future baseline modelled what would happen to the highway network without the Local Plan in place but with existing commitments (permissions) factored in.
- 5.5.22. The modelling identifies that the existing hotspot areas (2019-based), where there are concerns about junction performance and the capacity of the network, are located at these broad areas in the borough:
- A20 corridor in the Medway Gap urban area
 - A229, and M2, junction 3 in the Walderslade area

- M26 junction 2a with the A20 and A25, in the Addington and Wrotham area
- around Tonbridge Town Centre.

5.5.23. In terms of the future baseline (as at 2040) the same hotspots are identified, where significant increases in traffic is predicted. In addition, a hotspot area around Kings Hill is identified.

5.5.24. We need to be mindful of these outputs as plan-making progresses and how the spatial strategy can respond positively to the challenges presented. The next stage of the process will involve more detailed modelling, once further evidence has been gathered and feedback on the consultation on this Plan has been considered.

Risks - not providing sufficient supporting transport infrastructure and promoting opportunities for sustainable active travel

5.5.25. Not addressing known transport challenges could lead to a worsening of congestion and air quality, which has implications for local economic growth and quality of life including public health. A failure to shift towards sustainable transport modes also presents challenges for the design of new developments, where car use and inappropriate parking can dominate and lead to highway safety issues. Furthermore, not planning adequately for safe and attractive active travel opportunities, such as walking and cycling, will mean that opportunities to help benefit the health and well-being of residents will be lost.

5.5.26. Climate change ambitions could also not be achieved if low carbon transport options are not rapidly adopted in both existing and new communities.

Key transport issues which the Local Plan can help to address

- Bus - Provide funding to establish new bus services which can become commercially sustainable.
- Rail - Improve access to and facilities at local stations, especially for cycling, walking and disabled passengers.
- Cycling - Improve the availability of dedicated and segregated cycle routes across the borough.
- Walking – Improve the footpath network especially in rural locations where pavements may be inadequate and provide safe crossings.

- Roads - Provide additional road and junction capacity only where this is necessary.
- Parking – The provision of sufficient parking in residential developments and urban areas.

Q.21. Do you agree with the key transport issues identified above? Yes/No Please explain

Where should transport investment be prioritised locally?

- 5.5.27. We would like to understand where, in your view, transport investment should be prioritised, moving forward.
- 5.5.28. In question 22, please prioritise the transport issues by selecting three issues which matter the most to you.

Q.22. Which transport issues matter the most to you?

Transport issue (alphabetical order)	Select (3 in total)
Bus services – linking developments to services and places	
Cycle routes – safe links between homes and schools, other service, places and public transport	
Pedestrian infrastructure – safe links between homes and schools, other services, places and public transport	
Rail – improving station access and links with cycling and walking routes	
Roads including junction improvements	

Q.23. What are your reasons for selecting these particular transport issues as priorities for the Local Plan (outline briefly)?

Q.24. Would you support the implementation of cycling and walking schemes where a reduction in road space including on-street parking may be required in some instances, to provide a network of high-quality urban cycle routes?

5.6. Tonbridge – what are the issues?

National

- 5.6.1. NPPF sets out the government’s policy on planning for town centres. This includes making sure that the Local Plan recognises town centres as the heart of their communities and that it contains policies that support their vitality and viability, allocate a range of suitable sites to meet the scale and type of development needed in the town centre and set policies that make clear which uses will be permitted in such locations.
- 5.6.2. Further guidance is provided in National Planning Practice Guidance (NPPG). This sets out the need for the Local Plan to contain a “strategic vision” for the town centre and a town centre strategy that should identify the town centre’s role, address the key issues facing the town centre and identify sites for town centre uses.
- 5.6.3. The NPPF stipulates that for town centres, a Local Plan must identify primary shopping areas and a wider town centre area that identifies suitable development sites to accommodate the development of appropriate town centre uses (i.e. retail, leisure, commercial, office, tourism, cultural, community and residential). The Local Plan will need to set policies that make clear which uses will be permitted in such locations.

Local

- 5.6.4. Tonbridge is the principal town centre for the Borough and the primary focus for the development of town centre uses (retail, leisure, commercial, office, tourism, cultural and community). Venuescore (an annual survey compiled by Javelin Group, which ranks the UK's top 3,500+ retail venues), identifies Tonbridge as a regionally important town centre occupying a ‘middle’ market position classification - on a par with Maidstone, Crawley, Hastings and Ashford.
- 5.6.5. The town already benefits from outstanding assets that should be recognised and built on as the council and it’s partners including the Tonbridge Town Team, seek to support and promote new opportunities to support its regeneration and popularity.
- 5.6.6. These assets include:
- the quantity and quality of the natural environment in close proximity to the town centre, including the river as a leisure and tourist attraction

- green spaces such as the Racecourse Sports Ground and easy accessibility to the surrounding landscape and Haysden Country Park.
- heritage assets, including Tonbridge Castle.
- education facilities, including schools that often rank highly on national league tables and attract students and families as residents and commuters.
- leisure facilities which include Tonbridge Pool, the Angel Centre and Longmead Sports Ground which is home to the Tonbridge Angels football and cricket clubs.
- good public transport interchange facilities, providing rail connectivity to London and regional towns, and local bus services.

5.6.7. The town has challenges that include:

- physical barriers to connectivity and movement including the river and rail bridges.
- traffic on the high street and A26 Cannon Lane resulting in poor air and noise quality.
- the gradual loss of older office premises through the conversion of these premises, primarily to residential.
- the provision of sufficient affordable housing.
- improving access by non car modes including the delivery of high quality walking and cycling infrastructure.
- making better use of sites which are predominantly used for car parking and low rise buildings, adjacent to the station and at Sovereign Way, including the Sainsburys and Angel Centre site.

5.6.8. It is important to recognise the opportunities to change and enhance the town centre, and ensure that that the policy framework continues to support a strategic vision for the future and specific redevelopment and regeneration proposals.

5.6.9. There have been rapid changes to the retail environment in recent years. The council is considering undertaking further evidence base work including in relation to retail requirements to better understand the local impact and future needs. There may be some need for additional retail and leisure floorspace in the town centre, and understands the need to identify and allocate suitable sites in the Local

Plan within the town centre and on the edge of centre should such sites within the town centre not be available.

- 5.6.10. Due to a lack of available town centre sites, in recent years there has been an expansion of convenience and food retail through the change of use of existing edge of centre sites at Cannon Lane, including Marks & Spencer, Aldi and Iceland stores. Proposals to provide better pedestrian and cycle access to Cannon Lane via Town Lock will be included in the council's Active Travel Strategy.
- 5.6.11. In recent years, a number of major planning applications for developments outside of the town centre have come forward and been implemented. In line with the NPPF the Local Plan will seek to identify sites within the town centre and on the edge of the town centre for a mix of appropriate uses that complement and contribute to the vitality and viability of Tonbridge.
- 5.6.12. The increase in the residential town centre population creates need for additional community facilities and the council is seeking to address this with the relevant partners. Nationally, retail patterns have changed with online sales growth especially since the pandemic.
- 5.6.13. Tonbridge like other centres needs to continue to adapt and to provide a good visitor experience. e.g. ease of access by non-car modes, parking, ability to move around the town centre, a attractive environment, leisure opportunities and places to eat, drink and socialise.
- 5.6.14. The council owns and manages assets in Tonbridge town centre which include built facilities, parks and green spaces, as well as most of the surface level car parking. As a landowner the council is able to use these assets more effectively in collaboration with other landowners, including Great British Railways (formerly Network Rail) to maximise the development and regeneration potential of previously developed sites.
- 5.6.15. Given the development pressures upon the town and aspirations for sustainable options to be pursued, the Local Plan offers an opportunity to consider bespoke policies for the town centre area, or sub-areas within it, to provide a range of housing and mixed-use development opportunities. Complimentary parking and asset utilisation / optimisation studies could assist in defining available opportunities, this was a recommendation in the town centre asset review that a council commissioned (June 2022).

Risks

5.6.16. Not responding positively to the evolving role of the High Street and optimising potential for development in the wider urban area of Tonbridge puts at risk the future popularity of the town as a destination for retail as well as leisure and social activities.

Future development options

5.6.17. Moving forward, two broad options for the future development of Tonbridge have been appraised as part of the Sustainability Appraisal process (see Chapter 4 of the Interim Sustainability Appraisal Report). These are set out in question 25 (below).

5.6.18. These options set out different approaches to the density of development in the town and what the consequences are for the need for additional development land. We are mindful that making effective use of land in meeting the need for homes and jobs, including optimising the density of development within town centres and other locations well served by public transport, are key objectives of national planning policy²¹. To truly make effective use of land, it is likely that some existing uses of land will need to change or be reconfigured to facilitate development to address assessed needs. In the table, the term ‘optimise densities’ means making the best use of land, taking account of accessibility to local services and the prevailing density range of the local character area. This is explained in more detail in the Urban Capacity Study. In order to deliver appropriate densities it is important that making optimal use of the potential of each site fits in with the local character.

5.6.19. Please can you indicate your preferred option by placing an ‘X’ in the appropriate cell.

Q.25. What is your preferred strategy option for Tonbridge?

Strategy	Description	Consequence for the need for additional development land	Select preferred strategy
Option 1	Optimise densities on development sites within Tonbridge, particularly on those sites within the town centre, maximising their potential for residential and mixed-use development.	Minimise the need for the release of green field sites beyond the outer edge of Tonbridge, in the Green Belt, primarily for residential development.	

²¹ NPPF (July 2021), section 11. Making effective use of land and para. 141 b)

Strategy	Description	Consequence for the need for additional development land	Select preferred strategy
Option 2	Conservative densities on development sites within Tonbridge, minimising the intensification of existing built-up areas for residential and mixed-use development.	Increase the need for the release of green field sites at and beyond the outer edge of Tonbridge, in the Green Belt, primarily for residential development.	

Q.26. What are your reasons for selecting this particular strategy option for Tonbridge (outline briefly)?

Q.27. What should be the main role of Tonbridge Town Centre moving forward? Should the priority be for shopping or for leisure, social and cultural uses or a balance of these?

Q.28. Should the Local Plan include a more flexible policy framework for Tonbridge to allow the Town to respond to future market investment opportunities for a range of land uses and developments? Yes/No

Q.29. Do you have other thoughts about how planning policy should guide development in and around the town centre?

5.7. Retail – what are the issues?

National

- 5.7.1. The NPPF seeks to support the vitality of town centres and requires that “Planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation”²². This includes promoting their long-term vitality and viability by allowing them to grow and diversify, including through the provision of new housing and allocation of suitable retail sites.

Local

- 5.7.2. Tonbridge and Malling has some well-established town and retail centres, which include Tonbridge, the district centres of West Malling, Snodland, Borough Green and Martin Square/Larkfield, and then further down the retail hierarchy other local centres, out of centre retail facilities and individual local shops within other more rural settlements. Each of these centres serve different catchment areas, and

²² NPPF, section 7: Ensuring the vitality of town centres, para.86: <https://www.gov.uk/guidance/national-planning-policy-framework/7-ensuring-the-vitality-of-town-centres>

provide a mix of convenience and comparison goods retail, as set out in the table below.

Table 6. Town and retail centres/retail hierarchy

Centre	Location
Town Centre	Tonbridge
District Centres	Borough Green, Kings Hill, Martin Square/Larkfield, Snodland and West Malling
Tonbridge Urban Local Retail Centres	Martin Hardie Way York Parade
Medway Gap Urban Local Retail Centres	Twisden Road, East Malling Premier Parade, Aylesford Woodlands Parade, Ditton Little market Row, Leybourne
Rural Local Retail Centres	East Peckham Hadlow Hildenborough
New Local Retail Centres	Leybourne Grange Peters Village
Out-of-Centre Retail Facilities	Lunsford Park Quarry Wood, Aylesford Cannon Lane, Tonbridge
Individual Local Shops	Within existing rural service centres/settlements

- 5.7.3. The borough does not have any higher tier urban or edge of centre sites with a substantial sub-regional catchment, which are able to offer a broad range of comparison goods and department store retailers, such as neighbouring Tunbridge Wells, Maidstone and Bluewater. Therefore, residents in the borough tend to travel to these centres for higher order retail spending.
- 5.7.4. As with other sectors, national and local retailers have been impacted by the economic shocks of Brexit, the COVID-19 pandemic and instability arising from the war in Ukraine. The economic outlook remains uncertain with concern about inflation during 2022/23 and the impact this will have upon business costs and retail spending. Notwithstanding, at a borough level trading conditions are relatively positive and there is optimism that Tonbridge & Malling is well-placed to thrive going forwards.

- 5.7.5. Whilst our town and retail centres have been evolving for a number of years, the Covid-19 crisis has greatly accelerated these transformative changes. With an increased number of transactions online, our High Streets are no longer just ‘retail centres’, but will need to evolve into destinations where people go to get an ‘experience’, be it going to a park, having a coffee, visiting the gym or enjoying a meal out. Whilst some of this change is happening organically, it is important that the council continues to support change which makes these places attractive to support local communities and to visit.
- 5.7.6. The more limited representation of national multiple comparison goods stores in the borough has limited the local impact of restructuring from chain stores over the past decade. The shift to on-line spending has however been universally felt, especially for comparison goods. Food retail growth has been seen strongly in out of centre locations in recent years, in response to local housing and population growth.
- 5.7.7. Whilst the town and district centres at Tonbridge, West Malling, Snodland, Martin Square/Larkfield and Borough Green differ significantly in their spatial characteristics, local demographics, and catchment areas, they also present some similarities. Independent shops dominate across each of the centres, which is positive but can leave retail centres vulnerable to economic change as smaller, independent businesses do not usually have the financial reserves to withstand economic shocks. The presence of national supermarket chains is however growing in Larkfield and Kings Hill.
- 5.7.8. The town and district centres have a strong foundational offer, meeting many of the economic, social and civic needs of their local catchments; this has been extremely important to local social and economic well-being especially during the pandemic, where many were forced to live and work locally which has supported local retail spending. With now established mixed patterns of commuting and working from home the increase in local retail spending is likely to continue, thus supporting retail centres at all levels as consumers limit their travel and look for convenience. In the circumstances there is a generally low level of retail vacancy across the borough.
- 5.7.9. Regardless of the position in the retail hierarchy, permitted development rights rules introduced by government in recent years allow for greater flexibility between some commercial, business and service uses which fall within Class E of the use classes order, e.g. shops, hot food take-aways and betting shops, without

requiring planning permission. These changes also include the conversion of premises to residential development (up to 1,500 sqm) subject to prior approval i.e. planning permission is not required. The floorspace of most retail premises is below 1,500 sqm. These changes were introduced to primarily reuse vacant premises and boost housing supply across the country but will inevitably change the character of our high streets if they are utilised to any significant extent.

- 5.7.10. Many properties within Class E of the Use Classes Order will be able to change to residential without consideration of the impact on established retail areas, if the premises are outside of a conservation area whilst limited consideration is required if situated within a conservation area, listed buildings are exempt. The council, therefore, now has less planning control over future changes of use within existing premises.
- 5.7.11. In preparing the new Local Plan, Tonbridge and Malling Borough Council is considering commissioning of further evidence including retail needs assessment, this has yet to be completed.
- 5.7.12. The differences in the nature of the retail locations identified in the retail hierarchy means that the Local Plan needs to provide flexibility to support the challenges and opportunities faced by each of these. Alongside the business support activities of the council, the aim where possible is to support retail spending, business retention, growth and therefore resilience in the long-term, through the provision of appropriate Local Plan policies.
- 5.7.13. The council will continue to welcome investment in retail uses across its defined centres and other rural service centres and adopt a flexible approach in seeking to maintain and enhance the role of these locations. The council will encourage related developments and change of use applications, so long as these are appropriate in planning terms. This is the approach that the council has adopted in recent years, in granting planning consent for new development and change of use of district and edge of centre sites, for convenience retail uses at, Cannon Lane - Tonbridge, Hermitage Lane - Aylesford, Alexander Grove - Kings Hill (Aldi Stores) and at London Road - Ditton (Lidl).

Risks

- 5.7.14. Not responding to growth and changing retail requirements could lead to a decline in the attractiveness of the borough's retail centres. In particular a lack of appropriate convenience store provision especially for local residents and those

working in the borough, and therefore a loss of consumer spending to retail centres outside of the borough. This puts at risk the sustainability and growth of local retail businesses and related employment.

Key retail issues which the Local Plan can help to address:

- Positively support change which supports the role of the borough’s retail centres and rural service centres, making them attractive places to visit.
- Provide policy flexibility to support the challenges and opportunities faced by each retail centre and the rural service locations.
- Consider how land can be allocated for retail and mixed-use development to meet identified needs.

Q.30. Do you agree with the key retail issues identified above? Yes/No Please explain

Q.31. Is there anything more that the council could do to make the borough’s retail centres more attractive and successful? Yes/No Please explain

5.8. Community facilities and infrastructure – what are the issues?

National

5.8.1. The provision and delivery of community facilities and infrastructure is vital for the achievement of sustainable communities. It is important as part of our Local Plan that we understand the needs arising from new development so that we can effectively plan for them. In Tonbridge and Malling, the key priorities are ensuring that the right infrastructure is provided in the right place, in a timely manner to support thriving communities and places.

5.8.2. Infrastructure planning is concerned with identifying and planning for future requirements. Whilst there is no definition within the National Planning Policy Framework (NPPF, updated July 2021), the Planning Act 2008 Section 216 (2) defines infrastructure as:

- roads and other transport facilities,
- flood defences,
- schools and other educational facilities,
- medical facilities,

- sporting and recreational facilities
- open spaces, and
- affordable housing

5.8.3. For the purposes of the Local Plan we will be defining infrastructure as above, with the additional inclusion of public services and utility infrastructure. Transport is dealt within Section 5.5 above. The NPPF states at paragraph 11 that plans should align growth and infrastructure, and within paragraph 16 (c) that plans should be shaped by early, proportionate and effective engagement, including with infrastructure providers.

5.8.4. The NPPF at paragraph 34 also states that Local Plans should set out the contributions expected from development. This should include setting out the levels and types of affordable housing provision required, along with other infrastructure (such as that needed for education, health, transport, flood and water management and green infrastructure). However, such policy requirements should not undermine the deliverability of the Plan, which means that requirements need to be proportionate to development to ensure that development can take place.

5.8.5. Paragraph 84 of the NPPF states that planning policies and decisions should support the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship. Section 5.7 above deals with providing appropriate retail provision within the borough's identified retail centres and rural service locations, however to meet the everyday needs of the borough's communities, including in the rural service centres, a wider definition of supporting infrastructure may need to be applied to ensure meeting spaces, public houses and other valued community services and functions.

Local

5.8.6. The council is required to plan positively to ensure that development and infrastructure needs are met, and that there is a reasonable prospect that planned infrastructure is deliverable in a timely manner. As part of our evidence base, the council is preparing an updated Infrastructure Delivery Plan (IDP), in liaison with various providers, companies and groups. This is a vital piece of work because there are significant risks associated with failure to adequately plan for infrastructure to support communities. If we don't take the time to understand the existing capacity or demand for services, to understand details of existing committed infrastructure

delivery, or the impact of potential development on services and infrastructure, we cannot plan positively for our borough and positively plan for the locations of new developments.

- 5.8.7. The updated IDP will further set out what will be needed and where, the lead delivery body/bodies, delivery timescale, cost and source of funding, where this information is available. For example, the requirement for a new 6 Form-Entry (FE) secondary school in the north-east of the borough, identified in the previous IDP is likely to remain in response to our development needs and the current level of provision.
- 5.8.8. Healthy, safe and prosperous communities are key for the vision of the borough, supported by the right infrastructure in the right places. Early consideration of equalities issues in relation to the provision and access to services is also vital to securing the health of the borough’s urban and rural communities. Future policy approaches relating to the provision of infrastructure and services should respond positively to location specific factors. To assist in identifying and providing for sport and social infrastructure requirements across the borough’s communities, the council is currently considering further evidence base work in relation to requirements for open space, and indoor sports and recreation facilities.
- 5.8.9. The council seeks funding for infrastructure where required for individual developments through Section 106 agreements (also known as planning obligations). New developments are expected to meet their needs generated either through this means or by delivery on site. The council is mindful of the Government’s intention to introduce a new mandatory infrastructure levy to replace the existing Community Infrastructure Levy to help deliver local infrastructure. This will be monitored as plan-making progresses and the council will respond when necessary.
- 5.8.10. The duty for statutory agencies and infrastructure providers to meet their obligations through their own funding sources and investment plans remains.

Key priorities for the Local Plan:

- Identifying the required infrastructure to support the scale and locations for growth within the Borough
- Aligning infrastructure provision in line with this growth
- Maintaining and enhancing the existing provision of infrastructure that communities rely upon

Q.32. Do you agree with this set of community facilities and infrastructure priorities? Yes/No Please explain

5.9. Natural environment – what are the issues?

National

- 5.9.1. The protection and enhancement of the natural environment is a key aspect of sustainable development. This includes making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution and mitigating and adapting to climate change.

National – designated sites and protected landscapes

- 5.9.2. Sites designated for their biological or geological value, support a diverse range of habitats and species. These sites, along with valued landscapes such as National Parks, the Broads and Areas of Outstanding Natural Beauty (AONB) and the wider countryside, contribute to a network of green infrastructure which can help provide for biodiversity and support the health and well-being of communities, as well as delivering wider benefits to the environment and economy.
- 5.9.3. The NPPF makes provision for the designation of Local Green Spaces through local and neighbourhood plans, as a way of providing special protection for green areas of particular importance to local communities, where certain criteria²³ are met.
- 5.9.4. The NPPF states that local planning authorities should protect and enhance valued landscapes, sites of biodiversity or geological value or soils, that plans should distinguish between the hierarchy of international, national and locally designated sites, and allocate land with the least environmental or amenity value for development. The scale and extent of development within protected landscapes should be limited, whilst development in their setting should be sensitively located and designed.

National – Biodiversity Net Gain

- 5.9.5. The NPPF also seeks measurable net gains for biodiversity. The Environment Act (2021), has subsequently introduced the specific requirement to provide 10% net

²³ NPPF 2021, Para 102: The Local Green Space designation should only be used where the green space is:

- a) in reasonably close proximity to the community it serves;
- b) demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and
- c) local in character and is not an extensive tract of land

gain in biodiversity for all new developments from late 2023 in response to the government’s goal to leave the environment in England in a better state than it is found over the next 25 years.

National - pollution

- 5.9.6. Another key aspect of the natural environment is ground conditions and pollution. The NPPF states that local planning authorities should prevent new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality.

Local

- 5.9.7. The council is required to plan positively to ensure that natural environment is conserved and enhanced. Within the borough there are a range of important designated areas, including international, national and local designations. These are set out below in table 7 and illustrated on the Key Diagram (see Appendix A). The development strategy of the borough, and individual allocations, need to ensure conservation and enhancement of these sites, both from individual developments and cumulative impacts.

Local - Habitats Regulations Assessment

- 5.9.8. In accordance with the Conservation of Habitats and Species Regulations 2017 (as amended), a Habitat Regulations Assessment Screening will be undertaken and the appropriate nature conservation body (Natural England) will be consulted. The Screening Report will identify whether the Local Plan risks having any potential significant effects on a European site²⁴ on its own or in combination with other plans or projects, both within the borough, and in neighbouring boroughs. If a risk of a likely significant effect on a European site is identified, or there is insufficient evidence to rule out a risk, then an Appropriate Assessment will also be undertaken.

²⁴ Special Area of Conservation (SAC), Special Protection Area (SPA), proposed SAC/SPA, Ramsar sites or areas secured as sites compensating for damage to a European site

Table 7. Designated Sites in the Borough

Hierarchy	Designation	Site
International	Special Area of Conservation (SAC)	North Downs Woodland Peters Pit
National	Site of Special Scientific Interest (SSSI)	Wouldham to Detling Escarpment (part) Peters Pit, Wouldham Holborough to Burham Marshes Houlder to Monarch Hill Pits, Upper Halling Halling to Trottiscliffe Escarpment (part) Trottiscliffe Meadows Oldbury and Seal Chart (part) Bourne Alder Carr One Tree Hill and Bitchet Common (part) Ayelsford Pit Wateringbury
Local	Local Wildlife Sites	42 sites
	Local Nature Reserve	2 sites (Ditton Court Quarry Nature Reserve and Haysden Nature Reserve)

Local - Areas of Outstanding Natural Beauty

5.9.9. In addition to these sites, there are parts of two AONBs in the borough; the Kent Downs AONB in the north and west and High Weald AONB south of Tonbridge. These are illustrated on the Key Diagram (see Appendix A). Combined, the two AONBs cover 29.84% of the borough. The adopted Kent Downs AONB Management Plan 2021-2026, and the High Weald AONB Management Plan 2019-2024, form part of the evidence base for the Local Plan as they identify the key issues, opportunities and threats facing these landscapes and set out aims and principles for their positive conservation and enhancement. The topography of the North Downs and Bidborough Ridge means that there are views both into and out of the AONBs from the borough. The sensitive location and design of development is paramount to avoid or mitigate any impacts on the AONBs and their settings. The council is considering commissioning evidence to better understand the potential landscape impact of possible future strategic scale allocations, and to inform site specific policies.

Local - Ancient Woodland

- 5.9.10. The Ancient Woodland Inventory identifies that approximately 11% of the borough is ancient woodland. Development resulting in the loss or deterioration of irreplaceable habitats, such as ancient woodland and ancient and veteran trees, should be avoided. Therefore, the location and distribution of this irreplaceable habitat is an important consideration for the development strategy and individual allocations.

Local - Local Green Space

- 5.9.11. Local Green Space can be designated in a Local Plan or Neighbourhood Plan where the objectives of the NPPF are met, where such a designation has been promoted by the local community and will be consistent with planning for sustainable development in the area. The Local Green Space Designation should not be used in a way that undermines this aim of plan making. The Local Plan process provides an opportunity to consider potential designations of Local Green Space in the borough.

Local - Habitats, Species and Biodiversity Net Gain

- 5.9.12. The Kent Habitat Survey²⁵ (2012) provides data on the location and distribution of habitats across the county, including priority habitats, which should be conserved, restored and enhanced. The Kent Nature Partnership Biodiversity Strategy 2020 to 2045²⁶ identifies that Kent is home to 36 priority habitats and 387 priority species. The Kent Local Nature Partnership (KLNP) has identified a number of Biodiversity Opportunity Areas (BOAs) across the county where biodiversity enhancements, restoration or creation could be targeted in order to reinforce habitat connectivity, to improve resilience to climate change and secure measurable net gain for biodiversity.
- 5.9.13. The Environment Act (2021) has introduced the requirement to provide a minimum 10% net gain in biodiversity for all new developments from late 2023; however local authorities are able to consider a higher target if it is viable to do so in order to provide even greater gains. The Kent Local Nature Partnership (KLNP) promotes the adoption of a 20% net gain target in Kent, and the Viability Assessment of

²⁵ https://www.kent.gov.uk/_data/assets/pdf_file/0007/95317/Kent-land-cover-change-analysis-1961-2008.pdf

²⁶ <https://democracy.kent.gov.uk/documents/s96710/20-00025%20-%20Kent%20Biodiversity%20Strategy%20March%202020.pdf#:~:text=The%20Kent%20Biodiversity%20Strategy%20aims%20to%20deliver%2C%20over,and%20marine%20environments%20regain%20and%20retain%20good%20health.>

Biodiversity Net Gain in Kent (June 2022²⁷) identifies that a shift from 10% to 15% or 20% BNG will not materially affect viability in most instances within county. Focussing these net gains on development sites themselves rather than off-site wherever possible, will help support biodiversity within the borough. In addition to biodiversity net gain associated with new development, other specific sites within the borough can be identified where biodiversity enhancements can be provided directly to support species and habitat networks, including the potential for the council, on its own land or in partnership with landowners, to deliver net gain.

Local - Agricultural land

- 5.9.14. Tonbridge and Malling borough is predominantly rural in character and has large areas of land outside of the settlements in agricultural use. The Agricultural Land Classification Grades, published by Natural England and most recently updated in 2020, identifies that most of the agricultural land in the borough is classified as Grade 3: 'Good to Moderate'. However, there are also some areas of Grade 2: 'Very Good' with areas of Grade 1: 'Excellent' agricultural land predominantly around West Malling and Waterringbury (as illustrated on the Key Diagram in Appendix A). The Local Plan should seek to avoid allocating sites or development on land, that would result in significant development of high-quality agricultural land.

Local - Pollution

- 5.9.15. To ensure that new development is appropriate for its location, it is important to consider the likely effects of pollution on health, living conditions and the natural environment. This includes air, light and noise pollution. Potential land instability and contamination also need to be taken in to account.
- 5.9.16. Air pollution is associated with a number of adverse health impacts, as well as having potential impacts on sensitive habitats and species in close proximity. The main source of air pollution generated in Tonbridge & Malling is NO₂ from road traffic. The Tonbridge and Malling 2020 Air Quality Annual Status Report²⁸ which looks at NO₂ levels in 2019 identified seven Air Quality Management Areas (AQMAs) in the Borough, all related to emissions from motor vehicle exhausts. All AQMAs are monitored annually, and in late 2020, based on pre pandemic levels the council revoked the Ditton AQMA and reduced AQMA boundaries for Larkfield, Aylesford and Borough Green due to improving air quality. The council has also published its 2021 Annual Status report, however due to the impact of pandemic

²⁷ <https://kentnature.org.uk/nature-recovery/biodiversity-net-gain/>

²⁸ <https://www.tmbc.gov.uk/downloads/file/135/air-quality-report-2020>

lockdowns on road traffic it is advised that this report and that for 2022 when it is published are treated as outliers and not used as the basis for air quality assessments for new developments.

- 5.9.17. In late 2021 the council's updated Air Quality Action Plan²⁹ was approved by members. This plan will guide the council's actions on improving air quality for the next five years, and includes actions associated with the planning regime.
- 5.9.18. The Local Plan should seek to avoid wherever possible locating development in areas of poor air quality and should explore opportunities to improve air quality or mitigate impacts, such as through traffic and travel management, and green infrastructure provision and enhancement. The potential impact of air pollution on international wildlife sites (Special Areas of Conservation, Special Protection Areas and Ramsar sites) will be considered through a Habitats Regulations Assessment to be carried out during the preparation of the Local Plan.
- 5.9.19. The rich history of the borough often means that development sites require assessment for Contaminated Land due to historical use, in order to ensure the risks to health of future residents are minimised. The council has developed a Contaminated Land Inspection Strategy³⁰ to aid in this process and ensure suitable mitigation is achieved on development sites.

Risks – not planning positively to protect and enhance the natural environment

- 5.9.20. By not planning positively to protect and enhance the natural environment, by not seeking to locate development in areas of least environmental or amenity value, existing natural environment assets are likely to come under pressure. Habitats and species within designated sites may deteriorate due to potential impacts from increased pollution, recreation, and predation, or become fragmented. This in turn may reduce the ability of local habitat networks to be able to adapt to climate change, which may result in a loss of species. In addition, development of Grade 1 Agricultural Land will result in the loss of the most valuable soils that currently provide multifunctional benefits to the local and wider community and economy.
- 5.9.21. Locating development on land outside of the AONBs will help to conserve and enhance these protected landscapes. However there is potential both, individually and cumulatively, to negatively impact on the setting of these areas and this in turn

²⁹ <https://www.tmbc.gov.uk/downloads/file/2052/air-quality-action-plan>

³⁰ <https://www.tmbc.gov.uk/downloads/file/1578/tmbc-contaminated-land-strategy-2016-final>

could impact on the designated areas themselves. The sensitive location, scale and design of development is essential to avoid or mitigate any impacts.

- 5.9.22. Seeking a higher target for Biodiversity Net Gain will need to be viability tested to ensure the delivery of a higher target does not put at risk the delivery of other local standards in the Local Plan e.g. affordable housing, open space etc.
- 5.9.23. Understanding the location of areas of existing poor air quality will enable new development to be directed away from such locations. However, development may increase traffic on the road network in other parts of the borough, potentially resulting in deterioration of air quality elsewhere. This in turn may result in the creation of new AQMAs.

Q.33. Should Local Green Space be designated in the Local Plan? Yes/No

Q.34. If yes, do any potential sites meet all of the criteria set out in NPPF?

Q.35. Should the council be seeking more than 10% Biodiversity Net Gain, if viable? Yes/No

Q.36. Should the council allocate sites specifically for Biodiversity Net Gain within the Local Plan? Yes/No

5.10. Built and Historic environment – what are the issues?

National

- 5.10.1. National planning policy is clear that the protection and enhancement of our built and historic environment is fundamental to the achievement of sustainable development and is embedded within the overarching objectives of the planning system (chapter 2, Paragraph 8 (c) of the NPPF). The importance of the built and historic environment is further strengthened in chapter 3 of the NPPF which requires Local Plans to contain strategic policies that (amongst other material planning issues) make sufficient provision for the conservation and enhancement of the built and historic environment.
- 5.10.2. National policy (chapter 12 of the NPPF) also requires the creation of high quality, beautiful and sustainable buildings and places which are fundamental to what the planning and development process should achieve. Good design creates better places to live and work and helps make development acceptable to communities.

Therefore, national policy requires Local Plans to set out a clear vision and expectations about what is likely to be acceptable.

National – Design guides

- 5.10.3. To achieve this and provide maximum clarity about the built environment, national policy in the NPPF requires Local Planning Authorities to prepare design guides or codes consistent with the principles of the National Design Guide and National Model Design Code which reflect local character and design preferences. It is the intention of the council to produce a Design Guide/Code that will sit alongside the Local Plan to inform future decision-making regarding design and visual impact issues.
- 5.10.4. Design guides or codes should be informed by the 10 characteristics of good places set out in the National Design Guide and in doing so, take account of baseline studies such as Conservation Area Appraisals (CAA). Therefore, when producing a design guide or code for a particular area an existing Conservation Area Appraisal and/or management plan should be taken into consideration and feed into the relevant part of the guide/code. Equally, in the event of reviewing or drafting a new Conservation Area Appraisal, a design guide or code can provide valuable information on the character and appearance of the area as well as any management recommendations that may form part of the review or new Conservation Area Appraisal.
- 5.10.5. By using design guides/codes and good policies, developments should therefore function well, be visually attractive and sympathetic to local character and history including the surrounding built environment and landscape setting. Developments should also establish or maintain a sense of place, optimise the potential of the site and create places that are safe, inclusive and accessible and promote health and well-being with a good standard of amenity.

National – Historic environment

- 5.10.6. The historic environment and heritage assets are also integral to our built environment. Chapter 16 of the NPPF sets out national policy on conserving and enhancing the historic environment. Heritage assets are considered to be an irreplaceable resource which should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

- 5.10.7. The NPPF requires Local Plans to set out a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay, or other threats. The NPPF also requires Local Planning Authorities to maintain or have access to a historic environment record about the heritage assets in their area. The Kent Historic Environment Record (Kent HERS) held by Kent County Council fulfils this role within the county.
- 5.10.8. In addition to the national requirements of the NPPF, when determining planning and listed building consent applications the council is also placed under a legal duty by Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving a listed building or its setting and any features of architectural and historic interest as well as pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas when exercising its planning functions.

Local – built and rural environment

- 5.10.9. The borough of Tonbridge and Malling has a rich and diverse urban and rural environment containing many established and attractive places and buildings with distinctive architecture worthy of protection and enhancement. Such examples are the vibrant and modern garden village settlement of Kings Hill built on a former WW II airfield that provides a high quality environment for homes and businesses, the unique Grade I listed Victorian Gothic Hadlow Tower locally known as “May’s Folly” and the numerous traditional oast houses of the historic hop industry, built of Kentish vernacular design and materials.
- 5.10.10. The council therefore aspires to achieve high quality design throughout the borough that responds positively to its built environment as well as encouraging innovative, modern and contemporary design. As a borough that is predominantly rural in character, to achieve well designed places, developments should also respond positively to the borough’s landscape characters and settings as informed by the Landscape Assessment of Kent (2004). Development proposals which therefore fail to take opportunities to secure high-quality well-designed places will be resisted.
- 5.10.11. Currently, when assessing the appropriateness of design the council is informed by the Kent Design Guide and a suite of Character Area Appraisals as well as the Kent Downs AONB Management Plan 2021-2026³¹ and the High Weald AONB Management Plan 2019-2024³² that are all adopted supplementary planning

³¹ <https://kentdowns.org.uk/management-plan-2021-2026/>

³² <https://www.highweald.org/high-weald-aonb-management-plan.html>

documents. The council will look to replace the Kent Design Guide and Character Area Appraisals with up-to-date local design guides and codes that are tailored to the distinctiveness of Tonbridge and Malling Borough that are consistent with the principles set out in the National Design Guide³³ and National Model Design Code³⁴. This work would take place after the adoption of a Local Plan.

5.10.12. In addition, to set the foundations of well-designed places the development strategy will also be informed by other core pieces of evidence such as the Urban Capacity Study, Strategic Flood Risk Assessment and Heritage Strategy. These will ensure developments are located in sustainable locations, make efficient use of land and visually respond to the borough’s differing environments.

Local design – what matters to you

5.10.13. We would like to understand what your priorities are when it comes to managing the built environment and what you value the most in new developments. Question 37 (below) highlights the range of potential matters that design policies and decisions should address.

5.10.14. We appreciate that not all matters are equally important to everyone. We would like to understand what matters most to you, in terms of the focus of this Local Plan.

5.10.15. In question 37, can you please select three design matters that are most important to you. We do not expect you to rank these in order of importance. Please indicate the three most important issues by placing an X against each design matter in the table below.

Q.37. Which design matters are most important to you?

Design matter (in no particular order)	Select (3 in total)
Developments that will function well and add to the overall quality of the area for the lifetime of the development	
Developments that are visually attractive	
Developments that are sympathetic to local character, history and landscape settings	

³³ <https://www.gov.uk/government/publications/national-design-guide>

³⁴ <https://www.gov.uk/government/publications/national-model-design-code>

Design matter (in no particular order)	Select (3 in total)
Developments that establish a strong sense of place and identity	
Developments that optimise appropriate density and scales	
Developments that create safe, inclusive and accessible places that promote health, well-being and have good facilities	
All are equally important	

Q.38. What are your reasons for selecting these particular design matters as priorities for the Local Plan (outline briefly)?

Local – Historic environment

5.10.16. The borough also has a rich history which extends back thousands of years with evidence of life in the stone age, bronze age and iron age. The borough, formed in 1974 has a wide range and considerable number of heritage assets including:

- 61 Conservation Areas
- 1318 Listed Buildings
- 25 Scheduled Monuments
- 23 Historic Parks and Gardens (5 of which are registered)
- 12547 ha of archaeological potential areas

5.10.17. Examples of historically significant heritage assets include the Kits Coty House in Aylesford and the Coldrum Stones in Trottiscliffe both of which are Neolithic Monuments. Other notable assets include, Tonbridge Castle -a Motte-and-Bailey Castle (c.13C), Tonbridge School (c.1553), the Aylesford Bridge spanning across the River Medway (c.14C) and St Leonard’s Tower in West Malling (c. 11C). In addition to historic buildings, the borough is also characterised by its impressive array of registered parks and gardens such as Oxen Hoath (grade II*) and historic market towns such as West Malling that are all set within picturesque landscapes.

5.10.18. The borough’s rich history has also been characterised by its various industries such as hop production and agriculture and is heavily influenced by the River Medway that brought huge opportunities for trade and prosperity and played a major role in

shaping the development of the borough and its identity. The borough’s military history should also be recognised whereby the RAF fighter stations at West Malling played a significant role in the Battle of Britain with one of the defensive towers and gun emplacements is now a scheduled monument.

5.10.19. The preparation of the Local Plan provides an excellent opportunity to review the evidence base for the historic environment and deepen the understanding and appreciation for the borough’s assets. The council intends to do this through the preparation of a Heritage Strategy that will set out a positive strategy for the conservation and enjoyment of the historic environment and aids the inclusion of the borough’s heritage within the Local Plan. This will serve as a principal piece of evidence for the Local Plan to inform potential policies, strategies and other pieces of evidence.

Risks – not planning positively to conserve and enhance the built and historic environment

5.10.20. The result of not planning positively for our built and historic environment would be visually unattractive and incongruous developments lacking in a sense of place and identity. It would result in a loss of desirable and prosperous places to live, work and visit as well as opportunities to regenerate parts of the borough.

5.10.21. There would be the risk that places are not inclusive and accessible and therefore fail to promote health and well-being. There are also risks that developments do not deter crime and disorder and fail to create safe and resilient communities. Poor quality developments and a lack of management would also mean our built and historic environment would be less resilient to the effects of climate change.

5.10.22. The failure to not properly plan for the built and historic environment would also result in lost opportunities to contribute towards tourism and economic development as well as the cultural and social cohesion within communities.

5.10.23. Currently, Historic England’s Heritage at risk register identifies only four heritage assets to be at risk within the borough. By not producing a positive strategy for heritage assets potential management strategies would not be identified, the condition of these and other heritage assets would continue to deteriorate, and future generations will not be able to enjoy these irreplaceable assets.

Q.39. Are there any other locally significant built, historic issues or sites which you consider are important to the borough and should be addressed in the Local Plan? Yes/No Please explain

5.11. Green Belt – what are the issues?

National - openness

- 5.11.1. The NPPF is very clear that the fundamental aim of the Green Belt is to prevent urban sprawl by keeping land permanently open.

National – review of boundaries through the Local Plan process

- 5.11.2. The policy allows for Green Belt boundaries to be reviewed through the updating of plans. Alterations can be made in exceptional circumstances where evidenced and justified. It is for the Local Plan process to establish the need for any changes. The expectation is that all other reasonable options for meeting assessed needs for development are examined first before concluding that exceptional circumstances exist to justify any changes. Pieces of evidence and processes that can inform this include the Urban Capacity Study, the outputs from the Call-for-Sites assessment, discussions with neighbouring authorities and feedback from consultations on the Plan.

National – consequences for sustainable patterns of development

- 5.11.3. The need to promote sustainable patterns of development should inform the review process. This means we need to be mindful of the potential consequences for sustainable development of channelling development towards locations beyond the outer Green Belt boundary away from centres of work, education and shopping. This would have the consequence of generating new, long trips by unsustainable transport modes as residents go about their daily business. The evidence on the Housing Market Areas and their influences across the borough will help inform these judgements. We also need to be confident that at the end of the process, the outcomes can endure for the long-term.

Local – Green Belt coverage

- 5.11.4. Over 70% of Tonbridge & Malling is covered by the Metropolitan Green Belt surrounding London – see key diagram in Appendix A to this Plan.

Local – exceptional circumstances case (strategic) for change

- 5.11.5. In response to national policy, the council has commissioned a [Green Belt Study](#). This will review the existing Green Belt boundaries according to the expectations of the NPPF and the supporting planning practice guidance as well as local evidence. The first part of the study has assessed the exceptional circumstances case, at the strategic level, taking account of national policy, case law and local evidence. The first stage (strategic case) has concluded that there are exceptional circumstances,

at the strategic level, which justify alterations of the Green Belt boundaries (in principle) to help address assessed development needs. This conclusion was based upon the following evidence:

- A high housing demand and acute affordability challenges
- An undersupply of housing which appears to be worsening
- A borough heavily constrained by policy and environmental constraints
- Limited opportunity to accommodate its needs within existing built-up areas
- Limited ability to export housing need to neighbouring authorities.

Local – evidence to inform review of boundaries

5.11.6. We need to be mindful of local evidence including Housing Market Areas (HMAs) and housing affordability when reviewing the existing Green Belt boundaries. For example, that part of the borough falling within the West Kent HMA (see housing section) is covered by the Green Belt, except for the defined settlements set within it, eg Tonbridge. Given that the HMA is a geographical area where there is a high degree of containment of people in terms of where they live and work, we need to consider the consequences for sustainable patterns of development of not delivering homes where the needs are generated; these consequences are likely to include the generation of new, long, and regular trips by unsustainable modes of transport as residents go about their daily business. We know that housing affordability is already bad and worsening which is a clear indicator that supply is not keeping up with demand. We need to be mindful of the negative consequences of constraining supply for affordability, and what this means for households trying to access, as well as move up, the property ladder.

5.11.7. This section highlights a set of factors that need to be taken into account when reviewing the existing Green Belt boundaries to determine if exceptional circumstances exist to justify local alterations. These are:

- National policy (purposes of the designation and the need to promote sustainable patterns of development)
- case law
- Housing Market Areas
- housing affordability

- policy and environmental constraints
- assessed development needs
- housing supply
- potential for development in the built-up areas (Urban Capacity Study).

5.11.8. We would like to understand if you agree with this set of factors and whether any have been omitted that are relevant to this review process.

Q.40. Do you agree that there are exceptional circumstances, at the strategic level, for altering Green Belt boundaries (in principle) to help address assessed development needs? Yes/No Please explain

Q.41. Do you agree with that the set of factors listed in para. 5.11.7 should be used to determine if exceptional circumstances exist to justify alterations to Green Belt boundaries? Yes/No. If no, please explain, highlighting additional/alternative factors that you consider need to be included in the review process.

Local – area immediately beyond the outer boundary

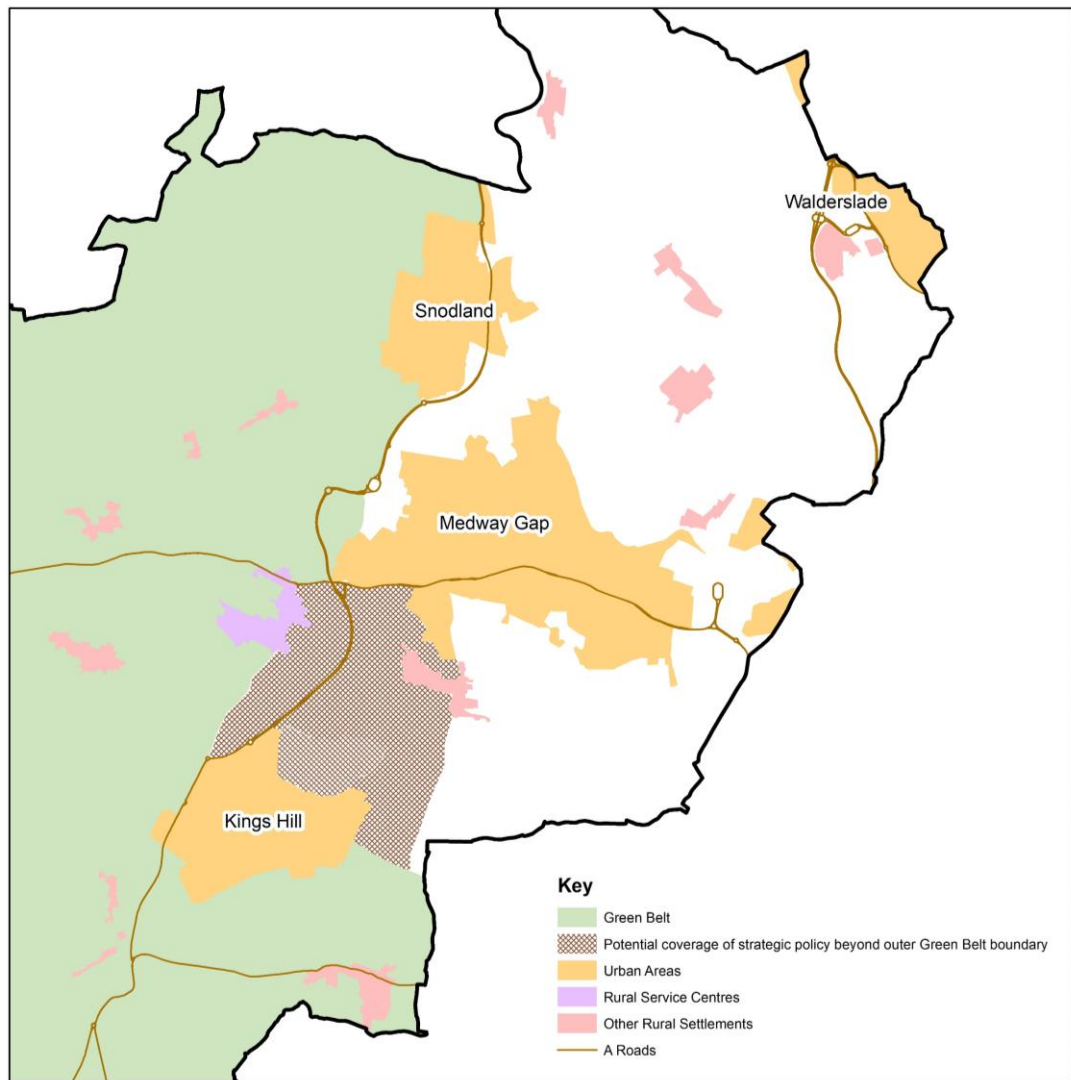
5.11.9. As part of the review we need to consider the outer boundary of the Green Belt in the north-east part of the borough. In particular, the character of the area beyond the outer boundary in terms of the defined rural settlements and historic and natural assets. The process needs to consider the most effective way of preventing the coalescence of these settlements and preserving the setting of historic places such as St Mary’s Abbey, in the context of the development pressures arising from the assessed needs.

5.11.10. As well as reviewing the alignment of the outer Green Belt boundary, we also need to explore and appraise other reasonable alternative policy options. For example, a strategic policy aimed at protecting the clear separation, and therefore identity, of local settlements, also known as an anti-coalescence policy. This consideration of alternatives is necessary to determine what is the most justified, proportionate and robust response, that can endure for the long-term.

5.11.11. These options are set out in question 42 below. The location of the outer Green Belt boundary is highlighted on the Key Diagram in Appendix A to this Plan and in Figure 10.

5.11.12. These three options have been appraised as part of the Sustainability Appraisal process (see Chapter 4 of the Interim Sustainability Appraisal Report). Figure 10 illustrates, in indicative terms, the broad area beyond the outer Green Belt boundary where the strategic policy could be applied.

Figure 10. Broad area for potential strategic policy beyond the outer Green Belt boundary



5.11.13. In question 42, can you please indicate your preferred strategic policy option for the area beyond the outer Green Belt boundary.

Q.42. Area beyond outer Green Belt boundary – strategic options

Strategy	Description	Preferred option – please select
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Option 1	Extend the outer boundary of the Green Belt	
Option 2	Anti-coalescence/strategic gap policy	
Option 3	No change – leave existing outer Green Belt boundary unaltered.	

Q.43. What are your reasons for selecting this policy option for the area beyond the outer Green Belt boundary (outline briefly)?

Risks – not positively assessing existing Green Belt boundaries against the purposes the designation serves

5.11.14. If we do not undertake a comprehensive review and take decisions that respond to the evidence, national policy and case law, there could be negative consequences for sustainable development, especially if the homes are not provided where the needs are generated. Furthermore, constraining supply will have the effect of worsening housing affordability, making it increasingly challenging for young households to access the property ladder. We also need to be mindful that extending the outer Green Belt boundary would reduce the amount of unconstrained land available to address our assessed development needs now and in the long-term. The NPPF is clear that any changes to Green Belt boundaries must have regard to their intended permanence in the long-term, so that they can endure beyond the plan period³⁵.

5.12. Climate change – what are the issues?

National – mitigation and adaptation

5.12.1. At the national level, one of the key priorities is the lowering of carbon emissions from developments, to help achieve wider climate change mitigation objectives including the UK’s commitment of net zero carbon by 2050. This means supporting development that uses significantly less fuel and power to function including harnessing energy from zero carbon sources, and where possible making best use of existing resources, including the reuse of buildings and materials, to reduce the reliance on new materials which can embody significant carbon through their production. The NPPF also promotes planning for adaptation, in respect of flood risk, biodiversity and water supply, to build in resilience and avoid increased

³⁵ [National Planning Policy Framework - 13. Protecting Green Belt land - Guidance - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/policies/national-planning-policy-framework)

vulnerability to property and people. The expectation is that plans should take a proactive approach to addressing these matters.

National – lowering carbon emissions

5.12.2. The Government has taken positive steps this year to help achieve the objective of lowering carbon emissions from developments. On 15 June 2022, changes to the Building Regulations (conservation of fuel and power) came into effect which require the CO₂ emissions from new homes to be around 30% lower than the previous standards. In addition, emissions from other new buildings, including offices and shops, are required to achieve a 27% reduction. These changes are part of the Government’s road map to deliver the **Future Homes and Buildings Standards** by 2025. The Future Homes Standard will ensure that the average home from 2025 onwards will produce at least 75% lower CO₂ emissions than one built to the Building Regulations, pre-June 2022 changes. Homes built under the Future Homes Standard will be, in effect, ‘zero carbon ready’, which means that in the longer term, no further retrofit work for energy efficiency will be necessary to enable them to become zero-carbon homes as the electricity grid continues to decarbonise.

5.12.3. In addition, the Government made changes to the Building Regulations in June 2022 that require every new home, including those created from a change of use, with associated parking within the site boundary to have an electric vehicle charge point installed. The provision of this infrastructure will help encourage and enable future ownership of electric vehicles, which have zero emissions.

National – Modern Methods of Construction (MMC)

5.12.4. We are also mindful of the growing role of Modern Methods of Construction (MMC) in delivering homes efficiently, affordably, and sustainably, which is being recognised by the Government. As well as achieving efficiencies in terms of cost, transportation and time spent on site assembling homes and offices etc, the factory-controlled nature of MMC means that sustainable materials and energy efficiencies such as air tightness can be effectively integrated within the fabric of buildings, before they are then assembled on-site. In addition, the factory-controlled enclosed environment, and the efficiencies it can achieve, unaffected by weather, can result in less waste being produced. Energy can also be saved through fewer transport loads to development sites. It is evident that MMC can have a role to play in mitigating the impacts of development on climate change through reduced energy consumption. The council would like to know your views on how the Local Plan should respond to the opportunities presented by MMC.

**Q.44. Do you agree that the Local Plan should set requirements for a certain proportion of development on major sites to be built using MMC? Yes/No
Please explain**

National – flood risk

- 5.12.5. In terms of flood risk, assessments at the strategic level should take account of all sources of flood risk and the current and future impacts of climate change. It is important to appreciate that homes built during the plan period will endure for many decades after 2040 and we need to ensure flood risk to these properties and the people living in them is avoided, where possible, in the long-term.
- 5.12.6. National policy requires Local Plans to apply a sequential, risk-based approach to the location of development, the basis of which should be the Strategic Flood Risk Assessment (SFRA). The objective of the Sequential Test is to steer new development to areas with the lowest risk of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. If it is not possible for development to be located in areas with low flood risk it is required that the Exceptions Test be applied – a second tier test. The Exceptions Test considers wider sustainability benefits to the community that may outweigh flood risk and if the development will be safe for its lifetime.

Local – mitigation and adaptation

- 5.12.7. The Local Plan can provide a positive, supportive framework for development that can help lower carbon emissions. This can be achieved at the strategic level through the spatial strategy by supporting development at locations close to services and jobs where there are opportunities for sustainable active travel including cycling and walking to destinations. At the local, site-specific level, this can include policies that support low carbon design through the layout, building orientation, massing and landscaping.
- 5.12.8. The Plan will aim to address and, where possible, contribute to the goals and objectives of the council’s Climate Change Strategy (2020-30) and associated action plans, which includes an aspiration for Tonbridge & Malling to be carbon neutral by 2030. It will also be informed by the council’s Tree Charter.

Local – tree canopy coverage

- 5.12.9. The council are considering the preparation biodiversity evidence which will look at tree canopy coverage and the role this can have within new developments. This will

be informed by Kent County Council’s Plan Tree Strategy³⁶ which has an ambition of extending the county’s tree cover by 1.5 million, establishing one new tree for every resident living in the county. As well as providing habitats for an array of flora and fauna, the right trees at the right places can provide shade to buildings – reducing the need for mechanical air cooling – and act as carbon sinks. The Government recognises that trees can help mitigate and adapt to climate change. This biodiversity work will build upon existing evidence, including the Green Infrastructure and Ecological Network Report (2018) which identified principal green corridors along which species can migrate as they adapt to the changing climate and the impact this has on existing habitats. As well as boosting tree coverage, we understand that other forms of vegetation and landscaping, e.g. hedgerows, can play an important role in supporting biodiversity and allowing species to adapt to the effects of climate change. We are also mindful of the need to consider how the fabric of new buildings can make space for nature through opportunities for habitat creation for wildlife such as migratory birds.

5.12.10. We recognise the potential multi-functional role of green infrastructure and how it can make a positive contribution to mitigating and adapting to climate change as well as being part of well-designed, attractive places. Green infrastructure can help manage flooding through sustainable drainage and attenuation and help species adapt to climate change. Furthermore, making space for nature by boosting habitat creation and, therefore, biodiversity can benefit the well-being of residents by allowing them to connect with nature.

Q.45. Do you agree that the Local Plan should set a minimum requirement for tree canopy coverage on new developments? Yes/No Please explain

Q.46. Do you agree that new developments should integrate into the fabric of buildings habitat space for wildlife, such as migratory birds?

5.12.11. One of the Sustainability Appraisal (SA) objectives is ‘to reduce greenhouse gas emissions to minimise climate change’ (objective 10). This forms part of the SA framework that is and will be used to appraise spatial strategy and policy options for the Local Plan, ensuring that the implications for climate change are understood.

5.12.12. However, it is important to bear in mind that it is not the role of the Local Plan to replicate the requirements of other regimes such as the Building Regulations. This

³⁶ [Plan Tree: Kent County Council's Tree Establishment Strategy 2022-2032 | Let's talk Kent](#)

means the Plan should not include policies that address matters that are already covered by other requirements such as secondary legislation. We are mindful that by the time the Local Plan is adopted (2025) the Future Homes and Buildings Standards will be in place and the requirement for the installation of charge points for electric vehicles would have been long established.

Local – flood risk

- 5.12.13. The risks of flooding from rivers (fluvial flooding) are pertinent to Tonbridge and Malling owing to the Rivers Medway, Bourne and Hawden Stream and their tributaries which flow through the borough. In response to past incidents there has been substantial investment in major infrastructure projects such as the Leigh Barrier and East Peckham flood mitigation scheme to reduce the risk of flooding.
- 5.12.14. The council has commissioned a new Level 1 Strategic Flood Risk Assessment (SFRA) to inform plan-making. This will inform decisions on the location of future development and the preparation of policies for the long-term management of flood risk within the borough so development is safe over the intended lifetime.
- 5.12.15. The council, through the SFRA, will work with statutory consultees such as the Environment Agency and Kent County Council as the Local Lead Flood Authority to ensure all sources of flooding are taken into account as well as the appropriate future climate change allowances.
- 5.12.16. To inform the spatial strategy and future locations of development the sequential test will be applied taking account of all sources of flood risk relevant to the borough. The Level 1 SFRA will also include a cumulative impact assessment that considers the potential effects of locally planned development on locations susceptible to flooding. Where it is not possible to locate development in areas at low risk, the council will apply the Exceptions Test informed by a Level 2 Strategic Flood Risk Assessment.

Risks – not positively planning to address climate change mitigation and adaptation

- 5.12.17. If the Local Plan does not include positive, effective mitigation policies to facilitate sustainable living, there is the risk of increased CO₂ emissions in the atmosphere which could result in negative consequences for climate change, including extreme weather events.
- 5.12.18. Worsening climate change would increase the likelihood in the future of more and greater flooding events, including flash flooding. The risks of not properly planning for flooding would be an increased threat to people's lives, their homes and businesses. The emergency services would be placed under greater pressure and there would be a significant economic cost in terms of the impact on the local economy and increased insurance premiums.
- 5.12.19. The loss of habitats as a result of extreme weather events, including droughts as well as flooding, would inevitably impact on biodiversity as certain species are unable to sufficiently adapt to survive. This biodiversity loss, which is likely to include both flora and fauna, would impact on the quality of our lives and the local environments.

Climate change – what matters to you

- 5.12.20. This section has highlighted the range of climate change issues that the Local Plan needs to consider and address. Potential measures to respond to these issues are set out in question 47.
- 5.12.21. We appreciate that not all measures are equally important to everyone. We would like to understand what matters most to you, in terms of the focus of this Local Plan.
- 5.12.22. In question 47, can you please select three measures that are most important to you. We do not expect you to rank these in order of importance.

Q.47. Which climate change measures are most important to you?

Climate change measures (alphabetical order)	Select (3 in total)
Active travel opportunities (eg cycling and walking) connecting developments with other places and public transport	

Climate change measures (alphabetical order)	Select (3 in total)
Decentralised renewable and/or low carbon energy generation (photovoltaic cells, wind turbines etc)	
Energy efficient, future-proofed buildings	
Habitat creation – built fabric (eg swift bricks)	
Habitat creation – natural (eg meadows, hedgerows)	
Modern Methods of Construction (MMC)	
Multi-functional green infrastructure (recreation, carbon sinks and biodiversity net gain)	
Passive design (orientation, layout, landscaping)	
Sustainable drainage systems (SuDS) (eg green roofs, water butts, retention ponds)	
Tree coverage - increased	
Other – please state and include	

Q.48. What are your reasons for selecting these particular climate change measures as priorities for the Local Plan (outline briefly)?

6. Other Matters

6.1. How should development be managed?

- 6.1.1. As well as addressing the amount and distribution of development, the Local Plan also needs to consider how development is managed, i.e. delivered.
- 6.1.2. How development is managed is very important for good quality place-making and our well-being. It is not just about the number of homes but also about the types of homes, layout and design, accessibility, and connectivity with the surrounding environments and services. We also need to be mindful of how developments can provide opportunities for nature to thrive. This can be achieved through innovative solutions such as multifunctional green spaces that can help boost biodiversity as well as provide quality open spaces for residents to enjoy. Furthermore, we need to consider how developments can be efficient in their consumption of fuel and power, to mitigate impacts on climate change.
- 6.1.3. At the national level, changes to the Building Regulations introduced in June 2022 already determine how some of these issues must be addressed, including the conservation of fuel and power and the installation of charge points for electric vehicles. These are requirements that have to be met and should not be replicated in the Plan. In addition the Government requires 25% of the affordable housing provision to be First Homes, which is a specific discounted product targeted at first-time buyers.
- 6.1.4. Optional technical standards on accessibility, water efficiency and internal space standards have been produced by the Government, which exceed existing mandatory requirements. These can be introduced through the Local Plan process, providing they are supported by local evidence and have been subject to the whole plan viability assessment. We can also expect developments to deliver at least a 10% Biodiversity Net Gain, which needs to be factored in when considering the cumulative costs of national and local requirements.
- 6.1.5. At the local level, it is important to appreciate that various infrastructure providers such as education, healthcare, and highways will have their own standards that need to be addressed when delivering development to make it acceptable.

Viability

- 6.1.6. When considering the various requirements that could be introduced, we have to be mindful of the impact on viability, and therefore deliverability, of development. If the economic cost is too high the development is likely to be unviable, which means that no homes would be provided. That is an outcome that must be avoided if we are to positively address our assessed development needs. While the recent changes to the Building Regulations will make a positive contribution to mitigating impacts on climate change, there will be an economic cost of achieving them.
- 6.1.7. The Government recognises the significance of viability. It stresses that the role for viability assessment is primarily at the plan making stage. The objective is to ensure that sustainable development is realistically achievable and planned for in advance of the site-specific application stage.
- 6.1.8. The council will commission a whole plan viability assessment to understand this issue better. This will look at recent requirements that have been introduced/will be introduced at the national level as well as local requirements, including the expectations of infrastructure providers. These include changes to the Building Regulations relating to the conservation of fuel and power and the installation of charging points for electric vehicles that came into effect on 15 June 2022. In addition, the impact of introducing First Homes on delivery needs to be assessed. We also need to be mindful of the Government’s intentions for an infrastructure levy on development. The whole plan viability assessment will be set within the local context, examining market, build and land values and assessing if differences exist across the borough. The outputs and options analysis from consulting on this Reg 18 Plan will be utilised to inform the whole plan viability assessment.

Local requirements – priorities

- 6.1.9. We would like to understand what your priorities are when it comes to managing development.
- 6.1.10. Question 49 (below) highlights the range of potential requirements.
- 6.1.11. We appreciate that not all requirements are equally important to everyone. We would like to understand what matters most to you, in terms of the focus of this Local Plan.
- 6.1.12. In question 49, can you please select five requirements that are most important to you. We do not expect you to rank these in order of importance. This does not mean that the remaining issues are not relevant; however, the Local Plan will need

to set some priorities and give guidance on where the focus should be, bearing in mind the issue of viability and the cumulative impact of requirements on the delivery of development.

Q.49. Which local policy requirements are most important to you?

Local requirement (alphabetical order)	Priority (please identify 5)
Accessible and adaptable housing (disabled and elderly)	
Active travel (cycling and walking)	
Affordable housing – to buy	
Affordable housing - for rent	
Biodiversity & Ecology	
Energy efficiency	
First Homes	
Indoor recreation facilities	
Internal space standards	
Modern Methods of Construction	
Parking	
Public open space	
Renewable energy generation (eg photovoltaic cells)	
Safety and security	
Self-Build and/or Custom Housebuilding	
Specialist housing (elderly, eg care homes)	
Sustainable Drainage (eg water butts and green roofs)	
Water efficiency (consumption within the home)	
Other – please state	

Q.50. What are your reasons for selecting these particular local requirements as priorities for the Local Plan (outline briefly)?

7. Further Information

7.1. How can I find out more about the Local Plan?

7.1.1. More details on the Local Plan, including details on the consultation documents and the timetable for production are available from the council’s website:

www.tmbc.gov.uk/localplan. This also includes links to the following evidence base documents:

Externally produced reports

Evidence Base Documents	Consultant	Link
Interim Sustainability Appraisal Report	LUC	Insert link
Interim Sustainability Appraisal Report: Annex 1	LUC	Insert link
Interim Sustainability Appraisal Report: Non-Technical Summary	LUC	Insert link

External evidence base documents

Evidence Base Documents	Consultant	Link
Green Belt Study: Exceptional Circumstances (Strategic) Note	Arup	Insert link
Housing Needs Study	Arc4	Insert link
Urban Capacity Study Report	UI	Insert link
Urban Capacity Study Appendices	UI	Insert link
Housing Market Delivery Study	GL Hearn	Insert link
Gypsy and Traveller Accommodation Assessment	arc4	Insert link
Transport Baseline Modelling	Jacobs	Insert link
Economic Development Needs Study	Lichfields	Insert link
Strategic Flood Risk Assessment (Level 1): Site Screening	JBA	Insert link

Internal papers

Evidence Base Documents	Link
Windfall Allowance Methodology paper	Insert link

7.1.2. You can also contact an officer in the Planning Policy team: localplan@tmbc.gov.uk.

7.2. How to respond to this consultation

- 7.2.1. The Local Plan will be out for consultation between **15 September and 27 October 2022**. You can make your comments directly via the council’s consultation portal at this link: <https://tmbc.inconsult.uk/>
- 7.2.2. Alternatively, please complete the consultation form available on the council’s website at [xxx](#) and send it to Local.Plan@tmbc.gov.uk.
- 7.2.3. Paper copies of responses can also be sent to:

Regulation 18 Local Plan consultation,
Gibson Building,
Gibson Drive
Kings Hill
West Malling
ME19 4LZ

8. Next Steps

8.1. What happens after this stage of plan-making?

- 8.1.1. Once the consultation period has concluded, we will carefully consider your responses. The outputs will feed into the next, more detailed stage of plan-making, which will also be informed by other evidence that will be produced over the coming months.
- 8.1.2. As we advance through the plan-making process and more details emerge, consideration will be given to the formulation of a monitoring framework to measure the performance of the policies and proposals in the Plan.
- 8.1.3. The detailed work programme for the Local Plan, also known as the Local Development Scheme, can be found on the council's website:
www.tmbc.gov.uk/local-plan/local-development-scheme.

Glossary of Terms

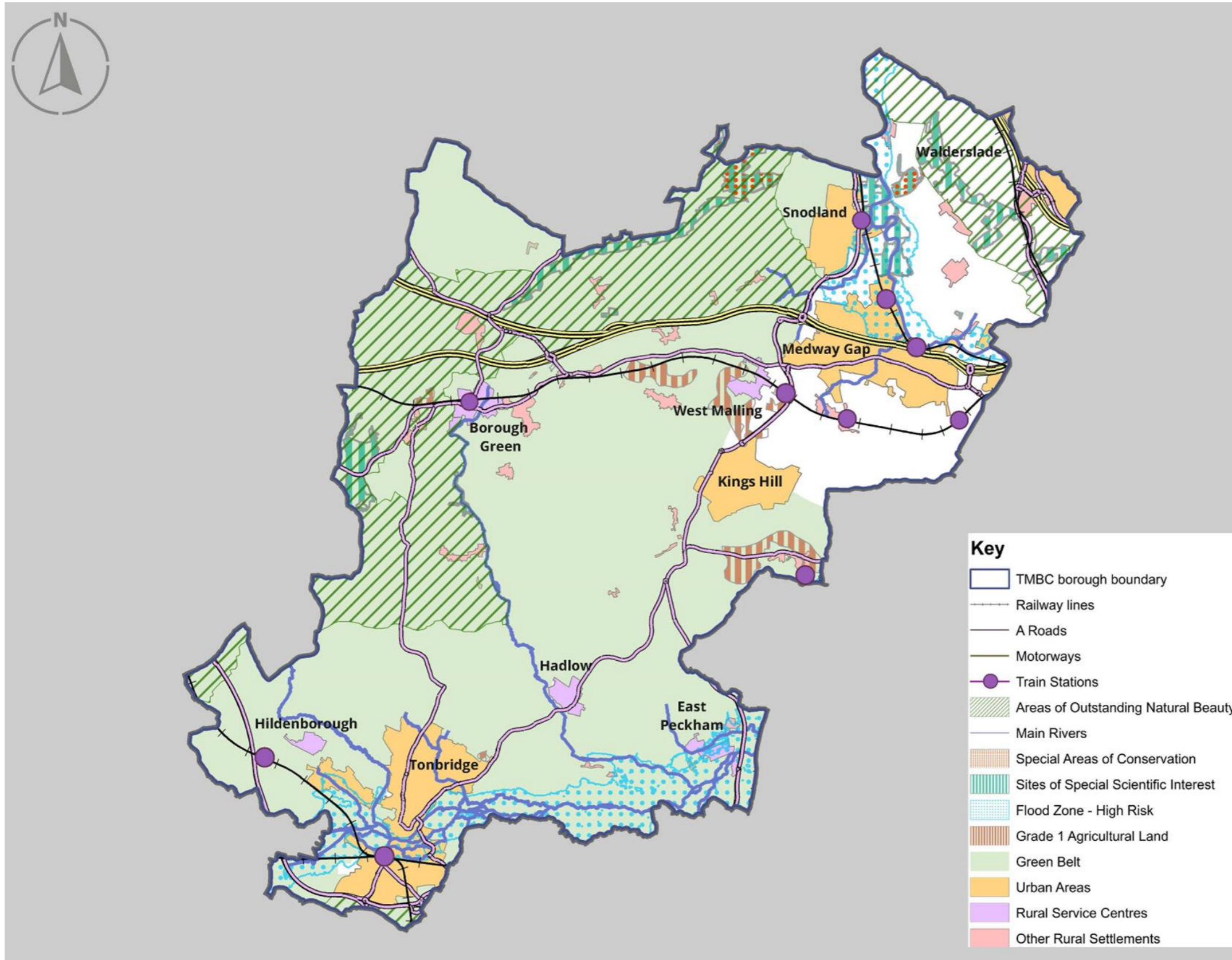
Below is a glossary of terms referred to in the Local Plan.

Table 8. Glossary of terms

Abbreviation	Definition
AONB	Area of Outstanding Natural Beauty
AQMA	Air Quality Management Area
BOAs	Biodiversity Opportunity Areas
CAA	Conservation Area Appraisal
CO ₂	Carbon Dioxide
DPA	Dwellings Per Annum
EDNS	Economic Development Needs Study
HMA	Housing Market Areas
HRA	Habitat Regulations Assessment
IDP	Infrastructure Delivery Plan
KCC	Kent County Council
KHERS	Kent Historic Environment Record
KLNP	Kent Local Nature Partnership
LNR	Local Nature Reserve
LTP	Local Transport Plan
LWS	Local Wildlife Site
MMC	Modern Methods of Construction
NIAB	National Institute of Agricultural Botany
NO ₂	Nitrogen Dioxide
NPPF	National Planning Policy Framework
OAN	Objectively Assessed Needs
ONS	Office for National Statistics

Abbreviation	Definition
PDL	Previously Developed Land
PPG	Planning Practice Guidance
PPTS	Planning Policy for Traveller Sites
RAMSAR site	Wetland site of international importance
SA	Sustainability Appraisal
SAC	Special Area of Conservation
SLAA	Strategic Land Availability Assessment
SME	Small and Medium Enterprises
SPA	Special Protection Area
SSSI	Sites of Special Scientific Interest
SuDS	Sustainable Drainage System
UCO	<p>Use Classes Order, in particular,</p> <p><i>C2 Residential institutions</i> - Residential care homes, hospitals, nursing homes, boarding schools, residential colleges and training centres</p> <p><i>C3 Dwellinghouses</i> - This class is formed of three parts:</p> <p>C3 (a) covers use by a single person or a family (a couple whether married or not, a person related to one another with members of the family of one of the couple to be treated as members of the family of the other), an employer and certain domestic employees, a carer and the person receiving the care and a foster parent and foster child</p> <p>C3 (b) covers up to six people living together as a single household and receiving care e.g. supported housing schemes such as those for people with learning disabilities or mental health problems</p> <p>C3 (c) allows for groups of people (up to six) living together as a single household. This allows for those groupings that do not fall within the C4 HMO definition, but which fell within the previous C3 use class, to be provided for i.e. a small religious community may fall into this section as could a homeowner who is living with a lodger</p>
UCS	Urban Capacity Study
VISSIM	Micro-simulation transport model
VISUM	Strategic transport model
VOA	Valuation Office Agency

Appendix A: Key Diagram



Appendix B: List of Sites

The table (below) includes the following sites:

- **Call for Sites submissions** – these are sites that were submitted during a public exercise that took place over eight weeks concluding on 7 February 2022.
- **Urban Capacity Study (July 2022) sites** – these are sites identified in the Urban Capacity Study (UCS) as having potential for residential development. The focus being on the urban areas and rural service centres. Those Call for Sites submissions that feature in the UCS (nine in total) are not included, to avoid duplication.
- **Withdrawn Local Plan allocations** – Those housing and employment allocations in the withdrawn Local Plan which were not submitted during the Call for Sites exercise, do not feature in the UCS and do not enjoy planning permission.

Potential Yield – The potential yield is only displayed for those sites promoted for residential use. This potential optimised yield is based upon the methodology set out in the UCS. To be confirmed (TBC) is inserted for those sites promoted for employment or mixed uses, because further information and evidence is needed before a reasonable assessment can be made of their potential.

Ward order – The sites are grouped according to the ward (existing) they are located in. Wards are listed alphabetically.

Sustainability Appraisal – To view how the sites have been assessed as part of the Sustainability Appraisal (SA) process, use the Site ID in the table below and cross-refer to the [Interim SA Report](#), Chapter 5 and [Appendix 1](#).

Table 9. List of Sites

Ward (existing)	Ward (May 2023 onwards)	Postcode	Site ID	Site Area (ha)	Proposed Use	Potential Yield	Source
Aylesford North and Walderslade	Aylesford North & North Downs	ME14 3DW	59618	2.18	Residential	56	Call for Sites
Aylesford North and Walderslade	Aylesford North & North Downs	ME20 6WT	59766	8.12	Residential	195	Call for Sites
Aylesford North and Walderslade	Aylesford North & North Downs	ME20 6WT	59851	72.38	Mix	TBC	Call for Sites
Aylesford North and Walderslade	Aylesford North & North Downs	ME20 7AZ	59674	2.01	Mix	TBC	Call for Sites
Aylesford North and Walderslade	Aylesford North & North Downs	ME20 7BY	59670	3.21	Mix	TBC	Call for Sites
Aylesford North and Walderslade	Aylesford North & North Downs	ME20 7DA	59678	30.80	Mix	TBC	Call for Sites
Aylesford North and Walderslade	Aylesford North & North Downs	ME20 7DA	59847	168.87	Mix	TBC	Call for Sites
Aylesford North and Walderslade	Aylesford North & North Downs	ME20 7DD	59666	9.53	Mix	TBC	Call for Sites
Aylesford North and Walderslade	Aylesford North & North Downs	ME20 7DH	59828	6.95	Employment	TBC	Call for Sites
Aylesford North and Walderslade	Aylesford North & North Downs	ME20 7DQ	59633	1.21	Residential	31	Call for Sites

Ward (existing)	Ward (May 2023 onwards)	Postcode	Site ID	Site Area (ha)	Proposed Use	Potential Yield	Source
Aylesford North and Walderslade	Aylesford North & North Downs	ME20 7DX	59676	54.12	Mix	TBC	Call for Sites
Aylesford North and Walderslade	Aylesford North & North Downs	ME20 7FN	59768	0.19	Residential	6	Call for Sites
Aylesford North and Walderslade	Aylesford North & North Downs	ME20 7FN	59831	8.07	Residential	194	Call for Sites
Aylesford North and Walderslade	Aylesford North & North Downs	ME20 7HE	59675	8.02	Mix	TBC	Call for Sites
Aylesford North and Walderslade	Aylesford North & North Downs	ME20 7HE	59684	93.60	Mix	TBC	Call for Sites
Aylesford North and Walderslade	Aylesford North & North Downs	ME20 7HE	59763	9.74	Residential	234	Call for Sites
Aylesford North and Walderslade	Aylesford North & North Downs	ME20 7HE	59826	59.87	Mix	TBC	Call for Sites
Aylesford North and Walderslade	Aylesford North & North Downs	ME20 7HT	59702	6.20	Mix	TBC	Call for Sites
Aylesford North and Walderslade	Aylesford North & North Downs	ME20 7HT	59790	1.09	Mix	TBC	Call for Sites
Aylesford North and Walderslade	Aylesford North & North Downs	ME20 7HU	59841	0.91	Residential	26	Call for Sites
Aylesford North and Walderslade	Aylesford North & North Downs	ME5 9QJ	59810	0.68	Residential	19	Call for Sites

Ward (existing)	Ward (May 2023 onwards)	Postcode	Site ID	Site Area (ha)	Proposed Use	Potential Yield	Source
Aylesford South	Aylesford South & Ditton	ME16 0FH	59852	15.51	Residential	372	Call for Sites
Aylesford South	Aylesford South & Ditton	ME16 0LE	59694	20.76	Employment	TBC	Call for Sites
Aylesford South	Aylesford South & Ditton	ME16 9NS	59839	13.67	Residential	328	Call for Sites
Aylesford South	Aylesford South & Ditton	ME16 9NS	59867	0.07	Mix	TBC	Call for Sites
Aylesford South	Aylesford South & Ditton	ME16 9NT	59713	2.57	Residential	66	Call for Sites
Aylesford South	Aylesford South & Ditton	ME16 9NT	59738	2.28	Mix	TBC	Call for Sites
Aylesford South	Aylesford South & Ditton	ME20 6FH	59861	69.20	Residential	1621	Call for Sites
Aylesford South	Aylesford North & North Downs	ME20 7FH	59392	0.17	Residential	0	Withdrawn Allocations
Aylesford South	Aylesford South & Ditton	ME20 7FU	59780	9.75	Mix	TBC	Call for Sites
Aylesford South	Aylesford South & Ditton	ME20 7FW	59472	1.57	Residential	40	Urban Capacity Study
Aylesford South	Aylesford North & North Downs	ME20 7JJ	59391	0.41	Residential	0	Withdrawn Allocations

Ward (existing)	Ward (May 2023 onwards)	Postcode	Site ID	Site Area (ha)	Proposed Use	Potential Yield	Source
Aylesford South	Aylesford South & Ditton	ME20 7JT	59464	0.29	Residential	8	Urban Capacity Study
Aylesford South	Aylesford North & North Downs	ME20 7NS	59772	7.74	Employment	TBC	Call for Sites
Aylesford South	Aylesford South & Ditton	ME20 7NU	59668	3.97	Mix	TBC	Call for Sites
Aylesford South	Aylesford South & Ditton	ME20 7NX	59781	3.96	Mix	TBC	Call for Sites
Aylesford South	Aylesford South & Ditton	ME20 7PL	59469	0.81	Residential	23	Urban Capacity Study
Aylesford South	Aylesford South & Ditton	ME20 7PX	59868	4.26	Mix	TBC	Call for Sites
Aylesford South	Aylesford South & Ditton	ME20 7RE	59399	0.14	Residential	4	Withdrawn Allocations
Barming and Teston	Aylesford South & Ditton	ME16 9HR	59425	10.44	Residential	251	Withdrawn Allocations
Borough Green and Long Mill	Bourne	TN11 9PA	59779	1.48	Residential	38	Call for Sites
Borough Green and Long Mill	Bourne	TN11 9PH	59825	2.06	Mix	TBC	Call for Sites
Borough Green and Long Mill	Bourne	TN11 9PP	59827	3.43	Residential	82	Call for Sites

Ward (existing)	Ward (May 2023 onwards)	Postcode	Site ID	Site Area (ha)	Proposed Use	Potential Yield	Source
Borough Green and Long Mill	Bourne	TN15 0QL	59774	0.62	Residential	18	Call for Sites
Borough Green and Long Mill	Bourne	TN15 0QL	59778	1.29	Residential	33	Call for Sites
Borough Green and Long Mill	Bourne	TN15 0QL	59862	0.76	Mix	TBC	Call for Sites
Borough Green and Long Mill	Borough Green & Platt	TN15 7SD	59725	2.42	Residential	62	Call for Sites
Borough Green and Long Mill	Borough Green & Platt	TN15 8BB	59492	0.19	Residential	6	Urban Capacity Study
Borough Green and Long Mill	Borough Green & Platt	TN15 8DD	59732	0.51	Residential	15	Call for Sites
Borough Green and Long Mill	Borough Green & Platt	TN15 8DJ	59493	0.35	Residential	11	Urban Capacity Study
Borough Green and Long Mill	Borough Green & Platt	TN15 8DZ	59829	1.88	Mix	TBC	Call for Sites
Borough Green and Long Mill	Borough Green & Platt	TN15 8FH	59632	1.24	Residential	31	Call for Sites
Borough Green and Long Mill	Borough Green & Platt	TN15 8FY	59767	0.24	Residential	6	Call for Sites
Borough Green and Long Mill	Borough Green & Platt	TN15 8HR	59489	0.19	Residential	6	Urban Capacity Study

Ward (existing)	Ward (May 2023 onwards)	Postcode	Site ID	Site Area (ha)	Proposed Use	Potential Yield	Source
Borough Green and Long Mill	Borough Green & Platt	TN15 8JL	59822	4.64	Mix	TBC	Call for Sites
Borough Green and Long Mill	Borough Green & Platt	TN15 8JL	59830	130.10	Mix	TBC	Call for Sites
Borough Green and Long Mill	Borough Green & Platt	TN15 8JR	59717	0.54	Residential	15	Call for Sites
Borough Green and Long Mill	Borough Green & Platt	TN15 8LB	59737	2.20	Residential	56	Call for Sites
Borough Green and Long Mill	Borough Green & Platt	TN15 8LX	59724	0.05	Residential	1	Call for Sites
Borough Green and Long Mill	Borough Green & Platt	TN15 8NJ	59617	0.73	Residential	21	Call for Sites
Borough Green and Long Mill	Borough Green & Platt	TN15 8NJ	59703	0.70	Residential	20	Call for Sites
Borough Green and Long Mill	Bourne	TN15 8PS	59677	0.21	Residential	6	Call for Sites
Borough Green and Long Mill	Borough Green & Platt	TN15 8PZ	59773	0.78	Residential	22	Call for Sites
Borough Green and Long Mill	Borough Green & Platt	TN15 8RL	59407	0.24	Residential	8	Withdrawn Allocations
Borough Green and Long Mill	Borough Green & Platt	TN15 8RQ	59877	6.23	Residential	117	Call for Sites

Ward (existing)	Ward (May 2023 onwards)	Postcode	Site ID	Site Area (ha)	Proposed Use	Potential Yield	Source
Borough Green and Long Mill	Borough Green & Platt	TN15 8SG	59748	7.73	Residential	181	Call for Sites
Borough Green and Long Mill	Borough Green & Platt	TN15 8SL	59843	3.16	Residential	76	Call for Sites
Burham and Wouldham	Aylesford North & North Downs	ME1 3GP	59791	6.64	Residential	159	Call for Sites
Burham and Wouldham	Aylesford North & North Downs	ME1 3GP	59792	7.21	Residential	173	Call for Sites
Burham and Wouldham	Aylesford North & North Downs	ME1 3RH	59787	1.47	Mix	TBC	Call for Sites
Burham and Wouldham	Aylesford North & North Downs	ME1 3RR	59818	41.12	Residential	739	Call for Sites
Burham and Wouldham	Aylesford North & North Downs	ME1 3SJ	59784	6.10	Residential	147	Call for Sites
Burham and Wouldham	Aylesford North & North Downs	ME1 3SY	59819	2.12	Residential	54	Call for Sites
Burham and Wouldham	Aylesford North & North Downs	ME1 3SY	59832	3.74	Residential	90	Call for Sites
Burham and Wouldham	Aylesford North & North Downs	ME1 3XY	59820	3.18	Residential	48	Call for Sites
Burham and Wouldham	Aylesford North & North Downs	ME1 3YN	59891	1.27	Employment	TBC	Withdrawn Allocations
Cage Green	Cage Green & Angel	TN10 4NU	59515	0.15	Residential	5	Urban Capacity Study

Ward (existing)	Ward (May 2023 onwards)	Postcode	Site ID	Site Area (ha)	Proposed Use	Potential Yield	Source
Cage Green	Cage Green & Angel	TN10 4PB	59516	0.75	Residential	22	Urban Capacity Study
Cage Green	Trench	TN11 9NH	59735	8.67	Residential	131	Call for Sites
Castle	Cage Green & Angel	TN10 3DH	59821	7.62	Mix	TBC	Call for Sites
Castle	Cage Green & Angel	TN10 3JF	59683	21.92	Mix	TBC	Call for Sites
Castle	Cage Green & Angel	TN10 3TA	59417	1.46	Residential	38	Withdrawn Allocations
Castle	Judd	TN9 1HR	59588	0.20	Residential	24	Urban Capacity Study
Castle	Judd	TN9 1HX	59586	0.21	Residential	26	Urban Capacity Study
Castle	Judd	TN9 1JB	59587	0.09	Residential	11	Urban Capacity Study
Castle	Cage Green & Angel	TN9 1NE	59623	0.17	Residential	5	Call for Sites
Castle	Cage Green & Angel	TN9 1PZ	59591	0.38	Residential	11	Urban Capacity Study
Ditton	Aylesford South & Ditton	ME19 6BH	59856	39.13	Employment	TBC	Call for Sites
Ditton	Aylesford South & Ditton	ME19 6BQ	59870	0.56	Residential	16	Call for Sites
Ditton	Aylesford South & Ditton	ME19 6BQ	59873	0.40	Residential	11	Call for Sites
Ditton	Aylesford South & Ditton	ME20 6AZ	59398	0.20	Residential	6	Urban Capacity Study

Ward (existing)	Ward (May 2023 onwards)	Postcode	Site ID	Site Area (ha)	Proposed Use	Potential Yield	Source
Ditton	Aylesford South & Ditton	ME20 6BX	59397	0.26	Residential	7	Urban Capacity Study
Ditton	Aylesford South & Ditton	ME20 6SZ	59393	0.30	Residential	8	Urban Capacity Study
Ditton	Aylesford South & Ditton	ME20 6SZ	59460	0.23	Residential	7	Urban Capacity Study
Downs and Mereworth	East and West Peckham, Mereworth & Wateringbury	ME18 5JD	59750	16.14	Residential	380	Call for Sites
Downs and Mereworth	East and West Peckham, Mereworth & Wateringbury	ME18 5JE	59749	34.61	Residential	828	Call for Sites
Downs and Mereworth	East and West Peckham, Mereworth & Wateringbury	ME18 5JF	59599	1.25	Employment	TBC	Call for Sites
Downs and Mereworth	East and West Peckham, Mereworth & Wateringbury	ME18 5JQ	59597	1.77	Mix	TBC	Call for Sites
Downs and Mereworth	East and West Peckham, Mereworth & Wateringbury	ME18 5JS	59595	1.09	Residential	28	Call for Sites
Downs and Mereworth	East and West Peckham, Mereworth & Wateringbury	ME18 5LR	59752	61.38	Residential	1390	Call for Sites

Ward (existing)	Ward (May 2023 onwards)	Postcode	Site ID	Site Area (ha)	Proposed Use	Potential Yield	Source
Downs and Mereworth	East and West Peckham, Mereworth & Wateringbury	ME18 5NA	59816	4.28	Mix	TBC	Call for Sites
Downs and Mereworth	East and West Peckham, Mereworth & Wateringbury	ME18 5NE	59598	1.50	Mix	TBC	Call for Sites
Downs and Mereworth	East and West Peckham, Mereworth & Wateringbury	ME18 5QE	59760	9.20	Residential	221	Call for Sites
Downs and Mereworth	East and West Peckham, Mereworth & Wateringbury	ME18 5QG	59759	13.76	Residential	330	Call for Sites
Downs and Mereworth	East and West Peckham, Mereworth & Wateringbury	ME18 5QJ	59755	5.30	Residential	127	Call for Sites
Downs and Mereworth	East and West Peckham, Mereworth & Wateringbury	ME18 5QJ	59758	14.41	Residential	345	Call for Sites
Downs and Mereworth	East and West Peckham, Mereworth & Wateringbury	ME18 5QY	59754	5.23	Residential	125	Call for Sites
Downs and Mereworth	East and West Peckham, Mereworth & Wateringbury	ME18 5QZ	59757	2.33	Residential	59	Call for Sites

Ward (existing)	Ward (May 2023 onwards)	Postcode	Site ID	Site Area (ha)	Proposed Use	Potential Yield	Source
Downs and Mereworth	East and West Peckham, Mereworth & Wateringbury	ME19 4RE	59761	5.94	Residential	86	Call for Sites
Downs and Mereworth	Pilgrims with Ightham	ME19 5AL	59604	2.26	Residential	58	Call for Sites
Downs and Mereworth	Pilgrims with Ightham	ME19 5BA	59628	0.20	Residential	6	Call for Sites
Downs and Mereworth	Pilgrims with Ightham	ME19 5BH	59610	1.12	Residential	29	Call for Sites
Downs and Mereworth	Pilgrims with Ightham	ME19 5DF	59850	13.75	Mix	TBC	Call for Sites
Downs and Mereworth	Pilgrims with Ightham	ME19 5DN	59730	3.61	Residential	86	Call for Sites
Downs and Mereworth	Pilgrims with Ightham	ME19 5DN	59736	3.64	Mix	TBC	Call for Sites
Downs and Mereworth	Birling, Leybourne & Ryarsh	ME19 5HW	59691	7.07	Residential	170	Call for Sites
Downs and Mereworth	Birling, Leybourne & Ryarsh	ME19 5HW	59840	36.98	Mix	TBC	Call for Sites
Downs and Mereworth	Birling, Leybourne & Ryarsh	ME19 5JG	59708	0.09	Residential	3	Call for Sites
Downs and Mereworth	Birling, Leybourne & Ryarsh	ME19 5LS	59777	0.53	Residential	15	Call for Sites
Downs and Mereworth	Birling, Leybourne & Ryarsh	ME19 5LW	59744	0.87	Mix	TBC	Call for Sites
Downs and Mereworth	East Malling, West Malling & Offham	ME19 5PH	59406	0.69	Residential	20	Withdrawn Allocations

Ward (existing)	Ward (May 2023 onwards)	Postcode	Site ID	Site Area (ha)	Proposed Use	Potential Yield	Source
Downs and Mereworth	East Malling, West Malling & Offham	ME19 5PH	59596	1.09	Residential	23	Call for Sites
Downs and Mereworth	Pilgrims with Ightham	ME19 5PL	59812	0.61	Mix	TBC	Call for Sites
Downs and Mereworth	East Malling, West Malling & Offham	ME19 5PP	59648	0.61	Residential	17	Call for Sites
Downs and Mereworth	East Malling, West Malling & Offham	ME19 5PP	59649	0.32	Residential	9	Call for Sites
East Malling	East Malling, West Malling & Offham	ME19 4FT	59630	5.85	Mix	TBC	Call for Sites
East Malling	East Malling, West Malling & Offham	ME19 6AA	59824	7.13	Residential	171	Call for Sites
East Malling	East Malling, West Malling & Offham	ME19 6BS	59450	0.73	Residential	21	Urban Capacity Study
East Malling	East Malling, West Malling & Offham	ME19 6BU	59673	0.14	Residential	4	Call for Sites
East Malling	East Malling, West Malling & Offham	ME19 6EP	59449	0.42	Residential	19	Urban Capacity Study
East Malling	East Malling, West Malling & Offham	ME19 6HR	59740	112.74	Mix	TBC	Call for Sites
East Malling	East Malling, West Malling & Offham	ME19 6HX	59698	3.72	Residential	89	Call for Sites
East Malling	East Malling, West Malling & Offham	ME19 6HY	59743	1.48	Residential	38	Call for Sites

Ward (existing)	Ward (May 2023 onwards)	Postcode	Site ID	Site Area (ha)	Proposed Use	Potential Yield	Source
East Malling	East Malling, West Malling & Offham	ME19 6JE	59715	4.95	Residential	119	Call for Sites
East Malling	East Malling, West Malling & Offham	ME19 6JG	59726	5.33	Residential	128	Call for Sites
East Malling	East Malling, West Malling & Offham	ME19 6JH	59631	5.66	Residential	136	Call for Sites
East Malling	East Malling, West Malling & Offham	ME19 6JP	59636	6.38	Residential	153	Call for Sites
East Malling	East Malling, West Malling & Offham	ME19 6QB	59448	0.32	Residential	9	Urban Capacity Study
Hadlow and East Peckham	East and West Peckham, Mereworth & Wateringbury	ME18 5JF	59747	9.40	Residential	210	Call for Sites
Hadlow and East Peckham	Bourne	TN11 0DP	59647	5.59	Residential	134	Call for Sites
Hadlow and East Peckham	Bourne	TN11 0DU	59635	2.38	Residential	61	Call for Sites
Hadlow and East Peckham	Bourne	TN11 0EF	59601	1.05	Residential	16	Call for Sites
Hadlow and East Peckham	Bourne	TN11 0EJ	59859	3.03	Mix	TBC	Call for Sites
Hadlow and East Peckham	Bourne	TN11 0HA	59776	5.16	Residential	124	Call for Sites

Ward (existing)	Ward (May 2023 onwards)	Postcode	Site ID	Site Area (ha)	Proposed Use	Potential Yield	Source
Hadlow and East Peckham	Bourne	TN11 0HB	59410	0.82	Residential	30	Withdrawn Allocations
Hadlow and East Peckham	Bourne	TN11 0HP	59637	7.70	Residential	185	Call for Sites
Hadlow and East Peckham	Bourne	TN11 0HP	59638	1.70	Residential	40	Call for Sites
Hadlow and East Peckham	Bourne	TN11 0HP	59686	1.04	Residential	26	Call for Sites
Hadlow and East Peckham	Bourne	TN11 0JA	59842	13.83	Residential	329	Call for Sites
Hadlow and East Peckham	Bourne	TN11 0JD	59605	0.14	Residential	4	Call for Sites
Hadlow and East Peckham	East and West Peckham, Mereworth & Wateringbury	TN11 0JL	59806	150.77	Residential	3289	Call for Sites
Hadlow and East Peckham	East and West Peckham, Mereworth & Wateringbury	TN11 0JL	59846	8.38	Mix	TBC	Call for Sites
Hadlow and East Peckham	Bourne	TN11 0RF	59853	7.37	Mix	TBC	Call for Sites
Hadlow and East Peckham	Bourne	TN11 0RF	59857	7.46	Mix	TBC	Call for Sites
Hadlow and East Peckham	Bourne	TN11 9QU	59795	0.92	Residential	26	Call for Sites

Ward (existing)	Ward (May 2023 onwards)	Postcode	Site ID	Site Area (ha)	Proposed Use	Potential Yield	Source
Hadlow and East Peckham	Bourne	TN11 9SS	59811	194.46	Residential	2362	Call for Sites
Hadlow and East Peckham	East and West Peckham, Mereworth & Wateringbury	TN12 5DF	59525	0.21	Residential	6	Urban Capacity Study
Hadlow and East Peckham	East and West Peckham, Mereworth & Wateringbury	TN12 5DJ	59613	5.60	Residential	131	Call for Sites
Hadlow and East Peckham	East and West Peckham, Mereworth & Wateringbury	TN12 5DX	59837	3.01	Residential	72	Call for Sites
Hadlow and East Peckham	East and West Peckham, Mereworth & Wateringbury	TN12 5EE	59876	4.63	Mix	TBC	Call for Sites
Hadlow and East Peckham	East and West Peckham, Mereworth & Wateringbury	TN12 5EJ	59616	1.50	Employment	TBC	Call for Sites
Hadlow and East Peckham	East and West Peckham, Mereworth & Wateringbury	TN12 5HX	59782	5.32	Mix	TBC	Call for Sites
Hadlow and East Peckham	East and West Peckham, Mereworth & Wateringbury	TN12 5JB	59650	0.62	Mix	TBC	Call for Sites
Hadlow and East Peckham	East and West Peckham, Mereworth & Wateringbury	TN12 5JB	59855	6.20	Employment	TBC	Call for Sites

Ward (existing)	Ward (May 2023 onwards)	Postcode	Site ID	Site Area (ha)	Proposed Use	Potential Yield	Source
Hadlow and East Peckham	East and West Peckham, Mereworth & Wateringbury	TN12 5JG	59742	9.05	Mix	TBC	Call for Sites
Hadlow and East Peckham	East and West Peckham, Mereworth & Wateringbury	TN12 5JH	59682	3.32	Mix	TBC	Call for Sites
Hadlow and East Peckham	East and West Peckham, Mereworth & Wateringbury	TN12 5JH	59813	18.29	Mix	TBC	Call for Sites
Hadlow and East Peckham	East and West Peckham, Mereworth & Wateringbury	TN12 5LL	59640	0.83	Residential	24	Call for Sites
Hadlow and East Peckham	East and West Peckham, Mereworth & Wateringbury	TN12 5LL	59753	0.30	Residential	9	Call for Sites
Hadlow and East Peckham	East and West Peckham, Mereworth & Wateringbury	TN12 5LN	59639	1.11	Residential	28	Call for Sites
Hadlow and East Peckham	East and West Peckham, Mereworth & Wateringbury	TN12 5PB	59789	7.10	Residential	165	Call for Sites
Hadlow and East Peckham	East and West Peckham, Mereworth & Wateringbury	TN12 6PZ	59646	146.22	Mix	TBC	Call for Sites
Higham	Higham	TN10 4AN	59524	0.30	Residential	8	Urban Capacity Study

Ward (existing)	Ward (May 2023 onwards)	Postcode	Site ID	Site Area (ha)	Proposed Use	Potential Yield	Source
Higham	Higham	TN10 4EZ	59657	0.66	Residential	19	Call for Sites
Higham	Higham	TN10 4HN	59693	13.90	Residential	239	Call for Sites
Higham	Higham	TN11 0AB	59607	0.34	Residential	10	Call for Sites
Higham	Higham	TN11 0AE	59629	0.27	Residential	8	Call for Sites
Higham	Higham	TN11 0AG	59685	15.48	Mix	TBC	Call for Sites
Higham	Higham	TN11 9QP	59721	5.39	Residential	129	Call for Sites
Higham	Higham	TN11 9QR	59690	42.34	Mix	TBC	Call for Sites
Higham	Higham	TN11 9QR	59805	78.38	Mix	TBC	Call for Sites
Higham	Higham	TN11 9QR	59809	19.49	Mix	TBC	Call for Sites
Hildenborough	Hildenborough	TN10 3DH	59823	4.03	Mix	TBC	Call for Sites
Hildenborough	Hildenborough	TN10 3QZ	59801	17.14	Mix	TBC	Call for Sites
Hildenborough	Hildenborough	TN11 8LX	59688	11.03	Mix	TBC	Call for Sites
Hildenborough	Hildenborough	TN11 8LX	59704	3.69	Residential	89	Call for Sites
Hildenborough	Hildenborough	TN11 8ND	59669	11.45	Residential	258	Call for Sites
Hildenborough	Hildenborough	TN11 8ND	59679	10.95	Mix	TBC	Call for Sites
Hildenborough	Hildenborough	TN11 8NJ	59627	0.45	Residential	0	Call for Sites
Hildenborough	Hildenborough	TN11 8PB	59783	7.13	Residential	167	Call for Sites

Ward (existing)	Ward (May 2023 onwards)	Postcode	Site ID	Site Area (ha)	Proposed Use	Potential Yield	Source
Hildenborough	Hildenborough	TN11 9AD	59615	2.70	Residential	69	Call for Sites
Hildenborough	Hildenborough	TN11 9AD	59692	3.49	Residential	83	Call for Sites
Hildenborough	Hildenborough	TN11 9DB	59745	2.81	Residential	72	Call for Sites
Hildenborough	Hildenborough	TN11 9EL	59592	1.06	Residential	28	Call for Sites
Hildenborough	Hildenborough	TN11 9ES	59808	9.39	Residential	222	Call for Sites
Hildenborough	Hildenborough	TN11 9HL	59656	12.09	Residential	289	Call for Sites
Hildenborough	Hildenborough	TN11 9HN	59653	9.30	Residential	214	Call for Sites
Hildenborough	Hildenborough	TN11 9LE	59771	3.24	Residential	74	Call for Sites
Hildenborough	Hildenborough	TN11 9LN	59775	0.54	Residential	13	Call for Sites
Hildenborough	Hildenborough	TN11 9NB	59667	2.20	Mix	TBC	Call for Sites
Hildenborough	Hildenborough	TN11 9NG	59609	1.54	Residential	38	Call for Sites
Hildenborough	Hildenborough	TN11 9NG	59625	2.06	Residential	46	Call for Sites
Hildenborough	Hildenborough	TN11 9NG	59804	101.75	Mix	TBC	Call for Sites
Hildenborough	Hildenborough	TN11 9NH	59798	22.37	Residential	458	Call for Sites
Hildenborough	Hildenborough	TN11 9NH	59835	28.22	Mix	TBC	Call for Sites
Judd	Judd	TN11 8AA	59695	4.49	Residential	105	Call for Sites
Judd	Judd	TN11 8AA	59764	11.06	Residential	265	Call for Sites

Ward (existing)	Ward (May 2023 onwards)	Postcode	Site ID	Site Area (ha)	Proposed Use	Potential Yield	Source
Judd	Judd	TN11 8AA	59765	13.66	Mix	TBC	Call for Sites
Judd	Judd	TN11 9BE	59641	1.15	Residential	29	Call for Sites
Judd	Judd	TN4 0UH	59838	18.18	Mix	TBC	Call for Sites
Judd	Judd	TN9 1EP	59815	0.06	Mix	TBC	Call for Sites
Judd	Judd	TN9 1TU	59576	0.07	Residential	9	Urban Capacity Study
Judd	Judd	TN9 2PL	59869	9.33	Mix	TBC	Call for Sites
Judd	Judd	TN9 2QA	59571	0.20	Residential	6	Urban Capacity Study
Judd	Judd	TN9 2QA	59572	0.46	Residential	13	Urban Capacity Study
Judd	Judd	TN9 2SN	59796	0.42	Mix	TBC	Call for Sites
Judd	Judd	TN9 2YS	59550	0.24	Residential	8	Urban Capacity Study
Judd	Judd	TN9 2YS	59552	0.21	Residential	7	Urban Capacity Study
Kings Hill	Kings Hill	ME19 4BP	59884	0.64	Residential	21	Urban Capacity Study
Kings Hill	Kings Hill	ME19 4BQ	59547	0.20	Residential	6	Urban Capacity Study
Kings Hill	Kings Hill	ME19 4BX	59534	0.64	Residential	18	Urban Capacity Study
Kings Hill	Kings Hill	ME19 4GE	59544	0.18	Residential	5	Urban Capacity Study
Kings Hill	Kings Hill	ME19 4GW	59424	6.11	Residential	164	Withdrawn Allocations
Kings Hill	Kings Hill	ME19 4GW	59655	6.29	Residential	143	Call for Sites

Ward (existing)	Ward (May 2023 onwards)	Postcode	Site ID	Site Area (ha)	Proposed Use	Potential Yield	Source
Kings Hill	Kings Hill	ME19 4NP	59531	0.47	Residential	13	Urban Capacity Study
Kings Hill	Kings Hill	ME19 6HR	59634	8.12	Residential	104	Call for Sites
Larkfield North	Larkfield	ME20 6GZ	59494	0.28	Residential	20	Urban Capacity Study
Larkfield North	Larkfield	ME20 6RH	59437	0.31	Residential	9	Urban Capacity Study
Larkfield North	Larkfield	ME20 6TW	59436	0.38	Residential	17	Urban Capacity Study
Larkfield North	Larkfield	ME20 6TY	59718	1.88	Residential	48	Call for Sites
Larkfield North	Larkfield	ME20 7GP	59438	0.19	Residential	14	Urban Capacity Study
Larkfield South	Larkfield	ME20 6LS	59433	0.86	Residential	25	Urban Capacity Study
Larkfield South	Larkfield	ME20 6QL	59457	0.25	Residential	13	Urban Capacity Study
Medway	Vauxhall	TN11 0LZ	59696	1.99	Residential	51	Call for Sites
Medway	Vauxhall	TN11 0NA	59697	0.38	Mix	TBC	Call for Sites
Medway	Cage Green & Angel	TN11 0QU	59834	63.39	Mix	TBC	Call for Sites
Medway	Cage Green & Angel	TN11 0QX	59661	7.11	Mix	TBC	Call for Sites
Medway	Cage Green & Angel	TN9 1FW	59885	0.99	Residential	100	Urban Capacity Study
Medway	Cage Green & Angel	TN9 1QA	59644	1.78	Residential	10	Call for Sites
Medway	Cage Green & Angel	TN9 1QH	59562	0.18	Residential	22	Urban Capacity Study
Medway	Cage Green & Angel	TN9 1RA	59892	1.70	Employment	TBC	Withdrawn Allocations

Ward (existing)	Ward (May 2023 onwards)	Postcode	Site ID	Site Area (ha)	Proposed Use	Potential Yield	Source
Medway	Cage Green & Angel	TN9 1RF	59660	1.12	Residential	112	Call for Sites
Medway	Cage Green & Angel	TN9 1RS	59560	0.49	Residential	57	Urban Capacity Study
Medway	Cage Green & Angel	TN9 1SF	59559	0.30	Residential	35	Urban Capacity Study
Medway	Cage Green & Angel	TN9 1SF	59561	1.07	Residential	111	Urban Capacity Study
Medway	Cage Green & Angel	TN9 1SG	59879	1.88	Residential	197	Call for Sites
Medway	Cage Green & Angel	TN9 1SH	59563	0.10	Residential	12	Urban Capacity Study
Medway	Cage Green & Angel	TN9 1TB	59701	10.79	Employment	TBC	Call for Sites
Medway	Cage Green & Angel	TN9 1TE	59581	0.56	Residential	65	Urban Capacity Study
Medway	Vauxhall	TN9 2JW	59554	0.28	Residential	8	Urban Capacity Study
Medway	Vauxhall	TN9 2JW	59555	0.24	Residential	7	Urban Capacity Study
Snodland East and Ham Hill	Snodland East & Ham Hill	ME6 5AA	59505	0.21	Residential	11	Urban Capacity Study
Snodland East and Ham Hill	Snodland East & Ham Hill	ME6 5BB	59727	0.34	Employment	TBC	Call for Sites
Snodland East and Ham Hill	Snodland East & Ham Hill	ME6 5FB	59512	0.27	Residential	12	Urban Capacity Study
Snodland East and Ham Hill	Snodland East & Ham Hill	ME6 5HW	59502	0.16	Residential	8	Urban Capacity Study

Ward (existing)	Ward (May 2023 onwards)	Postcode	Site ID	Site Area (ha)	Proposed Use	Potential Yield	Source
Snodland East and Ham Hill	Snodland East & Ham Hill	ME6 5SL	59836	2.80	Employment	TBC	Call for Sites
Snodland East and Ham Hill	Snodland East & Ham Hill	ME6 5ST	59874	2.34	Mix	TBC	Call for Sites
Snodland West and Holborough Lakes	Snodland West & Holborough Lakes	ME2 1JS	59864	203.38	Mix	TBC	Call for Sites
Snodland West and Holborough Lakes	Snodland West & Holborough Lakes	ME2 1JY	59858	64.34	Mix	TBC	Call for Sites
Snodland West and Holborough Lakes	Snodland West & Holborough Lakes	ME6 5DR	59866	289.87	Mix	TBC	Call for Sites
Snodland West and Holborough Lakes	Snodland West & Holborough Lakes	ME6 5NR	59511	0.34	Residential	16	Urban Capacity Study
Snodland West and Holborough Lakes	Snodland West & Holborough Lakes	ME6 5NX	59510	0.21	Residential	10	Urban Capacity Study
Snodland West and Holborough Lakes	Snodland West & Holborough Lakes	ME6 5RA	59507	0.21	Residential	6	Urban Capacity Study
Snodland West and Holborough Lakes	Snodland West & Holborough Lakes	ME6 5RQ	59509	0.79	Residential	36	Urban Capacity Study
South Aylesford	Aylesford South & Ditton	ME16 0YE	59390	3.47	Residential	83	Withdrawn Allocations
Trench	Trench	TN10 3NT	59522	0.29	Residential	8	Urban Capacity Study
Trench	Trench	TN10 3QP	59521	0.94	Residential	27	Urban Capacity Study

Ward (existing)	Ward (May 2023 onwards)	Postcode	Site ID	Site Area (ha)	Proposed Use	Potential Yield	Source
Trench	Trench	TN11 9NG	59612	8.02	Residential	179	Call for Sites
Trench	Trench	TN11 9NG	59746	11.21	Residential	255	Call for Sites
Vauxhall	Vauxhall	TN11 0NQ	59848	5.69	Employment	TBC	Call for Sites
Vauxhall	Vauxhall	TN9 2AD	59568	0.20	Residential	25	Urban Capacity Study
Vauxhall	Vauxhall	TN9 2AQ	59878	1.19	Residential	124	Call for Sites
Vauxhall	Vauxhall	TN9 2BE	59428	1.68	Residential	74	Urban Capacity Study
Vauxhall	Vauxhall	TN9 2FE	59553	0.15	Residential	7	Urban Capacity Study
Wateringbury	East and West Peckham, Mereworth & Wateringbury	ME18 5BP	59700	1.24	Residential	0	Call for Sites
Wateringbury	East and West Peckham, Mereworth & Wateringbury	ME18 5BS	59845	4.61	Residential	0	Call for Sites
Wateringbury	East and West Peckham, Mereworth & Wateringbury	ME18 5HX	59624	16.97	Residential	185	Call for Sites
Wateringbury	East and West Peckham, Mereworth & Wateringbury	ME18 5HZ	59723	0.55	Mix	TBC	Call for Sites
Wateringbury	East and West Peckham, Mereworth & Wateringbury	ME18 5HZ	59799	16.83	Residential	0	Call for Sites

Ward (existing)	Ward (May 2023 onwards)	Postcode	Site ID	Site Area (ha)	Proposed Use	Potential Yield	Source
Wateringbury	East and West Peckham, Mereworth & Wateringbury	ME18 5LW	59797	80.32	Residential	1228	Call for Sites
Wateringbury	East and West Peckham, Mereworth & Wateringbury	ME18 5NN	59664	1.93	Residential	21	Call for Sites
Wateringbury	East and West Peckham, Mereworth & Wateringbury	ME18 5NN	59728	7.40	Residential	0	Call for Sites
Wateringbury	East and West Peckham, Mereworth & Wateringbury	ME18 5NN	59729	20.02	Mix	TBC	Call for Sites
Wateringbury	East and West Peckham, Mereworth & Wateringbury	ME18 5NW	59654	1.37	Residential	4	Call for Sites
Wateringbury	East and West Peckham, Mereworth & Wateringbury	ME18 5NW	59803	14.23	Residential	331	Call for Sites
Wateringbury	East and West Peckham, Mereworth & Wateringbury	ME18 5PJ	59800	12.02	Residential	275	Call for Sites
Wateringbury	East and West Peckham, Mereworth & Wateringbury	ME18 5PJ	59802	27.52	Residential	644	Call for Sites

Ward (existing)	Ward (May 2023 onwards)	Postcode	Site ID	Site Area (ha)	Proposed Use	Potential Yield	Source
Wateringbury	East and West Peckham, Mereworth & Wateringbury	ME18 5PS	59722	0.50	Mix	TBC	Call for Sites
West Malling and Leybourne	East Malling, West Malling & Offham	ME19 4PB	59733	1.06	Residential	27	Call for Sites
West Malling and Leybourne	East Malling, West Malling & Offham	ME19 4PL	59602	0.66	Residential	19	Call for Sites
West Malling and Leybourne	East Malling, West Malling & Offham	ME19 4PL	59603	4.25	Mix	TBC	Call for Sites
West Malling and Leybourne	East Malling, West Malling & Offham	ME19 5AD	59658	0.67	Residential	19	Call for Sites
West Malling and Leybourne	East Malling, West Malling & Offham	ME19 5AD	59672	0.60	Residential	17	Call for Sites
West Malling and Leybourne	Birling, Leybourne & Ryarsh	ME19 5EU	59756	2.96	Residential	75	Call for Sites
West Malling and Leybourne	Birling, Leybourne & Ryarsh	ME19 5EU	59844	2.29	Residential	58	Call for Sites
West Malling and Leybourne	Birling, Leybourne & Ryarsh	ME19 5HP	59833	0.07	Residential	2	Call for Sites
West Malling and Leybourne	Birling, Leybourne & Ryarsh	ME19 5HQ	59441	1.78	Residential	45	Urban Capacity Study
West Malling and Leybourne	Birling, Leybourne & Ryarsh	ME19 5HX	59863	5.53	Employment	TBC	Call for Sites

Ward (existing)	Ward (May 2023 onwards)	Postcode	Site ID	Site Area (ha)	Proposed Use	Potential Yield	Source
West Malling and Leybourne	Birling, Leybourne & Ryarsh	ME19 5LB	59762	2.25	Residential	57	Call for Sites
West Malling and Leybourne	Birling, Leybourne & Ryarsh	ME19 5LZ	59445	0.60	Residential	19	Urban Capacity Study
West Malling and Leybourne	Birling, Leybourne & Ryarsh	ME19 5QH	59442	0.49	Residential	14	Urban Capacity Study
West Malling and Leybourne	Birling, Leybourne & Ryarsh	ME19 5QH	59443	0.54	Residential	15	Urban Capacity Study
West Malling and Leybourne	Birling, Leybourne & Ryarsh	ME19 5QP	59456	0.24	Mix	TBC	Urban Capacity Study
West Malling and Leybourne	Birling, Leybourne & Ryarsh	ME19 5QU	59432	0.53	Residential	15	Urban Capacity Study
West Malling and Leybourne	East Malling, West Malling & Offham	ME19 6HL	59807	2.94	Residential	34	Call for Sites
West Malling and Leybourne	East Malling, West Malling & Offham	ME19 6HL	59814	1.26	Residential	0	Call for Sites
West Malling and Leybourne	East Malling, West Malling & Offham	ME19 6HL	59860	3.50	Residential	41	Call for Sites
West Malling and Leybourne	East Malling, West Malling & Offham	ME19 6HN	59854	0.69	Residential	20	Call for Sites
West Malling and Leybourne	East Malling, West Malling & Offham	ME19 6NA	59488	0.36	Residential	16	Urban Capacity Study

Ward (existing)	Ward (May 2023 onwards)	Postcode	Site ID	Site Area (ha)	Proposed Use	Potential Yield	Source
West Malling and Leybourne	East Malling, West Malling & Offham	ME19 6NN	59699	13.68	Mix	TBC	Call for Sites
West Malling and Leybourne	East Malling, West Malling & Offham	ME19 6PD	59594	5.48	Residential	35	Call for Sites
West Malling and Leybourne	East Malling, West Malling & Offham	ME19 6QP	59447	0.30	Residential	14	Urban Capacity Study
West Malling and Leybourne	East Malling, West Malling & Offham	ME19 6RD	59714	2.71	Residential	69	Call for Sites
West Malling and Leybourne	East Malling, West Malling & Offham	ME19 6RE	59645	1.66	Residential	42	Call for Sites
West Malling and Leybourne	East Malling, West Malling & Offham	ME19 6RF	59716	3.62	Residential	28	Call for Sites
West Malling and Leybourne	East Malling, West Malling & Offham	ME19 6RW	59619	4.21	Residential	30	Call for Sites
West Malling and Leybourne	East Malling, West Malling & Offham	ME19 6RW	59620	1.96	Residential	7	Call for Sites
West Malling and Leybourne	East Malling, West Malling & Offham	ME19 6RW	59621	2.17	Residential	27	Call for Sites
West Malling and Leybourne	East Malling, West Malling & Offham	ME19 6RW	59622	0.28	Residential	0	Call for Sites
Wrotham, Ightham and Stansted	Pilgrims with Ightham	TN15 0NY	59608	1.44	Residential	37	Call for Sites

Ward (existing)	Ward (May 2023 onwards)	Postcode	Site ID	Site Area (ha)	Proposed Use	Potential Yield	Source
Wrotham, Ightham and Stansted	Pilgrims with Ightham	TN15 7AF	59593	2.38	Employment	TBC	Call for Sites
Wrotham, Ightham and Stansted	Pilgrims with Ightham	TN15 7AF	59600	0.84	Employment	TBC	Call for Sites
Wrotham, Ightham and Stansted	Pilgrims with Ightham	TN15 7BT	59707	4.37	Residential	105	Call for Sites
Wrotham, Ightham and Stansted	Pilgrims with Ightham	TN15 7BT	59731	4.32	Residential	104	Call for Sites
Wrotham, Ightham and Stansted	Pilgrims with Ightham	TN15 7BZ	59881	9.92	Residential	238	Call for Sites
Wrotham, Ightham and Stansted	Pilgrims with Ightham	TN15 7DT	59751	1.34	Residential	34	Call for Sites
Wrotham, Ightham and Stansted	Pilgrims with Ightham	TN15 7ER	59671	3.02	Residential	73	Call for Sites
Wrotham, Ightham and Stansted	Pilgrims with Ightham	TN15 7PB	59882	0.08	Residential	2	Call for Sites
Wrotham, Ightham and Stansted	Pilgrims with Ightham	TN15 7PB	59883	0.32	Residential	9	Call for Sites
Wrotham, Ightham and Stansted	Pilgrims with Ightham	TN15 7RD	59711	0.27	Mix	TBC	Call for Sites
Wrotham, Ightham and Stansted	Pilgrims with Ightham	TN15 7RD	59712	3.08	Residential	73	Call for Sites

Ward (existing)	Ward (May 2023 onwards)	Postcode	Site ID	Site Area (ha)	Proposed Use	Potential Yield	Source
Wrotham, Ightham and Stansted	Pilgrims with Ightham	TN15 7RF	59880	5.49	Residential	132	Call for Sites
Wrotham, Ightham and Stansted	Pilgrims with Ightham	TN15 7RJ	59611	3.22	Employment	TBC	Call for Sites
Wrotham, Ightham and Stansted	Pilgrims with Ightham	TN15 7RJ	59681	3.18	Employment	TBC	Call for Sites
Wrotham, Ightham and Stansted	Pilgrims with Ightham	TN15 7RJ	59705	0.48	Employment	TBC	Call for Sites
Wrotham, Ightham and Stansted	Pilgrims with Ightham	TN15 7RR	59643	0.61	Mix	TBC	Call for Sites
Wrotham, Ightham and Stansted	Pilgrims with Ightham	TN15 7RR	59665	15.42	Mix	TBC	Call for Sites
Wrotham, Ightham and Stansted	Pilgrims with Ightham	TN15 7RR	59706	0.21	Mix	TBC	Call for Sites
Wrotham, Ightham and Stansted	Pilgrims with Ightham	TN15 7RW	59680	6.48	Employment	TBC	Call for Sites
Wrotham, Ightham and Stansted	Pilgrims with Ightham	TN15 7SG	59788	7.20	Employment	TBC	Call for Sites
Wrotham, Ightham and Stansted	Pilgrims with Ightham	TN15 8AP	59794	0.90	Residential	26	Call for Sites
Wrotham, Ightham and Stansted	Pilgrims with Ightham	TN15 9AJ	59770	1.83	Mix	TBC	Call for Sites

Ward (existing)	Ward (May 2023 onwards)	Postcode	Site ID	Site Area (ha)	Proposed Use	Potential Yield	Source
Wrotham, Ightham and Stansted	Pilgrims with Ightham	TN15 9HS	59709	12.39	Mix	TBC	Call for Sites
Wrotham, Ightham and Stansted	Pilgrims with Ightham	TN15 9HS	59720	8.27	Residential	198	Call for Sites
Wrotham, Ightham and Stansted	Pilgrims with Ightham	TN15 9HS	59793	0.12	Residential	4	Call for Sites
Wrotham, Ightham and Stansted	Pilgrims with Ightham	TN15 9JD	59872	0.09	Residential	3	Call for Sites
Wrotham, Ightham and Stansted	Pilgrims with Ightham	TN15 9JE	59871	1.10	Residential	28	Call for Sites

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Annex 2- Links to supporting documents

Externally produced reports

Evidence Base Documents	Consultant	Link
Interim Sustainability Appraisal Report	LUC	https://tonbridgeandmallingsbc.sharepoint.com/:b:/s/ManagementBoard-9Augustlinks/ESN-ixV0i-IMoMcsJEpEogIBEWqYJ2ofcBNHz63p5zY71w?e=ulKSWL
Interim Sustainability Appraisal Report: Annex 1	LUC	https://tonbridgeandmallingsbc.sharepoint.com/:b:/s/ManagementBoard-9Augustlinks/EWgq6fQ4ndFNmFBYII6fH2sBilryGS_hgFF63BpRCf4vTw?e=IXxSWd
Interim Sustainability Appraisal Report: Non-Technical Summary	LUC	https://tonbridgeandmallingsbc.sharepoint.com/:b:/s/ManagementBoard-9Augustlinks/Efj5aSCnKhBChLRm1feL8J4BYQz6PmfLAWk6kWKmVc2A3Q?e=aWVWmy

External evidence base documents

Evidence Base Documents	Consultant	Link
Green Belt Study: Exceptional Circumstances (Strategic) Note	Arup	https://tonbridgeandmallingsbc.sharepoint.com/:b:/s/ManagementBoard-9Augustlinks/EcwfqYIFNktHt7mtzyPzB_cBQF_DA4ZqYCeVBhjiCesDzg?e=aZUqLK
Housing Needs Study	Arc4	https://tonbridgeandmallingsbc.sharepoint.com/:b:/s/ManagementBoard-9Augustlinks/Ec3_BZKoMzZOgCdvSfFsl-8BjVJunYvn8YFX4uCrnvXplQ?e=btKZ96
Urban Capacity Study Report	UI	https://tonbridgeandmallingsbc.sharepoint.com/:b:/s/ManagementBoard-9Augustlinks/EbwkLbPL415Dq4KsStJvsqIBM1dle03hPbrCNKH-LgW4oA?e=XDoNDg
Urban Capacity Study Appendices	UI	Appendix A: https://tonbridgeandmallingsbc.sharepoint.com/:b:/s/ManagementBoard-9Augustlinks/EWiqUOpOQRdPjuBPIRFIB3sBk99ixNvFBM12vGxEdv5DvQ?e=4R4Qfn Appendix B: https://tonbridgeandmallingsbc.sharepoint.com/:b:/s/ManagementBoard-9Augustlinks/EWlg7wa6c5FKqPAIXtdcs1QBHTAiplQU170T7ZfZmfgzrA?e=z80gRh

Evidence Base Documents	Consultant	Link
		<p>Appendix C: https://tonbridgeandmallingsbc.sharepoint.com/:b:/s/ManagementBoard-9Augustlinks/EUOgzzYRx2dKmV5GUD_2QwIBfeb1zjLwHJgpaq5nyCwgQQ?e=QjCpzH</p> <p>Appendix D: https://tonbridgeandmallingsbc.sharepoint.com/:b:/s/ManagementBoard-9Augustlinks/EYw-BUYPBLpluINPijDmBqMBEkxE9kYAxtzPZ5w3r38q7w?e=dSK5uO</p> <p>Appendix E: https://tonbridgeandmallingsbc.sharepoint.com/:b:/s/ManagementBoard-9Augustlinks/EdTLBb7lwqpFp9ursZY01bgBmeiyB9AZNL4ncKrmMB--fA?e=5D1NOK</p>
Housing Market Delivery Study	GL Hearn	<p>Report: https://tonbridgeandmallingsbc.sharepoint.com/:b:/s/ManagementBoard-9Augustlinks/EUIk41trDAdMkH0vP9-5GJgB-MP08IXeBJcKIkYIRonCA?e=ET6pl6</p> <p>Appendices: https://tonbridgeandmallingsbc.sharepoint.com/:b:/s/ManagementBoard-9Augustlinks/EUC-8qI4kblBtOSUO5B3rhsBOEJoru-3NkCA4Ceyt11GGw?e=7IXWDE</p>
Gypsy and Traveller Accommodation Assessment	arc4	https://tonbridgeandmallingsbc.sharepoint.com/:b:/s/ManagementBoard-9Augustlinks/ETNxYK3SM2ZCntn03GuSG3YBffocdYEjz97BsZ6q5aQwKA?e=6UWrOg
Transport Baseline Modelling	Jacobs	https://tonbridgeandmallingsbc.sharepoint.com/:b:/s/ManagementBoard-9Augustlinks/Ede2LVYmLadPmZGLQyJshYwBiKzQu7VDwcofuXv9LILMhw?e=tMVU1x
Economic Development Needs Study	Lichfields	https://tonbridgeandmallingsbc.sharepoint.com/:b:/s/ManagementBoard-9Augustlinks/EfCHFEbNgiZLshiEW_N7FMcBL32UTPBNwJtwyE9A6WgDPg?e=isZDf1
Strategic Flood Risk Assessment (Level 1): Site Screening	JBA	https://tonbridgeandmallingsbc.sharepoint.com/:x:/s/ManagementBoard-9Augustlinks/EVKdKWixT3dCIS6ZY0cfxDgB-oivDMxxzyWYEJ7GG-uBig?e=j7kbkh

Internal papers

Evidence Base Documents	Link
Windfall Allowance Methodology paper	https://tonbridgeandmallingbc.sharepoint.com/:b:/s/ManagementBoard-9Augustlinks/ESAzlOFBW2hEn1M0ExJ2jjABiwzPJgKqyX0KiCsg9oOGeA?e=h3JHnc

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Annex 3- Regulation 18 Local Plan Engagement Strategy

Member engagement

Regular updates on the Local Plan process have taken place with the Leader and Portfolio holder.

An all-member briefing also took place on 21 July 2022.

Consultation approach

The [Statement of Community Involvement \(SCI\)](#) has been reviewed. Subject to Cabinet approval, all planning consultations will be undertaken in accordance with this new document. For plan-making, this includes going beyond the statutory obligations (e.g. hard copies in principal council offices, putting information on website), containing a 'menu' of options to be utilised for each consultation.

Subject to Cabinet approval the Regulation 18 Local Plan consultation will run from **15 September 2022 to 27 October 2022**.

The consultation material consists of:

- The Regulation 18 Local Plan, plus appendices (Annex 1)
- Draft Interim Sustainability Appraisal, plus appendices (Annex 2)

The consultation material is accompanied by a suite of background documents and evidence base studies (see Annex 2). These will all be made available alongside the Local Plan and Sustainability Appraisal but are not directly subject to consultation.

The consultation material will be made available by:

- Display in the council's principal offices (Gibson Building and Tonbridge Castle)
- On the council's website at <https://www.tmbc.gov.uk/localplan>, with a link to the council's consultation portal (see below)

All individuals and interested parties registered on the local plan database will be informed of the consultation via email, as well as those registered for planning consultations on the consultation portal, and through the [Placemaker](#) software used for the previous call for sites exercise. The consultation will also be promoted by the council through its own networks and social media.

The consultation material has also been designed to enhance the accessibility and inclusivity. A [consultation leaflet](#) has been prepared to provide a high-level summary of the Local Plan and the consultation. This follows the content and order of the Local Plan explaining the key issues identified in simple terms. A link is provided to the full Regulation 18 Local Plan to invite comment on the plan as a whole.

A [short film](#) following the format of the above leaflet has been prepared to explain what the local plan is and what it will contain: <https://vimeo.com/indigoprds/tmlocalplan> (full-length version) <https://vimeo.com/indigoprds/tmlocalplansocial> (60 second version for social media).

A [Local Plan infographic](#) has also been produced. This will be displayed on the website alongside the leaflet and within the front page of the plan itself, showing a short summary of key local plan matters.

How to provide comments

Comments can be made directly via the Council's consultation portal: <https://tmbc.inconsult.uk/>.
Alternatively, a consultation form available on the Council's website can be sent to Local.Plan@tmbc.gov.uk.

Paper copies of responses can also be sent to: Regulation 18 Local Plan consultation, Gibson Building, Gibson Drive, Kings Hill, West Malling, ME19 4LZ.

TONBRIDGE & MALLING BOROUGH COUNCIL

CABINET

07 September 2022

Report of the Director of Planning, Housing and Environmental Health

Part 1- Public

Executive Key Decisions

1 ALLOCATIONS SCHEME REVIEW

It is a statutory requirement under Part VI of the Housing Act 1996 (HA 1996) that Local Authorities (LAs) have an Allocations Scheme. These are mechanisms for assessing housing need, advertising available social housing and the allocation of social homes. The Scheme determines who can join the housing register and what level of priority they will be awarded.

Any scheme needs to reflect the current legislation and Government guidance, as well as local requirements. It is important that the Scheme is reviewed regularly to ensure that it remains fit for purpose and ensures that the limited supply of social housing is allocated fairly and in line with legislation, national and local priorities. The current Tonbridge and Malling Allocations Scheme was implemented in 2013 and was last reviewed in 2016. Since the last review, there have been several significant changes in legislation including the introduction of the Homelessness Reduction Act 2017 (HRA 2017) and the Domestic Abuse Act 2021 (DA Act 2021). These are not reflected within the current scheme. Given this there is a need to review the current scheme to reflect this changing legislation and ensure any scheme operated by Tonbridge & Malling Borough Council (TMBC) is fit for purpose and legislatively correct. A new scheme has been drafted and this report seeks permission from Cabinet to enter into the required engagement to notify those who will be affected of the changes proposed and how this will affect them and seek feedback from other key partners identified within the guidance supporting this area of work.

- 1.1 In November 2019, the Communities and Housing Advisory Board (CHAB) were informed of the intention to update the Housing Allocations Scheme and a project plan for the review was agreed. However due to the global Covid pandemic, and the increase in workload relating to this, including initiatives such as Everyone In, alongside an internal restructure of the Housing Service, this project was delayed. However, this project has now been reviewed and progressed. The project must therefore now be progressed at pace, given the unavoidable previous delays, to enable the requirement for an up to date legally compliant allocations scheme to be agreed and implemented.

- 1.1.1 Work to date has been guided by a Project Steering Group, with Audit providing quality assurance support to the group and began with some initial informal consultation being completed. The outcome of these sessions, which included discussion with key partners, is included in a report which has been attached as **Appendix A**.
- 1.1.2 Simultaneously to the informal consultation, the Housing Solutions Service was subject to a review of its temporary accommodation (TA) usage. Also progressing was the completion of a Housing Needs Assessment (HNA).
- 1.1.3 As a result of all of this work being pulled together, several proposed changes have now been made to the current allocations scheme. These proposals will change the way applications for social housing are assessed and prioritised to determine who can join the housing register and the criteria for each of the priority bands.
- 1.1.4 The key proposed amendments are
- Amendments to the local connection criteria to tighten this up including the removal of employment as a reason for joining the housing register
 - Changes to the overcrowding assessment
 - Removal of Band D
 - Amendments to bedroom need based on ages of children
 - Changes to priority dates when there is a change of circumstances
 - Penalties for the refusal of offers

A draft of the revised scheme with the changes proposed is attached to this report as **Appendix B**.

- 1.1.5 Once these proposed amendments were made, a draft scheme was taken to Members via 3 virtual teams sessions on the 20 and 21 April 2022 and the 3 May 2022. The proposed changes overall received clear support from Members. Following these sessions there was also a further opportunity emailed out to Members to come back with any final comments they may have about the proposed alterations. Feedback from these comments have been included as **Appendix C**.
- 1.1.6 Any changes to an allocations scheme require LAs to engage with housing providers who operate in the district and ensure they have a reasonable opportunity to comment on the proposals. Additionally, the guidance advises that when an alteration is made to a scheme reflecting a major change of policy then LAs must notify those who will be affected by the changes and have the effect of that change brought to their attention.

- 1.1.7 This report therefore seeks agreement for the draft Allocations Scheme to carry out that engagement to gather further feedback from partners and notify those who will be affected by it. Any feedback will be considered for inclusion in the Allocations Scheme, with the proposed approach being that a final version and an equalities impact assessment will be agreed by the Director of Planning, Housing and Environmental Health in consultation with the Cabinet Member for Housing.
- 1.1.8 It is proposed that Registered Providers are given 6 weeks to respond with any feedback and that in this same time, those on the Housing Register who are impacted are contacted to lay out the changes to the Allocations Scheme. The proposal was then to launch the new scheme late in 2022.
- 1.1.9 However, since this was proposed, there has been a tender exercise conducted by the Kent Homechoice Partnership for the IT systems used for the Housing Register. The current system in use is Locata and following this tender exercise, the contract has now been awarded to Huume which will result in the transition from Locata to Huume in the late spring, early summer 2023. Initially the proposal was to launch the new Allocations Scheme the autumn of 2022. However, to do this there would be a requirement for the council to pay Locata to reconfigure the system to accommodate the changes, which would equate to circa £5,000, as well as a close down period to reassess the applications. Given the change to the system, it is proposed that the Council continues with the engagement, and prepares the scheme for launch, and then does this in line with the introduction of the new system. This will minimise cost and will result in the system having to be closed only once for reassessment.
- 1.1.10 Therefore, it is proposed that the launch of the new scheme is delayed until late spring 2023 to tie in with this.

1.2 Legal Implications

- 1.2.1 The allocation of housing by LAs is framed by Part VI of the HA 1996. The council is required to have a scheme for determining priorities and the procedures that will be followed when allocating social housing.
- 1.2.2 An LA must not allocate housing in any circumstances other than in accordance with its allocation scheme when the LA:
- Selects a person to be a secure or introductory tenant of housing accommodation.
 - Nominates a person to be a secure or introductory tenant of housing accommodation
 - Nominates a person to be an assured tenant or assured shorthold tenant of housing accommodation held by a Private Registered Provider.

In formulating or amending their allocation scheme, a LA must have regard to:

- Its current homelessness strategy under section 1 of the Homelessness Act 2002. This is currently under review but has been considered
- Its tenancy strategy under section 150 of the Localism Act 2011. This is currently under review but has been considered.
- The statutory guidance which can be found here [Social housing allocations guidance - GOV.UK \(www.gov.uk\)](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/271212/Social_housing_allocations_guidance_-_GOV.UK.pdf)
- Homelessness Code of Guidance for Local Authorities

Although the HA 1996, as amended by the Localism Act 2011, gives LAs broad discretion to determine what classes of person will be considered as qualifying under the scheme and how to determine relative priorities between qualifying applicants, there are requirements to give reasonable, and in some defined cases, additional, preference to certain categories of people. An LA cannot disqualify persons who fall within one of the classes of person for whom a reasonable preference must be secured under the scheme.

LHAs may also frame the scheme to give "additional preference" to other persons with urgent housing needs. Where the council makes provision for additional preference, this must be justified.

Due regard must also be given the public sector equality duty (PSED) in section 149 of the Equality Act 2010 that requires the council to consider all individuals when carrying out their functions; this includes changes to policy. The duty requires that due regard be given to the need to eliminate discrimination, advance equality of opportunity, and foster good relations between different people. Specifically, the following protected characteristics must be given due regard

- age,
- disability,
- gender reassignment,
- pregnancy and maternity,
- race,
- religion or belief,
- sex,
- sexual orientation.

The PSED also applies to marriage and civil partnership, but only in relation to the need to eliminate discrimination, harassment, and discrimination.

It is therefore important that a robust equality assessment is undertaken to enable the council to identify and address any adverse impact on those with protected characteristics.

To ensure that the proposed approach to Allocations meets all of the Council's legal requirements and to understand any legal risks of challenge, external legal advice has been sought. This advice is appended to this report at **Appendix D** which is attached as restricted/private paper for Member's information.

1.3 Financial and Value for Money Considerations

- 1.3.1 The proposals if implemented will require a system reconfiguration of Locata and a spec is being worked on currently with the Kent Homechoice Partnership and quotes will be obtained to support these changes. This is a cyclical cost as Allocations Schemes require review.

1.4 Risk Assessment

- 1.4.1 There is a legal risk to the Council of not having an up-to-date allocations scheme and the Council could be open to challenge.
- 1.4.2 If there are significant changes to the scheme as the result of the legal review, or the consultation then this could impact on the IT system configuration which could delay the implementation of the new Allocations Scheme.
- 1.4.3 That there are delays to the launch of the new IT system, as this is being rolled out across a Kent wide partnership.

1.5 Equality Impact Assessment

- 1.5.1 An Equalities Impact Assessment is attached as Appendix E but this will continue to be developed as the project develops and will take account of feedback from providers to inform the Allocations Scheme, and any amendments made as a result of feedback.

1.6 Recommendations

- 1.6.1 That Cabinet **APPROVES** the draft Housing Allocations Scheme and delegates responsibility for agreeing and implementing of the final version of the Scheme, following the required engagement, to the Director for Planning, Housing and Environmental Health in consultation with the Cabinet Member for Housing
- 1.6.2 That Cabinet **APPROVES** implementation of the new scheme in line with the implementation of the new housing system due to be launched in Spring 2023.

Background papers:

contact: Eleanor Hoyle

Nil

Eleanor Hoyle

Director of Planning, Housing and Environmental Health

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Review of Tonbridge and Malling Councils Housing Allocations Scheme

End of Year Report (2021)

Introduction

In November 2019 the Communities and Housing Advisory Board met to discuss a review of the current Housing Allocation Scheme, the current scheme was published in July 2016. To complete the review a project plan was drafted containing a number of milestones, in hopes of the review being finalised and the new Allocations Scheme being published by May 2021. However, due to the global COVID19 pandemic this was delayed.

We are now in a position to revisit this, to ensure our Allocations Scheme is up to date and fit for purpose in light of a number of legislative changes. These include, but are not limited to, the introduction of the Homelessness Reduction Act (2017) and the more recent Domestic Abuse Act (2021), alongside our exit from Europe in 2020. We will also consider the outcome of an independent review “of the use of temporary accommodation for homeless households” as requested by Tonbridge and Malling Borough Council in November 2021.

Project planning meeting

The first reconvened meeting was held on 16 September 2021. This was an initial project planning meeting, attended by a core group to begin with. At this initial meeting, it was acknowledged that as things progress, these meetings will include other departments for further input as, and when, required.

The key actions from this initial meeting were:

- To revise the original timeline; taking into consideration things that will need to be brought to CHAB
- To book in monthly meetings for the project group
- To continue to collect as many allocations policies as we can from registered providers in the borough, ensuring, where possible, our revised Allocation Scheme does not conflict with these
- The staff consultation with the Housing Solutions and Allocations teams to go forward as planned
- For a meeting with the Housing Improvement Team to be arranged
- To discuss how meetings with members will be arranged (format likely to replicate that of the housing strategy consultation)
- To finish arranging a consultation with registered providers in the borough
- To consider how we approach the customer consultation event, for service users
- Continue a communication Plan for the project
- To do a desktop review of relevant documentation; statutory guidance, legislation and issues log developed by staff
- Discussed the fact that changes to the Allocations Scheme, may mean we require changes to be made to the locata system as well

Finally, it was noted that a Housing Needs Assessment was due to commence, and discussion was required on whether we make minor changes to the Allocations Scheme now, and then fully review it after this has been completed, or we wait for the Housing Needs Assessment to be completed. It was agreed that whilst this is being decided, we should move forward with the above actions.

Staff consultation

The staff consultation with the Housing Solutions and Allocations teams, regarding their thoughts and feelings about the current Allocation Scheme, went ahead on 6 October 2021. Please see the outcome of this meeting below:

Question	Response
Tell us what you like and what you think works well for officers and customers in the current scheme?	<ul style="list-style-type: none"> • The clear way the definition of bandings is set out • The simplicity of the way it is written, which makes it customer friendly • That it stands up to intense scrutiny
Tell us what you do not like and what you think doesn't work so well for you and the customers in the current scheme?	<ul style="list-style-type: none"> • What age children should share a room until • Some of the wording needs changed/updated re part about ex/current armed forces personnel • Applicants keeping original priority date, even after a COC • The local connection criteria – looking at how long someone should be in the area before applying and what constitutes a local connection when it comes to family (to prioritise those who live in borough) • The fact that all types of overcrowding get the same banding, should it be tiered re lacking 1-bed band C, lacking 2-bed band B • That there is nothing regarding care leavers
What would be your top 3 priorities for change?	<ul style="list-style-type: none"> • Local connection criteria • Priority dates • Re-wording certain areas of the Scheme • Allowing people with affordability issues to join
What are the less important things to change?	<ul style="list-style-type: none"> • Bandings
If you could keep one thing and one thing only from the current scheme, what would it be?	<ul style="list-style-type: none"> • The structure of the green banding box
If you could change one thing and one thing only from the current scheme, what would you change and if applicable what would you put replace it with?	<ul style="list-style-type: none"> • Being more specific about overcrowding – looking at the size of rooms etc
Any other suggestions?	<ul style="list-style-type: none"> • Look at when we award an extra bedroom when someone notifies us they are pregnant • Need to work with partners to discuss the scheme and the advice they give out to applicants re advising what banding they feel people should be in

Project planning meeting 14 October 2021

The key outcomes from this meeting were:

- It was decided that the action plan timeline will not be reviewed until after the Housing Needs Survey has progressed further.
- The customer consultation and informal discussions with the Housing Improvement Team are still to take place but have been arranged.
- That a communications plan for the project still needed to be developed.
- An update was provided on the consultation held with the Housing Solutions and Allocations teams.
- It was noted that we should consider neighbouring LA schemes when considering bandings etc
- There was an update on how member consultations will be approached.
- It was confirmed that the consultation with registered providers was booked for 20 October 2021.
- It was confirmed that work on the Housing Needs Survey was due to commence on 18 October 2021.
- That from an audit point of view, the current policy is still fit for purpose.

The next meeting was booked for 18 November 2021; however, this was later cancelled as we decided to wait for the Housing Needs Survey to progress. It has been rebooked for 24 February 2022.

Registered provider consultation

The registered provider consultation, regarding their thoughts and feelings about the current Allocation Scheme, went ahead on 20 October 2021 as planned. Please see the outcome of this meeting below:

Question	Response
What in our policy works well for you?	<p>Overall, there were no issues raised about our current Allocation Scheme. However, a representative from Golding Homes, did advise that if you apply to Maidstone Borough Council are offered a property and refuse without "good reason". Then their priority date is re-set to the date of refusal. Therefore, they effectively go to the back of the list as a consequence.</p> <p>There was a discussion, and it was felt that this may be a positive change and cause people to think twice about what they are bidding on.</p> <p>However, others did not feel this would be suitable for our Allocation Policy, causing more issues rather than helping.</p>
What do you think works well for customers?	<p>It was felt that the process for making an application was easy and waiting times were good in comparison to other authorities. It was also felt that the Allocations Policy was easy to understand for both professional and</p>

	applicants. However, although applicants do understand the policy/banding. Then tend not to agree with it.
Do you have any concerns about any disparities or conflicts which makes our policy unworkable with yours?	No concerns, but it was felt that we need to reconsider how we look at and band cases where there has been DA. Also, that we don't have anything regarding reciprocal moves.
Is there anything about the current policy that you think does not work?	It was suggested that we need to update and reword some areas of the Scheme such as, DA and Armed forces. IT was also notes that we don't currently give ex-spouse of veteran's local connection. It was also felt that we don't look at an accumulation of factors and that if there are several issues applicants should be considered for a higher banding.
If you could see anything in our Policy, what would you like to see?	That applicants who are homeless/at threat of homelessness should be given a higher band. As they are more in need than someone who is lacking a room. That highest priority should be given to victims of DA. (Wish list) an instant turnaround of applications and more properties to bid on. Extra training for front line staff, so they can answer queries better. To prevent disgruntled customers.
If you could keep only one thing, what would you like to keep?	No response to this.
Anything else, or any other thoughts, ideas, about our allocations scheme or ways of improving how we work together?	A suggestion that key partners should have regular meetings to get to know each other/discuss things and hard to let properties they may have.

Customer consultation

A customer consultation was booked for 6 December 2021 at Tonbridge Gateway. We invited 60 applicants at random, in a way that would ensure we invited applicants from each banding and with a variety of reasons for applying and being accepted onto the register.

We can confirm that although there was initially a small amount of interest, no-one attended the customer consultation.

Housing Improvements Team consultation

During this meeting on 26 October 2021 we went through the thoughts of the Housing Solutions and Allocations teams and there was a general consensus that they agreed with all points. However, they

did want to make it clear that they do not wish to go back to visiting household to measure the size of rooms, as a method of determining overcrowding.

Review of the use of Temporary Accommodation for homeless households

In October 2021 Andy Gale and Anna Whalen (housing consultants) were commissioned by Tonbridge and Malling Borough Council to undertake a review of the use of Temporary Accommodation (TA) for homeless households. The primary aim of the review was to set out findings, and recommendations, to assist Tonbridge and Malling Borough Council to reduce the use of TA. However, the draft report and action plan on 10 December 2021, also outlined the importance of updating the Allocation Scheme and made some suggestions for doing so.

Since receiving this report LH, CK and RS have had two meetings to discuss the suggestions, in preparation for the next project planning meeting. Below is a table outlining the suggested changes, our initial thoughts, and any actions agreed to date.

Recommendation	Initial thoughts	Agreed action	Updates
<p>1. Top slice 50% of nominations as an emergency measure. Allocate these properties directly to households in TA owed or likely to be owed main duty.</p> <p>(Current policy allows for this)</p>	<p>Agreed whilst recognising impact on through put from register.</p> <p>Discussions with Clarion ongoing, and receptive to direct let approach.</p>	<p>Linda – draft follow up email to Clarion for Eleanor to send to Jackie Andrews. Confirm previous discussion and highlight the 50% request.</p> <p>Once agreed by Jackie, Linda to follow up with Kelly Ruff, as to how this will work on the ground as key for Clarion is quick turnaround.</p>	
<p>2. Include the 2017 Homelessness Reduction Act prevention and relief duties in the banding scheme.</p> <p>(To meet legal duties)</p>	<p>Agreed.</p> <p>Considered to be a minor change.</p>	<p>Claire/Rachael to propose revise wording within the policy.</p> <p>Linda to progress seeking approval for minor change.</p>	
<p>3. Use discretion to make a direct offer in specific circumstances.</p> <p>Already in policy to allow direct offer owed a homelessness duty.</p> <p>Suggestion is to amend wording to</p>	<p>Some concern about interpretation of suggested wording by applicants who can pick through the policy with a fine toothcomb! It puts the focus on TMBC being able to do what we want when in reality we do not own the stock and have limited control.</p>	<p>Consider amongst wider group if this action is needed.</p>	

<p>give maximum flexibility for a direct offer when it is in the Council's direct interests to do so e.g., spike in TA numbers and costs.</p>	<p>Would it also inadvertently encourage some households into thinking they need to get into TA to get social housing – its then easier because of this clause?</p> <p>If agreed to progress, considered to be a minor change.</p>		
<p>4. Make amendments to the banding award for overcrowding.</p> <p>Homeless households in Band B are competing with those lacking one bedroom.</p>	<p>Agreed and already highlighted within current review as needing to consider this.</p> <p>Major change so subject to impact assessment and consultation.</p> <p>Although this is a key action in getting homeless households a higher priority on the register for the immediate future the proposed 50% top-slicing of nominations negates any need for fast track.</p>	<p>Include in review.</p>	
<p>5. Consider tightening the adopted test for measuring overcrowding.</p> <p>Two options provided – tweak bedroom standard and count any second communal room as bedroom.</p>	<p>Agreed and already highlighted within current review as needing to consider this.</p> <p>Major change so subject to impact assessment and consultation.</p> <p>Could consider introducing both options as not inter-dependent.</p> <p>Could help move on, 4-beds become 3-bed need etc.</p>	<p>Include in review.</p>	
<p>Tighten local connection rules to qualify for the register</p>	<p>Agreed and already highlighted within current review as needing to consider this.</p>	<p>Include in review.</p>	

	Major change so subject to impact assessment and consultation.		
Including within the banding scheme a category that supports the prevention of homelessness casework.	<p>Understand the drive here to aid prevention and reduce TA entry.</p> <p>Some initial concern about collusion and how we prevent that.</p> <p>Reference to success with this in London authorities.</p> <p>Principles and options to be included within the review.</p> <p>Major change so subject to impact assessment and consultation.</p>	<p>LH to ask Andy for details of London authorities' best practice and set up meeting to discuss how it works on the ground and how they investigate etc.</p> <p>Include in review if positive outcome from further consideration.</p>	

Moving forward, we have received confirmation that the Housing Needs Assessment is underway and once we have the outcome of this, formal consultations on any changes will be undertaken. These formal consultations will allow us to determine how we move forward. In the meantime, we will continue to carry out informal consultations with Social Services and the Occupational Therapy Team regarding their thoughts and feelings about the current Allocation Scheme.

Consultation with Social Care and Occupational Therapy Teams

This consultation regarding their thoughts and feelings about the current Allocation Scheme, went ahead on 8 March 2022 as planned. Please see the outcome of this meeting below:

Question	Response
What in our current Allocations Scheme works well for you?	<p>All agreed that as they work across Kent, they are not familiar with individual Allocations Schemes. However, they would be interested in setting up some training in this area. Specifically around bandings and reviews.</p> <p>It was highlighted that where possible, it would be helpful to keep the Allocations Schemes across Kent consistent.</p> <p>All also agreed that there is great partnership working between their services and TMBC. They appreciate that we are available when needed to attend meeting and discuss cases.</p>

What works well for customers?	As above it was agreed our partnership working greatly benefits customers.
Is there anything about the Allocation Scheme that you feel does not work?	<p>That we do not look at financial circumstances e.g. affordability and debt.</p> <p>The length of time it currently takes to have an application assessed and for reviews to be completed.</p> <p>That when looking at medical needs, we consider what is happening now and not what may happen, when considering degenerative conditions. It was felt that if someone is diagnosed with a degenerative condition, that cannot be cured and will cause them to lose mobility/require an adapted property in the future. They should be considered for a higher banding straight away, so we are not waiting for them to need a wheelchair before acting.</p>
If you could see anything in our Policy, what would you like to see? (Wish list)	<p>More housing.</p> <p>For new builds to be considered in the new Scheme, so that developments and specific properties needed can be discussed as early as possible.</p>
Is there anything else?	Nothing to add.

**Tonbridge & Malling Borough
Council**

Housing Allocation Scheme

In this scheme:

the Council, we, our or us means Tonbridge & Malling Borough Council

borough means the borough of Tonbridge and Malling

you or the applicant means someone who applies for affordable housing

register means Tonbridge & Malling Borough Council's housing register

scheme means Tonbridge & Malling Borough Council's housing allocation scheme

assessment form means Tonbridge & Malling Borough Council's housing assessment form

bid or bid for does not involve offering money; here it means the same as apply or apply for.

Contact Us:

www.tmbc.gov.uk

hosingservices@tmbc.gov.uk

(01732) 844522

Main Office

Gibson Building

Gibson Drive

Kings Hill

West Malling

Kent

ME19 4LZ

Tonbridge Office

Tonbridge Gateway

Castle Street

Tonbridge

Kent

TN9 1BG

Version	Date	Author	Changes
1.0	07.04.22	CK	First draft
1.1	19.05.22	CK	Amendment to bedroom standard
1.2	14.06.2022	CK	Tracked changes accepted
1.3	26/07/2022	CK	Final amends ready for consultation

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1 Introduction to the Scheme

1.1 Scope of this policy

Our Allocation Scheme sets out the criteria and procedures that Tonbridge and Malling Borough Council use when applicants apply to join our housing register. As in all areas, demand for social housing is greater than the supply and our scheme aims to ensure that those who have the most housing need are given access to available housing.

The scheme sits within a legal framework, primarily part VI of the Housing Act 1996 (as amended). It also complies with the requirements of the following legislation, Statutory Instruments, and guidance

- The Equality Act 2010 and the Specific Duties and Public Authorities Regulations 2017
- The Localism Act 2011
- Providing social housing for local people – December 2013
- Right to move and social housing allocations – March 2015
- The Homelessness Reduction Act 2017
- Improving access to social housing for members of the Armed Forces – June 2020
- Improving access to social housing for victims of domestic abuse – January 2022
- Allocation of accommodation: guidance for local authorities – June 2022

In formulating the scheme, we have also had regard to the Councils Corporate Strategy, our Housing Strategy, and our Tenancy Strategy 2022 - 2027.

1.2 Statement of choice¹

We are committed to providing excellent services to ensure that applicants can play an active role in choosing where they live by giving them the opportunity to express preferences about their accommodation whenever possible, within the constraints imposed by the limited supply of affordable housing. Choice Based Lettings (CBL) allows qualifying applicants to bid for properties which they are interested in and receive feedback from the bidding process to assist them to make informed choices about where they want to live, the type of property they would prefer and their likelihood of being housed.

1.3 Summary and aims

This scheme explains how to apply to rent affordable housing in the borough of Tonbridge and Malling. It also explains who is entitled to apply for affordable housing and the way that we prioritise applicants, bearing in mind that demand far exceeds supply.

Affordable housing is also known as social housing and includes social rented and affordable rented tenures provided by housing associations to eligible households. In 1991 we transferred our housing stock to Tonbridge & Malling Housing Association, now known as Clarion Housing Group. The Council does not own or manage any of its own housing stock, so we work in close partnership with housing associations who supply affordable housing in our borough. These are:

Clarion Housing Group, Golding Homes, Hanover, Housing & Care 21, The Hyde Group, L & Q, Moat, Orbit, Riverside, Sanctuary Housing, Southern Housing Group, Town & Country Housing, MHS homes and West Kent Housing Association.

The types and sizes of affordable homes and the areas that they are in vary considerably. On page 27 we set out a guide to the size and type of homes that you can be considered for.

To be considered for affordable housing, applicants must first be accepted onto our housing register.

The scheme sets out:

- who qualifies to be included on the register;
- how to apply to get on the register;
- how we determine an applicant's priority on the register;
- how we keep the register up to date;
- how to bid for available properties; and
- how available properties are allocated.

It aims to ensure that we:

- allocate affordable housing in a fair and clear way;
- determine the priority of applicants in a consistent way;
- provide accurate and timely advice to those in need;
- work effectively with housing associations;
- make the best use of the affordable housing stock; and
- comply with the law².

1.4 Getting more information

There are several ways to get your own copy of this scheme. You can:

- print a copy from our website: www.tmbc.gov.uk; or
- email housing.services@tmbc.gov.uk, and we will email a copy back to you

A summary of the scheme is also available. Our Housing Solutions Service on 01732 844522, can advise on a wide range of housing matters, including accessing the housing register, the prevention of homelessness and finding a home in the private rented sector. This service is free and confidential. There is also information available on our website.

1.5 Direct allocations

The following allocations are outside the scope of this scheme:

- provision of temporary accommodation for homeless people³;
- direct offers - see section 8.4;
- direct nominations to housing associations and transfers of housing association tenants for urgent management purposes, for example:
 - a temporary or permanent move to allow repairs to a property to be carried out;
 - where a property is due to be demolished; or
 - accommodating tenants whose home is not habitable due to an emergency; or
 - tenants needing an immediate move as a result of domestic abuse, hate crime⁴, or threats of violence or harassment;

- tenancies offered on succession or by way of assignment, for example where a parent dies, and the tenancy passes to a descendent in their household; and
- transfers of a tenancy by a court order⁵.

¹ S166A(2) Housing Act 1996 requires the housing allocation scheme to include a statement of the Council's policy on offering people who are to be allocated housing accommodation: a choice of housing accommodation; or

the opportunity to express preferences about the housing accommodation to be allocated to them.

² This scheme aims to ensure the Council meets its legal obligations set out in Part 6 of the Housing Act 1996, as amended by the Homelessness Reduction Act 2017 and the Localism Act 2011. Part 6 of the Housing Act 1996 covers the allocation of housing association homes and sets out the circumstances of applicants to whom we should give reasonable preference. The scheme also has regard to the 2012 Allocation of Accommodation: Guidance for local housing authorities in England, (which replaces all previous guidance), the Tonbridge and Malling Borough Council Housing and Tenancy Strategy 2022 -2027. The last of these gives details of the types of tenancies that may be offered by housing association landlords.

³ In accordance with part 7 of the Housing Act 1996.

⁴ Hate crimes are defined by the Police and Crown Prosecution Service as any criminal offence which is perceived by the victim or any other person, to be motivated by hostility or prejudice, based on a person's disability or perceived disability; race or perceived race; or religion or perceived religion; or sexual orientation or perceived sexual orientation or transgender identity or perceived transgender identity.

⁵ A secure tenancy vests or is otherwise disposed of in pursuance of a Court order made under the legislation cited in s.160(2)(e)(i)-(iii) of the Housing Act 1996".

2 Who qualifies to be included on the Register?

2.1 Reasonable preference categories⁶

Our housing register lists applicants within one of three priority bands, taking into account whether their housing needs are assessed as exceptional, high or medium. In assessing priority, we are required to consider people who fall into one or more of the reasonable preference categories, which include:

- people who are homeless⁷;
- people owed a duty under section 190(2), 193(2), 189(B) or 195(2) Housing Act 1996 (or section 65(2) or 68(2) Housing Act 1985);
- people occupying insanitary or overcrowded housing or otherwise living in unsatisfactory housing;
- people who need to move on medical or welfare grounds, including grounds relating to disability; and
- people who need to move to a particular locality within our borough to avoid hardship to themselves or others.

2.2 Additional preference

We are also required to give additional preference to the following categories of people who fall within the reasonable preference categories above and who have urgent housing needs:

- Those who are currently serving in the Regular Armed Forces or who were serving the Regular Forces at any time in the last 5 years preceding their application to join the housing register⁸;
- Bereaved spouses or civil partners of those serving in the regular forces where the bereaves spouse or civil partner has recently ceased, or will cease to be entitled to reside in Ministry of Defence accommodation following the death of their services spouse or civil partner and the deal was wholly or partly attributable to their service;
- Serving or former members of the Reserve Armed Forces⁹ who are suffering from a serious injury, illness or disability which is wholly or partly attributable to their service.

Additional preference will be awarded to these households by placing them in the band that is one band higher than their assessed need.

2.3 Eligibility¹⁰

We cannot consider you for inclusion on the register if:

- you are subject to immigration control within the meaning of the Asylum and Immigration Act 1996, unless you are in an exempt group as decided by the Government; or
- you are not habitually resident in the Common Travel Area (a travel zone that comprises the islands of Great Britain, Ireland, the Isle of Man and the Channel Islands) unless you are exempt from the habitual residence test; or
- because of your rights of residence under European Union law.

If you are not eligible to join the register, we will write to you setting out the reasons for the decision. You have the right to request a review of a decision to treat you as ineligible because of your immigration status - see section 9. If you have been accepted onto the register but later

become ineligible, your application will be removed, and we will write to you to let you know. This decision to treat you as ineligible is also subject to a right of review - see section 9.

2.4 Financial considerations

If you own or part own a property, whether you currently live there or not, you will not usually be included on the housing register. Homeowners who need to move on medical or welfare grounds or grounds relating to a disability may be considered for sheltered, adapted or other suitable accommodation in accordance with their assessed needs.

If you have household income or capital (including savings) above the thresholds described below, you will not usually be included on the housing register.

We will review, with housing associations, the income, and savings thresholds annually. Any changes to these threshold levels will not be applied retrospectively to existing applications unless there has been a change in the household's income or capital (including savings) after the change.

The levels on 1 August 2015 are:

- households with no dependents with a total gross income of £40,000 or more; or
- households with dependent children with a total gross income of £60,000 or more; or
- households with total capital of £16,000 or more.

If you are eligible to be considered for sheltered housing, the threshold for your household's capital (including savings) is £100,000 and equity is £250,000 if you own, or part own a property.

Current payments of the following are disregarded as income for the purposes of this assessment:

- disability living allowance
- attendance allowance
- personal independence payments
- armed forces personal independence payments
- any benefit treated as attendance allowance
- war pensioners mobility supplement
- payments in compensation for non-receipt of the above

2.5 Qualifying criteria

The demand for affordable housing in our borough far exceeds the supply. Only those applicants who meet one or more of the local connection criteria **and** meet one or more of the housing needs criteria will qualify to join the housing register.

To be considered for inclusion on the housing register, you must have a qualifying **local connection** to the borough of Tonbridge and Malling. You will be required to provide evidence of your local connection as part of your application for housing. You have a local connection if you:

- have been residing within the Tonbridge and Malling Borough for a continuous period of 2 years immediately prior to the application to join the housing register being made; or
- have immediate family members (children over the age of 18, parents, or brothers/sisters) who currently reside in our borough and there is an exceptional need to move to receive or provide essential care from or to that close family member that cannot otherwise be provided; or

- Those who are currently serving in the Regular Armed Forces or who were serving the Regular Forces at any time in the last 5 years preceding their application to join the housing register;
- Bereaved spouses or civil partners of those serving in the regular forces where the bereaves spouse or civil partner has recently ceases, or will cease to be entitled to reside in Ministry of Defence accommodation following the death of their services spouse or civil partner and the deal was wholly or partly attributable to their service;
- Serving or former members of the Reserve Armed Forces who are suffering from a serious injury, illness or disability which is wholly or partly attributable to their service.
- Ex-spouse or civil partner or adult child of a serving Regular Armed Forces member
- There may also be exceptional circumstances in which the residence criteria are waived for example include;
 - are currently residing outside our borough but are fleeing violence or harassment (including hate crime); or
 - you are a housing association or Council tenant exercising your right to move for work related reasons
 - have no local connection to any local authority area.

Within our borough some properties and new developments have a specific local connection requirement in their planning or funding conditions. In these cases, a local connection will usually mean a connection to a specific village or parish rather than a connection to the borough as a whole and will be detailed in the relevant local lettings plan for the development (see sections 4.8 and 6.2).

To be considered for inclusion on the housing register you must also have a qualifying need for affordable housing. You have a qualifying **housing need** if any of the criteria described in the priority bands A to C (see section 4.3) apply to you.

You have the right to request a review of a decision to exclude you from the register because you do not have a local connection and/or a housing need - see section 9.

2.6 Disqualification

You will not usually qualify for inclusion on the housing register where you or a member of your household has behaved in an unacceptable manner in the preceding 5 years.

Examples of unacceptable behaviour include (but are not limited to) the following:

- where you have been evicted or otherwise lost accommodation due to anti-social behaviour; or
- where you have been convicted of criminal offences (including offences involving anti-social behaviour or the use and/or supply of drugs) in or near your home and still pose a threat to neighbours or the wider community.

The decision to disqualify you will consider any supporting information received from your current or previous landlord, the police/police community support officers, the Council's community safety unit, the probation service and other relevant professionals involved in your case, and we may remove you if we receive information after your application has gone live, if we received information from any of these partners about any issues.

⁶ In accordance with section 166A (3) of the Housing Act 1996 (as amended by the Homelessness Act 2002 and the Localism Act 2011).

⁷ Whether or not the applicant is owed a housing duty under part 7 of the Housing Act 1996 and including those who are considered to have become homeless intentionally and those not considered to be in priority need for accommodation.

⁸ Regular Forces means Her Majesty's Regular Army, the Royal Navy, the Royal Marines or the Royal Air Force.

⁹ Reserve Forces means the Army Reserve, the Territorial Army, the Royal Fleet Reserve, the Royal Naval Reserve, the Royal Marines Reserve, the Royal Air Force Reserve or the Royal Auxiliary Air Force.

¹⁰ In accordance with the Allocation of Housing and Homelessness (Eligibility) (England) Regulations 2006.

3 Applying for housing

3.1 Making an application

To be considered for inclusion on our housing register you must:

- complete an assessment form online with details of your housing history and the current needs of you and your household; and
- provide documents to verify your identity and current housing circumstances; and
- complete any supplementary forms that we send or answer further questions that we ask you.

You can complete an assessment form to record your household's housing needs if you are 16 years of age or over. You can be included on only one application for affordable housing in this borough. This can either be your own personal application or you can be included as a household member in another person's application.

You must complete the assessment form fully and accurately. We will use it to decide your priority on the housing register so that housing can be allocated fairly and openly based on greatest need. We may carry out home visits and interviews to confirm housing needs.

To complete an assessment please visit:

[Pre-Assessment for Kent Homechoice](#)

If you need assistance completing the form or require it in a different format, then please contact 01732 844522 or email housing.services@tmhc.gov.uk

Once submitted you will have 28 days within which to submit your supporting documentation and you will be advised what is required once we receive it. Failure to provide the supporting documentation will result in the application being removed.

If you are under 18 years of age:

- your ability to manage a tenancy will be assessed, usually via a referral to Social Services or other support services, to identify any need for support; and
- you will need a guarantor, usually your parent, legal guardian or other relative as any tenancy granted will be held in trust until you reach 18 years of age.

3.2 Who can be included on your application?

You can include members of your household who are currently living together with you:

- your partner, whether you are married, in a civil partnership or co-habiting;
- you and your partner's or carer's dependent children under the age of 18, including biological or adopted children;
- relatives, including adult children, parents, or brothers/sisters unless they have a separate application or otherwise intend to live independently from you; and
- someone who currently lives with you as your carer.

We will also consider including partners, carers and their dependents who are not currently living with you if:

- they are no longer able to live independently because they need care and support that you can provide; or

- you are unable to live together as your current accommodation does not meet the needs arising from their disability, or
- you are unable to live together as neither you or any other member of your household have accommodation available which is large enough to accommodate your whole household together.

3.3 If you have shared responsibilities for dependent children

This is where any dependent children live with you some of the time and at other times with their other parent/guardian at a separate address. We will assess whether your address is their main home and if they can be included as members of your household on your application. We will consider:

- the financial support you receive including Child Benefit, tax credits, disability benefits (if appropriate) and maintenance from their other parent/guardian;
- any Court Order(s) under the Children Act (1989) in respect of parental responsibility, contact or residency;
- supporting evidence from Social Services in respect of fostering, guardianship, or adoption placements; and
- whether the children currently reside with someone else for all or part of each week.

Regardless of the amount of time that your children actually spend with you, if we decide that their main home is not with you:

- they will not be included on your housing register application; and they will not be considered when assessing overcrowding/under-occupation or the size of property (number of bedrooms) that you can apply for or be offered through Choice Based Lettings.

3.4 If you need a carer

A carer is someone who looks after and supports a partner, friend, relative or neighbour, who would not be able to manage without their help. This could be due to age, physical or mental illness or disability. It does not mean a professional care-worker or personal assistant who gets paid for their work.

If you have identified a primary carer we will consider whether they need to live with you or near you to provide care. They may be entitled to Carer's Allowance if they spend at least 35 hours per week in their caring role. Even if your carer receives Carer's Allowance it may not be essential that they live with you as a member of your household. If you have requested an additional bedroom for your carer, we will take into account:

- whether your carer receives Carer's Allowance;
- whether your care needs have been assessed as including overnight support;
- whether you have been awarded benefits because of illness or disability including Disability Living Allowance (Care component), Personal Independence Payment (Daily living component), Attendance Allowance, Industrial Injuries Disablement Benefit, Employment and Support Allowance;
- the level of care that you need and whether this is likely to change in the future;
- the ability of your carer to provide the level of care required, e.g. including whether they have their own medical needs, access to transport etc; and

- your current accommodation, and where your carer currently resides and whether the care has been sufficiently provided from this address previously and what the change is that has triggered a need to move closer.

3.5 Declarations

You are required to agree to the declarations online to confirm that you:

- have provided true, accurate and complete information;
- will notify us of any change in your circumstances **within 14 days** of the change;
- understand that information given on the assessment form will be shared with housing association landlords, other council departments, data matching companies and other relevant parties;
- consent to us making relevant enquiries to verify the information given on the assessment form;
- consent to the disclosure of relevant information by third parties to us, or by us to third parties; and
- understand that information provided may be used to help in the detection and prevention of fraud.

3.6 Fair processing notice

The Council is under a duty to protect the public funds it administers and to this end may use the information you provide for the prevention and detection of fraud. It may also share this information with other Council departments, other local authorities, government agencies and credit referencing agencies for the detection and prevention of crime.

3.7 Offences related to information given or withheld by applicants

It is an offence under the Housing Act 1996 and/or the Fraud Act 2006 for anyone seeking help from the Council to:

- give false or misleading information; or
- withhold information that we have asked for on an assessment form or in subsequent correspondence; or
- fail to tell us of a relevant change in their circumstances which could affect the priority they have been awarded.

This may result in prosecution, your application being suspended or cancelled and/or any tenancy granted to you being terminated. Prosecution by the Council could result in a sentence of up to ten years in prison. Any decision regarding criminal proceedings will be made in accordance with the Council's Housing Services Anti-Fraud Policy and its associated Sanctions Policy.

It is your responsibility to inform us of any change that could affect the priority that has been awarded. If we offer affordable housing to you and, on further investigation, it appears that your circumstances had changed before the offer in a way that affected your housing priority; we reserve the right to withdraw the offer. While the investigation is ongoing the housing association may choose not to hold the property for you.

When housing has been allocated based on false or misleading information, legal action may be taken to obtain possession of the property. We will decide when these provisions apply and when to begin criminal proceedings.

3.8 Data Protection

The council adheres to the Data Protection Act 1998 and any other legislation to protect applicants' personal information and will process it for the purposes as stated and in our Privacy notice in accordance with the applicant's rights.

A copy of our privacy notice can be found here:

[Housing applications and homelessness privacy notice – Tonbridge and Malling Borough Council \(tmbc.gov.uk\)](https://www.tmbc.gov.uk/housing-applications-and-homelessness-privacy-notice)

Data collected from applications for housing is processed in line with the Data Protection Act 2018 and the General Data Protection Regulations (GDPR). Applicants have the right to see information on their file relating to their application except where this involves confidential third party information. If an applicant is not eligible for inclusion on the register, does not respond to an annual review of their entry on the register or is removed from the register, their records will be kept for seven years before being redacted on our housing system.

3.9 Equal opportunities

We promote equal opportunities for all applicants regardless of race, colour, gender, nationality, religion or belief, sexuality, disability, marital status, pregnancy/maternity, family circumstances or age. To help us apply our equality and diversity policy and to ensure that there is genuine equality of opportunity in access to affordable housing, we collect data for monitoring purposes only. We ask you to complete the equal opportunities section of the assessment form to assist in this monitoring.

4 Determining priority on the Register

4.1 Summary

We assess all of the information you provide to support your application in full. If your household is not assessed as having a housing need you will not be included on the register. If your circumstances change you will need to re-apply.

Otherwise, the two main factors that determine a household's priority on the register are your housing need and priority date. We assess housing need in terms of three priority bands which are explained below. Other factors can also affect housing priority in specific cases. The main ones are explained later in this section.

We will email or write to tell you whether you have been included on the register. If you have been included, we tell you in which priority band you have been placed.

If you believe the current Allocations Scheme has been applied incorrectly when assessing your application or our decisions to not include you on the housing register you have the right to request a review - see section 9.

You must tell us of any change in your circumstances **within 14 days** of the change. We will email or write to you to let you know if the change affects your level of housing need and priority band. The banding reflects broad levels of housing need, so changes in your circumstances may make no difference to the band you are in. However, sometimes a significant change in circumstances, such as a move to another address, the birth of another child, a change to your household income or savings or a substantial change in mobility may result in a reassessment of your priority. Your application will usually be suspended, and you will not be able to bid for any properties until you have provided enough written evidence to allow us to verify the change and reassess your priority.

4.2 Priority date

Your household's priority date is the date that you submit your initial application. If we receive new information and this results in a change to your priority, then the date will be amended to the date that you notified us of the change.

4.3 Priority bands

The three bands broadly equate to:

- **A** - Exceptional Priority
- **B** - High priority
- **C** - Medium priority

Within each band, relative priority is determined only by priority date.

Your household will be placed in the appropriate band according to its highest need, not the accumulation of its needs. For example, if you are awarded a high priority on medical, disability or welfare grounds, you will be placed into band B regardless of whether you are also threatened with homelessness.

However, if the Council has determined that you have become homeless intentionally and you qualify to be included on the housing register, you will be placed into band C regardless of whether you have another housing need that would give rise to a higher priority band, for example overcrowding. Your priority band will be reviewed by the Housing Solutions Service 24 months

after the Council's decision that you became homeless intentionally. If you have not secured settled accommodation in this time, you will remain in band C.

<p>Band A – Exceptional Priority</p> <ul style="list-style-type: none"> • Households where one or more members are wheelchair dependent in the home, and do not currently occupy a wheelchair accessible/adapted home. • Those unable to be discharged from hospital or other inpatient setting as their accommodation is unsuitable for their medical or disability needs • Conditions at your property are assessed by our Private Sector Housing Service as presenting an immediate threat of serious injury or are life threatening. • Those currently residing in refuge after fleeing their home on extreme welfare grounds and it has been established that it is not safe for a return to the last settled address • Households that require urgent rehousing as a result of violence or to escape serious anti-social behaviour of domestic abuse as evidenced in section 4.7.
<p>Band B - High Priority</p> <ul style="list-style-type: none"> • Overcrowding – applicants assessed as being overcrowded by two or more bedrooms than their current home. • Homeless applicants where we have accepted a s193 (2) duty to secure accommodation under part VII of the Housing Act 1996 and that duty has not been brought to an end. • Households where one or more members are awarded a high priority on medical, disability or welfare grounds. • Under-occupation - housing association tenants living in the borough who need at least one bedroom fewer than their current home. • Housing association tenants living in the borough in a home with significant adaptations to meet disability needs that are no longer required.
<p>Band C – Medium Priority</p> <ul style="list-style-type: none"> • Overcrowding – applicants assessed as being overcrowded by one bedroom • people owed a duty under section 190(2) accommodation for a reasonable period if found intentionally homeless, 189(B) relief duty or 195(2) prevention duty under the Housing Act 1996 and those duties have not ended (or section 65(2) or 68(2) Housing Act 1985). • Those who are of no fixed abode, including those staying or sofa surfing with relatives or friends, or verified rough sleepers • Tenants occupying HM Forces service family accommodation who are threatened with homelessness because they have been served with a valid notice to vacate their tenancy (usually at least 3 months) • Applicants assessed as needing sheltered accommodation who are not currently residing in sheltered accommodation • Applicants awarded priority on property condition grounds • Households where one or more members are awarded a low priority on medical, disability or welfare grounds • Applicants living in non-traditional housing (for example, houseboat, caravan or commercial premises) who lack any kitchen and/or bathroom facilities.

4.4 Homelessness

If we accept that you are eligible, unintentionally homeless and in priority need¹¹, you can be offered a suitable private sector tenancy. When you accept a private rented sector offer in discharge of our homelessness duty your application will be removed from the housing register. However, if within two years of the date on which you accepted the private rented sector offer you become unintentionally homeless or threatened with homelessness unintentionally, your housing register application will be reinstated.

4.5 Overcrowding/under-occupation

We assess overcrowding and under-occupation by comparing the number of bedrooms in your home against your household's needs. You will be assessed as needing one bedroom for:

- the applicant and any partner
- any additional adult couple
- any two additional people of the same sex
- any two children aged under 10 regardless of sex
- for any additional person

You will be assessed as needing an extra bedroom if:

- you have a disabled child who is unable to share a room with a sibling¹²; or
- you are an approved foster carer whether or not a child has been placed with you or you are between placements (so long as you have fostered a child, or become an approved foster carer in the last 12 months); or
- you have adult children in the Armed Forces (but who continue to live with you) who will be treated as continuing to live at home, even when deployed on operations; or
- a member of your household is temporarily absent from your home because they are attending a full time University course.

A bedroom is defined as any room intended to be used as a bedroom as defined in a tenancy agreement. The Council will also count any second communal room, as a bedroom when measuring overcrowding.

Your living room will not be considered as a bedroom unless you live in bedsit/studio accommodation without a separate bedroom. Where a dwelling has two separate living/reception rooms we will consider the second room as suitable for use as a bedroom if this leaves enough living room space for the household.

For the purposes of assessing overcrowding:

- two children of the same sex would be expected to share a bedroom until the eldest reaches 21 years of age;
- two children of the opposite sex would be expected to share a bedroom until the eldest reaches 10 years of age;
- a couple or single parent would not be expected to share their bedroom with a child;
- Overcrowding in the private sector will not lead to inclusion on the housing register, and those affected will be given advice on how to alleviate this.

4.6 Property condition

If you state on your housing application form there are problems with the condition of your home, you will first be sent information on working with your landlord to rectify the situation and you must co-operate with your landlord to rectify any issues. Where your landlord is not cooperating and we have evidence of this, then we will make a referral to our Private Sector Housing team who may contact you and your landlord. No priority will be awarded if you fail to co-operate with your landlord, refuse to allow us to contact your landlord or prevent works being carried out, for example by refusing to let contractors into your home to undertake the works.

If a visit is determined necessary by the Private Sector Housing team, they will inspect and assess your home using the Housing Health and Safety Rating System (HHSRS). We use this to identify and categorise any hazards¹³ to health and safety. A crowding and space hazard is included within the housing needs assessment of overcrowding and, if present, no additional priority will be awarded under property condition grounds.

Band A priority will only be awarded to applicants who currently occupy a property which has at least one category 1 hazard (excluding crowding and space) where the conditions present an immediate threat of serious injury or are life threatening and where remedial action is considered unreasonable or impractical for cost or other reasons. Examples of where remedial action is considered unreasonable or impractical:

- where work cannot be carried out to remedy a serious hazard with the applicant in residence and no alternative accommodation is available to the applicant to assist in progressing remedial works; or
- where the risk from the hazard in the property is greater because of being an elderly person or having a young child but the property would be relatively safe for occupation by others.

Band C priority will only be awarded to applicants who occupy a property which has at least one category 1 hazard (excluding crowding and space) where:

- the category 1 hazard(s) identified pose a significant threat to the health and wellbeing of the occupants but where there is no immediate danger or it is not life threatening, and remedial action is considered unreasonable or impractical; or
- you do not have access to one or more of the basic facilities: bathroom, kitchen, inside toilet, cold or hot water supplies, electricity and this cannot be remedied within a reasonable timescale. (This does not apply if you live in shared accommodation and share these facilities with another household).

4.7 Medical or welfare reasons for moving

In this section, “medical” is used to mean medical and/or disability needs (including learning disabilities) and “welfare” is used to mean social and/or welfare needs.

We will not usually assess your priority on medical or welfare grounds if your household is already in band A or B as an assessment cannot increase your priority. If your household is in band C we will only assess your priority on medical and/or welfare grounds if there is evidence that your current housing impacts directly on your medical condition or welfare.

We will decide the level of priority to be awarded on medical or welfare grounds based on the information you submit. If you believe the current Allocations Scheme has been applied incorrectly, you can ask for the decision to be reviewed by a senior member of staff. If you consider that anyone in your household has a medical condition that is affected by your current housing, you

must give your reasons by completing our medical self-assessment form and provide independent verification from your GP, Hospital Consultant, or other health professional. In welfare cases you should provide independent verification of your circumstances from your Social Worker, Support Worker or other professional involved in your case. We will consider your self- assessment form alongside the medical and/or welfare evidence provided. For medical cases we may ask you to provide further evidence or refer your case for independent medical advice. For welfare assessments we may ask you to provide further evidence or (where appropriate) we may make a joint assessment with Social Services, or an appropriate support agency.

We assess your priority by looking at your current housing. If it meets the medical and welfare needs of you and all members of your household there will be no change in your housing priority.

Medical Cases

- We look at whether your current housing makes a medical condition worse.
- In mobility cases we look at the severity of your difficulties in relation to your property. Factors such as the number of steps inside and leading to a property and whether you have a lift or ramp may be relevant.
- If so, we consider whether a move to more suitable housing would either improve the medical condition or substantially improve your quality of life.
- If you have medical needs, but a move would not significantly improve the situation, there will be no change in priority based on medical grounds.
- Overcrowding may impact on the health and well-being of some or all members of your household and/or the needs of any children as they grow up. This is considered in the overcrowding assessment, and usually no further priority will be awarded.

Welfare cases

- Working with other people involved in your care, we may identify ways to help you stay in your current home with appropriate ongoing support. If this resolves your support needs, you will not be awarded any priority on welfare grounds.
- Otherwise, we look at whether your needs are made worse by your current housing.
- If so, we will consider whether a move to more suitable housing would improve things for you.
- If you have welfare needs, but a move would not significantly improve the situation, there will be no change in priority on welfare grounds.

If you need to move into the borough in order to provide or receive significant and ongoing care or support to or from an immediate family member (children over the age of 18, parents, or brothers/sisters) we will look at the following factors as part of the assessment:

- the level of care and support that is required and whether this can be provided locally or by a formal care package;
- whether you and/or your family member can drive or use public transport;
- whether you and/or your family member are in receipt of Carer's Allowance;
- whether you need or can provide frequent assistance with activities of daily living, including household chores, preparing and cooking meals, organising finances and attending to medical needs including administering medication and attending appointments.

If you are currently living in supported housing and have been assessed by the support provider as ready to move on into independent living, you will usually be awarded a high priority on welfare grounds.

We consider all the information received for your household. Priority on medical, disability or welfare grounds is assessed as either medium, high, and the decision on medical or welfare priority may increase your priority banding or make no change. If you are awarded high priority this will be reviewed after 6 months if you have not been rehoused and may be removed if you are no longer considered to need an urgent move. Alternatively, you may be made a direct offer (see section 8.4).

High priority will usually be awarded where:

- your accommodation is unsuitable and has a significant impact on your medical, welfare or disability needs, and as a result a move is essential; or
- a medical condition is very serious or life threatening, or welfare needs are very high, and health or related quality of life could be substantially improved by a move to more suitable accommodation.

If awarded a high priority, your household will be assessed as band B. Examples of cases where we may award high priority are shown in the table below.

Medium priority will usually be awarded where:

- your accommodation has some impact on your medical, welfare or disability needs, and a move would be desirable but is not essential; or
- a medical condition or welfare needs are low and related quality of life could be improved to a limited extent by a move to more suitable accommodation.

If awarded a medium priority, your household will be assessed as band C.

If you are experiencing difficulties in accessing your home due to non-medical matters such as carrying children, shopping, prams or pushchairs on external or communal stairs or do not have access to a private garden, you will not usually be awarded any change in priority based on medical or welfare grounds.

Domestic Abuse, violence or harassment

Applicants who need to move due to DA, violence or harassment at a high level will be verified by the Police, and or other agencies as necessary.

Examples of cases where we may award high priority:

(In this table “you” means you, or someone in your household.)

- A medical condition may get worse because of continuing to live in the property.
- If you are unable to get in or out of your home due to your mobility difficulties and it is not possible for adaptations to be carried out.
- You may be at risk in your home but could continue to live independently if you were able to move nearer to relatives who could provide suitable care for you.
- You need to move because you provide care, without which the person being cared for is at risk of harm or may have to move into residential care.
- You need to move to suitable accommodation because of a serious injury, medical condition or disability sustained because of service in the Regular or Reserve Forces.

- Your household includes a child who is assessed as a Child in Need under the Children Act 1989, for example, because of a disability, illness, or developmental problems, and you require suitable accommodation to meet that need.
- You have been approved by Social Services for adopting or fostering a child and a child is to be placed, but your current accommodation is not suitable for the child.
- Where the Council has a duty to re-house displaced occupiers into suitable alternative accommodation:
 - under the Rent (Agriculture) Act 1976, where an agricultural worker needs to be re-housed as his/her accommodation is required to accommodate another worker in the interests of efficient agriculture; or
 - following the compulsory purchase of a property under the Land Compensation Act 1973.
- You have suffered severe emotional or physical trauma resulting from violence (including hate crimes and domestic abuse) or threats of violence, or physical, emotional, or sexual abuse. Your priority will be reviewed after 6 months if you have not been rehoused and may be removed if you are no longer considered to need an urgent move.
- You are currently living in specialist supported accommodation and have successfully completed a support programme and are considered by the scheme manager to be both ready to move-on and capable of sustaining an independent tenancy. Your priority will be reviewed after 6 months if you have not been rehoused and may be removed if you are no longer considered to need an urgent move.

¹¹ And therefore owed a housing duty under s193 Housing Act 1996 (as amended), the offer of a suitable private sector tenancy will discharge this duty. Further details are contained within our separate policy for discharging the statutory homelessness duty into the private rented sector.

¹² In making this assessment we will consider not only the nature and severity of the disability, but also the nature and frequency of care required during the night, and the extent and regularity of the disturbance to the sleep of the child who would normally be required to share the bedroom. We will take into account any relevant medical evidence and whether your child is in receipt of disability benefits.

¹³ A serious hazard will be deemed to be a category 1 hazard, for example, the hazard of falling between levels from an unsecure window with a low sill on the second floor where you would fall onto a concrete yard area. More minor hazards will be deemed category 2 hazards, for example, the hazard of excess cold from draughty windows in a property with a good heating system and good insulation.

5 Medical or welfare reasons for moving

In this section, “medical” is used to mean medical and/or disability needs (including learning disabilities) and “welfare” is used to mean social and/or welfare needs.

We will not usually assess your priority on medical or welfare grounds if your household is already in band A or B as an assessment cannot increase your priority. If your household is in band C we will only assess your priority on medical and/or welfare grounds if there is evidence that your current housing impacts directly on your medical condition or welfare.

We will decide the level of priority to be awarded on medical or welfare grounds based on the information you submit. If you are dissatisfied with the outcome of the initial assessment, you can ask for the decision to be reviewed by a senior member of staff not involved in the original decision. If you consider that anyone in your household has a medical condition that is affected by your current housing, you must give your reasons by completing our medical self-assessment form and provide independent verification from your GP, Hospital Consultant or other health professional. In welfare cases you should provide independent verification of your circumstances from your Social Worker, Support Worker or other professional involved in your case. We will consider your self- assessment form alongside the medical and/or welfare evidence provided. For medical cases we may ask you to provide further evidence or refer your case for independent medical advice. For welfare assessments we may ask you to provide further evidence or (where appropriate) we may make a joint assessment with Social Services, or an appropriate support agency.

We assess your priority by looking at your current housing. If it meets the medical and welfare needs of you and all members of your household there will be no change in your housing priority.

Medical cases

- We look at whether your current housing makes a medical condition worse.
- In mobility cases we look at the severity of your difficulties in relation to your property. Factors such as the number of steps inside and leading to a property and whether you have a lift or ramp may be relevant.
- If so, we consider whether a move to more suitable housing would either improve the medical condition or substantially improve your quality of life.
- If you have medical needs, but a move would not significantly improve the situation, there will be no change in priority based on medical grounds.
- Overcrowding may impact on the health and well-being of some or all members of your household and/or the needs of any children as they grow up. This is considered in the overcrowding assessment, and usually no further priority will be awarded.

Welfare cases

- Working with other people involved in your care, we may identify ways to help you stay in your current home with appropriate ongoing support. If this resolves your support needs, you will not be awarded any priority on welfare grounds.
- Otherwise, we look at whether your needs are made worse by your current housing.
- If so, we will consider whether a move to more suitable housing would improve things for you.
- If you have welfare needs, but a move would not significantly improve the situation, there will be no change in priority on welfare grounds.

If you need to move into the borough in order to provide or receive significant and ongoing care or support to or from an immediate family member (children over the age of 18, parents, or brothers/sisters) we will look at the following factors as part of the assessment:

- the level of care and support that is required and whether this can be provided locally or by a formal care package;
- whether you and/or your family member can drive or use public transport;
- whether you and/or your family member are in receipt of Carer's Allowance;
- whether you need or can provide frequent assistance with activities of daily living, including household chores, preparing and cooking meals, organising finances and attending to medical needs including administering medication and attending appointments.

If you are currently living in supported housing and have been assessed by the support provider as ready to move on into independent living, you will usually be awarded a high priority on welfare grounds.

We consider all the information received for your household. Priority on medical, disability or welfare grounds is assessed as either medium, high, and the decision on medical or welfare priority may increase your priority banding or make no change. If you are awarded high priority this will be reviewed after 6 months if you have not been rehoused and may be removed if you are no longer considered to need an urgent move. Alternatively you may be made a direct offer (see section 8.4).

High priority will usually be awarded where:

- your accommodation is unsuitable and has a significant impact on your medical, welfare or disability needs, and as a result a move is essential; or
- a medical condition is very serious or life threatening, or welfare needs are very high, and health or related quality of life could be substantially improved by a move to more suitable accommodation.

If awarded a high priority, your household will be assessed as band B. Examples of cases where we may award high priority are shown in the table below.

Medium priority will usually be awarded where:

- your accommodation has some impact on your medical, welfare or disability needs, and a move would be desirable but is not essential; or
- a medical condition or welfare needs are low and related quality of life could be improved to a limited extent by a move to more suitable accommodation.

If awarded a medium priority, your household will be assessed as band C.

If you are experiencing difficulties in accessing your home due to non-medical matters such as carrying children, shopping, prams or pushchairs on external or communal stairs or do not have access to a private garden, you will not usually be awarded any change in priority based on medical or welfare grounds.

Domestic Abuse, violence or harassment

Applicants who need to move due to DA, violence or harassment at a high level will be verified by the Police, and or other agencies as necessary.

6 Local lettings policies

National and regional policies encourage new housing schemes to be mixed tenure, catering for a range of needs and aspirations. Similarly, local lettings policies may make affordable housing available to a wider range and variety of households, rather than concentrations of those with support needs. In line with these policies, we sometimes give priority to working households or those with limited housing need. Through this process lettings can contribute toward balanced, sustainable communities, with a positive impact on:

- education, by influencing school populations;
- local businesses, because of more spending power; and
- health, by balancing the demand for services with local provision.

We will work with housing associations where needed to develop local letting policies for new developments and deprived areas, without disadvantaging other areas.

7 Down-banding

Down-banding will usually be applied if you are assessed as having deliberately worsened your housing situation. For example, you:

- have given up a suitable tenancy to move into overcrowded accommodation; or
- have transferred your property, as a homeowner, to another family member during the seven years before the date of your application; or
- have disposed of, or deprived yourself of, capital or assets which could reasonably have been used to secure housing during the seven years before the date of your application.

Down-banding will not usually be applied if you require sheltered housing or need a property adapted for wheelchair access or to meet other disability needs.

We will decide whether to apply down-banding to your application. We will write to you setting out the reasons for the decision and your right to ask for this to be reviewed. You have the right to request a review of a decision to apply a lower band to your application - see section 9. If your application has been down-banded, this decision will usually be reviewed after 12 months unless you notify us of a relevant change in your circumstances.

7.1 Exceptional priority

On occasion circumstances require an applicant to move urgently. These include cases where:

- the applicant is a high risk offender where the Council has been asked to assist under the Multi Agency Public Protection Arrangements; or
- the Council has been asked by the National Witness Mobility Service to assist in relocating witness households.

There will also be other circumstances that attract exceptional priority outside of the scope of this policy and when this is the case a senior member of staff will consider such cases on an individual basis and can place the application in band A on the grounds of exceptional priority. Applicants with exceptional priority can be directly nominated to a housing association vacancy.

8 Keeping the Register up to date

8.1 Annual review

Once a year, on or near the anniversary of the date you were first registered, on logging into Kent Homechoice you will be prompted to tell us about any changes in your circumstances. If you fail to login during this time, then we will write to you asking if you wish to remain on the register. You will be given 28 days to respond and provide any supporting information. If you fail to do this, we will assume that you no longer wish to be on the register and will remove you from the register without contacting you again.

8.2 Removal from the Register

You will be removed from the register for any of the following reasons, where you:

- accept a tenancy offered by one of our housing association providers; or
- accept a private sector tenancy, including when we have provided financial assistance by way of a rent deposit/bond; or
- do not respond to the annual review; or
- do not respond to correspondence from the Council asking you to provide information; or
- are no longer eligible to be included on the register; or
- no longer wish to be re-housed; or
- have left temporary accommodation that we arranged for you and we do not have your forwarding address; or
- have moved without notifying us of your new address.

You may also be removed if we are satisfied that (on the balance of probabilities) you have given false or misleading information or have withheld any relevant information at any time.

9 Range of available properties

9.1 Affordable homes

The types and sizes of affordable homes and the areas that they are in vary considerably. The needs of applicants also vary widely. We set out a guide to the size and type of homes for households of different sizes in section 8.3.

9.2 Some restrictions

Existing and newly built affordable housing may be subject to certain restrictions. These include:

- a local lettings plan to try to achieve balanced and stable communities on new developments.
- planning conditions - for example, that only certain people with a specific local connection to the area can be offered the accommodation may apply in rural areas; and
- some properties, including those within sheltered schemes, being designated or adapted for people who are frail, disabled or with special support needs. When such properties become available, they will, where possible, be let only to people who meet the relevant criteria.

10 How to bid for available properties

10.1 Choice Based Lettings

We are a member of Kent Homechoice, a partnership of district councils and housing associations operating in Kent. It was set up to provide Choice Based Lettings (CBL).

CBL enables applicants to bid for suitable properties. In this context “bid” does not involve offering money; here it means the same as “apply”. After a property is let, feedback about the number of households that made a bid, the priority band of the successful applicant, and their priority date is available to view to all bidders on Kent Homechoice. This helps applicants to understand the availability of suitable properties, their likelihood of success when applying and the possible time they could be waiting.

The need for affordable housing greatly exceeds the supply. So CBL should be considered as one of a range of options available to applicants seeking housing. Information and advice on all available housing options can be obtained from our Housing Solutions Service.

10.2 The bidding process

When you have been accepted onto our housing register you will receive a Kent Homechoice user guide. This describes the CBL process. Step by step it sets out the various bidding processes and explains the symbols used in the property advertisements.

Our housing association partners will advertise homes that are available to let in our borough. Each property will be available for applicants to place bids for a minimum period of 7 days. These are advertised on the internet at www.kenthomechoice.org.uk, or [on the Kent Homechoice app](#). We also provide information about advertised properties in other ways where needed.

The advertisements show photographs and give basic details of the properties. These include: the area, number of bedrooms, floor level and mobility level, weekly rent, and service charges, along with any age or pet restrictions. Advertisements also say when each property should be ready to occupy, and whether it is available to home seekers and/or existing housing association or council tenants. Properties that have been adapted for wheelchair users and those within sheltered housing schemes are usually offered to those who would benefit from them.

Occasionally, housing associations will advertise a property as available to home seekers and tenants, but with priority given to their tenants. A home seeker is an applicant who is not an existing tenant of a housing association or council. In these cases, the housing association will consider bids placed by their own tenants first and other applicants are only considered if the property is not let to a current tenant.

At any given time you may place as many bids on properties that meet your need for properties that are currently being advertised (see section 8.7).

You will be given a unique Kent Homechoice number to be used when applying for properties. The user guide explains how you can apply for properties:

- on the internet;
- by telephone;
- by text message;
- in person at the Council's offices;
- by digital TV; and

- by smart phone/device app.

Relatives, friends, staff or support workers can do this for you if you have difficulty in doing it yourself.

11 How available properties are allocated

11.1 Processing the shortlist

When advertisements close for each property, all bids for each available home are put into priority order. They are ranked according to the priority bands with band A first, band B second and so on. Within each band, order is by priority date, starting with the earliest. This produces a shortlist of eligible applicants for each property. For each property the housing association contacts the applicant at the top of the shortlist to check that the information they have given is correct and that the property is affordable. Subject to this, the highest priority applicant will usually be offered the property. If two or more applicants share the same priority date within the priority band, the housing association decides which of the applicants will be offered the property based on the best use of the housing stock and the applicants' needs.

If an offer is refused, the property will be offered to the next applicant in the shortlist, and so on, until the property is successfully let.

The relative position of bidders on the shortlist for a property may change between bidding and when the property is offered. This will happen only if there is a change in priority band for one or more applicants. In such cases, the property will usually be offered to the applicant with the highest priority at the time of the offer.

We may refuse to shortlist or offer housing, for example where offering the property to the highest priority applicant would put others at risk. Housing associations may also refuse to offer housing to applicants:

- whose conduct has been unacceptable; or
- who do not satisfy their verification checks, which include confirming the members of the household and their current circumstances.

In these cases the housing association will write to the applicant and explain why they have been rejected.

11.2 Unacceptable behaviour

When deciding if your behaviour has been unacceptable, housing associations may consider:

- If you, or any member of your household, have been evicted from a housing association or a council tenancy during the past five years due to rent arrears, anti-social behaviour or criminal/fraud activities; or
- If you, or any member of your household, have outstanding rent arrears with your current landlord or a former landlord; or
- If there is evidence that you, or any member of your household, have a history of anti-social behaviour or other breach of tenancy conditions.

Each case is judged individually. Where you owe rent for a previous tenancy, you will be encouraged to enter into an agreement to pay your arrears. If you keep to such an agreement for a reasonable period, usually a minimum of three consecutive months, the housing association will reconsider whether or when you will be offered a tenancy. However, if you are an existing housing association tenant seeking a transfer, a rent account with no arrears is normally expected, except in the case of a re-housing emergency.

11.3 Property size guidelines

Generally, homes are offered in line with the following guide:

Household size	Type and Size of Home
A single person.	Bedsit, studio flat, or one bedroom flat, house, bungalow or sheltered accommodation.
A couple. ¹	One bedroom flat, house, bungalow or sheltered accommodation.
Two adults with a verified need for separate bedrooms.	Two bedroom flat, house, bungalow or sheltered accommodation.
A couple ¹ or single parent with one child or expecting a first child. ²	Two bedroom flat, house or bungalow.
A couple ¹ or single parent with two children, or expecting a second child. ²	Two or three bedroom flat or house, depending on age/sex of children.
A couple ¹ or single parent with three or more children, or expecting a third or subsequent child. ²	Three or four bedroom house, depending on age/sex of children.

Notes:

1. Couple includes heterosexual or same-sex couples, whether married, in a civil partnership or living together in the same household.
2. A valid MatB1 will be required where an extra bedroom is needed in line with this policy for an expectant child

Exceptions to this guide, depending on individual circumstances, include:

- a medical recommendation for a bigger home¹⁴ for example to:
 - meet a medical or disability need for an extra bedroom; or
 - accommodate a carer; or
- the available home has special adaptations and there are no other applicants of the correct household size available that need those adaptations; or
- the allocation is the result of an emergency; or
- the home is being used as temporary accommodation; or
- the home is being let under the terms of a local lettings policy.

Bungalows will generally be allocated to households where the applicant or a member of their household needs level-living accommodation.

11.4 Direct offers

Occasionally, certain properties are excluded from CBL and allocated by making direct offers outside of priority date and band order to selected applicants. For example, this could apply to applicants:

- with an immediate need to move on health or welfare grounds, for example in cases of terminal illness where the current home is unsuitable, or where there is an immediate threat of violence; or
- who are subject to current multi-agency public protection arrangements (MAPPA), and

who pose a very serious risk to the community, where the type or location of properties that are suitable may need to be restricted; or

- to discharge duties to provide accommodation to homeless households under the Housing Act 1996 (as amended), where there are considerable budgetary pressures on the council caused by numbers in temporary accommodation; or
- who have been awarded a high priority on medical, disability or welfare grounds for at least 6 months but have not been successful in bidding.

Wherever possible a direct offer will match your assessed need in terms of location, property type and floor level, and any essential requirements on health and welfare grounds. Other factors such as your non-essential preferences regarding the location or type of housing will not normally be considered.

11.5 Bidding for homeless accepted households

If you are assessed as homeless where the Council accepts a duty to secure accommodation then you can be offered a suitable home in either the private rented sector or the social/affordable rented sector. If you are assessed as homeless where the Council accepts a duty to secure accommodation and you are accepted onto our housing register auto-bidding will be put on in line with your suitability assessment. The Council may make you a direct offer of accommodation to discharge our duty to provide accommodation under the Housing Act 1996 (as amended).

11.6 Period for considering an offer

After the short listing and checking processes, the housing association will telephone the successful bidder and arrange for them to view the property and attend a verification interview. A longer period can be arranged for viewing where, for example, the applicant:

- is particularly vulnerable and needs to arrange for a relative or advocate to accompany them to a viewing or wishes to take advice before reaching a decision; or
- lives outside the borough, is not familiar with the locality and needs to make arrangements to travel; or
- is in hospital or some form of temporary home such as a hostel or refuge; or
- requires adaptations to help them cope with disabilities and the property needs to be assessed by an occupational therapist.

If you are offered a home then you will normally be expected to accept or refuse it within 24 hours of the viewing.

11.7 Refusing an offer

Where you refuse 3 suitable offers, without good reason, then the Council will reset your priority date on the register to the date of your third refusal.

The exception to this is if you are accepted homeless in which case you will be made one suitable offer.

A suitable offer is one that considers:

- whether the housing is affordable, considering income, including housing benefit where applicable, and living expenses, including rent;
- the size, floor level, space and arrangement of the property, where applicable to the

housing needs of the household;

- any medical or welfare grounds for re-housing; and
- any risk of domestic or other violence.

If we have accepted the duty to re-house you as homeless, refusal of a direct offer will result in discharge of the housing duty.

A direct offer is made by letter to you, explaining it is a final offer and, if refused, you have the right to ask us to review whether it was suitable for your needs. Any review is conducted by a senior officer not involved in the original decision – see section 9.

We do not hold the property for you during the review period; it will be immediately re-offered to another applicant. No further offers will be made, and you will be required to secure your own housing and leave any temporary accommodation that may have been provided if the review confirms the property was suitable.

Alternatively, you can both accept the offer and also seek a review as to its suitability. If the review confirms the property is suitable, you can remain there. If the review confirms the property is not suitable, you will be entitled to a further offer.

¹⁴ A decision that you are entitled to be considered for a bigger home for the purposes of this allocation scheme does not mean that you would automatically be entitled to housing benefit to cover the increased rent for any additional bedrooms.

12 The right to request a review of a decision

You have the right to request a review of any decision:

- to treat you as ineligible because of your immigration status; or
- to exclude you from the register because you do not have a local connection and/or a housing need; or
- about the facts of your case which have been, or are likely to be taken into account in considering your priority on the register; or
- to disqualify your application on the grounds of unacceptable behaviour; or
- to discharge our re-housing duty due to your refusal of a final offer; or
- to apply a lower priority band to your application.

The notification of the decision will give clear grounds for the decision based on the relevant facts of the case. If you do not understand the implications of a decision on eligibility or disqualification, we can give you a verbal explanation as well as a written decision.

To request a review of a decision you must contact us within 21 days of receiving it and clearly state why you believe the current Allocation Scheme has been applied incorrectly. You can ask someone else to do this for you. If you have problems requesting a review in writing, we can accept your request verbally. We can allow you extra time to request a review in exceptional circumstances.

We will email or write to you within 14 days of receiving your request a review. We may ask you to provide more information and/or attend an interview. A senior member of staff will carry out the review. We will explain the outcome of the review, and the grounds for the conclusion to you in writing within 8 weeks of your request. If we need further time to complete the review, we will let you know why and how much longer we will need.

The review will look at your case based on the rules in our housing allocation scheme, any legal requirements, and all relevant information. This includes information you have provided and any changes since the original decision was made, for example paying off arrears or setting up a repayment plan, or where someone responsible for anti-social behaviour has left your household.

We will not consider a further review of the decision unless there is a material change in your circumstances.

13 Scheme maintenance

13.1 Regular review

The Housing Service is responsible for this scheme and will review its operation every year.

13.2 Amendments to the scheme

It may sometimes be necessary to make minor amendments to this scheme. For example, if we decide to change the frequency of reviewing applications from annually to every two years. Authority to introduce such minor amendments is delegated to the Director of Planning, Housing and Environmental Health in consultation with the Cabinet Member for Housing.

However, we will seek to inform all applicants of any changes by publicising details on our website, the Kent Homechoice website **and in the Kent Homechoice user guide.**

13.3 Service standards

We aim to process all completed assessment forms (including those where you have changed your address) within 8 weeks of receiving all of the necessary verification documentation.

We will respond to all email or other written enquiries within 10 working days.

14 Complaints

Many problems can be resolved by contacting us on 01622 844522 or emailing your concerns to housing.solutions@tmbc.org.uk. However, if having done this you are still unhappy and wish to register a formal complaint. You can do so by visiting <https://www.tmbc.gov.uk/council/council-works-complaints> .

Housing Allocations Policy Review**Member session 20/4/22 – 7pm**

19 Members in attendance plus KT leading, CK RS LH supporting

Member comments/questions

Which Member	Comment/question:	Actions needed:
Anna Cope	Is proposed consequences for refusing offers similar to other Councils. She advised after response she felt it was fair.	
Matt Boughton	Full support for action re consequences – we need to move people on through register.	
Brian Luker	Comments about Clarion moving people out of London into T&M. Need to ensure their business plan aligns with our need.	Advised we didn't believe this to be an issue and noms agreement work would strengthen this – check within strategy actions.
Wendy Palmer	Where do people coming over on boats and via asylum schemes fit into the register?	
Brian Luker	Are KCC accessing RP properties for their work on the asylum schemes etc.?	
Dan Harman	Do we monitor residents needs within their home e.g. if under occupying could they downsize etc.	Revisit with Clarion re tenancy policy? Check commitment within Housing Strategy re under occupation and incentives scheme.
Brian Luker & Dan Harman	Understand people wanting a home for life but it doesn't have to be a house for life – need flexibility to move people to meet needs.	As above.
Mark Hood	Which households are contained within Band D?	
Jill Anderson	Agree with reducing from 4 bands to 3 – gives a sense of realism. All have to bear in mind we are not getting more housing here and we have to do the best with what we have.	
All members asked by Kim re thoughts on proposed amendments to priority dates	Good idea – all seemed in agreement – no queries raised.	
Georgina Thomas	Love it all. Wanted explanation of three strikes and out re refusals. After response said it makes sense.	
All members asked by Kim re	Yes agree – all seemed in agreement – no queries raised.	

thoughts on proposed amendments to local connection criteria		
Brian Luker	When we do new housing assessment and new policy can we ask for social housing not just affordable housing.	Advised planning remit. Housing needs assessment work will feed into this.

Member session 21/4/22 – 2pm

10 Members in attendance plus KT leading, CK RS LH supporting

Member comments/questions

Which Member	Comment/question:	Actions needed:
Mark Rhodes	Local connection – do we need to tighten up or do other LAs need to be more generous? Accepted reasoning given that we should tighten up.	
Dave Davis	Particularly interested in armed forces – what is current criteria as LC can be an issue. Accepted response.	
David Cooper	What can we do with people who are under occupying due to change in circumstances?	Revisit with Clarion re tenancy policy? Check commitment within Housing Strategy re under occupation and incentives scheme.
Mark Rhodes	Having no other local connection means to no other borough? Could we end up housing illegal immigrants?	
Michael Base	All seem eminently sensible as otherwise get applicants trying their luck in different districts and if we are the most generous, we will lose out.	
Pam Bates	Those in a house and become disabled and need to transfer into a bungalow. How do we manage this?	
Sue Bell	Really good. Cannot be seen to be a soft touch. Can we just go over sharing of a bedroom and ages?	
Mark Rhodes	When properties are improved e.g. access then becomes suitable for a disabled occupant what happens?	
Michael Base	What is timetable for getting this through?	
Mark Rhodes	Where will it go for consultation?	

Member session 03/5/22 – 7pm

3 Members in attendance plus KT leading, CK RS LH supporting

Member comments/questions

Which Member	Comment/question:	Actions needed:
Mark Rhodes	Comparing us to other LAs seems to be more of a thing now. How do we compare?	
Mark Rhodes	Three strikes and out – what is our current policy? Is three a reasonable number – should it be two? Will it come to CHAB?	Mark expecting this to go to Planning & Housing Scrutiny Select Committee??
Roger Dalton	Peters Village – different housing providers. Let to London residents? Kim checked with Roger about value on tightening up on local criteria to help prevent this. Roger commented on local people having to move out because rents are not affordable.	Can we do things differently – prefabs for rent and saving. Help our residents get onto the housing ladder. How will we get the housing needs research messages around affordability out to elected Members?
All members asked by Kim re thoughts on proposed amendments to overcrowding	No concerns raised.	

TOTAL ACROSS ALL SESSIONS: 31 members attending (one Member attended more than one session!)

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

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Equality Impact Assessment – Appendix E

Details of the assessment	
Name of Function/Policy/ Service being assessed:	Housing Allocations Scheme – Review of the existing policy
Is the activity...?	New <input type="checkbox"/> (please go to step 1) Existing; Yes <input checked="" type="checkbox"/> (please go to step 2) There is a policy already in place, which is being worked to and this activity is to review this to ensure it is current and fit for purpose and that it contains legislative changes since the last review in 2016.
Date of assessment	Commenced: Completed: Approved by:
Directorate & Service	Planning, Housing and Environmental Health
Policy Owner	Eleanor Hoyle
Lead Officer	Eleanor Hoyle

Step 1	Initial Screening for:	
	Key Questions	Answers/Notes
1	What are you looking to achieve in this activity?	
2	Who in the main will benefit?	
3	Does the activity have the potential to cause adverse impact or discriminate against different groups in the community?	Yes <input type="checkbox"/> Please explain:
		No <input type="checkbox"/> Please explain:
		Note: if the answer is 'yes' then a full equality impact assessment is required – see step 2.
4	Does the activity make a positive contribution to equalities?	Yes <input type="checkbox"/> Please explain:
		No <input type="checkbox"/> Please explain: No – see step 2
		Note: if the answer is 'yes' then a full equality impact assessment is required – see step 2.

Equality Impact Assessment – Appendix E

	Key Questions	Answers/Notes
Step 2	Scoping the assessment	
1.	What is the overall aim, or purpose of the function/ policy/service?	<p>Tonbridge and Malling Borough Council, like all other authorities are required to have a mechanism to assess housing need, advertise available social housing and allocate properties to households in need. This is done via our Housing Allocations Scheme. This is a legislative requirement under Part VI of the Housing Act 1996, specifically s167, but Part VI also clearly sets out how we should do this and to whom we are required to give reasonable preference.</p> <p>The Authority has an existing scheme, however this was last reviewed in 2016, and since then there has been several legislative changes. The purpose of the review is to ensure that the Council has in place a policy that sets out how it will prioritise households and the procedures it will follow when allocating social housing, and to update the scheme to reflect the changes in legislation and deliver a scheme that is fit for purpose.</p>
2.	What outcomes do you want to achieve with this function/ policy/service and for whom?	The desired outcome of the policy is to ensure that social housing is offered to those households who have a local connection to the district and a qualifying housing need. It also ensures that this is done in an open and transparent way that accords with our statutory and regulatory duties and makes best use of the housing stock in the district.
3.	Who is intended to benefit from the function/service/ policy?	Those households in the district who live here and who have a qualifying housing need to join the register – also provision for those who may not have a local connection to Tonbridge and Malling, but also do not have a local connection anywhere, such as Gypsies and Travellers or Rough Sleepers or for those who are fleeing domestic abuse. Others that may benefit are local registered providers, County Council and other agencies with an interest in social housing.
4.	Who defines or defined the function/service/policy?	The Policy is a legislative requirement. Part VI of the Housing Act 1996 sets out that local authorities must have a mechanism for the allocation of social housing within its district. It also sets out that there are certain groups who must be given preference under any scheme.
5.	Who implements the function/service/policy?	The Housing Solutions Service

Equality Impact Assessment – Appendix E

	Key Questions	Answers/Notes														
6.	How do the outcomes of the function/service/policy meet or conflict other policies, values or objectives of the public authority (if applicable)?	<p>Please indicate which of the Council's Key Priorities these outcomes relate to:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 90%;">Achieving efficiency</td> <td style="width: 10%; text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td>Embracing effective partnership working and funding</td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td>Valuing our environment and encouraging sustainable growth</td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td>Innovation</td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td> </td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td> </td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td> </td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> </table> <p>Any other comments:</p>	Achieving efficiency	<input type="checkbox"/>	Embracing effective partnership working and funding	<input type="checkbox"/>	Valuing our environment and encouraging sustainable growth	<input type="checkbox"/>	Innovation	<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>
Achieving efficiency	<input type="checkbox"/>															
Embracing effective partnership working and funding	<input type="checkbox"/>															
Valuing our environment and encouraging sustainable growth	<input type="checkbox"/>															
Innovation	<input type="checkbox"/>															
	<input type="checkbox"/>															
	<input type="checkbox"/>															
	<input type="checkbox"/>															
7.	Are there any factors that could contribute or detract from the outcomes identified earlier?															
Step 3 Consideration of data and information																
8.	What do you already know about who uses this function/service/ policy?	<p>Most of the housing stock in the district is owner occupied, with the private rented sector being the smallest tenure type. However, 17.6% of the Housing Stock in Tonbridge and Malling Borough council is social or affordable rented, which equates to 9573 homes.</p> <p>There are currently around 1500 households who are live on the housing register (as of August 2022) with an average of around 200 social or affordable homes becoming available for let each year.</p> <p>This means that many of those on the housing register are unlikely to ever be housed, and the Council is maintaining a list of applicants, many of whom have limited prospect of being rehoused in social housing.</p> <p>Therefore, this growing demand on a decreasing resource, along with legislative changes, has led to the review of the Allocations Scheme. This section of the EqIA looks at what we know about those who may apply for social housing and assist in</p>														

Equality Impact Assessment – Appendix E

	Key Questions	Answers/Notes
		<p>analysing the policy to ensure that our policy and practice does not discriminate or disadvantage people. There are also instances where this policy may improve or promote equality.</p> <p>Populate with data from the HN Survey in relation to the current position in Tonbridge and Malling, and then refine with consultation feedback and amend as appropriate.</p>
9.	Has any consultation with service users already taken place on the function/service/ policy and if so what were the key findings?	On commencement of project some initial soft consultation was undertaken which included an event put on at Tonbridge Castle for service users to come and discuss the existing policy with us – however this was in December 2021 and the number of covid infections was on the increase, and despite inviting a large sample from the register, we had no attendees.
10.	What, if any, additional information is needed to assess the impact of the function/service/policy?	Data that may not be available in the Housing Needs Assessment
11.	How do you propose to gather the additional information?	From other sources, such as data held in the current system we have
Step 4	Assessing the Impact	
12.	Based on what information you already know, in relation to each of the following groups consider whether a) there is anything in the function/service/policy that could discriminate or put anyone at a disadvantage b) for an existing function/service/policy, how it is actually working in practice for each group	

Equality Impact Assessment – Appendix E

	Key Questions		Answers/Notes
a.	Equality groups	Age	<p>There is a significant number of homes for older people in the district, and in practice, we often get come through hard to let schemes via choice-based lettings, which are homes for over 55s that have been advertised and had no bids.</p> <p>However, the Housing Needs Survey and what we know tells us that the population is ageing with an increase expected in those requiring this type of home. There is also suggestion that new homes are developed to meet these requirements.</p> <p>We are making no proposals to alter the priority for downsizing, which means those who are in a larger home, who are under occupying will still be supported to apply to join the housing register to move to a smaller home to allow the freeing up of larger homes for families on the housing register, thus making the best use of the existing stock.</p> <p>16- and 17-year-olds are not legally allowed to hold a tenancy, and whilst they are able to join the housing register, they will need support or a guardian to hold a tenancy for them if they were to be offered a home. We work proactively with Social Services to ensure that suitable accommodation is provided to this age group, such as supported so that when they are ready for move on, they have had some experience of managing a home and have the necessary skills</p> <p>We will continue to allow those who need to move into the district to give or receive care onto the register, there will be no change to this.</p> <p>Therefore the policy is inclusive for all eligible persons and does not discriminate on the basis of age, with the exception of those under 18, where we would seek alternative solutions for this group until such time as they are able to hold a tenancy.</p>

Equality Impact Assessment – Appendix E

	Key Questions	Answers/Notes
b.	Disability	<p>Any household with a person who is disabled will still be awarded priority based on the evidence and need and will be rehoused if their home is not able to meet their needs or be adapted to do so, there are no proposed changes within the scheme that will alter this.</p> <p>We will continue to support individuals with a housing need in relation to significant mobility issues, mental health issues that is affected by their current home and a move would alleviate this or the applicant has other medical needs, such as the requirement for an extra bedroom for overnight carers.</p> <p>Therefore, the policy gives due consideration of the disability and/or severe health issues of an applicant and provides a bespoke service to consider an individual's health circumstances in deciding their Housing Register application. This should improve the outcomes for disabled applicants.</p>
c.	Gender	<p>The increase in priority for households suffering domestic abuse will also have a positive impact on women, who are more likely than men to be the victims of abuse.</p>
d.	Race	<p>This policy offers an ethnicity neutral approach to making decision on the allocation of housing.</p> <p>There are proposed changes to the residency criteria which may impact in terms of this protected characteristic.</p> <p>From case law there are cases that refugees and travellers fall within this protected characteristic group and that residency requirements can indirectly discriminate against these groups, as by virtue of their circumstances they are less likely to be able to satisfy a residency requirement. For an effective mitigation to be in place we need to show that the mitigations will eliminate or significantly reduce the discrimination. We have therefore introduced mitigations for travellers and refugees. Therefore, the residency criteria can be waived if there is an application from someone who may not by virtue of their situation have a local connection criterion anywhere, and to anyone who we might owe a reasonable preference to under legislation</p>

Equality Impact Assessment – Appendix E

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	Key Questions		Answers/Notes
e.		Religion/Belief	The disclosure of a person’s religion is optional when applying to join the housing register, and so the policy must offer a religion/faith neutral approach to making decision on the allocation of housing as this may not be known. The Policy will be carried out with an emphasis on equality of treatment.
f.		Sexual Orientation	The disclosure of sexual orientation when applying for housing is optional and therefore as above the scheme should be neutral when making decisions on eligibility to join the housing register and there will be an emphasis on the equality of treatment
g.		Marital or Civil Partnership Status	This policy offers a marriage/civil partnership neutral approach to making decision on the allocation of housing. The Policy will be carried out with an emphasis on equality of treatment. The policy will support households regardless of their marital status
h.		Pregnancy & Maternity	This policy offers a pregnancy, maternity, and paternity neutral approach to making decision on the allocation of housing. The Policy will be carried out with an emphasis on equality of treatment.
i.		Gender reassignment	This policy offers a gender reassignment neutral approach to making decision on the allocation of housing. The Policy will be carried out with an emphasis on equality of treatment.
j.		General/other	Whilst not a protected characteristic, one of the biggest changes proposed is linked to overcrowding and this impacts on the health and wellbeing of a household. The process of reviewing this policy will assist the Council in ensuring that accommodation occupied by the tenants meets their housing needs. Overcrowding of accommodation can lead to health issues and family disputes. Evidence demonstrates that this is a real problem in Tonbridge and Malling with this being the main reason for applying to join the housing register (around 33% of applicants on the register are on there for being overcrowded) The review process and the changes proposed to this group, which will include potentially households with disabilities etc) will identify and enable the Council to allocate social housing to those in the greatest need. However if households adversely impacted by this proposed change would have a higher need, then this will be the priority they were given, households will always be given the highest priority they attract.
Step 5	Reviewing and Scrutinising the Impact		

Equality Impact Assessment – Appendix E

	Key Questions	Answers/Notes
13.	What conclusions can you draw about any differential impact and how people are adversely or positively affected?	Ensure 16/17-year-olds have access to alternative housing, via Social Services and other options to provide the support required so that when they are able to join the register they are tenancy ready
14.	What actions can you take to address any impacts identified?	We have included the opportunity for applicants to be given exceptional circumstances
15.	If no changes can be made, what reasons are there to justify this?	
16.	How might any of the changes, in relation to the adverse impact, have a further adverse affect on any other group?	
Step 6	Decision making and future monitoring	
17.	Which decision making process do these changes need to go through i.e. do they need to be approved by a committee/Council?	Yes, once the policy has been consulted on then it will be finalised with any necessary changes and this EqIA will also be finalised

Equality Impact Assessment – Appendix E

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HIGHWAY OFFICER ATTENDANCE AT TMBC AREA PLANNING COMMITTEES

Item HP 22/6 referred from Housing and Planning Scrutiny Select Committee of 19 July 2022

The report of the Director of Planning, Housing and Environmental Health provided an update for members on the negotiations with Kent County Council to agree a protocol for highway officer attendance at the Area Planning Committees.

The Borough Council wished to work collaboratively with Kent County Council to find a workable solution and agree a protocol that would result in attendance of County Council officers at the Area Planning Committee meetings and it was considered that the proposed protocol set out at paragraph 1.1.2 of the report did not address the key concerns of Members and Officers. The Borough Council's alternative proposal on a draft protocol was set out in Annex 1 and the response of the Corporate Director of Growth, Environment and Transport confirming that highways officers would only attend planning meetings in accordance with the terms set out in paragraph 1.1.2 of the report was attached as Annex 2 of the report and the approach had been reaffirmed by the Cabinet member for Highways and Transport and agreed with other Kent districts.

Members gave detailed consideration to the report which and expressed concern of not having an agreed protocol in place. During discussion, Members recognised the capacity restraints of the Highways team, however agreed that a Highways Officer should be in attendance where proposals were of a strategic nature or where it was agreed that there were significant or complex highways issues which could not be adequately presented by the district officer so Members could ask questions and seek clarification on their response as a statutory consultee.

RECOMMENDED: That

- (1) the contents of the report be noted;
- (2) the concerns of Members with not having an agreed protocol in place be set out and relayed to the Cabinet Member for Highways and Transport; and
- (3) a Member/Senior Officer group be established to liaise with Kent County Council with the aim to seek a compromise on an agreed protocol, articulating the counter proposal from Tonbridge and Malling Borough Council.

* Referred to Cabinet

TONBRIDGE & MALLING BOROUGH COUNCIL
HOUSING AND PLANNING SCRUTINY SELECT COMMITTEE

19 July 2022

Report of the Director of Planning, Housing and Environmental Health

Part 1- Public

Matters for Recommendation to Cabinet - Non-Key Decision

1 HIGHWAY OFFICER ATTENDANCE AT TMBC AREA PLANNING COMMITTEE

This report provides an update for members on the negotiations with KCC to agree a protocol for highway officer attendance at the Area Planning Committees.

1.1 Background

1.1.1 Officers and Members have been seeking to agree a Planning Committee Protocol on highway officer attendance at Area Planning Committees with KCC for some time. This is due to concerns raised that KCC highway officers were not attending planning committee for applications where the key areas of concern related to significant highway issues including highway safety.

1.1.2 In January 2021, KCC offered the following terms for attending Area Planning Committees which TMBC were informed had been offered to all other Kent Districts. The terms were set out as follows:

Subject to availability, an officer from KCC Highways will attend district planning committee meetings to speak on applications where:

- *these meetings are held virtually*
- *proposals are of a strategic nature and where it is agreed there are significant or complex highways issues which cannot be adequately presented by the district planning officer*
- *the highway recommendation is for refusal and this is contrary to that of the planning authority*
- *the district planning officer will field questions of clarification in the first instance and questions of clarification of detail contained within the Transport Assessment will be referred to the applicant's transport consultant*
- *Officers will be treated with respect at all times.*

In accordance with the above KCC Highways will only attend Chairman's Briefing meetings for those applications on the agenda that meet the above criteria.

To assist officers and Members, KCC Highways will provide:

- *training in highways development planning matters where this is requested*
- *assistance in preparation of planning officer presentations*
- *written responses to Member questions where these are not already covered in previous consultation responses*

- 1.1.3 Whilst TMBC wished to work collaboratively with KCC to find a workable solution and agree a protocol that would result in attendance of KCC officers at the Area Planning Committees, it was considered that the proposed protocol put forward did not address the key concerns of Members and Officers alike.
- 1.1.4 Further meetings and discussions were held (including drafting alternative terms for the protocol) with key KCC highway managers to ensure proposals of a strategic nature or ones that raised significant or complex highway issues which could not be addressed by the TMBC planning officer, had the attendance of a highway officer at the meetings.
- 1.1.5 TMBC's alternative proposal on a draft protocol is set out in **Annex 1** and was sent to KCC highways following the initial round of officer meetings.
- 1.1.6 On the 4 February, a letter was received from Barbara Cooper, Corporate Director of Growth, Environment & Transport, which is set out in **Annex 2**, confirming that KCC highways officers would only attend planning meetings to speak on applications in the same terms as set out in paragraph 1.1.2 above.
- 1.1.7 The Director for Planning, Housing and Environmental Health responded to Barbara Cooper's letter on the 5 February 2021 seeking to find a workable solution for all parties, however further discussions on the matter were not progressed.
- 1.1.8 Given the serious concerns raised by Members and officers alike on the stalemate position of negotiations, the Leader contacted the Cabinet Member for Highways and Transport at KCC to progress discussions and to push for a resolution and agreement on the protocol. These discussions were held between 26 January and 20 May 2022.
- 1.1.9 Unfortunately the Cabinet Member for Highways and Transport in his latest e-mail re-affirmed KCC's position on a protocol along the same terms as set out in 1.1.2 above. It is understood that this approach has been agreed with the other Kent districts.

1.2 Current Position

- 1.2.1 The current position is that TMBC do not have an agreed protocol in place and there is currently no highway attendance at the Area Planning Committees. KCC has indicated that they will continue to make officers available under the parameters laid out at 1.1.2.

1.3 Legal Implications

- 1.3.1 Whilst there are no direct legal implications arising from the current position of KCC on a protocol for attending Area Planning Committee, there are potential legal implications arising to TMBC should Members chose to refuse an application on highway grounds when the statutory consultee has not raised an objection. This can be mitigated by attendance of the legal officer at Area Committee meetings and advice given at the time of draft grounds being provided by Members.
- 1.3.2 There is no legal requirement for a statutory consultee to attend a planning committee meeting; all statutory consultees are given an opportunity to comment on relevant applications as part of the formal consultation process.

1.4 Financial and Value for Money Considerations

- 1.4.1 Whilst there are no direct financial implications arising from the current position of KCC on a protocol for attending Area Planning Committee, there are potential significant financial implications arising should Members chose to refuse an application on highway grounds when the statutory consultee has not raised an objection. This could take the form of an award of costs for raising unreasonable grounds without having the evidence to substantiate such grounds for not following the advice of the statutory consultee.

1.5 Risk Assessment

- 1.5.1 The risks associated with not having a protocol in place for highway attendance at Area Planning Committees have been set out in 1.3 and 1.4 above and mainly centre around the implications of Members choosing to refuse an application on highway grounds when the statutory consultee has not raised an objection. This risk is still present even if a protocol was in place, but an agreed protocol with KCC in attendance would allow Members to ask further questions on highway related technical matters which the planning officer may not be able to address.

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 Members set out their concerns with not having an agreed protocol in place, which can be relayed to the Cabinet Member for Highways and Transport.

Background papers:

- Annex 1 - TMBC agreed protocol position
- Annex 2 - Letter from Barbara Cooper on KCC's
protocol position (4 February 2021)

contact: James Bailey
Head of Planning

Eleanor Hoyle
Director of Planning, Housing and Environmental Health

KCC HIGHWAYS – TMBC PLANNING COMMITTEE ATTENDANCE PROTOCOL

Highways officers are keen to engage with the LPA, Members and applicants at as early a stage as possible in the application process. To this end, if there are opportunities to discuss applications with Members prior to Planning Committees taking place, these will be fully explored. It is expected that members and KCC Highways Officers would comply with the District Council's protocol on Member/Officer relations throughout this process.

The LPA case officer will proactively liaise with KCC Highways with a view to ensuring that an officer from KCC Highways will attend district planning committee meetings to speak on applications where:

- proposals are of a strategic nature or where it is agreed there are significant or complex highways issues which cannot be adequately presented by the district planning officer. This shall include but not be limited to:
 - sites named in the emerging Local Plan as strategic sites or listed under policy LP25 with more than 100 units proposed;
 - sites no smaller than 200 units not included in that list (unless there are site specific and/or cumulative reasons why a smaller site has significant highway implications);
 - a site that contributes to an identified strategic highway issue; or
 - sites where significant highways issues have been raised about previous applications for the site.
- the highway advice is for refusal and this is contrary to that of the local planning authority

There is an acceptance that this list is not exhaustive and that officers and Members will need to work closely together at the earliest opportunity to agree attendance or where a written statement might be the most appropriate and proportionate way for Highways information to be provided.

During the course of a Planning Committee where a KCC Highways Officer is in attendance, the district planning officer will field questions of clarification in the first instance and will subsequently, through the Chair, request that the KCC Highways Officer respond to any questions of a technical nature.

It is anticipated that this protocol will be followed whilst district planning committee meetings are held virtually, whilst this is allowed for in legislation. The position will be revisited at a time when it is known whether the current arrangements will be extended beyond the current statutory cut-off period (May 2021).

In accordance with the above KCC Highways will only attend Chair's Briefing meetings for those applications on the agenda that meet the above criteria.

To assist LPA officers and Members, KCC Highways will provide:

- Attendance at organised Member briefings at pre-app and application stages
- training in highways development planning matters where this is requested
- assistance in preparation of planning officer presentations
- written responses to Member questions where these are not already covered in previous consultation responses

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Sent via email

Julie Beilby
Chief Executive
Tonbridge & Malling Borough Council

Julie.Beilby@tmbc.gov.uk

**Growth, Environment
& Transport**

Room 1.62
Sessions House
Maidstone
Kent
ME14 1XQ

Phone: 03000 415981
Ask for: Barbara Cooper
Email: Barbara.cooper@kent.gov.uk

Out of hours helpline: 03000 419191

Your ref:
Our ref: GT/BC/JAC

Date: 04 February 2021

Dear Julie

**KCC HIGHWAYS/ TMBC PLANNING COMMITTEE
ATTENDANCE AND SUPPORT**

With continuing pressures on staff workload and a need to focus resources on our statutory responsibilities I have been keeping a close eye on how officers have been supporting district councils with the planning process and in dealing with planning applications. Whilst there is a good working relationship with the planning process in most boroughs, I am very concerned about the time and effectiveness of my officers' support for TMBC as well as the behaviours shown towards them.

I have discussed this with my highways team and there is a better way we can support you. This is in line with good practice employed at other Kent local planning authorities where a much more efficient and effective relationship is achieved without affecting our professional input into the priority applications.

We have fostered a very good working relationship with your team at TMBC to support the Local Plan process. Good quality and timely advice on planning applications is provided in line with Government planning guidance and local policies. And this will continue.

However, I am concerned about the pressures caused by the planning committee meeting processes where officers have been asked to attend to face local opposition, even on relatively small applications, and have been subjected to aggressive, disrespectful questioning over points of detail which would have been better addressed by the applicant. To underline the seriousness of this situation, this behaviour led to an officer resigning last year and other promising internal candidates not applying for the vacant post.

Your unique set up with 3 area planning committees and the large number of applications considered by committee and, I am told, a constitution which does not allow the applicant's transport consultant to answer Member questions raised in the debates results in officers spending a significant amount of time re-reading associated material and preparing to be cross examined.

This time would be much better spent focusing on technical responses and negotiating with applicants for strategic sites where we can get the best outcomes for the borough.

In line with what we provide to other districts and boroughs, and subject to availability, an officer from KCC Highways will attend district planning committee meetings to speak on applications where:

- these meetings are held virtually, and you have the technology to enable this to continue in the future,
- proposals are of a strategic nature and where it is agreed there are significant or complex highways issues which cannot be adequately presented by the district planning officer,
- the highway advice is for refusal and this is contrary to that of the planning authority,
- the district planning officer will field questions of clarification in the first instance and questions of clarification of detail contained within the Transport Assessment will be referred to the applicant's transport consultant, and
- officers will only attend Chairs Briefing meetings for those applications on the agenda that meet the criteria above.

To assist we will provide:

- training in highways development planning matters where this is requested,
- assistance in preparation of planning officer presentations and
- written responses to Member questions where these are not already covered in previous consultation responses.

Most importantly though I would expect officers to be treated with respect at all times and that the KCC and District Council's Code of Conduct on Member/Officer relations to be followed.

As ever happy to discuss further.

Yours sincerely



Barbara Cooper
Corporate Director
Growth, Environment & Transport

Cc: Simon Jones, KCC
Tim Read, KCC
Eleanor Hoyle, TMBC

EXECUTIVE SCRUTINY PROTOCOL

Item OS 22/24 referred from Overview and Scrutiny Committee of 7 July 2022

The report of the Director of Central Services and Deputy Chief Executive reminded Members of the changes to the Council's governance arrangements which had come into effect on 10 May 2022 and had increased the scope, role and responsibility of the Overview and Scrutiny Committee so that it could effectively discharge its functions. The report provided details at Annex 1 of the draft Executive-Scrutiny Protocol agreed between the Leader and the Chair of Overview and Scrutiny which aimed to ensure that there was a constructive relationship between the Executive and the Overview and Scrutiny Committee. The Committee was advised that statutory guidance highlighted the benefits of adopting a protocol to clarify the relationship between it and the Executive to support a framework of strong democratic transparency and accountability and to establish effective communication between Scrutiny and Executive Members which could lead to more effective scrutiny of and support for the Executive.

A number of Members identified the need for training on the new governance arrangements and about the relationship between the Overview and Scrutiny Committee and the new Scrutiny Select Committees and were advised that training for committee members was scheduled to be held on 5 October and that this could be shared more widely if required.

RECOMMENDED: That, subject to clarification of the wording of the Protocol with regard to access to key information (in accordance with paragraph 40 of the Statutory Guidance) in consultation with the Leader and the Chair of Overview and Scrutiny, the draft protocol, as set out at Annex 1 to the report, be commended to Cabinet for approval.

***Referred to Cabinet**

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TONBRIDGE & MALLING BOROUGH COUNCIL

OVERVIEW AND SCRUTINY COMMITTEE

07 July 2022

Report of the Director of Central Services & Deputy Chief Executive

Part 1- Public

Matters for Recommendation to Cabinet

1 EXECUTIVE – SCRUTINY PROTOCOL

1.1 Introduction

1.1.1 Members of the Committee will be aware that changes to the Council's governance arrangements were made by the Leader on 27th April 2022, those changes taking effect on 10th May. These changes were introduced in light of the report of the Local Government Association Corporate Peer Challenge (March 2022), and in response to the recommendation from the Local Government Boundary Commission for England to reduce the number of Councillors from 54 to 44 with effect from the May 2023 elections.

1.1.2 One of the principal aims and objectives of the changes introduced by the Leader was to increase the scope, role, and responsibility of the Overview & Scrutiny Committee so that it can effectively discharge its functions. To that end the Leader created 3 new Scrutiny Select Committees as follows

Housing & Planning Scrutiny Select Committee

Finance, Regeneration & Property Scrutiny Select Committee

Communities and Environment Scrutiny Select Committee

1.1.3 To ensure that there is a constructive relationship between the Executive and the Overview and Scrutiny Committee, the joint report of the Leader and I to Council dated 27th April 2022 also proposed to introduce in due course an Executive-Scrutiny Protocol. In accordance with the 2019 statutory guidance on overview and scrutiny the protocol was to be the subject of initial dialogue between the Leader and the Chair of the Overview and Scrutiny Committee before coming to Members for approval.

1.1.4 A draft protocol has been prepared (attached as **Annex 1**) and agreed between the Leader and Chair of Overview and Scrutiny. The Leaders of the other groups have also been consulted on the terms of the draft. The protocol is now submitted to the Overview & Scrutiny Committee (and then to Cabinet) for approval.

1.1.5 A separate briefing has also been provided to the Chairs/ Vice-Chairs of the Overview and Scrutiny Committee/ Scrutiny Select Committees on the operation of the new Scrutiny Committees.

1.2 Draft Protocol

1.2.1 The statutory guidance highlights the benefits of adopting a protocol to clarify the relationship between the Executive and the Overview and Scrutiny Committee to support a framework of strong democratic transparency and accountability and to establish effective communication between Scrutiny and Executive Members. Such protocols can lead to more effective scrutiny of and support for the Executive, resulting in better outcomes for the residents of the Borough.

1.2.2 The draft protocol adopts the broad approach suggested in the statutory guidance and seeks to include the following areas: -

- **Principles** – setting out the principles underpinning the relationship between the Executive and Scrutiny
- **Development of Scrutiny Work Programme** - the way in which Portfolio Holders & senior officers will work with scrutiny chairs to ensure that the scrutiny committees can identify forthcoming policies that they may wish to scrutinize.
- **Expectations of Cabinet** e.g., specifying the nature and form of responses that scrutiny can expect when it makes recommendations to the Executive and when it makes recommendations that Cabinet Members and Senior Officers attend meetings
- **Expectations of the Overview and Scrutiny Committee** – clarifying that the Committee will provide constructive ‘critical friend’ challenge to the Cabinet’s proposals and decisions
- **Call-in** – how call-ins may be made together with the procedure to be followed at meetings
- **Compliance with Protocol** e.g., confirmation of the role of the statutory scrutiny officer

1.3 Legal Implications

1.3.1 In May 2019, the Ministry of Housing, Communities and Local Government issued statutory guidance under the Local Government Act 2000 and the Local Democracy, Economic Development and Construction Act 2009. Local Authorities must have regard to this guidance when exercising their functions.

1.3.2 At paragraph 11(d), the guidance states

Managing disagreement – effective scrutiny involves looking at issues that can be politically contentious. It is therefore inevitable that, at times, an executive will disagree with the findings or recommendations of a scrutiny committee.

It is the job of both the executive and scrutiny to work together to reduce the risk of this happening, and authorities should take steps to predict, identify and act on disagreement.

One way in which this can be done is via an ‘executive-scrutiny protocol’ (see annex 1) which can help define the relationship between the two and mitigate any differences of opinion before they manifest themselves in unhelpful and unproductive ways. The benefit of this approach is that it provides a framework for disagreement and debate, and a way to manage it when it happens. Often the value of such a protocol lies in the dialogue that underpins its preparation. It is important that these protocols are reviewed on a regular basis.

1.4 Financial and Value for Money Considerations

1.4.1 None arising from this report.

1.5 Risk Assessment

1.5.1 The agreement of a protocol between the Executive and Scrutiny will assist in defining the relationship between the two within our new governance structure. This will in turn assist in reducing the risks of disagreement and ensuring that the scrutiny function is effective in holding the executive to account.

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 Members are requested to **RECOMMEND** to Cabinet that the draft protocol at Annex 1 be approved.

Background papers:

Nil

contact: Adrian Stanfield/
Kevin Toogood/ Gill Fox

Adrian Stanfield
Director of Central Services and Deputy Chief Executive

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Overview & Scrutiny – Cabinet Protocol

This protocol sets out the relationship between the Council's Cabinet and its Overview & Scrutiny Committee/ Scrutiny Select Committees. This includes the processes that these bodies will follow, where they will interact with each other, and how they expect the other to conduct itself. The Protocol is in addition to requirements set out in the Council's Code of Conduct and the Officer/Councillor Protocol.

This Protocol will promote an effective role for Scrutiny and foster a good working relationship between the Overview & Scrutiny Committee and the Cabinet that will ensure the Committee makes a valuable contribution to the effective running of the Council.

In seeking agreement to this protocol, it is acknowledged that there are different rights and roles of both Overview and Scrutiny and Cabinet Members but that both are committed to developing an effective relationship. This will involve but not be limited to:

- Frequent and honest dialogue between Cabinet Members and Overview and Scrutiny Members, either individually or collectively,
- Regular discussions regarding Cabinet and Overview and Scrutiny work programmes/activities including establishing joint activities/projects where possible,
- Establishing effective and formal reporting structures, and
- Respecting the confidential nature of the discussions that may from time to time take place.

Principles

The following principles set out how the working relationship between the Cabinet and the Overview and Scrutiny Committee should operate.

- (a) The Cabinet and members of the Overview and Scrutiny Committee recognise that they each have different functions and responsibilities that contribute to securing the best outcomes for the people who live and work in the borough.
- (b) All participants in the working relationship between Cabinet and the Overview and Scrutiny Committee will do so in a spirit of mutual respect and constructive challenge.
- (c) Meetings of the Overview and Scrutiny Committee should be conducted in accordance with the statutory guidance (Annex 1)
- (d) The Cabinet recognises that the Overview and Scrutiny Committee has several rights, for example requiring Portfolio Holders to attend its meetings or calling-in Cabinet decisions which have not yet been implemented should they consider a decision to be reviewed. The Overview and Scrutiny Committee will exercise those rights responsibly.
- (e) One of the principal responsibilities of the Overview and Scrutiny

Committee is to hold the Cabinet to account. This enables non-Cabinet members to fully scrutinise important decisions made by the Cabinet whilst also allowing routine decision making to take place in a responsive manner. An important method to ensure accountability is through examining performance and decisions taken by the authority. To facilitate this challenge the Overview and Scrutiny Committee may:

- a. The Agenda for Overview and Scrutiny will include as an early standard item, Non-Key Decisions made by members of Cabinet and officers since the last Overview and Scrutiny Meeting.
 - b. Challenge the Cabinet about decisions (whether key or non-key) which have been taken by Cabinet
 - c. Require and consider Key Performance Indicators.
 - d. Query or ask for information about any item on the Notice of forthcoming Key Decisions.
- (f) In addition to their rights as councillors, members of the Overview and Scrutiny Committee and its working groups have additional rights of access to documents as included in the Access to Information rules in the Constitution. This allows the committee access to copies of any documents which are in the possession, or control, of the Cabinet or its committees. There are a few limits on this access, and these are identified in the rules.
- (g) Members of the Cabinet cannot be members of the Overview and Scrutiny Committee.
- (h) The Overview and Scrutiny Committee will report annually to Full Council to evaluate their work during the previous year and to summarise the programme for the forthcoming year.

Development of the Scrutiny Work Programme

Individual Portfolio Holders and Overview and Scrutiny Chairs should consider meeting regularly to identify and plan for policy development work in which all members can participate.

The intention should be to programme such work at an early stage in the development of a policy.

Each meeting of the Committees will include an opportunity to consider forthcoming key decisions. The relevant committee shall identify any forthcoming key decisions which are (i) relevant to the functions of that committee and that (ii) it may wish to scrutinise.

The Chair of the relevant committee will inform the Leader or relevant Cabinet portfolio holder and the Chief Executive of the matters which it may wish to scrutinize.

The Chief Executive in consultation with Management Team will determine the appropriate lead officers for the matter in question.

The relevant Chair, Leader and Chief Executive/ lead officers will discuss the parameters for scoping that matter and any appropriate timescales for the matter to be reported to the Committee, taking into account any key milestones for decision making, including time needed to obtain any advice which is required.

The Scrutiny Work Programme will also have the following standing items (Scrutiny Select Committee identified in brackets where relevant):

Development of the Annual Budget (Overview and Scrutiny Committee)

Corporate Plan (Overview & Scrutiny Committee)

The Medium-Term Financial Strategy (Finance, Regeneration and Property Scrutiny Select Committee)

Any Treasury/Investment/Capital Strategies (Finance, Regeneration and Property Scrutiny Select Committee)

Any property acquisition and/or Disposal Strategy (Finance, Regeneration and Property Scrutiny Select Committee)

Development of the statutory Development Plan (Housing and Planning Scrutiny Select Committee)

Key Performance Indicators (relevant Scrutiny Select Committee)

Expectations of the Cabinet

It is expected that Cabinet Portfolio Holders will attend meetings of the Overview & Scrutiny Committee, when requested, to present reports relevant to their portfolio and answer any relevant questions.

All Members should promote an atmosphere of openness at Scrutiny Committee Meetings and should strive to ensure that questioning and debate takes place within a climate of mutual respect and trust between Scrutiny Committee Members, the Cabinet Member and other participants.

In order to notify Scrutiny Members of upcoming business and potential items to be added to the Committee's Work Programme, the Principal Democratic Services Officer will ensure that the Scrutiny Officer is kept updated of all new items that are added to the Cabinet Work Programme.

If necessary, the Leader will meet with the Scrutiny Officer, Principal Democratic Services Officer and the Chair of the Overview & Scrutiny Committee to consider the best way to deal with any forthcoming items of business.

Where the Overview and Scrutiny Committee (or Scrutiny Select Committee) has made recommendations to a decision-making body or person, that body or person will provide a written response to those recommendations setting out whether the recommendations are accepted or not, and the reasons for that decision.

Overview and Scrutiny Committee and the Scrutiny Select Committees are entitled to such information as is necessary to properly perform their functions. If the Overview and Scrutiny Committee or Scrutiny Select Committee request information from the Cabinet, the Cabinet will respond within 10 working days confirming whether the

information requested exists and, if so, provide the committee with access to that information.

Expectations of the Overview & Scrutiny Committee

The Committee will provide constructive 'critical friend' challenge to the Cabinet's proposals and decisions.

The Committee will remain non-political and be effectively led by Members who take responsibility in their role to drive service improvements.

The Cabinet's response to Scrutiny's recommendations will be published in the agenda of the next scheduled Overview & Scrutiny Committee meeting

The Overview & Scrutiny Committee will monitor the effectiveness of services and undertake regular reviews of performance in relation to the Council's services

Call-in

Call-in is the exercise of the Overview & Scrutiny Committee's statutory power in section 21(3) of the Local Government Act 2000, to review a Cabinet decision that has been made but not yet implemented.

Once made, Cabinet decisions will ordinarily be published by the Democratic Services Team within two working days of the meeting, with date of publication included. Five clear working days are given before the decision can be implemented, in which time the Call-in must be made.

Requests for Call-in can be made by any 5 Members of the Overview and Scrutiny Committee.

Cabinet Members will be expected to attend any meeting of a Scrutiny Committee at which it is intended to consider a call-in request in relation to his/her area of responsibility. Where the relevant Cabinet Member cannot attend a call-in meeting, the Leader of the Council or Deputy Leader should attend in their absence. In the event of both the Leader and Deputy Leader also being unavailable, they should nominate another Cabinet Member to attend and be accountable for the decision.

The following procedure shall take place at call-in meetings:

- The Members who called in the decision should speak first.
- The Chair will then invite the Cabinet Member (decision maker) to respond.
- The Committee can then ask questions of the decision maker who may ask a relevant officer to supply further information if necessary.

The Committee will debate the issue and vote on the outcome

The Overview & Scrutiny Committee cannot overturn the decision that has been called in. It may either agree with the decision/ decide to make no recommendations to the Decision Maker (in which case it will take immediate

effect) or refer it back to the Cabinet/ Leader/ Portfolio Holder (as applicable) for further consideration, including any recommendations from Scrutiny Members.

It is the aim of the Council that call-ins should only be used as a last resort for resolution, and that other less-confrontational means should always be pursued prior to this option.

Compliance with this protocol

The Scrutiny Officer is responsible for overseeing compliance with the protocol and ensuring that it is used to support the wider aim of supporting and promoting a culture of scrutiny. Matters relating to the protocol's success will be reported to full Council through the scrutiny annual report. The role also includes promoting the role of the authority's scrutiny committee, providing support and guidance to members and officers relating to the functions of the scrutiny committee and providing a link between the Cabinet and the Overview and Scrutiny Committee/ Select Committees.

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Ministry of Housing,
Communities &
Local Government

Statutory Guidance on Overview and Scrutiny in Local and Combined Authorities



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Ministry of Housing, Communities and Local Government
Fry Building
2 Marsham Street
London
SW1P 4DF
Telephone: 030 3444 0000

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Ministerial Foreword

The role that overview and scrutiny can play in holding an authority's decision-makers to account makes it fundamentally important to the successful functioning of local democracy. Effective scrutiny helps secure the efficient delivery of public services and drives improvements within the authority itself. Conversely, poor scrutiny can be indicative of wider governance, leadership and service failure.

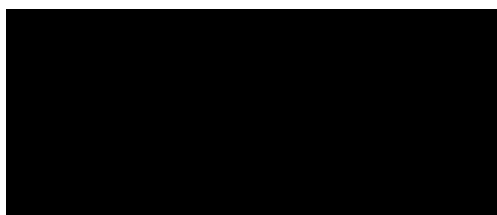
It is vital that councils and combined authorities know the purpose of scrutiny, what effective scrutiny looks like, how to conduct it and the benefits it can bring. This guidance aims to increase understanding in all four areas.

In writing this guidance, my department has taken close note of the House of Commons Select Committee report of December 2017, as well as the written and oral evidence supplied to that Committee. We have also consulted individuals and organisations with practical involvement in conducting, researching and supporting scrutiny.

It is clear from speaking to these practitioners that local and combined authorities with effective overview and scrutiny arrangements in place share certain key traits, the most important being a strong organisational culture. Authorities who welcome challenge and recognise the value scrutiny can bring reap the benefits. But this depends on strong commitment from the top - from senior members as well as senior officials.

Crucially, this guidance recognises that authorities have democratic mandates and are ultimately accountable to their electorates, and that authorities themselves are best-placed to know which scrutiny arrangements are most appropriate for their own individual circumstances.

I would, however, strongly urge all councils to cast a critical eye over their existing arrangements and, above all, ensure they embed a culture that allows overview and scrutiny to flourish.



Rishi Sunak MP
Minister for Local Government

About this Guidance

Who the guidance is for

This document is aimed at local authorities and combined authorities in England to help them carry out their overview and scrutiny functions effectively. In particular, it provides advice for senior leaders, members of overview and scrutiny committees, and support officers.

Aim of the guidance

This guidance seeks to ensure local authorities and combined authorities are aware of the purpose of overview and scrutiny, what effective scrutiny looks like, how to conduct it effectively and the benefits it can bring.

As such, it includes a number of policies and practices authorities should adopt or should consider adopting when deciding how to carry out their overview and scrutiny functions.

The guidance recognises that authorities approach scrutiny in different ways and have different processes and procedures in place, and that what might work well for one authority might not work well in another.

The hypothetical scenarios contained in the annexes to this guidance have been included for illustrative purposes, and are intended to provoke thought and discussion rather than serve as a 'best' way to approach the relevant issues.

While the guidance sets out some of the key legal requirements, it does not seek to replicate legislation.

Status of the guidance

This is statutory guidance from the Ministry of Housing, Communities and Local Government. Local authorities and combined authorities must have regard to it when exercising their functions. The phrase 'must have regard', when used in this context, does not mean that the sections of statutory guidance have to be followed in every detail, but that they should be followed unless there is a good reason not to in a particular case.

Not every authority is required to appoint a scrutiny committee. This guidance applies to those authorities who have such a committee in place, whether they are required to or not.

This guidance has been issued under section 9Q of the Local Government Act 2000 and under paragraph 2(9) of Schedule 5A to the Local Democracy, Economic Development and Construction Act 2009, which requires authorities to have regard to this guidance. In addition, authorities may have regard to other material they might choose to consider, including that issued by the Centre for Public Scrutiny, when exercising their overview and scrutiny functions.

Terminology

Unless 'overview' is specifically mentioned, the term 'scrutiny' refers to both overview and scrutiny.¹

Where the term 'authority' is used, it refers to both local authorities and combined authorities.

Where the term 'scrutiny committee' is used, it refers to an overview and scrutiny committee and any of its sub-committees. As the legislation refers throughout to powers conferred on scrutiny committees, that is the wording used in this guidance. However, the guidance should be seen as applying equally to work undertaken in informal task and finish groups, commissioned by formal committees.

Where the term 'executive' is used, it refers to executive members.

For combined authorities, references to the 'executive' or 'cabinet' should be interpreted as relating to the mayor (where applicable) and all the authority members.

For authorities operating committee rather than executive arrangements, references to the executive or Cabinet should be interpreted as relating to councillors in leadership positions.

Expiry or review date

This guidance will be kept under review and updated as necessary.

¹ A distinction is often drawn between 'overview' which focuses on the development of policy, and 'scrutiny' which looks at decisions that have been made or are about to be made to ensure they are fit for purpose.

1. Introduction and Context

1. Overview and scrutiny committees were introduced in 2000 as part of new executive governance arrangements to ensure that members of an authority who were not part of the executive could hold the executive to account for the decisions and actions that affect their communities.
2. Overview and scrutiny committees have statutory powers² to scrutinise decisions the executive is planning to take, those it plans to implement, and those that have already been taken/implemented. Recommendations following scrutiny enable improvements to be made to policies and how they are implemented. Overview and scrutiny committees can also play a valuable role in developing policy.

Effective overview and scrutiny should:

- Provide constructive 'critical friend' challenge;
- Amplify the voices and concerns of the public;
- Be led by independent people who take responsibility for their role; and
- Drive improvement in public services.

3. The requirement for local authorities in England to establish overview and scrutiny committees is set out in sections 9F to 9FI of the Local Government Act 2000 as amended by the Localism Act 2011.
4. The Localism Act 2011 amended the Local Government Act 2000 to allow councils to revert to a non-executive form of governance - the 'committee system'. Councils who adopt the committee system are not required to have overview and scrutiny but may do so if they wish. The legislation has been strengthened and updated since 2000, most recently to reflect new governance arrangements with combined authorities. Requirements for combined authorities are set out in Schedule 5A to the Local Democracy, Economic Development and Construction Act 2009.
5. Current overview and scrutiny legislation recognises that authorities are democratically-elected bodies who are best-placed to determine which overview and scrutiny arrangements best suit their own individual needs, and so gives them a great degree of flexibility to decide which arrangements to adopt.
6. In producing this guidance, the Government fully recognises both authorities' democratic mandate and that the nature of local government has changed in recent years, with, for example, the creation of combined authorities, and councils increasingly delivering key services in partnership with other organisations or outsourcing them entirely.

² Section 9F of the Local Government Act 2000; paragraph 1 of Schedule 5A to the Local Democracy, Economic Development and Construction Act 2009.

2. Culture

7. The prevailing organisational culture, behaviours and attitudes of an authority will largely determine whether its scrutiny function succeeds or fails.
8. While everyone in an authority can play a role in creating an environment conducive to effective scrutiny, it is important that this is led and owned by members, given their role in setting and maintaining the culture of an authority.
9. Creating a strong organisational culture supports scrutiny work that can add real value by, for example, improving policy-making and the efficient delivery of public services. In contrast, low levels of support for and engagement with the scrutiny function often lead to poor quality and ill-focused work that serves to reinforce the perception that it is of little worth or relevance.
10. Members and senior officers should note that the performance of the scrutiny function is not just of interest to the authority itself. Its effectiveness, or lack thereof, is often considered by external bodies such as regulators and inspectors, and highlighted in public reports, including best value inspection reports. Failures in scrutiny can therefore help to create a negative public image of the work of an authority as a whole.

How to establish a strong organisational culture

11. Authorities can establish a strong organisational culture by:

- a) **Recognising scrutiny's legal and democratic legitimacy** – all members and officers should recognise and appreciate the importance and legitimacy the scrutiny function is afforded by the law. It was created to act as a check and balance on the executive and is a statutory requirement for all authorities operating executive arrangements and for combined authorities.

Councillors have a unique legitimacy derived from their being democratically elected. The insights that they can bring by having this close connection to local people are part of what gives scrutiny its value.

- b) **Identifying a clear role and focus** – authorities should take steps to ensure scrutiny has a clear role and focus within the organisation, i.e. a niche within which it can clearly demonstrate it adds value. Therefore, prioritisation is necessary to ensure the scrutiny function concentrates on delivering work that is of genuine value and relevance to the work of the wider authority – this is one of the most challenging parts of scrutiny, and a critical element to get right if it is to be recognised as a strategic function of the authority (see chapter 6).

Authorities should ensure a clear division of responsibilities between the scrutiny function and the audit function. While it is appropriate for scrutiny to pay due regard to the authority's financial position, this will need to happen in the context of the formal audit role. The authority's section 151 officer should advise scrutiny on how to manage this dynamic.

While scrutiny has no role in the investigation or oversight of the authority's whistleblowing arrangements, the findings of independent whistleblowing investigations might be of interest to scrutiny committees as they consider their wider implications. Members should always follow the authority's constitution and associated Monitoring Officer directions on the matter. Further guidance on whistleblowing can be found at:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/415175/bis-15-200-whistleblowing-guidance-for-employers-and-code-of-practice.pdf.

- c) **Ensuring early and regular engagement between the executive and scrutiny** – authorities should ensure early and regular discussion takes place between scrutiny and the executive, especially regarding the latter's future work programme. Authorities should, though, be mindful of their distinct roles:

In particular:

- The executive should not try to exercise control over the work of the scrutiny committee. This could be direct, e.g. by purporting to 'order' scrutiny to look at, or not look at, certain issues, or indirect, e.g. through the use of the whip or as a tool of political patronage, and the committee itself should remember its statutory purpose when carrying out its work. All members and officers should consider the role the scrutiny committee plays to be that of a 'critical friend' not a de facto 'opposition'. Scrutiny chairs have a particular role to play in establishing the profile and nature of their committee (see chapter 4); and
- The chair of the scrutiny committee should determine the nature and extent of an executive member's participation in a scrutiny committee meeting, and in any informal scrutiny task group meeting.

- d) **Managing disagreement** – effective scrutiny involves looking at issues that can be politically contentious. It is therefore inevitable that, at times, an executive will disagree with the findings or recommendations of a scrutiny committee.

It is the job of both the executive and scrutiny to work together to reduce the risk of this happening, and authorities should take steps to predict, identify and act on disagreement.

One way in which this can be done is via an 'executive-scrutiny protocol' (see annex 1) which can help define the relationship between the two and mitigate any differences of opinion before they manifest themselves in unhelpful and unproductive ways. The benefit of this approach is that it provides a framework for disagreement and debate, and a way to manage it when it happens. Often,

the value of such a protocol lies in the dialogue that underpins its preparation. It is important that these protocols are reviewed on a regular basis.

Scrutiny committees do have the power to 'call in' decisions, i.e. ask the executive to reconsider them before they are implemented, but should not view it as a substitute for early involvement in the decision-making process or as a party-political tool.

- e) **Providing the necessary support** – while the level of resource allocated to scrutiny is for each authority to decide for itself, when determining resources an authority should consider the purpose of scrutiny as set out in legislation and the specific role and remit of the authority's own scrutiny committee(s), and the scrutiny function as a whole.

Support should also be given by members and senior officers to scrutiny committees and their support staff to access information held by the authority and facilitate discussions with representatives of external bodies (see chapter 5).

- f) **Ensuring impartial advice from officers** – authorities, particularly senior officers, should ensure all officers are free to provide impartial advice to scrutiny committees. This is fundamental to effective scrutiny. Of particular importance is the role played by 'statutory officers' – the monitoring officer, the section 151 officer and the head of paid service, and where relevant the statutory scrutiny officer. These individuals have a particular role in ensuring that timely, relevant and high-quality advice is provided to scrutiny.
- g) **Communicating scrutiny's role and purpose to the wider authority** – the scrutiny function can often lack support and recognition within an authority because there is a lack of awareness among both members and officers about the specific role it plays, which individuals are involved and its relevance to the authority's wider work. Authorities should, therefore, take steps to ensure all members and officers are made aware of the role the scrutiny committee plays in the organisation, its value and the outcomes it can deliver, the powers it has, its membership and, if appropriate, the identity of those providing officer support.
- h) **Maintaining the interest of full Council in the work of the scrutiny committee** – part of communicating scrutiny's role and purpose to the wider authority should happen through the formal, public role of full Council – particularly given that scrutiny will undertake valuable work to highlight challenging issues that an authority will be facing and subjects that will be a focus of full Council's work. Authorities should therefore take steps to ensure full Council is informed of the work the scrutiny committee is doing.

One way in which this can be done is by reports and recommendations being submitted to full Council rather than solely to the executive. Scrutiny should decide when it would be appropriate to submit reports for wider debate in this way, taking into account the relevance of reports to full Council business, as well as full Council's capacity to consider and respond in a timely manner. Such

reports would supplement the annual report to full Council on scrutiny's activities and raise awareness of ongoing work.

In order to maintain awareness of scrutiny at the Combined Authority and provoke dialogue and discussion of its impact, the business of scrutiny should be reported to the Combined Authority board or to the chairs of the relevant scrutiny committees of constituent and non-constituent authorities, or both. At those chairs' discretion, particular Combined Authority scrutiny outcomes, and what they might mean for each individual area, could be either discussed by scrutiny in committee or referred to full Council of the constituent authorities.

- i) **Communicating scrutiny's role to the public** – authorities should ensure scrutiny has a profile in the wider community. Consideration should be given to how and when to engage the authority's communications officers, and any other relevant channels, to understand how to get that message across. This will usually require engagement early on in the work programming process (see chapter 6).
- j) **Ensuring scrutiny members are supported in having an independent mindset** – formal committee meetings provide a vital opportunity for scrutiny members to question the executive and officers.

Inevitably, some committee members will come from the same political party as a member they are scrutinising and might well have a long-standing personal, or familial, relationship with them (see paragraph 25).

Scrutiny members should bear in mind, however, that adopting an independent mind-set is fundamental to carrying out their work effectively. In practice, this is likely to require scrutiny chairs working proactively to identify any potentially contentious issues and plan how to manage them.

Directly-elected mayoral systems

12. A strong organisational culture that supports scrutiny work is particularly important in authorities with a directly-elected mayor to ensure there are the checks and balances to maintain a robust democratic system. Mayoral systems offer the opportunity for greater public accountability and stronger governance, but there have also been incidents that highlight the importance of creating and maintaining a culture that puts scrutiny at the heart of its operations.
13. Authorities with a directly-elected mayor should ensure that scrutiny committees are well-resourced, are able to recruit high-calibre members and that their scrutiny functions pay particular attention to issues surrounding:
 - rights of access to documents by the press, public and councillors;
 - transparent and fully recorded decision-making processes, especially avoiding decisions by 'unofficial' committees or working groups;
 - delegated decisions by the Mayor;
 - whistleblowing protections for both staff and councillors; and
 - powers of Full Council, where applicable, to question and review.

14. Authorities with a directly-elected mayor should note that mayors are required by law to attend overview and scrutiny committee sessions when asked to do so (see paragraph 44).

3. Resourcing

15. The resource an authority allocates to the scrutiny function plays a pivotal role in determining how successful that function is and therefore the value it can add to the work of the authority.
16. Ultimately it is up to each authority to decide on the resource it provides, but every authority should recognise that creating and sustaining an effective scrutiny function requires them to allocate resources to it.
17. Authorities should also recognise that support for scrutiny committees, task groups and other activities is not solely about budgets and provision of officer time, although these are clearly extremely important elements. Effective support is also about the ways in which the wider authority engages with those who carry out the scrutiny function (both members and officers).

When deciding on the level of resource to allocate to the scrutiny function, the factors an authority should consider include:

- Scrutiny's legal powers and responsibilities;
- The particular role and remit scrutiny will play in the authority;
- The training requirements of scrutiny members and support officers, particularly the support needed to ask effective questions of the executive and other key partners, and make effective recommendations;
- The need for ad hoc external support where expertise does not exist in the council;
- Effectively-resourced scrutiny has been shown to add value to the work of authorities, improving their ability to meet the needs of local people; and
- Effectively-resourced scrutiny can help policy formulation and so minimise the need for call-in of executive decisions.

Statutory scrutiny officers

18. Combined authorities, upper and single tier authorities are required to designate a statutory scrutiny officer,³ someone whose role is to:
 - promote the role of the authority's scrutiny committee;
 - provide support to the scrutiny committee and its members; and
 - provide support and guidance to members and officers relating to the functions of the scrutiny committee.

³ Section 9FB of the Local Government Act 2000; article 9 of the Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017

19. Authorities not required by law to appoint such an officer should consider whether doing so would be appropriate for their specific local needs.

Officer resource models

20. Authorities are free to decide for themselves which wider officer support model best suits their individual circumstances, though generally they adopt one or a mix of the following:

- Committee – officers are drawn from specific policy or service areas;
- Integrated – officers are drawn from the corporate centre and also service the executive; and
- Specialist – officers are dedicated to scrutiny.

21. Each model has its merits – the committee model provides service-specific expertise; the integrated model facilitates closer and earlier scrutiny involvement in policy formation and alignment of corporate work programmes; and the specialist model is structurally independent from those areas it scrutinises.

22. Authorities should ensure that, whatever model they employ, officers tasked with providing scrutiny support are able to provide impartial advice. This might require consideration of the need to build safeguards into the way that support is provided. The nature of these safeguards will differ according to the specific role scrutiny plays in the organisation.

4. Selecting Committee Members

23. Selecting the right members to serve on scrutiny committees is essential if those committees are to function effectively. Where a committee is made up of members who have the necessary skills and commitment, it is far more likely to be taken seriously by the wider authority.
24. While there are proportionality requirements that must be met,⁴ the selection of the chair and other committee members is for each authority to decide for itself. Guidance for combined authorities on this issue has been produced by the Centre for Public Scrutiny⁵.

Members invariably have different skill-sets. What an authority must consider when forming a committee is that, as a group, it possesses the requisite expertise, commitment and ability to act impartially to fulfil its functions.

25. Authorities are reminded that members of the executive cannot be members of a scrutiny committee.⁶ Authorities should take care to ensure that, as a minimum, members holding less formal executive positions, e.g. as Cabinet assistants, do not sit on scrutinising committees looking at portfolios to which those roles relate. Authorities should articulate in their constitutions how conflicts of interest, including familial links (see also paragraph 31), between executive and scrutiny responsibilities should be managed, including where members stand down from the executive and move to a scrutiny role, and vice-versa.
26. Members or substitute members of a combined authority must not be members of its overview and scrutiny committee.⁷ This includes the Mayor in Mayoral Combined Authorities. It is advised that Deputy Mayors for Policing and Crime are also not members of the combined authority's overview and scrutiny committee.

Selecting individual committee members

27. When selecting individual members to serve on scrutiny committees, an authority should consider a member's experience, expertise, interests, ability to act impartially, ability to work as part of a group, and capacity to serve.

⁴ See, for example, regulation 11 of the Local Authorities (Committee System) (England) Regulations 2012 (S.I. 2012/1020) and article 4 of the Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017 (S.I. 2017/68).

⁵ See pages 15-18 of 'Overview and scrutiny in combined authorities: a plain English guide': <https://www.cfps.org.uk/wp-content/uploads/Overview-and-scrutiny-in-combined-authorities-a-plain-english-guide.pdf>

⁶ Section 9FA(3) of the Local Government Act 2000.

⁷ 2(3) of Schedule 5A to the Local Democracy, Economic Development and Construction Act 2009

28. Authorities should not take into account a member's perceived level of support for or opposition to a particular political party (notwithstanding the wider legal requirement for proportionality referred to in paragraph 24).

Selecting a chair

29. The Chair plays a leadership role on a scrutiny committee as they are largely responsible for establishing its profile, influence and ways of working.

30. The attributes authorities should and should not take into account when selecting individual committee members (see paragraphs 27 and 28) also apply to the selection of the Chair, but the Chair should also possess the ability to lead and build a sense of teamwork and consensus among committee members.

Chairs should pay special attention to the need to guard the committee's independence. Importantly, however, they should take care to avoid the committee being, and being viewed as, a de facto opposition to the executive.

31. Given their pre-eminent role on the scrutiny committee, it is strongly recommended that the Chair not preside over scrutiny of their relatives⁸. Combined authorities should note the legal requirements that apply to them where the Chair is an independent person⁹.

32. The method for selecting a Chair is for each authority to decide for itself, however every authority should consider taking a vote by secret ballot. Combined Authorities should be aware of the legal requirements regarding the party affiliation of their scrutiny committee Chair¹⁰.

Training for committee members

33. Authorities should ensure committee members are offered induction when they take up their role and ongoing training so they can carry out their responsibilities effectively. Authorities should pay attention to the need to ensure committee members are aware of their legal powers, and how to prepare for and ask relevant questions at scrutiny sessions.

34. When deciding on training requirements for committee members, authorities should consider taking advantage of opportunities offered by external providers in the sector.

Co-option and technical advice

35. While members and their support officers will often have significant local insight and an understanding of local people and their needs, the provision of outside expertise can be invaluable.

⁸ A definition of 'relative' can be found at section 28(10) of the Localism Act 2011.

⁹ See article 5(2) of the Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017 (S.I. 2017/68).

¹⁰ Article 5(6) of the Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017.

36. There are two principal ways to procure this:

- Co-option – formal co-option is provided for in legislation¹¹. Authorities must establish a co-option scheme to determine how individuals will be co-opted onto committees; and
- Technical advisers – depending on the subject matter, independent local experts might exist who can provide advice and assistance in evaluating evidence (see annex 2).

¹¹ Section 9FA(4) Local Government Act 2000

5. Power to Access Information

37. A scrutiny committee needs access to relevant information the authority holds, and to receive it in good time, if it is to do its job effectively.
38. This need is recognised in law, with members of scrutiny committees enjoying powers to access information¹². In particular, regulations give enhanced powers to a scrutiny member to access exempt or confidential information. This is in addition to existing rights for councillors to have access to information to perform their duties, including common law rights to request information and rights to request information under the Freedom of Information Act 2000 and the Environmental Information Regulations 2004.
39. When considering what information scrutiny needs in order to carry out its work, scrutiny members and the executive should consider scrutiny's role and the legal rights that committees and their individual members have, as well as their need to receive timely and accurate information to carry out their duties effectively.
40. Scrutiny members should have access to a regularly available source of key information about the management of the authority – particularly on performance, management and risk. Where this information exists, and scrutiny members are given support to understand it, the potential for what officers might consider unfocused and unproductive requests is reduced as members will be able to frame their requests from a more informed position.
41. Officers should speak to scrutiny members to ensure they understand the reasons why information is needed, thereby making the authority better able to provide information that is relevant and timely, as well as ensuring that the authority complies with legal requirements.

While each request for information should be judged on its individual merits, authorities should adopt a default position of sharing the information they hold, on request, with scrutiny committee members.

42. The law recognises that there might be instances where it is legitimate for an authority to withhold information and places a requirement on the executive to provide the scrutiny committee with a written statement setting out its reasons for that decision¹³. However, members of the executive and senior officers should take particular care to avoid refusing requests, or limiting the information they provide, for reasons of party political or reputational expediency.

¹² Regulation 17 - Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012; article 10 Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017.

¹³ Regulation 17(4) – Local Government (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012; article 10(4) Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017.

Before an authority takes a decision not to share information it holds, it should give serious consideration to whether that information could be shared in closed session.

43. Regulations already stipulate a timeframe for executives to comply with requests from a scrutiny member¹⁴. When agreeing to such requests, authorities should:

- consider whether seeking clarification from the information requester could help better target the request; and
- Ensure the information is supplied in a format appropriate to the recipient's needs.

44. Committees should be aware of their legal power to require members of the executive and officers to attend before them to answer questions¹⁵. It is the duty of members and officers to comply with such requests.¹⁶

Seeking information from external organisations

45. Scrutiny members should also consider the need to supplement any authority-held information they receive with information and intelligence that might be available from other sources, and should note in particular their statutory powers to access information from certain external organisations.

46. When asking an external organisation to provide documentation or appear before it, and where that organisation is not legally obliged to do either (see annex 3), scrutiny committees should consider the following:

- a) **The need to explain the purpose of scrutiny** – the organisation being approached might have little or no awareness of the committee's work, or of an authority's scrutiny function more generally, and so might be reluctant to comply with any request;
- b) **The benefits of an informal approach** – individuals from external organisations can have fixed perceptions of what an evidence session entails and may be unwilling to subject themselves to detailed public scrutiny if they believe it could reflect badly on them or their employer. Making an informal approach can help reassure an organisation of the aims of the committee, the type of information being sought and the manner in which the evidence session would be conducted;

¹⁴ Regulation 17(2) – Local Government (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012; article 10(2) Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017.

¹⁵ Section 9FA(8) of the Local Government Act 2000; paragraph 2(6) of Schedule 5A to the Local Democracy, Economic Development and Construction Act 2009.

¹⁶ Section 9FA(9) of the Local Government Act 2000; paragraph 2(7) of Schedule 5A to the Local Democracy, Economic Development and Construction Act 2009.

- c) **How to encourage compliance with the request** – scrutiny committees will want to frame their approach on a case by case basis. For contentious issues, committees might want to emphasise the opportunity their request gives the organisation to ‘set the record straight’ in a public setting; and
- d) **Who to approach** – a committee might instinctively want to ask the Chief Executive or Managing Director of an organisation to appear at an evidence session, however it could be more beneficial to engage front-line staff when seeking operational-level detail rather than senior executives who might only be able to talk in more general terms. When making a request to a specific individual, the committee should consider the type of information it is seeking, the nature of the organisation in question and the authority’s pre-existing relationship with it.

Following ‘the Council Pound’

Scrutiny committees will often have a keen interest in ‘following the council pound’, i.e. scrutinising organisations that receive public funding to deliver goods and services.

Authorities should recognise the legitimacy of this interest and, where relevant, consider the need to provide assistance to scrutiny members and their support staff to obtain information from organisations the council has contracted to deliver services. In particular, when agreeing contracts with these bodies, authorities should consider whether it would be appropriate to include a *requirement* for them to supply information to or appear before scrutiny committees.

6. Planning Work

47. Effective scrutiny should have a defined impact on the ground, with the committee making recommendations that will make a tangible difference to the work of the authority. To have this kind of impact, scrutiny committees need to plan their work programme, i.e. draw up a long-term agenda and consider making it flexible enough to accommodate any urgent, short-term issues that might arise during the year.
48. Authorities with multiple scrutiny committees sometimes have a separate work programme for each committee. Where this happens, consideration should be given to how to co-ordinate the various committees' work to make best use of the total resources available.

Being clear about scrutiny's role

49. Scrutiny works best when it has a clear role and function. This provides focus and direction. While scrutiny has the power to look at anything which affects 'the area, or the area's inhabitants', authorities will often find it difficult to support a scrutiny function that carries out generalised oversight across the wide range of issues experienced by local people, particularly in the context of partnership working. Prioritisation is necessary, which means that there might be things that, despite being important, scrutiny will not be able to look at.
50. Different overall roles could include having a focus on risk, the authority's finances, or on the way the authority works with its partners.
51. Applying this focus does not mean that certain subjects are 'off limits'. It is more about looking at topics and deciding whether their relative importance justifies the positive impact scrutiny's further involvement could bring.
52. When thinking about scrutiny's focus, members should be supported by key senior officers. The statutory scrutiny officer, if an authority has one, will need to take a leading role in supporting members to clarify the role and function of scrutiny, and championing that role once agreed.

Who to speak to

53. Evidence will need to be gathered to inform the work programming process. This will ensure that it looks at the right topics, in the right way and at the right time. Gathering evidence requires conversations with:
 - *The public* – it is likely that formal 'consultation' with the public on the scrutiny work programme will be ineffective. Asking individual scrutiny members to have conversations with individuals and groups in their own local areas can work better. Insights gained from the public through individual pieces of scrutiny work can be fed back into the work programming process. Listening to and participating in conversations in places where local people come together, including in online forums, can help authorities engage people on their own terms and yield more positive results.

Authorities should consider how their communications officers can help scrutiny engage with the public, and how wider internal expertise and local knowledge from both members and officers might make a contribution.

- *The authority's partners* – relationships with other partners should not be limited to evidence-gathering to support individual reviews or agenda items. A range of partners are likely to have insights that will prove useful:
 - Public sector partners (like the NHS and community safety partners, over which scrutiny has specific legal powers);
 - Voluntary sector partners;
 - Contractors and commissioning partners (including partners in joint ventures and authority-owned companies);
 - In parished areas, town, community and parish councils;
 - Neighbouring principal councils (both in two-tier and unitary areas);
 - Cross-authority bodies and organisations, such as Local Enterprise Partnerships¹⁷; and
 - Others with a stake and interest in the local area – large local employers, for example.

- *The executive* – a principal partner in discussions on the work programme should be the executive (and senior officers). The executive should not direct scrutiny's work (see chapter 2), but conversations will help scrutiny members better understand how their work can be designed to align with the best opportunities to influence the authority's wider work.

Information sources

54. Scrutiny will need access to relevant information to inform its work programme. The type of information will depend on the specific role and function scrutiny plays within the authority, but might include:

- Performance information from across the authority and its partners;
- Finance and risk information from across the authority and its partners;
- Corporate complaints information, and aggregated information from political groups about the subject matter of members' surgeries;
- Business cases and options appraisals (and other planning information) for forthcoming major decisions. This information will be of particular use for pre-decision scrutiny; and
- Reports and recommendations issued by relevant ombudsmen, especially the Local Government and Social Care Ombudsman.

¹⁷ Authorities should ensure they have appropriate arrangements in place to ensure the effective democratic scrutiny of Local Enterprise Partnerships' investment decisions.

As committees can meet in closed session, commercial confidentiality should not preclude the sharing of information. Authorities should note, however, that the default for meetings should be that they are held in public (see 2014 guidance on '*Open and accountable local government*':

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/343182/140812_Openness_Guide.pdf).

55. Scrutiny members should consider keeping this information under regular review. It is likely to be easier to do this outside committee, rather than bringing such information to committee 'to note', or to provide an update, as a matter of course.

Shortlisting topics

Approaches to shortlisting topics should reflect scrutiny's overall role in the authority. This will require the development of bespoke, local solutions, however when considering whether an item should be included in the work programme, the kind of questions a scrutiny committee should consider might include:

- Do we understand the benefits scrutiny would bring to this issue?
- How could we best carry out work on this subject?
- What would be the best outcome of this work?
- How would this work engage with the activity of the executive and other decision-makers, including partners?

56. Some authorities use scoring systems to evaluate and rank work programme proposals. If these are used to provoke discussion and debate, based on evidence, about what priorities should be, they can be a useful tool. Others take a looser approach. Whichever method is adopted, a committee should be able to justify how and why a decision has been taken to include certain issues and not others.

57. Scrutiny members should accept that shortlisting can be difficult; scrutiny committees have finite resources and deciding how these are best allocated is tough. They should understand that, if work programming is robust and effective, there might well be issues that they want to look at that nonetheless are not selected.

Carrying out work

58. Selected topics can be scrutinised in several ways, including:

- a) **As a single item on a committee agenda** – this often presents a limited opportunity for effective scrutiny, but may be appropriate for some issues or where the committee wants to maintain a formal watching brief over a given issue;
- b) **At a single meeting** – which could be a committee meeting or something less formal. This can provide an opportunity to have a single public meeting about a

given subject, or to have a meeting at which evidence is taken from a number of witnesses;

- c) **At a task and finish review of two or three meetings** – short, sharp scrutiny reviews are likely to be most effective even for complex topics. Properly focused, they ensure members can swiftly reach conclusions and make recommendations, perhaps over the course of a couple of months or less;
- d) **Via a longer-term task and finish review** – the ‘traditional’ task and finish model – with perhaps six or seven meetings spread over a number of months – is still appropriate when scrutiny needs to dig into a complex topic in significant detail. However, the resource implications of such work, and its length, can make it unattractive for all but the most complex matters; and
- e) **By establishing a ‘standing panel’** – this falls short of establishing a whole new committee but may reflect a necessity to keep a watching brief over a critical local issue, especially where members feel they need to convene regularly to carry out that oversight. Again, the resource implications of this approach means that it will be rarely used.

7. Evidence Sessions

59. Evidence sessions are a key way in which scrutiny committees inform their work. They might happen at formal committee, in less formal ‘task and finish’ groups or at standalone sessions.

Good preparation is a vital part of conducting effective evidence sessions. Members should have a clear idea of what the committee hopes to get out of each session and appreciate that success will depend on their ability to work together on the day.

How to plan

60. Effective planning does not necessarily involve a large number of pre-meetings, the development of complex scopes or the drafting of questioning plans. It is more often about setting overall objectives and then considering what type of questions (and the way in which they are asked) can best elicit the information the committee is seeking. This applies as much to individual agenda items as it does for longer evidence sessions – there should always be consideration in advance of what scrutiny is trying to get out of a particular evidence session.

Chairs play a vital role in leading discussions on objective-setting and ensuring all members are aware of the specific role each will play during the evidence session.

61. As far as possible there should be consensus among scrutiny members about the objective of an evidence session before it starts. It is important to recognise that members have different perspectives on certain issues, and so might not share the objectives for a session that are ultimately adopted. Where this happens, the Chair will need to be aware of this divergence of views and bear it in mind when planning the evidence session.
62. Effective planning should mean that at the end of a session it is relatively straightforward for the chair to draw together themes and highlight the key findings. It is unlikely that the committee will be able to develop and agree recommendations immediately, but, unless the session is part of a wider inquiry, enough evidence should have been gathered to allow the chair to set a clear direction.
63. After an evidence session, the committee might wish to hold a short ‘wash-up’ meeting to review whether their objectives were met and lessons could be learned for future sessions.

Developing recommendations

64. The development and agreement of recommendations is often an iterative process. It will usually be appropriate for this to be done only by members, assisted by co-optees where relevant. When deciding on recommendations, however, members should have due regard to advice received from officers, particularly the Monitoring Officer.

65. The drafting of reports is usually, but not always, carried out by officers, directed by members.

66. Authorities draft reports and recommendations in a number of ways, but there are normally three stages:

- i. the development of a 'heads of report' – a document setting out general findings that members can then discuss as they consider the overall structure and focus of the report and its recommendations;
- ii. the development of those findings, which will set out some areas on which recommendations might be made; and
- iii. the drafting of the full report.

67. Recommendations should be evidence-based and SMART, i.e. specific, measurable, achievable, relevant and timed. Where appropriate, committees may wish to consider sharing them in draft with interested parties.

68. Committees should bear in mind that often six to eight recommendations are sufficient to enable the authority to focus its response, although there may be specific circumstances in which more might be appropriate.

Sharing draft recommendations with executive members should not provide an opportunity for them to revise or block recommendations before they are made. It should, however, provide an opportunity for errors to be identified and corrected, and for a more general sense-check.

Annex 1: Illustrative Scenario – Creating an Executive-Scrutiny Protocol

An executive-scrutiny protocol can deal with the practical expectations of scrutiny committee members and the executive, as well as the cultural dynamics.

Workshops with scrutiny members, senior officers and Cabinet can be helpful to inform the drafting of a protocol. An external facilitator can help bring an independent perspective.

Councils should consider how to adopt a protocol, e.g. formal agreement at scrutiny committee and Cabinet, then formal integration into the Council's constitution at the next Annual General Meeting.

The protocol, as agreed, may contain sections on:

- The way scrutiny will go about developing its work programme (including the ways in which senior officers and Cabinet members will be kept informed);
- The way in which senior officers and Cabinet will keep scrutiny informed of the outlines of major decisions as they are developed, to allow for discussion of scrutiny's potential involvement in policy development. This involves the building in of safeguards to mitigate risks around the sharing of sensitive information with scrutiny members;
- A strengthening and expansion of existing parts of the code of conduct that relate to behaviour in formal meetings, and in informal meetings;
- Specification of the nature and form of responses that scrutiny can expect when it makes recommendations to the executive, when it makes requests to the executive for information, and when it makes requests that Cabinet members or senior officers attend meetings; and
- Confirmation of the role of the statutory scrutiny officer, and Monitoring Officer, in overseeing compliance with the protocol, and ensuring that it is used to support the wider aim of supporting and promoting a culture of scrutiny, with matters relating to the protocol's success being reported to full Council through the scrutiny Annual Report.

Annex 2: Illustrative Scenario – Engaging Independent Technical Advisers

This example demonstrates how one Council's executive and scrutiny committee worked together to scope a role and then appoint an independent adviser on transforming social care commissioning. Their considerations and process may be helpful and applicable in other similar scenarios.

Major care contracts were coming to an end and the Council took the opportunity to review whether to continue with its existing strategic commissioning framework, or take a different approach – potentially insourcing certain elements.

The relevant Director was concerned about the Council's reliance on a very small number of large providers. The Director therefore approached the Scrutiny and Governance Manager to talk through the potential role scrutiny could play as the Council considered these changes.

The Scrutiny Chair wanted to look at this issue in some depth, but recognised its complexity could make it difficult for her committee to engage – she was concerned it would not be able to do the issue justice. The Director offered support from his own officer team, but the Chair considered this approach to be beset by risks around the independence of the process.

She talked to the Director about securing independent advice. He was worried that an independent adviser could come with preconceived ideas and would not understand the Council's context and objectives. The Scrutiny Chair was concerned that independent advice could end up leading to scrutiny members being passive, relying on an adviser to do their thinking for them. They agreed that some form of independent assistance would be valuable, but that how it was provided and managed should be carefully thought out.

With the assistance of the Governance and Scrutiny Manager, the Scrutiny Chair approached local universities and Further Education institutions to identify an appropriate individual. The approach was clear – it set out the precise role expected of the adviser, and explained the scrutiny process itself. Because members wanted to focus on the risks of market failure, and felt more confident on substantive social care matters, the approach was directed at those with a specialism in economics and business administration. The Council's search was proactive – the assistance of the service department was drawn on to make direct approaches to particular individuals who could carry out this role.

It was agreed to make a small budget available to act as a 'per diem' to support an adviser; academics were approached in the first instance as the Council felt able to make a case that an educational institution would provide this support for free as part of its commitment to Corporate Social Responsibility.

Three individuals were identified from the Council's proactive search. The Chair and Vice-Chair of the committee had an informal discussion with each – not so much to establish their skills and expertise (which had already been assessed) but to give a sense about

their 'fit' with scrutiny's objectives and their political nous in understanding the environment in which they would operate, and to satisfy themselves that they will apply themselves even-handedly to the task. The Director sat in on this process but played no part in who was ultimately selected.

The independent advice provided by the selected individual gave the Scrutiny Committee a more comprehensive understanding of the issue and meant it was able to offer informed advice on the merits of putting in place a new strategic commissioning framework.

Annex 3: Illustrative Scenario – Approaching an External Organisation to Appear before a Committee

This example shows how one council ensured a productive scrutiny meeting, involving a private company and the public. Lessons may be drawn and apply to other similar scenarios.

Concerns had been expressed by user groups, and the public at large, about the reliability of the local bus service. The Scrutiny Chair wanted to question the bus company in a public evidence session but knew that she had no power to compel it to attend. Previous attempts to engage it had been unsuccessful; the company was not hostile, but said it had its own ways of engaging the public.

The Monitoring Officer approached the company's regional PR manager, but he expressed concern that the session would end in a 'bunfight'. He also explained the company had put their improvement plan in the public domain, and felt a big council meeting would exacerbate tensions.

Other councillors had strong views about the company – one thought the committee should tell the company it would be empty-chaired if it refused to attend. The Scrutiny Chair was sympathetic to this, but thought such an approach would not lead to any improvements.

The Scrutiny Chair was keen to make progress, but it was difficult to find the right person to speak to at the company, so she asked council officers and local transport advocacy groups for advice. Speaking to those people also gave her a better sense of what scrutiny's role might be.

When she finally spoke to the company's network manager, she explained the situation and suggested they work together to consider how the meeting could be productive for the Council, the company and local people. In particular, this provided her with an opportunity to explain scrutiny and its role. The network manager remained sceptical but was reassured that they could work together to ensure that the meeting would not be an 'ambush'. He agreed in principle to attend and also provide information to support the Committee's work beforehand.

Discussions continued in the four weeks leading up to the Committee meeting. The Scrutiny Chair was conscious that while she had to work with the company to ensure that the meeting was constructive – and secure their attendance – it could not be a whitewash, and other members and the public would demand a hard edge to the discussions.

The scrutiny committee agreed that the meeting would provide a space for the company to provide context to the problems local people are experiencing, but that this would be preceded by a space on the agenda for the Chair, Vice-chair, and representatives from two local transport advocacy groups to set out their concerns. The company were sent in

advance a summary of the general areas on which members were likely to ask questions, to ensure that those questions could be addressed at the meeting.

Finally, provision was made for public questions and debate. Those attending the meeting were invited to discuss with each other the principal issues they wanted the meeting to cover. A short, facilitated discussion in the room led by the Chair highlighted the key issues, and the Chair then put those points to the company representatives.

At the end of the meeting, the public asked questions of the bus company representative in a 20-minute plenary item.

The meeting was fractious, but the planning carried out to prepare for this – by channelling issues through discussion and using the Chair to mediate the questioning – made things easier. Some attendees were initially frustrated by this structure, but the company representative was more open and less defensive than might otherwise have been the case.

The meeting also motivated the company to revise its communications plan to become more responsive to this kind of challenge, part of which involved a commitment to feed back to the scrutiny committee on the recommendations it made on the night.

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TONBRIDGE & MALLING BOROUGH COUNCIL

CABINET

07 September 2022

Report of the Director of Central Services and Deputy Chief Executive

Part 1- Public

Executive Non Key Decisions

1 EAST PECKHAM PARISH COUNCIL – COMPULSORY PURCHASE ORDER

1.1 Background

1.1.1 Cabinet members may recall that on 16th March 2021 Cabinet resolved to:

- Make a Compulsory Purchase Order under s.39 Small Holdings and Allotments Act 1908 on behalf of East Peckham Parish Council in respect of the allotment land at Church Lane, East Peckham; and
- delegate to the Director of Central Services and Deputy Chief Executive any further decisions required for the preparation, drafting, completion, making and submission of the Compulsory Purchase Order to the Secretary of State; and
- In the event that the Order is confirmed by the Secretary of State, delegate to the Director of Central Services and Deputy Chief Executive authority to serve such notices or make such General Vesting Declarations as are required to give effect to the Order and vest the title to the land in the Parish Council.

1.1.2 That decision was subject to the Parish Council entering into a CPO Costs Indemnity Agreement on terms acceptable to the Director of Central Services and Deputy Chief Executive.

1.1.3 The CPO indemnity agreement was subsequently entered into, and officers entered into discussions with the Parish Council to progress the Order.

1.1.4 On 28th June 2022, the Parish Council advised that they had secured alternative land for the provision of allotments and consequently no longer wished to pursue the Compulsory Purchase Order.

1.1.5 Cabinet is therefore asked to consider whether it wishes to continue with the Compulsory Purchase Order to acquire the land as allotments to be administered by the Borough Council, or to discontinue with making the Order.

1.2 Legal Implications

- 1.2.1 Whilst the Borough Council can manage and maintain allotments for use by its residents, the provision of allotments is primarily a Parish Council function in parished areas.
- 1.2.2 East Peckham Parish Council have confirmed that they have secured appropriate alternative provision of allotment land, and indeed have now moved their allotments to this area, so were the Council to continue with the purchase it could result in a surplus or overprovision of allotment land in the area. It would not be permissible for land acquired under an Order to be used or disposed of for any other purpose than for allotments.

1.3 Financial and Value for Money Considerations

- 1.3.1 If the Council were to continue with pursuing the Order the CPO indemnity agreement would fall away and the Council would be liable for all costs of the Order, including legal and land referencing fees and the payment of compensation for the land value. Were the Secretary of State to cause a public inquiry to be held, the Council would also have to cover the costs of this, including venue, legal representation and officer time.
- 1.3.2 Without a land referencing exercise having been carried out it is not possible to provide an estimate of the compensation payable. However, we understand the owner to be pursuing development options on the land, and such matters can be taken into account when determining compensation levels. The legal and other costs of pursuing an Order up to and including inquiry could run in excess of £50,000.

1.4 Risk Assessment

- 1.4.1 The primary risk in this matter is the financial risk to the Council highlighted above. The Parish Council has provided alternative allotments and the land purchased under the CPO would have no alternate land value.

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 Nil

1.7 Recommendations

- 1.7.1 That Cabinet RESOLVES to discontinue the making of a Compulsory Purchase Order under s.39(7) of the Small Holdings and Allotments Act 1908 in relation to land at Church Lane, East Peckham.

Background papers:

contact: Kevin Toogood

Nil

Adrian Stanfield

Director of Central Services and Deputy Chief Executive

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TONBRIDGE & MALLING BOROUGH COUNCIL

CABINET

07 September 2022

Report of the Director of Finance & Transformation

Part 1- Public

Executive Non Key Decisions

1 COVID-19 ADDITIONAL RELIEF FUND (CARF)

A report seeking an amendment to the Council's policy in order to maximise the level of relief awarded

1.1 Background

- 1.1.1 The Borough Council was allocated £3,768,135 to support businesses affected by the pandemic but that were ineligible for existing support linked to business rates.
- 1.1.2 The relief was applied directly to business rates accounts to reduce chargeable amounts in respect of 2021/22 and was not a grant paid in cash.
- 1.1.3 The policy setting out the criteria for eligibility was adopted in accordance with emergency provisions on 18 February 2022 **[D220004EM]** and is attached at ANNEX 1.

1.2 Progress to Date

- 1.2.1 As at 31 July 2022, £3,438,463 has been awarded to 610 businesses.
- 1.2.2 Amounts have been awarded automatically in line with the policy criteria; it was decided 44% be awarded for certain types of property, subject to a rateable value limit of £100,000. This left approx. £30,000 as a contingency.
- 1.2.3 However, some businesses have declined the award as they did not feel they had been seriously impacted by covid and did not feel the relief was warranted.
- 1.2.4 As the relief was awarded as a percentage of the 2021/22 chargeable amount, subsequent changes to liability/valuation etc have also decreased the level of relief awarded.
- 1.2.5 The current position is that £329,672 of the original allocation remains unspent, which will be returned to Government when the deadline for awarding relief expires on 30 September 2022.

1.3 Proposed changes to the policy

1.3.1 In order to maximise the amount of relief we can award to our local businesses, and reduce the amount returned to Government, I have set out below some options for members to consider.

- Option A – do nothing more, and return the unspent money back to Government
- Option B – increase the rateable value limit to £109,999. This will provide 13 businesses with a 44% award of relief, totalling approximately £300,000
- Option C – include advertising rights in the list of eligible properties. Awarding 44% relief to the 48 assessments will total approximately £12,000

1.3.2 I considered suggesting a ‘top up’ amount of relief to existing recipients; however, I feel this will not give anyone a meaningful amount and would be administratively burdensome. I think it will be more beneficial to award the relief to new businesses with the higher amounts of relief able to make a difference to their finances.

1.4 Legal Implications

1.4.1 In accordance with the Borough Council’s local scheme, relief is granted using discretionary relief powers under section 47 of the Local Government Finance Act 1988.

1.4.2 The relief is available to reduce chargeable amounts in respect of 2021/22.

1.4.3 In line with the legal restrictions in section 47(8A) of the Local Government Finance Act 1988, billing authorities may not grant the discount to themselves, certain precepting authorities (e.g. a parish or county council) or a functional body, within the meaning of the Greater London Authority Act 1999.

1.5 Financial and Value for Money Considerations

1.5.1 Central government will fully reimburse local authorities (under section 31 of the Local Government Act 2003) for discretionary relief awards which comply with this guidance up to the maximum level of the allocations.

1.5.2 The Government recognises that the implementation of this policy will place an additional burden on local authorities. In accordance with the New Burdens doctrine the Government will conduct an assessment of the expected reasonable additional costs associated with the implementation of the policy, working closely with local government in doing so. No further information regarding the amount to be awarded was available at the time of writing this report.

1.6 Risk Assessment

- 1.6.1 Low risk of adverse feedback from existing recipients of relief due to the extremely low level of contact from businesses or their agents regarding awards of this relief.
- 1.6.2 As relief is awarded under the Council's discretionary powers, the formal appeal process for the ratepayer is Judicial Review; however, this is unlikely.

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 Policy Considerations

- 1.8.1 Community.

1.9 Recommendation

- 1.9.1 Members are **REQUESTED** to consider the options listed at 1.3.1 and make a **RECOMMENDATION** on which options to take.

Background papers:

Nil

contact: Glen Pritchard
Revenues Manager

Sharon Shelton
Director of Finance & Transformation

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Policy for the granting of COVID-19 Additional Relief Fund Discretionary Non-Domestic Rate Relief

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1.0 Purpose of the Policy

- 1.1 The purpose of this policy is to determine the level of discretionary relief payable under the Council's COVID-19 Additional Relief Fund (CARF) scheme.
- 1.2 Central Government has provided the authority with funding to assist those ratepayers whose businesses have been (and continue to be) affected by the pandemic but that are ineligible for existing support linked to business rates.
- 1.3 The Government has not changed the legislation relating to the business rates reliefs available to properties. Instead, the Government will, in line with the eligibility criteria set out in this policy, reimburse local authorities where relief is granted using discretionary relief powers under section 47 of the Local Government Finance Act 1988.
- 1.4 Whilst funding is provided by Central Government, it is for the Council to decide its own local scheme and determine in each individual case whether to grant this particular relief.
- 1.5 Relief under the CARF scheme will only be available to reduce chargeable amounts in respect of the 2021/22 financial year.
- 1.6 This document outlines the following areas for granting the relief:
 - Details of the criteria for receiving Discretionary Reliefs under the COVID-19 Additional Relief Fund (CARF) scheme;
 - The Council's policy for the granting the relief;
 - General guidance on granting and administering the reliefs and awards;
 - Subsidy Controls applicable; and
 - The Council's Scheme of Delegation.
- 1.7 Where ratepayers apply for relief they will be granted (or not granted) relief under the COVID-19 Additional Relief Fund (CARF) scheme in line with the following policy.

2.0 Discretionary Relief – Legislative Background

Introduction

- 2.1 The original purpose of discretionary relief was to provide assistance where the property does not qualify for mandatory relief, or to ‘top’ up cases where ratepayers already receive mandatory relief.
- 2.2 Over recent years and particularly since 2011, the discretionary relief provisions have been amended to allow authorities the flexibility to provide more assistance to businesses and organisations.
- 2.3 The range of bodies, which are eligible for discretionary rate relief, is wide and not all of the criteria laid down by the legislation will be applicable in each case.
- 2.4 The Council will expect all businesses to provide such information and evidence as required in order to determine whether relief should be awarded.
- 2.5 There is no statutory appeal process or Tribunal against any decision made by the Council although, as with any decision of a public authority, decisions can be reviewed by Judicial Review. The authority will however, upon request, review decisions made. Details of the internal review process are given within this policy.
- 2.6 The decision to grant or not to grant discretionary relief is a matter purely for the Council.

3.0 Eligibility for discretionary relief under the COVID-19 Additional Relief Fund (CARF) scheme

- 3.1 Whilst the Council has determined its own scheme, the Department for Levelling Up, Housing and Communities has stated that, in order for the Council to receive the allocated funding, it must:
 - (a) **not** award relief to ratepayers who for the same period of the relief either are or would have been eligible for the Expanded Retail Discount (covering Retail, Hospitality and Leisure), the Nursery Discount or the Airport and Ground Operations Support Scheme (AGOSS);
 - (b) **not** award relief to a hereditament for a period when it is unoccupied (other than hereditaments which have become closed temporarily due to the government’s advice on COVID-19, which should be treated as occupied for the purposes of this relief), and
 - (c) direct their support towards ratepayers who have been adversely affected by the pandemic and have been unable to adequately adapt to that impact.

- 3.2 In line with section 47(8) of the Local Government Finance Act 1988, the Council must not grant any relief to itself or to either local or major precepting authorities.
- 3.3 The relief will be applied after mandatory reliefs and other discretionary reliefs funded by section 31 grants have been applied, excluding those where the Council has provided relief using its wider discretionary relief powers introduced by the Localism Act 2011 which are not funded by section 31 grants.
- 3.4 Where any reduction or remission is granted to a ratepayer under S49 Local Government Finance Act 1988 (where hardship is proven to the Council), then there will be no requirement to grant CARF Discretionary Rate Relief for that amount.
- 3.5 In certain cases, the order in which relief is granted is specified. Mandatory relief shall be granted in all cases where the relevant criteria are met irrespective of whether discretionary relief can be granted or not.

4.0 Discretionary Relief to be awarded under the COVID-19 Additional Relief Fund.

- 4.1 Over the past few years, a number of schemes (such as the COVID-19 Additional Relief Fund) have been led by Central Government but without specific legislative changes.
- 4.2 The Council is keen to support such initiatives especially where they are designed to help local businesses and will look to maximise both the reliefs given as well as maximise any grants receivable.
- 4.3 In view of this, the Council has decided that where a ratepayer meets **all** of the relevant criteria, relief will be 44% of the 2021/22 liability **after** any other reliefs and reductions have been applied. Any relief under this scheme will be limited to a maximum Rateable Value of £100,000.
- 4.4 The criteria for the COVID-19 Additional Relief Fund are as follows:
- (a) the ratepayer must be shown as occupying one of the following hereditaments on the Council's records as at 15th December 2021 (and continuously thereafter):
- Car park (including parking spaces);
 - Office;
 - Workshops; or
 - Warehouses
- (b) the ratepayer is **not** eligible (or would not be eligible) for the Expanded Retail Discount (covering Retail, Hospitality and Leisure), the Nursery Discount or the Airport and Ground Operations Support Scheme (AGOSS);

- (c) the ratepayer is **not** entitled to either Small Business Rate Relief or Rural Rate Relief granted at 100%;
- (d) the ratepayer is **not** entitled to mandatory relief (80%) and discretionary (top up) of 20% which is funded through business rates retention;
- (e) the ratepayer confirms that they have been adversely affected by the pandemic and have been unable to adequately adapt to that impact; and
- (f) the ratepayer is **not** subject to Subsidy Control as defined within section 5.

5.0 Subsidy Control

- 5.1 The Council's COVID-19 Additional Relief Fund (CARF) scheme is subject to the subsidies chapter within the UK-EU Trade and Cooperation Agreement (TCA). However, for CARF there is an exemption for subsidies under the value of approximately £2,243,000 per economic actor (broadly speaking, for example, a holding company and its subsidiaries).
- 5.2 This allowance comprises 325,000 Special Drawing Rights (at current exchange rates about £343,000) for Small Amounts of Financial Assistance and a further £1,900,000 for COVID-19 related subsidy.
- 5.3 Therefore, to be awarded CARF the ratepayer must not have claimed over the period 2019/20 to 2021/22 more than £2,243,000 from schemes which fell within the Small Amounts of Financial Assistance or COVID-19 related allowances.
- 5.4 Any COVID-19 business grants a ratepayer has received from local government generally and the 2019/20 Retail Relief should count towards this limit, but the ratepayer should not count any Expanded Retail Discount they have received since 1 April 2020.
- 5.5 Further details of subsidy control can be found at:
<https://www.gov.uk/government/publications/covid-19-additional-relief-fund-carf-local-authority-guidance>
- 5.6 The ratepayer will need to indicate to the Council:
 - if they have not to date received any subsidy which fell within the Small Amounts of Financial Assistance or COVID-19 related allowances; or
 - if the ratepayer has received other such subsidies, they will be required to provide the name and total value of those subsidies.
- 5.7 A ratepayer must not apply for CARF if they have already exceeded the £2,243,000 allowance. However, the Council will still consider applications for support under the CARF scheme if they have reached this limit provided you can evidence that they:
 - (a) Intend to use the support to fund uncovered fixed costs (costs not covered by profits for insurance etc) during the period of COVID-19. Economic actors may claim for up to 70% of their uncovered costs (although this 70% limit does not

apply to small businesses with less than 50 employees and less than £9 million turnover where the limit is instead 90%); and

(b) Have shown a decline in turnover of at least 30% within the April 2020 to March 2021 period, compared to the same 2019 to 2020 period.

- 5.8 The ratepayer may claim up to a further £10 million of additional allowance (on top of the £2,243,000) if they meet the above tests and they have not claimed any other support from the additional allowance up to an aggregate £10 million limit (such as from the COVID-19 business grants).
- 5.9 Government and the Council will not tolerate any business falsifying their records or providing false evidence to gain this relief including claiming support above these thresholds.
- 5.10 A ratepayer who falsely applies for any relief or provides false information or makes false representation in order to gain relief may be guilty of fraud under the Fraud Act 2006.

6.0 Effect on the Council's Finances

- 6.1 As Central Government leads this initiative, funding will be provided through section 31 of the Local Government Act 2003. This is not automatic and Central Government will look to the Council to adopt the recommended approach when granting in these areas.
- 6.2 In order to guarantee funding, the Council will ensure that the criteria in this policy are met in full

7.0 Administration of Discretionary Relief

- 7.1 The following section outlines the procedures followed by officers in granting, amending, or cancelling discretionary relief and reduction. This is essentially laid down by legislation¹

Applications and Evidence

- 7.2 The Council will specify how awards are to be made.
- 7.3 Where appropriate, ratepayers are required to provide such evidence necessary to allow the Council to make a decision. Where insufficient information is provided, then no relief will be granted. In some cases, it may be necessary for officers to visit premises and we would expect ratepayers claiming relief to facilitate this where necessary.

¹ The Non-Domestic Rating (Discretionary Relief) Regulations 1989

- 7.4 **The Council will provide this relief directly to ratepayers and provide guidance free of charge. Ratepayers are encouraged to approach the Council direct and NOT pay for such services through third parties. Applications will be accepted from ratepayers only.**

Granting of relief

- 7.5 In all cases, the Council will notify the ratepayer of decisions made.
- 7.6 Where an award of relief is made, then the following will be notified to them in writing:
- The amount of relief granted and the date from which it has been granted;
 - If relief has been granted for a specified period, the date on which it will end.
 - The new chargeable amount; and
 - A requirement that the applicant should notify the Council of any change in circumstances that may affect entitlement to relief.
- 7.7 Where relief is not granted, then the following information is provided, again in writing:
- An explanation of the decision within the context of the Council's statutory duty; and
 - An explanation of the appeal rights (see below).
- 7.8 The scheme only allows relief to be awarded for the 2021/22 financial year.

Variation of a decision

- 7.9 Variations in any decision will be notified to ratepayers as soon as practicable and will take effect as follows:
- Where the amount is to be increased due to a change in rate charge (excluding rateable value increases) or a change in the Council's decision which increases the award – this will apply from a date determined by the Council as appropriate;
 - Where the amount is to be reduced due to a reduction in the rate charge or liability including any reduction in rateable value, awarding of another relief or exemption this will apply from the date of the decrease in rate charge; and
 - Where the amount is to be reduced for any other reason, it will take effect from a date determined by the Council as appropriate;
- 7.10 The Council will terminate the relief at any time the ratepayer fails to meet **any** of the relevant eligibility criteria.

8.0 Scheme of Delegation

Granting, Varying, Reviewing and Revocation of Relief

- 8.1 All powers in relation to reliefs are given under the Local Government Finance Act 1988, the Local Government and Rating Act 1997, the Local Government Act 2003, and the Localism Act 2011. However section 223 of the Local Government Act 1992 allows for delegation of decisions by the Council to Cabinet, Committees, Sub-Committees or Officers.
- 8.2 The Council's scheme of delegation allows for the Revenues Manager to award, revise or revoke any discretionary relief applications. However, any application which is considered to be of a significant nature, will be subject to consultation with the Council's Director of Finance & Transformation, prior to final determination.
- 8.3 Applications that are refused will, on request, be reconsidered if additional supporting information is provided or the refusal is subsequently considered to be based on a misinterpretation of the application.

Reviews

- 8.4 The policy for granting relief will be reviewed annually or where there is a substantial change to the legislation or funding rules. At such time, a revised policy will be brought before the relevant committee of the Council.

Appeals

- 8.5 Where the Council receives an appeal from the ratepayer regarding the granting, non-granting or the amount of any discretionary relief, the case will be reviewed by the Revenues Manager. Where a decision is revised then the ratepayer shall be informed, likewise if the original decision is upheld.
- 8.6 Where the ratepayer wishes to appeal the decision of the Revenues Manager, the case will be considered by the Council's Director of Finance & Transformation whose decision on behalf of the Council will be final.
- 8.7 Ultimately the formal appeal process for the ratepayer is Judicial Review although the Council will endeavour to explain any decision fully and openly with the ratepayer.

9.0 Reporting changes in circumstances

- 9.1 Where any award is granted to a ratepayer, the Council will require any changes in circumstances which may affect the relief, to be reported as soon as possible or in any event within 21 days of the change. This will be important where the change

would result in the amount of the award being reduced or cancelled e.g., where the premises comes unoccupied or is used for a purpose other than that determined by the Council as eligible for relief.

- 9.2 Where a change of circumstances is reported which would cease or revise eligibility, the relief will, if appropriate, be revised or cancelled as appropriate. Where any award is to be reduced, the Council will look to recover the amount from the date the change of circumstances occurred.

10.0 Fraud

- 10.1 Where a ratepayer falsely applies for any relief, or where the ratepayer provides false information, makes false representation, or deliberately withholds information in order to gain relief, prosecutions will be considered under the Fraud Act 2006.

TONBRIDGE & MALLING BOROUGH COUNCIL

CABINET

07 September 2022

Joint Report of the Cabinet Member for Technical and Waste Services and the Director of Street Scene, Leisure & Technical Services

Part 1- Public

Executive Non-Key Decision

1 SATURDAY FREIGHTER SERVICE

Summary

Following its temporary suspension this report considers the future of the Saturday Freighter Service.

1.1 Background

1.1.1 During the re-tender of the Waste Contract in 2018, the discretionary Saturday Freighter Service did not form part of the main tender or core service provision, but was included as an optional extra, alongside other service areas including High Speed Road Cleansing. Following receipt of the tenders and selection of the successful contractor, Members of the Street Scene and Environment Advisory Board in September 2018 considered and approved the retention of the Saturday Freighter Service (excluding garden waste).

1.1.2 Cabinet will be aware that the service has been suspended since 28 March 2020 primarily due to the Covid pandemic. More recently, however, this has been related to the national HGV driver shortage and the prioritisation of resources on the delivery of frontline collection services.

1.1.3 Most recently, on 20 July 2022, Members of the Communities & Environment Scrutiny Select Committee (CESSC) considered the ongoing suspension of the Saturday Freighter Service and proposed that “**Cabinet be asked to remove the Saturday Freighter Service and to consider a sliding scale of charges for the bulky waste collection to include two free collections per annum for residents on benefits.**”

1.1.4 This report deals with the first part of the CESSC proposal to Cabinet regarding the future of the Saturday Freighter service. A separate report to Cabinet covering the proposal for changes to charges for the Bulky Waste Collection Service is included later in these papers in Part 2.

1.2 Service Provision

- 1.2.1 The Saturday Freighter Service is provided for the primary disposal of bulky household waste that may be difficult to dispose of through kerbside collections. The Service provides for the provision of a single freighter for mixed waste and a caged vehicle for Waste Electrical & Electronic Equipment items (WEEE). The Service runs on a four-week cycle visiting 55 separate locations across the borough each month.
- 1.2.2 Due to the extent of the Service, the staffing resource required to deliver it totals 10 personnel (5 HGV drivers and 5 drivers for the caged WEEE vehicle).
- 1.2.3 The Service has been in place for many years and was set up to compensate for the non-provision of a Household Waste Recycling Centre (HWRC) within the boundary of Tonbridge and Malling. Kent County Council (KCC) as the Waste Disposal Authority has financially supported the provision of this service with a payment of £9,000 per annum due to the non-provision of a HWRC in the borough. With the opening of Allington HWRC this year (see details below) this payment will now cease.
- 1.2.4 This type of Freighter Service is not provided by any other Local Authority in Kent outside of this Council's Partnership contract with Tunbridge Wells Borough Council (TWBC).
- 1.2.5 Except for WEEE items (collected using separate vehicles) none of the items collected through the service are separated for recycling. This table shows the tonnages collected over the last few years prior to the suspension of the service:

	Not recycled (tonnes)	Recycled (tonnes)
2016/17	1,641	156
2017/18	1,505	112
2018/19	1,692	79
2019/20	1,153	72
2020/21	n/a	n/a
2021/22	n/a	n/a

- 1.2.6 The mixed waste from the main freighter vehicles can be comprised of many types of waste, such as furniture, black bin-type waste, household DIY waste (as opposed to builders' & construction waste), non-compostable garden waste, smaller household items, such as toys, etc. As such, having been mixed & crushed in the one vehicle, this waste cannot be separated for reuse or recycling. Instead, it is taken to one of KCC's Transfer Stations, bulked up and then sent for reprocessing into Refuse Derived Fuel (RDF). This fuel is produced from combustible components that the waste industry calls Municipal Solid Waste (MSW). This MSW, usually taken from industrial or commercial sites, is shredded,

dried, baled and then finally burned to produce electricity, although not at the Allington facility. This means that KCC as the Waste Disposal Authority, incur multiple costs of disposal, including the gate fee at the Transfer Station; haulage costs to the processing site; and gate fee at the RDF plant.

- 1.2.7 It is not practicable to sort the waste at source, that is when residents bring it to the vehicle, due to several factors. The mix of types of waste would be impossible to plan for on any given Saturday, so vehicles with separate compartments would not be feasible, as one compartment (for furniture, for example) could fill up much quicker than the other compartments and would need to be emptied before the other compartments were full. This would lead to inefficient operation through increased tipping time, increased driving time, reduced times at each location and no doubt significant dissatisfaction of residents trying to use the service. Multiple vehicles would also have similar issues, with increased staffing required, increased fuel costs and increased emissions, as well as many current sites not having sufficient capacity for multiple vehicles at the same time.
- 1.2.8 There are currently also no facilities at the KCC sites for sorting the waste collected when tipped, as the vehicles need to crush & mix items in order to maximise the volume of waste they can collect. Subsequently sorting them at the tip would be extremely difficult & labour-intensive and the resulting materials may not be fit for reuse or recycling.

1.3 Alternative Disposal opportunities

- 1.3.1 Alternative opportunities are currently open to residents for the disposal of bulky waste that cannot be collected kerbside. These are highlighted below:
- **Kent County Council Household Waste Recycling Centres (HWRC's)** – Residents within the borough do now have access to a new HWRC with the facility at Allington opening to the public in May 2022. This facility is supported by other HWRC's in close proximity at North Farm, Dunbrik, Cuxton and Tovil. All these facilities provide opportunities for residents to dispose of household waste free of charge except for a number of items that are chargeable including asbestos and rubble. None of the HWRC chargeable items are accepted at the Council's Saturday Freighter Service. These HWRC's also allow residents to fully separate and recycle their waste.
 - **Bookable Bulky Collection** – For bulky items the Council does offer a collection service for up to 6 items including fridges and freezers. This service is a doorstep collection with a current charge of £58 for up to 6 items and a reduced fee of £35.50 for just a fridge/freezer. If residents are in receipt of Council Tax Reduction, the Council also offers a reduced rate of just £17, with a maximum limit of four collections per year. There are some restrictions on what can be taken through this service that includes toxic materials and builders waste and rubble. Such waste is also not

accepted at the Saturday Freighter Service.

- **Donation and Sales** – for goods in a reasonable condition, opportunities exist for residents to donate to charities or sell through multiple on-line sales platforms.

1.4 Environmental Considerations

- 1.4.1 The Council's Climate Change Strategy Action Plan 2020/21 identified the target to *"Increase our recycling rate from 43% to 50%"*. Progress with audited data for 2020/21 performance achieving a recycling/composting rate of 54%. The 2021/22 Action Plan looked to build on this progress committing to *"Continue to reduce waste arisings and increase recycling/composting levels in line with the Kent Resource Partnership Business Plan."* In addition to the above the Governments Resources and Waste Strategy committed to achieving a recycling rate of 65% of municipal waste being recycled by 2035.
- 1.4.2 As highlighted above the Saturday Freighter Service does not accommodate recycling as all waste collected (except for WEEE), is mixed and is processed and incinerated for energy. This waste stream does not, therefore, contribute to the Council's recycling rate and, indeed, negatively impacts on this target as it increases overall waste, thus reducing the overall recycling percentage. The service also results in recyclable materials not being recycled. As such the service does not promote or incentivise residents to recycle and potentially redirects recyclable waste away from the other Alternative Service Provision options highlighted above that do.

1.5 Fly tipping

- 1.5.1 As previously reported to Members, Tonbridge and Malling has one of the lowest incidents of fly tipping in the county (see **Annex 1**), however, it has been acknowledged that incidents have risen significantly during Covid. This is a trend seen across the county and nationally and, therefore, does not suggest any direct correlation with the current suspension of the Saturday Freighter Service in TMBC.
- 1.5.2 Also attached at **Annex 1** is data on the size of fly tips taking place in Tonbridge and Malling and whilst smaller loads (single items/single bags) have seen a slight increase, the more significant increases have been in larger loads. Given the size of load and location of the fly tips it is rational to conclude that these have been tipped by vehicles and it must then be queried why these vehicles are not transporting this waste to the KCC HWRC's. It is concluded that the fly tips are being made to avoid charges at the HWRC's due to them either containing chargeable waste streams (rubble etc) or are from a commercial operator. Neither KCC's chargeable waste items nor commercial waste can be taken by the Council's Saturday Freighter Service, therefore, the re-introduction of the Saturday Freighter Service will not provide a legitimate alternative for these fly tippers.

1.5.3 It is also encouraging to note that incidents have fallen in 2021/22 compared to the previous year. Yearly figures are highlighted below.

2019/20 – 581

2020/21 – 1017

2021/22 – 819

As highlighted at **Annex 1** all Authorities in Kent experienced a peak in fly-tipping that coincided with the Covid pandemic though the vast majority, including Tonbridge and Malling Borough Council, have experience a reduction in 2021/22. This reduction is comparable with the national data for fly tips over the same periods:

2019/20 – 1,013,268

2020/21 – 1,179,418

2021/22 – 1,105,580

1.6 Customer Feedback

1.6.1 Requests to reinstate the service have been received from some Members and Parish Councils. It is recognised that historically the Saturday freighter service has been popular amongst residents as it provides a local and convenient way of disposing of bulky items of waste. During Covid there appears to have been an acceptance by residents that the service would not be appropriate, and the level of enquiries about the service, and complaints about its suspension, over the last two years has been low.

1.7 Summary

1.7.1 Taking the above into consideration the following is noted:

- The service does not allow materials (excluding WEEE) to be recycled.
- The service diverts potentially recyclable materials away from being recycled.
- Alternative opportunities exist for the disposal of bulky items.
- The service does not support targets outlined in the Council's Climate Change Strategy.
- The service increases the tonnage of waste sent for incineration and negatively impacts on recycling rates.
- The service does not promote or incentivise residents to recycle.

- Data suggests no correlation between increased fly tipping and the suspension of the service.
- The non-reinstatement of the service will deliver a saving compared to the current budget provision (see section 1.9).

1.7.2 Cabinet will note that whilst this service is popular amongst residents due to the convenience it offers, the service does not meet the Council's policy of promoting recycling; alternatives for disposing of items are available to residents; the service is not provided by other local authorities in Kent with the exception of TWBC; and the service is discretionary.

1.8 Legal Implications

1.8.1 The Council is not legally required to supply the service.

1.9 Financial and Value for Money Considerations

1.9.1 As outlined in the report the service was previously financially supported by KCC though this funding is being removed following the opening of the new HWRC at Allington. The Director of Finance & Transformation has advised that the loss of this funding is reflected in the 2022/23 budget and that were the service to be withdrawn would deliver a saving of £10,000 compared to the current budget provision.

1.9.2 It is also recognised that the reinstatement of the service will impact on the income received by the Council from the bookable bulky collection service, as well as on the recycling Performance Payments received from KCC, although the impact of either of these elements is difficult to estimate.

1.9.3 The recycling Performance Payments process forms part of the legally binding Inter Authority Agreement (IAA) between TMBC and KCC. The key aim of the IAA was to encourage increased levels of recycling by providing this Council with an incentive to maximise kerbside recycling, directly reducing the waste disposal costs for KCC and indirectly the TMBC Council Taxpayer. Given that most methods of disposal costs for waste are more expensive than those for recycling & reprocessing it, where higher levels of recycling are achieved KCC's disposal costs are generally reduced. This is especially the case where materials can be delivered direct to the reprocessors or disposal sites as this avoids additional costs of delivery to transfer stations and the associated haulage costs.

1.9.4 Under the IAA the Council receives a recycling Performance Payment from KCC based on its recycling performance. At the latest meeting of the Overview & Scrutiny Committee meeting, Members requested an informal briefing note on the IAA and associated Performance Payment arrangements. That briefing note is attached at **Annex 2** and sets out in detail how the payments are calculated. Put very basically, this payment is equal to 50% of the disposal cost saving achieved.

1.9.5 The tonnage of non-recycled waste collected by the Saturday Service in 2019/20 would have had a “gate fee” liability to KCC of around £138K to cover disposal costs. It is important to stress that this is a KCC cost and not a TMBC one. However, there would be a knock-on impact to the recycling Performance Payments TMBC receive from KCC. Unfortunately, it is not possible to say what that knock on impact is with any accuracy as the Performance Payment formula is extremely complex and there is certainly not a 1:1 relationship. Some of the waste that would normally have been collected via the Saturday service could have made its way to a number of alternative disposal points, such as KCC’s HWRCs; charity shops; into the black bin waste stream or the recycling waste stream; into the Bulky Collection Service; etc. The potential impact of that tonnage on the Performance Payments TMBC would have received were the service not suspended could be anywhere between zero and 50% of that £138K. As such it could be next to nothing or absolute worst case £69K in reduced Performance Payments.

1.10 Risk Assessment

1.10.1 As outlined in the report it is perceived that the reintroduction of the service will have a negative impact on the Council’s recycling rate target and contradicts the aims of the Council’s Climate Change Strategy & associated Action Plans.

1.10.2 The reinstatement of the service will require 10 additional drivers and vehicles to be deployed on Saturdays. Due to the limitations in the regulations relating to drivers’ working hours in each week, the drivers who work throughout the week on frontline collection services have limited capacity to work extra hours on Saturdays to staff the service. As such, it is likely that additional staff would be required, which it would be difficult to recruit for on part-time hours on a consistent basis to maintain the Saturday Service. Although Urbaser have achieved a significant reduction in their previous level of dependence on agency staff over the last few months, there remain ongoing challenges with recruitment & retention of staff in this industry. Members will also be aware that recently there have been times when catch up work is required on Saturdays to complete that week’s frontline collection services to prevent a knock-on effect into the following week. Should the service recommence the impact on frontline service provision and the potential for weekend catchup work is likely, but the level of impact is unknown.

1.11 Equality Impact Assessment

1.11.1 A full Equality Impact Assessment (EQIA) has been developed for the service to assess the impact of the discontinuation of this service should this be considered by Members. The EQIA can be found at **Annex 3** and identifies no significant detrimental impacts of the removal of the service on the identified Equality Groups.

1.11.2 Maidstone Borough Council reviewed the provision of their similar weekend bulky service in 2016. Their EQIA identified that due to the nature of the service it was

providing disproportionate benefit to those living immediately close by the freighter locations at a cost to all taxpayers. Their EQIA highlighted the removal of the service would address an inequality already present and the service was discontinued. With only 55 locations serviced in Tonbridge and Malling compared to 99 in Maidstone this observation could also be applied to this Council's current service.

1.12 Policy Considerations

1.12.1 Climate Change, Community and Equalities/Diversity.

1.13 Recommendations

1.13.1 Cabinet is requested to consider the proposal made by the Communities & Environment Scrutiny Select Committee, as highlighted at 1.1.3 and make a decision on the future provision of the Saturday Freighter Service.

The Director of Street Scene, Leisure & Technical Services confirms that the proposals contained in the recommendation(s), if approved, will fall within the Council's Budget and Policy Framework.

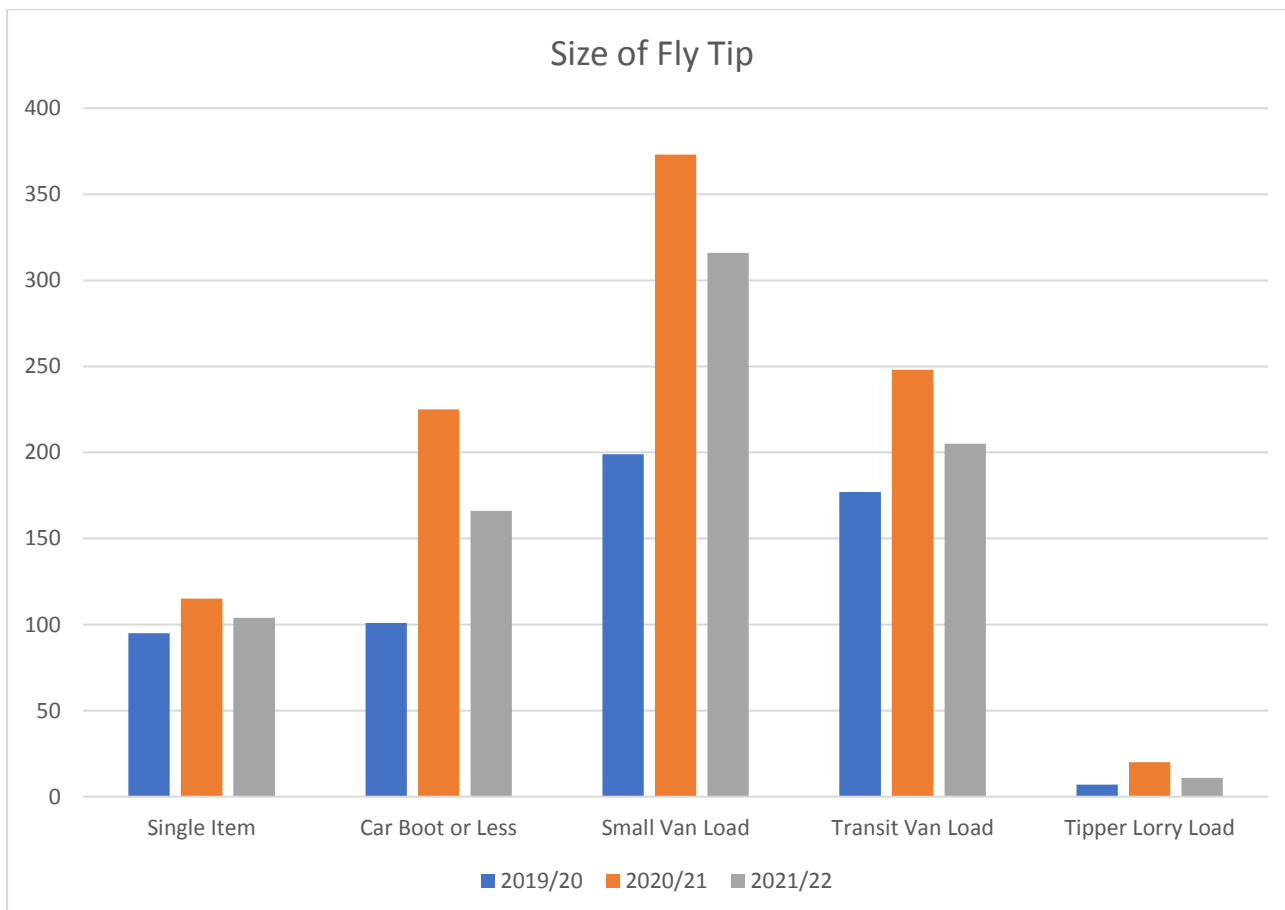
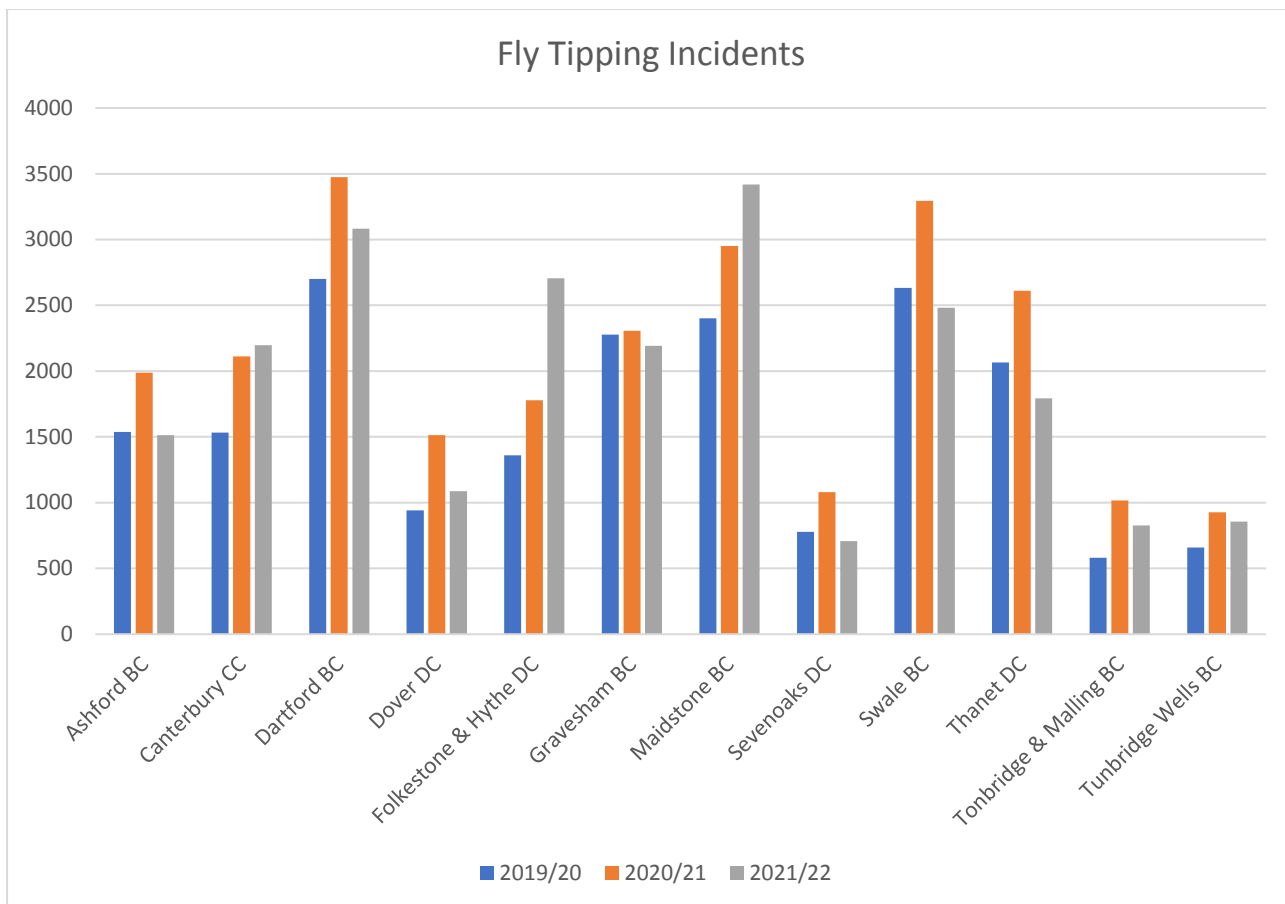
Robert Styles
Director of Street Scene, Leisure & Technical Services

Piers Montague
Cabinet Member for Waste and Technical Services
Background papers:

contact: David Campbell-
Lenaghan

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OVERVIEW & SCRUTINY COMMITTEE

7 July 2022

BRIEFING NOTE – RECYCLING PERFORMANCE PAYMENTS

Background

A request was made by members of the Overview & Scrutiny Committee at their meeting on 7 July that:

“an informal briefing note be circulated to members of the Overview and Scrutiny Committee on the provision of Performance Payments from Kent Council Country outlining their scale over previous years, how they are derived and their relationship to the Inter Authority Agreement between Kent County Council and the Borough Council.”

This briefing note covers the current Recycling Performance Payments (PP) system which forms part of the formal, legally binding Inter-Authority Agreement with Kent County Council (KCC). A similar agreement is in place between Tunbridge Wells Borough Council with whom we operate the South West Kent Waste Services Contract, and KCC have similar agreements with other Kent districts. The briefing note also describes the previous Recycling Credits system which was superseded by the PP system.

Recycling Credits

Recycling credit payments were introduced nationally some years ago, via the Environmental Protection (Waste Recycling Payments) Regulations 2006, to incentivise Waste Collection Authorities to boost recycling and reuse by diverting waste from landfill.

In recognition of the need to divert waste from landfill, the Government introduced the recycling credit scheme to incentivise recycling and composting of household waste by Waste Collection Authorities (WCA) and by third parties. It made available to recyclers the savings in disposal costs that result from recycling household waste, where the body which collected the household waste for recycling was not also responsible for disposing of that waste.

The responsibility for the collecting and disposing of waste in two-tier areas is generally split between the district/borough councils and county councils respectively. Locally Tonbridge & Malling Borough Council acts as the WCA and Kent County Council acts as the Waste Disposal Authority (WDA) with responsibility for the disposal of any waste collected.

The introduction of this legislation meant that the WDA (Kent County Council) had an obligation to pay the WCA (Tonbridge & Malling Borough Council) the money they saved by diverting waste from landfill. The amount paid was directly linked to the cost of landfill disposal. As an exception to this regulation, WDAs are permitted to direct WCAs to use a treatment facility of their choice. In this circumstance, the WDA would be liable for the treatment costs and would not be obligated to pay a Recycling Credit to WCAs. Kent County Council elected, at that time, to pay Recycling Credits and to allow WCAs to make their own treatment arrangements, although generally the WCA utilised the facilities provided by the WDA. One example of where they chose not to do so were the provision of glass collections from recycling bring sites. WCAs took

advantage of the option to dispose of this heavy material via a third party and benefit not only from income from the glass paid by reprocessors but by the additional income from the WDA in recycling credits.

This table shows the achievement of the Recycling Credit income against the Budget set for the three financial years prior to the Performance Payment regime being implemented:

	Original Estimate	Revised Estimate	Outturn
2016/17	£373,500	£360,000	£350,311
2017/18	£347,000	£347,000	£340,488
2018/19	£347,000	£347,000	£360,765

Collection authorities were intended to use the Recycling Credits to help offset the cost of introducing higher performing recycling services. The recycling credits system was supposed to ensure cost-sharing between WCAs, which collect waste, and WDAs, which dispose of it. It meant that savings from avoided waste disposal costs that accrue to WDAs as a result of recycling by WCAs were shared with WCAs to provide a financial incentive to improve recycling. However, by the time officers were starting to look at options for the new contract arrangements in 2016, preparing for the incumbent contract end date in 2019, the recycling credits system no longer provided sufficient incentive for many WCAs to put in place services to collect materials such as food waste as the payments were too low to support these services. The system was also set up when the default disposal method for non-recycled items was landfill. The waste disposal infrastructure had changed significantly both nationally and within Kent. TMBC had not only the benefit of a local energy-from-waste plant at Allington but a local in-vessel composting facility at Blaise Farm, as well as North Farm Transfer Station just over the borough boundary in Tunbridge Wells.

Waste management infrastructure has changed considerably since this Regulation was introduced and is now considered to be inflexible, no longer providing sufficient incentive for positive sustainable waste management. Some two-tier authority areas had already been using alternative payment methods to better balance the cost and rewards of recycling.

In preparation for the new Waste Contract specification, due to be implemented in 2019, TMBC & TWBC officers had lengthy discussions with KCC regarding the opportunities for improving kerbside recycling services and the potential financial arrangements that could be put in place to maximise both the environmental & financial benefits of improved recycling, offsetting collection costs and reducing disposal costs.

Performance Payments

As a result of those discussions, in a report to the Street Scene & Environment Advisory Board (SSEAB) on 6 November 2017 officers provided details of a proposed Inter Authority Agreement (IAA), to be entered into as a legally binding agreement between TMBC as the WCA and Kent County Council as the WDA. The

aim of the IAA was to encourage increased levels of recycling by providing this Council with an incentive to maximise kerbside recycling, directly reducing the waste disposal costs for KCC and indirectly the TMBC Council Taxpayer. Given that most methods of disposal costs for waste are more expensive than those for recycling & reprocessing it, where higher levels of recycling are achieved KCC's disposal costs are generally reduced. This is especially the case where materials can be delivered direct to the reprocessors or disposal sites as this avoids additional costs of delivery to transfer stations and the associated haulage costs. Accepting that a more comprehensive kerbside collection arrangement would be more expensive for this Council, it was essential that any IAA mutually benefited both authorities.

The IAA intended to replace all existing arrangements in relation to payments made by KCC to this Council, including recycling credits, and the core principles of the IAA were: -

- both KCC and TMBC to commit themselves to the most economically advantageous and closest coordination reasonably possible of waste services in Tonbridge and Malling.
- TMBC to introduce, provide and maintain the proposed method of collection [known then as the Nominal Optimal Method, or NOM] across its administrative area, reaching the maximum number of households.
- TMBC to deliver waste streams in accordance with the NOM to transfer points and facilities specified by KCC.
- KCC to retain responsibility for the haulage and disposal of all materials.
- TMBC to purchase necessary containers to facilitate the new collection arrangements.
- the IAA to commence on the commencement date of the new collection contract and to be in force until the expiry of the contract. However, the IAA allowed for an interim financial arrangement for recycling credits to continue to be paid until such time as the new recycling service was fully rolled out. In practice the service was implemented part-way through 2019/21 financial year.

The IAA is in place for the duration of the current contract with Urbaser. There are provisions within the IAA for either party to withdraw at any time with an appropriate period of notice. However, there are significant financial implications for either party should they wish to terminate the IAA.

KCC are obligated to provide appropriate disposal arrangements for the kerbside collection services currently provided by the Partnership, and the Partnership is obligated to maintain the agreed collection arrangements for the duration of the contract and of the IAA. There are clauses which cover the impact of changes of legislation, such as the Environment Act 2021, but in principle neither party is to be worse off financially because of any decision taken by TMBC or KCC.

The IAA also sets out in detail the financial obligations of each partner. In overview, the Council would receive a recycling support payment from KCC based on its recycling performance and would retain all income achieved through the levy of a

garden waste collection charge. This performance-based approach to the sharing of savings achieved was supported by officers and was anticipated to provide a real incentive to improve rates of recycling across the borough.

At the time of that report to SSEAB in November 2017, the total waste collected from households in Tonbridge and Malling was around 48,000 tonnes and the associated waste disposal cost to KCC was in the order of £4.2m. The recycling rate at TMBC was around 42%. With the proposed method of collection, the waste disposal costs were expected to reduce and TMBC's recycling rate expected to rise to over 50% of household waste collected within the borough. Dependent on take up of the opt-in garden waste collection service and based on anticipated tonnages, our consultants estimated that overall waste disposal costs could reduce by circa £980,000. This figure was indicative and was dependent on a range of factors including the final contract specification and methodology proposed by the tenderers.

Under the IAA, it was expected that TMBC would receive what is now called a Performance Payment equal to 50% of the saving achieved compared to the baseline waste disposal cost (based on the latest full year tonnage data at that time from 2016/17). Where a saving was not achieved in any one year the Performance Payment would be zero and any increase in cost would be recovered first from future year's savings. Where the proposed new services were not delivered for a significant length of time for some reason, again the Performance Payment would be zero for the period the services were not fully delivered.

Based on the above this was expected to result a Performance Payment to TMBC of £492,000 in the first full year of the new recycling services being provided. The final version of the IAA was approved by Cabinet on 4 September 2018.

How the Performance Payment is calculated:

The calculation for making the Performance Payments in each period is set out in the legally binding IAA. The actual calculation is:

$((\text{Baseline Tonnes} \times \text{Baseline Disposal Cost}) - (\text{Actual Tonnes} \times \text{Actual Disposal Cost})) \times 50\% = \text{Performance Payment}$

An example of how this works in practice – **using illustrative rather than actual tonnages & costs** - would be:

Baseline Tonnes of Food Waste - to energy-from waste = 1,000 tonnes

Baseline Disposal Cost - to energy-from-waste = £100 per tonne

Actual Tonnes of Food Waste - to treatment facility under new service = 900 tonnes

Actual Disposal Cost - going to treatment facility under new service = £50 per tonne

$((1,000 \text{ tonnes} \times £100) - (900 \text{ tonnes} \times £50)) = £100,000 - £45,000$

$£100,000 - £45,000 = £55,000$ in avoided disposal costs

$£55,000 \times 50\% = \text{Performance Payment to TMBC of } £27,500$

This calculation is applied against all waste material streams TMBC collect and which KCC dispose of and is used to generate the Performance Payments quarterly in each financial year. The calculation also considers gate fees at transfer stations (such as North Farm) and haulage from those sites to the treatment plants. It also considers any income KCC may receive from the sale of any materials. Officers from both Councils jointly check and approve the tonnage & cost data being used in each quarter and then TMBC invoice KCC for the agreed Performance Payment.

Budget versus Income

This table shows the achievement of Performance Payment income against the Budget set for each financial year since the IAA was implemented:

	Original Estimate	Revised Estimate	Outturn
2019/20	£345,000	£345,000	£310,947
2020/21	£690,000	£450,000*	£502,639
2021/22	£590,000	£570,000	£628,018**
2022/23	£570,000	tbc	tbc

* Tonnages were severely impacted by the Covid pandemic with significant increases in all material streams, but especially residual waste, impacting in anticipated disposal costs. This was taken into account at Revised Estimate stage

** Due to the suspension of the garden waste service, KCC agreed to use actual tonnages from the previous year in order to calculate the PP due for the period of the suspension and ensure the impact of the suspension had no negative impact on income.

Prepared by:

David Campbell-Lenaghan

david.campbell-lenaghan@tmbc.gov.uk

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Details of the assessment	
Name of Function/Policy/ Service being assessed:	Withdrawal of Saturday Freighter Service
Is the activity...?	New <input type="checkbox"/> (please go to step 1) Existing: Yes <input checked="" type="checkbox"/> (please go to step 2)
Date of assessment	Commenced: 27/06/22 Completed: Approved by Management Team:
Directorate & Service	Street Scene, Leisure & Technical Services
Policy Owner	Robert Styles
Lead Officer	Robert Styles

Step 1	Initial Screening for:	
	This EqlA is an assessment on the possible impact of the Council withdrawing the Saturday Freighter service.	
	Key Questions	Answers/Notes
1	What are you looking to achieve in this activity?	Proposal to cease provision of the freighter service in order to increase the Borough Council's recycling rates, increase uptake of existing kerbside collection services and prevent waste that could be recycled going to landfill or energy-from waste. This will also bring TMBC in line with practice of the majority of district councils in Kent.
2	Who in the main will benefit?	Increase recycling rates across the borough.

3	Does the activity have the potential to cause adverse impact or discriminate against different groups in the community?	Yes <input type="checkbox"/>	Please explain:
		No <input checked="" type="checkbox"/>	Please explain: The current Saturday Freighter Service is only accessible to those residents who can get items to the various locations around the borough. The locations themselves have developed over time and are not necessarily based on any specific analysis of local needs. The residents able to use this service are those who either live in the immediate vicinity of the sites, or who own cars to drive items to the locations. For those with cars, it is preferable for them to travel to the Household Waste Recycling Centres to recycle items appropriately. The recent addition by KCC of an HWRC at Allington further increases the options residents have, with sites also at North Farm (near Tonbridge), Dunbrik (towards Sevenoaks) and Cuxton (Medway). The current service generally reinforces inequality as it is still largely reliant on people being mobile and/or able bodied.
		Note: if the answer is 'yes' then a full equality impact assessment is required – see step 2.	
4	Does the activity make a positive contribution to equalities?	Yes <input checked="" type="checkbox"/>	Please explain: Cancelling the existing service will address the current inequality whereby only a small proportion of the borough's residents - regardless of protected characteristic - benefit from a free alternative to the kerbside Bulky Waste collection service, effectively subsidised by the vast majority of TMBC council taxpayers.
		No <input type="checkbox"/>	Please explain: No – see step 2
		Note: if the answer is 'yes' then a full equality impact assessment is required – see step 2.	

	Key Questions	Answers/Notes														
Step 2	Scoping the assessment															
1.	What is the overall aim, or purpose of the function/ policy/service?	To withdraw the Saturday Freighter service														
2.	What outcomes do you want to achieve with this function/ policy/service and for whom?	Achieve the most efficient and effective use of resources on behalf of borough residents, increase the Borough Council’s recycling rates and reduce the amount of waste that cannot currently be reused or recycled.														
3.	Who is intended to benefit from the function/service/ policy?	TMBC plus wider sustainability benefits for all through increased recycling and reduced residual waste.														
4.	Who defines or defined the function/service/policy?	There is no statutory requirement for the Council to provide the Saturday Freighter service. It was provided as a free & convenient option for residents to dispose of bulky waste which they would otherwise have had to take to one of the neighbouring Household Waste Recycling Centres or used the Bulky Collection Service to dispose of. A request was made to review this service following a two-year suspension, originally instigated due to the Covid pandemic														
5.	Who implements the function/service/policy?	Street Scene, Leisure and Technical Services														
6.	How do the outcomes of the function/service/policy meet or conflict other policies, values or objectives of the public authority (if applicable)?	<p>Please indicate which of the Council’s Key Priorities these outcomes relate to:</p> <table border="1"> <tr> <td>Achieving efficiency</td> <td><input checked="" type="checkbox"/></td> </tr> <tr> <td>Embracing effective partnership working and funding</td> <td><input type="checkbox"/></td> </tr> <tr> <td>Valuing our environment and encouraging sustainable growth</td> <td><input checked="" type="checkbox"/></td> </tr> <tr> <td>Innovation</td> <td><input type="checkbox"/></td> </tr> <tr> <td></td> <td><input type="checkbox"/></td> </tr> <tr> <td></td> <td><input type="checkbox"/></td> </tr> <tr> <td></td> <td><input type="checkbox"/></td> </tr> </table> <p>Any other comments:</p> <p>The measure will contribute to the aims of the Borough Council’s Climate Change Strategy and action plan</p>	Achieving efficiency	<input checked="" type="checkbox"/>	Embracing effective partnership working and funding	<input type="checkbox"/>	Valuing our environment and encouraging sustainable growth	<input checked="" type="checkbox"/>	Innovation	<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>
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Innovation	<input type="checkbox"/>															
	<input type="checkbox"/>															
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	Key Questions	Answers/Notes
7.	Are there any factors that could contribute or detract from the outcomes identified earlier?	Reinstating the service would and facilitate the disposal of potentially recyclable waste in an unsustainable way. It would also conflict with the aims of the council's Climate Change Strategy.
Step 3 Consideration of data and information		
8.	What do you already know about who uses this function/service/ policy?	Members of the public, mostly able-bodied individuals who live immediately adjacent to the current locations, or who have access to their own transport to travel to the sites.
9.	Has any consultation with service users already taken place on the function/service/ policy and if so what were the key findings?	The ongoing suspension of the service has been subject of reports to Members at various points since the initial suspension, and while there has been no formal public consultation there has been the opportunity for service users to contact TMBC either direct or via their Ward Member as a result of those reports. Levels of complaints & enquiries received by Waste Services about the ongoing suspension of the service have been very low & remain so. When the occasional enquiry is received, the resident is sign posted to alternative - and sustainable - disposal methods.
10.	What, if any, additional information is needed to assess the impact of the function/service/policy?	N/A
11.	How do you propose to gather the additional information?	N/A
Step 4 Assessing the Impact		
12.	Based on what information you already know, in relation to each of the following groups consider whether a) there is anything in the function/service/policy that could discriminate or put anyone at a disadvantage b) for an existing function/service/policy, how it is actually working in practice for each group	
a.	Equality groups	Age
b.		Disability
c.		Gender
d.		Race
e.		Religion/Belief
f.		Sexual Orientation
		N/A
		N/A
		N/A
		N/A
		N/A
		N/A

	Key Questions	Answers/Notes
g.	Marital or Civil Partnership Status	N/A
h.		N/A
i.		N/A
j.		N/A
Step 5	Reviewing and Scrutinising the Impact	
13.	What conclusions can you draw about any differential impact and how people are adversely or positively affected?	The Council recognises that removal of the freighter service will not have a particularly negative impact on any groups with protected characteristics, over and above the general population. In fact, the removal of the service will remove the existing inequalities as the service is not equally accessible to all residents regardless of protected characteristics. Members of the community who used this service and have their own transport may have to drive further to a Household Waste Recycling Centre. Other residents can utilise the existing Bulky Collection service which is accessible to all residents.
14.	What actions can you take to address any impacts identified?	The existing alternative disposal options will be promoted via the council's website, social media channels and other media activity. Officers will monitor levels of service requests for the Bulky Collection service to assess any impact on uptake, particularly from residents eligible for the concessionary rate for those collections.
15.	If no changes can be made, what reasons are there to justify this?	The decision to withdraw the freighter service will not disproportionately impact on a specific group/person with protected characteristics. Some members of the community may find it inconvenient, but It should be noted that the provision of this service is not a statutory duty and many district councils do not provide it. It should also be noted that providing this service facilitates the disposal of waste that could otherwise be recycled. In this context, the Council believes that this decision is a proportionate means of achieving a legitimate aim.
16.	How might any of the changes, in relation to the adverse impact, have a further adverse affect on any other group?	N/A

Step 6	Decision making and future monitoring	
17.	Which decision making process do these changes need to go through i.e. do they need to be approved by a committee/Council?	Cabinet

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Agenda Item 14

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 15

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

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

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Agenda Item 18

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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