

TONBRIDGE & MALLING BOROUGH COUNCIL



EXECUTIVE SERVICES

Chief Executive

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

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

27 March 2023

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 Tuesday, 4th April, 2023 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

7 - 8

PART 1 - PUBLIC

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

Members are reminded of their obligation under the Council's Code of Conduct to disclose any Disclosable Pecuniary Interests and Other Significant Interests in any matter(s) to be considered or being considered at the meeting. These are explained in the Code of Conduct on the Council's website at [Code of conduct for members – Tonbridge and Malling Borough Council \(tmbc.gov.uk\)](https://www.tmbc.gov.uk).

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

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| 4. | Minutes | 13 - 16 |
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To confirm as a correct record the Minutes of the meeting of the Cabinet held on 7 March 2023.

Decisions to be taken in accordance with Part 3 of the Constitution

Executive Key Decisions

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| 5. | Implications of NPPF Consultation on Local Plan | 17 - 124 |
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Recommendation HP 23/4 of the Housing and Planning Scrutiny Select Committee of 21 March 2023.

Executive Non-Key Decisions

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| 6. | Outcomes and Achievements of the IT strategy and Digital Strategy | 125 - 130 |
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This report focuses on informing Members of the impact that the Council's IT and Digital strategies have had on the organisation over the last 4-year period and highlights the measurable outcomes against the overall vision set within the strategies.

A short PowerPoint presentation will be provided at the meeting by the Head of IT.

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| 7. | Community Development Grant Scheme | 131 - 144 |
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This report sets out the Community Development Grant Scheme in detail and seeks approval to launch in April 2023.

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| 8. | Blue Bell Hill Commuter Car Park | 145 - 148 |
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This report advises Members of the current issues at Blue Bell Hill Commuter Car Park and seeks Members' instructions as to future arrangements.

9. Voluntary and Community Sector Grants 149 - 172
- This report requests Members to review and note progress against Service Level Agreements for ongoing grants and to consider future funding in respect of Citizens Advice North and West Kent.
10. TMBC Owned Sites - Local Plan 173 - 228
- Recommendation FRP 23/4 of the Finance, Regeneration and Property Scrutiny Select Committee of 14 March 2023.
11. S106 Matters 229 - 276
- This report proposes an updated s106 protocol and a new monitoring structure for s106 monies, as well as updating Members on the recently published Infrastructure Delivery Statement. An addendum report is enclosed to provide Members with an update subsequent to the meeting of the Overview and Scrutiny Committee of 26 January 2023.
- Recommendation 23/6 of the Overview and Scrutiny Committee of 26 January 2023.
- Matters submitted for Information**
12. Decisions taken by Cabinet Members 277 - 278
- A record of the decisions taken by portfolio holders since the last meeting of Cabinet are attached.
13. Minutes of Panels, Boards and Other Groups 279 - 284
- The minutes of meetings of Advisory Panels, Boards and Other Groups are attached. Any recommendations arising from these minutes are set out as individual items on this agenda.
- Joint Transportation Board of 6 March 2023
14. Decisions Taken Under Emergency or Urgency Provisions 285 - 288
- The decisions taken under emergency and/or urgency provisions since the last meeting of Cabinet are attached.
15. Urgent Items 289 - 290
- 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

16. Exclusion of Press and Public 291 - 292

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

Decisions to be taken in Accordance with Part 3 of the Constitution

Executive Key Decision(s)

17. New Lease 20-28 Martin Square, Larkfield 293 - 300

(Reasons LGA 1972 – Sch 12A Paragraph 3 – Financial or business affairs of any particular person)

The report sets out proposals for a new lease.

18. Urgent Items 301 - 302

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, 7th March, 2023

Present: Cllr M D Boughton (Chairman), Cllr R P Betts, Cllr V M C Branson, Cllr M A Coffin, Cllr D A S Davis, Cllr D Keers, Cllr P J Montague and Cllr K B Tanner

Virtual: Councillors Mrs J A Anderson, Mrs P A Bates, M A J Hood, Mrs A S Oakley, M R Rhodes and R V Roud 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 23/28 DECLARATIONS OF INTEREST

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

CB 23/29 MINUTES

RESOLVED: That the Minutes of the meeting of the Cabinet held on 14 February 2023 be approved as a correct record and signed by the Chairman.

DECISIONS TO BE TAKEN IN ACCORDANCE WITH PART 3 OF THE CONSTITUTION

EXECUTIVE KEY DECISIONS

CB 23/30 FUTURE GAS AND ELECTRICITY SUPPLY CONTRACTS

Decision Notice D230016CAB

Careful consideration was given to a new four year flexible procurement arrangement with LASER for the supply of gas and electricity for the period October 2024 – September 2028. Following a tendering exercise, LASER had advised that the highest evaluated tender scores were obtained by Total Gas and Npower and these had retained the gas and electricity frameworks respectively.

Under Contract Procedure Rule 8.1, as set out in the Constitution, approval was required in advance of utilising a framework where the value exceeded the relevant EU threshold.

In addition, under the current framework the Borough Council had signed up to Renewable Energy Guarantee of Origin (REGO) backed electricity supplies. This meant that electricity had been generated by a renewable source. As part of the new framework there would be a greater number of routes to assist the Borough Council in achieving its net zero ambitions as supported by the Climate Change Strategy. This included purchasing energy direct from renewable generators.

Finally, it was noted that the recommendations set out at 1.9 of the report were based on financial savings made under the current and previous flexible procurement contracts in place since 1 October 2008 and the energy procurement expertise available from LASER. Procurement of energy through this public body buying consortium using the Purchase within Period (PWP) framework had proved to be financially advantageous to the Borough Council.

After careful consideration of the legal, financial and value for money implications, Cabinet

RESOLVED: That

- (1) a further four year agreement with Npower, Total Gas and LASER (KCC) for the supply of electricity and gas (purchased under PWP) for the Borough Council's high and low volume sites for the period 2024-2028 be approved;
- (2) the utilisation of the LASER framework under Contract Procedure Rule 8.1 be approved; and
- (3) the continued use of the REGO backed electricity tariff be approved and that alternative 'green' options be considered.

EXECUTIVE NON-KEY DECISIONS

CB 23/31 GREEN BUSINESS GRANT SCHEME

Decision Notice D230017CAB

Following Government approval of the Tonbridge and Malling UK Shared Prosperity Fund (UKSPF) Investment Plan, which set out a series of projects to help create a better borough for residents and businesses, details for a further round of the Green Business Grant Scheme 2023/24 were set out in the report.

It was reported that £66,000 of UKSPF funding had been allocated towards this Scheme in the Tonbridge and Malling Investment Plan. There was no requirement for the Borough Council to provide any match funding for this particular programme, although it was envisaged that

around £25,000 of Business Rates Retention Pilot Reserve Funding would be used to contribute towards the Scheme in 2023/24.

Members welcomed the proposals to support businesses in the low carbon and renewable energy economy and to provide help in lowering the carbon footprint of business premises. The Scheme was open to all independent businesses that operated from commercial premises and all were encouraged to promote the initiative as widely as possible.

After careful consideration of the legal and financial and value for money implications, Cabinet

RESOLVED: That

- (1) the report be noted;
- (2) the UKSPF Green Business Grant Scheme, as set out in Appendix 1, be endorsed;
- (3) the Capital Plan and Revenue Budget be updated accordingly; and
- (4) delegated authority be granted to the Chief Executive in liaison with the Leader of the Borough Council to approve any necessary minor changes to the Scheme that might be required for the purposes of clarity.

CB 23/32 CORPORATE STRATEGY - COMMUNITY CONSULTATION

Decision Notice D230018CAB

The report of the Chief Executive provided an update on the Corporate Strategy Community Consultation which was undertaken during January – February 2023 and sought approval to make final amendments to the Corporate Strategy ahead of it being finalised.

There had been a good response to the public consultation exercise and the report provided an overview of the responses and key messages received. There were a number of points or proposed amendments raised and it was recommended that the Strategy be amended to reflect these as detailed in Table 3 of the report. As a result of some of the comments received it was recommended that the period covered by the Corporate Strategy be extended to 2023-2027 as detailed in 1.3.6 of the report.

Finally, potential changes in respect of Key Performance Indicators were identified and these were set out in Appendix 2.

Whilst the recommendation to extend the period covered by the Corporate Strategy to five years was supported, Councillor Boughton

proposed, seconded by Councillor Coffin, that the Strategy be reviewed after 2 years. This proposal was supported.

RESOLVED: That

- (1) the report be noted;
- (2) the Corporate Strategy, as set out in Appendix 1, together with the amendments set out in Table 3 of the report be endorsed;
- (3) it be commended to the Overview and Scrutiny Committee, that the period covered by the Strategy be extended to 2023-2027, as referenced in 1.3.6, and that a review of the Strategy be undertaken after 2 years;
- (4) the proposed new Key Performance Indicators, as set out in Appendix 2, be endorsed;
- (5) the Overview and Scrutiny Committee be invited to consider views on the Corporate Strategy 2023/24 Action Plan, as set out in Appendix 3; and
- (6) delegated authority be granted to the Chief Executive in liaison with the leader of the Council to approve any necessary further minor changes to the Corporate Strategy that might be required solely for reasons of clarity of presentation.

MATTERS SUBMITTED FOR INFORMATION

CB 23/33 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.

CB 23/34 MINUTES OF PANELS, BOARDS AND OTHER GROUPS

The Minutes of the meetings of the Parish Partnership Panel and Tonbridge Community Forum of 9 February and 27 February 2023 respectively were received and noted.

CB 23/35 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 7.51 pm

IMPLICATIONS OF NPPF CONSULTATION ON LOCAL PLAN

Item HP23/4 referred from Housing and Scrutiny Select Committee of 21 March 2023

Following submission of the Council's full response to the 'Levelling-up and Regeneration Bill: reforms to national planning policy' consultation as approved by Cabinet on 14 February 2023, the report of the Director of Planning, Housing and Environmental Health further considered the proposed changes and their implications for the content, form and timing of the local plan and requested Members to consider options for progression of the local plan and design codes and recommend an approach to future timetable and next steps, as set out in paragraph 1.5 and Annex 2.

Members had regard to the implications of the proposed changes, the legal implications and the financial and value for money considerations detailed in the report and sought clarity around the determination of exceptional circumstances in the green belt, the likely implications of updated household projections on housing needs and setting of local targets, the duty to cooperate and the alignment policy and the certainty of the legislation being passed and timelines. In response, Members were advised that the timetable detailed for Option 1, to proceed under current arrangements, was challenging but achievable and allowed for some flexibility to allow for the anticipated changes to arise from the technical consultations this year, however there were risks in terms of unforeseen delays arising from future changes to the NPPF, outcomes of a further Regulation 18 consultation or other unknown factors. Members were further advised that if they were minded to support the continuation of the local plan under the current arrangements, any abortive costs in moving to the new arrangements at a later date could be significant.

RECOMMENDED: That

- (1) the implications of the proposed 'Levelling-up and Regeneration Bill: Reforms to National Planning Policy', as set out in Annex 1, be noted;
- (2) the Council progresses the local plan under the current arrangements, as outlined as Option 1 in the report; and
- (3) a new Local Development Scheme with more detailed financial implications be brought to a future meeting of the Housing and Planning Scrutiny Select Committee in Summer 2023.

*** Referred to Cabinet**

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TONBRIDGE & MALLING BOROUGH COUNCIL
HOUSING AND PLANNING SCRUTINY SELECT COMMITTEE

21 March 2023

Report of the Director of Planning, Housing and Environmental Health

Part 1- Public

Matters for Recommendation to Cabinet - Key Decision

1 IMPLICATIONS OF NPPF CONSULTATION ON LOCAL PLAN

1.1 Background

1.1.1 On 22 December 2022 the government commenced consultation on the 'Levelling-up and Regeneration Bill: reforms to national planning policy'. The council's response to the consultation was taken to Cabinet on 14 February 2023.

1.1.2 This report further considers the proposed changes and their implications for the content, form and timing of the local plan and sets out options for progression of the local plan and design codes.

1.2 Proposed changes to national planning policy

1.2.1 The 'Levelling-up and Regeneration Bill: reforms to national planning policy' consultation ran between 22 December 2022 and 2 March 2023. This sought views on the government's proposed approach to updating to the National Planning Policy Framework (NPPF), preparation of National Development Management Policies (NDMP) and how it might develop policy to support levelling up. The council's full response was taken to Cabinet on 14 February and has been submitted on the department's consultation portal.

1.2.2 The reformed plan-making system as set out within the consultation document is intended to be introduced in late 2024, however some more immediate changes are proposed through the consultation which would take effect from spring 2023.

1.2.3 The detailed potential changes are set out within a [document](#) (at **Annex 4**) showing some tracked changes to the current NPPF (2021). The most significant proposed changes are included within **Annex 1** alongside commentary of the implications for the council's new local plan. These matters are:

- Paragraph 11- that meeting housing need in full should not be at the expense of building at densities which would be significantly out-of-character with the existing area

- Paragraph 35- amendments to the ‘tests of soundness’ against which local plans are assessed at examination¹ including wording that a local plan should seek to meet needs ‘as much as is possible’ and removal of the ‘justified’ test which currently reads as ‘an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence’
- Chapter 5- that the standard method would be an ‘advisory starting-point for establishing a housing requirement for the area’ – this introduces further flexibility in relation to how this is reflected within local plans
- Paragraphs 75- 77- changes to the five-year housing land supply which make it easier for a local planning authority with an out-of-date plan to demonstrate compliance, through removal of the buffers (between 5 and 20% additional requirement), and the presumption in favour of sustainable development will no longer apply where permissions have been granted for 115% of the housing delivery target over the relevant period
- Chapter 13- that local planning authorities would not be required to review and alter Green Belt boundaries if this would be the only way of meeting housing need in full (but could still choose to do so).

1.2.4 If the proposed amendments to the NPPF are taken forward in their current form (subject to the outcome of the NPPF consultation and DLUHC committee scrutiny) the council would be able to consider the extent to which it can meet its Objectively Assessed Need (OAN). This would involve striking a balance between meeting need and whether this would involve building at densities, in locations (i.e. the Green Belt), or in specific settlement patterns to be able to do so. This would be a sizable change in direction to what was set out within the Regulation 18 consultation which took place in the Autumn of 2022, where the council committed to meeting its OAN, or plus 10%; and set out the strategic case for ‘exceptional circumstances’ in relation to the need to review its Green Belt boundaries.

1.2.5 It should be noted that the high-level analysis of the consultation responses which were taken to the 6 December 2022 meeting of the HPSSC highlighted clear support for meeting OAN only, and a majority against a spatial strategy option which involved a review of the Green Belt boundary to meet needs.

1.2.6 The intention behind the measures proposed within the consultation is to incentivise local planning authorities to carry on with plan making under a considerably more favourable policy environment, for example changes to the housing land supply through the removal of buffers, in many cases effectively lowering the target to be assessed against. However, as an authority we would

¹ a) Positively prepared; (b) Justified (c) Effective and (d) Consistent with national policy – see [National Planning Policy Framework - 3. Plan-making - Guidance - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/national-planning-policy-framework-3-plan-making-guidance)

not benefit from measures allowing demonstration of a four-year (as opposed to five-year) housing land supply as our Regulation 18 local plan did not contain site allocations or a policies map.

1.3 Further potential areas for change

- 1.3.1 The government's consultation material also set out proposed future amendments which will be subject to future technical consultations in 2023 and come into force in late 2024. The council would need to respond to each of the technical consultations. Each consultation will need to be assessed for potential impact on TMBC and a proposal will be made to the Cabinet Member for Strategic Planning & Infrastructure regarding the process. The Director for Planning, Housing & Environmental Health has a general delegation relating to consultations, which may be appropriately used if the impacts are low-medium or the consultation is of a significantly technical nature.
- 1.3.2 Chapter 10 of the consultation document sets out the case for National Development Management Policies (NDMP) and some initial indications of their scope and content. It is proposed that the starting point for creating NDMPs would be existing parts of the NPPF which apply to decision-making whilst filling any 'gaps' where national policy is silent on common decision-making issues (example provided- carbon reduction in new developments). Full public consultation would take place on the draft policies following the passage of the Bill (anticipated spring 2023).
- 1.3.3 Once in place the NDMP would be given the same weight in planning decisions as policies in the development plan. They are not intended to encroach on local policies shaping development nor would they direct the use of land, but their introduction would mean that a local plan would not typically contain development management policies unless they related to a specific local issue (example provided student housing in a university town). The timing of the introduction will also have considerable implications on the local plan under both new and transitional arrangements, whereby under the latter this would most likely include a review of compliance with the incoming NDMP.
- 1.3.4 Chapter 12 of the consultation document sets out other potential further areas of change to the planning system would each have a bearing on the form, content or preparation process of the local plans. **Annex 1** sets out the potential implications of these changes, with key matters highlighted below. These changes would only become relevant for plans progressed under the new arrangements (late 2024 onwards).
- Changes to the plan-making process including a fixed timetable for local plan production, data standards and streamlined evidence base requirements
 - Introduction of a new Environmental Outcome Report to replace the Sustainability Appraisal/Strategic Environmental Assessment (SA/SEA) process

- A new ‘gateway’ approach would introduce additional verification to the local plan preparation process prior to examination
- Replacement of the Duty to Cooperate with a new ‘alignment’ policy providing planning inspectors with the ability to amend plans to improve alignment.

1.3.5 However, the degree of change or extent of impact will only become fully apparent once further details are published within the technical consultations later this year. The absence of timescale or detail means that there may be further changes which could impact upon the local plan preparation or process which remain unknown at this stage, so officers would need to continually review the approach and programme to reflect any changes.

1.4 Key dates and transitional arrangements

1.4.1 Chapter 11 of the consultation sets out the transitional arrangements for the new system which is expected to go live from late 2024. These are set out within Table 1 below.

Table 1- Key dates

New legislation	
Spring 2023	Levelling Up and Regeneration Bill receives Royal Assent (subject to Parliamentary approval)
Existing arrangements	
30 June 2025	Submission cut-off date for old-style plans
31 December 2026	Latest date for any old-style plans to be adopted
31 December 2031	Latest date for a local planning authority to commence work on a new style plan (if previous plan adopted on 31 December 2026).
New style plan	
November 2024	Expected earliest date to begin plan-making under new arrangements.
October 2026	Earliest date for commencement of new-style examinations
April 2027	First new-style plans adopted.

1.4.2 Changes put forward within the government’s consultation document also propose that Supplementary Planning Documents (SPDs) would be replaced with Supplementary Plans (SP). These new style documents are intended to be used for design codes, and other site-based policy documents, however information on the process of preparation has yet to be released. This means that a design code can either be included within a local plan itself, or as a SP, but also that it would no longer be possible to prepare topic based SPDs, so if further guidance on a particular matter is required this would need to be included within the plan itself.

Further clarity is also sought on the timing of SP preparation and whether a SP could be prepared in advance of a Local Plan.

1.5 Options for progression of the local plan

- 1.5.1 The council consulted on its Regulation 18 local plan between 22 September and 3 November 2022. The initial outcomes of the consultation were reported to the HPSSC meeting of [December 2022](#). The representations are still being considered and full analysis should be available to be brought back to members from May 2023 onwards. The consultation included submission of more than 50 new sites which also need further analysis and consideration.
- 1.5.2 Given the numbers of new sites which will require some degree of consultation and the likely change in direction of government policy in relation to housing targets and the Green Belt, it is anticipated that a further round of Regulation 18 consultation will be required before Regulation 19 consultation can take place. It should be noted that the recent Regulation 18 consultation set out a commitment to meet Objectively Assessed Needs in full. A new Regulation 18 local plan would build upon the outcomes of the regulation 18 consultation and include draft policy options and site allocations. The extent and location of the allocations would depend on decisions relating to housing numbers and Green Belt release.
- 1.5.3 This means that it is not possible to proceed to the local plan timetable as set out within the current [Local Development Scheme \(LDS\)](#) and decisions therefore need to be made about the timing of further work. A further report on the LDS timetable will be brought back to the committee following the outcomes and consideration of the options set out below.
- 1.5.4 Taking all the above into consideration there are two broad options available to the council: to progress the local plan under the current arrangements; or to defer work on the local plan to the new arrangements. Both options have associated benefits and risks, as set out in **Annex 2**. This sets out how the **proposed changes to the NPPF in relation to housing numbers and the Green Belt (anticipated to be confirmed in Spring 2023) would apply under both options**.
- 1.5.5 **Annex 3** shows a representation of the project plan under both these options. Option 1 shows some flexibility in the milestones, depending on the dates of key member decisions on how to respond to the NPPF changes in relation to housing numbers and the Green Belt. Option 2 follows the key dates for the new arrangements as shown in Table 1, however the detailed milestones under the new arrangements are not yet known.
- 1.5.6 In accordance with the existing NPPF the council is required to prepare design codes consistent with the principles set out in the [National Design Guide](#) and [National Model Design Code \(NMDC\)](#). There are options in how this duty can be satisfied, with differing levels of detail and geographical coverages as well as potential to include within the local plan or as a supplementary planning

document/new supplementary plan. However, given previous member decisions on these matters (HPSSC, December 2022) it is expected that this will also include parking standards and layouts. The 10 characteristics of good design from the NMDC are represented at **Annex 5**.

Option 1- existing process

- 1.5.7 Proceeding under the existing arrangements requires submission of a Regulation 18 plan by 30 June 2025 and conclusion of the examination sessions by 31 December 2026. It is anticipated that the local plan could be submitted between February and April 2025 (i.e. within the deadline of 30 June 2025), subject to decisions in relation to paragraph 1.5.1 above, and confirmation of the approach within a revised NPPF as proposed (see **Annex 4**). This timeline allows for some flexibility to allow for the anticipated changes which arise from the technical consultations this year but would become challenging should any unforeseen changes emerge at the national level, or new issues arising through the second round of regulation 18 consultation.
- 1.5.8 Adopting this approach would mean that a plan would be adopted between January and March 2026. This would be at an earlier date than Option 2, and the 'presumption in favour of sustainable development' would apply for a shorter period, with benefits for sustainable development patterns under a 'plan-led' system. However, given that National Development Management Policies are likely to be introduced in the intervening period, proposed policies would need to be reviewed in this context, which could also mean some abortive work.
- 1.5.9 As work has not yet commenced on design coding, or evidence prepared to support this, the inclusion of design coding within the local plan itself would delay the timetable to such an extent that it would not be possible to processed under the current arrangements. Instead design codes would need to be included within a new 'Supplementary Plan' which would most likely sit alongside the latter stages of the local plan preparation stages. In order to proceed with this option a characterisation study would also need to be progressed. This would identify key features and character typologies across the borough and would support arguments around appropriate densities.
- 1.5.10 This option would require re-appraisal of the local plan budget to account for the additional regulation 18 stage. Separation of design codes within a new document would also incur the additional costs of the 'light touch' examination.

Option 2- New arrangements

- 1.5.11 Proceeding under the new arrangements would involve a considerable delay to when the council will have an adopted plan in place, which would be in April 2027 (at the earliest). Therefore the 'presumption in favour of sustainable development' would apply for a longer period (approximately 1 year longer), with potential implications and associated costs of 'planning by appeal' and ultimately on the sustainability of the development patterns.

- 1.5.12 A local plan prepared under these arrangements would be considerably slimmed down from what would be progressed under current arrangements (i.e. by excluding development management policies) and would be prepared to a strict timetable within 30 months of commencement. This option is not however without risk as the details of the timing and process have not yet been set out in legislation. But it may also mean that the risk associated plan-preparation would be reduced (through the removal of the duty to cooperate). The costs associated with plan-preparation are also likely to be lower as the evidence-base requirements would be reduced. However, this is based on the presumption that the content and the timetable for the reforms are progressed as per the NPPF consultation, which could be amended.
- 1.5.13 This option would mean shifting the focus of the planning policy team in the short-to medium term to other required policy and infrastructure-related projects, but also presents some opportunities in relation to embracing digital planning and putting in place design code/s. It is anticipated that this will require a full review of the local plan budget- see section 1.7 below).
- 1.5.14 The council would also be one of the ‘front-runners’ of the new system and can potentially draw on government resources to assist. There is potential to include a design code within the local plan itself, or as a Supplementary Plan, which, subject to government confirmation could be in place in advance of the local plan. This would bring the design code spend forward in the work programme (see paragraph 1.7.2). However, design code/s prepared under option 2 would most likely be put in place at an earlier date (than option 1) with benefits for the development management process and design outcomes within the borough, including through inclusion of parking standards and layouts within the code/s.
- 1.5.15 Notwithstanding decisions in relation to the above, it is likely that some work will need to be undertaken with the communications team to fully impart the decisions made and the messaging associated with this.
- 1.5.16 The above sets out the implications of proposed planning reform as currently set out by the government. There is always potential for this to change, in relation to the final outcomes of the NPPF consultation, the timing and detail of other future areas of reform, and a general election within two years. However, taking into account all of the above, a steer is sought on whether to progress the local plan under the current legal arrangements (option 1), or to prepare a new LDS working towards the new system (option 2). If members were also minded, there is also a further option to defer a decision until after the NPPF is published in its final form (anticipated late Spring 2023), but this consequential delay could make option 1 more challenging.
- 1.5.17 Once a decision has been made, the next steps will be to agree the approach to housing numbers and the Green Belt; and to approve a new work programme and LDS. These will be brought to a future meeting of this committee in Summer 2023, as advised by members (meetings scheduled June, July and September).

1.6 Legal Implications

- 1.6.1 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.

1.7 Financial and Value for Money Considerations

- 1.7.1 There will be direct financial and value for money considerations associated with the local plan preparation and the options as described in this report. It is considered likely that any option will result in some increased level of cost, as there has been a need to pause production of some evidence base needed for achievement of the current LDS pending discussions with Members in the context of the NPPF consultation, which therefore means that the existing LDS may well result in some additional cost due to increased levels of fee from consultants. There is also the cost of an additional Regulation 18 consultation under either option. At present it is anticipated that there is an estimated reserve balance of around £660k, some of which would be utilised to cover the additional spend. A more detailed report on the budget implications will be presented to members alongside a new LDS.
- 1.7.2 If the Council progresses with a 'new style' Local Plan, it is considered that some of the evidence base currently produced will remain useable, however other key pieces of evidence may require revisiting (see **Annex 1**). The inclusion of design coding within or alongside a 'new style' Plan will have an increased cost in the medium-term, which needs to be firmly estimated should Members decide to pursue an option in this regard. Part of this cost increase will be as a result of the previous Member decision to include a TMBC specific set of parking standards into the Local Plan. However, it is also considered that production of a design code as part of the Plan will increase its robustness and the ability of the Plan to demonstrate it has met the requirements of the revised NPPF.
- 1.7.3 Although it is not possible to fully cost the implications of options 1 and 2 at present, the proposed changes will re-focus the cost profile incurred through plan-preparation. As set out within **Annex 1** there are additional costs associated with each option. Option 1 will involve some re-visiting of existing evidence base documents (estimated between £30 and £60k) if changes to housing targets are progressed. Option 2 will most likely involve a lower evidence base cost overall, however some pieces of evidence may need re-running as the time periods are altered (estimated around £50k).
- 1.7.4 However both options will most likely involve commissioning of new evidence to support decisions on housing targets, and detailed work in relation to design coding. On balance, it is considered that option 2 (by means of having a shorter timetable and lower evidence base requirements) may be more cost-effective.

This would be because the costs of plan-production would be spread over a longer period, with the ability to use annual contributions to the reserve for the financial year 26/27.

- 1.7.5 However, a year's delay to adoption under option 2 could incur additional costs on the development management side. Additional appeal costs may be incurred in association with the extended use of the 'presumption in favour of sustainable development' and potential for appeal for non-determination.
- 1.7.6 Dependant on the direction of travel option Members support, a detailed analysis of likely budget requirements over the coming financial years will be presented to Members in summer 2023. There is a local plan reserve which can be drawn down to cover some of these costs.

1.8 Risk Assessment

- 1.8.1 The preparation of the new local plan will provide the council with an up-to-date Local Plan on adoption. This will alleviate the current risks associated with not having an up-to-date development plan in place, however government proposals would mean that the penalties of not having a plan in place would be weakened. There are reputational risks should the local plan programme not be delivered on time.
- 1.8.2 The relevant corporate risk was updated in December 2022, however, will be amended to reflect the potential implications of the NPPF consultation. The service level risk register is maintained and continually updated to reflect the latest position and relevant mitigations. A KCC-led audit is also underway which aims to reduce the risks associated with plan-making.

1.9 Equality Impact Assessment

- 1.9.1 The decisions recommended through this report have relevance to the substance of the Equality Act 2010. The stages in plan preparation 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 next stages of the Local Plan.

1.10 Recommendations

HPSSC is asked to recommend to Cabinet:

- 1.10.1 NOTE the implications of the proposed 'Levelling-up and Regeneration Bill: Reforms to National Planning Policy' as set out in **Annex 1**.
- 1.10.2 RECOMMEND an approach to future timetable and next steps, as set out in Section 1.5 and **Annex 2**.
- 1.10.3 APPROVAL to bring a new Local Development Scheme with more detailed financial implications to a future meeting in Summer 2023.

Background papers:

- Annex 1- Implications of the NPPF consultation
- Annex 2- Options for local plan preparation
- Annex 3- Project management timetable options
- Annex 4- NPPF tracked changes document
- Annex 5- 10 principles of good design

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Annex 1- Implications of the NPPF consultation

Section or paragraph	Change	TMBC implications (if implemented as currently drafted)	Local Plan commitments to date	Further work required	Further Cost	Timing changes	Red Amber Green (RAG) ¹
Document: Tracked changes NPPF consultation document							
Timescale for implementation: Spring 2023							
Paragraph 11	Meeting housing need in full should not be at the expense of building at densities which would be significantly out-of-character with the existing area	<p>The council would be able to put together a case relating to appropriate densities are being achieved, even if this means not meeting housing need.</p> <p>The expectation would be characterisation work would be utilised to support such arguments.</p>	The Placemaker software uses several criteria to make assumptions around appropriate densities by location. These assumptions were included within the site list at Appendix B to the Regulation 18 local plan.	<p>Dependent on the outcomes of housing number decisions as per below (Chapter 5).</p> <p>A Characterisation Study would be required as a precursor to Design Coding. To gain maximum benefit from this evidence it would be prudent to bring forward the production of this evidence to supplement and build upon the assumptions within the Placemaker software.</p>	No	Yes	A
Paragraph 35	Amendments to the 'tests of soundness' including wording that a local plan should seek to meet needs 'as much as is possible' and removal of the 'justified' test which currently reads as 'an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence'	<p>This would reduce the evidence base burden for all local planning authorities however the degree to which this reduces the time and cost is still unknown.</p> <p>The council would still be required to consider the reasonable alternatives through the Sustainability Appraisal process.</p>	We have committed to several evidence base studies to support the local plan.	Evidence around the degree to which it is possible to meet needs would be required, depending on decisions as below (Chapter 13)	No	No	A
Chapter 5	The standard method would be an 'advisory starting-point for establishing a housing requirement for the area'	<p>The council would be able to set a housing delivery target below the Objectively Assessed Needs (OAN) for the area, subject to relevant justification through evidence.</p> <p>The changes allow local authorities to set local housing requirements that respond to demographic and affordability pressures while being realistic given local constraints.</p>	The Regulation 18 Local Plan made a commitment to meeting our needs in full- in fact consultation questions included options to meet in full, and meet OAN +10%	Any change to the housing numbers would require re-assessment within the Sustainability Appraisal (SA), further scenarios within the Economic Development Needs Study, and a review of elements of the Housing Market Delivery Study.	Yes	Yes	A

¹ Red- major amendment to scope and/or timing with significant costs; Amber-some amendments with some marginal costs; Green-no amendments required

Section or paragraph	Change	TMBC implications (if implemented as currently drafted)	Local Plan commitments to date	Further work required	Further Cost	Timing changes	Red Amber Green (RAG) ¹
Paragraphs 75- 77	Changes to the five-year housing land supply which make it easier for a local planning authority with an out-of-date plan to demonstrate compliance, through removal of the buffers (between 5 and 20%), and the presumption in favour of sustainable development will no longer apply where permissions have been granted for 115% of the housing delivery target over the relevant period	The latest Housing Land Supply position sets out that, based upon the housing need of 835 dpa plus a 20% buffer, the Council is able to demonstrate 3.22 years of housing land supply. Without the buffer this would amount to approximately 3.86 years' supply. This would mean that the 'tilted balance' would be less likely to be triggered if this trend were to be continued. The ability to factor in permissions granted would also make it easier to demonstrate a supply.	n/a	The housing land supply position would be based upon the new methodology.	No	No	G
Chapter 13	Local planning authorities would not be required to review and alter Green Belt boundaries if this would be the only way of meeting housing need in full	There would be no compelling need for the local plan process to consider making alterations to existing Green Belt boundaries to help address housing need. This could affect the spatial strategy in the plan, including how development allocations are distributed across the borough and how much land is allocated for housing. Decisions would need to be mindful of the consequences for sustainable development across the borough.	An exceptional circumstances (strategic) note was prepared and published alongside the Regulation 18 local plan. This concluded that TMBC does have a good strategic exceptional circumstances case for altering the Green Belt boundaries to help meet the assessed development needs. This was informed by evidence on acute housing affordability, undersupply of housing, and limited opportunities within existing built-up areas. Parcels of Green Belt land at the boundaries of the designation have been identified for future assessment, if required.	An assessment of the potential to address housing needs beyond the outer Green Belt boundary and within existing settlements not washed over by the designation may need consideration. This would look at the consequences for sustainable development, given the influences of two Housing Market Areas (HMAs) across the borough and would be tested by other evidence, including the transport modelling. If required, an assessment of parcels of Green Belt land at the boundaries of the designation against the purposes in the NPPF could still be undertaken within the context of the exceptional circumstances (strategic) note and the need for the local plan to promote sustainable development across the borough.	Yes	Yes	R
Introduction of new document- National Development Management Policies Timescale- Further consultation following passage of the Bill (anticipated spring 2023)							
National Development Management Policies (NDMP)	National Development Management Policies would fall within 3 broad categories:	To scope and focus of the local plan would be narrowed to deal with strategic and site-specific	The Regulation 18 local plan included issues and matters	Detailed comment on the technical consultation relation to the NDMP	Yes	Yes	R

Section or paragraph	Change	TMBC implications (if implemented as currently drafted)	Local Plan commitments to date	Further work required	Further Cost	Timing changes	Red Amber Green (RAG) ¹
	<p>-Existing policies aimed at decision-making already provided within the NPPF, subject to these being reviewed on a case-by-case basis for clear rationale</p> <p>-Selective new additions to reflect new national priorities, for example net zero policies that it would be difficult to develop evidence to support at a district level, but which are nationally important</p> <p>-Selective new additions to close 'gaps' where existing national policy is silent on planning considerations that regularly affect decision-making (e.g. carbon reduction in new development, allotments, housing in town centres and built-up areas)</p>	<p>matters whilst removing the need to set out generic issues such as policies for protecting the Green Belt and would not include development management policies except on particular local issues (if any).</p> <p>The plan-preparation process would be swifter- a 30-month timetable</p> <p>The framework of common national policies would be able to guide decisions even if the local plan is significantly out-of-date and cannot be relied upon. For example, they will ensure that national protections for things safeguarded solely through planning policy e.g. local wildlife sites. This would have clear statutory status equivalent to an up-to-date plan and would be used in planning decisions.</p>	<p>which would fall within the scope of future NDMPs.</p>	<p>document will be required and brought to members</p> <p>Once published a review of the scope of the emerging policies to ensure relevance/compliance with the NDMPs</p>			
Other references- Chapter 12 of the 'prospectus'							
Timescale- Further consultation in 2023							
Achieving sustainable development	<p>Amendments to reflect the importance of fostering beautiful places, better environmental and health outcomes, delivering appropriate infrastructure (including sustainable transport provision) and effective community engagement, in the wider context of promoting levelling up.</p> <p>The presumption in favour of sustainable development may</p>	<p>Enhanced emphasis on design, health and well-being and sustainable infrastructure provision</p>	<p>Design work already required, health impact assessment being commissioned.</p> <p>n/a</p>	<p>Further integration or re-focussing of existing and planned evidence base documents in relation to achieving these shared outcomes. Opportunities to focus more heavily on health and wellbeing.</p> <p>n/a</p>	<p>No</p> <p>Yes</p>	<p>No</p> <p>Yes</p>	<p>G</p> <p>A</p>

Section or paragraph	Change	TMBC implications (if implemented as currently drafted)	Local Plan commitments to date	Further work required	Further Cost	Timing changes	Red Amber Green (RAG) ¹
	<p>need amending to reflect the introduction of National Development Management Policies (once designated).</p> <p>Aligning the NPPF with the Environment Act and how to make government's priorities for the environment clear and to ensure these are given sufficient weight.</p>	<p>This would be relevant if and when the 'tilted-balance' applies.</p> <p>Enhanced emphasis on nature and biodiversity in decision taking. Local Plan Policy needed on Biodiversity Net Gain. Implications are wider than the Local Plan.</p>	None.	<p>Awaiting secondary legislation. Potential for a Green infrastructure Strategy for the borough outlining biodiversity assets and potential.</p>			
Plan-making	<p>-Replacing the statutory duty to cooperate (which would be abolished by the Bill) with a new 'Alignment Policy' to secure appropriate engagement between authorities where strategic planning considerations cut across boundaries. This will be tested at Examination and, importantly, unlike the current system authorities and Inspectors would have the ability to amend Plans to improve alignment;</p> <p>- any changes to the 'soundness' tests for assessing draft plans which may be appropriate so that plan examinations are proportionate;</p> <p>- how infrastructure delivery strategies are to be prepared;</p> <p>- the importance of effective community engagement in plan-making, including through digital means;</p>	<p>Would only become relevant if we were to progress on the basis of the new arrangements - see Annex 2. Under current system the duty to Cooperate would still apply, however amendments relating to housing targets as above would mean that discussions around asking others to assist in meeting unmet need may fall away.</p> <p>This may have implications on the scope of the evidence base required to support the local plan.</p> <p>Infrastructure Delivery Strategies would replace Infrastructure Delivery Plans</p> <p>Commitments around digital planning have already been made in the Planning White</p>	<p>n/a</p> <p>We have made already prepared some evidence to support the Regulation 18 local plan and committed to other pieces of work</p> <p>Work on the IDP is underway, however it is assumed that this would be able to be converted into a new IDS through following the new arrangements.</p> <p>This would present an opportunity as we seek to re-procure our consultation portal.</p>	<p>Review of the process required once details emerge.</p> <p>A review of the existing and proposed evidence base. To ensure it is up to date at time of commencement of work and for a new style local plan (if applicable)</p> <p>Would form part of existing infrastructure workstream.</p> <p>Existing digital planning and engagement workstream underway.</p>	Yes	Yes	R

Section or paragraph	Change	TMBC implications (if implemented as currently drafted)	Local Plan commitments to date	Further work required	Further Cost	Timing changes	Red Amber Green (RAG) ¹
	<p>- taking Neighbourhood Priorities Statements into account when preparing local plans; and</p> <p>- other procedural changes to plan-making, including a fixed timetable for local plan production, the role of gateway checks, new data standards, streamlined evidence requirements and the introduction of Environmental Outcome Reports.</p> <p>- encouraging wider uptake of strategic planning to understand and resolve environmental issues in a joined up way. Strategic planning also needs to consider rural communities to ensure that local policies are tailored to their different needs.</p>	<p>Paper so was already under consideration.</p> <p>This may replace the Parish Infrastructure Statements which are currently compiled for S106 spend.</p> <p>Would only become relevant under new arrangements. See Annex 2 for options. This could potentially ensure that more local plan make it through to adoption. The Environmental Outcome Reports will be the replacement for the SA/SEA process which was enshrined within European law.</p> <p>It is presumed this relates to enhancing participation in plan-making, and may set some specific requirements in relation to more rural areas.</p>	<p>n/a</p> <p>If proceeding under new arrangements this would become relevant- see Annex 2. The SA process would need amending to reflect new approach.</p> <p>n/a</p>	<p>Review of the process required once details emerge.</p> <p>Development of a new LDS, timing and process required once details emerge.</p> <p>Review of the process required once details emerge.</p>			
Decision-making	Changes to reflect the role of National Development Management Policies in decision-making, the introduction of Environmental Outcome Reports for assessing relevant development proposals, the importance of digital methods of community engagement, and to place greater emphasis on planning enforcement, with increased weight against intentional unauthorised development.	Planning decisions would need to reflect these new Development Management Policies in addition to, or instead of, local policies. It is assumed that the Environmental Outcome Reports would replace EIR.	n/a	Development Management to review its decision-making and enforcement processes.	No	No	G
Delivering a sufficient supply of homes	-Strengthening control over the build-out of sites with permission for residential development;	Decision-taking on planning applications would need to consider conditions on build-out plans and rates.	None because these are potential future changes to the NPPF that are likely to materialise later in 2023.	Development Management to investigate how these objectives can be captured as part of the decision-making process for	No	No	G

Section or paragraph	Change	TMBC implications (if implemented as currently drafted)	Local Plan commitments to date	Further work required	Further Cost	Timing changes	Red Amber Green (RAG) ¹
	<p>-Enshrine commitment to lifting the 5-year housing supply requirement where plans are fewer than 5 years old; and</p> <p>-Carry forward the more immediate changes proposed within NPPF tracked changes version</p>	<p>Need to establish monitoring system to keep check of annual reports from developers on the build-out of their permitted schemes and how these relate to commitments in agreed build-out plans.</p> <p>Removing the need for a rolling 5-year housing supply requirement where adopted local plans are up-to-date is an incentive to move forward with pace with plan-making.</p>	<p>The policy team has produced and annually reviews an action plan on housing delivery in response to the Housing Delivery Test measurements published by the government.</p>	<p>planning applications and how this can be effectively monitored on an annual basis, following the grant of planning permission.</p> <p>Anticipate further details from the government through secondary legislation supporting the Levelling Up and Regeneration Bill (after Royal Assent, Spring 2023) and possibly planning practice guidance.</p> <p>Reflecting within monitoring practices.</p>			
Building a strong, competitive economy	<p>A more positive framework for supporting economic development, including reviewing the approach to supporting employment land, and the consideration of supply chain and connectivity issues, including responding to information gathered as part of the Future of Freight Call for Evidence.</p>	<p>The completion of the commissioned Economic Development Needs Study (EDNS) remains relevant in responding to the proposed NPPF Change. Any approach/methodology changes regarding the assessment of employment land will need to be taken into consideration in progressing part 2 of the study.</p> <p>The future of freight call for evidence may have implications for the borough given the volume of movements on strategic roads and demand for lorry parking in Kent and should be monitored.</p>	<p>None. The allocation of employment land will be progressed in more detail at the reg19 stage of plan making. This will include relevant draft policies which safeguard existing employment sites as well as support new development, in addition to strategic allocations which respond to need identified in the EDNS.</p>	<p>Any amendment to the scope of the second stage of the EDNS should be discussed with the appointed consultants.</p>	No	No	G
Ensuring the vitality of town centres	<p>Review of the approach to town centre and out-of-centre development in the light of the Use Class Order changes.</p>	<p>A retail needs assessment is to be included in the second part of the EDNS. Any further detail provided in terms of the change in approach to town centre vs edge-of-centre development will need to be</p>	<p>None. Relevant policies and site allocations will be included in the reg19 Plan as appropriate.</p>	<p>As above.</p>	No	No	G

Section or paragraph	Change	TMBC implications (if implemented as currently drafted)	Local Plan commitments to date	Further work required	Further Cost	Timing changes	Red Amber Green (RAG) ¹
		reflected in the evidence base recommendations and draft Local Plan policies.					
Promoting sustainable transport	<p>Changes required to reflect the government's commitment to encouraging active travel through the 'Gear Change' programme, the forthcoming update to Local Transport Plan's Guidance, any update to Manual for Streets and wider work to reduce carbon consumption from transport planning choices as set out in the Transport Decarbonisation Plan.</p> <p>Review policy on the freight sector and supply chains infrastructure, such as lorry parking, warehouse space and rail freight hubs. Drawing on findings from the government's 'Future of Freight' call for evidence which will be launched in due course.</p>	<p>The completion of the LCWIP and related sustainable transport policies are of growing importance to ensure that future development in the borough provides residents with mode choice through the provision of appropriate walking and cycling infrastructure, as well as access to rail and bus connectivity.</p> <p>The provision of lorry parking is not a borough responsibility, but this has long been pressure for better facilities in the borough given the convergence of strategic roads in the north.</p>	<p>There was a draft policy in the withdrawn Local Plan LP23. An LCWIP was not however embedded as evidence and there was no specific policy on active travel.</p> <p>LTP5 will provide an important policy steer but this is currently delayed.</p> <p>KCC and National Highways to provide a steer on this, as well as Freight UK and the Road Haulage Association. Lorry parking at laybys and junctions overnight is an everyday problem.</p>	<p>Funding required to complete the LCWIP once growth and spatial strategies have been confirmed.</p> <p>Research required into best practice Local Plan policy approaches, this can be desk based. Engage with Active Travel England.</p> <p>Engagement with partners and site promoters should conclude if there is demand for a facility(ies). A potentially controversial matter if additional land is required in the borough.</p>	<p>Yes</p> <p>No</p>	No	A
Achieving well-designed places	Changes to reflect provisions in the Bill on mandatory authority wide design codes and supplementary plans.	<p>Prioritisation of design code work, including commissioning of characterisation work</p> <p>Resourcing/staff implications.</p>	Reference to good design and preparation of a design code.	<p>Commissioning of a Characterisation Study and Design Code/s.</p> <p>Consider resourcing.</p>	No	Yes	A
Protecting Green Belt land	Amendments to bring forward measures to 'green' the Green Belt, to improve its environmental and recreational value.	<p>Enhancement of the biodiversity value of the Green Belt supported by a Local Nature Recovery Strategy reflected in plan-making.</p> <p>Decision-taking on applications for the redevelopment of existing sites in the Green Belt will need to consider how the environmental and recreational value of the designation could be improved.</p>	None to-date because this has not been the focus of existing national policy on the Green Belt.	<p>Work with Kent County Council on the preparation of the Local Nature Recovery Strategy (LNRS) for the county and how it can deliver the objective of greening the Green Belt.</p> <p>Anticipate secondary legislation supporting the Environment Act to provide more details on how LNRSs are prepared.</p> <p>Potential need for a Green Infrastructure strategy that includes</p>	Yes	Yes	A

Section or paragraph	Change	TMBC implications (if implemented as currently drafted)	Local Plan commitments to date	Further work required	Further Cost	Timing changes	Red Amber Green (RAG) ¹
		<p>Need to review management plans for TMBC-owned land within the Green Belt to help deliver the objectives.</p> <p>Potential implications for public rights of way and how these can improve access to the natural beauty of the Green Belt, although this is a matter for Kent County Council as the lead authority.</p>		an assessment of the current biodiversity value of the Green Belt and opportunities for enhancements.			
Meeting the challenge of climate change, flooding and coastal change	Changes to reflect and incorporate the immediate proposals being consulted on currently and any further changes needed to make sure that national policy goes as far as possible in addressing climate change.	<p>Requirement to approve applications (Development Management) for the repowering and life-extension of existing renewables sites where its impacts are or can be made acceptable.</p> <p>A greater emphasis to support Development Management proposals for energy efficiency improvements through adaptations of existing buildings (where these do not already benefit from Permitted Development rights).</p>	<p>A Local Plan commitment to achieving Sustainable patterns of development.</p> <p>A Level 1 Strategic Flood Risk Assessment (SFRA) is already being prepared which takes account of climate change and coastal/river change.</p> <p>Habitats Regulation Assessment and Air Quality Assessment is planned.</p> <p>Green Infrastructure and Biodiversity Assessment including Tree Canopy Coverage (to be confirmed).</p> <p>Statutory Biodiversity Net Gain requirements.</p>	It is anticipated that Level 2 SFRA will be required- already in work programme.	Yes	No	A
Conserving and enhancing the natural environment	-Set out how Local Nature Recovery Strategies, introduced by the Environment Act, should be given weight in the plan-making process;	Local Plan will need updating to reflect this requirement. KCC to prepare the LNRS. Awaiting secondary legislation to provide the detail for the LNRS.	None.	Potential for a Green infrastructure Strategy for the borough outlining biodiversity assets and potential. This could feed into the countywide LNRS.	Yes	Yes	A
	- reflect updated guidance on addressing nutrient pollution, including expectations on	Nutrient Neutrality is not an identified issue in TMBC.	n/a	n/a	No	No	G

Section or paragraph	Change	TMBC implications (if implemented as currently drafted)	Local Plan commitments to date	Further work required	Further Cost	Timing changes	Red Amber Green (RAG) ¹
	<p>strategic mitigation in sensitive catchment areas;</p> <p>- reflect a review of policy on ancient woodland, as agreed in the passage of the Environment Act 2021;</p> <p>- reflect the introduction of mandatory Biodiversity Net Gain from 2023;</p> <p>-incorporate nature into development through better planning for green infrastructure and nature-friendly buildings.</p>	<p>Local Plan, Development Management planning decisions and enforcement would need to reflect any changes.</p> <p>Enhanced emphasis on biodiversity in validation, decision taking and monitoring. Local Plan Policy needed on Biodiversity Net Gain. Implications are wider than the Local Plan.</p> <p>Enhanced emphasis on nature in decision taking.</p>	<p>Ancient Woodland Survey carried out for TMBC in 2010.</p> <p>Reg 18 LP considered potential for a higher than 10% target.</p>	<p>None</p> <p>Potential for a Green infrastructure Strategy for the borough to identify potential locations for BNG in advance of/and to feed into the countywide LNRS. Higher % target will need to be viability tested.</p> <p>Potential for a Green infrastructure Strategy for the borough outlining biodiversity assets and potential.</p>	<p>No</p> <p>Yes</p> <p>Yes</p>	<p>No</p> <p>Yes</p> <p>Yes</p>	<p>G</p> <p>A</p> <p>A</p>
Conserving and enhancing the historic environment	Amendments to reflect the changed status of some historic designations through the Bill	Local Plan site allocations, Development Management planning decisions and enforcement would need to reflect the new changed status of the historic designations.	A Heritage Strategy is currently being prepared for the Local Plan evidence base which sets out a positive strategy for the conservation and enjoyment of the historic environment.	<p>A review and update (if required) of the Heritage Strategy.</p> <p>Planning Policy, Development Management and enforcement would have to review their decision-making processes.</p>	Yes	No	A

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Annex 2 Options for local plan preparation

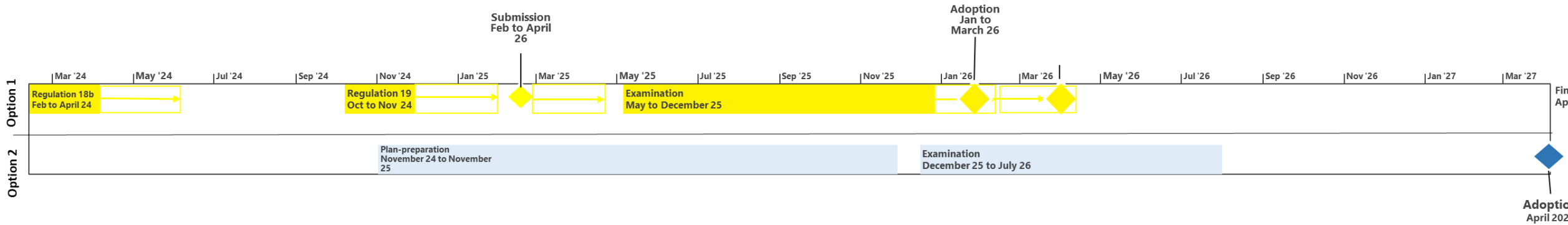
Area of work	Option 1- Proceed under current arrangements	Option 2- Proceed under new arrangements
Date of adoption	Between January and March 2026 – subject to no unforeseen delays arising from future changes to the NPPF, or outcomes of a further Regulation 18 consultation	April 2027 at earliest 'Presumption in favour of sustainable development' for longer period (1 year longer) but changes to Housing Land Supply mean not so critical
Duty to Cooperate	Duty to Cooperate applies- so pass/fail	Duty to Cooperate no longer applies. To be replaced with an 'alignment policy' however details not yet known
Timing	Ability to set own timetable and timing of stages Achievable deadline of 30 June 2025 for submission, even with an additional Regulation 18 stage Option for a pause until the outcomes of the NPPF consultation (late Spring 2023)- however this makes this option more challenging	Timetable to be dictated- 30 months only More intensive period for production but with likely savings in staff time and focus Would be one of the 'frontrunners' for the new style plans – most likely with support from government
Content	More detailed and locally-specific matters for inclusion- strategic and non-strategic policies. Ability to include development management policies- but some could be superseded by NDMPs and potential for abortive work	More concise plan covering strategic issues and matters relating to allocation of land Cannot include Development Management policies Ability to embed 'digital planning' from beginning of the process

	<p>NPPF changes mean that can include lower housing targets than the OAN and do not need to go into the Green Belt to meet targets</p> <p>This would be a change in direction from Regulation 18 but also supported by the representations</p>	<p>NPPF changes mean that can include lower housing targets than the OAN and do not need to go into the Green Belt to meet targets</p> <p>The existing Regulation 18 work would unlikely have much status, however due to its high-level nature it still provides a strong indication of local opinion which could be reflected</p>
Process	<p>Certainty- known, tried and tested arrangements under the existing Regulations</p> <p>Unclear at present what the implications of the removal of the 'justified' test of soundness and other amendments would mean on the existing examination process</p> <p>Sustainability Appraisal (SA) applies- tried and tested</p>	<p>New 'gateway approach' to plan preparation applies- intended to reduce risk of unsoundness</p> <p>Lack of certainty or timing of new arrangements in particular detail or process around plan preparation, timetable stages and approach to examination</p> <p>Unclear at present what the implications of the removal of the 'justified' test of soundness with regard to new process</p> <p>Unclear of process or content of the Environmental Outcome Report – however intentions are for it to be more streamlined and less onerous than SA</p>
Transitional arrangements	<p>As our Regulation 18 local plan did not include a policies map or site allocations we do not benefit from the reduced housing land supply requirement of 4 years, opposed to 5 (see paragraph 17 of the consultation) – seen as an incentive for plans currently within the system to progress under existing arrangements</p>	n/a

	<p>We would not be required to begin preparing a new-style plan until the newly adopted plan is 5 years old (anticipated March 2031)</p> <p>Transitional arrangements and timing of decisions relating to introduction of new Development Management policies could face further change or delay</p>	
Evidence Base	<p>Will be able to utilise the existing evidence base documents- e.g. Heritage Strategy, Level 1 SFRA</p> <p>Some pieces of evidence would need revisiting if housing targets were to change (e.g. Housing Market Delivery Study, Economic Development Needs Study) - with cost implications</p> <p>More detailed and costly – until clarity is provided on the implications of the removal of the ‘justified’ test on plans in preparation now</p>	<p>Will be able to utilise some of the existing evidence base documents- e.g. Heritage Strategy, Level 1 SFRA</p> <p>Some other existing evidence base work would become misaligned with the proposed plan period and/or out of date – costs of this already incurred</p> <p>Potential for lower evidence-base requirements with potential significant future cost savings – subject to further guidance on ‘proportionate’ evidence</p> <p>Opportunity to fully embrace the ‘digital agenda’ in the evidence base and data</p>
Design Code	<p>It is not realistic to be able to include design codes within the Local Plan so a Supplementary Plan (SP) would be the only option – additional costs associated with ‘light touch’ examination</p> <p>Design Code work programme around 18 months- commencing mid 2026</p>	<p>Options to include design coding within Local Plan or Supplementary Plan (SP with additional costs)</p> <p>Design Code characterisation work commencing late Summer 2023</p> <p>Design code to include parking standards and layouts – in place at an earlier date (around April 2027)</p>

	Design code to include parking standards and layouts– in place at a later date (late 2027) as would not be able to resource until latter period of local plan production	
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Annex 3- Timetable options



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Department for Levelling Up,
Housing & Communities

National Planning Policy Framework

Showing indicative changes for consultation



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1. Introduction

1. The National Planning Policy Framework sets out the Government's planning policies for England and how these should be applied¹. It provides a framework within which locally-prepared plans can provide for sufficient housing and other development in a sustainable manner.~~can be produced.~~ Preparing and maintaining up-to-date plans should be seen as a priority in meeting this objective.
2. Planning law requires that applications for planning permission be determined in accordance with the development plan², unless material considerations indicate otherwise³. The National Planning Policy Framework must be taken into account in preparing the development plan, and is a material consideration in planning decisions. Planning policies and decisions must also reflect relevant international obligations and statutory requirements.
3. The Framework should be read as a whole (including its footnotes and annexes). General references to planning policies in the Framework should be applied in a way that is appropriate to the type of plan being produced, taking into account policy on plan-making in chapter 3.
4. The Framework should be read in conjunction with the Government's planning policy for traveller sites, and its planning policy for waste. When preparing plans or making decisions on applications for these types of development, regard should also be had to the policies in this Framework, where relevant.
5. The Framework does not contain specific policies for nationally significant infrastructure projects. These are determined in accordance with the decision-making framework in the Planning Act 2008 (as amended) and relevant national policy statements for major infrastructure, as well as any other matters that are relevant (which may include the National Planning Policy Framework). National policy statements form part of the overall framework of national planning policy, and may be a material consideration in preparing plans and making decisions on planning applications.
6. Other statements of government policy may be material when preparing plans or deciding applications, such as relevant Written Ministerial Statements and endorsed recommendations of the National Infrastructure Commission.

¹ This document replaces the previous version of the National Planning Policy Framework published in ~~February 2019~~ July 2021.

² This includes local and neighbourhood plans that have been brought into force and any spatial development strategies produced by combined authorities or elected Mayors (see Glossary).

³ Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990.

2. Achieving sustainable development

7. The purpose of the planning system is to contribute to the achievement of sustainable development, including the provision of homes and other forms of development, including supporting infrastructure in a sustainable manner. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs⁴. At a similarly high level, members of the United Nations – including the United Kingdom – have agreed to pursue the 17 Global Goals for Sustainable Development in the period to 2030. These address social progress, economic well-being and environmental protection⁵.
8. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):
 - a) **an economic objective** – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
 - b) **a social objective** – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
 - c) **an environmental objective** – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.
9. These objectives should be delivered through the preparation and implementation of plans and the application of the policies in this Framework; they are not criteria against which every decision can or should be judged. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.
10. So that sustainable development is pursued in a positive way, at the heart of the Framework is a **presumption in favour of sustainable development** (paragraph 11).

⁴ Resolution 42/187 of the United Nations General Assembly.

⁵ Transforming our World: the 2030 Agenda for Sustainable Development.

The presumption in favour of sustainable development

11. Plans and decisions should apply a presumption in favour of sustainable development.

For **plan-making** this means that:

- a) all plans should promote a sustainable pattern of development that seeks to: meet the development needs of their area; align growth and infrastructure; improve the environment; mitigate climate change (including by making effective use of land in urban areas) and adapt to its effects;
- b) strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas⁶, unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area⁷; ~~or~~
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; such adverse impacts may include situations where meeting need in full would mean building at densities significantly out of character with the existing area⁸; or
 - iii. there is clear evidence of past over-delivery, in terms of the number of homes permitted compared to the housing requirement in the existing plan; in which case this over-delivery may be deducted from the provision required in the new plan.

For **decision-taking** this means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or

⁶ As established through statements of common ground (see paragraph 27).

⁷ The policies referred to are those in this Framework (rather than those in development plans) relating to: habitats sites (and those sites listed in paragraph 184) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 77); and areas at risk of flooding or coastal change.

⁸ Taking into account any design guides or codes which form part of the development plan for the area, or which are adopted as supplementary planning guidance.

- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date⁹, granting permission unless:
- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed⁷; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

12. The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.
13. The application of the presumption has implications for the way communities engage in neighbourhood planning. Neighbourhood plans should support the delivery of strategic policies contained in local plans or spatial development strategies; and should shape and direct development that is outside of these strategic policies.
14. In situations where the presumption (at paragraph 11d) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided ~~all of~~ the following apply¹⁰:
- a) the neighbourhood plan became part of the development plan ~~two five~~ years or less before the date on which the decision is made; ~~and~~
 - b) the neighbourhood plan contains policies and allocations to meet its identified housing requirement~~;~~
 - ~~c) the local planning authority has at least a three year supply of deliverable housing sites (against its five year housing supply requirement, including the appropriate buffer as set out in paragraph 74); and~~
 - ~~d) the local planning authority's housing delivery was at least 45% of that required¹⁴ over the previous three years.~~

⁹ This includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (~~with the appropriate buffer, as set out in paragraph 74 and its the relevant housing requirement set out in strategic policies is more than five years old, unless these strategic policies have been reviewed and found not to require updating~~); or where the Housing Delivery Test indicates that the delivery of housing was ~~substantially below (less than 75% of)~~ the housing requirement over the previous three years (~~unless permissions for housing in excess of 115% of the requirement over the same period have been granted, as set out in footnote 49~~).

¹⁰ Transitional arrangements are set out in Annex 1.

¹⁴ ~~Assessed against the Housing Delivery Test, from November 2018 onwards.~~

3. Plan-making

15. The planning system should be genuinely plan-led. Succinct and up-to-date plans should provide a positive vision for the future of each area; a framework for [addressing meeting](#) housing needs and [addressing](#) other economic, social and environmental priorities; and a platform for local people to shape their surroundings.
16. Plans should:
 - a) be prepared with the objective of contributing to the achievement of sustainable development¹²;
 - b) be prepared positively, in a way that is aspirational but deliverable;
 - c) be shaped by early, proportionate and effective engagement between plan-makers and communities, local organisations, businesses, infrastructure providers and operators and statutory consultees;
 - d) contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals;
 - e) be accessible through the use of digital tools to assist public involvement and policy presentation; and
 - f) serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area (including policies in this Framework, where relevant).

The plan-making framework

17. The development plan must include strategic policies to address each local planning authority's priorities for the development and use of land in its area¹³. These strategic policies can be produced in different ways, depending on the issues and opportunities facing each area. They can be contained in:
 - a) joint or individual local plans, produced by authorities working together or independently (and which may also contain non-strategic policies); and/or
 - b) a spatial development strategy produced by an elected Mayor or combined authority, where plan-making powers have been conferred.
18. Policies to address non-strategic matters should be included in local plans that contain both strategic and non-strategic policies, and/or in local or neighbourhood plans that contain just non-strategic policies.

¹² This is a legal requirement of local planning authorities exercising their plan-making functions (section 39(2) of the Planning and Compulsory Purchase Act 2004).

¹³ Section 19(1B-1E) of the Planning and Compulsory Purchase Act 2004.

19. The development plan for an area comprises the combination of strategic and non-strategic policies which are in force at a particular time.

Strategic policies

20. Strategic policies should set out an overall strategy for the pattern, scale and design quality of places, (to ensure outcomes support beauty and placemaking), and make sufficient provision¹⁴ for:
- a) housing (including affordable housing), employment, retail, leisure and other commercial development;
 - b) infrastructure for transport, telecommunications, security, waste management, water supply, wastewater, flood risk and coastal change management, and the provision of minerals and energy (including heat);
 - c) community facilities (such as health, education and cultural infrastructure); and
 - d) conservation and enhancement of the natural, built and historic environment, including landscapes and green infrastructure, and planning measures to address climate change mitigation and adaptation.
21. Plans should make explicit which policies are strategic policies¹⁵. These should be limited to those necessary to address the strategic priorities of the area (and any relevant cross-boundary issues), to provide a clear starting point for any non-strategic policies that are needed. Strategic policies should not extend to detailed matters that are more appropriately dealt with through neighbourhood plans or other non-strategic policies.
22. Strategic policies should look ahead over a minimum 15 year period from adoption¹⁶, to anticipate and respond to long-term requirements and opportunities, such as those arising from major improvements in infrastructure. scale developments such as new settlements or significant extensions to existing villages and towns form part of the strategy for the area, policies should be set within a vision that looks further ahead (at least 30 years), to take into account the likely timescale for delivery.¹⁷
23. Broad locations for development should be indicated on a key diagram, and land-use designations and allocations identified on a policies map. Strategic policies should provide a clear strategy for bringing sufficient land forward, and at a sufficient rate, to address objectively assessed needs over the plan period, in line with the presumption in favour of sustainable development. This should include planning for and allocating sufficient sites to deliver the strategic priorities of the area (except insofar as these needs can be demonstrated to be met more

¹⁴ In line with the presumption in favour of sustainable development.

¹⁵ Where a single local plan is prepared the non-strategic policies should be clearly distinguished from the strategic policies.

¹⁶ Except in relation to town centre development, as set out in chapter 7.

¹⁷ Transitional arrangements are set out in Annex 1.

appropriately through other mechanisms, such as brownfield registers or non-strategic policies)¹⁸.

Maintaining effective cooperation

24. Local planning authorities and county councils (in two-tier areas) are under a duty to cooperate with each other, and with other prescribed bodies, on strategic matters that cross administrative boundaries.
25. Strategic policy-making authorities should collaborate to identify the relevant strategic matters which they need to address in their plans. They should also engage with their local communities and relevant bodies including Local Enterprise Partnerships, Local Nature Partnerships, the Marine Management Organisation, county councils, infrastructure providers, elected Mayors and combined authorities (in cases where Mayors or combined authorities do not have plan-making powers).
26. Effective and on-going joint working between strategic policy-making authorities and relevant bodies is integral to the production of a positively prepared and justified strategy. In particular, joint working should help to determine where additional infrastructure is necessary, and whether development needs that cannot be met wholly within a particular plan area could be met elsewhere.
27. In order to demonstrate effective and on-going joint working, strategic policy-making authorities should prepare and maintain one or more statements of common ground, documenting the cross-boundary matters being addressed and progress in cooperating to address these. These should be produced using the approach set out in national planning guidance, and be made publicly available throughout the plan-making process to provide transparency.

Non-strategic policies

28. Non-strategic policies should be used by local planning authorities and communities to set out more detailed policies for specific areas, neighbourhoods or types of development. This can include allocating sites, the provision of infrastructure and community facilities at a local level, establishing design principles, conserving and enhancing the natural and historic environment and setting out other development management policies.
29. Neighbourhood planning gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan. Neighbourhood plans should not promote less development than set out in the strategic policies for the area, or undermine those strategic policies¹⁹.

¹⁸ For spatial development strategies, allocations, land use designations and a policies map are needed only where the power to make allocations has been conferred.

¹⁹ Neighbourhood plans must be in general conformity with the strategic policies contained in any development plan that covers their area.

30. Once a neighbourhood plan has been brought into force, the policies it contains take precedence over existing non-strategic policies in a local plan covering the neighbourhood area, where they are in conflict; unless they are superseded by strategic or non-strategic policies that are adopted subsequently.

Preparing and reviewing plans

31. The preparation and review of all policies should be underpinned by relevant and up-to-date evidence. This should be adequate and proportionate, focused tightly on supporting and justifying the policies concerned, and take into account relevant market signals.
32. Local plans and spatial development strategies should be informed throughout their preparation by a sustainability appraisal that meets the relevant legal requirements²⁰. This should demonstrate how the plan has addressed relevant economic, social and environmental objectives (including opportunities for net gains). Significant adverse impacts on these objectives should be avoided and, wherever possible, alternative options which reduce or eliminate such impacts should be pursued. Where significant adverse impacts are unavoidable, suitable mitigation measures should be proposed (or, where this is not possible, compensatory measures should be considered).
33. Policies in local plans and spatial development strategies should be reviewed to assess whether they need updating at least once every five years, and should then be updated as necessary²¹. Reviews should be completed no later than five years from the adoption date of a plan, and should take into account changing circumstances affecting the area, or any relevant changes in national policy. Relevant strategic policies will need updating at least once every five years if their applicable local housing need figure has changed significantly; and they are likely to require earlier review if local housing need is expected to change significantly in the near future.

Development contributions

34. 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, green and digital infrastructure). Such policies should not undermine the deliverability of the plan.

²⁰ The reference to relevant legal requirements refers to Strategic Environmental Assessment. Neighbourhood plans may require Strategic Environmental Assessment, but only where there are potentially significant environmental effects.

²¹ Reviews at least every five years are a legal requirement for all local plans (Regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012).

Examining plans

35. Local plans and spatial development strategies are examined to assess whether they have been prepared in accordance with legal and procedural requirements, and whether they are sound. Plans are 'sound' if they are:
- a) **Positively prepared** – providing a strategy which, ~~as a minimum,~~ seeks to meet the area's objectively assessed needs so far as possible, taking into account the policies in this Framework²²; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;
 - b) ~~Justified~~ – ~~an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;~~
 - e)b) **Effective** – deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and
 - d)c) **Consistent with national policy** – enabling the delivery of sustainable development in accordance with the policies in this Framework and other statements of national planning policy, where relevant.
36. These tests of soundness will be applied to non-strategic policies²³ in a proportionate way, taking into account the extent to which they are consistent with relevant strategic policies for the area.²⁴
37. Neighbourhood plans must meet certain 'basic conditions' and other legal requirements²⁵ before they can come into force. These are tested through an independent examination before the neighbourhood plan may proceed to referendum.

²² Where this relates to housing, such needs should be assessed using a clear and justified method, as set out in paragraph 61 of this Framework.

²³ Where these are contained in a local plan.

²⁴ Transitional arrangements relating to the tests of soundness are set out in Annex 1.

²⁵ As set out in paragraph 8 of Schedule 4B to the Town and Country Planning Act 1990 (as amended).

4. Decision-making

38. Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

Pre-application engagement and front-loading

39. Early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties. Good quality pre-application discussion enables better coordination between public and private resources and improved outcomes for the community.
40. Local planning authorities have a key role to play in encouraging other parties to take maximum advantage of the pre-application stage. They cannot require that a developer engages with them before submitting a planning application, but they should encourage take-up of any pre-application services they offer. They should also, where they think this would be beneficial, encourage any applicants who are not already required to do so by law to engage with the local community and, where relevant, with statutory and non-statutory consultees, before submitting their applications.
41. The more issues that can be resolved at pre-application stage, including the need to deliver improvements in infrastructure and affordable housing, the greater the benefits. For their role in the planning system to be effective and positive, statutory planning consultees will need to take the same early, pro-active approach, and provide advice in a timely manner throughout the development process. This assists local planning authorities in issuing timely decisions, helping to ensure that applicants do not experience unnecessary delays and costs.
42. The participation of other consenting bodies in pre-application discussions should enable early consideration of all the fundamental issues relating to whether a particular development will be acceptable in principle, even where other consents relating to how a development is built or operated are needed at a later stage. Wherever possible, parallel processing of other consents should be encouraged to help speed up the process and resolve any issues as early as possible.
43. The right information is crucial to good decision-making, particularly where formal assessments are required (such as Environmental Impact Assessment, Habitats Regulations assessment and flood risk assessment). To avoid delay, applicants should discuss what information is needed with the local planning authority and expert bodies as early as possible.
44. Local planning authorities should publish a list of their information requirements for applications for planning permission. These requirements should be kept to the minimum needed to make decisions, and should be reviewed at least every two

years. Local planning authorities should only request supporting information that is relevant, necessary and material to the application in question.

45. Local planning authorities should consult the appropriate bodies when considering applications for the siting of, or changes to, major hazard sites, installations or pipelines, or for development around them.
46. Applicants and local planning authorities should consider the potential for voluntary planning performance agreements, where this might achieve a faster and more effective application process. Planning performance agreements are likely to be needed for applications that are particularly large or complex to determine.

Determining applications

47. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing.
48. Local planning authorities may give weight to relevant policies in emerging plans according to:
 - a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
 - b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
 - c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)²⁶.
49. However, in the context of the Framework – and in particular the presumption in favour of sustainable development – arguments that an application is premature are unlikely to justify a refusal of planning permission other than in the limited circumstances where both:
 - a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging plan; and
 - b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.

²⁶ During the transitional period for emerging plans submitted for examination (set out in paragraph 220), consistency should be tested against the original Framework published in March 2012.

50. Refusal of planning permission on grounds of prematurity will seldom be justified where a draft plan has yet to be submitted for examination; or – in the case of a neighbourhood plan – before the end of the local planning authority publicity period on the draft plan. Where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how granting permission for the development concerned would prejudice the outcome of the plan-making process.

Tailoring planning controls to local circumstances

51. Local planning authorities are encouraged to use Local Development Orders to set the planning framework for particular areas or categories of development where the impacts would be acceptable, and in particular where this would promote economic, social or environmental gains for the area.
52. Communities can use Neighbourhood Development Orders and Community Right to Build Orders to grant planning permission. These require the support of the local community through a referendum. Local planning authorities should take a proactive and positive approach to such proposals, working collaboratively with community organisations to resolve any issues before draft orders are submitted for examination.
53. The use of Article 4 directions to remove national permitted development rights should:
- a) where they relate to change from non-residential use to residential use, be limited to situations where an Article 4 direction is necessary to avoid wholly unacceptable adverse impacts (this could include the loss of the essential core of a primary shopping area which would seriously undermine its vitality and viability, but would be very unlikely to extend to the whole of a town centre)
 - b) in other cases, be limited to situations where an Article 4 direction is necessary to protect local amenity or the well-being of the area (this could include the use of Article 4 directions to require planning permission for the demolition of local facilities)
 - c) in all cases, be based on robust evidence, and apply to the smallest geographical area possible.
54. Similarly, planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so.

Planning conditions and obligations

55. Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.
56. Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted,

enforceable, precise and reasonable in all other respects. Agreeing conditions early is beneficial to all parties involved in the process and can speed up decision-making. Conditions that are required to be discharged before development commences should be avoided, unless there is a clear justification²⁷.

57. Planning obligations must only be sought where they meet all of the following tests²⁸:
- a) necessary to make the development acceptable in planning terms;
 - b) directly related to the development; and
 - c) fairly and reasonably related in scale and kind to the development.
58. Where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force. All viability assessments, including any undertaken at the plan-making stage, should reflect the recommended approach in national planning guidance, including standardised inputs, and should be made publicly available.

Enforcement

59. Effective enforcement is important to maintain public confidence in the planning system. Enforcement action is discretionary, and local planning authorities should act proportionately in responding to suspected breaches of planning control. They should consider publishing a local enforcement plan to manage enforcement proactively, in a way that is appropriate to their area. This should set out how they will monitor the implementation of planning permissions, investigate alleged cases of unauthorised development and take action where appropriate.

²⁷ Sections 100ZA(4-6) of the Town and Country Planning Act 1990 will require the applicant's written agreement to the terms of a pre-commencement condition, unless prescribed circumstances apply.

²⁸ Set out in Regulation 122(2) of the Community Infrastructure Levy Regulations 2010.

5. Delivering a sufficient supply of homes

60. To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay. The overall aim should be to meet as much housing need as possible with an appropriate mix of housing types to meet the needs of communities.
61. To determine the minimum number of homes needed, strategic policies should be informed by a local housing need assessment, conducted using the standard method in national planning guidance. The outcome of the standard method is an advisory starting-point for establishing a housing requirement for the area (see paragraph 67 below). There may be —unless exceptional circumstances relating to the particular characteristics of an authority which justify an alternative approach to assessing housing need; in which case the alternative used which should also reflects current and future demographic trends and market signals. In addition to the local housing need figure, any needs that cannot be met within neighbouring areas should also be taken into account in establishing the amount of housing to be planned for²⁹.
- ~~61-62.~~ The Standard Method incorporates an uplift for those urban local authorities in the top 20 most populated cities and urban centres. This uplift should be accommodated within those cities and urban centres themselves unless it would conflict with the policies in this Framework and legal obligations³⁰.
- ~~62-63.~~ Within this context of establishing need, the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people including for retirement housing, housing-with-care and care homes, students, people with disabilities, service families, travellers^{34, 32}, people who rent their homes and people wishing to commission or build their own homes³³).

²⁹ Transitional arrangements are set out in Annex 1.

³⁰ In doing so, brownfield and other under-utilised urban sites should be prioritised, and on these sites density should be optimised to promote the most efficient use of land, something which can be informed by masterplans and design codes. This is to ensure that homes are built in the right places, to make the most of existing infrastructure, and to allow people to live near the services they rely on, making travel patterns more sustainable.

³² Planning Policy for Traveller Sites sets out how travellers' housing needs should be assessed for those covered by the definition in Annex 1 of that document.

³³ Under section 1 of the Self Build and Custom Housebuilding Act 2015, local authorities are required to keep a register of those seeking to acquire serviced plots in the area for their own self-build and custom house building. They are also subject to duties under sections 2 and 2A of the Act to have regard to this and to give enough suitable development permissions to meet the identified demand. Self and custom-build properties could provide market or affordable housing.

~~63.64.~~ Where a need for affordable housing is identified, planning policies should specify the type of affordable housing required³⁴, and expect it to be met on-site unless:

- a) off-site provision or an appropriate financial contribution in lieu can be robustly justified; and
- b) the agreed approach contributes to the objective of creating mixed and balanced communities.

~~64.65.~~ Provision of affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas (where policies may set out a lower threshold of 5 units or fewer). To support the re-use of brownfield land, where vacant buildings are being reused or redeveloped, any affordable housing contribution due should be reduced by a proportionate amount³⁵.

~~65.66.~~ Where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the total number of homes to be available for affordable home ownership³⁶, unless this would exceed the level of affordable housing required in the area, or significantly prejudice the ability to meet the identified affordable housing needs of specific groups. Exemptions to this 10% requirement should also be made where the site or proposed development:

- a) provides solely for Build to Rent homes;
- b) provides specialist accommodation for a group of people with specific needs (such as purpose-built accommodation for the elderly or students);
- c) is proposed to be developed by people who wish to build or commission their own homes; or
- d) is exclusively for affordable housing, an entry-level exception site or a rural exception site.

~~66.67.~~ Strategic policy-making authorities should establish a housing requirement figure for their whole area, which shows the extent to which their identified housing need (and any needs that cannot be met within neighbouring areas) can be met over the plan period. The requirement may be higher than the identified housing need, if it includes provision for neighbouring areas, or reflects growth ambitions linked to economic development or infrastructure investment. Within this overall requirement, strategic policies should also set out a housing requirement for designated neighbourhood areas which reflects the overall strategy for the pattern and scale of development and any relevant allocations³⁷. Once the strategic policies have been adopted, these figures should not need re-testing at the neighbourhood plan

³⁴ Applying the definition in Annex 2 to this Framework.

³⁵ Equivalent to the existing gross floorspace of the existing buildings. This does not apply to vacant buildings which have been abandoned.

³⁶ As part of the overall affordable housing contribution from the site.

³⁷ Except where a Mayoral, combined authority or high-level joint plan is being prepared as a framework for strategic policies at the individual local authority level; in which case it may be most appropriate for the local authority plans to provide the requirement figure.

examination, unless there has been a significant change in circumstances that affects the requirement.

67-68. Where it is not possible to provide a requirement figure for a neighbourhood area³⁸, the local planning authority should provide an indicative figure, if requested to do so by the neighbourhood planning body. This figure should take into account factors such as the latest evidence of local housing need, the population of the neighbourhood area and the most recently available planning strategy of the local planning authority.

Identifying land for homes

68-69. Strategic policy-making authorities should have a clear understanding of the land available in their area through the preparation of a strategic housing land availability assessment. From this, planning policies should identify a sufficient supply and mix of sites, taking into account their availability, suitability and likely economic viability. Planning policies should identify a supply of:

- a) specific, deliverable sites for years one to five of the plan period³⁹; and
- b) specific, developable sites or broad locations for growth, for years 6-10 and, where possible, for years 11-15 of the plan.

69-70. Small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly. To promote the development of a good mix of sites local planning authorities should:

- a) identify, through the development plan and brownfield registers, land to accommodate at least 10% of their housing requirement on sites no larger than one hectare; unless it can be shown, through the preparation of relevant plan policies, that there are strong reasons why this 10% target cannot be achieved;
- b) use tools such as area-wide design assessments and Local Development Orders to help bring small and medium sized sites forward;
- c) support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes; and
- d) work with developers to encourage the sub-division of large sites where this could help to speed up the delivery of homes.

70-71. Neighbourhood planning groups should also give particular consideration to the opportunities for allocating small and medium-sized sites (of a size consistent with paragraph 69a) suitable for housing in their area.

³⁸ Because a neighbourhood area is designated at a late stage in the strategic policy-making process, or after strategic policies have been adopted; or in instances where strategic policies for housing are out of date.

³⁹ With an appropriate buffer, as set out in paragraph 74. See Glossary for definitions of deliverable and developable.

71.72. Where an allowance is to be made for windfall sites as part of anticipated supply, there should be compelling evidence that they will provide a reliable source of supply. Any allowance should be realistic having regard to the strategic housing land availability assessment, historic windfall delivery rates and expected future trends. Plans should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area.

72.73. Local planning authorities should support the development of entry-level exception sites, suitable for first time buyers (or those looking to rent their first home), unless the need for such homes is already being met within the authority's area. These sites should be on land which is not already allocated for housing and should:

- a) comprise of entry-level homes that offer one or more types of affordable housing as defined in Annex 2 of this Framework; and
- b) be adjacent to existing settlements, proportionate in size to them⁴⁰, not compromise the protection given to areas or assets of particular importance in this Framework⁴¹, and comply with any local design policies and standards.

73.74. The supply of large numbers of new homes can often be best achieved through planning for larger scale development, such as new settlements or significant extensions to existing villages and towns, provided they are well located and designed, and supported by the necessary infrastructure and facilities (including a genuine choice of transport modes). Working with the support of their communities, and with other authorities if appropriate, strategic policy-making authorities should identify suitable locations for such development where this can help to meet identified needs in a sustainable way. In doing so, they should:

- a) consider the opportunities presented by existing or planned investment in infrastructure, the area's economic potential and the scope for net environmental gains;
- b) ensure that their size and location will support a sustainable community, with sufficient access to services and employment opportunities within the development itself (without expecting an unrealistic level of self-containment), or in larger towns to which there is good access;
- c) set clear expectations for the quality of the places to be created and how this can be maintained (such as by following Garden City principles); and ensure that appropriate tools such as masterplans and design guides or codes are used to secure a variety of well-designed and beautiful homes to meet the needs of different groups in the community;
- d) make a realistic assessment of likely rates of delivery, given the lead-in times for large scale sites, and identify opportunities for supporting rapid

⁴⁰ Entry-level exception sites should not be larger than one hectare in size or exceed 5% of the size of the existing settlement.

⁴¹ i.e. the areas referred to in footnote 7. Entry-level exception sites should not be permitted in National Parks (or within the Broads Authority), Areas of Outstanding Natural Beauty or land designated as Green Belt.

implementation (such as through joint ventures or locally-led development corporations)⁴²; and

- e) consider whether it is appropriate to establish Green Belt around or adjoining new developments of significant size.

Maintaining supply and delivery

~~74.75.~~ Strategic policies should include a trajectory illustrating the expected rate of housing delivery over the plan period, and all plans should consider whether it is appropriate to set out the anticipated rate of development for specific sites. Local planning authorities should monitor their deliverable land supply against their housing requirement as set out in adopted strategic policies⁴³. When the housing requirement set out in strategic policies becomes more than five years old⁴⁴, local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against ~~their housing requirement set out in adopted strategic policies~~⁴⁵, or against their local housing need (taking into account any previous under or over-supply as set out in planning practice guidance) ~~where the strategic policies are more than five years old~~⁴⁶. The supply of specific deliverable sites should in addition include a buffer (moved forward from later in the plan period) of:

- ~~a) 5% to ensure choice and competition in the market for land; or~~
- ~~b) 10% where the local planning authority wishes to demonstrate a five year supply of deliverable sites through an annual position statement or recently adopted plan~~⁴⁷, to account for any fluctuations in the market during that year; or
- ~~c) 20% where there has been significant under delivery of housing over the previous three years, to improve the prospect of achieving the planned supply~~⁴⁸.

~~75.76.~~ A five year supply of deliverable housing sites, ~~with the appropriate buffer~~, can be demonstrated where it has been established in ~~a recently adopted plan, or in an subsequent~~ annual position statement which:

⁴² The delivery of large scale developments may need to extend beyond an individual plan period, and the associated infrastructure requirements may not be capable of being identified fully at the outset. Anticipated rates of delivery and infrastructure requirements should, therefore, be kept under review and reflected as policies are updated.

⁴³ For the avoidance of doubt, a five year supply of deliverable sites for travellers – as defined in Annex 1 to Planning Policy for Traveller Sites – should be assessed separately, in line with the policy in that document.

⁴⁴ Unless these strategic policies have been reviewed and found not to require updating. Where local housing need is used as the basis for assessing whether a five year supply of specific deliverable sites exists, it should be calculated using the standard method set out in national planning guidance.

⁴⁵ For the avoidance of doubt, a five year supply of deliverable sites for travellers – as defined in Annex 1 to Planning Policy for Traveller Sites – should be assessed separately, in line with the policy in that document.

⁴⁶ Unless these strategic policies have been reviewed and found not to require updating. Where local housing need is used as the basis for assessing whether a five year supply of specific deliverable sites exists, it should be calculated using the standard method set out in national planning guidance.

⁴⁷ For the purposes of paragraphs 74b and 75 a plan adopted between 1 May and 31 October will be considered 'recently adopted' until 31 October of the following year; and a plan adopted between 1 November and 30 April will be considered recently adopted until 31 October in the same year.

⁴⁸ This will be measured against the Housing Delivery Test, where this indicates that delivery was below 85% of the housing requirement.

- a) has been produced through engagement with developers and others who have an impact on delivery, and been considered by the Secretary of State; and
- b) incorporates the recommendation of the Secretary of State, where the position on specific sites could not be agreed during the engagement process.

77. To maintain the supply of housing, local planning authorities should monitor progress in building out sites which have permission. Where the Housing Delivery Test indicates that delivery has fallen below ~~95% of~~ the local planning authority's housing requirement over the previous three years, the following policy consequences should apply:

- a) where delivery falls below 95% of the requirement over the previous three years, the authority should prepare an action plan in line with national planning guidance, to assess the causes of under-delivery and identify actions to increase delivery in future years;
- b) where delivery falls below 75% of the requirement over the previous three years, the presumption in favour of sustainable development applies, as set out in footnote 9 of this Framework⁴⁹, in addition to the requirement for an action plan.

76-78. The Housing Delivery Test consequences set out above will apply the day following the annual publication of the Housing Delivery Test results by DLUHC.

77-79. To help ensure that proposals for housing development are implemented in a timely manner, local planning authorities should consider imposing a planning condition providing that development must begin within a timescale shorter than the relevant default period, where this would expedite the development without threatening its deliverability or viability. For major development involving the provision of housing, local planning authorities should also assess why any earlier grant of planning permission for a similar development on the same site did not start.

Rural housing

78-80. In rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs, including development proposals from community-led housing groups. Local planning authorities should support opportunities to bring forward rural exception sites that will provide affordable housing to meet identified local needs, and consider whether allowing some market housing on these sites would help to facilitate this.

79-81. To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby.

⁴⁹ The presumption is, however, not to be applied if permissions have been granted for homes in excess of 115% of the authority's housing requirement over the applicable Housing Delivery Test monitoring period.

~~80-82.~~ 82. Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:

- a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;
- b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;
- c) the development would re-use redundant or disused buildings and enhance its immediate setting;
- d) the development would involve the subdivision of an existing residential building; or
- e) the design is of exceptional quality, in that it:
 - is truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and
 - would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.

6. Building a strong, competitive economy

~~81.83.~~ 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. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future. This is particularly important where Britain can be a global leader in driving innovation⁵⁰, and in areas with high levels of productivity, which should be able to capitalise on their performance and potential.

~~82.84.~~ Planning policies should:

- a) set out a clear economic vision and strategy which positively and proactively encourages sustainable economic growth, having regard to Local Industrial Strategies and other local policies for economic development and regeneration;
- b) set criteria, or identify strategic sites, for local and inward investment to match the strategy and to meet anticipated needs over the plan period;
- c) seek to address potential barriers to investment, such as inadequate infrastructure, services or housing, or a poor environment; and
- d) be flexible enough to accommodate needs not anticipated in the plan, allow for new and flexible working practices (such as live-work accommodation), and to enable a rapid response to changes in economic circumstances.

~~83.85.~~ Planning policies and decisions should recognise and address the specific locational requirements of different sectors. This includes making provision for clusters or networks of knowledge and data-driven, creative or high technology industries; and for storage and distribution operations at a variety of scales and in suitably accessible locations.

Supporting a prosperous rural economy

~~84.86.~~ Planning policies and decisions should enable:

- a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed, beautiful new buildings;
- b) the development and diversification of agricultural and other land-based rural businesses;

⁵⁰ The Government's Industrial Strategy sets out a vision to drive productivity improvements across the UK, identifies a number of Grand Challenges facing all nations, and sets out a delivery programme to make the UK a leader in four of these: artificial intelligence and big data; clean growth; future mobility; and catering for an ageing society. HM Government (2017) *Industrial Strategy: Building a Britain fit for the future*.

- c) sustainable rural tourism and leisure developments which respect the character of the countryside; and
- d) 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.

85.87. Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.

7. Ensuring the vitality of town centres

86-88. 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. Planning policies should:

- a) define a network and hierarchy of town centres and promote their long-term vitality and viability – by allowing them to grow and diversify in a way that can respond to rapid changes in the retail and leisure industries, allows a suitable mix of uses (including housing) and reflects their distinctive characters;
- b) define the extent of town centres and primary shopping areas, and make clear the range of uses permitted in such locations, as part of a positive strategy for the future of each centre;
- c) retain and enhance existing markets and, where appropriate, re-introduce or create new ones;
- d) allocate a range of suitable sites in town centres to meet the scale and type of development likely to be needed, looking at least ten years ahead. Meeting anticipated needs for retail, leisure, office and other main town centre uses over this period should not be compromised by limited site availability, so town centre boundaries should be kept under review where necessary;
- e) where suitable and viable town centre sites are not available for main town centre uses, allocate appropriate edge of centre sites that are well connected to the town centre. If sufficient edge of centre sites cannot be identified, policies should explain how identified needs can be met in other accessible locations that are well connected to the town centre; and
- f) recognise that residential development often plays an important role in ensuring the vitality of centres and encourage residential development on appropriate sites.

87-89. Local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.

88-90. When considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre or edge of centre sites are fully explored.

89-91. This sequential approach should not be applied to applications for small scale rural offices or other small scale rural development.

90.92. When assessing applications for retail and leisure development outside town centres, which are not in accordance with an up-to-date plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500m² of gross floorspace). This should include assessment of:

- a) the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal;
and
- b) the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and the wider retail catchment (as applicable to the scale and nature of the scheme).

91.93. Where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the considerations in paragraph 90, it should be refused.

8. Promoting healthy and safe communities

92-94. Planning policies and decisions should aim to achieve healthy, inclusive and safe places and beautiful buildings which:

- a) promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other – for example through mixed-use developments, strong neighbourhood centres, street layouts that allow for easy pedestrian and cycle connections within and between neighbourhoods, and active street frontages;
- b) are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of beautiful attractive, well-designed, clear and legible pedestrian and cycle routes, and high quality public space, which encourage the active and continual use of public areas; and
- c) enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling.

93-95. To provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:

- a) plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;
- b) take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community;
- c) guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs;
- d) ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community; and
- e) ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.

94-96. Planning policies and decisions should consider the social, economic and environmental benefits of estate regeneration. Local planning authorities should use their planning powers to help deliver estate regeneration to a high standard.

95-97. It is important that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:

- a) give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications; and
- b) work with school promoters, delivery partners and statutory bodies to identify and resolve key planning issues before applications are submitted.

96.98. To ensure faster delivery of other public service infrastructure such as further education colleges, hospitals and criminal justice accommodation, local planning authorities should also work proactively and positively with promoters, delivery partners and statutory bodies to plan for required facilities and resolve key planning issues before applications are submitted.

97.99. Planning policies and decisions should promote public safety and take into account wider security and defence requirements by:

- a) anticipating and addressing possible malicious threats and natural hazards, especially in locations where large numbers of people are expected to congregate⁵¹. Policies for relevant areas (such as town centre and regeneration frameworks), and the layout and design of developments, should be informed by the most up-to-date information available from the police and other agencies about the nature of potential threats and their implications. This includes appropriate and proportionate steps that can be taken to reduce vulnerability, increase resilience and ensure public safety and security; and
- b) recognising and supporting development required for operational defence and security purposes, and ensuring that operational sites are not affected adversely by the impact of other development proposed in the area.

Open space and recreation

98.100. Access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities, and can deliver wider benefits for nature and support efforts to address climate change. Planning policies should be based on robust and up-to-date assessments of the need for open space, sport and recreation facilities (including quantitative or qualitative deficits or surpluses) and opportunities for new provision. Information gained from the assessments should be used to determine what open space, sport and recreational provision is needed, which plans should then seek to accommodate.

99.101. Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or

⁵¹ This includes transport hubs, night-time economy venues, cinemas and theatres, sports stadia and arenas, shopping centres, health and education establishments, places of worship, hotels and restaurants, visitor attractions and commercial centres.

- b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.

~~400.102.~~ Planning policies and decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails.

~~401.103.~~ The designation of land as Local Green Space through local and neighbourhood plans allows communities to identify and protect green areas of particular importance to them. Designating land as Local Green Space should be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services. Local Green Spaces should only be designated when a plan is prepared or updated, and be capable of enduring beyond the end of the plan period.

~~402.104.~~ 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.

~~403.105.~~ Policies for managing development within a Local Green Space should be consistent with those for Green Belts.

9. Promoting sustainable transport

~~404.106.~~ Transport issues should be considered from the earliest stages of plan-making and development proposals, so that:

- a) the potential impacts of development on transport networks can be addressed;
- b) opportunities from existing or proposed transport infrastructure, and changing transport technology and usage, are realised – for example in relation to the scale, location or density of development that can be accommodated;
- c) opportunities to promote walking, cycling and public transport use are identified and pursued;
- d) the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account – including appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains; and
- e) patterns of movement, streets, parking and other transport considerations are integral to the design of schemes, and contribute to making high quality places.

~~405.107.~~ The planning system should 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, and improve air quality and public health. However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making.

~~406.108.~~ Planning policies should:

- a) support an appropriate mix of uses across an area, and within larger scale sites, to minimise the number and length of journeys needed for employment, shopping, leisure, education and other activities;
- b) be prepared with the active involvement of local highways authorities, other transport infrastructure providers and operators and neighbouring councils, so that strategies and investments for supporting sustainable transport and development patterns are aligned;
- c) 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;
- d) 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);

- e) provide for any large scale transport facilities that need to be located in the area⁵², and the infrastructure and wider development required to support their operation, expansion and contribution to the wider economy. In doing so they should take into account whether such development is likely to be a nationally significant infrastructure project and any relevant national policy statements; and
- f) recognise the importance of maintaining a national network of general aviation airfields, and their need to adapt and change over time – taking into account their economic value in serving business, leisure, training and emergency service needs, and the Government’s General Aviation Strategy⁵³.

~~407.109.~~ If setting local parking standards for residential and non-residential development, policies should take into account:

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

~~408.110.~~ 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 city and town centres and other locations that are well served by public transport (in accordance with chapter 11 of this Framework). In town centres, local authorities should seek to improve the quality of parking so that it is convenient, safe and secure, alongside measures to promote accessibility for pedestrians and cyclists.

~~409.111.~~ Planning policies and decisions 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. Proposals for new or expanded distribution centres should make provision for sufficient lorry parking to cater for their anticipated use.

Considering development proposals

~~440.112.~~ In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

⁵² Policies for large scale facilities should, where necessary, be developed through collaboration between strategic policy-making authorities and other relevant bodies. Examples of such facilities include ports, airports, interchanges for rail freight, public transport projects and roadside services. The primary function of roadside services should be to support the safety and welfare of the road user (and most such proposals are unlikely to be nationally significant infrastructure projects).

⁵³ Department for Transport (2015) *General Aviation Strategy*.

- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
- b) safe and suitable access to the site can be achieved for all users;
- c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code ⁵⁴; and
- d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

~~411.113.~~ Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

~~412.114.~~ Within this context, applications for development should:

- a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;
- b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;
- c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;
- d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and
- e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

~~413.115.~~ All developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.

⁵⁴ Policies and decisions should not make use of or reflect the former Design Bulletin 32, which was withdrawn in 2007.

10. Supporting high quality communications

~~414~~116. Advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. Planning policies and decisions should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G) and full fibre broadband connections. Policies should set out how high quality digital infrastructure, providing access to services from a range of providers, is expected to be delivered and upgraded over time; and should prioritise full fibre connections to existing and new developments (as these connections will, in almost all cases, provide the optimum solution).

~~415~~117. The number of radio and electronic communications masts, and the sites for such installations, should be kept to a minimum consistent with the needs of consumers, the efficient operation of the network and providing reasonable capacity for future expansion. Use of existing masts, buildings and other structures for new electronic communications capability (including wireless) should be encouraged. Where new sites are required (such as for new 5G networks, or for connected transport and smart city applications), equipment should be sympathetically designed and camouflaged where appropriate.

~~416~~118. Local planning authorities should not impose a ban on new electronic communications development in certain areas, impose blanket Article 4 directions over a wide area or a wide range of electronic communications development, or insist on minimum distances between new electronic communications development and existing development. They should ensure that:

- a) they have evidence to demonstrate that electronic communications infrastructure is not expected to cause significant and irremediable interference with other electrical equipment, air traffic services or instrumentation operated in the national interest; and
- b) they have considered the possibility of the construction of new buildings or other structures interfering with broadcast and electronic communications services.

~~417~~119. Applications for electronic communications development (including applications for prior approval under the General Permitted Development Order) should be supported by the necessary evidence to justify the proposed development. This should include:

- a) the outcome of consultations with organisations with an interest in the proposed development, in particular with the relevant body where a mast is to be installed near a school or college, or within a statutory safeguarding zone surrounding an aerodrome, technical site or military explosives storage area; and
- b) for an addition to an existing mast or base station, a statement that self-certifies that the cumulative exposure, when operational, will not exceed International Commission guidelines on non-ionising radiation protection; or

- c) for a new mast or base station, evidence that the applicant has explored the possibility of erecting antennas on an existing building, mast or other structure and a statement that self-certifies that, when operational, International Commission guidelines will be met.

~~418.120.~~ Local planning authorities must determine applications on planning grounds only. They should not seek to prevent competition between different operators, question the need for an electronic communications system, or set health safeguards different from the International Commission guidelines for public exposure.

11. Making effective use of land

~~419-121.~~ Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land⁵⁵.

~~420-122.~~ Planning policies and decisions should:

- a) encourage multiple benefits from both urban and rural land, including through mixed use schemes and taking opportunities to achieve net environmental gains – such as developments that would enable new habitat creation or improve public access to the countryside;
- b) recognise that some undeveloped land can perform many functions, such as for wildlife, recreation, flood risk mitigation, cooling/shading, carbon storage or food production;
- c) give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land;
- d) promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively (for example converting space above shops, and building on or above service yards, car parks, lock-ups and railway infrastructure)⁵⁶; and
- e) support opportunities to use the airspace above existing residential and commercial premises for new homes. In particular, they should allow upward extensions where the development would be consistent with the prevailing height and form of neighbouring properties and the overall street scene, is well-designed (including complying with any local design policies and standards), and can maintain safe access and egress for occupiers. They should also allow mansard roof extensions where their external appearance harmonises with the original building, including extensions to terraces where one or more of the terraced houses already has a mansard. Where there was a tradition of mansard construction locally at the time of the building's construction, the extension should emulate it with respect to external appearance. A condition of simultaneous development should not be imposed on an application for multiple mansard extensions unless there is an exceptional justification.

⁵⁵ Except where this would conflict with other policies in this Framework, including causing harm to designated sites of importance for biodiversity.

⁵⁶ As part of this approach, plans and decisions should support efforts to identify and bring back into residential use empty homes and other buildings, supported by the use of compulsory purchase powers where appropriate.

~~121.~~123. Local planning authorities, and other plan-making bodies, should take a proactive role in identifying and helping to bring forward land that may be suitable for meeting development needs, including suitable sites on brownfield registers or held in public ownership, using the full range of powers available to them. This should include identifying opportunities to facilitate land assembly, supported where necessary by compulsory purchase powers, where this can help to bring more land forward for meeting development needs and/or secure better development outcomes.

~~122.~~124. Planning policies and decisions need to reflect changes in the demand for land. They should be informed by regular reviews of both the land allocated for development in plans, and of land availability. Where the local planning authority considers there to be no reasonable prospect of an application coming forward for the use allocated in a plan:

- a) it should, as part of plan updates, reallocate the land for a more deliverable use that can help to address identified needs (or, if appropriate, deallocate a site which is undeveloped); and
- b) in the interim, prior to updating the plan, applications for alternative uses on the land should be supported, where the proposed use would contribute to meeting an unmet need for development in the area.

~~123.~~125. Local planning authorities should also take a positive approach to applications for alternative uses of land which is currently developed but not allocated for a specific purpose in plans, where this would help to meet identified development needs. In particular, they should support proposals to:

- a) use retail and employment land for homes in areas of high housing demand, provided this would not undermine key economic sectors or sites or the vitality and viability of town centres, and would be compatible with other policies in this Framework; and
- b) make more effective use of sites that provide community services such as schools and hospitals, provided this maintains or improves the quality of service provision and access to open space.

Achieving appropriate densities

~~124.~~126. Planning policies and decisions should support development that makes efficient use of land, taking into account:

- a) the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it;
- b) local market conditions and viability;
- c) the availability and capacity of infrastructure and services – both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use;

- d) the desirability of maintaining an area's prevailing character and setting (including residential gardens), or of promoting regeneration and change; and
- e) the importance of securing well-designed and beautiful, attractive and healthy places.

~~425.127.~~ 127. Area-based character assessments, design guides and codes and masterplans can be used to help ensure that land is used efficiently while also creating beautiful and sustainable places. Where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site. In these circumstances:

- a) plans should contain policies to optimise the use of land in their area and meet as much of the identified need for housing as possible. This will be tested robustly at examination, and should include the use of minimum density standards for city and town centres and other locations that are well served by public transport. These standards should seek a significant uplift in the average density of residential development within these areas, unless it can be shown that there are strong reasons why this would be inappropriate;
- b) the use of minimum density standards should also be considered for other parts of the plan area. It may be appropriate to set out a range of densities that reflect the accessibility and potential of different areas, rather than one broad density range; and
- c) local planning authorities should refuse applications which they consider fail to make efficient use of land, taking into account the policies in this Framework. In this context, when considering applications for housing, authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards).

12. Achieving well-designed and beautiful places

~~426-128.~~ The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.

~~427-129.~~ Plans should, at the most appropriate level, set out a clear design vision and expectations, so that applicants have as much certainty as possible about what is likely to be acceptable. Design policies should be developed with local communities so they reflect local aspirations, and are grounded in an understanding and evaluation of each area's defining characteristics. Neighbourhood planning groups can play an important role in identifying the special qualities of each area and explaining how this should be reflected in development, both through their own plans and by engaging in the production of design policy, guidance and codes by local planning authorities and developers.

~~428-130.~~ To provide maximum clarity about design expectations at an early stage, all local planning authorities should prepare design guides or codes consistent with the principles set out in the National Design Guide and National Model Design Code, and which reflect local character and design preferences. Design guides and codes provide a local framework for creating beautiful and distinctive places with a consistent and high quality standard of design. Their geographic coverage, level of detail and degree of prescription should be tailored to the circumstances and scale of change in each place, and should allow a suitable degree of variety.

~~429-131.~~ Design guides and codes can be prepared at an area-wide, neighbourhood or site-specific scale, and to carry weight in decision-making should be produced either as part of a plan or as supplementary planning documents. Landowners and developers may contribute to these exercises, but may also choose to prepare design codes in support of a planning application for sites they wish to develop. Whoever prepares them, all guides and codes should be based on effective community engagement and reflect local aspirations for the development of their area, taking into account the guidance contained in the National Design Guide and the National Model Design Code. These national documents should be used to guide decisions on applications in the absence of locally produced design guides or design codes.

~~430-132.~~ Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users⁵⁷; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

131.133. Trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change. Planning policies and decisions should ensure that new streets are tree-lined⁵⁸, that opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible. Applicants and local planning authorities should work with highways officers and tree officers to ensure that the right trees are planted in the right places, and solutions are found that are compatible with highways standards and the needs of different users.

132.134. Design quality should be considered throughout the evolution and assessment of individual proposals. Early discussion between applicants, the local planning authority and local community about the design and style of emerging schemes is important for clarifying expectations and reconciling local and commercial interests. Applicants should work closely with those affected by their proposals to evolve designs that take account of the views of the community. Applications that can demonstrate early, proactive and effective engagement with the community should be looked on more favourably than those that cannot.

133.135. Local planning authorities should ensure that they have access to, and make appropriate use of, tools and processes for assessing and improving the design of development. The primary means of doing so should be through the preparation and use of local design codes, in line with the National Model Design Code. For assessing proposals there is a range of tools ~~These include~~ workshops to engage the local community, design advice and review arrangements, and

⁵⁷ Planning policies for housing should make use of the Government's optional technical standards for accessible and adaptable housing, where this would address an identified need for such properties. Policies may also make use of the nationally described space standard, where the need for an internal space standard can be justified.

⁵⁸ Unless, in specific cases, there are clear, justifiable and compelling reasons why this would be inappropriate.

assessment frameworks such as Building for a Healthy Life⁵⁹. These are of most benefit if used as early as possible in the evolution of schemes, and are particularly important for significant projects such as large scale housing and mixed use developments. In assessing applications, local planning authorities should have regard to the outcome from these processes, including any recommendations made by design review panels.

~~134-136.~~ Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design⁶⁰, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Conversely, significant weight should be given to:

- a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or
- b) outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

~~135-137.~~ Local planning authorities should ensure that relevant planning conditions refer to clear and accurate plans and drawings which provide visual clarity about the design of the development, and are clear about the approved use of materials where appropriate, to make enforcement easier. They should also seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used).

~~136-138.~~ The quality and character of places can suffer when advertisements are poorly sited and designed. A separate consent process within the planning system controls the display of advertisements, which should be operated in a way which is simple, efficient and effective. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.

⁵⁹ Birkbeck D and Kruczkowski S et al (2020) *Building for a Healthy Life*

⁶⁰ Contained in the National Design Guide and National Model Design Code.

13. Protecting Green Belt land

~~137-139.~~ 139. The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

~~138-140.~~ 140. Green Belt serves five purposes:

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

~~139-141.~~ 141. The general extent of Green Belts across the country is already established. New Green Belts should only be established in exceptional circumstances, for example when planning for larger scale development such as new settlements or major urban extensions. Any proposals for new Green Belts should be set out in strategic policies, which should:

- a) demonstrate why normal planning and development management policies would not be adequate;
- b) set out whether any major changes in circumstances have made the adoption of this exceptional measure necessary;
- c) show what the consequences of the proposal would be for sustainable development;
- d) demonstrate the necessity for the Green Belt and its consistency with strategic policies for adjoining areas; and
- e) show how the Green Belt would meet the other objectives of the Framework.

~~140-142.~~ 142. Once established, Green Belt boundaries should only be altered where exceptional circumstances are fully evidenced and justified, through the preparation or updating of plans. Green Belt boundaries are not required to be reviewed and altered if this would be the only means of meeting the objectively assessed need for housing over the plan period. Strategic policies should establish the need for any changes to Green Belt boundaries, having regard to their intended permanence in the long term, so they can endure beyond the plan period. Where a need for changes to Green Belt boundaries has been established through strategic policies, detailed amendments to those boundaries may be made through non-strategic policies, including neighbourhood plans.

~~141.143.~~ Before concluding that exceptional circumstances exist to justify changes to Green Belt boundaries, the strategic policy-making authority should be able to demonstrate that it has examined fully all other reasonable options for meeting its identified need for development. This will be assessed through the examination of its strategic policies, which will take into account the preceding paragraph, and whether the strategy:

- a) makes as much use as possible of suitable brownfield sites and underutilised land;
- b) optimises the density of development in line with the policies in chapter 11 of this Framework, including whether policies promote a significant uplift in minimum density standards in town and city centres and other locations well served by public transport; and
- c) has been informed by discussions with neighbouring authorities about whether they could accommodate some of the identified need for development, as demonstrated through the statement of common ground.

~~142.144.~~ When drawing up or reviewing Green Belt boundaries, the need to promote sustainable patterns of development should be taken into account. Strategic policy-making authorities should consider the consequences for sustainable development of channelling development towards urban areas inside the Green Belt boundary, towards towns and villages inset within the Green Belt or towards locations beyond the outer Green Belt boundary. Where it has been concluded that it is necessary to release Green Belt land for development, plans should give first consideration to land which has been previously-developed and/or is well-served by public transport. They should also set out ways in which the impact of removing land from the Green Belt can be offset through compensatory improvements to the environmental quality and accessibility of remaining Green Belt land.

~~143.145.~~ When defining Green Belt boundaries, plans should:

- a) ensure consistency with the development plan's strategy for meeting identified requirements for sustainable development;
- b) not include land which it is unnecessary to keep permanently open;
- c) where necessary, identify areas of safeguarded land between the urban area and the Green Belt, in order to meet longer-term development needs stretching well beyond the plan period;
- d) make clear that the safeguarded land is not allocated for development at the present time. Planning permission for the permanent development of safeguarded land should only be granted following an update to a plan which proposes the development;
- e) be able to demonstrate that Green Belt boundaries will not need to be altered at the end of the plan period; and
- f) define boundaries clearly, using physical features that are readily recognisable and likely to be permanent.

~~144-146.~~ If it is necessary to restrict development in a village primarily because of the important contribution which the open character of the village makes to the openness of the Green Belt, the village should be included in the Green Belt. If, however, the character of the village needs to be protected for other reasons, other means should be used, such as conservation area or normal development management policies, and the village should be excluded from the Green Belt.

~~145-147.~~ Once Green Belts have been defined, local planning authorities should plan positively to enhance their beneficial use, such as looking for opportunities to provide access; to provide opportunities for outdoor sport and recreation; to retain and enhance landscapes, visual amenity and biodiversity; or to improve damaged and derelict land.

~~146-148.~~ The National Forest and Community Forests offer valuable opportunities for improving the environment around towns and cities, by upgrading the landscape and providing for recreation and wildlife. The National Forest Strategy and an approved Community Forest Plan may be a material consideration in preparing development plans and in deciding planning applications. Any development proposals within the National Forest and Community Forests in the Green Belt should be subject to the normal policies for controlling development in Green Belts.

Proposals affecting the Green Belt

~~147-149.~~ Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

~~148-150.~~ When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

~~149-151.~~ A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:

- a) buildings for agriculture and forestry;
- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
- c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- e) limited infilling in villages;

- f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
- g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
 - not have a greater impact on the openness of the Green Belt than the existing development; or
 - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

~~150.~~152. Certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These are:

- a) mineral extraction;
- b) engineering operations;
- c) local transport infrastructure which can demonstrate a requirement for a Green Belt location;
- d) the re-use of buildings provided that the buildings are of permanent and substantial construction;
- e) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and
- f) development, including buildings, brought forward under a Community Right to Build Order or Neighbourhood Development Order.

~~151.~~153. When located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development. In such cases developers will need to demonstrate very special circumstances if projects are to proceed. Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources.

14. Meeting the challenge of climate change, flooding and coastal change

~~152-154.~~ The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.

Planning for climate change

~~153-155.~~ Plans should take a proactive approach to mitigating and adapting to climate change, taking into account the long-term implications for flood risk, coastal change, water supply, biodiversity and landscapes, and the risk of overheating from rising temperatures⁶¹. Policies should support appropriate measures to ensure the future resilience of communities and infrastructure to climate change impacts, such as providing space for physical protection measures, or making provision for the possible future relocation of vulnerable development and infrastructure.

~~154-156.~~ New development should be planned for in ways that:

- a) avoid increased vulnerability to the range of impacts arising from climate change. When new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures, including through the planning of green infrastructure; and
- b) can help to reduce greenhouse gas emissions, such as through its location, orientation and design. Any local requirements for the sustainability of buildings should reflect the Government's policy for national technical standards.

~~155-157.~~ To help increase the use and supply of renewable and low carbon energy and heat, plans should:

- a) provide a positive strategy for energy from these sources, that maximises the potential for suitable development, **and their future re-powering and maintenance**, while ensuring that adverse impacts are addressed satisfactorily (including cumulative landscape and visual impacts);
- b) consider identifying suitable areas for renewable and low carbon energy sources, and supporting infrastructure, where this would help secure their development; and

⁶¹ In line with the objectives and provisions of the Climate Change Act 2008.

- c) identify opportunities for development to draw its energy supply from decentralised, renewable or low carbon energy supply systems and for co-locating potential heat customers and suppliers.

~~156-158.~~ Local planning authorities should support community-led initiatives for renewable and low carbon energy, including developments outside areas identified in local plans or other strategic policies that are being taken forward through neighbourhood planning.

~~157-159.~~ In determining planning applications, local planning authorities should expect new development to:

- a) comply with any development plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and
- b) take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.

~~158-160.~~ When determining planning applications⁶² for renewable and low carbon development, local planning authorities should:

- a) not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to significant cutting greenhouse gas emissions;
- b) approve the application if its impacts are (or can be made) acceptable⁶³. Once suitable areas for renewable and low carbon energy have been identified in plans, local planning authorities should expect subsequent applications for commercial scale projects outside these areas to demonstrate that the proposed location meets the criteria used in identifying suitable areas; and
- c) approve an application for the repowering and life-extension of existing renewables sites, where its impacts are or can be made acceptable. The impacts of repowered and life-extended sites should be considered for the purposes of this policy from the baseline existing on the site.

⁶² Wind energy development involving one or more turbines can be granted through Local Development Orders, Neighbourhood Development Orders and Community Right to Build Orders, if it can be demonstrated that the planning impacts identified by the affected local community have been appropriately addressed and the proposal has community support.

⁶³ Except for applications for the repowering of existing wind turbines, a proposed wind energy development involving one or more turbines should not be considered acceptable unless it is in an area identified as suitable for wind energy development in either the development plan, or a supplementary planning document identifies an area as suitable for wind energy development (where the development plan includes policy on supporting renewable energy); and, following consultation it can be demonstrated that the planning impacts identified by the affected local community have been fully satisfactorily addressed and the proposal has their backing community support.

161. To support energy efficiency improvements, significant weight should be given to the need to support energy efficiency improvements through the adaptation of existing buildings, particularly large non-domestic buildings, to improve their energy performance (including through installation of heat pumps and solar panels where these do not already benefit from permitted development rights). Proposals affecting conservation areas and listed buildings should also take into account the policies set out in chapter 16 of this Framework.

Planning and flood risk

162. Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.

~~162.~~163. Strategic policies should be informed by a strategic flood risk assessment, and should manage flood risk from all sources. They should consider cumulative impacts in, or affecting, local areas susceptible to flooding, and take account of advice from the Environment Agency and other relevant flood risk management authorities, such as lead local flood authorities and internal drainage boards.

~~163.~~164. All plans should apply a sequential, risk-based approach to the location of development – taking into account all sources of flood risk and the current and future impacts of climate change – so as to avoid, where possible, flood risk to people and property. They should do this, and manage any residual risk, by:

- a) applying the sequential test and then, if necessary, the exception test as set out below;
- b) safeguarding land from development that is required, or likely to be required, for current or future flood management;
- c) using opportunities provided by new development and improvements in green and other infrastructure to reduce the causes and impacts of flooding, (making as much use as possible of natural flood management techniques as part of an integrated approach to flood risk management); and
- d) where climate change is expected to increase flood risk so that some existing development may not be sustainable in the long-term, seeking opportunities to relocate development, including housing, to more sustainable locations.

~~164.~~165. The aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. 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. The strategic flood risk assessment will provide the basis for applying this test. The sequential approach should be used in areas known to be at risk now or in the future from any form of flooding.

~~165.~~166. If it is not possible for development to be located in areas with a lower risk of flooding (taking into account wider sustainable development objectives), the

exception test may have to be applied. The need for the exception test will depend on the potential vulnerability of the site and of the development proposed, in line with the Flood Risk Vulnerability Classification set out in Annex 3.

~~166-167.~~ The application of the exception test should be informed by a strategic or site-specific flood risk assessment, depending on whether it is being applied during plan production or at the application stage. To pass the exception test it should be demonstrated that:

- a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and
- b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

~~167-168.~~ Both elements of the exception test should be satisfied for development to be allocated or permitted.

~~168-169.~~ Where planning applications come forward on sites allocated in the development plan through the sequential test, applicants need not apply the sequential test again. However, the exception test may need to be reapplied if relevant aspects of the proposal had not been considered when the test was applied at the plan-making stage, or if more recent information about existing or potential flood risk should be taken into account.

~~169-170.~~ When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment⁶⁴. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:

- a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
- b) the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment;
- c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
- d) any residual risk can be safely managed; and
- e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.

⁶⁴ A site-specific flood risk assessment should be provided for all development in Flood Zones 2 and 3. In Flood Zone 1, an assessment should accompany all proposals involving: sites of 1 hectare or more; land which has been identified by the Environment Agency as having critical drainage problems; land identified in a strategic flood risk assessment as being at increased flood risk in future; or land that may be subject to other sources of flooding, where its development would introduce a more vulnerable use.

~~170-171.~~ Applications for some minor development and changes of use⁶⁵ should not be subject to the sequential or exception tests but should still meet the requirements for site-specific flood risk assessments set out in footnote 55.

~~171-172.~~ Major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should:

- a) take account of advice from the lead local flood authority;
- b) have appropriate proposed minimum operational standards;
- c) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and
- d) where possible, provide multifunctional benefits.

Coastal change

~~172-173.~~ In coastal areas, planning policies and decisions should take account of the UK Marine Policy Statement and marine plans. Integrated Coastal Zone Management should be pursued across local authority and land/sea boundaries, to ensure effective alignment of the terrestrial and marine planning regimes.

~~173-174.~~ Plans should reduce risk from coastal change by avoiding inappropriate development in vulnerable areas and not exacerbating the impacts of physical changes to the coast. They should identify as a Coastal Change Management Area any area likely to be affected by physical changes to the coast, and:

- a) be clear as to what development will be appropriate in such areas and in what circumstances; and
- b) make provision for development and infrastructure that needs to be relocated away from Coastal Change Management Areas.

175. Development in a Coastal Change Management Area will be appropriate only where it is demonstrated that:

- a) it will be safe over its planned lifetime and not have an unacceptable impact on coastal change;
- b) the character of the coast including designations is not compromised;
- c) the development provides wider sustainability benefits; and

⁶⁵ This includes householder development, small non-residential extensions (with a footprint of less than 250m²) and changes of use; except for changes of use to a caravan, camping or chalet site, or to a mobile home or park home site, where the sequential and exception tests should be applied as appropriate.

d) the development does not hinder the creation and maintenance of a continuous signed and managed route around the coast⁶⁶.

176. Local planning authorities should limit the planned lifetime of development in a Coastal Change Management Area through temporary permission and restoration conditions, where this is necessary to reduce a potentially unacceptable level of future risk to people and the development.

⁶⁶ As required by the Marine and Coastal Access Act 2009.

15. Conserving and enhancing the natural environment

177. Planning policies and decisions should contribute to and enhance the natural and local environment by:
- a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
 - b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;
 - c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;
 - d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;
 - e) preventing 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, taking into account relevant information such as river basin management plans; and
 - f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.
178. Plans should: distinguish between the hierarchy of international, national and locally designated sites; allocate land with the least environmental or amenity value, where consistent with other policies in this Framework⁶⁷; take a strategic approach to maintaining and enhancing networks of habitats and green infrastructure; and plan for the enhancement of natural capital at a catchment or landscape scale across local authority boundaries.
179. Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks

⁶⁷ Where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality. [The availability of agricultural land used for food production should be considered, alongside the other policies in this Framework, when deciding what sites are most appropriate for development.](#)

and the Broads⁶⁸. The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.

~~179.~~180. When considering applications for development within National Parks, the Broads and Areas of Outstanding Natural Beauty, permission should be refused for major development⁶⁹ other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:

- a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
- b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and
- c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.

181. Within areas defined as Heritage Coast (and that do not already fall within one of the designated areas mentioned in paragraph 176), planning policies and decisions should be consistent with the special character of the area and the importance of its conservation. Major development within a Heritage Coast is unlikely to be appropriate, unless it is compatible with its special character.

Habitats and biodiversity

182. To protect and enhance biodiversity and geodiversity, plans should:

- a) Identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity⁷⁰; wildlife corridors and stepping stones that connect them; and areas identified by national and local partnerships for habitat management, enhancement, restoration or creation⁷¹; and
- b) promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.

⁶⁸ *English National Parks and the Broads: UK Government Vision and Circular 2010* provides further guidance and information about their statutory purposes, management and other matters.

⁶⁹ For the purposes of paragraphs 176 and 177, whether a proposal is 'major development' is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined.

⁷⁰ Circular 06/2005 provides further guidance in respect of statutory obligations for biodiversity and geological conservation and their impact within the planning system.

⁷¹ Where areas that are part of the Nature Recovery Network are identified in plans, it may be appropriate to specify the types of development that may be suitable within them.

183. When determining planning applications, local planning authorities should apply the following principles:
- a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
 - b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;
 - c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons⁷² and a suitable compensation strategy exists; and
 - d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.
184. The following should be given the same protection as habitats sites:
- a) potential Special Protection Areas and possible Special Areas of Conservation;
 - b) listed or proposed Ramsar sites⁷³; and
 - c) sites identified, or required, as compensatory measures for adverse effects on habitats sites, potential Special Protection Areas, possible Special Areas of Conservation, and listed or proposed Ramsar sites.
185. The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.

⁷² For example, infrastructure projects (including nationally significant infrastructure projects, orders under the Transport and Works Act and hybrid bills), where the public benefit would clearly outweigh the loss or deterioration of habitat.

⁷³ Potential Special Protection Areas, possible Special Areas of Conservation and proposed Ramsar sites are sites on which Government has initiated public consultation on the scientific case for designation as a Special Protection Area, candidate Special Area of Conservation or Ramsar site.

Ground conditions and pollution

186. Planning policies and decisions should ensure that:
- a) a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation);
 - b) after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and
 - c) adequate site investigation information, prepared by a competent person, is available to inform these assessments.
187. Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.
188. Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:
- a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life⁷⁴;
 - b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and
 - c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.
189. Planning policies and decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas. Opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement. So far as possible these opportunities should be considered at the plan-making stage, to ensure a strategic approach and limit the need for issues to be reconsidered when

⁷⁴ See Explanatory Note to the *Noise Policy Statement for England* (Department for Environment, Food & Rural Affairs, 2010).

determining individual applications. Planning decisions should ensure that any new development in Air Quality Management Areas and Clean Air Zones is consistent with the local air quality action plan.

190. Planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed.
191. The focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively. Equally, where a planning decision has been made on a particular development, the planning issues should not be revisited through the permitting regimes operated by pollution control authorities.

16. Conserving and enhancing the historic environment

192. Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value⁷⁵. These assets are an irreplaceable resource, and 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 generations⁷⁶.
193. Plans should 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. This strategy should take into account:
- a) the desirability of sustaining and enhancing the significance of heritage assets, and putting them to viable uses consistent with their conservation;
 - b) the wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring;
 - c) the desirability of new development making a positive contribution to local character and distinctiveness; and
 - d) opportunities to draw on the contribution made by the historic environment to the character of a place.
194. When considering the designation of conservation areas, local planning authorities should ensure that an area justifies such status because of its special architectural or historic interest, and that the concept of conservation is not devalued through the designation of areas that lack special interest.
195. Local planning authorities should maintain or have access to a historic environment record. This should contain up-to-date evidence about the historic environment in their area and be used to:
- a) assess the significance of heritage assets and the contribution they make to their environment; and
 - b) predict the likelihood that currently unidentified heritage assets, particularly sites of historic and archaeological interest, will be discovered in the future.

⁷⁵ Some World Heritage Sites are inscribed by UNESCO to be of natural significance rather than cultural significance; and in some cases they are inscribed for both their natural and cultural significance.

⁷⁶ The policies set out in this chapter relate, as applicable, to the heritage-related consent regimes for which local planning authorities are responsible under the Planning (Listed Buildings and Conservation Areas) Act 1990, as well as to plan-making and decision-making.

196. Local planning authorities should make information about the historic environment, gathered as part of policy-making or development management, publicly accessible.

Proposals affecting heritage assets

197. In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.
198. Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.
199. Where there is evidence of deliberate neglect of, or damage to, a heritage asset, the deteriorated state of the heritage asset should not be taken into account in any decision.
200. In determining applications, local planning authorities should take account of:
- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
 - c) the desirability of new development making a positive contribution to local character and distinctiveness.
201. In considering any applications to remove or alter a historic statue, plaque, memorial or monument (whether listed or not), local planning authorities should have regard to the importance of their retention in situ and, where appropriate, of explaining their historic and social context rather than removal.

Considering potential impacts

202. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
203. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:
- a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;
 - b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional⁷⁷.
204. Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:
- a) the nature of the heritage asset prevents all reasonable uses of the site; and
 - b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
 - c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
 - d) the harm or loss is outweighed by the benefit of bringing the site back into use.
205. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
206. The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a

⁷⁷ Non-designated heritage assets of archaeological interest, which are demonstrably of equivalent significance to scheduled monuments, should be considered subject to the policies for designated heritage assets.

balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

207. Local planning authorities should not permit the loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred.
208. Local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible⁷⁸. However, the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted.
209. Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.
210. Not all elements of a Conservation Area or World Heritage Site will necessarily contribute to its significance. Loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area or World Heritage Site should be treated either as substantial harm under paragraph 201 or less than substantial harm under paragraph 202, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area or World Heritage Site as a whole.
211. Local planning authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies.

⁷⁸ Copies of evidence should be deposited with the relevant historic environment record, and any archives with a local museum or other public depository.

17. Facilitating the sustainable use of minerals

212. It is essential that there is a sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs. Since minerals are a finite natural resource, and can only be worked where they are found, best use needs to be made of them to secure their long-term conservation.
213. Planning policies should:
- a) provide for the extraction of mineral resources of local and national importance, but not identify new sites or extensions to existing sites for peat extraction;
 - b) so far as practicable, take account of the contribution that substitute or secondary and recycled materials and minerals waste would make to the supply of materials, before considering extraction of primary materials, whilst aiming to source minerals supplies indigenously;
 - c) safeguard mineral resources by defining Mineral Safeguarding Areas and Mineral Consultation Areas⁷⁹; and adopt appropriate policies so that known locations of specific minerals resources of local and national importance are not sterilised by non-mineral development where this should be avoided (whilst not creating a presumption that the resources defined will be worked);
 - d) set out policies to encourage the prior extraction of minerals, where practical and environmentally feasible, if it is necessary for non-mineral development to take place;
 - e) safeguard existing, planned and potential sites for: the bulk transport, handling and processing of minerals; the manufacture of concrete and concrete products; and the handling, processing and distribution of substitute, recycled and secondary aggregate material;
 - f) set out criteria or requirements to ensure that permitted and proposed operations do not have unacceptable adverse impacts on the natural and historic environment or human health, taking into account the cumulative effects of multiple impacts from individual sites and/or a number of sites in a locality;
 - g) when developing noise limits, recognise that some noisy short-term activities, which may otherwise be regarded as unacceptable, are unavoidable to facilitate minerals extraction; and
 - h) ensure that worked land is reclaimed at the earliest opportunity, taking account of aviation safety, and that high quality restoration and aftercare of mineral sites takes place.

⁷⁹ Primarily in two tier areas as stated in Annex 2: Glossary

214. When determining planning applications, great weight should be given to the benefits of mineral extraction, including to the economy⁸⁰. In considering proposals for mineral extraction, minerals planning authorities should:
- a) as far as is practical, provide for the maintenance of landbanks of non-energy minerals from outside National Parks, the Broads, Areas of Outstanding Natural Beauty and World Heritage Sites, scheduled monuments and conservation areas;
 - b) ensure that there are no unacceptable adverse impacts on the natural and historic environment, human health or aviation safety, and take into account the cumulative effect of multiple impacts from individual sites and/or from a number of sites in a locality;
 - c) ensure that any unavoidable noise, dust and particle emissions and any blasting vibrations are controlled, mitigated or removed at source⁸¹, and establish appropriate noise limits for extraction in proximity to noise sensitive properties;
 - d) not grant planning permission for peat extraction from new or extended sites;
 - e) provide for restoration and aftercare at the earliest opportunity, to be carried out to high environmental standards, through the application of appropriate conditions. Bonds or other financial guarantees to underpin planning conditions should only be sought in exceptional circumstances;
 - f) consider how to meet any demand for the extraction of building stone needed for the repair of heritage assets, taking account of the need to protect designated sites; and
 - g) recognise the small-scale nature and impact of building and roofing stone quarries, and the need for a flexible approach to the duration of planning permissions reflecting the intermittent or low rate of working at many sites.
215. Local planning authorities should not normally permit other development proposals in Mineral Safeguarding Areas if it might constrain potential future use for mineral working.

Maintaining supply

216. Minerals planning authorities should plan for a steady and adequate supply of aggregates by:
- a) preparing an annual Local Aggregate Assessment, either individually or jointly, to forecast future demand, based on a rolling average of 10 years' sales data and other relevant local information, and an assessment of all supply options (including marine dredged, secondary and recycled sources);

⁸⁰ Except in relation to the extraction of coal, where the policy at paragraph 217 of this Framework applies.

⁸¹ National planning guidance on minerals sets out how these policies should be implemented.

- b) participating in the operation of an Aggregate Working Party and taking the advice of that party into account when preparing their Local Aggregate Assessment;
- c) making provision for the land-won and other elements of their Local Aggregate Assessment in their mineral plans, taking account of the advice of the Aggregate Working Parties and the National Aggregate Co-ordinating Group as appropriate. Such provision should take the form of specific sites, preferred areas and/or areas of search and locational criteria as appropriate;
- d) taking account of any published National and Sub National Guidelines on future provision which should be used as a guideline when planning for the future demand for and supply of aggregates;
- e) using landbanks of aggregate minerals reserves principally as an indicator of the security of aggregate minerals supply, and to indicate the additional provision that needs to be made for new aggregate extraction and alternative supplies in mineral plans;
- f) maintaining landbanks of at least 7 years for sand and gravel and at least 10 years for crushed rock, whilst ensuring that the capacity of operations to supply a wide range of materials is not compromised⁸²;
- g) ensuring that large landbanks bound up in very few sites do not stifle competition; and
- h) calculating and maintaining separate landbanks for any aggregate materials of a specific type or quality which have a distinct and separate market.

217. Minerals planning authorities should plan for a steady and adequate supply of industrial minerals by:

- a) co-operating with neighbouring and more distant authorities to ensure an adequate provision of industrial minerals to support their likely use in industrial and manufacturing processes;
- b) encouraging safeguarding or stockpiling so that important minerals remain available for use;
- c) maintaining a stock of permitted reserves to support the level of actual and proposed investment required for new or existing plant, and the maintenance and improvement of existing plant and equipment⁸³; and
- d) taking account of the need for provision of brick clay from a number of different sources to enable appropriate blends to be made.

⁸² Longer periods may be appropriate to take account of the need to supply a range of types of aggregates, locations of permitted reserves relative to markets, and productive capacity of permitted sites.

⁸³ These reserves should be at least 10 years for individual silica sand sites; at least 15 years for cement primary (chalk and limestone) and secondary (clay and shale) materials to maintain an existing plant, and for silica sand sites where significant new capital is required; and at least 25 years for brick clay, and for cement primary and secondary materials to support a new kiln.

Oil, gas and coal exploration and extraction

218. Minerals planning authorities should:
- a) when planning for on-shore oil and gas development, clearly distinguish between, and plan positively for, the three phases of development (exploration, appraisal and production), whilst ensuring appropriate monitoring and site restoration is provided for;
 - b) encourage underground gas and carbon storage and associated infrastructure if local geological circumstances indicate its feasibility;
 - c) indicate any areas where coal extraction and the disposal of colliery spoil may be acceptable;
 - d) encourage the capture and use of methane from coal mines in active and abandoned coalfield areas; and
 - e) provide for coal producers to extract separately, and if necessary stockpile, fireclay so that it remains available for use.
219. When determining planning applications, minerals planning authorities should ensure that the integrity and safety of underground storage facilities are appropriate, taking into account the maintenance of gas pressure, prevention of leakage of gas and the avoidance of pollution.
220. Planning permission should not be granted for the extraction of coal unless:
- a) the proposal is environmentally acceptable, or can be made so by planning conditions or obligations; or
 - b) if it is not environmentally acceptable, then it provides national, local or community benefits which clearly outweigh its likely impacts (taking all relevant matters into account, including any residual environmental impacts).

Annex 1: Implementation

221. The policies in this Framework are material considerations which should be taken into account in dealing with applications from the day of its publication. Plans may also need to be revised to reflect policy changes which this Framework has made.
222. However, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).
223. The policies in the original National Planning Policy Framework published in March 2012 will apply for the purpose of examining plans, where those plans were submitted on or before 24 January 2019. Where such plans are withdrawn or otherwise do not proceed to become part of the development plan, the policies contained in this Framework will apply to any subsequent plan produced for the area concerned.
224. For the purposes of the policy on larger-scale development in paragraph 22, this applies only to plans that have not reached Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (pre-submission) stage at the point ~~this~~ previous version of this Framework was ~~is~~ published on 20 July 2021 (for Spatial Development Strategies this would refer to consultation under section 335(2) of the Greater London Authority Act 1999).
225. For the purposes of the tests of soundness in paragraph 35 and the policy on renewable and low carbon energy and heat in plans in paragraph 156, these policies apply only to plans that have not reached Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (pre-submission) stage, or that reach this stage within three months, of the publication of this version. For Spatial Development Strategies, this applies to plans that have not reached consultation under section 335(2) of the Greater London Authority Act 1999, or are within three months of reaching this stage. For all other plans, the policy contained in the corresponding paragraph in the National Planning Policy Framework published in July 2021 will apply.
226. From the date of publication of this revision of the NPPF, for the purposes of changes to paragraph 61, for decision-taking, where emerging local plans have been submitted for examination or where they have been subject to a Regulation 18 or Regulation 19 (Town and Country Planning (Local Planning) (England) Regulations 2012) consultation which included both a policies map and proposed allocations towards meeting housing need, and the housing requirement as set out

in strategic policies has become more than five years old in the extant plan, local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of four years' worth of housing against their local housing need instead of a minimum of five years as set out in paragraph 75 of this document. These arrangements will apply for a period of two years from the publication date of this version.

~~224. The Housing Delivery Test will apply the day following publication of the results, at which point they supersede previously published results. Until new Housing Delivery Test results are published, the previously published result should be used. For the purpose of footnote 8 in this Framework, delivery of housing which was substantially below the housing requirement means where the Housing Delivery Test results:~~

- ~~a) for years 2016/17 to 2018/19 (Housing Delivery Test: 2019 Measurement, published 13 February 2020), indicated that delivery was below 45% of housing required over the previous three years;~~
- ~~b) for years 2017/18 to 2019/20 (Housing Delivery Test: 2020 Measurement, published 19 January 2021), and in subsequent years indicate that delivery was below 75% of housing required over the previous three years.~~

~~225-227. The Government will continue to explore with individual areas the potential for planning freedoms and flexibilities, for example where this would facilitate an increase in the amount of housing that can be delivered.~~

Annex 2: Glossary

Affordable housing: housing for sale or rent, for those whose needs are not met by the market (including housing that provides a subsidised route to home ownership and/or is for essential local workers); and which complies with one or more of the following definitions:

- a) **Affordable housing for rent:** meets all of the following conditions: (a) the rent is set in accordance with the Government's rent policy for Social Rent or Affordable Rent, or is at least 20% below local market rents (including service charges where applicable); (b) the landlord is a registered provider, except where it is included as part of a Build to Rent scheme (in which case the landlord need not be a registered provider); and (c) it includes provisions to remain at an affordable price for future eligible households, or for the subsidy to be recycled for alternative affordable housing provision. For Build to Rent schemes affordable housing for rent is expected to be the normal form of affordable housing provision (and, in this context, is known as Affordable Private Rent).
- b) **Starter homes:** is as specified in Sections 2 and 3 of the Housing and Planning Act 2016 and any secondary legislation made under these sections. The definition of a starter home should reflect the meaning set out in statute and any such secondary legislation at the time of plan-preparation or decision-making. Where secondary legislation has the effect of limiting a household's eligibility to purchase a starter home to those with a particular maximum level of household income, those restrictions should be used.
- c) **Discounted market sales housing:** is that sold at a discount of at least 20% below local market value. Eligibility is determined with regard to local incomes and local house prices. Provisions should be in place to ensure housing remains at a discount for future eligible households.
- d) **Other affordable routes to home ownership:** is housing provided for sale that provides a route to ownership for those who could not achieve home ownership through the market. It includes shared ownership, relevant equity loans, other low cost homes for sale (at a price equivalent to at least 20% below local market value) and rent to buy (which includes a period of intermediate rent). Where public grant funding is provided, there should be provisions for the homes to remain at an affordable price for future eligible households, or for any receipts to be recycled for alternative affordable housing provision, or refunded to Government or the relevant authority specified in the funding agreement.

Air quality management areas: Areas designated by local authorities because they are not likely to achieve national air quality objectives by the relevant deadlines.

Ancient or veteran tree: A tree which, because of its age, size and condition, is of exceptional biodiversity, cultural or heritage value. All ancient trees are veteran trees. Not all veteran trees are old enough to be ancient, but are old relative to other trees of the same species. Very few trees of any species reach the ancient life-stage.

Ancient woodland: An area that has been wooded continuously since at least 1600 AD. It includes ancient semi-natural woodland and plantations on ancient woodland sites (PAWS).

Annual position statement: A document setting out the 5 year housing land supply position on 1st April each year, prepared by the local planning authority in consultation with developers and others who have an impact on delivery.

Archaeological interest: There will be archaeological interest in a heritage asset if it holds, or potentially holds, evidence of past human activity worthy of expert investigation at some point.

Article 4 direction: A direction made under [Article 4 of the Town and Country Planning \(General Permitted Development\) \(England\) Order 2015](#) which withdraws permitted development rights granted by that Order.

Best and most versatile agricultural land: Land in grades 1, 2 and 3a of the Agricultural Land Classification.

Brownfield land: See Previously developed land.

Brownfield land registers: Registers of previously developed land that local planning authorities consider to be appropriate for residential development, having regard to criteria in the Town and Country Planning (Brownfield Land Registers) Regulations 2017. Local planning authorities will be able to trigger a grant of permission in principle for residential development on suitable sites in their registers where they follow the required procedures.

Build to Rent: Purpose built housing that is typically 100% rented out. It can form part of a wider multi-tenure development comprising either flats or houses, but should be on the same site and/or contiguous with the main development. Schemes will usually offer longer tenancy agreements of three years or more, and will typically be professionally managed stock in single ownership and management control.

Climate change adaptation: Adjustments made to natural or human systems in response to the actual or anticipated impacts of climate change, to mitigate harm or exploit beneficial opportunities.

Climate change mitigation: Action to reduce the impact of human activity on the climate system, primarily through reducing greenhouse gas emissions.

Coastal change management area: An area identified in plans as likely to be affected by physical change to the shoreline through erosion, coastal landslip, permanent inundation or coastal accretion.

Community forest: An area identified through the England Community Forest Programme to revitalise countryside and green space in and around major conurbations.

Community Right to Build Order: An Order made by the local planning authority (under the Town and Country Planning Act 1990) that grants planning permission for a site-specific development proposal or classes of development.

Community-led developments: Community-led developments are those that are driven by non-profit organisations that are owned by and accountable to their community members. The community group or organisation owns, manages or stewards the homes

and other assets in a manner of their choosing, and this may be done through a mutually supported arrangement with a Registered Provider that owns the freehold or leasehold for the property. The benefits to the specified community are clearly defined and legally protected in perpetuity.

Competent person (to prepare site investigation information): A person with a recognised relevant qualification, sufficient experience in dealing with the type(s) of pollution or land instability, and membership of a relevant professional organisation.

Conservation (for heritage policy): The process of maintaining and managing change to a heritage asset in a way that sustains and, where appropriate, enhances its significance.

Decentralised energy: Local renewable and local low carbon energy sources.

Deliverable: To be considered deliverable, sites for housing should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years. In particular:

- a) sites which do not involve major development and have planning permission, and all sites with detailed planning permission, should be considered deliverable until permission expires, unless there is clear evidence that homes will not be delivered within five years (for example because they are no longer viable, there is no longer a demand for the type of units or sites have long term phasing plans).
- b) where a site has outline planning permission for major development, has been allocated in a development plan, has a grant of permission in principle, or is identified on a brownfield register, it should only be considered deliverable where there is clear evidence that housing completions will begin on site within five years.

Design code: A set of illustrated design requirements that provide specific, detailed parameters for the physical development of a site or area. The graphic and written components of the code should build upon a design vision, such as a masterplan or other design and development framework for a site or area.

Design guide: A document providing guidance on how development can be carried out in accordance with good design practice, often produced by a local authority.

Designated heritage asset: A World Heritage Site, Scheduled Monument, Listed Building, Protected Wreck Site, Registered Park and Garden, Registered Battlefield or Conservation Area designated under the relevant legislation.

Designated rural areas: National Parks, Areas of Outstanding Natural Beauty and areas designated as 'rural' under Section 157 of the Housing Act 1985.

Developable: To be considered developable, sites should be in a suitable location for housing development with a reasonable prospect that they will be available and could be viably developed at the point envisaged.

Development plan: Is defined in section 38 of the Planning and Compulsory Purchase Act 2004, and includes adopted local plans, neighbourhood plans that have been made and published spatial development strategies, together with any regional strategy policies that remain in force. Neighbourhood plans that have been approved at referendum are

also part of the development plan, unless the local planning authority decides that the neighbourhood plan should not be made.

Edge of centre: For retail purposes, a location that is well connected to, and up to 300 metres from, the primary shopping area. For all other main town centre uses, a location within 300 metres of a town centre boundary. For office development, this includes locations outside the town centre but within 500 metres of a public transport interchange. In determining whether a site falls within the definition of edge of centre, account should be taken of local circumstances.

Entry-level exception site: A site that provides entry-level homes suitable for first time buyers (or equivalent, for those looking to rent), in line with paragraph 72 of this Framework.

Environmental impact assessment: A procedure to be followed for certain types of project to ensure that decisions are made in full knowledge of any likely significant effects on the environment.

Essential local workers: Public sector employees who provide frontline services in areas including health, education and community safety – such as NHS staff, teachers, police, firefighters and military personnel, social care and childcare workers.

General aviation airfields: Licenced or unlicenced aerodromes with hard or grass runways, often with extensive areas of open land related to aviation activity.

Geodiversity: The range of rocks, minerals, fossils, soils and landforms.

Green infrastructure: A network of multi-functional green and blue spaces and other natural features, urban and rural, which is capable of delivering a wide range of environmental, economic, health and wellbeing benefits for nature, climate, local and wider communities and prosperity.

Habitats site: Any site which would be included within the definition at regulation 8 of the Conservation of Habitats and Species Regulations 2017 for the purpose of those regulations, including candidate Special Areas of Conservation, Sites of Community Importance, Special Areas of Conservation, Special Protection Areas and any relevant Marine Sites.

Heritage asset: A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. It includes designated heritage assets and assets identified by the local planning authority (including local listing).

Heritage coast: Areas of undeveloped coastline which are managed to conserve their natural beauty and, where appropriate, to improve accessibility for visitors.

Historic environment: All aspects of the environment resulting from the interaction between people and places through time, including all surviving physical remains of past human activity, whether visible, buried or submerged, and landscaped and planted or managed flora.

Historic environment record: Information services that seek to provide access to comprehensive and dynamic resources relating to the historic environment of a defined geographic area for public benefit and use.

Housing Delivery Test: Measures net homes delivered and the number of homes granted permission in a local authority area against the homes required, using national statistics and local authority data. The Secretary of State will publish the Housing Delivery Test results for each local authority in England ~~every November~~ each winter.

International, national and locally designated sites of importance for biodiversity: All international sites (Special Areas of Conservation, Special Protection Areas, and Ramsar sites), national sites (Sites of Special Scientific Interest) and locally designated sites including Local Wildlife Sites.

Irreplaceable habitat: Habitats which would be technically very difficult (or take a very significant time) to restore, recreate or replace once destroyed, taking into account their age, uniqueness, species diversity or rarity. They include ancient woodland, ancient and veteran trees, blanket bog, limestone pavement, sand dunes, salt marsh and lowland fen.

Local Development Order: An Order made by a local planning authority (under the Town and Country Planning Act 1990) that grants planning permission for a specific development proposal or classes of development.

Local Enterprise Partnership: A body, designated by the Secretary of State for Housing, Communities and Local Government, established for the purpose of creating or improving the conditions for economic growth in an area.

Local housing need: The number of homes identified as being needed through the application of the standard method set out in national planning guidance (or, in the context of preparing strategic policies only, this may be calculated using a justified alternative approach as provided for in paragraph 61 of this Framework).

Local Nature Partnership: A body, designated by the Secretary of State for Environment, Food and Rural Affairs, established for the purpose of protecting and improving the natural environment in an area and the benefits derived from it.

Local planning authority: The public authority whose duty it is to carry out specific planning functions for a particular area. All references to local planning authority include the district council, London borough council, county council, Broads Authority, National Park Authority, the Mayor of London and a development corporation, to the extent appropriate to their responsibilities.

Local plan: A plan for the future development of a local area, drawn up by the local planning authority in consultation with the community. In law this is described as the development plan documents adopted under the Planning and Compulsory Purchase Act 2004. A local plan can consist of either strategic or non-strategic policies, or a combination of the two.

Main town centre uses: Retail development (including warehouse clubs and factory outlet centres); leisure, entertainment and more intensive sport and recreation uses (including cinemas, restaurants, drive-through restaurants, bars and pubs, nightclubs,

casinos, health and fitness centres, indoor bowling centres and bingo halls); offices; and arts, culture and tourism development (including theatres, museums, galleries and concert halls, hotels and conference facilities).

Major development⁸⁴: For housing, development where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more. For non-residential development it means additional floorspace of 1,000m² or more, or a site of 1 hectare or more, or as otherwise provided in the Town and Country Planning (Development Management Procedure) (England) Order 2015.

Major hazard sites, installations and pipelines: Sites and infrastructure, including licensed explosive sites and nuclear installations, around which Health and Safety Executive (and Office for Nuclear Regulation) consultation distances to mitigate the consequences to public safety of major accidents may apply.

Minerals resources of local and national importance: Minerals which are necessary to meet society's needs, including aggregates, brickclay (especially Etruria Marl and fireclay), silica sand (including high grade silica sands), coal derived fly ash in single use deposits, cement raw materials, gypsum, salt, fluorspar, shallow and deep-mined coal, oil and gas (including conventional and unconventional hydrocarbons), tungsten, kaolin, ball clay, potash, polyhalite and local minerals of importance to heritage assets and local distinctiveness.

Mineral Consultation Area: a geographical area based on a Mineral Safeguarding Area, where the district or borough council should consult the Mineral Planning Authority for any proposals for non-minerals development.

Mineral Safeguarding Area: An area designated by minerals planning authorities which covers known deposits of minerals which are desired to be kept safeguarded from unnecessary sterilisation by non-mineral development.

National trails: Long distance routes for walking, cycling and horse riding.

Natural Flood Management: managing flood and coastal erosion risk by protecting, restoring and emulating the natural 'regulating' function of catchments, rivers, floodplains and coasts.

Nature Recovery Network: An expanding, increasingly connected, network of wildlife-rich habitats supporting species recovery, alongside wider benefits such as carbon capture, water quality improvements, natural flood risk management and recreation. It includes the existing network of protected sites and other wildlife rich habitats as well as and landscape or catchment scale recovery areas where there is coordinated action for species and habitats.

Neighbourhood Development Order: An Order made by a local planning authority (under the Town and Country Planning Act 1990) through which parish councils and neighbourhood forums can grant planning permission for a specific development proposal or classes of development.

⁸⁴ Other than for the specific purposes of paragraphs 176 and 177 in this Framework.

Neighbourhood plan: A plan prepared by a parish council or neighbourhood forum for a designated neighbourhood area. In law this is described as a neighbourhood development plan in the Planning and Compulsory Purchase Act 2004.

Non-strategic policies: Policies contained in a neighbourhood plan, or those policies in a local plan that are not strategic policies.

Older people: People over or approaching retirement age, including the active, newly-retired through to the very frail elderly; and whose housing needs can encompass accessible, adaptable general needs housing through to the full range of retirement and specialised housing for those with support or care needs.

Open space: All open space of public value, including not just land, but also areas of water (such as rivers, canals, lakes and reservoirs) which offer important opportunities for sport and recreation and can act as a visual amenity.

Original building: A building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was built originally.

Out of centre: A location which is not in or on the edge of a centre but not necessarily outside the urban area.

Out of town: A location out of centre that is outside the existing urban area.

Outstanding universal value: Cultural and/or natural significance which is so exceptional as to transcend national boundaries and to be of common importance for present and future generations. An individual Statement of Outstanding Universal Value is agreed and adopted by the UNESCO World Heritage Committee for each World Heritage Site.

People with disabilities: People have a disability if they have a physical or mental impairment, and that impairment has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities. These persons include, but are not limited to, people with ambulatory difficulties, blindness, learning difficulties, autism and mental health needs.

Permission in principle: A form of planning consent which establishes that a site is suitable for a specified amount of housing-led development in principle. Following a grant of permission in principle, the site must receive a grant of technical details consent before development can proceed.

Planning condition: A condition imposed on a grant of planning permission (in accordance with the Town and Country Planning Act 1990) or a condition included in a Local Development Order or Neighbourhood Development Order.

Planning obligation: A legal agreement entered into under section 106 of the Town and Country Planning Act 1990 to mitigate the impacts of a development proposal.

Playing field: The whole of a site which encompasses at least one playing pitch as defined in the Town and Country Planning (Development Management Procedure) (England) Order 2015.

Previously developed land: Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.

Primary shopping area: Defined area where retail development is concentrated.

Priority habitats and species: Species and Habitats of Principal Importance included in the England Biodiversity List published by the Secretary of State under section 41 of the Natural Environment and Rural Communities Act 2006.

Ramsar sites: Wetlands of international importance, designated under the 1971 Ramsar Convention.

Renewable and low carbon energy: Includes energy for heating and cooling as well as generating electricity. Renewable energy covers those energy flows that occur naturally and repeatedly in the environment – from the wind, the fall of water, the movement of the oceans, from the sun and also from biomass and deep geothermal heat. Low carbon technologies are those that can help reduce emissions (compared to conventional use of fossil fuels).

Rural exception sites: Small sites used for affordable housing in perpetuity where sites would not normally be used for housing. Rural exception sites seek to address the needs of the local community by accommodating households who are either current residents or have an existing family or employment connection. A proportion of market homes may be allowed on the site at the local planning authority's discretion, for example where essential to enable the delivery of affordable units without grant funding.

Recycled aggregates: aggregates resulting from the processing of inorganic materials previously used in construction, e.g. construction and demolition waste.

Safeguarding zone: An area defined in Circular 01/03: *Safeguarding aerodromes, technical sites and military explosives storage areas*, to which specific safeguarding provisions apply.

Secondary aggregates: aggregates from industrial wastes such as glass (cullet), incinerator bottom ash, coal derived fly ash, railway ballast, fine ceramic waste (pitcher), and scrap tyres; and industrial and minerals by-products, notably waste from china clay, coal and slate extraction and spent foundry sand. These can also include hydraulically bound materials.

Self-build and custom-build housing: Housing built by an individual, a group of individuals, or persons working with or for them, to be occupied by that individual. Such housing can be either market or affordable housing. A legal definition, for the purpose of

applying the Self-build and Custom Housebuilding Act 2015 (as amended), is contained in section 1(A1) and (A2) of that Act.

Setting of a heritage asset: The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.

Significance (for heritage policy): The value of a heritage asset to this and future generations because of its heritage interest. The interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting. For World Heritage Sites, the cultural value described within each site's Statement of Outstanding Universal Value forms part of its significance.

Special Areas of Conservation: Areas defined by regulation 3 of the Conservation of Habitats and Species Regulations 2017 which have been given special protection as important conservation sites.

Special Protection Areas: Areas classified under regulation 15 of the Conservation of Habitats and Species Regulations 2017 which have been identified as being of international importance for the breeding, feeding, wintering or the migration of rare and vulnerable species of birds.

Site investigation information: Includes a risk assessment of land potentially affected by contamination, or ground stability and slope stability reports, as appropriate. All investigations of land potentially affected by contamination should be carried out in accordance with established procedures (such as BS10175 Investigation of Potentially Contaminated Sites – Code of Practice).

Site of Special Scientific Interest: Sites designated by Natural England under the Wildlife and Countryside Act 1981.

Spatial development strategy: A plan containing strategic policies prepared by a Mayor or a combined authority. It includes the London Plan (prepared under provisions in the Greater London Authority Act 1999) and plans prepared by combined authorities that have been given equivalent plan-making functions by an order made under the Local Democracy, Economic Development and Construction Act 2009 (as amended).

Stepping stones: Pockets of habitat that, while not necessarily connected, facilitate the movement of species across otherwise inhospitable landscapes.

Strategic environmental assessment: A procedure (set out in the Environmental Assessment of Plans and Programmes Regulations 2004) which requires the formal environmental assessment of certain plans and programmes which are likely to have significant effects on the environment.

Strategic policies: Policies and site allocations which address strategic priorities in line with the requirements of Section 19 (1B-E) of the Planning and Compulsory Purchase Act 2004.

Strategic policy-making authorities: Those authorities responsible for producing strategic policies (local planning authorities, and elected Mayors or combined authorities, where this power has been conferred). This definition applies whether the authority is in the process of producing strategic policies or not.

Supplementary planning documents: Documents which add further detail to the policies in the development plan. They can be used to provide further guidance for development on specific sites, or on particular issues, such as design. Supplementary planning documents are capable of being a material consideration in planning decisions but are not part of the development plan.

Sustainable transport modes: Any efficient, safe and accessible means of transport with overall low impact on the environment, including walking and cycling, ultra low and zero emission vehicles, car sharing and public transport.

Town centre: Area defined on the local authority's policies map, including the primary shopping area and areas predominantly occupied by main town centre uses within or adjacent to the primary shopping area. References to town centres or centres apply to city centres, town centres, district centres and local centres but exclude small parades of shops of purely neighbourhood significance. Unless they are identified as centres in the development plan, existing out-of-centre developments, comprising or including main town centre uses, do not constitute town centres.

Transport assessment: A comprehensive and systematic process that sets out transport issues relating to a proposed development. It identifies measures required to improve accessibility and safety for all modes of travel, particularly for alternatives to the car such as walking, cycling and public transport, and measures that will be needed deal with the anticipated transport impacts of the development.

Transport statement: A simplified version of a transport assessment where it is agreed the transport issues arising from development proposals are limited and a full transport assessment is not required.

Travel plan: A long-term management strategy for an organisation or site that seeks to deliver sustainable transport objectives and is regularly reviewed.

Wildlife corridor: Areas of habitat connecting wildlife populations.

Windfall sites: Sites not specifically identified in the development plan.

Annex 3: Flood risk vulnerability classification

ESSENTIAL INFRASTRUCTURE

- Essential transport infrastructure (including mass evacuation routes) which has to cross the area at risk.
- Essential utility infrastructure which has to be located in a flood risk area for operational reasons, including infrastructure for electricity supply including generation, storage and distribution systems; and water treatment works that need to remain operational in times of flood.
- Wind turbines.
- Solar farms

HIGHLY VULNERABLE

- Police and ambulance stations; fire stations and command centres; telecommunications installations required to be operational during flooding.
- Emergency dispersal points.
- Basement dwellings.
- Caravans, mobile homes and park homes intended for permanent residential use.
- Installations requiring hazardous substances consent. (Where there is a demonstrable need to locate such installations for bulk storage of materials with port or other similar facilities, or such installations with energy infrastructure or carbon capture and storage installations, that require coastal or water-side locations, or need to be located in other high flood risk areas, in these instances the facilities should be classified as 'Essential Infrastructure'.)

MORE VULNERABLE

- Hospitals
- Residential institutions such as residential care homes, children's homes, social services homes, prisons and hostels.
- Buildings used for dwelling houses, student halls of residence, drinking establishments, nightclubs and hotels.
- Non-residential uses for health services, nurseries and educational establishments.
- Landfill* and sites used for waste management facilities for hazardous waste.
- Sites used for holiday or short-let caravans and camping, subject to a specific warning and evacuation plan.

LESS VULNERABLE

- Police, ambulance and fire stations which are not required to be operational during flooding.

- Buildings used for shops; financial, professional and other services; restaurants, cafes and hot food takeaways; offices; general industry, storage and distribution; non-residential institutions not included in the 'more vulnerable' class; and assembly and leisure.
- Land and buildings used for agriculture and forestry.
- Waste treatment (except landfill* and hazardous waste facilities).
- Minerals working and processing (except for sand and gravel working).
- Water treatment works which do not need to remain operational during times of flood.
- Sewage treatment works, if adequate measures to control pollution and manage sewage during flooding events are in place.
- Car parks.

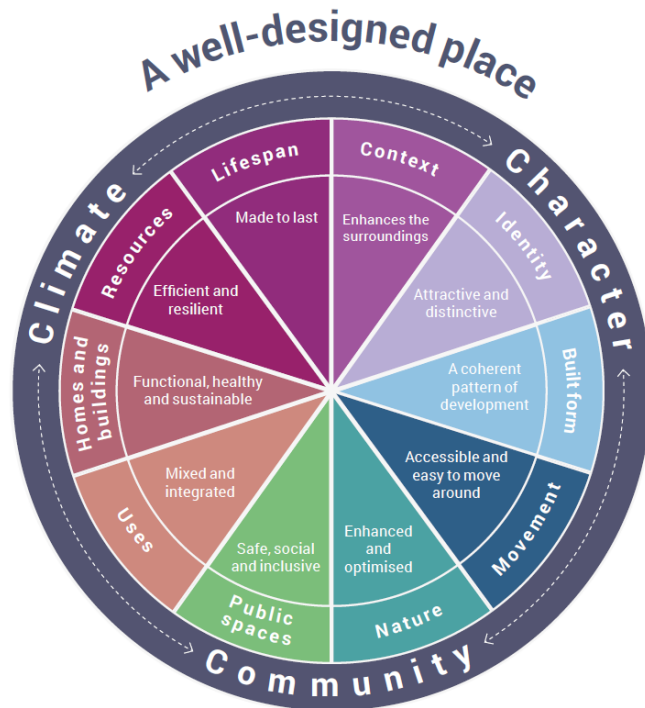
WATER-COMPATIBLE DEVELOPMENT

- Flood control infrastructure.
- Water transmission infrastructure and pumping stations.
- Sewage transmission infrastructure and pumping stations.
- Sand and gravel working.
- Docks, marinas and wharves.
- Navigation facilities.
- Ministry of Defence installations.
- Ship building, repairing and dismantling, dockside fish processing and refrigeration and compatible activities requiring a waterside location.
- Water-based recreation (excluding sleeping accommodation).
- Lifeguard and coastguard stations.
- Amenity open space, nature conservation and biodiversity, outdoor sports and recreation and essential facilities such as changing rooms.
- Essential ancillary sleeping or residential accommodation for staff required by uses in this category, subject to a specific warning and evacuation plan.

* Landfill is as defined in Schedule 10 of the Environmental Permitting (England and Wales) Regulations 2010.

Annex 5- 10 Characteristics of a well-designed place

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



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TONBRIDGE & MALLING BOROUGH COUNCIL

CABINET

04 April 2023

Report of the Director of Finance and Transformation

Part 1- Public

Executive Non Key Decisions

1 OUTCOMES AND ACHIEVEMENTS OF THE IT STRATEGY AND DIGITAL STRATEGY

This report is focused on informing Members of the impact the Council's IT and Digital strategies have had on the organisation over the last 4-year period. Both strategies were customer-centric (residents and businesses) and aligned to underpin the Council's ambition to improve the customer experience in terms of quality and the efficiency of the services provided.

This report highlights the measurable outcomes against the overall vision set within the strategies. These outcomes also exemplify the pragmatism and foresight adopted by the Council which has enabled the organisation to adopt these ambitious and transformative strategies in such a short timescale.

A short powerpoint presentation will be given at the meeting by the Head of IT.

1.1 Introduction

- 1.1.1 The IT strategy was initially approved by Members in June 2018 covering the four year period 2018 to 2022. Subsequently, in January 2021 it was refreshed and 'rolled on' one year until 2023 in order to align with the Digital Strategy.
- 1.1.2 The Digital Strategy was adopted in June 2019 to cover a 4 year period through to 2023.
- 1.1.3 The Digital strategy consisted of five core priorities (One council, Efficient Workforce, Demand Management, Economic Growth and Smart Borough) and was primarily focused on various challenges faced by the Council, including meeting customer expectation, increasing service demand, diminishing resources and the 'Green' agenda.
- 1.1.4 The IT strategy was focused around enabling the corporate and digital strategies through secure, resilient, and highly available infrastructure, whilst ensuring best value with a reduced carbon footprint.
- 1.1.5 Adoption of these strategies were enabled through a number of key projects over the last 4 years. These included significant changes to the technical

infrastructure, business systems and processes involving not only IT but also both front, middle and back-office functions.

- 1.1.6 As Members will note, both strategies are now coming to the end of their life. This report gives Cabinet an update on the achievements and highlights of the two strategies, and also sets out those matters that need to be carried over into future strategies.

1.2 Outcomes

- 1.2.1 In developing and adopting the IT and Digital strategies the Council was able to cater for, meet and mitigate the key challenges faced by the authority since 2019 in the form of:
- preparedness to mitigate potential service disruptions due to Brexit (Operation Stack),
 - the lockdowns during the pandemic,
 - a major power outage caused by fire in April 2020, and
 - the energy price hike due to the conflict in Ukraine.
- 1.2.2 The Council is now able to adopt a remote working policy to enable all required staff to work remotely without compromising customer and user experience. Statistics show that the IT infrastructure is now catering for almost 95% of staff to be able to work remotely. Adoption of a Remote Working Policy by the General Purposes Committee has enabled the organisation to geographically widen its potential to recruit staff.
- 1.2.3 Migrating the telephony and email systems to cloud has enabled the Council to improve and maintain its key communication channels at 99.9% availability since January 2020.
- 1.2.4 Due to the adoption of a secure 'by design' approach embedded within both digital and IT strategies, the Council is able to defend against the cyber threats faced by public sector organisations across the country in the form of ransomware and malware. This has been verified by the successful achievement of Cyber Essentials certification for Tonbridge and Malling Borough Council in November 2022.
- 1.2.5 As a result of migrating the Council's website to a 'cloud hosted' JADU platform and introducing the new customer portal feature, we have enabled our residents and businesses to engage with all services digitally. The statistics shows that there is a staggering 51% increase in the self-service cases across the Council since the adoption of the digital strategy.
- 1.2.6 Our customers are able to manage all their queries and service requirements within their 'My TMBC Account', which enables them to access all council related information and transactions that only applies to them from a single account via an

App on their smartphones or the I website. Statistics show that there is a steady and rapid growth in the take up 'My Account' which currently has 31,077 subscribers. 6,400 of them are accessing the services via the mobile App, of which 4,400 subscribers have opted for push notifications. It is also worthwhile noting that there has been no negative feedback to date from the Mobile App users. In industry standards this shows greater confidence amongst our users.

- 1.2.7 The primary contributors to the positive customer experience of the Council's digital channels are the user-friendliness of the system and robustness of the infrastructure it is hosted on. The statistics shows that the availability of the website and the customer portal is being maintained at 100% since its launch in June 2021.
- 1.2.8 The Council's contact centre is able adopt a predictive analytic approach to manage its resource demand and availability due to the newly adopted 'Anywhere365' (AW365) contact management system. AW365 provides a platform for the Council to deal with residents' queries and transactions more efficiently via our multiskilled customer services team and getting calls to the right person first time with skills-based routing and redirecting to a digital platform. Statics show that first-time right calls are currently maintained at 96%.
- 1.2.9 By migrating the data centre to cloud, the Council has successfully managed to reduce its annual hosting carbon footprint by 73% equating to 34 kilotonnes per annum. This has been a key contributor to the Council's climate change targets.
- 1.2.10 Also due to migration to cloud, despite the significant increase in the cost of energy, the council has been able sustain its electric consumption in terms of hosting its data centre at a considerably low level comparatively. Based on the historical usage the saving equates up to £53k per annum
- 1.2.11 The 'Smart Borough' priority within the digital strategy is key to the Council meeting its future demands and improving the quality of life for the residents. As Tonbridge and Malling Borough Council (TMBC) does not have ownership of key assets required for the smart borough agenda, such as street furniture, roads, etc, this can only be achieved through partnership with other relevant authorities within Kent. TMBC has played a key role in initiating and establishing the 'Smart Kent & Medway' group involving Kent County Council and other district councils. The group focuses on exploiting technologies such as 'Internet of Things' (IoT) and other sensor-based solutions to tackle social, educational, environmental, health, housing, traffic and other challenges faced by local governments within the county.
- 1.2.12 Whilst there have been great inroads made on the overall Digital strategy and some significant outcomes as set out above, the 'Economic Growth' and 'Smart Borough' priorities will require to be carried over and factored into the next Digital & IT strategy 2023-27.
- 1.2.13 Work on the new Strategy will commence in the next few months and a draft brought to Members later in the year for consideration.

1.3 Summary

- 1.3.1 It is worth reflecting that the IT and Digital strategies were ambitious but as Members will note as a result of their adoption, some significant achievements have been made. There are still more improvements that can be made and these ambitions will be factored into the new Strategy which will be brought forward for Members' consideration later in the year.
- 1.3.2 At the time, the Council did take bold steps in adopting these strategies, but hopefully Cabinet will agree that this has reaped rewards in helping to transform the Council.
- 1.3.3 The Head of IT will give a short powerpoint presentation at the meeting to illustrate the achievements.

1.4 Legal Implications

- 1.4.1 All of systems and changes adopted were within the local government legislative guidelines and in compliance with GDPR.

1.5 Financial and Value for Money Considerations

- 1.5.1 All procurements were carried out in line with the government guidelines and where necessary through the Crown Commercial Services (CCS) frameworks such as G-Cloud.

1.6 Risk Assessment

- 1.6.1 Like all organisations, the Council is reliant on IT systems to deliver its services. The progress made through these strategies has reduced the risks to the authority significantly.
- 1.6.2 Digital solutions can help to manage demand pressures and make limited resources/capacity go further. However reliance on digital services can also bring risks. If services are down for prolonged periods, productivity of staff is compromised as are services to the public. Disaster Recovery measures are therefore imperative.
- 1.6.3 Corporate strategies, goals and priorities need to align and support each other. The IT Strategy supports the activities and goals set by the Council. Without a clearly defined strategy we may not be able to prioritise our resources correctly, leading to missed opportunities to improve service delivery and reduce costs.
- 1.6.4 As the reliance on IT systems becomes even greater, opportunities are continuously explored to mitigate risks further.
- 1.6.5 In terms of cyber security, training is regularly pushed out to all staff. The Council was successful in the achievement of Cyber Essentials certification in November 2022.

1.7 Policy Considerations

- 1.7.1 Remote working
- 1.7.2 Device policy
- 1.7.3 Business Continuity/Resilience
- 1.7.4 Information Governance
- 1.7.5 Data protection
- 1.7.6 Customer Contact
- 1.7.7 Human Resources

1.8 Equality Impact Assessment

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

1.9 Recommendation

- 1.9.1 Cabinet is **RECOMMENDED** to:

- 1) Note the outcomes and achievements of both the Digital Strategy 2019-2023 and the IT Strategy 2018-2023; and
- 2) Agree that a new “Corporate IT and Digital Strategy” be developed and presented to Members of the Cabinet for consideration later in this calendar year.

Background papers:

contact: Ganesh Thangarajah

Nil

Sharon Shelton
Director of Finance & Transformation

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TONBRIDGE & MALLING BOROUGH COUNCIL

CABINET

04 April 2023

Report of the Chief Executive

Part 1- Public

Executive Non Key Decisions

1 COMMUNITY DEVELOPMENT GRANT SCHEME

This report sets out the scheme in detail and seeks approval to launch in April 2023.

1.1 Background

1.1.1 On 5 July 2022, Cabinet endorsed the Tonbridge and Malling UK Shared Prosperity Fund (UKSPF) Investment Plan, which included a total allocation of £165,269 for a community grant scheme. Government approved the Investment Plan in December 2022. The plan set out projects to create a better borough for residents and businesses and this included the Community Development Grant Scheme.

1.1.2 The Scheme will run for the 2023/24 financial year, with a second round in 2024/25. Each year the scheme will operate in the same way, however the allocation of funds for the first year is lower than year two, therefore the amount applicants can apply for will be increased in the second year.

1.2 Funding Priorities for 2023/24

1.2.1 For this financial year, the funding priorities have been set as follows:

- A specific project deliverable in the year the grant is awarded
- Projects which are funded from a variety of sources where the Council can provide additional financial support
- Projects which help the Council meet one or more of the priorities set out in the Corporate Strategy
- Projects which address one or more of the following priorities:
 - **Helping vulnerable communities through the cost-of-living crisis**
 - **Supporting healthy lifestyles**
 - **Improving community safety**
 - **Helping people gain skills to access the workplace**
 - **Supporting environmental and carbon reduction initiatives**

1.3 Grant Application Process

- 1.3.1 It is anticipated that interest in the Grant Scheme from the voluntary and community sector as well as town and parish councils will be high. It is therefore likely that not all applicants will be successful and /or may not be awarded the full amount that they have asked for. To help manage this process guidelines and scoring for applications will be in place (attached at **Annex 1**). The application form will be available for online submission, but a copy is attached (**Annex 2**) for information.
- 1.3.2 Subject to Member approval the Grant Scheme will launch on 18 April 2023 and close on 13 June 2023 (allowing applicants 8 weeks to outline their project and assemble the required information). After the deadline, the grants will be scored and assessed against the Council's priorities. Grant awards will be reported to Cabinet for final approval and then distributed to successful applicants.
- 1.3.3 The scheme will be promoted through the Council website and social media. Information about the scheme will also be shared with all councillors and town and parish councils as well as local voluntary sector contacts.

1.4 Legal Implications

- 1.4.1 Applications will be assessed against set priorities and scored against set criteria.

1.5 Financial and Value for Money Considerations

- 1.5.1 The total amount allocated from the UKSPF to the Community Development Grant Scheme is £165,269, split over the two years as follows:
- Round 1 - 2023/24 - £33,962
 - Round 2 - 2024/25 - £131,307
- 1.5.2 In Round 1, applicants will be able to apply for grants to a maximum of £2,000. This will be increased to grants of up to a maximum of £5,000 in Round 2.

1.6 Risk Assessment

- 1.6.1 The application process has been designed to minimise risk, with assessments based on set criteria. Payments will only be made following this process and upon receipt of audited or signed accounts, along with a copy of the organisation's constitution.

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 Biodiversity & Sustainability

1.8.2 Climate Change

1.8.3 Community

1.8.4 Crime & Disorder Reduction

1.8.5 Healthy Lifestyles

1.9 Recommendations

1.9.1 That the Community Development Grant Scheme as set out in the report **BE ENDORSED.**

Background papers:

contact: Gill Fox

Nil

Julie Beilby
Chief Executive

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UK Shared Prosperity Fund

Tonbridge & Malling Borough Council Community Development Grant Scheme 2023/24

Guidelines for Grants (maximum grant £2000)

1. Who can apply?

Any organisation which:

- is based in the Borough and/or is providing a direct service to residents of the borough in line with community priorities
- provides services that will promote or improve the economic, social or environmental wellbeing of the area for the benefit of residents of Tonbridge & Malling and can clearly demonstrate this
- is in the community and voluntary sector, not-for-profit sector or a town/parish council
- has a constitution or set of rules setting out its aims and objectives
- has a bank or building society account in its own name
- can provide externally examined, or signed accounts for the previous financial year

2. The Council's Funding Priorities for 2023/24

Specific priorities for funding for the coming financial year are as follows:

- A specific project deliverable in the year the grant is awarded
- Projects which are funded from a variety of sources where the Council can provide additional financial support
- Projects which help the Council meet one or more of the priorities set out in the Corporate Strategy
- Projects which address one or more of the following priorities:
 - **Helping vulnerable communities through the cost-of-living crisis**
 - **Supporting healthy lifestyles**
 - **Improving community safety**
 - **Helping people gain skills to access the workplace**
 - **Supporting environmental and carbon reduction initiatives**

The Council will consider applications for core funding to support the on-going work of voluntary and community groups but will give higher priority to those applications seeking funding for a specific project or purchase.

2. Monitoring

Organisations will be asked to complete a monitoring form towards the end of the financial year in which the grant was received.

3. We will not grant aid

- organisations seeking to add capital to their investments or reserves
- local organisations whose total fund-raising is sent to their central HQ for redistribution
- individuals seeking sponsorship
- groups whose main aim is campaigning
- activities that promote religion
- groups that hold levels of reserves which are not in line with the Charity Commission’s guidelines
- activities, the full cost of which can be charged for

4. Awarding Grants

The table below sets out the criteria and associated scoring that will be used for comparative assessment of applications for grants. This is provided to assist applicants in setting out their grant applications. Applicants are not expected to score themselves against the criteria; this will be done independently once the applications have been received. Applicants will be advised of the outcome of their grant applications in June/July 2023.

Criteria and scoring for applications

Criteria		Score	Awarded (Office use only)
Location of the organisation	Based in the borough	3	
	Based in the local area (including Maidstone, Tunbridge Wells, Sevenoaks, Medway)	1	
Area of the borough served	Support focused on residents in more deprived communities (Trench, Snodland, East Malling or Aylesford)	3	
	Serves other areas of the borough	2	
Project Funding	Grant will fund a project or purchase or seeks to establish a new group	5	
	Grant will fund both ongoing work and a specific project purchase	3	
	Ongoing work only	1	
Delivery of priorities	Assists with the delivery of more than one priority	5	

	Assists with the delivery of one priority	3	
Partnership working	Application involves joint working with others	2	
Other sources of funding	Several sources of funding obtained	5	
	Funding obtained from one other source	3	
	Funding applied for but not yet confirmed	2	
Recognised quality standard	Has achieved accreditation	3	
	Is working towards accreditation	1	
Total			

The Council will operate an internal review process and will accept a request for a review of any decision. Any such request must be made in writing or email to the Council and should state the reasons why the applicant is aggrieved with the decision of the Council. A request for review will be considered by a senior officer and the applicant informed of the final decision. The decision of the Council on any eligibility matter will be final.

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Maximum Grant - £2000	UK Shared Prosperity Fund Tonbridge & Malling Borough Council Community Development Grant Scheme 2023/24	Ref. No
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How to fill in this application form

1. The decision about a grant will be made on the basis of information you submit on this form.
2. It is essential that you fully complete all parts of the form itself, even if this information is included in other documents you may submit.
3. Please remember to attach copies of signed accounts for the last 2 years, or a budget for the first year if this is a new venture and a copy of your constitution or set of rules.
5. Please use the checklist to ensure that you have submitted all of the required information.
6. This form should be submitted **by 13 June 2023**

1. CONTACT INFORMATION ABOUT YOUR ORGANISATION

Name and Address of organisation: (as it should appear on a grant cheque)

Name of applicant:

Position in organisation:

Address to which correspondence should be sent:

Daytime telephone number:

Email Address:

Registered Charity No (if applicable):

2. THE PURPOSE OF YOUR ORGANISATION

What is the purpose of your organisation?

3. ADDITIONAL INFORMATION ABOUT YOUR ORGANISATION

What area does your organisation serve (please tick one)

All of the borough of Tonbridge & Malling

Part of the borough of Tonbridge & Malling

How many people living in Tonbridge & Malling Borough directly benefit from contact with your organisation each year?

How many staff are employed by your organisation?

How many volunteers assist your organisation?

Have staff/volunteers who work with young people/vulnerable adults obtained DBS clearance if required?
Yes / No

4. INFORMATION ABOUT HOW YOU WOULD USE A GRANT FROM TONBRIDGE AND MALLING BOROUGH COUNCIL

What is the amount of grant you are applying for:

£

Please provide here a short summary of what the grant will fund:

Will the grant be used to fund:

A specific project or purchase

On-going work

A combination of the above

Establishment of a new group

Which of the following priorities does the grant application seek to support?

- Helping vulnerable communities through the cost-of-living crisis
- Supporting healthy lifestyles
- Improving community safety
- Helping people gain skills to access the workplace
- Supporting environmental and carbon reduction initiatives

5. WORKING IN PARTNERSHIP

Is this a joint grant application submitted with other partners? Yes No

If yes, please name partner organisations

Please give details of any applications made to other funding bodies for a grant for the financial year 2023/24

Funding organisation	Amount	Confirmed Yes / No

6. ACCREDITATION

Do you have or are you working towards any quality accreditation?

Yes No Please give details:

7. PERFORMANCE INDICATORS

Please list at least 3 indicators which will help you measure your success and will also enable us to assess whether our grant support to your organisation will have achieved its intended objectives. This will assist us to monitor progress throughout the year.

- 1.
- 2.
- 3.
- 4.
- 5.

8. YOUR CONFIRMATION

If my application is successful, I agree to acknowledge the support of the borough council in my publicity material or on my premises. I confirm that my organisation is committed to equal opportunities and complies with statutory requirements.

Signed:

Position:

Date:



YOUR CHECKLIST

- **Applications must be submitted by no later than 13 June 2023.**
- **Please attach a copy of your latest set of audited or signed accounts and a copy of the constitution of your organisation.**
- **Any grant given must be spent during the financial year in which it is awarded.**
- **Please ensure that all sections of this form are completed and any supplementary information which is required is attached. Please note we do not need additional information/literature about your organisation.**
- **Be sure to tell us full details about why you need a grant, what it will be used for and how you will measure your success**
- **Please be aware that grant applications are assessed against a number of criteria set out on the attached sheet. Ensure your grant application addresses the criteria where appropriate**

**For information
only – do not
complete**

Criteria and Scoring for applications

Criteria		Score	Awarded (office use only)
Location of the organisation	Based in the borough	3	
	Based in the local area (including Maidstone, Tunbridge Wells, Sevenoaks, Medway)	1	
Area of the borough served	Support focused on residents in more deprived communities (Trench, Snodland, East Malling or Aylesford)	3	
	Serves other areas of the borough	2	
Project Funding	Grant will fund a project or purchase or seeks to establish a new group	5	
	Grant will fund both ongoing work and a specific project purchase	3	
	Ongoing work only	1	
Delivery of priorities	Assists with the delivery of more than one priority	5	
	Assists with the delivery of one priority	3	
Partnership working	Application involves joint working with others	2	
Other sources of funding	Several sources of funding obtained	5	
	Funding obtained from one other source	3	
	Funding applied for but not yet confirmed	2	
Recognised quality standard	Has achieved accreditation	3	
	Is working towards accreditation	1	
Total Points Scored			

TONBRIDGE & MALLING BOROUGH COUNCIL

CABINET

04 April 2023

Report of the Director of Street Scene, Leisure & Technical Services, the Cabinet Member for Technical & Waste Services, and the Cabinet Member for Community Services

Part 1- Public

Executive Non Key Decisions

1 BLUE BELL HILL COMMUTER CAR PARK

A report advising Members of the current issues at Blue Bell Hill Commuter Car Park and seeking Members' instructions as to future arrangements.

1.1 Background

1.1.1 This site was acquired in December 2003 from Kent County Council for £100,000. The car park was then constructed by Tonbridge and Malling Borough Council for use as a commuter car park.

1.1.2 The car park consists of 278 spaces which includes 9 disabled parking bays and 2 motorcycle bays with cycle racks. The site is approximately 3.32 acres (1.34 ha).

1.1.3 Prior to the pandemic the site successfully operated as a commuter car park serving a number of private bus services that operated to London. The impact of the pandemic has meant that all bus services have now ceased. Following the cessation of bus services, the current average daily usage of the car park is low with 17 season tickets holders and 25 pay-by-phone users.

1.1.4 Following unauthorised anti-social use of the car park, in July 2022 the Cabinet Member for Community Services took the decision to close the car park from Friday night through to Monday morning. This has been shown to be effective in deterring large gatherings although motorcycle, quadbike and pedestrian access is still possible.

1.2 Anti-social Behaviour

1.2.1 Despite the addition of the gate to the car park, anti-social behaviour is still a major concern. In the last six months the police have received over 100 reports in relation to the Blue Bell Hill car park area. The majority of these were in relation to reports of nuisance vehicles. CCTV cameras continue to identify nuisance vehicles using the car park, although some of these reports now relate to quad

bikes and motorbikes who can access the car park even when the gate is closed. The noise and general nuisance of the vehicles does cause a concern to local residents who do continue to report the issues.

1.3 Restrictive Covenants

- 1.3.1 Included in the transfer of the site from KCC to TMBC in 2003 were two covenants aimed at restricting the use of the site. The first states TMBC is not to use the land for any purpose other than as a 'public commuter car park'. This restriction remains in place for the period of 20 years from the date of transfer and expires in December 2023.
- 1.3.2 The second relates to any planning permission obtained in relation to use of the site other than as a public commuter car park and remains in place for a period of 80 years from the date of transfer. In the case where planning permission is granted the covenant provides that 80% of the enhanced value (that is the increased difference between the value of the site with and without the planning permission) shall be paid to KCC.

1.4 Future of the Site

- 1.4.1 The current operating model for the car park is not an efficient use of our resources and is considered to be unsustainable.
- 1.4.2 There is no indication of any return of the commuter bus services which would generate an increase in the number of users to pre-pandemic levels.
- 1.4.3 Given the sites location between the M2 and M20 corridors this site would be a good location for several other uses. We have not currently actively sought to access or develop any offers for other users. If the site was to be closed as a car park then it would need to be fully secured to prevent access. This will require the installation of fencing at the main entrance at a one off cost of £5,000.
- 1.4.4 Any alternative use of the site is likely to require planning permission.

1.5 Financial and Value for Money Considerations

- 1.5.1 Since the pandemic, the income from the car park has naturally declined. The table below shows the outturn figures for the years 2019/20 through to 2021/22 and Members are referred to the income figures.
- 1.5.2 In 2022/23, the income has fallen again and is more in line with the figure shown for 2020/21.

	2019/20	2020/21	2021/22
	£	£	£
Directly Allocated Expenditure specific to Car Park	21,543	21,998	22,413
Depreciation and Impairments	715	715	2,304
Apportioned Expenditure from General Car Parks Budget	61,156	54,597	62,436
Total	83,414	77,310	87,152
Income	-64,161	-18,193	-35,060
Net cost	19,254	59,117	52,093

- 1.5.3 At the time of writing this report, given that the financial year 2022/23 is still open, we do not have the detailed comparable figures to record as above. However, the indication from finance colleagues is that the expenditure is broadly in line with previous years, but the income is more akin to that in 2020/21. In addition, costs have been incurred since Sept 2022 in locking and unlocking the site at weekends.
- 1.5.4 As Member will appreciate if the car park were to be closed, the majority of the “apportioned expenditure” would be reallocated back to other car parks. Apportioned expenditure includes such things as staff costs, cost of the patrol vehicles and a recharge of central overheads.
- 1.5.5 Having taken these costs out of the equation, finance colleagues advise that direct expenditure and the income now being taken in this car park is broadly similar. In other words, if the car park was closed and both the direct costs and the income were eliminated, the impact on the Council’s overall budget is broadly neutral.
- 1.5.6 If Members were to take the decision to close the car park fully, as mentioned at paragraph 1.4.3, some additional costs of circa £5,000 would need to be incurred in order to make the site secure. In addition, there will be a need to part refund some of the season ticket income.
- 1.5.7 As of mid-March 2023 there are 17 current season ticket holders (some yearly and some monthly), to a value of £6380. It is not possible to exactly state the value as it depends on the remaining term of the existing Season Tickets, and also the amount of notice given to Season Ticket holders could mean that Season Tickets holders approaching natural expiry date may choose not to renew or may reduce the term of their renewal.
- 1.5.8 If refunds for the 17 current Season Tickets were to be made mid-March, the total would be approximately £2100.

1.6 Risk Assessment

- 1.6.1 There is little opportunity locally for free parking and any displaced parking may impact on parking in local streets.
- 1.6.2 If demand for commuter services return in the future, we can anticipate a growth in parking. There is no indication that this market will return.

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 Asset Management
- 1.8.2 Community
- 1.8.3 Business Continuity/Resilience
- 1.8.4 Health and Safety

1.9 Recommendations

Cabinet is asked to **CONSIDER** the next steps regarding the Blue Bell Hill Commuter Car Park and to determine whether to;

1. close the car park and secure the site to prevent any pedestrian and vehicular access.
2. explore future opportunities for the site for alternative use in liaison with KCC.

Background papers:

contact: Andy Edwards

Nil

Robert Styles

Director of Street Scene, Leisure & Technical Services

Councillor Des Keers

Cabinet Member for Community Services

Councillor Piers Montague

Cabinet Member for Technical & Waste Services

TONBRIDGE & MALLING BOROUGH COUNCIL

CABINET

04 April 2023

Report of the Chief Executive

Part 1- Public

Executive Non Key Decisions

1 VOLUNTARY AND COMMUNITY SECTOR GRANTS

To review and note progress against Service Level Agreements for ongoing grants and to consider future funding in respect of Citizens Advice North and West Kent

1.1 Background

1.1.1 For many years the Borough Council has provided funding to support key voluntary sector bodies who provide services to residents within the Borough.

1.1.2 Three years ago, we undertook a review of funding arrangements to secure appropriate grant agreements with Maidstone and West Kent Mediation, Imago and Involve. The same process was undertaken last year with Age UK Sevenoaks and Tonbridge. The outcome of these reviews meant that each agency opted to accept a slightly lower grant in return for the security of a fixed amount over a longer term. As a result, all have one further year remaining under the existing terms.

1.1.3 Each organisation was asked to produce a summary of their progress achieved against the objectives set out in their Service Level Agreements (**Annex 1, 2 and 3**).

1.2 Citizens Advice North and West Kent

1.2.1 CANWK have maintained the same level of grant funding for several years. Additional pressure arising from the pandemic and now the cost-of-living crisis, has meant that their services are in ever increasing demand. A summary of progress achieved against the Service Level Agreement is attached (**Annex 4**).

1.2.2 Last year it was felt that any reduction in the level of grant funding from the Council would inevitably mean a reduced service for residents and the situation continues this year. It is therefore suggested that the grant remains the same for another 1-year term.

1.3 Legal Implications

1.3.1 To be addressed via Service Level Agreements

1.4 Financial and Value for Money Considerations

1.4.1 For the three organisations with fixed 4-year grants, the funding as they enter year four of their agreements, remains as follows:

Maidstone and West Kent Mediation Schemes - £4,320

Imago - £3,600

Involve - £3,600

1.4.2 For Age UK Sevenoaks and Tonbridge, the funding as they enter year two of their two-year agreement remains as follows:

Age UK Sevenoaks and Tonbridge - £6,400

1.4.3 For CANWK, it is suggested that another 1-year agreement be offered at the existing level of £95,000.

1.5 Risk Assessment

A review of progress against SLA's is undertaken annually for all organisations on longer term SLA's. Quarterly reporting will be requested for CANWK.

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 Policy Considerations

1.7.1 Community

1.7.2 Crime & Disorder Reduction

1.7.3 Health and Safety

1.7.4 Healthy Lifestyles

1.8 Recommendations

1.8.1 That Members **NOTE** the good progress and the support provided to residents from Involve, Imago, the Mediation Schemes and Age UK Sevenoaks and Tonbridge.

1.8.2 That based on the good progress and the support provided to residents from CANWK, grant funding of £95,000 is **AGREED** for the financial year 2023/24.

Background papers:

contact: Gill Fox

Nil

Julie Beilby
Chief Executive

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Voluntary and Community Sector Grants

Summary of Progress 2022/23

Age UK Sevenoaks and Tonbridge

As with the previous financial years, 2022-2023 has been particularly challenging as our budgets have been constrained. As we lost £290K in funding from KCC and costs have risen due to cost-of-living crisis, we are having to look at cutting costs and making savings. Our arrangement with sharing a Chief Officer with Age UK Maidstone continues and we are also looking at other ways of saving money including closing one of our offices in Sevenoaks and moving more services to Tonbridge.

On positive note, we were successful as part of a West Kent Consortium in winning the contract to provide Dementia Services in Tonbridge. We are now currently offering various activities at Town Lock such as COGS, Dementia Cafes and Young Onset groups and peer support. This is a much-needed service especially as the Alzheimer's Association stopped providing face to face services in the town just before Covid.

The Information and Advice team continue to work in the Tonbridge and Malling area and our Tonbridge Office continues to be a hub. Between 1st April 2022 and 31st December 2022, the office responded to 1752 signposting queries as well as providing specific information and advice to 914 clients. Of these, 107 have been supported to claim benefits. We have improved their lives (financially) to the tune of £9423 per week or £489,996 per year. We are now back to running a face-to-face service with clients being given a choice of phone calls, home visits or coming into the office to complete forms. This is especially important as a lot of advice services have turned to providing remote support only which older people find difficult to access. The cost-of-living crisis along with issues in the care system has also meant that we have seen an increase in the number of people asking for help in finding out what benefits and help that they are entitled to.

In addition to Information and Advice, the other services that we offer in Tonbridge include a Knit and Natter craft group, a coffee morning and a lunch club, Befriending, Independent Living Support and Dementia Outreach. We also run various Pop-In Strength, Balance and Mobility classes in some of the more rural parts of the district including Ryarsh, Golden Green and Aylesford.

With regards to transport to the Hollybush Day Centre, we currently have 16 clients attending regularly from the Tonbridge area (3 attend social day care and 13 attend Dementia Day Care). Of those attending, 2 are currently brought in by Age UK transport and the others make their own way. We also opened Dementia Day Care in Tonbridge on Friday at the beginning of January, and we currently have 8 clients attending (3 of these also attend Hollybush). 3 of these use Age UK transport.

We are hoping to continue growing services for the remainder of this financial year and into next. With moving more of our services to Tonbridge and having our main

office based in the town, we are hoping to be able to embed ourselves into the community and offer more support to the older residents of the borough.

Maidstone and West Kent Mediation

Below are the total figures for mediation services throughout Tonbridge & Malling, please be advised this is up to January 2023 and we have two more months to carry out under the 22/23 SLA.

- Community/neighbour mediation 7
- Family mediation 7
- Anger management 3
- 7 schools received mediation awareness training to approximately 240 students and a further 84 trained to become mediators within the school environment.
- We have scheduled mediation awareness training for partners and also scheduled a volunteer mediator 4-day training course to attract more volunteers both to be held in February.



Involve Kent - Report to Tonbridge and Malling Borough Council 2022

Introduction

Involve Kent and Tonbridge and Malling Borough Council have an established partnership in place through a Service Level Agreement (SLA) worth £3600 a year with the aim of promoting and supporting volunteering across the Malling Borough.

With Covid restrictions lifted, we have been able to focus on promoting volunteering roles that are based in the community and have recruited volunteers into more face-to-face roles than in 2021. This year across the sector there has been lower volunteer numbers than usual due in part to the current cost of living crisis, many volunteers reported that they need to take on paid roles or need to provide childcare for their grandchildren and can no longer afford the time to continue in volunteer roles. To countenance this we have worked on a Kent and Medway wide Volunteer project led by Volunteer Centre Ashford and have run volunteer recruitment campaigns in the area supported by Pfizer. We have seen an increase in local volunteering in the later part of this period as a result of this work.

This report explores how Involve Kent worked with and supported volunteers from the Tonbridge and Malling area across the year 2022.

Reporting on the specifics in the SLA for 2022:

We have 102 volunteers from the Borough currently participating in Involve roles or activities including,

- Exercise groups volunteers
- Falls prevention class volunteers
- Telephone befriending
- Volunteer Drivers providing low cost transport
- Volunteer gardeners
- Buddying
- Administration
- Members accessing creative activities including knitting, sewing and craft

Matching volunteers to opportunities within volunteer involving organisations

We continued to support VCS organisations working or based in Tonbridge and Malling by promoting widely to our Social Prescribers and Community Navigators, who support individuals into volunteering. We keep a database of organisations internally which can be referred to by staff in signposting/navigation roles and use this to match volunteers to suitable organisations.

[Type here]

In addition, we work with several community partners across Tonbridge and Malling and share information about their volunteering opportunities with our clients who are aged 55 and over, or under 55 with complex health/support needs.

We have 8 voluntary sector partners in Tonbridge and Malling funded by Involve under the KCC Universal Wellbeing contract; all provide a extensive volunteering opportunities and together they estimate to have over 800 volunteers, including supported volunteers. We provide all partners with specialist support from CAP Enterprise, who assist with policies, capacity building and funding applications.

Volunteer roles include:

- Telephone befriending
- Horticulture and allotment volunteering
- Supporting wellbeing activities for the over 55's such as singing groups and seated exercise classes
- Backstage theatre volunteers including set design and building, props, gardening, costumes
- Conservation and nature based volunteering
- Supporting social activities; coffee mornings, craft groups, lunch clubs, games groups and day trips
- Supporting the wider community through signposting, foodbanks, clothes swaps, toddler groups and youth work

We are working to address the national volunteer shortfall through involvement in Kent wide initiatives with other volunteer centres and are working on a Kent volunteer campaign, supported by Pfizer.

Volunteers supporting Involve Falls Prevention Classes

Volunteers at our falls prevention classes in the Borough play a significant part in the delivery and success of the 36 week programmes for people who are at risk of falling or who have experienced a fall. In 2022 we ran programmes in Tonbridge and Hadlow with each class supported by 2 volunteers who provide the instructor with help in setting up /clearing down the room, taking the registers, making teas and coffees as well as assisting clients who have high needs during the exercises. Our volunteers have formed strong working relationships with Involve and our Instructors. Most of these volunteers have, or will be, continuing to volunteer in the role as new programmes are added. Furthermore, through reducing the risk of falls and associated social isolation, the volunteer supported programme improves confidence in participants enabling them to get involved in local volunteering opportunities.

[Type here]

Providing support for individual volunteers, particularly those facing barriers to volunteering e.g. through age, disability, culture, income etc.

Our Wellbeing and Inclusion Lead has continued to provide specialist support to volunteers engaged in our 'Get Involved' volunteering programme in 2022. Participants who face barriers to volunteering have been supported to take part in volunteering projects including our weekly allotment and shed groups. In addition this year they have the opportunity to develop new skills in sports-based volunteering in partnership with Kent Sport, including badminton, bowls and table tennis.

The Wellbeing and Inclusion Lead supports participants on a group basis as well as on an individual level when they join the programme. On starting the programme, participants and the Wellbeing and Inclusion Lead work together to build individual development plans to identify areas that they want to improve.

Accessibility to volunteering is at the forefront of our projects and we are always seeking to improve our knowledge through partnerships with other organisations and widen participation in volunteering in communities where levels have been historically low. Transport is provided if needed to access volunteering projects, and if further support is required, we signpost /refer to specialist services.

Involve Supported Volunteering in depth

We have maintained our range of virtual groups, despite the end of lockdown restrictions, for volunteers who have remained cautious of returning to face-to-face volunteering and continue to provide support through telephone and online calls.

Our outdoor supported projects have continued throughout 2022 and have been well attended. The 'Grow Well' project, supporting volunteers in Malling to learn skills in planting, growing, foraging, and cooking also provides social support and the volunteers take part in a range of outdoor activities such as nature walks.

Promoting, stimulating and encouraging local interest in volunteering and community activity

Volunteering continues to be widely promoted through our social media channels and weekly newsletter. We regularly post our volunteer opportunities on local Tonbridge and Malling Facebook pages, such as community pages and groups, to connect with more people in the area. We are also advertising directly from our Facebook page, as part of our efforts to promote Involve Kent in the local community.

We continue to signpost and refer clients over 55, or under 55 with complex health/support needs into community activities. The activities may be social groups,

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exercise classes, arts and culture or nature based (anything from art to Zumba gold!). Taking part in such activities can often lead to a client feeling more confident and lead to them becoming further involved with the activity by taking on a volunteer role with the organisation. Communigrow, for example, have reported that 6 of their wellbeing clients in 2022 have now taken up long term volunteering roles there.

We work with organisations such as CXK, running a volunteer swap scheme that operates in Tonbridge and other boroughs. The aim of the scheme is to provide a platform for our volunteers to be redirected to other organisations in the Voluntary and Community sector (VCS) that have roles better suited to their skills and interests, while also attracting volunteers to fill high demand roles within our organisation. CXK reciprocates by sending volunteers our way.

To promote the volunteer service, we are distributing leaflets to our existing Tonbridge volunteers and encouraging them to spread the word. We are also placing the leaflets in local shops and cafes, and utilising word of mouth, to reach and recruit members from the Tonbridge and Malling local communities.

We attended 2 events organised by TAMS in 2022 to promote Involve's services for older people. We also used this opportunity to promote and signpost to local volunteering opportunities.

Through our partnership with Kent Volunteers, we strive to provide exceptional support to Kent Volunteers. Our marketing manager has teamed up with the KV to improve their website, with the aim of benefiting all charitable organisations throughout Tonbridge and the rest of Kent. The goal is to make it easier for charities to effectively advertise and promote their volunteer roles, connecting them with passionate and dedicated individuals.

The Involve Kent marketing manager has been instrumental in revamping the website, ensuring it is optimised for search engines, user-friendly, and accessible to a wide audience. By working closely with the Kent Volunteers, we are committed to making a positive impact on the volunteer sector in Kent. We share a common goal of supporting the crucial role that volunteers play in their communities. Together, we aim to create a sustainable, impactful, and efficient platform for volunteers and charitable organisations to connect.

Promoting existing volunteer driver schemes within the area

Over the last year, our volunteer drivers have continued to provide essential transport and trips in Tonbridge and Malling clients. We have 12 drivers registered from Tonbridge and Malling and have provided affordable transport to 65 clients in the Borough totalling 970 trips.

In 2022, we have continued to develop our links with Rotary Clubs and ARAs, working together to promote the benefits of volunteering, both for the volunteer and wider community.

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We ran 2 transport recruitment events at The Hub, where the service is coordinated, and these events were promoted on Facebook and Instagram, and shared widely with our VCS contacts in Tonbridge and Malling.

Demand for the volunteer transport service is increasing and we continue to run recruitment events and online campaigns for more volunteer drivers.

Promoting good practice within organisations involving volunteers by providing support and information.

Our weekly online newsletter 'Digest' is distributed to over 1300 subscribers with regular articles on volunteering news, events, training and opportunities.

In 2022, there were 3 networking events for the Voluntary & Community Sector, with topics discussed including 'Youth Volunteering' and 'Poverty and the Cost of Living Crisis', the latter looking at the impact on the voluntary sector and recruiting volunteers. The events have continued to be run online and attendance has been consistently high. Local organisations attending include; Heart of Kent Hospice, Compassionate Neighbours, Communigrow, Angel Lane CIC, Medway Valley Countryside Partnership, Kent and Medway Youth Volunteering Project.

During Volunteers Week, on 1st June, we held a special event with a focus on 'appreciating volunteers not just during Volunteer Week, but throughout the year'. The attendees, consisting of various individuals and organisations from Kent, including Tonbridge and Malling, had the opportunity to update the group on their available volunteer positions and share positive volunteer stories that highlighted the significance and value of volunteers across Kent. The meeting also included a screening of a video about Involve Kent volunteers, exploring their motivations and experiences with volunteering. We were joined by a volunteer who shared his own personal experiences of volunteering and his motivation for getting involved in volunteering.

As well as these events we also hold three other quarterly forums: Health, Wellbeing & Disability network, Children & Young People's network and a Multicultural network. Each network gives organisations opportunity to focus on particular topics of interest. In addition, there is a bi-monthly Service Provider Network Meeting for those working in the area of mental health. All networks allow for organisations to make new contacts, share best practice, and give information to others.

Our Information Officer maps all organisations across Tonbridge & Malling and ensures that their current information is available for free online on our platform Connect Well. This platform is accessed by thousands of people each year, both individuals and professionals.

Liaising with local organisations, including parish councils and other voluntary groups to promote services

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We maintain contact through weekly newsletters which promote volunteering and other community initiatives. Our community engagement work continues with regular contact throughout 2022 with organisations in the community and frequent visits to organisations to help promote their opportunities and offer support and guidance around engagement. Our Engagement Officer, in 2022, supported Tonbridge organisations with an extensive leaflet drop through doors.

Volunteer opportunities are advertised in GP practices across all of Tonbridge and Malling and social prescribers recruit volunteers to run social/community groups as well as to 'buddy up' with less confident patients so that they can attend events or groups. We have supported Tonbridge PCN to develop a Therapy Gardening Project, which actively recruits patients with long term conditions in to gardening projects, patients are supported by Involve's Horticultural Wellbeing Coordinators and in early 2023 we are recruiting a new raft of volunteers to support this work.

Providing information through the Involve Kent website and online directory

The Connect Well directory, www.connectwellwestkent.org.uk continues to be updated regularly and volunteer opportunities are advertised on kentvolunteers.org.uk. Social media is a key communication tool with 6382 'followers' and frequent updates.

We have a new website which will be launched shortly and will have a dedicated section on volunteering.

Participating in local, regional and national campaigns, either individually or in partnership with other providers

National campaigns we have participated in include Volunteers Week, World Mental Health Day, Carers Week, Carers Rights Day.

Providing input into strategic development of volunteering locally, regionally and nationally

During 2022 we worked collaboratively with Ashford Volunteer Centre and secured funding for a Kent Wide project to promote volunteering, including Tonbridge and Malling. We continue to refer organisations to Stronger Kent Communities for tailored support and accreditation via the REVAMP quality mark.

Carrying out DBS checks on all volunteers working in Involve Kent, who work with vulnerable adults

All volunteers and staff working with vulnerable adults are DBS checked and a DBS check service is offered across the Malling area, enabling local groups to check their staff and volunteers.

Acting as an umbrella body for DBS checks for all Voluntary Organisations

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We continue to act as umbrella body for DBS checks and promote the service widely.

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Tonbridge SLA Report – February 2023

Summary of activity delivered by Imago across Tonbridge and Malling District in 2022

- Imago Volunteer Centre continues to have NCVO Accredited Volunteer Centre status as well as with NAVCA.
- We have continued to support residents of Tonbridge and Malling District by providing a Volunteer Recruitment Service by liaising with local community groups and charities, running volunteer recruitment sessions within the district and are looking to increase these during 2023. We have continued with the Volunteer Centre Newsletter has been redesigned including case studies and articles to make it a more engaging read, alongside the usual volunteer role adverts.
- Imago have employed an additional member of staff to join the team in 2022, Louise Garner joined the Imago Volunteer Centre in June 2022 as the Volunteer Development Coordinator to work alongside Lysette D’Urso our Community Development Coordinator.
- We continue to recruit additional Dial 2 Drive volunteers and this has vastly increased following the downturn and reduction in service that happened during the height of the pandemic. We currently have 72 drivers.
- The Imago Volunteer Centre is now part of the Development Team, which includes Marketing, Publicity, Fundraising and Training, enabling the Volunteer Centre to work much closer with these departments. Benefits include an increase in social media and publicity.
- Post pandemic we have continued to offer brokerage sessions to potential volunteers online and over the phone. In early 2023 these will be increasing to in person and have made contact with location organisations to partner with, such as Tonbridge Job Centre, The Oast Theatre, Tonbridge Warm Spaces and more in the pipeline.



- We have continued to promote good practice by holding regular online forums, giving a variety of organisations the opportunity to network and speak to each other about volunteer recruitment, management and opportunities for networking and partnership. Topics of discussion include thanking of volunteers, recruiting the appropriate volunteers for roles, setting boundaries, supporting volunteers and events for Volunteers Week.
- Volunteers' Week information was circulated to groups with links to the downloadable certificates, bunting and other marketing materials. A special Volunteers' Week newsletter was created to highlight the wide variety of opportunities locally.
- A large local business contacted Imago as they were looking to offer their staff team time to volunteer at a cause that meant something to them, so dozens of causes were called and their roles discussed. These were fed back to the business to pass on to their staff team in due course.
- Plans for the 2023 year include Volunteer Fairs for Tonbridge groups to attend and promote their opportunities, this will be enhanced by a social media campaign and include networking opportunities. These will be free of charge for the organisation to attend.
- Events booked or being confirmed already for 2023 include Hadlow College Careers Fair, Tonbridge Job Centre West Kent Jobs Fair and the popular Tonbridge Lions Community Fete.
- New marketing materials have been purchased by Imago to further highlight the Imago Volunteer Centre when at external events. These include pull up banners.
- Support from local business including COOK have enabled free cakes to be available at public events, offering an opportunity to chat about volunteering and it's benefits for the individual and organisation.



Tonbridge & Malling Borough Council

Update of Activities

January – December 2022

We are continuing to experience extremely high demand as local people struggle with the pressures of rising costs of living. The complexity of cases we are supporting clients with has also continued to rise, and therefore the effort and time being put into each client's case, both on Adviceline and in follow up appointments, has also increased. We continue to focus on maximising the efficiency of our service and trying to stretch ourselves to meet demand wherever possible, however inevitably there are times when client demand exceeds our capacity.

We would like to take this opportunity to thank everyone at Tonbridge & Malling Borough Council for their continuing support and encouragement during these most challenging times, which has been so appreciated by all our staff, volunteers and Board of Trustees. We look forward to continuing to work closely together to ensure local residents have the knowledge, skills and confidence to face the difficult times ahead.

Key service developments during the period

- We have been experiencing **consistently high demand on our freephone Adviceline telephone advice service throughout the year**, with weekly demand now regularly reaching 700 calls per week (whereas calls peaked at around 350/week during the pandemic). However **unlike during the pandemic, the issues being raised are far more complex and diverse**. As the complexity of cases has increased, so has the effort and time being put into each client's case, both on Adviceline and in follow-up appointments. There have been times when our resources have been under severe pressure, however ongoing service developments and the support of our volunteers and staff have ensured we have continued to provide an uninterrupted, high quality service.

- **We have successfully piloted virtual outreaches in Snodland and East Malling this year.** Virtual Outreaches are drop-in sessions in local community venues, where a volunteer will support people to connect with an experienced Adviser via video call, so that they can receive face-to-face advice. The volunteer is also trained to provide practical support, including scanning documents to share with the Adviser during the live advice session and helping people to read and complete forms with direction from the Adviser. We are delighted by how popular these sessions have proved to be, particularly with very vulnerable clients who dislike telephone advice.
- We have also launched our **first in-person outreach since the pandemic, with weekly drop-in sessions at the community café at St Stephens Church** in central Tonbridge.
- We have been delighted to be able to support TMBC in delivering **household support grants for Tonbridge & Malling residents** struggling with the financial pressures of these challenging times. **In distributing £65,000 to local residents, we have supported 410 Tonbridge & Malling households with supermarket and fuel vouchers, along with linking them into other CANWK advice services to assist with the underlying causes of their crisis.**
- We have **continued to develop all our specialist advice services to meet existing and emerging needs of local people.** CANWK has specialist advice teams supporting clients with immigration, housing/homelessness, benefits, debt, employment and energy issues.
- **Successful funding bids to the National Lottery Community Fund have enabled us to secure the future of our specialist housing and immigration projects.** As the only free OISC Level 3 immigration service in Kent, we are delighted that continuation funding for our immigration project means that we can continue to support clients with the most complex immigration cases, including refugees. The new 'Homelessness Prevention Project' continues to provide specialist housing advice but extends its focus to work with community partners to identify and support local people at an earlier stage, before they risk crisis point.
- Our Homelessness Prevention Project has continued to **work closely with the TMBC Housing Teams on many client cases**, providing additional support for the most vulnerable residents at risk of homelessness. This partnership approach has been extremely successful in achieving positive outcomes for local people.
- Having begun a programme of recruitment and training of new volunteers towards the end of 2021, to reinvigorate our team following the pandemic, **we have since recruited 19 new volunteer Advisers and 2 new volunteer Form-Fillers, each volunteering at least 1 day/week in Tonbridge.** In total, we now

have 93 volunteers across North and West Kent, supporting local people with the challenges they are facing.

- We have **strengthened our local partnerships to ensure the most vulnerable in our community are supported**. Examples include:
 - A CANWK volunteer Adviser attends a weekly session at the FEAST Community Larder in Tonbridge to support users of the larder with underlying issues they may be facing. We also work closely with the other Tonbridge and Malling foodbanks to ensure they can refer clients as needed.
 - We have provided benefits training to the Tonbridge and Malling Community Wardens, to support them to give better quality advice to local residents, to recognise benefits issues and potential solutions, and understand how best to support people to access our specialist advice.
 - We have supported the development of the KCC ReferKent scheme as the expansion of our original Advice Together Partnership, through which we are working with many local agencies to ensure residents benefit from seamless support from the most appropriate agency.
- **We launched our new CANWK website at the end of 2022 at www.citizensadvicenk.org.uk** This has been a long-awaited ambition for us and we're very excited it is now online. It has been funded by a strategic development grant from the Kent Community Foundation and was designed to meet two goals - providing advice and service access information for local people and giving us an online presence to further develop our project and fundraising objectives. It is a fully accessible website, easily translated into other languages and fully compatible with accessibility software such as audio description. There are sections of the website aimed at people seeking help – linking them to self-help advice for the issues they are facing, highlighting local advice and support we can offer and telling people how to access our services. There are also sections for people interested in knowing more about CANWK and how they can support us through volunteering, fundraising or making a donation. Being able to direct people to different sections of our website will make a huge difference to our work in many ways.
- **December 2022 also saw the launch of our newest project, the Kent Money Advice Hub**. This is a pilot developed by us, in partnership with KCC, Debt Free Advice and other Citizens Advice in Kent, and aims to increase our capacity to support local people who are struggling financially or need help to manage the increasing costs of living. We are trialling the use of alternative digital resources (emphasis is on video calls and use of a small number of kiosks in other areas of Kent) to help people access the service in a way that works for them. We hope

that our learnings from this pilot will enable us to further expand our money advice service in the future.

Client Case Studies

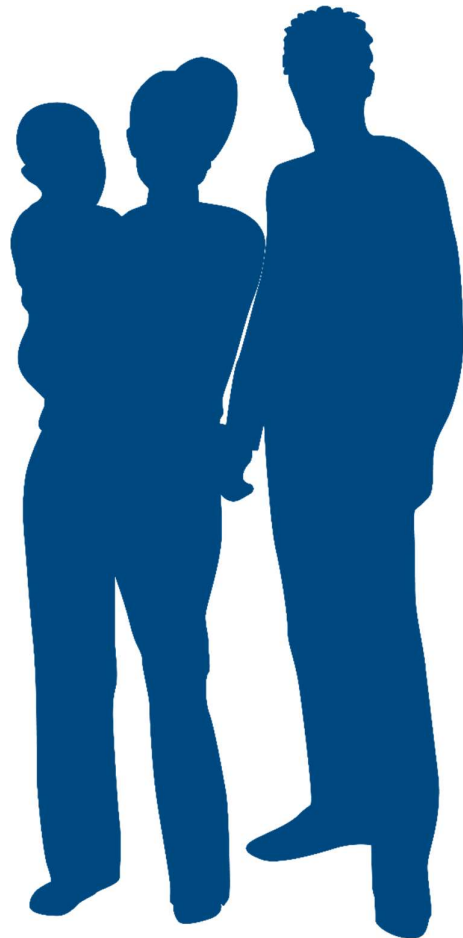
Client 1: John

John was referred to CANWK by the TMBC Housing Team. He and his wife had no financial troubles before the pandemic, but had started to struggle when his wife could not work during lockdown and their car, which was essential to his ability to work, had broken down. Having built up a number of debts, John had taken out an Individual Voluntary Arrangement (IVA) to try to resolve their financial difficulties, however they were not told of the potential difficulties with IVAs. When their landlord issued a Section 21 order to vacate the property when she decided to sell it, the IVA proved to be a major hurdle to securing a new property and resulted in the need for a guarantor, which the couple did not have.

Faced with the real threat of homelessness, John had approached TMBC, and they were referred to CANWK for support with their financial situation.

The CANWK Housing Specialist began by checking that the Section 21 order was valid, which it was. She then worked with the Debt and Benefits teams to explore what financial support was available and how best to deal with the IVA. As a result, the couple's income was maximised through access to appropriate benefits, and a longer-term financial plan was put in place. The CANWK Adviser continued to liaise with the TMBC Housing team to check on progress and provide further information to assist their work.

After several weeks, John and his wife were supported to find private rented property they were happy with and the Council was able to use their Homelessness Prevention Fund and Landlord Incentive Scheme to help secure it. This was an excellent example of partnership working to achieve homelessness prevention.



Client 2: Harry

Harry came to our Snodland virtual outreach asking for help with applying for benefits for him and his wife as he was struggling to cover his day to day expenses. Harry explained that whilst he could call Adviceline, he would not be able to make the application because he could not read or write and his wife, who would usually help him with this, was currently in a residential mental health unit.

The Adviser started by exploring Harry's current situation, discovering that he had long term health issues impacting on his mobility and ability to live independently. Whilst Harry and his family were receiving some benefits, his previous application for the disability benefit PIP had been turned down in 2019. Our Adviser felt he would have a strong claim for PIP and therefore made a further appointment to support him to complete the application form. During this appointment the following week, the Adviser carefully explored each part of the application with him, questioning him further in order to be able to answer in ways which accurately reflected his current situation. Whilst it is likely to be several weeks before Harry receives a decision from DWP, he was extremely grateful for the support he has received so far, and understands that he can come back to us if he needs further support in the future.

Client names changed to protect their identities.

Plans for the year ahead:

The year ahead will be focused on further developing our services to meet the challenges we currently face with increased demand and complexity of problems being faced by local residents. We will also need to be mindful of the challenging financial environment in which we are operating.

Of particular focus for CANWK will be:

- To create a **Meet & Greet Team in our Tonbridge & Malling office at the Castle**. We have been successfully piloting 'Meet & Greet' in other CANWK offices to ensure that we are accessible to local people who are finding telephone advice difficult. Our Meet & Greet team do not give advice themselves, but they can support anyone who comes to the door by giving them information on how to access our telephone advice, and for anyone who is unable to, they will assist in the most appropriate way, including arranging a face-to-face appointment. The team are also able to support clients with their paperwork, and will help people to use the 'virtual face-to-face' video calling

facilities which enable clients to access the advice and support of Advisers with particular specialisms based anywhere in North and West Kent.

- **We will develop new projects which build upon and broaden our advice services to fill gaps and meet client needs.** We have several additional community locations keen to host virtual outreaches for drop-in video advice. We will be preparing a number of funding applications to enable these developments, along with continuing our existing outreaches in Snodland and East Malling. We will also be seeking further funding to support our specialist advice teams, as their skills in supporting clients with the most complex cases are in very high demand.

Tonbridge & Malling residents supported in 2022:

We have supported 2,317 Tonbridge & Malling residents during 2022, with over 9,300 separate issues.

We find that clients' cases are increasingly complex, with people seeking our support for multiple issues which have built up to create the difficulties they are facing, however broadly this includes:

- **40% of issues for which people sought help were related to benefits and tax credits, including help with claiming Universal Credit.** In a reversal of the trend seen during the pandemic, 59% of these clients were seeking help with disability benefits rather than Universal Credit, particularly with applications and appeals for Personal Independence Payments (PIP).
- **68% of clients were seeking advice for problems which put them at direct risk of homelessness.**
- **16% of people sought help with housing issues.**
- **15% of clients sought help with debt issues.**

Owing to the nature of our work we do not always get to know the outcomes of our advice, because once problems are resolved, clients tend to move on quickly. However of those Tonbridge and Malling clients who have kept in contact, **our advice and support resulted in over £950,000 in financial outcomes and many more positive results for clients' housing, health and wellbeing, life prospects etc.**

Whilst open and accessible to all, we target our services to the most vulnerable people in our community, including those on low incomes, people with disabilities and long term health conditions, older people and those who are socially excluded for many reasons. During this period, notable indicators of the profile of our Tonbridge and Malling clients include:

- 63% were female.
- 46% were disabled or had a long-term health condition, including mental health issues.
- 84% were of working age.
- 42% had dependent children.
- 66% were in rented accommodation (local authority, housing association or private rented).
- 12% were living in households with an income of less than £400/month and 38% with an income of less than £1,000/month.
- 65% of clients lived outside of central Tonbridge wards.

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TMBC OWNED SITES - LOCAL PLAN

Item FRP 23/4 referred from Finance, Regeneration and Property Scrutiny Select Committee of 14 March 2023

In preparing the Local Plan, the Council, acting as the Local Planning Authority, would be writing to all landowners whose sites were identified in the Urban Capacity Study (UCS) to seek additional information about those sites, which would include the Council itself as landowner.

The joint report of the Leader, the Cabinet Member for Finance, Innovation and Property and the Director of Central Services & Deputy Chief Executive sought Members' views on the list of Council owned sites, as set out in Annex A, which were suggested to be unavailable for development through the initial information gathering process.

Members had regard to the sites identified to be inappropriate for development at this stage, the legal implications and the financial and value for money considerations detailed in the report and sought clarity around the remaining Council owned sites as identified by the Urban Capacity Study. In response, Members were advised that once the analysis of the remaining sites had been completed, a further report would be presented to the Committee for consideration.

RECOMMENDED: That all sites set out at Annex A to the report, be considered as unavailable for development when formally responding to the letter from the Local Planning Authority, once received, regarding TMBC owned sites identified in the Urban Capacity Study.

***Referred to Cabinet**

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TONBRIDGE & MALLING BOROUGH COUNCIL

FINANCE, REGENERATION AND PROPERTY SCRUTINY SELECT COMMITTEE

14 March 2023

Joint Report of the Leader, Cabinet Member for Finance, Innovation & Property and Director of Central Services & Deputy Chief Executive

Part 1- Public

Matters for Recommendation to Cabinet - Non-Key Decision

1 TMBC OWNED SITES – LOCAL PLAN

1.1 Introduction

1.1.1 As Members will be aware, the Council, acting as the Local Planning Authority (LPA), is preparing its new Local Plan and toward the end of last year undertook its Regulation 18 consultation. Initial outputs from the consultation were reported to the Housing and Planning Scrutiny Select Committee on 6th December 2022 ([available here](#)).

1.1.2 However, outside of this process some key decisions on the future development potential of the council's own assets need to be made. Members will also be aware that potential development sites can be brought forward through the planning approval process and do not specifically require allocation in the local plan to do so. There are specific benefits of allocation within the local plan, however at this stage no decisions on particular sites for inclusion have yet been made by the Council as LPA. The planning policy team are at this stage seeking to understand availability of sites which have been identified through the Urban Capacity Study.

1.1.3 Members will be aware that the government commenced consultation on the 'Levelling-up and Regeneration Bill: reforms to national planning policy' on 22nd December 2022. Cabinet considered the Council's response to the consultation at its meeting on 14th February 2023 (Decision Notice: D230010CAB).

1.2 TMBC Owned Sites

1.2.1 The Council as LPA will be writing to all landowners whose sites were identified in the Urban Capacity Study, which of course includes itself as landowner, seeking additional information about those sites.

1.2.2 In advance of receiving that letter officers have started to pull together relevant information on each of the sites identified. Although this work is ongoing, the initial information gathering process has suggested some sites will be unavailable for development. The purpose of this report is to list these and seek Members'

views on whether, once we receive the letter from the LPA, we can respond stating they are unavailable.

- 1.2.3 A table is included at **Annex A** which lists the sites and provides some commentary from officers as to why they would not be considered appropriate for development at this stage. Plans of each of the sites can be found at **Annex B**.
- 1.2.4 At **Annex C** Members can see for each of the sites the relevant Interim Sustainability Appraisal Report: Annex 1 Reasonable Alternative Development Site Option pages, which formed part of the Local Plan consultation.
- 1.2.5 Once the analysis of the remaining sites identified by the Urban Capacity Study has been completed, a further report will be presented to the committee for consideration.

1.3 Legal Implications

- 1.3.1 The matters raised in this report are considered to be routine, uncontroversial or not legally complex and a legal opinion has not been sought on these proposals.

1.4 Financial and Value for Money Considerations

- 1.4.1 Council will be deciding these sites are unavailable for development based on restrictions or constraints which are likely to be in place for some time, meaning there is little or no development value.

1.5 Risk Assessment

- 1.5.1 There is felt to be no risks associated with the contents of the report.

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 Policy Considerations

- 1.7.1 Asset Management.

1.8 Recommendations

1.8.1 It is **RECOMMENDED** to Cabinet that;

1.8.2 Members' views on sites which are considered to be unavailable for development be taken into account in formally responding to the letter from the LPA, once received, regarding TMBC owned sites identified in the Urban Capacity Study.

Background papers:

contact: Stuart Edwards

Nil

Matt Boughton
Leader of the Council

Martin Coffin
Cabinet Member for Finance, Innovation & Property

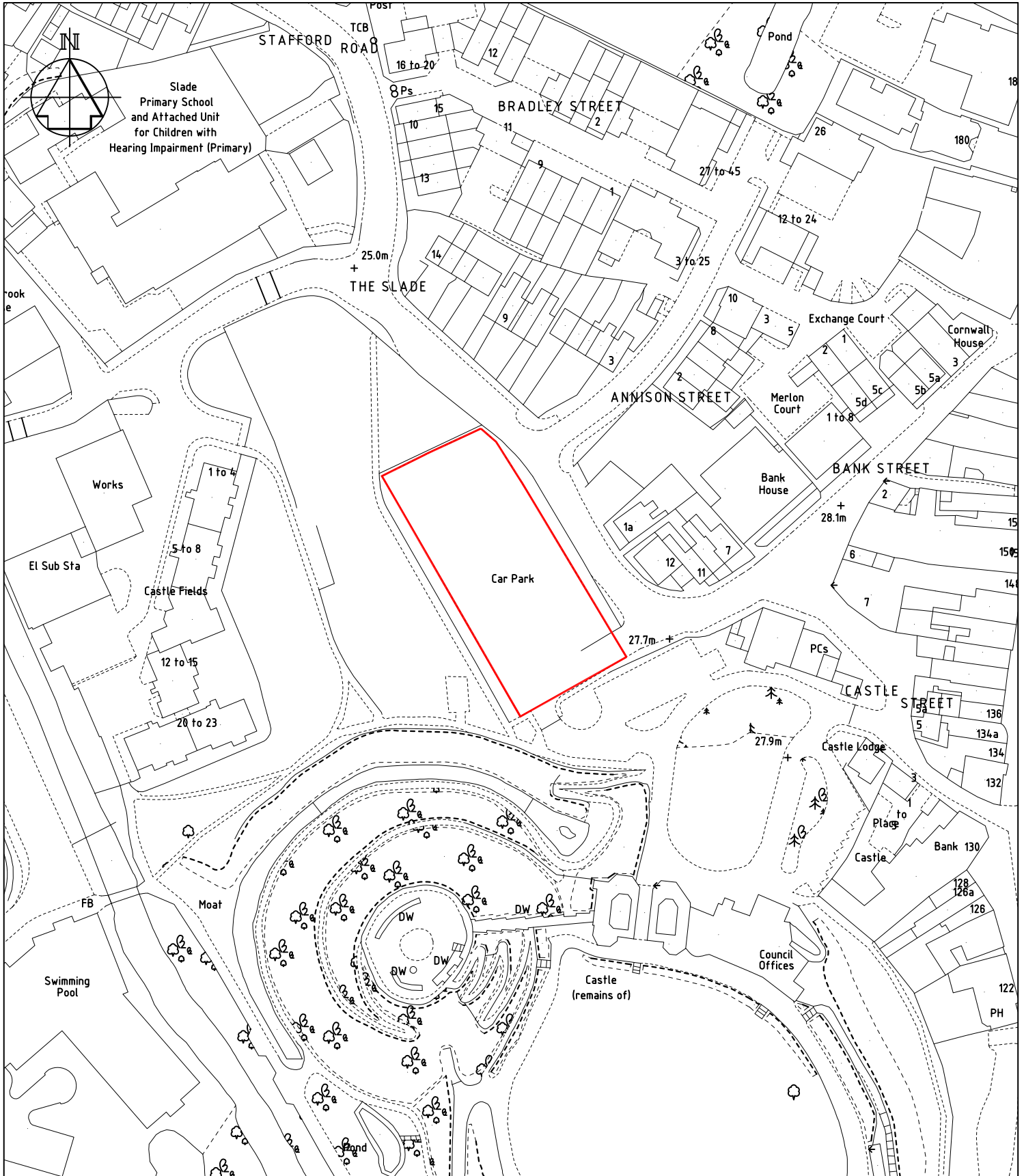
Adrian Stanfield
Director of Central Services & Deputy Chief Executive

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ANNEX A - TMBC SITES IDENTIFIED

URBAN CAPACITY STUDY SITE No.	SITE NAME	AREA (HECTARES)	OFFICER COMMENTS
59588	Upper Castle Fields Car Park, Tonbridge	0.20	- Car park important for supporting events at Tonbridge Castle and leisure offer in this area of the town - Car park generates one of the highest rates per space (approx £80,000 per annum - excluding costs and overheads) - Forms a key element of the current review of Tonbridge Castle site
59507	Land at St Benedicts Road, Snodland 1	0.21	- Easement in place with Southen Gas Networks over land, including gas governor
59509	Land at St Benedicts Road, Snodland 2	0.79	- Easement in place with UK Power Networks
59505	Snodland Car Park	0.21	- Car park in the centre of Snodland, felt to be critical to businesses and residents of the area, only car park of this size in the area
59492	Western Road Car Park, Borough Green	0.18	- Car park felt to be critical to businesses and residents of the area - Pay and display and season tickets. Generates in the region of £15,000 per annum (excluding costs and overheads)
59488	High Street Car Park, West Malling	0.40	- Car park felt to be critical to businesses in the town - Car park is in multiple ownerships with various licences in place
59457	Martin Square Car Park, Larkfield	0.25	- Car park felt to be critical to businesses in the square, only car park of this size in the area
59447	Ryarsh Lane Car Park, West Malling	0.30	- Covenants on the Title restricting development - Weekday business season ticket holders, weekend chargeable to all users
59445	Land at Oxley Shaw Lane, Leybourne	0.60	- Land currently leased to the Parish Council, expires 2040
59443	Land at Lillieburn, Leybourne	0.54	- Covenant on Title restricting use to public open space only
59441	Land at Castle Way, Leybourne	1.75	- Covenant on Title restricting use to public open space only
59432	Land at Little Oxley, Leybourne	0.53	- Covenant on Title restricting use to public open space only - 'Mini forest' planted as part of Climate Change Action Plan

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**ADMINISTRATIVE
& PROPERTY
SERVICES**

Drawing Title

SITE 59588

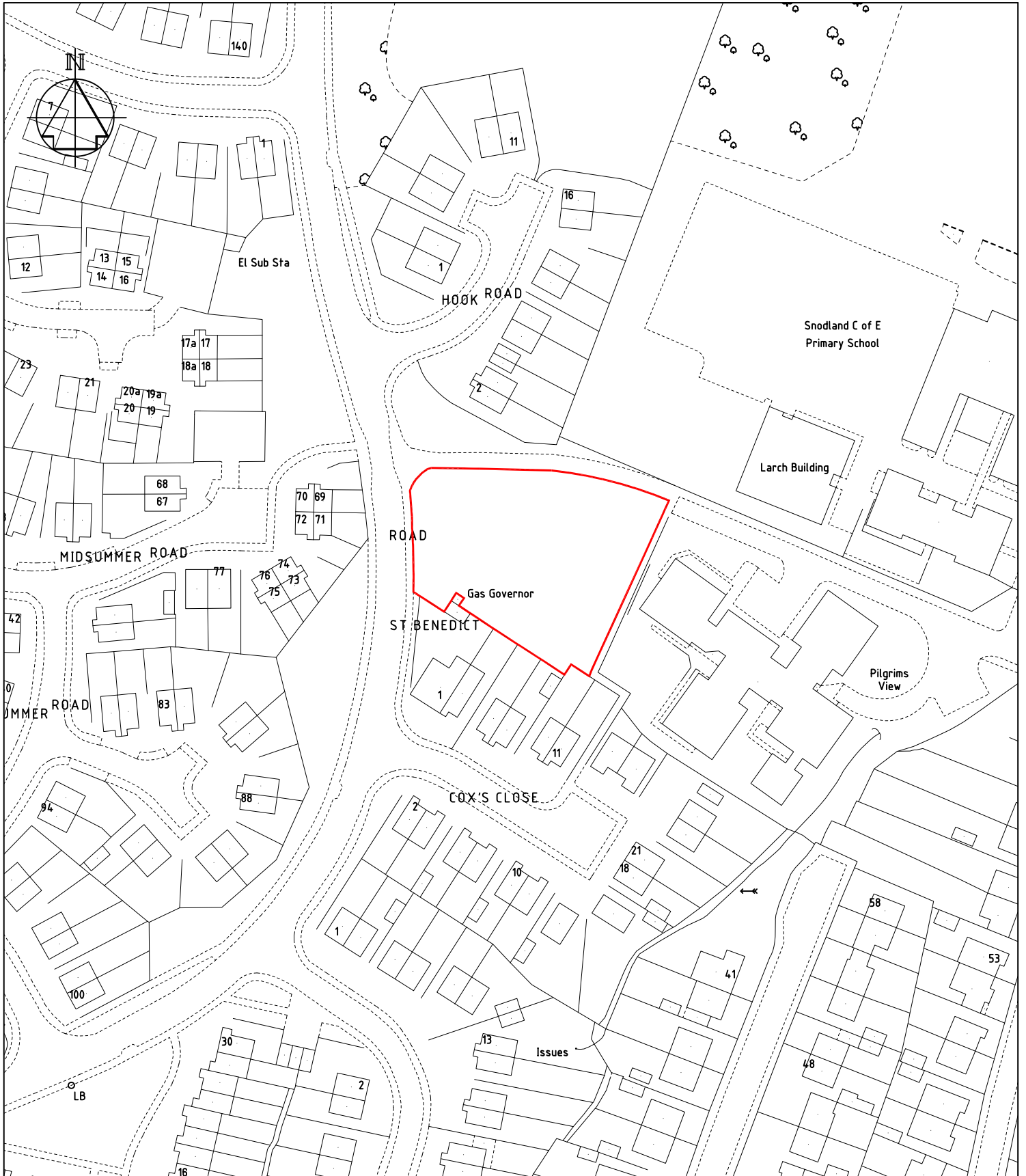
Upper Castle Fields Car Park
Tonbridge

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REVISIONS

Rev	Date	Description
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Drawing No.	SITE-59588	
	Rev	

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**ADMINISTRATIVE
& PROPERTY
SERVICES**

Drawing Title

SITE 59507

Land at St Benedict Road 1
Snodland

Page 182

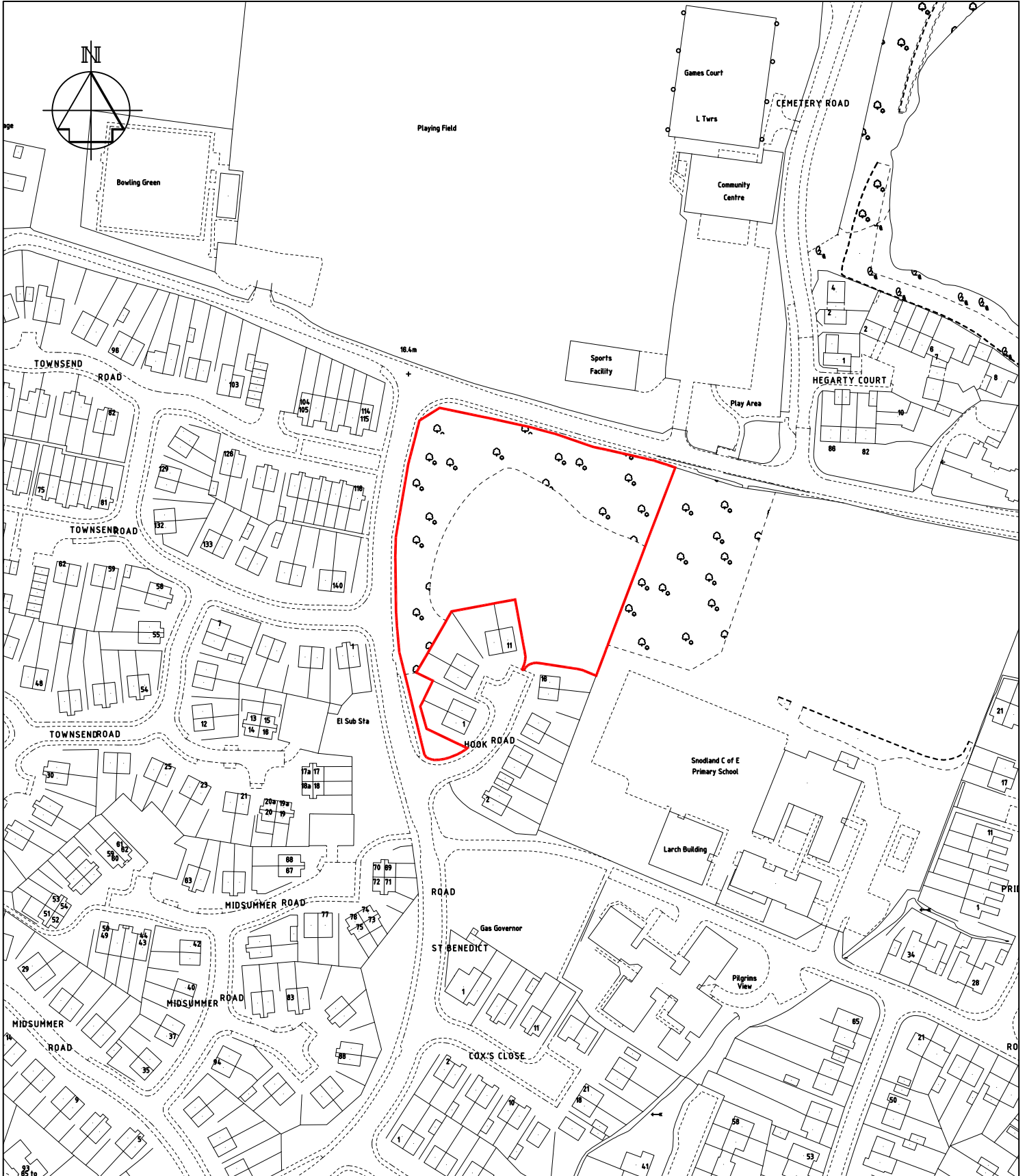
REVISIONS

Rev	Date	Description

Date FEB2023

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**ADMINISTRATIVE
& PROPERTY
SERVICES**

Drawing Title

SITE 59509

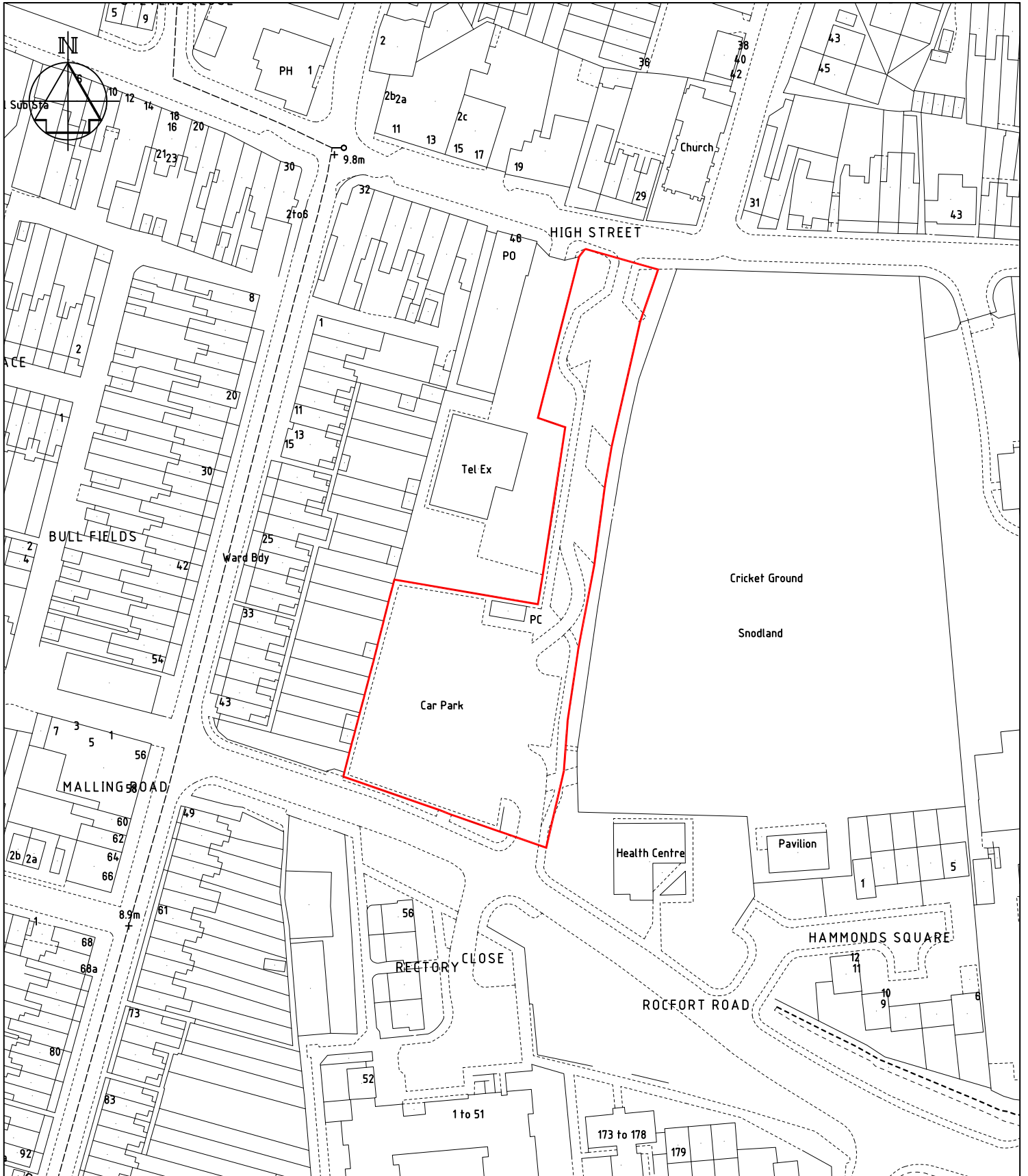
Land at St Benedict Road 2
Snodland

Page 183

REVISIONS

Rev	Date	Description
Date FEB2023		
Scale 1:2000@A4		
Drawing No.	Rev	
SITE-59509		

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**ADMINISTRATIVE
& PROPERTY
SERVICES**

Drawing Title

SITE 59505

Snodland Car Park

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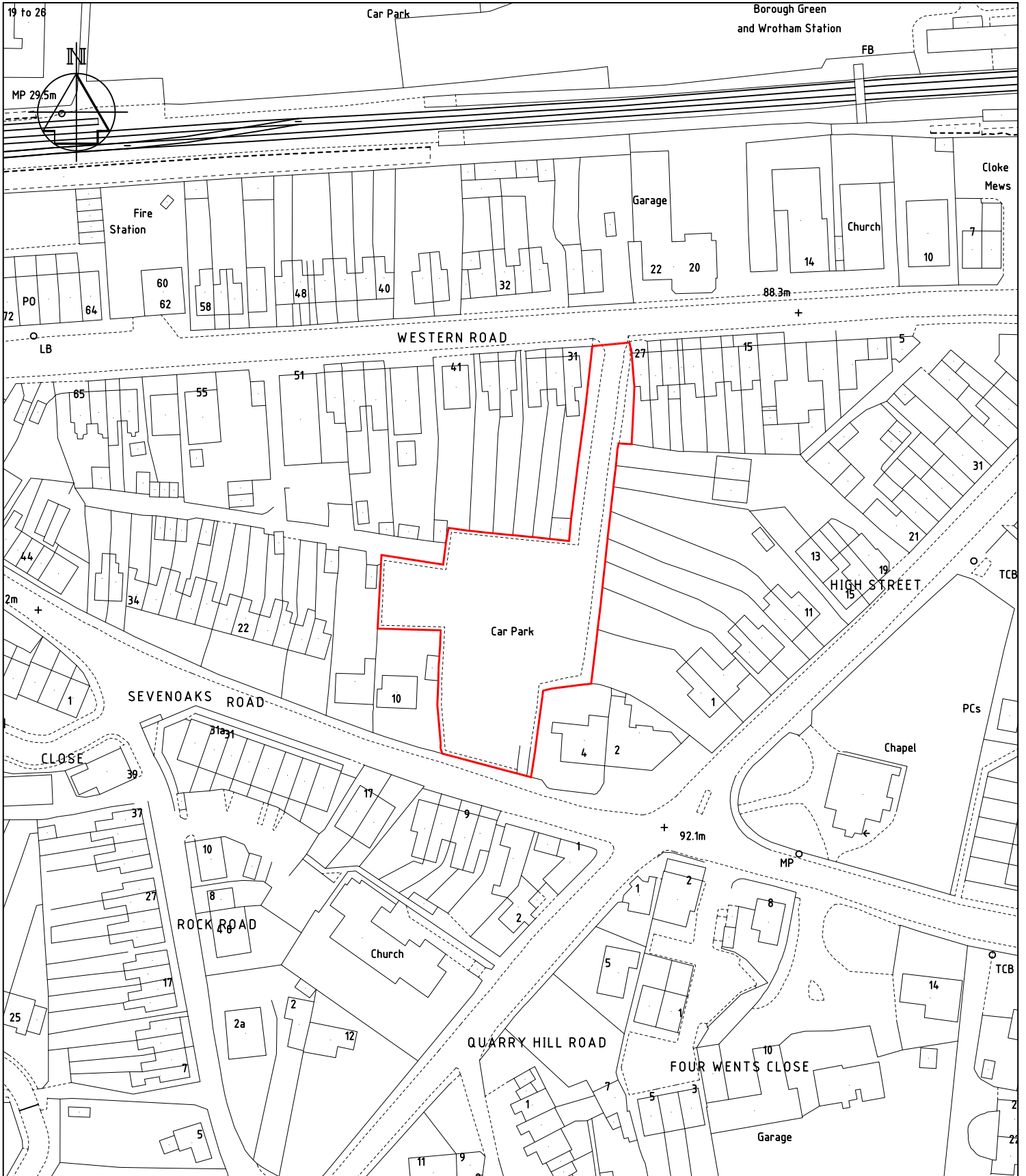
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Rev	Date	Description

Date FEB2023

Scale 1:1250@A4

Drawing No.	Rev
SITE-59505	



**ADMINISTRATIVE
& PROPERTY
SERVICES**

Drawing Title

SITE 59492

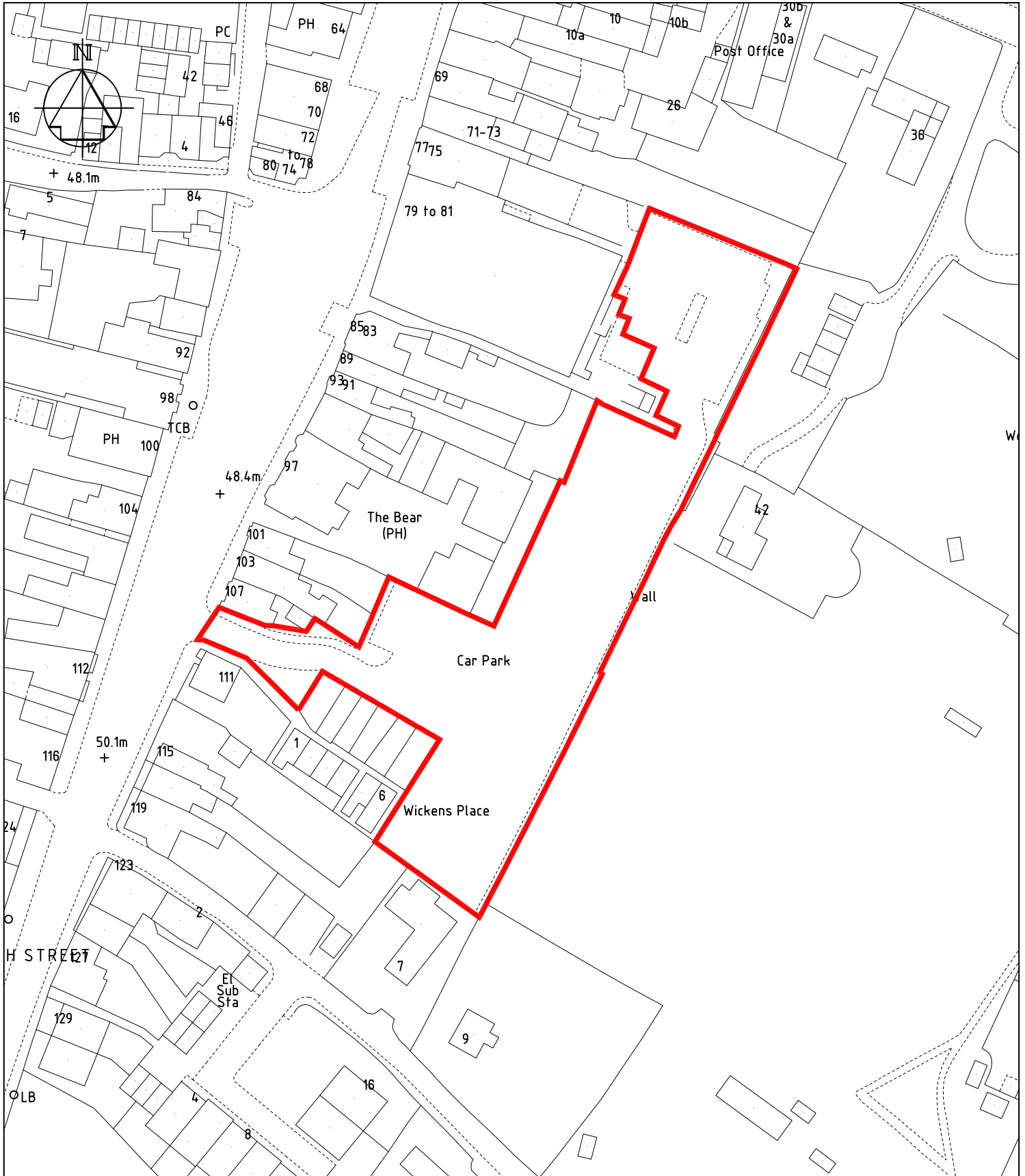
Borough Green Car Park

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REVISIONS

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Date FEB2023		
Scale 1:1250@A4		
Drawing No.		Rev
SITE-59492		

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PROPERTY SERVICES

Drawing Title

SITE 59488

Car Park
High Street
West Malling
Page 186

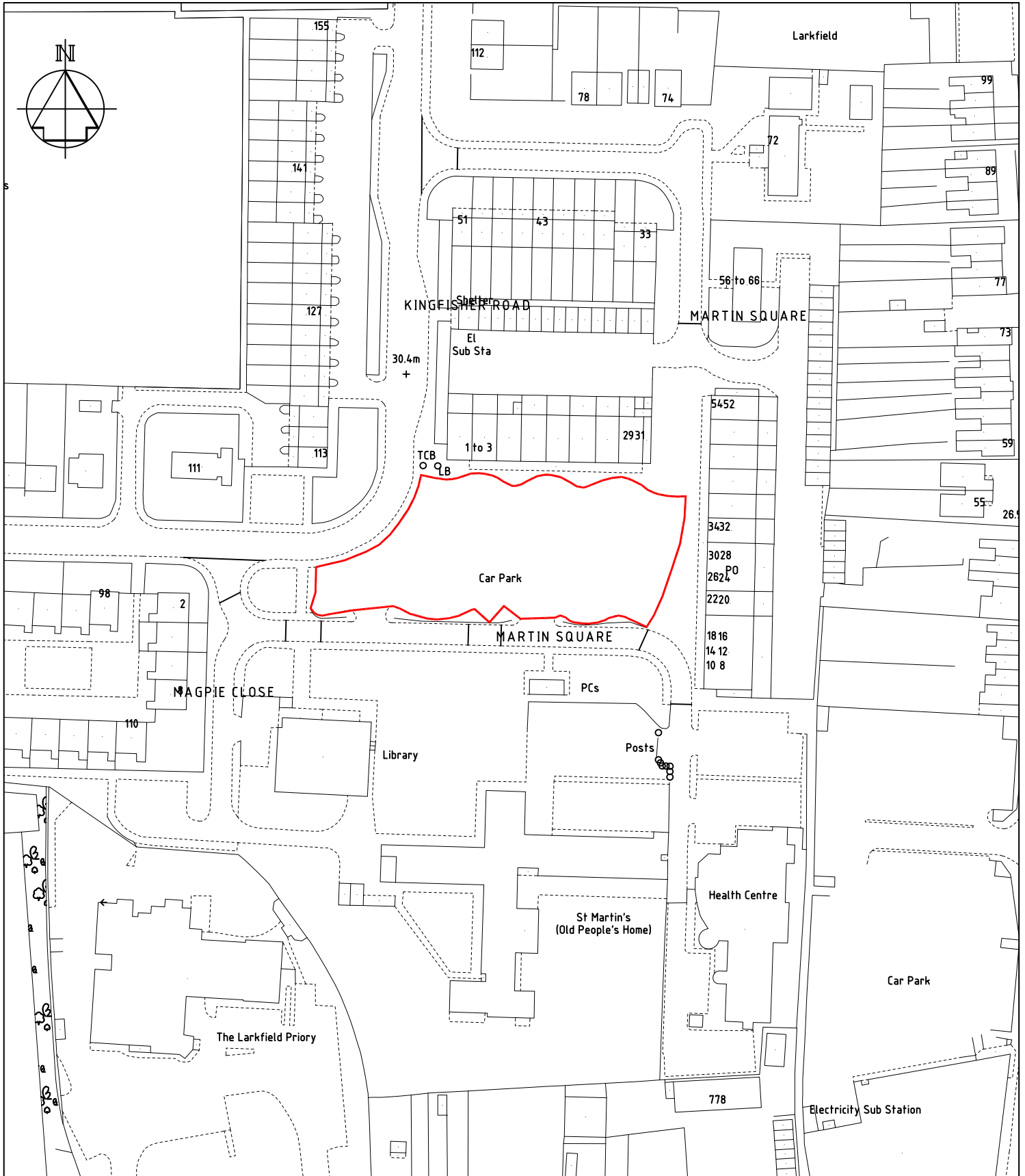
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Rev	Date	Description

Date FEB2023

Scale 1:1250@A4

Drawing No. SITE-59488	Rev
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**ADMINISTRATIVE
& PROPERTY
SERVICES**

Drawing Title

SITE 59457

Martin Square Car Park
Larkfield

Page 187

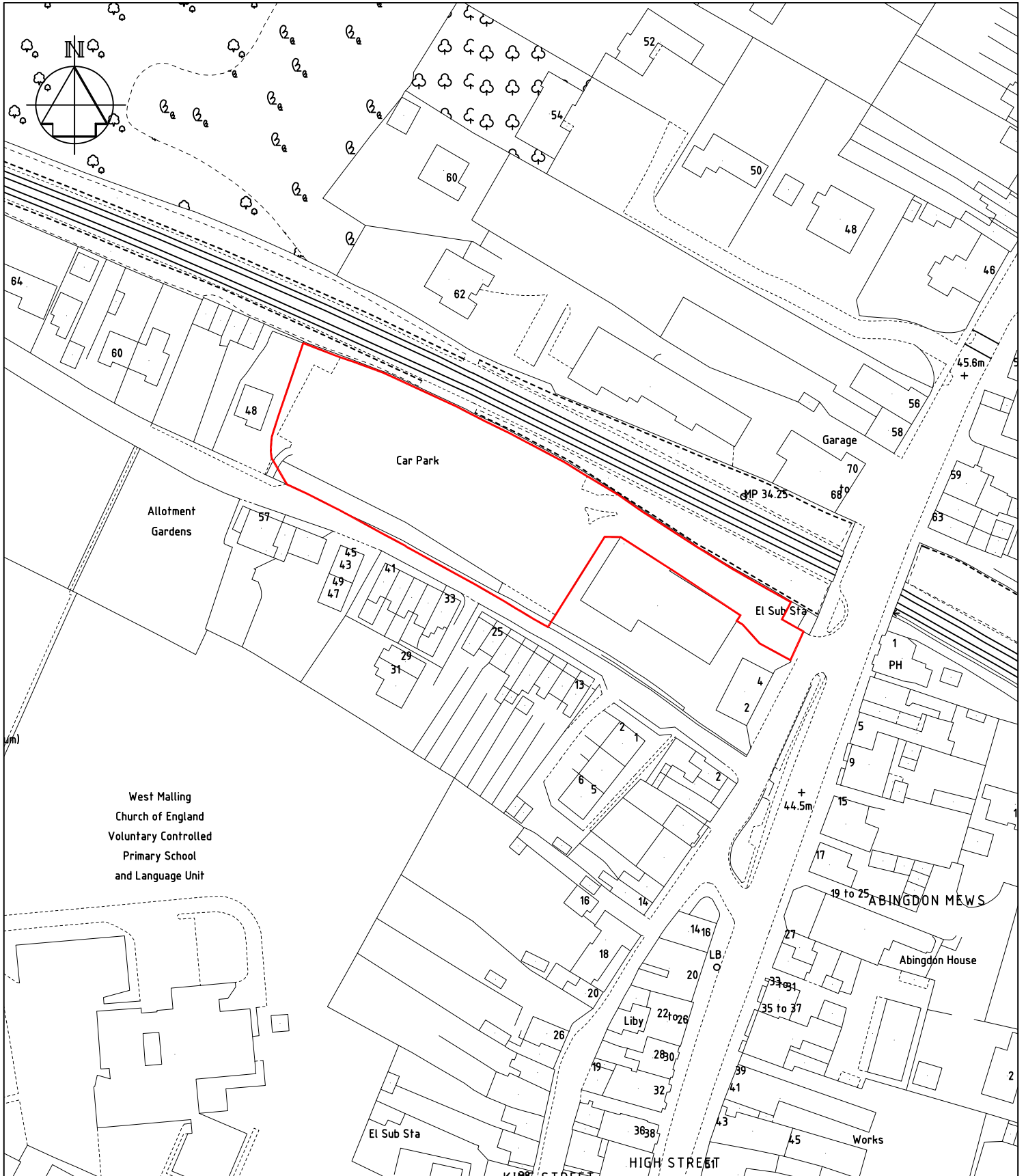
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Rev	Date	Description

Date FEB2023

Scale 1:1250@A4

Drawing No.	Rev
SITE-59457	



**ADMINISTRATIVE
& PROPERTY
SERVICES**

Drawing Title

SITE 59447

Ryarsh Lane Car Park
West Malling

Page 188

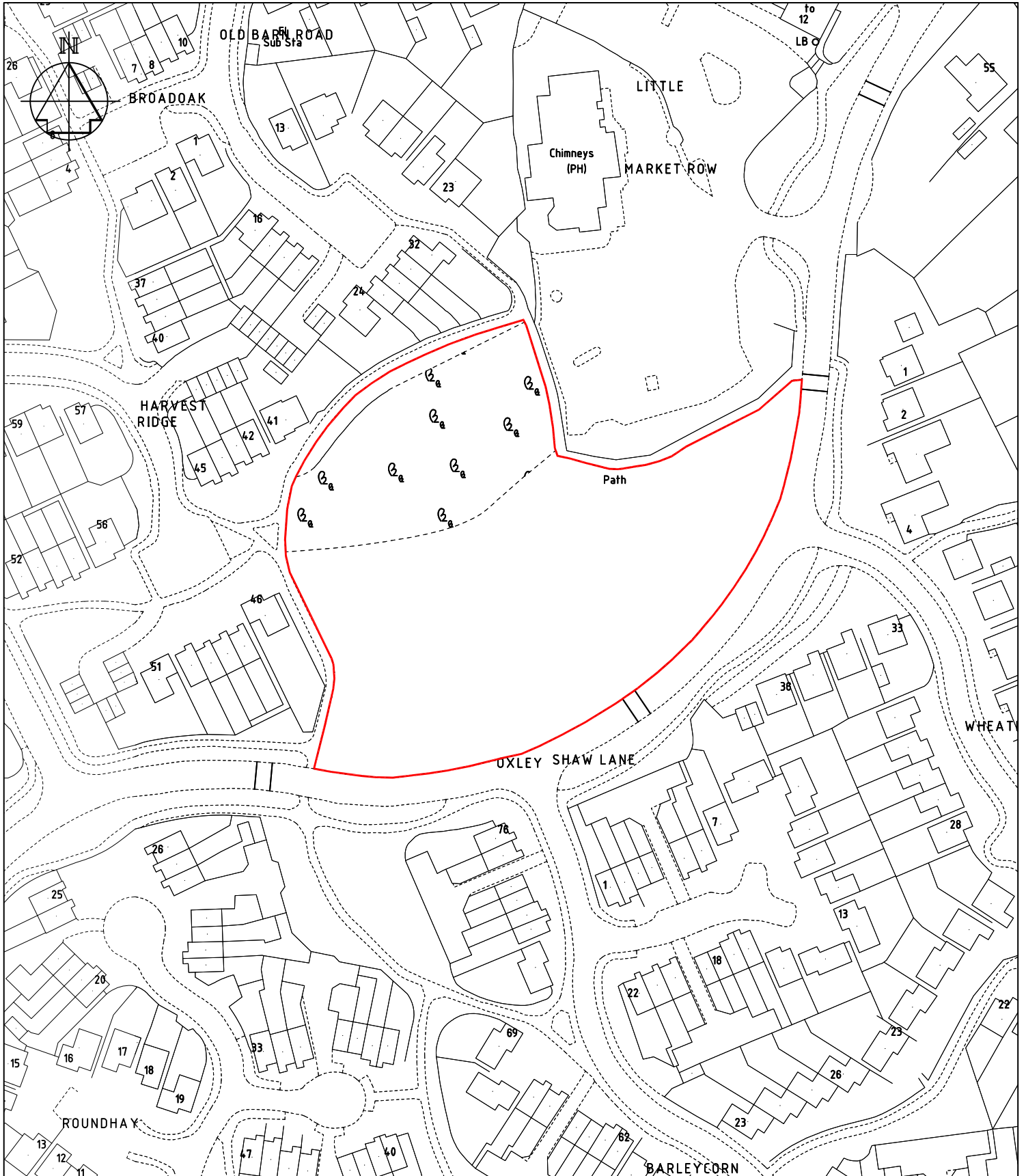
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Rev	Date	Description

Date FEB2023

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Drawing No.	Rev
SITE-59447	



**ADMINISTRATIVE
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SERVICES**

Drawing Title

SITE 59445

Land at Oxley Shaw Lane
Leybourne

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REVISIONS

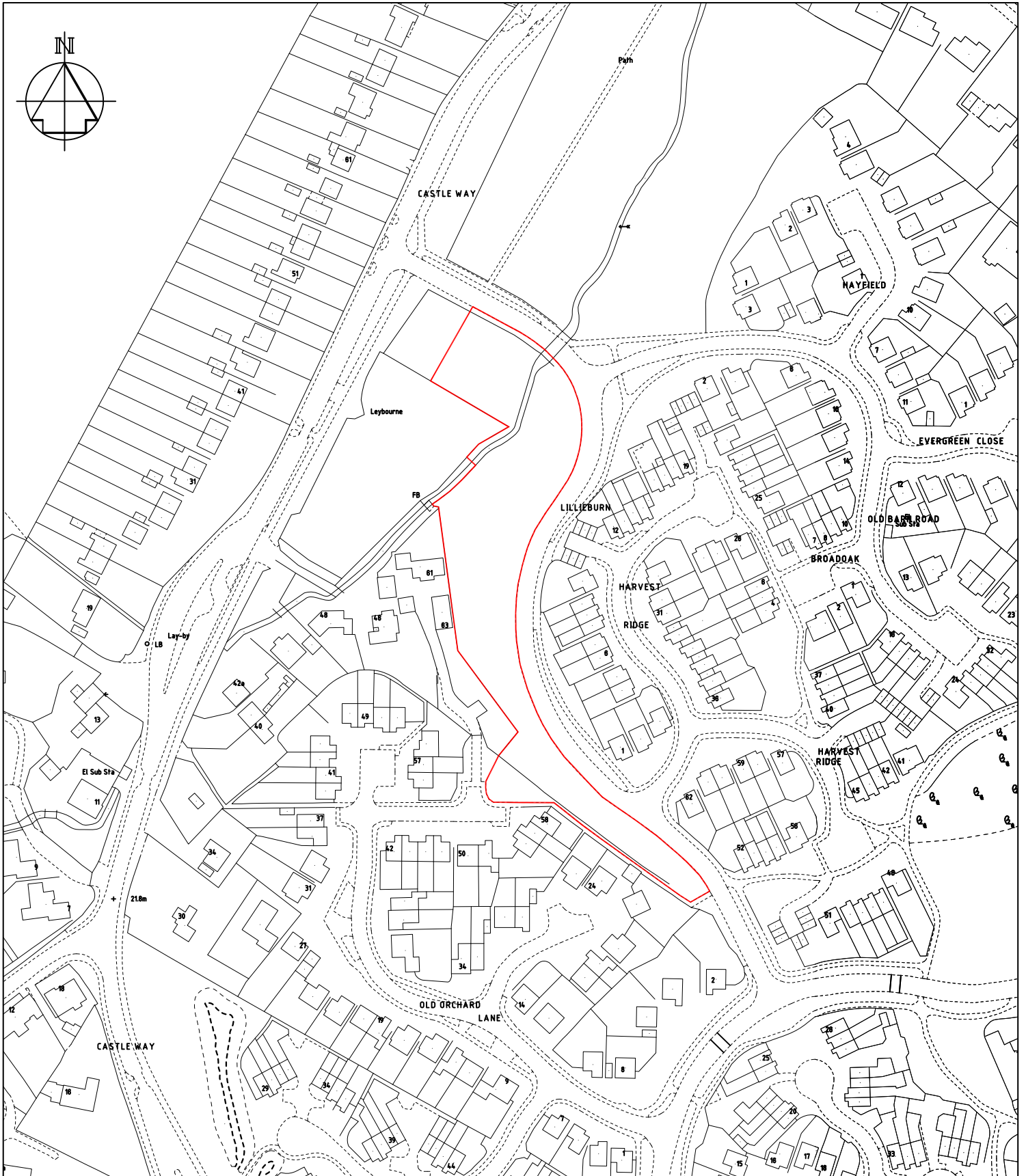
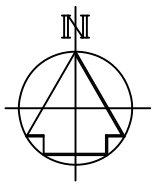
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Date FEB2023

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Drawing No. SITE-59445	Rev
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**ADMINISTRATIVE
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Drawing Title

SITE 59443

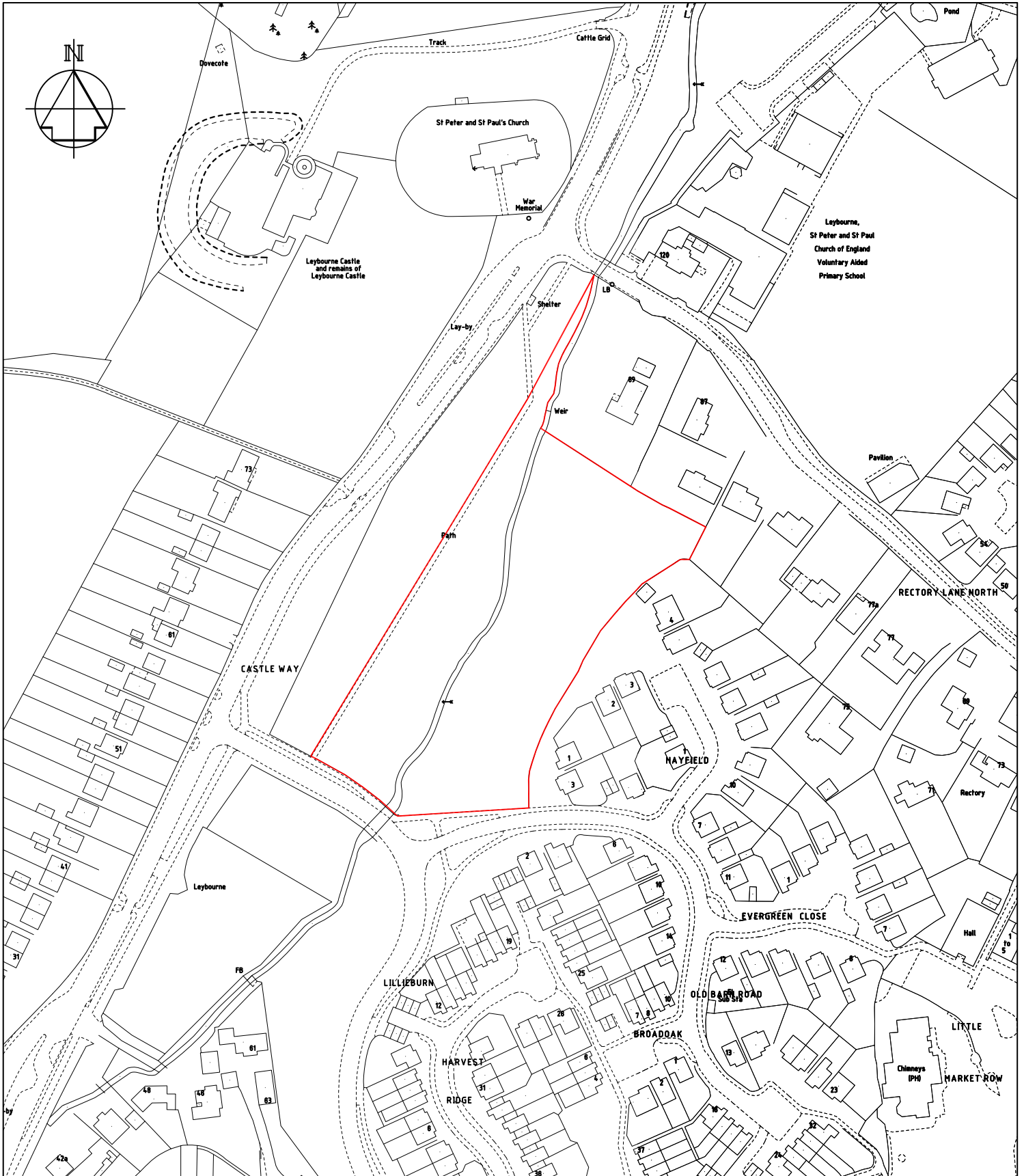
Land at Lillieburn Leybourne

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REVISIONS

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Date FEB2023		
Scale 1:2000@A4		
Drawing No.		Rev
SITE-59443		

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**ADMINISTRATIVE
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Drawing Title

SITE 59441

Land at Castle Way
Leybourne

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REVISIONS

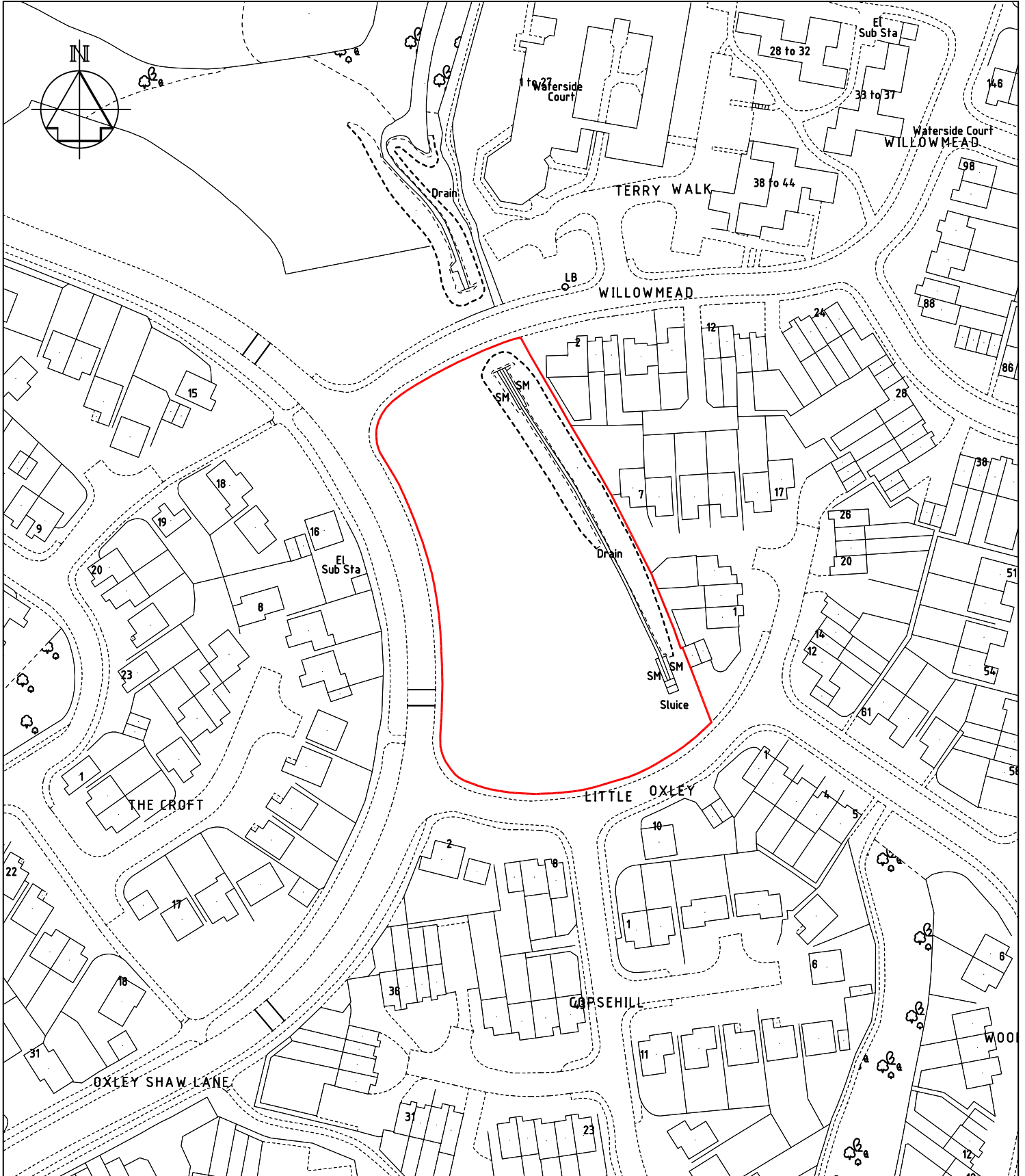
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Date FEB2023

Scale 1:2000@A4

Drawing No. SITE-59441	Rev
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**ADMINISTRATIVE
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SERVICES**

Drawing Title

SITE 59432

Land at Little Oxley
Leybourne

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REVISIONS

Rev	Date	Description

Date FEB2023

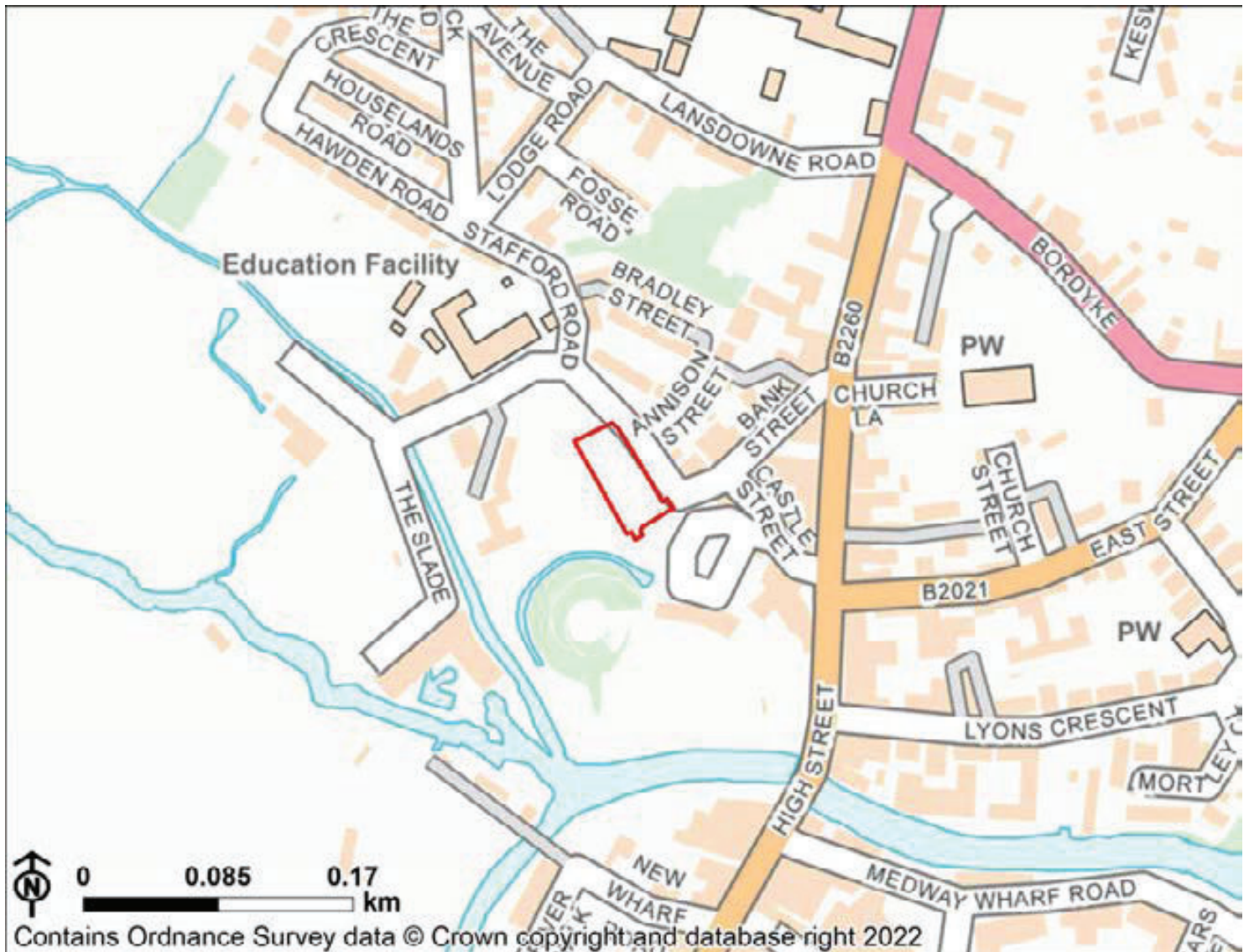
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Site 59588

Residential



SA Objective 1: To improve human health and well-being

Significant positive (++)/Uncertain significant negative (--?)

SA Objective 2: To improve equality and access to community facilities and services

Significant positive (++)

The site is placed within the Excellent Accessibility Band.

SA Objective 3: To improve levels of educational attainment and skills and training development for all age groups and all sectors of society

Uncertain minor positive (+?)

The site is within 800m of an existing secondary school or a primary school (but not both). However, uncertainty exists as the effects will depend on there being capacity available at those facilities to accommodate new pupils. It is also noted that the provision of new residential

development could stimulate the provision of new schools and/or school places, however this cannot be assumed at this stage and is therefore uncertain.

SA Objective 4: To encourage sustainable economic growth, business development, and economic inclusion across the borough

Negligible (0)/Negligible (0)

The location of residential sites will not directly influence sustainable economic growth or the delivery of employment opportunities

SA Objective 5: To protect and enhance biodiversity and geodiversity

Uncertain significant negative (--?)

The site contains an existing green infrastructure asset that could be lost as a result of new development. The effect is uncertain as it may be possible to conserve or even enhance the asset through the design and layout of the new development.

SA Objective 6: To protect and enhance the borough's landscape and townscape character and quality

Uncertain significant negative (--?)

The site is not located near any settlements in rural locations, and/or would result in the loss of designated open spaces. These effects are uncertain at this stage as the effects on landscapes and townscapes will depend on the design, scale and layout of development, which may help mitigate any adverse effects.

SA Objective 7: To protect and enhance the cultural heritage resource

Uncertain significant negative (--?)

The site is located within 250m of a heritage asset. Effects are uncertain at this stage as they will depend on factors such as the design of the development and whether there are lines of sight between the development site and nearby heritage assets.

SA Objective 8: To protect and enhance the quality of water features and resources

Negligible (0)/Uncertain minor negative (-?)

The site is either entirely or largely ($\geq 75\%$) within Flood Zone 1. The site does not contain a water body or watercourse but falls within or partially within Source Protection Zones 2 and 3. However, these effects are uncertain as effects resulting from proximity to Source Protection Zones and water bodies are uncertain at this stage.

SA Objective 9: To conserve and enhance soil resources and guard against land contamination

Significant positive (++)

The site is located on brownfield land.

SA Objective 10: To reduce greenhouse gas emissions so as to minimise climate change

Significant positive (++)

The site is within 800m of a railway station.

SA Objective 11: To improve adaptation to climate change so as to minimise its impact

Negligible (0)

The location of development will not affect the achievement of this objective as effects will depend largely on the detailed proposals for sites and their design, which would be influenced by policies in the new Local Plan and details submitted at the planning application stage. The extent to which the location of development sites would facilitate the use of sustainable modes of transport is considered separately under SA objective 10.

SA Objective 12: To protect and improve air quality

Negligible (0)

The site is not within 100m of an AQMA.

SA Objective 13: To protect material assets and minimise waste

Negligible (0)

The site does not fall within a Minerals Safeguarding Area.

SA Objective 14: To provide a suitable supply of high quality housing including an appropriate mix of sizes, types and tenures

Minor positive (+)

The site is expected to provide fewer than 100 dwellings. It is expected that these smaller sites will not be able to offer as wider mix of housing or making as greater contribution towards local housing needs as larger sites would.

Site 59507

Residential



SA Objective 1: To improve human health and well-being

Significant positive (++)/Uncertain significant negative (--?)

SA Objective 2: To improve equality and access to community facilities and services

Minor positive (+)

The site is placed within the Very Good Accessibility Band.

SA Objective 3: To improve levels of educational attainment and skills and training development for all age groups and all sectors of society

Uncertain significant positive (++)

The site is within 800m of an existing secondary school and a primary school. However, uncertainty exists as the effects will depend on the being capacity available at those facilities to accommodate new pupils. It is also noted that the provision of new residential development could

stimulate the provision of new schools and/or school places, however this cannot be assumed at this stage and is therefore uncertain.

SA Objective 4: To encourage sustainable economic growth, business development, and economic inclusion across the borough

Negligible (0)/Negligible (0)

The location of residential sites will not directly influence sustainable economic growth or the delivery of employment opportunities

SA Objective 5: To protect and enhance biodiversity and geodiversity

Uncertain negligible (0?)

SA Objective 6: To protect and enhance the borough's landscape and townscape character and quality

Uncertain significant negative (--?)

The site is not located near any settlements in rural locations, and/or would result in the loss of designated open spaces. These effects are uncertain at this stage as the effects on landscapes and townscapes will depend on the design, scale and layout of development, which may help mitigate any adverse effects.

SA Objective 7: To protect and enhance the cultural heritage resource

Uncertain significant negative (--?)

The site is located within 250m of a heritage asset. Effects are uncertain at this stage as they will depend on factors such as the design of the development and whether there are lines of sight between the development site and nearby heritage assets.

SA Objective 8: To protect and enhance the quality of water features and resources

Negligible (0)

The site is either entirely or largely ($\geq 75\%$) within Flood Zone 1.

The site does not contain a water body or watercourse or fall within a Source Protection Zone.

SA Objective 9: To conserve and enhance soil resources and guard against land contamination

Uncertain significant negative (--?)

The site is greenfield land and contains a significant proportion ($\geq 25\%$) of Grade 3 agricultural land. The uncertainty acknowledges that the Grade 3 agricultural land may be either Grade 3a (high quality) or 3b (not classed as high quality).

SA Objective 10: To reduce greenhouse gas emissions so as to minimise climate change

Minor positive (+)

The site is more than 800m from a railway station but within 400m of a bus stop.

SA Objective 11: To improve adaptation to climate change so as to

minimise its impact

Negligible (0)

The location of development will not affect the achievement of this objective as effects will depend largely on the detailed proposals for sites and their design, which would be influenced by policies in the new Local Plan and details submitted at the planning application stage. The extent to which the location of development sites would facilitate the use of sustainable modes of transport is considered separately under SA objective 10.

SA Objective 12: To protect and improve air quality

Negligible (0)

The site is not within 100m of an AQMA.

SA Objective 13: To protect material assets and minimise waste

Uncertain minor negative (-?)

The site is within a Minerals Safeguarding Area. The site is within a Minerals Safeguarding Area. These effects are uncertain as they will largely depend on factors such as whether the sites would in fact offer viable opportunities for minerals extraction, and it may be possible for prior extraction to occur before a site is developed.

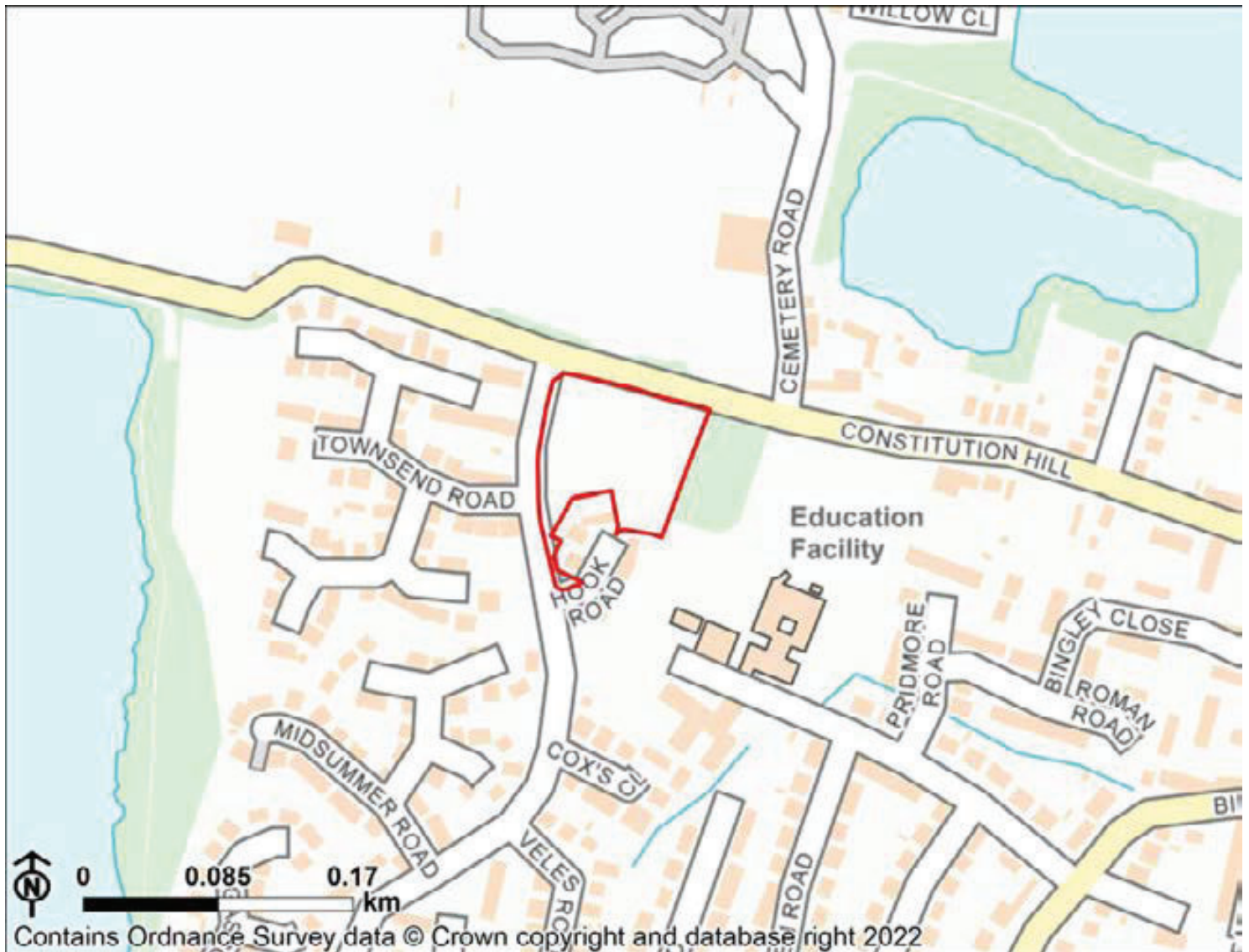
SA Objective 14: To provide a suitable supply of high quality housing including an appropriate mix of sizes, types and tenures

Minor positive (+)

The site is expected to provide fewer than 100 dwellings. It is expected that these smaller sites will not be able to offer as wider mix of housing or making as greater contribution towards local housing needs as larger sites would.

Site 59509

Residential



SA Objective 1: To improve human health and well-being

Significant positive (++)/Uncertain significant negative (--?)

SA Objective 2: To improve equality and access to community facilities and services

Minor positive (+)

The site is placed within the Very Good Accessibility Band.

SA Objective 3: To improve levels of educational attainment and skills and training development for all age groups and all sectors of society

Uncertain minor positive (+?)

The site is within 800m of an existing secondary school or a primary school (but not both). However, uncertainty exists as the effects will depend on there being capacity available at those facilities to accommodate new pupils. It is also noted that the provision of new residential

development could stimulate the provision of new schools and/or school places, however this cannot be assumed at this stage and is therefore uncertain.

SA Objective 4: To encourage sustainable economic growth, business development, and economic inclusion across the borough

Negligible (0)/Negligible (0)

The location of residential sites will not directly influence sustainable economic growth or the delivery of employment opportunities

SA Objective 5: To protect and enhance biodiversity and geodiversity

Uncertain significant negative (--?)

The site contains an existing green infrastructure asset that could be lost as a result of new development. The effect is uncertain as it may be possible to conserve or even enhance the asset through the design and layout of the new development.

SA Objective 6: To protect and enhance the borough's landscape and townscape character and quality

Uncertain significant negative (--?)

The site is not located near any settlements in rural locations, and/or would result in the loss of designated open spaces. These effects are uncertain at this stage as the effects on landscapes and townscapes will depend on the design, scale and layout of development, which may help mitigate any adverse effects.

SA Objective 7: To protect and enhance the cultural heritage resource

Uncertain significant negative (--?)

The site is located within 250m of a heritage asset. Effects are uncertain at this stage as they will depend on factors such as the design of the development and whether there are lines of sight between the development site and nearby heritage assets.

SA Objective 8: To protect and enhance the quality of water features and resources

Significant negative (--)/Negligible (0)

The site is either entirely or significantly (i.e. $\geq 25\%$) within Flood Zone 3 and/or within an area with a 1 in 30 year risk of surface water flooding.

The site does not contain a water body or watercourse or fall within a Source Protection Zone.

SA Objective 9: To conserve and enhance soil resources and guard against land contamination

Significant negative (--)

The site is greenfield land and contains a significant proportion ($\geq 25\%$) of Grade 1 and/or 2 agricultural land.

SA Objective 10: To reduce greenhouse gas emissions so as to minimise climate change

Minor positive (+)

The site is more than 800m from a railway station and within 400m of a bus stop.

SA Objective 11: To improve adaptation to climate change so as to minimise its impact

Negligible (0)

The location of development will not affect the achievement of this objective as effects will depend largely on the detailed proposals for sites and their design, which would be influenced by policies in the new Local Plan and details submitted at the planning application stage. The extent to which the location of development sites would facilitate the use of sustainable modes of transport is considered separately under SA objective 10.

SA Objective 12: To protect and improve air quality

Negligible (0)

The site is not within 100m of an AQMA.

SA Objective 13: To protect material assets and minimise waste

Uncertain minor negative (-?)

The site is within a Minerals Safeguarding Area. The site is within a Minerals Safeguarding Area. These effects are uncertain as they will largely depend on factors such as whether the sites would in fact offer viable opportunities for minerals extraction, and it may be possible for prior extraction to occur before a site is developed.

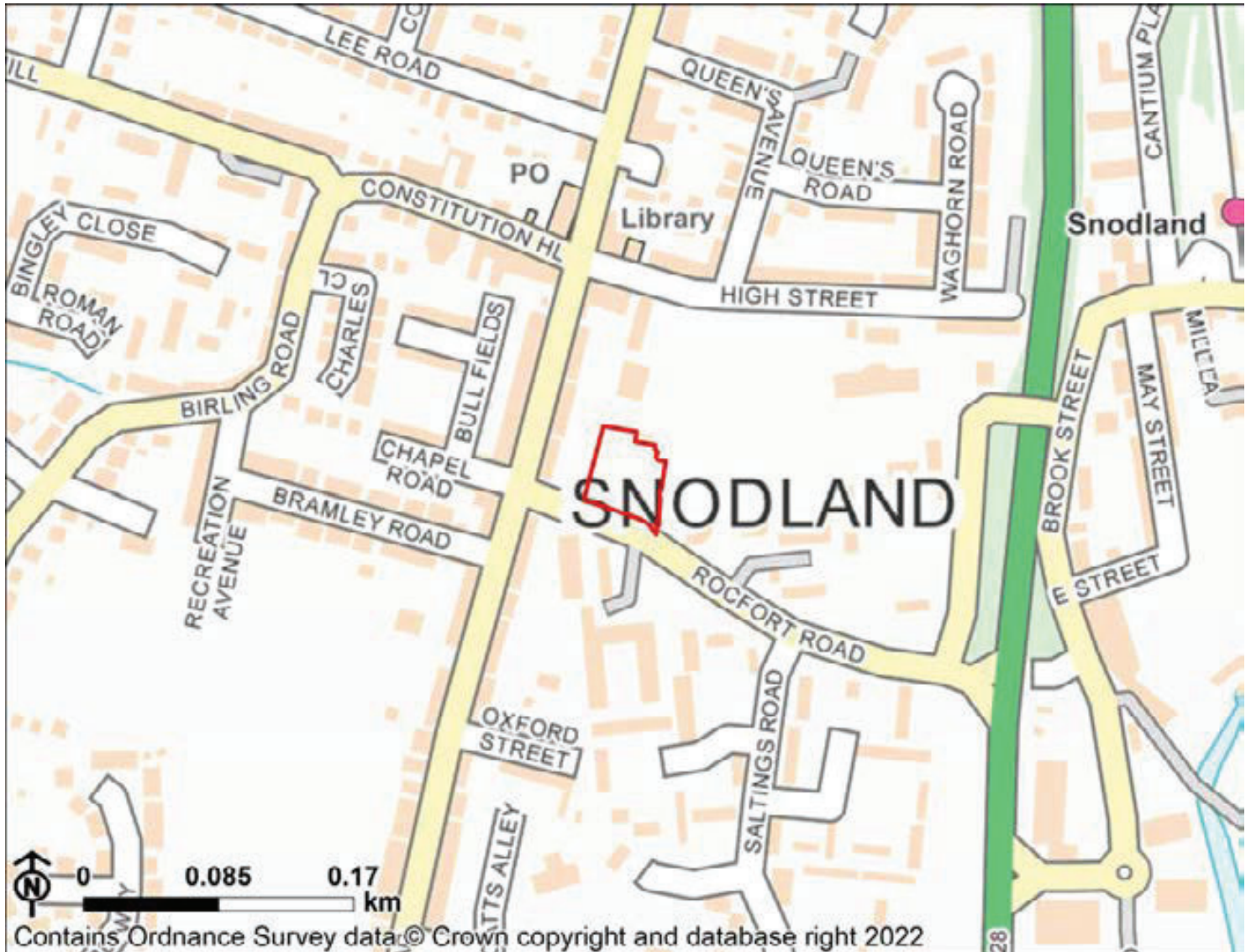
SA Objective 14: To provide a suitable supply of high quality housing including an appropriate mix of sizes, types and tenures

Minor positive (+)

The site is expected to provide fewer than 100 dwellings. It is expected that these smaller sites will not be able to offer as wider mix of housing or making as greater contribution towards local housing needs as larger sites would.

Site 59505

Residential



SA Objective 1: To improve human health and well-being

Significant positive (++)

This site is within 800m of an existing healthcare facility and an existing area of open space/ walking and cycle path / play area/ sports facility.

SA Objective 2: To improve equality and access to community facilities and services

Significant positive (++)

The site is placed within the Excellent Accessibility Band.

SA Objective 3: To improve levels of educational attainment and skills and training development for all age groups and all sectors of society

Uncertain significant positive (++)?

The site is within 800m of an existing secondary school and a primary school. However, uncertainty exists as the effects will depend on there being capacity available at those facilities to

accommodate new pupils. It is also noted that the provision of new residential development could stimulate the provision of new schools and/or school places, however this cannot be assumed at this stage and is therefore uncertain.

SA Objective 4: To encourage sustainable economic growth, business development, and economic inclusion across the borough

Negligible (0)/Negligible (0)

The location of residential sites will not directly influence sustainable economic growth or the delivery of employment opportunities

SA Objective 5: To protect and enhance biodiversity and geodiversity

Uncertain minor negative (-?)

The site is between 250m and 1km of one or more internationally or nationally designated biodiversity or geodiversity sites, or is within 250m of a locally designated site. While proximity to designated sites provides an indication of the potential for an adverse effect, uncertainty exists, as appropriate mitigation may avoid adverse effects and may even result in beneficial effects.

SA Objective 6: To protect and enhance the borough's landscape and townscape character and quality

Negligible (0)

This site is located within a settlement.

SA Objective 7: To protect and enhance the cultural heritage resource

Uncertain significant negative (--?)

The site is located within 250m of a heritage asset. Effects are uncertain at this stage as they will depend on factors such as the design of the development and whether there are lines of sight between the development site and nearby heritage assets.

SA Objective 8: To protect and enhance the quality of water features and resources

Negligible (0)

The site is either entirely or largely (>=75%) within Flood Zone 1.

The site does not contain a water body or watercourse or fall within a Source Protection Zone.

SA Objective 9: To conserve and enhance soil resources and guard against land contamination

Significant positive (++)

The site is located on brownfield land.

SA Objective 10: To reduce greenhouse gas emissions so as to minimise climate change

Significant positive (++)

The site is within 800m of a railway station.

SA Objective 11: To improve adaptation to climate change so as to minimise its impact

Negligible (0)

The location of development will not affect the achievement of this objective as effects will depend largely on the detailed proposals for sites and their design, which would be influenced by policies in the new Local Plan and details submitted at the planning application stage. The extent to which the location of development sites would facilitate the use of sustainable modes of transport is considered separately under SA objective 10.

SA Objective 12: To protect and improve air quality

Negligible (0)

The site is not within 100m of an AQMA.

SA Objective 13: To protect material assets and minimise waste

Negligible (0)

The site does not fall within a Minerals Safeguarding Area.

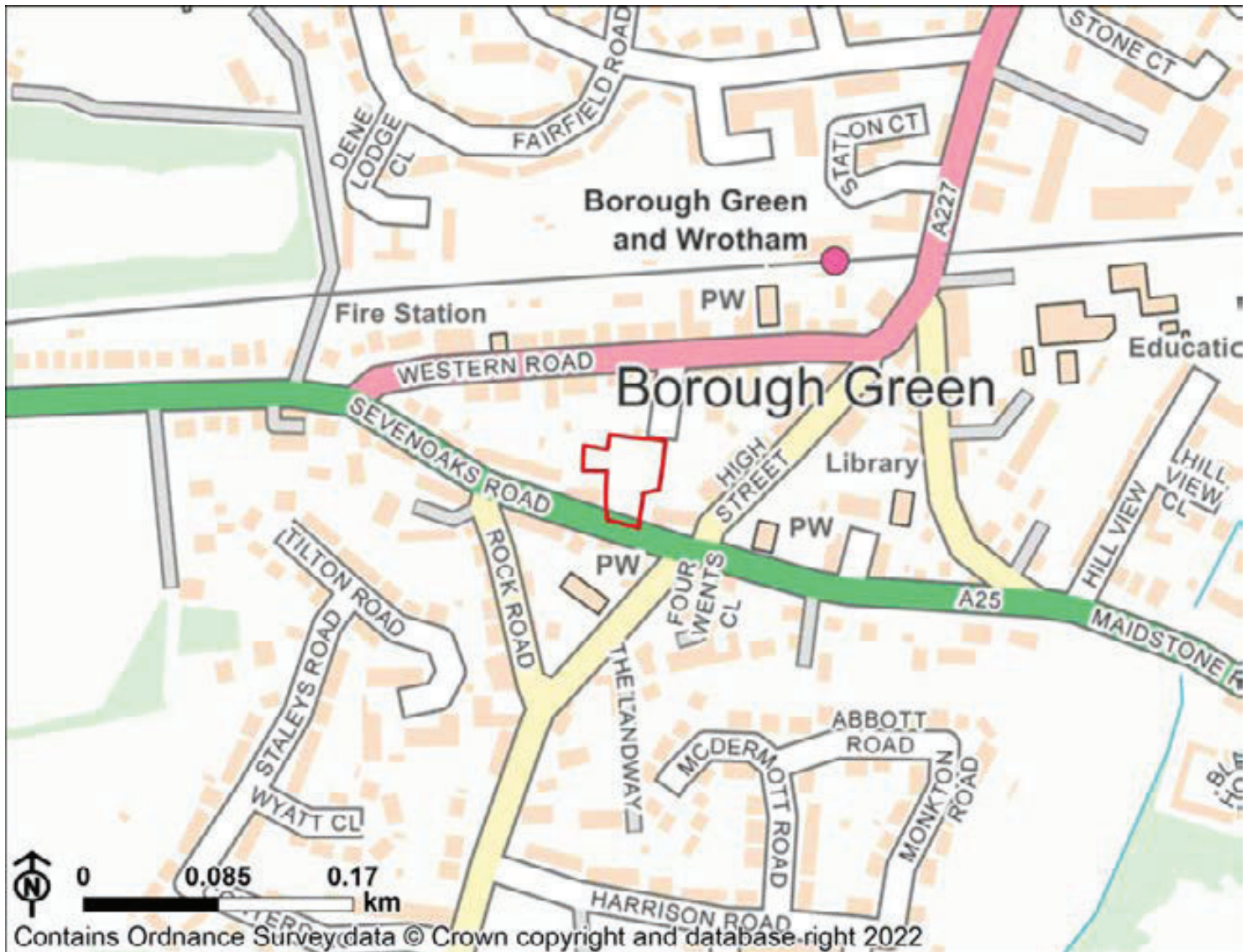
SA Objective 14: To provide a suitable supply of high quality housing including an appropriate mix of sizes, types and tenures

Minor positive (+)

The site is expected to provide fewer than 100 dwellings. It is expected that these smaller sites will not be able to offer as wider mix of housing or making as greater contribution towards local housing needs as larger sites would.

Site 59492

Residential



SA Objective 1: To improve human health and well-being

Significant positive (++)

This site is within 800m of an existing healthcare facility and an existing area of open space/ walking and cycle path / play area/ sports facility.

SA Objective 2: To improve equality and access to community facilities and services

Minor positive (+)

The site is placed within the Very Good Accessibility Band.

SA Objective 3: To improve levels of educational attainment and skills and training development for all age groups and all sectors of society

Uncertain minor positive (+?)

The site is within 800m of an existing secondary school or a primary school (but not both). However, uncertainty exists as the effects will depend on there being capacity available at those

facilities to accommodate new pupils. It is also noted that the provision of new residential development could stimulate the provision of new schools and/or school places, however this cannot be assumed at this stage and is therefore uncertain.

SA Objective 4: To encourage sustainable economic growth, business development, and economic inclusion across the borough

Negligible (0)/Negligible (0)

The location of residential sites will not directly influence sustainable economic growth or the delivery of employment opportunities

SA Objective 5: To protect and enhance biodiversity and geodiversity

Uncertain minor negative (-?)

The site is between 250m and 1km of one or more internationally or nationally designated biodiversity or geodiversity sites, or is within 250m of a locally designated site. While proximity to designated sites provides an indication of the potential for an adverse effect, uncertainty exists, as appropriate mitigation may avoid adverse effects and may even result in beneficial effects.

SA Objective 6: To protect and enhance the borough's landscape and townscape character and quality

Uncertain significant negative (--?)

The site is within 500m of the AONBs. These effects are uncertain at this stage as the effects on landscapes and townscapes will depend on the design, scale and layout of development, which may help mitigate any adverse effects.

SA Objective 7: To protect and enhance the cultural heritage resource

Uncertain significant negative (--?)

The site is located within 250m of a heritage asset. Effects are uncertain at this stage as they will depend on factors such as the design of the development and whether there are lines of sight between the development site and nearby heritage assets.

SA Objective 8: To protect and enhance the quality of water features and resources

Negligible (0)/Uncertain minor negative (-?)

The site is either entirely or largely ($\geq 75\%$) within Flood Zone 1. The site does not contain a water body or watercourse but falls within or partially within Source Protection Zones 2 and 3. However, these effects are uncertain as effects resulting from proximity to Source Protection Zones and water bodies are uncertain at this stage.

SA Objective 9: To conserve and enhance soil resources and guard against land contamination

Significant positive (++)

The site is located on brownfield land.

SA Objective 10: To reduce greenhouse gas emissions so as to minimise climate change

Significant positive (++)

The site is within 800m of a railway station.

SA Objective 11: To improve adaptation to climate change so as to minimise its impact

Negligible (0)

The location of development will not affect the achievement of this objective as effects will depend largely on the detailed proposals for sites and their design, which would be influenced by policies in the new Local Plan and details submitted at the planning application stage. The extent to which the location of development sites would facilitate the use of sustainable modes of transport is considered separately under SA objective 10.

SA Objective 12: To protect and improve air quality

Significant negative (--)

The site is within 100m of an AQMA.

SA Objective 13: To protect material assets and minimise waste

Uncertain minor negative (-?)

The site is within a Minerals Safeguarding Area. The site is within a Minerals Safeguarding Area. These effects are uncertain as they will largely depend on factors such as whether the sites would in fact offer viable opportunities for minerals extraction, and it may be possible for prior extraction to occur before a site is developed.

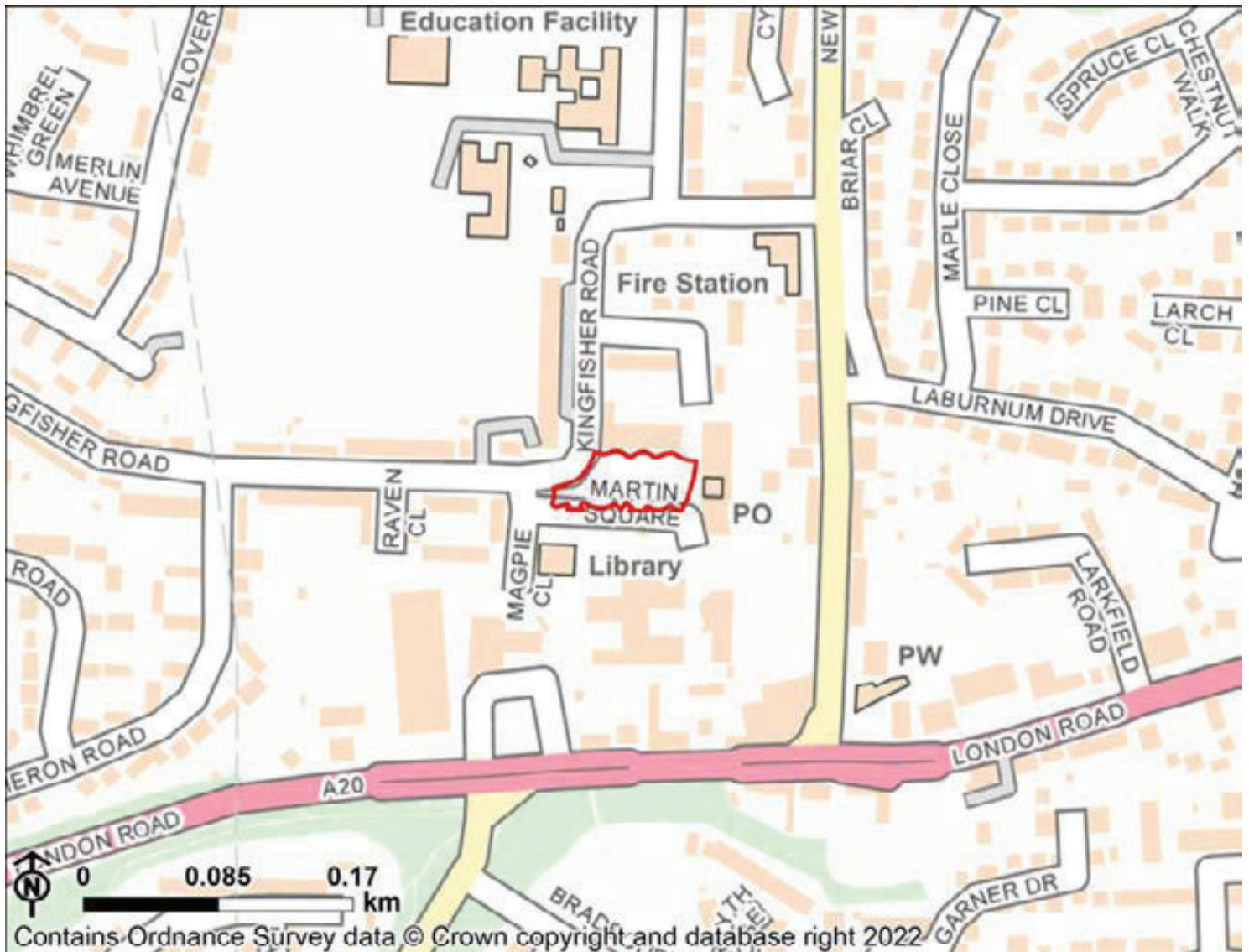
SA Objective 14: To provide a suitable supply of high quality housing including an appropriate mix of sizes, types and tenures

Minor positive (+)

The site is expected to provide fewer than 100 dwellings. It is expected that these smaller sites will not be able to offer as wider mix of housing or making as greater contribution towards local housing needs as larger sites would.

Site 59457

Residential



SA Objective 1: To improve human health and well-being

Significant positive (++)

This site is within 800m of an existing healthcare facility and an existing area of open space/ walking and cycle path / play area/ sports facility.

SA Objective 2: To improve equality and access to community facilities and services

Significant positive (++)

The site is placed within the Excellent Accessibility Band.

SA Objective 3: To improve levels of educational attainment and skills and training development for all age groups and all sectors of society

Uncertain minor positive (+?)

The site is within 800m of an existing secondary school or a primary school (but not both). However, uncertainty exists as the effects will depend on there being capacity available at those

facilities to accommodate new pupils. It is also noted that the provision of new residential development could stimulate the provision of new schools and/or school places, however this cannot be assumed at this stage and is therefore uncertain.

SA Objective 4: To encourage sustainable economic growth, business development, and economic inclusion across the borough

Negligible (0)/Negligible (0)

The location of residential sites will not directly influence sustainable economic growth or the delivery of employment opportunities

SA Objective 5: To protect and enhance biodiversity and geodiversity

Uncertain negligible (0?)

SA Objective 6: To protect and enhance the borough's landscape and townscape character and quality

Negligible (0)

This site is located within a settlement.

SA Objective 7: To protect and enhance the cultural heritage resource

Uncertain significant negative (--?)

The site is located within 250m of a heritage asset. Effects are uncertain at this stage as they will depend on factors such as the design of the development and whether there are lines of sight between the development site and nearby heritage assets.

SA Objective 8: To protect and enhance the quality of water features and resources

Negligible (0)/Uncertain minor negative (-?)

The site is either entirely or largely ($\geq 75\%$) within Flood Zone 1.

The site does not contain a water body or watercourse but falls within or partially within Source Protection Zones 2 and 3. However, these effects are uncertain as effects resulting from proximity to Source Protection Zones and water bodies are uncertain at this stage.

SA Objective 9: To conserve and enhance soil resources and guard against land contamination

Significant positive (++)

The site is located on brownfield land.

SA Objective 10: To reduce greenhouse gas emissions so as to minimise climate change

Minor positive (+)

The site is more than 800m from a railway station but within 400m of a bus stop.

SA Objective 11: To improve adaptation to climate change so as to minimise its impact

Negligible (0)

The location of development will not affect the achievement of this objective as effects will depend largely on the detailed proposals for sites and their design, which would be influenced by policies in the new Local Plan and details submitted at the planning application stage. The extent to which the location of development sites would facilitate the use of sustainable modes of transport is considered separately under SA objective 10.

SA Objective 12: To protect and improve air quality

Significant negative (--)

The site is within 100m of an AQMA.

SA Objective 13: To protect material assets and minimise waste

Uncertain minor negative (-?)

The site is within a Minerals Safeguarding Area. The site is within a Minerals Safeguarding Area. These effects are uncertain as they will largely depend on factors such as whether the sites would in fact offer viable opportunities for minerals extraction, and it may be possible for prior extraction to occur before a site is developed.

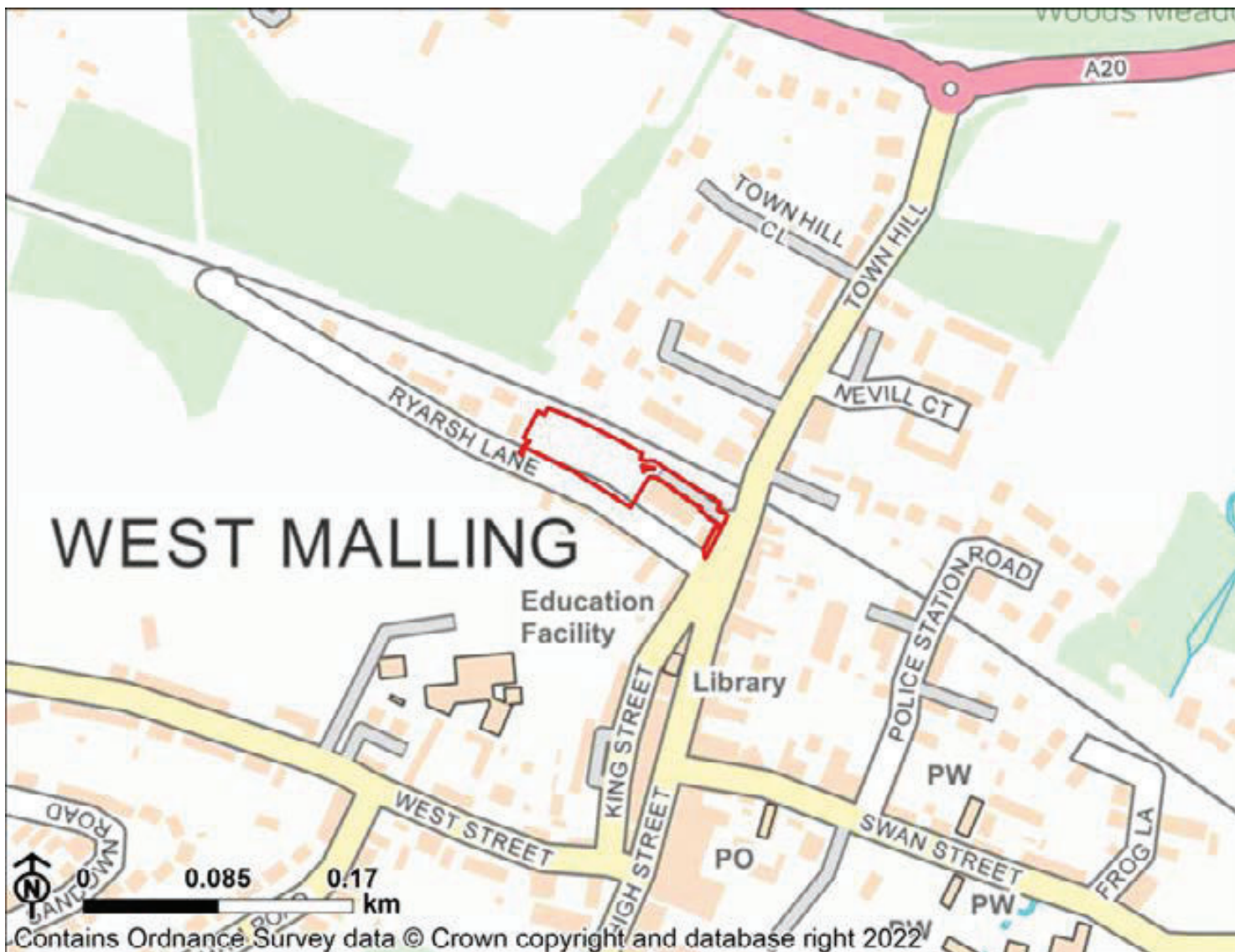
SA Objective 14: To provide a suitable supply of high quality housing including an appropriate mix of sizes, types and tenures

Minor positive (+)

The site is expected to provide fewer than 100 dwellings. It is expected that these smaller sites will not be able to offer as wider mix of housing or making as greater contribution towards local housing needs as larger sites would.

Site 59447

Residential



SA Objective 1: To improve human health and well-being

Significant positive (++)

This site is within 800m of an existing healthcare facility and an existing area of open space/ walking and cycle path / play area/ sports facility.

SA Objective 2: To improve equality and access to community facilities and services

Minor positive (+)

The site is placed within the Very Good Accessibility Band.

SA Objective 3: To improve levels of educational attainment and skills and training development for all age groups and all sectors of society

Uncertain minor positive (+?)

The site is within 800m of an existing secondary school or a primary school (but not both). However, uncertainty exists as the effects will depend on there being capacity available at those

facilities to accommodate new pupils. It is also noted that the provision of new residential development could stimulate the provision of new schools and/or school places, however this cannot be assumed at this stage and is therefore uncertain.

SA Objective 4: To encourage sustainable economic growth, business development, and economic inclusion across the borough

Negligible (0)/Negligible (0)

The location of residential sites will not directly influence sustainable economic growth or the delivery of employment opportunities

SA Objective 5: To protect and enhance biodiversity and geodiversity

Uncertain minor negative (-?)

The site is between 250m and 1km of one or more internationally or nationally designated biodiversity or geodiversity sites, or is within 250m of a locally designated site. While proximity to designated sites provides an indication of the potential for an adverse effect, uncertainty exists, as appropriate mitigation may avoid adverse effects and may even result in beneficial effects.

SA Objective 6: To protect and enhance the borough's landscape and townscape character and quality

Negligible (0)

This site is located within a settlement.

SA Objective 7: To protect and enhance the cultural heritage resource

Uncertain significant negative (--?)

The site is located within 250m of a heritage asset. Effects are uncertain at this stage as they will depend on factors such as the design of the development and whether there are lines of sight between the development site and nearby heritage assets.

SA Objective 8: To protect and enhance the quality of water features and resources

Significant negative (--)/Negligible (0)

The site is either entirely or significantly (i.e. $\geq 25\%$) within Flood Zone 3 and/or within an area with a 1 in 30 year risk of surface water flooding.

The site does not contain a water body or watercourse or fall within a Source Protection Zone.

SA Objective 9: To conserve and enhance soil resources and guard against land contamination

Significant positive (++)

The site is located on brownfield land.

SA Objective 10: To reduce greenhouse gas emissions so as to minimise climate change

Significant positive (++)

The site is within 800m of a railway station.

SA Objective 11: To improve adaptation to climate change so as to

minimise its impact

Negligible (0)

The location of development will not affect the achievement of this objective as effects will depend largely on the detailed proposals for sites and their design, which would be influenced by policies in the new Local Plan and details submitted at the planning application stage. The extent to which the location of development sites would facilitate the use of sustainable modes of transport is considered separately under SA objective 10.

SA Objective 12: To protect and improve air quality

Negligible (0)

The site is not within 100m of an AQMA.

SA Objective 13: To protect material assets and minimise waste

Uncertain minor negative (-?)

The site is within a Minerals Safeguarding Area. The site is within a Minerals Safeguarding Area. These effects are uncertain as they will largely depend on factors such as whether the sites would in fact offer viable opportunities for minerals extraction, and it may be possible for prior extraction to occur before a site is developed.

SA Objective 14: To provide a suitable supply of high quality housing including an appropriate mix of sizes, types and tenures

Minor positive (+)

The site is expected to provide fewer than 100 dwellings. It is expected that these smaller sites will not be able to offer as wider mix of housing or making as greater contribution towards local housing needs as larger sites would.

Site 59445

Residential



SA Objective 1: To improve human health and well-being

Minor positive (+)/Uncertain significant negative (--?)

The site is within 800m of either an existing healthcare facility or an existing area of open space/ walking and cycle path / play area/ sports facility (but not both).

The site is within an area of open space or currently accommodates an outdoor sports facility and this use may be lost as a result of development. The site is within an area of open space or currently accommodates an outdoor sports facility and this use may be lost as a result of development. However, these negative effects are uncertain as the effects will depend on the exact scale, layout and design of development and whether these existing features are in fact lost to new development.

SA Objective 2: To improve equality and access to community facilities and services

Minor positive (+)

The site is placed within the Very Good Accessibility Band.

SA Objective 3: To improve levels of educational attainment and

skills and training development for all age groups and all sectors of society

Uncertain minor positive (+?)

The site is within 800m of an existing secondary school or a primary school (but not both). However, uncertainty exists as the effects will depend on there being capacity available at those facilities to accommodate new pupils. It is also noted that the provision of new residential development could stimulate the provision of new schools and/or school places, however this cannot be assumed at this stage and is therefore uncertain.

SA Objective 4: To encourage sustainable economic growth, business development, and economic inclusion across the borough

Negligible (0)/Negligible (0)

The location of residential sites will not directly influence sustainable economic growth or the delivery of employment opportunities

SA Objective 5: To protect and enhance biodiversity and geodiversity

Uncertain significant negative (--?)

The site contains an existing green infrastructure asset that could be lost as a result of new development. The effect is uncertain as it may be possible to conserve or even enhance the asset through the design and layout of the new development.

SA Objective 6: To protect and enhance the borough's landscape and townscape character and quality

Uncertain significant negative (--?)

The site is not located near any settlements in rural locations, and/or would result in the loss of designated open spaces. These effects are uncertain at this stage as the effects on landscapes and townscapes will depend on the design, scale and layout of development, which may help mitigate any adverse effects.

SA Objective 7: To protect and enhance the cultural heritage resource

Uncertain significant negative (--?)

The site is located within 250m of a heritage asset. Effects are uncertain at this stage as they will depend on factors such as the design of the development and whether there are lines of sight between the development site and nearby heritage assets.

SA Objective 8: To protect and enhance the quality of water features and resources

Significant negative (--)/Uncertain minor negative (-?)

The site is either entirely or significantly (i.e. $\geq 25\%$) within Flood Zone 3 and/or within an area with a 1 in 30 year risk of surface water flooding.

The site does not contain a water body or watercourse but falls within or partially within Source Protection Zones 2 and 3. However, these effects are uncertain as effects resulting from proximity to Source Protection Zones and water bodies are uncertain at this stage.

SA Objective 9: To conserve and enhance soil resources and guard against land contamination

Significant negative (--)

The site is greenfield land and contains a significant proportion ($\geq 25\%$) of Grade 1 and/or 2 agricultural land.

SA Objective 10: To reduce greenhouse gas emissions so as to minimise climate change

Minor positive (+)

The site is more than 800m from a railway station but within 400m of a bus stop.

SA Objective 11: To improve adaptation to climate change so as to minimise its impact

Negligible (0)

The location of development will not affect the achievement of this objective as effects will depend largely on the detailed proposals for sites and their design, which would be influenced by policies in the new Local Plan and details submitted at the planning application stage. The extent to which the location of development sites would facilitate the use of sustainable modes of transport is considered separately under SA objective 10.

SA Objective 12: To protect and improve air quality

Negligible (0)

The site is not within 100m of an AQMA.

SA Objective 13: To protect material assets and minimise waste

Uncertain minor negative (-?)

The site is within a Minerals Safeguarding Area. The site is within a Minerals Safeguarding Area. These effects are uncertain as they will largely depend on factors such as whether the sites would in fact offer viable opportunities for minerals extraction, and it may be possible for prior extraction to occur before a site is developed.

SA Objective 14: To provide a suitable supply of high quality housing including an appropriate mix of sizes, types and tenures

Minor positive (+)

The site is expected to provide fewer than 100 dwellings. It is expected that these smaller sites will not be able to offer as wider mix of housing or making as greater contribution towards local housing needs as larger sites would.

Site 59443

Residential



SA Objective 1: To improve human health and well-being

Minor positive (+)/Uncertain significant negative (--?)

The site is within 800m of either an existing healthcare facility or an existing area of open space/ walking and cycle path / play area/ sports facility (but not both).

The site is within an area of open space or currently accommodates an outdoor sports facility and this use may be lost as a result of development. The site is within an area of open space or currently accommodates an outdoor sports facility and this use may be lost as a result of development. However, these negative effects are uncertain as the effects will depend on the exact scale, layout and design of development and whether these existing features are in fact lost to new development.

SA Objective 2: To improve equality and access to community facilities and services

Minor positive (+)

The site is placed within the Very Good Accessibility Band.

SA Objective 3: To improve levels of educational attainment and

skills and training development for all age groups and all sectors of society

Uncertain minor positive (+?)

The site is within 800m of an existing secondary school or a primary school (but not both). However, uncertainty exists as the effects will depend on there being capacity available at those facilities to accommodate new pupils. It is also noted that the provision of new residential development could stimulate the provision of new schools and/or school places, however this cannot be assumed at this stage and is therefore uncertain.

SA Objective 4: To encourage sustainable economic growth, business development, and economic inclusion across the borough

Negligible (0)/Negligible (0)

The location of residential sites will not directly influence sustainable economic growth or the delivery of employment opportunities

SA Objective 5: To protect and enhance biodiversity and geodiversity

Uncertain significant negative (--?)

The site contains an existing green infrastructure asset that could be lost as a result of new development. The effect is uncertain as it may be possible to conserve or even enhance the asset through the design and layout of the new development.

SA Objective 6: To protect and enhance the borough's landscape and townscape character and quality

Uncertain significant negative (--?)

The site is not located near any settlements in rural locations, and/or would result in the loss of designated open spaces. These effects are uncertain at this stage as the effects on landscapes and townscapes will depend on the design, scale and layout of development, which may help mitigate any adverse effects.

SA Objective 7: To protect and enhance the cultural heritage resource

Uncertain significant negative (--?)

The site is located within 250m of a heritage asset. Effects are uncertain at this stage as they will depend on factors such as the design of the development and whether there are lines of sight between the development site and nearby heritage assets.

SA Objective 8: To protect and enhance the quality of water features and resources

Significant negative (--)/Uncertain significant negative (--?)

The site is either entirely or significantly (i.e. $\geq 25\%$) within Flood Zone 3 and/or within an area with a 1 in 30 year risk of surface water flooding.

The site contains a water body or water course or falls within or partially within Source Protection Zone 1. However, these effects are uncertain as effects resulting from proximity to Source Protection Zones and water bodies are uncertain at this stage.

SA Objective 9: To conserve and enhance soil resources and guard against land contamination

Significant negative (--)

The site is greenfield land and contains a significant proportion ($\geq 25\%$) of Grade 1 and/or 2 agricultural land.

SA Objective 10: To reduce greenhouse gas emissions so as to minimise climate change

Minor positive (+)

The site is more than 800m from a railway station but within 400m of a bus stop.

SA Objective 11: To improve adaptation to climate change so as to minimise its impact

Negligible (0)

The location of development will not affect the achievement of this objective as effects will depend largely on the detailed proposals for sites and their design, which would be influenced by policies in the new Local Plan and details submitted at the planning application stage. The extent to which the location of development sites would facilitate the use of sustainable modes of transport is considered separately under SA objective 10.

SA Objective 12: To protect and improve air quality

Negligible (0)

The site is not within 100m of an AQMA.

SA Objective 13: To protect material assets and minimise waste

Uncertain minor negative (-?)

The site is within a Minerals Safeguarding Area. The site is within a Minerals Safeguarding Area. These effects are uncertain as they will largely depend on factors such as whether the sites would in fact offer viable opportunities for minerals extraction, and it may be possible for prior extraction to occur before a site is developed.

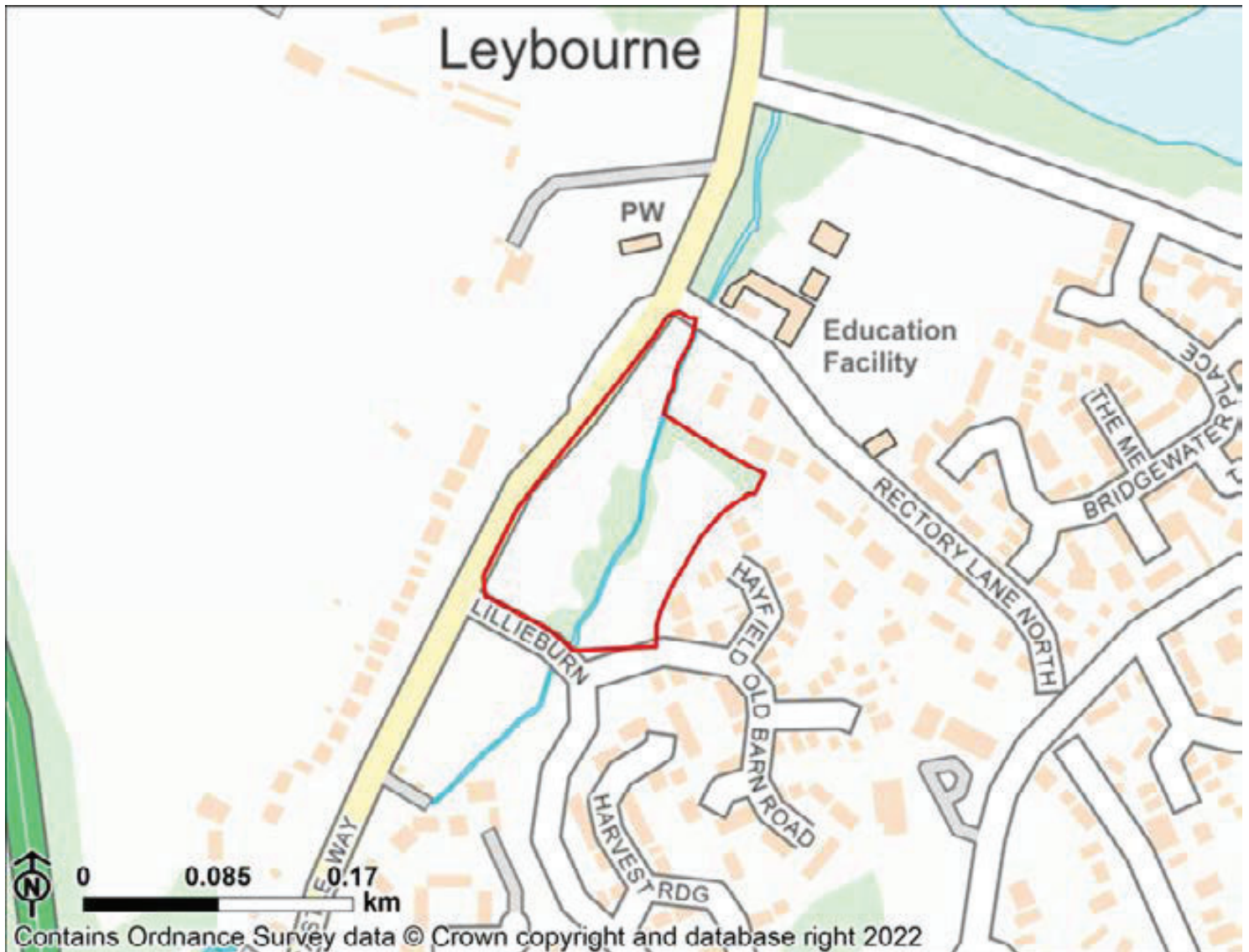
SA Objective 14: To provide a suitable supply of high quality housing including an appropriate mix of sizes, types and tenures

Minor positive (+)

The site is expected to provide fewer than 100 dwellings. It is expected that these smaller sites will not be able to offer as wider mix of housing or making as greater contribution towards local housing needs as larger sites would.

Site 59441

Residential



SA Objective 1: To improve human health and well-being

Minor positive (+)/Uncertain significant negative (--?)

The site is within 800m of either an existing healthcare facility or an existing area of open space/ walking and cycle path / play area/ sports facility (but not both).

The site is within an area of open space or currently accommodates an outdoor sports facility and this use may be lost as a result of development. The site is within an area of open space or currently accommodates an outdoor sports facility and this use may be lost as a result of development. However, these negative effects are uncertain as the effects will depend on the exact scale, layout and design of development and whether these existing features are in fact lost to new development.

SA Objective 2: To improve equality and access to community facilities and services

Minor positive (+)

The site is placed within the Very Good Accessibility Band.

SA Objective 3: To improve levels of educational attainment and

skills and training development for all age groups and all sectors of society

Uncertain minor positive (+?)

The site is within 800m of an existing secondary school or a primary school (but not both). However, uncertainty exists as the effects will depend on there being capacity available at those facilities to accommodate new pupils. It is also noted that the provision of new residential development could stimulate the provision of new schools and/or school places, however this cannot be assumed at this stage and is therefore uncertain.

SA Objective 4: To encourage sustainable economic growth, business development, and economic inclusion across the borough

Negligible (0)/Negligible (0)

The location of residential sites will not directly influence sustainable economic growth or the delivery of employment opportunities

SA Objective 5: To protect and enhance biodiversity and geodiversity

Uncertain significant negative (--?)

The site contains an existing green infrastructure asset that could be lost as a result of new development. The effect is uncertain as it may be possible to conserve or even enhance the asset through the design and layout of the new development.

SA Objective 6: To protect and enhance the borough's landscape and townscape character and quality

Uncertain significant negative (--?)

The site is not located near any settlements in rural locations, and/or would result in the loss of designated open spaces. These effects are uncertain at this stage as the effects on landscapes and townscapes will depend on the design, scale and layout of development, which may help mitigate any adverse effects.

SA Objective 7: To protect and enhance the cultural heritage resource

Uncertain significant negative (--?)

The site is located within 250m of a heritage asset. Effects are uncertain at this stage as they will depend on factors such as the design of the development and whether there are lines of sight between the development site and nearby heritage assets.

SA Objective 8: To protect and enhance the quality of water features and resources

Significant negative (--)/Uncertain significant negative (--?)

The site is either entirely or significantly (i.e. $\geq 25\%$) within Flood Zone 3 and/or within an area with a 1 in 30 year risk of surface water flooding.

The site contains a water body or water course or falls within or partially within Source Protection Zone 1. However, these effects are uncertain as effects resulting from proximity to Source Protection Zones and water bodies are uncertain at this stage.

SA Objective 9: To conserve and enhance soil resources and guard against land contamination

Uncertain significant negative (--?)

The site is greenfield land and contains a significant proportion ($\geq 25\%$) of Grade 3 agricultural land. The uncertainty acknowledges that the Grade 3 agricultural land may be either Grade 3a (high quality) or 3b (not classed as high quality).

SA Objective 10: To reduce greenhouse gas emissions so as to minimise climate change

Minor positive (+)

The site is more than 800m from a railway station but within 400m of a bus stop.

SA Objective 11: To improve adaptation to climate change so as to minimise its impact

Negligible (0)

The location of development will not affect the achievement of this objective as effects will depend largely on the detailed proposals for sites and their design, which would be influenced by policies in the new Local Plan and details submitted at the planning application stage. The extent to which the location of development sites would facilitate the use of sustainable modes of transport is considered separately under SA objective 10.

SA Objective 12: To protect and improve air quality

Negligible (0)

The site is not within 100m of an AQMA.

SA Objective 13: To protect material assets and minimise waste

Uncertain minor negative (-?)

The site is within a Minerals Safeguarding Area. The site is within a Minerals Safeguarding Area. These effects are uncertain as they will largely depend on factors such as whether the sites would in fact offer viable opportunities for minerals extraction, and it may be possible for prior extraction to occur before a site is developed.

SA Objective 14: To provide a suitable supply of high quality housing including an appropriate mix of sizes, types and tenures

Minor positive (+)

The site is expected to provide fewer than 100 dwellings. It is expected that these smaller sites will not be able to offer as wider mix of housing or making as greater contribution towards local housing needs as larger sites would.

Site 59432

Residential



SA Objective 1: To improve human health and well-being

Minor positive (+)/Uncertain significant negative (--?)

The site is within 800m of either an existing healthcare facility or an existing area of open space/ walking and cycle path / play area/ sports facility (but not both).

The site is within an area of open space or currently accommodates an outdoor sports facility and this use may be lost as a result of development. The site is within an area of open space or currently accommodates an outdoor sports facility and this use may be lost as a result of development. However, these negative effects are uncertain as the effects will depend on the exact scale, layout and design of development and whether these existing features are in fact lost to new development.

SA Objective 2: To improve equality and access to community facilities and services

Minor positive (+)

The site is placed within the Very Good Accessibility Band.

SA Objective 3: To improve levels of educational attainment and

skills and training development for all age groups and all sectors of society

Uncertain minor positive (+?)

The site is within 800m of an existing secondary school or a primary school (but not both). However, uncertainty exists as the effects will depend on there being capacity available at those facilities to accommodate new pupils. It is also noted that the provision of new residential development could stimulate the provision of new schools and/or school places, however this cannot be assumed at this stage and is therefore uncertain.

SA Objective 4: To encourage sustainable economic growth, business development, and economic inclusion across the borough

Negligible (0)/Negligible (0)

The location of residential sites will not directly influence sustainable economic growth or the delivery of employment opportunities

SA Objective 5: To protect and enhance biodiversity and geodiversity

Uncertain significant negative (--?)

The site is within 250m of one or more internationally or nationally designated biodiversity or geodiversity sites. While proximity to designated sites provides an indication of the potential for an adverse effect, uncertainty exists, as appropriate mitigation may avoid adverse effects and may even result in beneficial effects.

SA Objective 6: To protect and enhance the borough's landscape and townscape character and quality

Uncertain significant negative (--?)

The site is not located near any settlements in rural locations, and/or would result in the loss of designated open spaces. These effects are uncertain at this stage as the effects on landscapes and townscapes will depend on the design, scale and layout of development, which may help mitigate any adverse effects.

SA Objective 7: To protect and enhance the cultural heritage resource

Uncertain minor negative (-?)

The site is located between 250m-1km of a heritage asset. Effects are uncertain at this stage as they will depend on factors such as the design of the development and whether there are lines of sight between the development site and nearby heritage assets.

SA Objective 8: To protect and enhance the quality of water features and resources

Significant negative (--)/Uncertain minor negative (-?)

The site is either entirely or significantly (i.e. $\geq 25\%$) within Flood Zone 3 and/or within an area with a 1 in 30 year risk of surface water flooding.

The site does not contain a water body or watercourse but falls within or partially within Source Protection Zones 2 and 3. However, these effects are uncertain as effects resulting from proximity to Source Protection Zones and water bodies are uncertain at this stage.

SA Objective 9: To conserve and enhance soil resources and guard against land contamination

Uncertain significant negative (--?)

The site is greenfield land and contains a significant proportion ($\geq 25\%$) of Grade 3 agricultural land. The uncertainty acknowledges that the Grade 3 agricultural land may be either Grade 3a (high quality) or 3b (not classed as high quality).

SA Objective 10: To reduce greenhouse gas emissions so as to minimise climate change

Minor positive (+)

The site is more than 800m from a railway station but within 400m of a bus stop.

SA Objective 11: To improve adaptation to climate change so as to minimise its impact

Negligible (0)

The location of development will not affect the achievement of this objective as effects will depend largely on the detailed proposals for sites and their design, which would be influenced by policies in the new Local Plan and details submitted at the planning application stage. The extent to which the location of development sites would facilitate the use of sustainable modes of transport is considered separately under SA objective 10.

SA Objective 12: To protect and improve air quality

Negligible (0)

The site is not within 100m of an AQMA.

SA Objective 13: To protect material assets and minimise waste

Uncertain minor negative (-?)

The site is within a Minerals Safeguarding Area. The site is within a Minerals Safeguarding Area. These effects are uncertain as they will largely depend on factors such as whether the sites would in fact offer viable opportunities for minerals extraction, and it may be possible for prior extraction to occur before a site is developed.

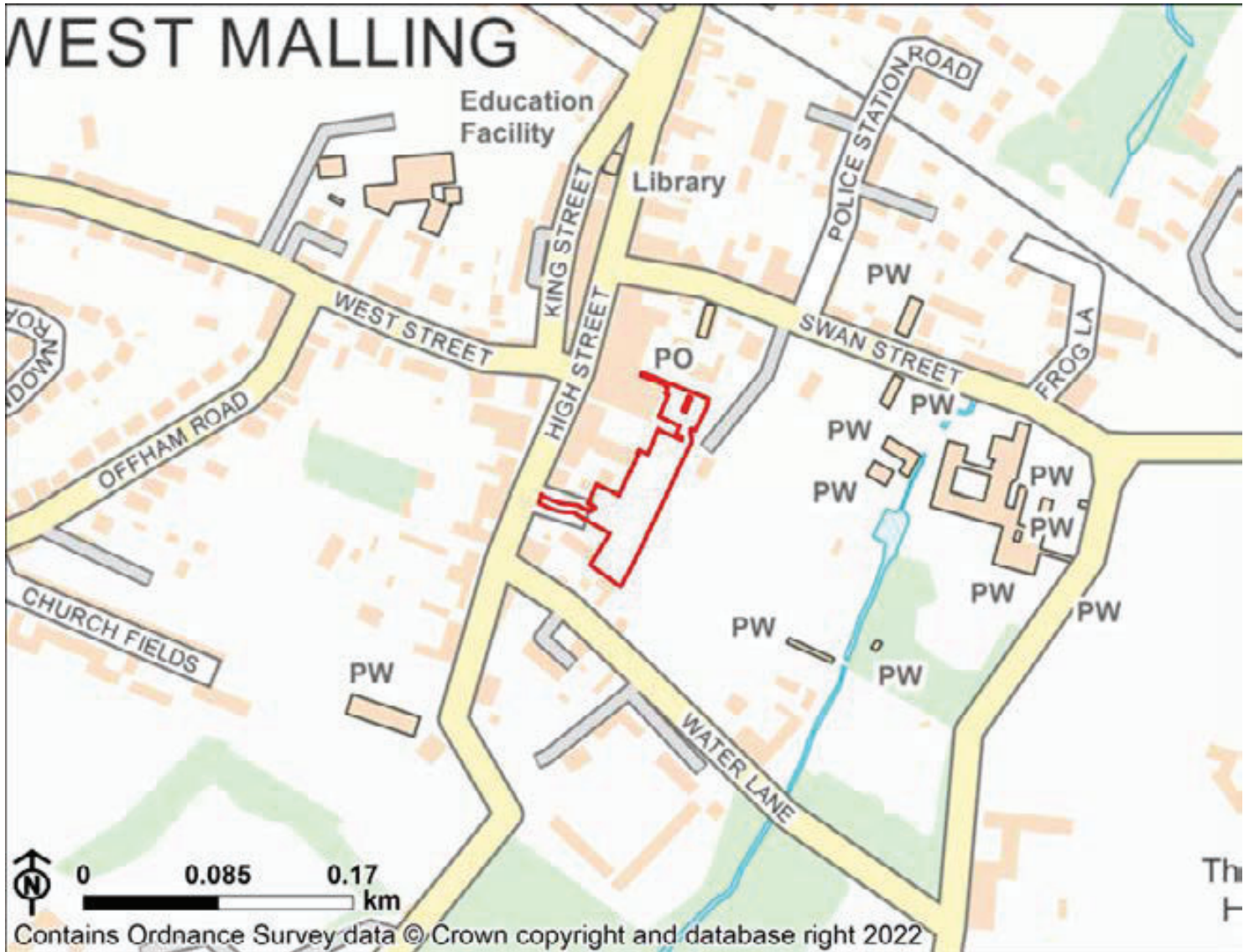
SA Objective 14: To provide a suitable supply of high quality housing including an appropriate mix of sizes, types and tenures

Minor positive (+)

The site is expected to provide fewer than 100 dwellings. It is expected that these smaller sites will not be able to offer as wider mix of housing or making as greater contribution towards local housing needs as larger sites would.

Site 59488

Residential



SA Objective 1: To improve human health and well-being

Significant positive (++)

This site is within 800m of an existing healthcare facility and an existing area of open space/ walking and cycle path / play area/ sports facility.

SA Objective 2: To improve equality and access to community facilities and services

Minor positive (+)

The site is placed within the Very Good Accessibility Band.

SA Objective 3: To improve levels of educational attainment and skills and training development for all age groups and all sectors of society

Uncertain minor positive (+?)

The site is within 800m of an existing secondary school or a primary school (but not both). However, uncertainty exists as the effects will depend on there being capacity available at those

facilities to accommodate new pupils. It is also noted that the provision of new residential development could stimulate the provision of new schools and/or school places, however this cannot be assumed at this stage and is therefore uncertain.

SA Objective 4: To encourage sustainable economic growth, business development, and economic inclusion across the borough

Negligible (0)/Negligible (0)

The location of residential sites will not directly influence sustainable economic growth or the delivery of employment opportunities

SA Objective 5: To protect and enhance biodiversity and geodiversity

Uncertain minor negative (-?)

The site is between 250m and 1km of one or more internationally or nationally designated biodiversity or geodiversity sites, or is within 250m of a locally designated site. While proximity to designated sites provides an indication of the potential for an adverse effect, uncertainty exists, as appropriate mitigation may avoid adverse effects and may even result in beneficial effects.

SA Objective 6: To protect and enhance the borough's landscape and townscape character and quality

Negligible (0)

This site is located within a settlement.

SA Objective 7: To protect and enhance the cultural heritage resource

Uncertain significant negative (--?)

The site is located within 250m of a heritage asset. Effects are uncertain at this stage as they will depend on factors such as the design of the development and whether there are lines of sight between the development site and nearby heritage assets.

SA Objective 8: To protect and enhance the quality of water features and resources

Negligible (0)

The site is either entirely or largely (>=75%) within Flood Zone 1.

The site does not contain a water body or watercourse or fall within a Source Protection Zone.

SA Objective 9: To conserve and enhance soil resources and guard against land contamination

Significant positive (++)

The site is located on brownfield land.

SA Objective 10: To reduce greenhouse gas emissions so as to minimise climate change

Significant positive (++)

The site is within 800m of a railway station.

SA Objective 11: To improve adaptation to climate change so as to minimise its impact

Negligible (0)

The location of development will not affect the achievement of this objective as effects will depend largely on the detailed proposals for sites and their design, which would be influenced by policies in the new Local Plan and details submitted at the planning application stage. The extent to which the location of development sites would facilitate the use of sustainable modes of transport is considered separately under SA objective 10.

SA Objective 12: To protect and improve air quality

Negligible (0)

The site is not within 100m of an AQMA.

SA Objective 13: To protect material assets and minimise waste

Uncertain minor negative (-?)

The site is within a Minerals Safeguarding Area. The site is within a Minerals Safeguarding Area. These effects are uncertain as they will largely depend on factors such as whether the sites would in fact offer viable opportunities for minerals extraction, and it may be possible for prior extraction to occur before a site is developed.

SA Objective 14: To provide a suitable supply of high quality housing including an appropriate mix of sizes, types and tenures

Minor positive (+)

The site is expected to provide fewer than 100 dwellings. It is expected that these smaller sites will not be able to offer as wider mix of housing or making as greater contribution towards local housing needs as larger sites would.

S106 MATTERS

Item OS 23/6 referred from Overview and Scrutiny Committee of 26 January 2023

The report of the Director of Planning, Housing and Environmental Health presented an updated s106 Protocol and a new monitoring structure for s106 monies. Members were also updated on the recently published Infrastructure Delivery Statement.

Any changes to the Protocol had taken into account the interest of all parties involved to ensure sufficient monitoring of the agreements could be completed and that the process remained efficient and up to date.

The main change proposed to be implemented was the removal of the County Council as a signatory to most agreements. This ensured greater control by the Borough Council over the delivery of mitigation and payment of relevant funding. It was noted that there were certain instances where the County Council would still be required as a signatory, such as where the relevant obligation would require KCC to give reciprocal covenants to TMBC and/or the developer. Members were advised that the County Council had requested an opportunity to discuss the proposals in more detail and this would be arranged as soon as possible.

Reference was made to proposals to create a monitoring group (as detailed in Annex 5) to meet regularly and review potential s106 matters. If the proposed structure was agreed, it was anticipated that the Operational Monitoring Group would be established as soon as possible.

Members welcomed the proposals in principle as the revisions improved monitoring of s106 allocations, distribution and spend. The importance of maintaining flexibility when drafting s106 agreements so that funding allocations weren't lost if a service or facility was lost was highlighted. Bus service provision within the borough was given as an example and agreements should be referring to the wider bus service rather than particular routes.

The annual Parish Infrastructure Statements were a valuable tool when undertaking negotiations related to s106 agreements as it enabled the Borough Council to request contributions for specific purposes as highlighted by parish/town councils to mitigate the impact of development for prospective and existing communities. It was suggested that those village halls not in the ownership of parish councils should liaise with those organisations to ensure their requirements were included on the Parish Infrastructure Statements. It was noted that options regarding how locally based

projects in the non-parished area of the Borough could be captured were being explored.

RECOMMENDED: That

- (1) subject to further discussion with Kent County Council, the revised S106 Protocol and process, including the new monitoring structure, be commended to Cabinet for approval (in due course);
- (2) the new monitoring structure, as set out in the report, be commended to Cabinet for approval (in due course); and
- (3) the recently approved and published Infrastructure Funding Statement 21/22 and spreadsheet be noted.

***Referred to Cabinet**

TONBRIDGE & MALLING BOROUGH COUNCIL

CABINET

04 April 2023

Report of the Director of Planning, Housing and Environmental Health

Part 1- Public

Executive Non Key Decisions

1 S106 MATTERS

Updated S106 Protocol and a new monitoring structure for S106 monies including an update on the recently published Infrastructure Delivery Statement.

1.1 Background

1.1.1 The S106 matters report attached as **Annex 1** was presented to Overview and Scrutiny Committee on 26 January 2023.

1.1.2 At that meeting, officers advised members that communication had been received from the KCC Infrastructure Team concerning matters set out in the report and requesting further discussions take place before a final decision was taken. Officers requested that if members were minded to agree the recommendations to Cabinet, that this be subject to further discussions being entered into with KCC.

1.1.3 Members resolved that:

- subject to further discussions with Kent County Council, the revised S106 Protocol and process, including the new monitoring structure, be commended to Cabinet for approval (in due course)
- the new monitoring structure, as set out in the report, be commended to Cabinet for approval (in due course)
- the recently approved and published Infrastructure Funding Statement 21/22 and spreadsheet be noted.

1.1.4 A meeting was then convened on the 9 February with officers from the Infrastructure Team at KCC and the Head of Planning to discuss the issues and concerns raised by KCC over the revised Protocol which seeks to:

In most circumstances, we would not expect Kent County Council to need to be a signatory to any section 106 agreement. However, in circumstances where the

relevant obligation would require the County to give reciprocal covenants to TMBC and/or the relevant developer, then the County will be required to be a signatory.

1.1.5 The key concerns raised by KCC Infrastructure Team relate to:

- KCC preference to remain as a signatory on all legal agreements in order to ensure that KCC is satisfied that the impacts of any proposed development on country infrastructure are adequately managed.
- That KCC can directly enforce developer obligations to provide mitigation in relation to country matters.

1.1.6 At the meeting, KCC also presented their proposed solutions to address some potential outcomes which they consider could arise if for instance, where KCC contributions are not transferred into the S106 agreement and mitigation is not forthcoming.

1.1.7 **Annex 2** sets out the concerns raised by KCC in full including their proposed solutions.

1.2 Considerations

1.2.1 Officers have responded to the concerns raised and in principle, subject to further discussions taking place, there are areas where agreement is likely to be reached. This could be around producing a specimen draft S106 agreement (which once completed would be accessible on the website), where TMBC would be willing to share a draft of the template before it is finalised with a view to seeking agreement on some standard wording that KCC may wish to be included. There are also other areas where agreement may be reached in terms of the information required to request the S106 monies held by TMBC for infrastructure related projects. These more operational matters are not intended to be included in the amended Protocol and any agreements reached would be formalised through changes to the current process i.e. pro-forma, process notes, specimen draft S106 template etc. This would not prevent Cabinet from agreeing to the amended Protocol as currently proposed in **Annex 1**.

1.2.2 However, whilst there may be some areas where further discussions and agreement can be reached, there are also others which officers feel are non-negotiable. For instance, KCC's request for an inclusion that ensures all KCC requests are included and for KCC to be included as a signatory for the highest value contribution sites (the suggestion is a threshold of above 150 units or more but this could be higher). The reason for not including such request is that there can be no guarantee that all KCC requests are included in a S106. There may be various reasons relating to this including viability or other more pressing priorities

which the decision maker will need to justify. There may also be disagreements over whether the contribution request is Regulation 122 compliant.

- 1.2.3 It has also been considered (and set out in the amended Protocol) that only those *obligations which require the County to give reciprocal covenants to TMBC and/or the relevant developer*, would require KCC to be a signatory. This is intended to ensure that only the most strategic of developments, where land transfers are likely to be required, would require KCC to be a signatory to the S106 agreement. Introducing a threshold based system for highest value contributions sites does not fulfil the objective as set out in the main body of the report to O&S, paragraphs 1.2.3, which confirms that the main reason for the removal of KCC as a signatory to most agreements is to *ensure greater control by TMBC over the delivery of the mitigation and payment of the relevant funds, more oversight spent on the S106 agreements whilst also minimising the time it takes to complete and sign the agreement*.
- 1.2.4 Having considered the KCC representations in detail, there are areas where likely agreement can be reached on the process and information required and areas where agreement cannot be reached. This level of detail is not required to be included in the amended Protocol and can be included as set out above, where agreement is reached, through changes to processes, pro forma's and a specimen draft S106 template.
- 1.2.5 There are therefore no changes recommended to the amended Protocol which was agreed in principle by O&S Committee.

1.3 Legal Implications

- 1.3.1 The impacts of the updated S106 protocol and process changes will only impact on new agreements. All previously signed or under negotiation agreements will continue to be monitored by TMBC however the payments will be made to the relevant authorities as set out within the S106 agreement.

1.4 Financial and Value for Money Considerations

- 1.4.1 There will be direct financial and value for money considerations associated with S106 funds held, the monies received from S106 agreements make a significant difference to the local vicinity of the development. The funds are required to go towards the specified contributions as defined within the agreement, deviation from this could result in severe consequences with the council having to pay back the monies.
- 1.4.2 The proposed changes of removing the County Council as a signatory to agreements will mean most contribution payments will be paid to TMBC and any project and payment requests from KCC will be checked and agreed by the local authority before any payments can be transferred. For those agreement where reciprocal covenants to TMBC and/or the relevant developer are required, KCC will still be signatory to the agreement.

- 1.4.3 The new reports and protocol will give Councillors a clear view on what monies are held, how they are allocated and what projects they have been spent on, the live data enables an up to date insight on our current process and the ability to raise any concerns.

1.5 Risk Assessment

- 1.5.1 Whilst agreement on certain matters as set out above are likely between TMBC and KCC, there can be no guarantee that KCC will find these acceptable. There is a potential risk as set out in the comments from KCC that a Judicial Review may arise either to the decision on the amended Protocol or in relation to individual planning applications. The impact of this cannot be quantified as there are many variables, however TMBC will work pro-actively with KCC to seek areas where agreement can be reached to mitigate the risks of Judicial Review proceeding being instigated.

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

Cabinet is requested to seek:

- 1.7.1 **APPROVAL** of the revised S106 protocol and process, including the new monitoring structure.
- 1.7.2 **NOTING** of the recently approved and published Infrastructure Funding Statement (21/22) and spreadsheet.

Background papers:

contact: James Bailey

Annex 1 - O&S Report

Annex 2 – KCC Concerns/Solutions

Eleanor Hoyle

Director of Planning, Housing and Environmental Health

TONBRIDGE & MALLING BOROUGH COUNCIL

OVERVIEW AND SCRUTINY COMMITTEE

26 January 2023

Report of the Director of Planning, Housing and Environmental Health

Part 1- Public

Matters for Recommendation to Cabinet

1 **S106 MATTERS**

This report proposes an updated s106 protocol and a new monitoring structure for s106 monies, as well as updating Members on the recently published Infrastructure Delivery Statement.

1.1 **Background**

- 1.1.1 This report has been produced to set out the current situation and direction of travel TMBC seeks to undertake regarding several S106 related matters.
- 1.1.2 S106 agreements are a mechanism which make a development proposal acceptable in planning terms, that would not otherwise be acceptable. They are focused on site specific mitigation of the impact of development. S106 agreements are often referred to as 'planning obligations or developer contributions'.
- 1.1.3 Tonbridge and Malling Borough Council are presently not a CIL charging authority and therefore to mitigate the impact of a development a S106 agreement will be sought with the developer. The current S106 protocol (annex 1) was last updated and agreed by members in December 2011, to ensure the monitoring of the agreements TMBC has appointed a Senior Development Obligations Officer. TMBC is a signatory to the agreements within the local area and one of the receiving authorities of the funds alongside KCC in instances of reciprocal clauses within the S106.
- 1.1.4 Funds held by TMBC are allocated to projects within the locality of the development or those specified within the legal agreement, this includes parish owned sites to ensure they receive provision/enhancements to local facilities within the areas.
- 1.1.5 All parish councils have previously been notified of available funding held which they are eligible to use for potential projects. Any queries relating to what monies are currently held and whether a potential project would be eligible should be raised directly with the SDOO via planning.obligations@tmbc.gov.uk

1.2 Preparation and content

- 1.2.1 Reporting on the S106 funds held takes place on an annual basis via the Infrastructure Funding Statement (<https://www.tmbc.gov.uk/downloads/download/309/tmbc-planning-obligation-protocols-and-funding-statement>), which outlines what monies have been collected and spent in the last financial year, as well as which projects have been delivered and upcoming planning expenditure. A spreadsheet outlining the existing balances, and payments received within the financial year is published alongside the statement (<https://www.tmbc.gov.uk/downloads/download/309/tmbc-planning-obligation-protocols-and-funding-statement>). This includes information on any contributions that have been directed to Parish Councils.
- 1.2.2 The S106 protocol has been reviewed to ensure the protocol is efficient and up to date (see Annex 1 and 2), any changes have taken into account the interest of all parties involved to ensure sufficient monitoring of the agreements can be completed.
- 1.2.3 The main proposed change to be implemented under the new S106 protocol is the removal of the County Council as a signatory to most agreements. This is proposed to ensure greater control by TMBC over the delivery of the mitigation and payment of the relevant funds, more oversight can be spent on the S106 agreements whilst also minimising the time it takes to complete and sign the agreement. It would impact the process by ensuring most payments are made and directed through the local authority who can then ensure the projects being undertaken by all parties meet the requirement of the S106 contribution and the monies are being used towards the specified purpose.
- 1.2.4 It must be noted that the removal of KCC as a signatory to S106 agreements does not mean KCC will not be signatories to all agreements, there are certain instances that the County Council will still be required as a signatory, such as where the relevant obligation would require the Country to give reciprocal covenants to TMBC and/or the developer.
- 1.2.5 There is an element of risk by removing KCC as a signatory to the majority of agreements, most payments will be channelled through the local authority and the total sum of S106 monies held by TMBC will increase Most S106 agreements have time limited spend requirements (usually 5/10 years). Therefore, it is important to ensure our monitoring is stringent whilst ensuring the mitigation is being provided. The risks and mitigation have been carefully considered by TMBC and outlined within a Risk Assessment (Annex 3).
- 1.2.6 The proposed changes to the protocol will also make changes to the current process undertaken when S106 agreements are being negotiated the removal of KCC as a signatory to most agreements will also minimise the length of time taken to negotiate, agree and sign an agreement, however KCC will still be a signatory in circumstances where the obligation would require KCC to give reciprocal

covenants to TMBC and/or the relevant developer, for instance where the transfer of land is required to build a new school. In instances where KCC is not a signatory to the agreement and as part of the risk mitigation a draft copy of the agreement will be distributed to KCC for noting. The existing and proposed process changes (annexe 4) show the differences in approach to ensure a thorough engagement process is undertaken with the S106.

- 1.2.7 The creation of two monitoring groups would ensure an open line of communication with various departments and KCC. One monitoring group would include internal department colleagues and KCC, the second group would be a strategic group and comprise of internal TMBC staff and Councillors. This enables TMBC to receive direct information, provide a transparent line of communication in relation to the monies being spent between the two Councils as well as members, and answer any queries prior to final comments being provided.
- 1.2.8 It is proposed that the monitoring groups would be structured as follows and outlined within Annex 5 and 6;

S106 Operational Monitoring Group	S106 Strategic Monitoring Group
Senior Development Obligations Officer (Chair)	Director of Planning, Housing & Environmental Health (Chair)
Development Obligations officer	Head of Planning
Planning Policy team member – IDP based	Planning Policy Manager and Development Management Manager
Team Leader– Major Projects and Senior Planning Officer (Majors)	Cabinet Member for Strategic Planning & Infrastructure
Leisure Services Manager (once appointed)	Chair of Housing and Planning Scrutiny Select Committee
Legal	Head of Legal & Democratic Services
Finance	Councillors x 4 (politically balanced)
KCC representatives x2	Team Leader – Major Projects

- 1.2.9 If this proposed structure is agreed, it is proposed that the Operational Monitoring Group is established as soon as possible and that the Strategic Group is established after Annual Council in May 2023. At the first meeting of each group, terms of reference will need to be agreed.
- 1.2.10 At the time of writing KCC is undergoing consultation on their Development Contribution Guide which expires in February 2022, TMBC is currently reviewing

the information supplied and drafting a response to this consultation, however the initial view is that the KCC consultation will not alter the proposed changes to our S106 protocol.

- 1.2.11 The protocol changes include the use of the recently completed and annually updated Parish Infrastructure Statements. When undertaking any negotiations relating to S106 agreements TMBC officers will use this as a tool to request contributions for specific purposes to mitigate the impact of the development and make improvements for the prospective and existing local communities.
- 1.2.12 All parish councils within the borough were requested to complete a Parish Infrastructure Statement which outlined potential projects they would like to undertake, and which could be potentially funded via the use of S106 contributions. We received a very positive responses with 20 parish councils participating and providing a detailed statement. The statements provided include various projects ranging from upgrades to existing facilities to provision of new open space and parks within the area. The statements have been collated into a spreadsheet and will be used by Planning Officers as evidence to aide in future negotiations with developers and allocate monies to parish projects. It is the intention that the Parishes who have not yet engaged with this process will be contacted by the Director of Planning, Housing & Environmental Health to offer some additional support. Consideration is also underway regarding how locally based projects in the non-Parished area of the borough can best be captured.
- 1.2.13 A PowerBI report is currently in development similar to the previously development Enforcement case review report, this will enable Councillors to access and have an overview of live data held in relation to S106 monies. This will enable councillors to review funds held and raise queries in relation to payments directly with the Senior Development Obligations Officer. Once the PowerBI report development has been completed it will be for internal use only as the Infrastructure Funding Statement will be published on an annual basis as legally required to give an overview of allocation and spending for the reporting period.

1.3 Financial and Value for Money Considerations

- 1.3.1 There will be direct financial and value for money considerations associated with S106 funds held, the monies received from S106 agreements make a significant difference to the local vicinity of the development. The funds are required to go towards the specified contributions as defined within the agreement, deviation from this could result in severe consequences with the council having to pay back the monies
- 1.3.2 The proposed changes of removing the County Council as a signatory to agreements will mean most contribution payments will be paid to TMBC and any project and payment requests from KCC will be checked and agreed by the local authority before any payments can be transferred. For those agreement where

reciprocal covenants to TMBC and/or the relevant developer are required, KCC will still be signatory to the agreement.

- 1.3.3 It was agreed by Cabinet on the 8 November 2022 to uplift the monitoring fees set out within S106 agreements by 10% on the 1 April 2023 a change from £300 per contribution to £330 per contribution. This change will be put into effect and all agreements drafted and completed after the 1 April 2023 will include the new higher fees. These fees are utilised to offset salary costs in the Planning service, principally the role of the Senior Development Obligations Officer.
- 1.3.4 The new reports and protocol will give Councillors a clear view on what monies are held, how they are allocated and what projects they have been spent on, the live data enables an up to date insight on our current process and the ability to raise any concerns.

1.4 Legal Matters

- 1.4.1 The impacts of the updated S106 protocol and process changes will only impact on new agreements. All previously signed or under negotiation agreements will continue to be monitored by TMBC however the payments will be made to the relevant authorities as set out within the S106 agreement.

1.5 Risk Assessment

- 1.5.1 The risks of removing KCC have been identified in Annex 3, this outlines the potential risks and mitigation proposed by TMBC.
- 1.5.2 The use of S106 funds on the appropriate projects to be completed in line with the legal agreement, if the funds are not used as required or within the time limit outlined within the S106, a developer is within their right to request a refund of the funds. Stringent monitoring of how the money is spent takes place to ensure correct usage. If money is returned to developers for any reason this could cause a reputational risk.

1.6 Recommendations

The Committee is asked to recommend to Cabinet:

- 1.6.1 **APPROVAL** of the revised S106 protocol and process, including the new monitoring structure.
- 1.6.2 **NOTING** of the recently approved and published Infrastructure Funding Statement (21/22) and spreadsheet.

Background papers:

- Annex 1 - Current S106 protocol
- Annex 2 - Proposed new S106 protocol
- Annex 3 – Protocol changes risk assessment
- Annex 4 – Existing and proposed S106 process
- Annex 5 – TMBC S106 monitoring group proposal
- Annex 6 – TMBC S106 members monitoring group proposal

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Tonbridge and Malling Borough Council
Planning Obligations Protocol



www.tmbc.gov.uk

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- 1 Introduction and Context
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Annexes:

1. Guidance to promote local engagement
2. Collecting quantitative and qualitative evidence of need for provision and enhancement of community owned public open space

1. Introduction and Context:

- 1.1 This document is intended to provide best practice guidance on managing Section 106 Planning Obligations related to development taking place in the Borough of Tonbridge and Malling. It is intended to amplify adopted local and national requirements whilst looking towards a collaborative approach to the provision of affordable housing, infrastructure projects and public services across the Borough. The Council believes it is essential that the means of securing such obligations takes place in a fair, open, transparent and reasonable manner in order to retain public confidence in the system and to provide greater clarity to all those involved.
- 1.2 The Council does not operate a Community Infrastructure Level (CIL) charging schedule. It was decided at the meeting of the Community Infrastructure Levy Panel on 19 December 2011 to not move forward with production of such a schedule, although this position is continually kept under review. In determining planning applications for new development, the Council therefore relies on the provisions of the Town and Country Planning Act 1990 to ensure that appropriate and successful mitigation of development takes place in all instances.
- 1.3 Under Section 106 of the Act any person interested in land in the area of a Local Planning Authority may, by agreement or unilaterally, enter into a planning obligation –
 - (a) restricting the development or use of land in any specified way;
 - (b) requiring specified operations or activities to be carried out on the land;
 - (c) requiring the land to be used in any specific way;
 - (d) requiring a sum or sums to be paid to the authority on a specified date for an agreed purpose.
- 1.4 Such agreements are effectively a mechanism designed to ensure a development proposal is acceptable in planning terms where it would not otherwise be acceptable. The statutory tests for such agreements are that the obligations must be:
 - necessary to make the development acceptable in planning terms;
 - directly related to the development; and
 - fairly and reasonably related in scale and kind to the development.
- 1.5 This is further supported in policy through the National Planning Policy Framework 2019 (NPPF) at paragraph 55.

1.6 Common examples of what may be sought as planning obligations in order to make development acceptable in this Borough are as follows:

- Affordable housing;
- Provision of public open space and public realm enhancements;
- Highways, transport and travel schemes including cycle and public transport improvements, highway infrastructure works, pedestrian links and facilities;
- Educational facilities;
- Libraries;
- Healthcare facilities;
- Provision of community facilities;
- Local environmental improvements including enhancement of designated nature conservation areas;
- Flood defence;
- Securing an acceptable mix of uses on development sites;
- Securing affordable business space;
- Archaeology and conservation schemes;
- Pollution mitigation;
- Fire and rescue facilities;
- Crime and disorder prevention activities;
- Town centre improvements; and
- Employment and training.

1.7 However, the above list is not exhaustive and the precise details of what will be sought by way of a planning obligation will be dependent on the scale and nature of the application and will be governed by relevant development plan policies in force in the area and any other material considerations. As such, prospective developers and applicants are advised to read this Protocol in conjunction with all relevant adopted development plan policies and are encouraged to enter into early pre-application discussions with the Council (as set out in more detail at Section 2).

- 1.8 In addition, the Infrastructure Delivery Plan (the “IDP”) identifies critical infrastructure and for strategic allocations the IDP identifies what, where, when and how critical new infrastructure will be provided. For strategic locations the IDP identifies likely infrastructure requirements and the measures needed to ensure their future delivery. As the process for bringing forward the sites progresses, this information will be updated and may identify other more minor infrastructure that is required.
- 1.9 The Council will always seek to explain to prospective applicants what mitigation will need to be provided by Section 106 agreement in the event that they seek pre-application advice. Requirements in this respect are set out in full within the suite of adopted policies contained within the Council’s adopted development plan, which are available on the Council’s website. All prospective applicants are strongly encouraged to engage with the Council through the pre-application advice service at the earliest opportunity.

2. Practice

- 2.1 It is important that the negotiation of planning obligations does not unnecessarily delay the planning process, thereby holding up development delivery. It is therefore essential that all parties proceed as quickly as possible towards the resolution of meaningful and enforceable obligations in parallel to planning applications (including through pre-application discussions wherever appropriate) and in a spirit of early engagement and co-operation, with deadlines and working practices agreed in advance as far as possible (via formal planning performance agreements wherever possible to do so) in order to shape better quality schemes and improve the outcomes of a proposed development.
- 2.2 The Council will advise developers and applicants at the earliest opportunity if a planning obligation is required in connection with their development proposal as well as the reasons for this. Ideally this will form part of the pre-application discussions and further advice on this is provided in the pre-application protocol which is available on the Council’s website. In addition, applicants will be informed as soon as possible if it is likely that there is a potential reason for refusal which could be overcome through a planning obligation arising from engagement and consultation with the relevant infrastructure delivery bodies (both internal to the Council and external providers such as the County Council).
- 2.3 The need for and calculation of financial contributions will be applied consistently by the Council but may, occasionally, be subject to negotiation with the Development Management case officer dealing with the application in consultation with relevant colleagues both within and outside the Council, Where any departure from adopted policy is being proposed this will be made

explicit and fully justified and in full accordance with the planning practice guidance.

- 2.4 The Development Management case officer in their report (whether delegated or committee) will include a detailed analysis setting out the requirements within the section 106 agreement explaining why it is necessary to make the development acceptable in planning terms, stating how the requirements are directly related to the development being proposed and demonstrating how they are fairly and reasonably related in scale and kind. This section of the officer report can then be referred to in any future enquiries or planning appeals.
- 2.5 Wherever possible, all parties should use their best endeavours to ensure by the time applications are reported to the relevant Planning Committee, the legal agreement has either
 - a) been signed by all necessary parties; or
 - b) detailed drafting of the legal agreement has been agreed and execution of the agreement is imminent.
- 2.6 In terms of the latter, when a Planning Committee determines an application for planning permission subject to the completion of the legal agreement, the permission will not be issued until the legal agreement has been completed and signed. Officer reports will, in all cases, make recommendations as to the length of time reasonable to ensure the agreement is completed and signed with recourse to either allow for further time to be built into the process if negotiations are continuing proactively, or to allow for delegated authority to refuse planning permission if it becomes clear that the obligations are not going to be met and there is a clear and justified reason for doing so.

3. Role of developers and applicants

- 3.1 Wherever possible to do so, and in particular where the applicant has engaged in pre-application discussions with the Council, it is preferable that detailed Heads of Terms or fully drafted agreements are submitted with planning applications where policy triggers are met in accordance with adopted development plan policy or where pre-application advice has indicated that obligations will be required from external providers (including the County Council). Failure to provide either of these at the submission stage may result in the planning application being made invalid and possibly returned to the applicant. This is in accordance with the Council's published Local Validation Requirements.
- 3.2 Once a valid application has been received, in all instances, the Development Management case officer will be responsible for leading on and coordinating all negotiations pertaining to planning obligations. At this point, applicants and agents

should not directly contact individual service providers but rather allow the case officer to collate, consider and coordinate any requests for obligations to ensure an effective and consistent approach. This is consistent with the ways of working of the Development Management Team and internal and external stakeholders are aware of this requirement.

- 3.3 In the event that the development is considered unviable by the applicant because of the level of contributions being requested then the Council will always seek detailed evidence from the applicant in accordance with the national Planning Practice Guidance (the “PPG”). Again, this should be provided at the submission stage because the applicant would have understood all policy requirements as part of effective pre-application discussions. In the event that no such evidence is provided and the application is not subject to a Planning Performance Agreement (PPA), the applicant will be given one opportunity to withdraw the application within a prescribed time period after which the Council will refuse planning permission.
- 3.4 In circumstances where viability evidence is put forward, the applicant must provide a full financial appraisal of the scheme (which accords with the requirements set out in the Planning Practice Guidance) and allow the appraisal to be verified, at their expense, by an independent agent chosen by the Council. In these instances, such a process should wherever possible be enshrined within an agreed PPA.

4. Role of the County Council

- 4.1 Kent County Council is a key service and infrastructure provider within Tonbridge and Malling Borough. As such, it is important to recognise the need for a collaborative working approach between the County and Borough Council in securing necessary planning obligations. As part of this, Tonbridge and Malling Borough Council undertakes to:
- Highlight to developers at the pre-application stage the need to engage with the County Council to establish what requirements they might have in order to incorporate into the finalised proposal and application submission (and for this to be enshrined within the planning performance agreement where applicable and possible to do so);
 - Consult the County Council on all applications for major development across the Borough and invite views on likely infrastructure and services required;
 - Request that the County Council at all times clearly sets out the basis on which infrastructure or other contributions are required and provides this information by a specified deadline;
 - Fully consider any representations from Town Councils, Parish Councils and other community groups seeking contributions where they are in

accordance with the adopted development plan and have been fully evidenced.

- Ensure effective and full liaison between instructed solicitors in order to finalise and execute any agreement.

4.2 Tonbridge and Malling Borough Council are the local planning authority that will have the ultimate responsibility for the determination of planning applications across the Borough. To assist the Council's assessment of any proposals and the need for planning obligations, the County Council will be expected to clearly stipulate the type of infrastructure contributions required to make the development acceptable in planning terms having regard to adopted policy and established evidence base and reasoned justification for the contributions sought.

4.3 The Borough Council's Development Management case officer will be responsible for leading and coordinating all negotiations regarding planning obligations. Where developer approaches are made at a pre-application stage direct to the County Council, the Borough Council should be copied in to any advice given. Once an application has been formally submitted, any such approaches should be directed back to the relevant case officer with any appropriate advice or guidance to assist negotiations.

5. Involvement of Borough Councillors, Town and Parish Councils and local community groups

5.1 Developers promoting larger and strategic schemes are often keen to meet with local Councillors to discuss local needs and the issue of wider community benefits that may come forward as planning obligations. There is an opportunity for Councillors to do this without pre-determining the outcome of the application process through structured and organised Member briefings. Presentations by prospective developers are also possible but officers should also be in attendance at these.

5.2 The need for such Member briefings is a matter best addressed through developers and applicants entering into a formal PPA where parameters and timeframes can be agreed between the parties. However, in all instances Council officers would take the lead in providing such briefings, utilising where necessary material provided by the developer.

5.3 Where obligations are required and where it is considered necessary to identify and evidence suitable local projects in accordance with policy requirements, the case officer will discuss with the relevant Ward members at the earliest opportunity.

5.4 Similarly, it is recognised that Town and Parish Councils and other local community groups can positively engage in this process in order to identify

projects within their communities that may be funded through contributions. Such contributions may only be spent on new facilities or improvements to facilities where the new development has been identified as contributing to the need for that facility or will have an impact on the existing facilities. It should however be remembered that costs related to revenue expenditure or costs which primarily relate to the maintenance of existing facilities such as minor repairs, replacement or redecoration will be will not meet the necessary tests.

- 5.5 The Council would expect such groups to clearly identify and robustly evidence any such projects at the time they make their representations on a planning application to enable the Council to make an assessment of the project and take it forward as part of the negotiations with the developer. Submitting this evidence in this manner will in no way prejudice any objections raised within the wider representations made. Where such projects are taken forward, the terms of the obligations will be shared with the group in question so they understand the relative requirements prior to the agreement being finalised. Similarly, if it is not considered that the project can be taken forward, an explanation as to the reasons will be provided within the officer's report.
- 5.6 Further guidance on how to compile such evidence can be found at Annexes 1 and 2 of the Protocol.
- 5.7 It should be remembered that Town and Parish Councils must prepare a report for any financial year in which it receives levy receipts. The information that parish councils should report on is prescribed in Regulation 121B of the Community Infrastructure Levy (Amendment) (England) (No. 2) Regulations 2019. The report must be published online. A copy of the report should be sent to the charging authority from which it received levy receipts (the Borough or County Council), no later than 31 December following the reported financial year, unless the report is, or is to be, published on the charging authority's website.

6. Unilateral Undertakings

- 6.1 The submission of unilateral undertakings on behalf of applicants may be acceptable. If this approach is being considered on behalf of the applicant then it is important that it is discussed at the pre-application stage with the relevant Development Management case officer before any work is done on the proposed undertaking. A unilateral undertaking must comply with the same statutory and policy requirements as a bilateral agreement. Where a unilateral undertaking is submitted and it meets the relevant tests then it will be taken into account as a material consideration when determining the application. However, if the obligation does not meet those tests and the proposed development is unacceptable without it, then the planning application will be recommended for refusal. If an alteration to the undertaking would overcome the reason for refusal then the Council will advise the developer prior to determining the application.

7. Preparation and Execution of the Agreement

- 7.1 If the Council has resolved to grant planning permission subject to the execution of a planning obligation, the planning permission will only be issued once the agreement has been executed by all parties and dated by the Council. The Council will ask for evidence that the owner has capacity to enter into the agreement and that any persons signing the agreement on behalf of the owner are authorised to do so. Ideally, this should be provided at the submission stage along with the Heads of Terms/draft agreement.
- 7.2 Applicants requiring a s.106 agreement or undertaking are expected to instruct a specialist solicitor to assist them with the preparation and completion of these documents. These are important and contractually binding documents which are often legally complex. The Council does not produce or expect a “standard format” of agreement to be followed, as this cannot account for every eventuality which a planning obligation may need to address.
- 7.3 All obligations and conditions contained within the agreement will become legally binding once the agreement has been signed. The obligations and conditions contained within the agreement cannot subsequently be changed unless the consent of the owner is obtained together with further approval by Planning Committee or the Director of Planning, Housing and Environmental Housing as is appropriate or necessary. If any such variation is subsequently sought, the developer will be expected to provide a full, reasoned and evidenced justification for such a variation.
- 7.4 Once completed, legal agreements form part of the planning permission and are a public document. As such, anyone may see a copy of it by viewing the documents on Public Access.

8. Legal costs

- 8.1 The Council will require the developer to pay the Council’s legal fees of preparing the planning obligation or checking any draft agreement or unilateral undertaking. These costs vary according to the type of agreement or unilateral undertaking and the scale or complexity of the associated development. The Council’s Legal Department will be able to advise on the cost of dealing with the agreement once they have received instructions from the Planning Department.
- 8.2 The majority of the Council’s section 106 agreements are outsourced to the Council’s appointed external advisers save in a minority of cases where they are legally unable to act for the Council, in which case the matter will be dealt with by the Council’s internal legal team.

9. Implementation and Monitoring

- 9.1 Once planning obligations have been agreed it is important that they are implemented, monitored and, where necessary, enforced in an efficient and transparent way. This is to ensure that contributions are spent on their intended purpose and that the associated development contributes to the sustainability of the area. This will require monitoring which, in turn, may involve joint-working by different parts of the Council.
- 9.2 Following the finalisation of a planning obligation there are a range of different activities that need to be undertaken by a variety of different parties, to different timetables, sometimes extending over a number of years. Some of these tasks include:
- ensuring the delivery of on-site obligations by the developer to the required standard and timetable;
 - ensuring that the necessary infrastructure that the Council or another public body has agreed to provide (wholly or in part, funded by contributions) is delivered;
 - ensuring receipt of financial contributions at appropriate times;
 - monitoring adherence to restrictions on all parties, including the Council, imposed through planning obligations;
 - managing applications for the modification or discharge of agreements; and
 - any necessary enforcement action.
- 9.3 If the Council's monitoring work indicates that contributions from developers have not been spent for their specified purpose within an agreed timeframe, which will be set out in the obligation and depend on the level of the contribution and its proposed end use, they will be returned to the developer. The time periods during which financial contributions are to be spent will run from the date the contribution is received by the Council once the trigger point is reached as opposed to the date of the agreement or obligation.
- 9.4 If the contribution cannot be spent for the originally specified purpose within the timescale set out in the agreement the Council will first seek to negotiate with the developer, or their successor in title, an alternative purpose for the financial contribution.
- 9.5 In order that the monitoring and enforcement of planning obligations is carried out efficiently and effectively for the benefit of communities affected by development, the Council will levy a monitoring fee on each planning obligation (rate of £300 for each obligation contained within the agreement). This monitoring fee will be enshrined within the planning obligation and must be paid by the developer or other parties as may be specified in the obligation on

signing the section 106 agreement. The fee will be applied to all obligations whether these are by agreement or submitted as unilateral undertakings. Similarly, the monitoring fee applies to all obligations including those payable to the County Council (and notwithstanding any fees they may levy in addition) because the Borough Council as determining local planning authority is under a duty to monitor compliance with those obligations as a matter of course too.

Tonbridge and Malling Borough Council
Planning Obligations Protocol



www.tmbc.gov.uk

Contents:

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Annexes:

1. Guidance to promote local engagement
2. Collecting quantitative and qualitative evidence of need for provision and enhancement of community owned public open space

1. Introduction and Context:

- 1.1 This document is intended to provide best practice guidance on managing Section 106 Planning Obligations related to development taking place in the Borough of Tonbridge and Malling. It is intended to amplify adopted local and national requirements whilst looking towards a collaborative approach to the provision of affordable housing, infrastructure projects and public services across the Borough. The Council believes it is essential that the means of securing such obligations takes place in a fair, open, transparent and reasonable manner in order to retain public confidence in the system and to provide greater clarity to all those involved.
- 1.2 The Council does not operate a Community Infrastructure Level (CIL) charging schedule. It was decided at the meeting of the Community Infrastructure Levy Panel on 19 December 2011 to not move forward with production of such a schedule, although this position is continually kept under review. In determining planning applications for new development, the Council therefore relies on the provisions of the Town and Country Planning Act 1990 to ensure that appropriate and successful mitigation of development takes place in all instances.
- 1.3 Under Section 106 of the Act any person interested in land in the area of a Local Planning Authority may, by agreement or unilaterally, enter into a planning obligation –
 - (a) restricting the development or use of land in any specified way;
 - (b) requiring specified operations or activities to be carried out on the land;
 - (c) requiring the land to be used in any specific way;
 - (d) requiring a sum or sums to be paid to the authority on a specified date for an agreed purpose.
- 1.4 Such agreements are effectively a mechanism designed to ensure a development proposal is acceptable in planning terms where it would not otherwise be acceptable. The statutory tests for such agreements are that the obligations must be:
 - necessary to make the development acceptable in planning terms;
 - directly related to the development; and
 - fairly and reasonably related in scale and kind to the development.
- 1.5 This is further supported in policy through the National Planning Policy Framework 2019 (NPPF) at paragraph 55.

1.6 Common examples of what may be sought as planning obligations in order to make development acceptable in this Borough are as follows:

- Affordable housing;
- Provision of public open space and public realm enhancements;
- Highways, transport and travel schemes including cycle and public transport improvements, highway infrastructure works, pedestrian links and facilities;
- Educational facilities;
- Libraries;
- Healthcare facilities;
- Provision of community facilities;
- Local environmental improvements including enhancement of designated nature conservation areas;
- Flood defense;
- Securing an acceptable mix of uses on development sites;
- Securing affordable business space;
- Archaeology and conservation schemes;
- Pollution mitigation;
- Fire and rescue facilities;
- Crime and disorder prevention activities;
- Town centre improvements; and
- Employment and training.

1.7 However, the above list is not exhaustive and the precise details of what will be sought by way of a planning obligation will be dependent on the scale and nature of the application and will be governed by relevant development plan policies in force in the area and any other material considerations. As such, prospective developers and applicants are advised to read this Protocol in conjunction with all relevant adopted development plan policies and are encouraged to enter into early pre-application discussions with the Council (as set out in more detail at Section 2).

- 1.8 In addition, the Infrastructure Delivery Plan (the “IDP”) identifies critical infrastructure and for strategic allocations the IDP identifies what, where, when and how critical new infrastructure will be provided. For strategic locations the IDP identifies likely infrastructure requirements and the measures needed to ensure their future delivery. As the process for bringing forward the sites progresses, this information will be updated and may identify other more minor infrastructure that is required.
- 1.9 The Council will always seek to explain to prospective applicants what mitigation will need to be provided by Section 106 agreement in the event that they seek pre- application advice. Requirements in this respect are set out in full within the suite of adopted policies contained within the Council’s adopted development plan, which are available on the Council’s website. All prospective applicants are strongly encouraged to engage with the Council through the pre-application advice service at the earliest opportunity.

2. Practice

- 2.1 It is important that the negotiation of planning obligations does not unnecessarily delay the planning process, thereby holding up development delivery. It is therefore essential that all parties proceed as quickly as possible towards the resolution of meaningful and enforceable obligations in parallel to planning applications (including through pre-application discussions wherever appropriate) and in a spirit of early engagement and co-operation, with deadlines and working practices agreed in advance as far as possible (via formal planning performance agreements wherever possible to do so) in order to shape better quality schemes and improve the outcomes of a proposed development.
- 2.2 The Council will advise developers and applicants at the earliest opportunity if a planning obligation is required in connection with their development proposal as well as the reasons for this. Ideally this will form part of the pre-application discussions and further advice on this is provided in the pre-application protocol which is available on the Council’s website. In addition, applicants will be informed as soon as possible if it is likely that there is a potential reason for refusal which could be overcome through a planning obligation arising from engagement and consultation with the relevant infrastructure delivery bodies (both internal to the Council and external providers such as the County Council).
- 2.3 The need for and calculation of financial contributions will be applied consistently by the Council but may, occasionally, be subject to negotiation with the Development Management case officer dealing with the application in consultation with relevant colleagues both within and outside the Council, Where any departure from adopted policy is being proposed this will be made

explicit and fully justified and in full accordance with the planning practice guidance.

- 2.4 The Development Management case officer in their report (whether delegated or committee) will include a detailed analysis setting out the requirements within the section 106 agreement explaining why it is necessary to make the development acceptable in planning terms, stating how the requirements are directly related to the development being proposed and demonstrating how they are fairly and reasonably related in scale and kind. This section of the officer report can then be referred to in any future enquiries or planning appeals.
- 2.5 Wherever possible, all parties should use their best endeavors to ensure by the time applications are reported to the relevant Planning Committee, the legal agreement has either
 - a) been signed by all necessary parties; or
 - b) detailed drafting of the legal agreement has been agreed and execution of the agreement is imminent.
- 2.6 In terms of the latter, when a Planning Committee determines an application for planning permission subject to the completion of the legal agreement, the permission will not be issued until the legal agreement has been completed and signed. Officer reports will, in all cases, make recommendations as to the length of time reasonable to ensure the agreement is completed and signed with recourse to either allow for further time to be built into the process if negotiations are continuing proactively, or to allow for delegated authority to refuse planning permission if it becomes clear that the obligations are not going to be met and there is a clear and justified reason for doing so.

3. Role of developers and applicants

- 3.1 Wherever possible to do so, and in particular where the applicant has engaged in pre-application discussions with the Council, it is preferable that detailed Heads of Terms or fully drafted agreements are submitted with planning applications where policy triggers are met in accordance with adopted development plan policy or where pre-application advice has indicated that obligations will be required from external providers (including the County Council). Failure to provide either of these at the submission stage may result in the planning application being made invalid and possibly returned to the applicant. This is in accordance with the Council's published Local Validation Requirements.
- 3.2 Once a valid application has been received, in all instances, the Development Management case officer will be responsible for leading on and coordinating all negotiations pertaining to planning obligations. At this point, applicants and

agents should not directly contact individual service providers but rather allow the case officer to collate, consider and coordinate any requests for obligations to ensure an effective and consistent approach. This is consistent with the ways of working of the Development Management Team and internal and external stakeholders are aware of this requirement.

- 3.3 In the event that the development is considered unviable by the applicant because of the level of contributions being requested then the Council will always seek detailed evidence from the applicant in accordance with the national Planning Practice Guidance (the “PPG”). Again, this should be provided at the submission stage because the applicant would have understood all policy requirements as part of effective pre- application discussions. In the event that no such evidence is provided and the application is not subject to a Planning Performance Agreement (PPA), the applicant will be given one opportunity to withdraw the application within a prescribed time period after which the Council will refuse planning permission.
- 3.4 In circumstances where viability evidence is put forward, the applicant must provide a full financial appraisal of the scheme (which accords with the requirements set out in the Planning Practice Guidance) and allow the appraisal to be verified, at their expense, by an independent agent chosen by the Council. In these instances, such a process should wherever possible be enshrined within an agreed PPA.

4. Role of the County Council

4.1 In most circumstances, we would not expect Kent County Council to need to be a signatory to any section 106 agreement. However, in circumstances where the relevant obligation would require the County to give reciprocal covenants to TMBC and/or the relevant developer, then the County will be required to be a signatory.

4.2 Kent County Council is a key service and infrastructure provider within Tonbridge and Malling Borough. As such, it is important to recognize the need for a collaborative working approach between the County and Borough Council in securing necessary planning obligations. As part of this, Tonbridge and Malling Borough Council undertakes to:

- Highlight to developers at the pre-application stage the need to engage with the County Council to establish what requirements they might have in order to incorporate into the finalised proposal and application submission (and for this to be enshrined within the planning performance agreement where applicable and possible to do so);
- Consult the County Council on all applications for major development across the Borough and invite views on likely infrastructure and services required;

- Request that the County Council at all times clearly sets out the basis on which infrastructure or other contributions are required and provides this information by a specified deadline;
- Fully consider any representations from Town Councils, Parish Councils and other community groups seeking contributions where they are in accordance with the adopted development plan and have been fully evidenced.
- Ensure the County council has sight of, and were able to provide comments on, draft agreements where we are collecting contributions on items which would ultimately be delivered by the County Council.

4.3 Tonbridge and Malling Borough Council are the local planning authority that will have the ultimate responsibility for the determination of planning applications across the Borough. To assist the Council's assessment of any proposals and the need for planning obligations, the County Council will be expected to clearly stipulate the type of infrastructure contributions required to make the development acceptable in planning terms having regard to adopted policy and established evidence base and reasoned justification for the contributions sought.

4.4 The Borough Council's Development Management case officer will be responsible for leading and coordinating all negotiations regarding planning obligations. Where developer approaches are made at a pre-application stage direct to the County Council, the Borough Council should be copied in to any advice given. Once an application has been formally submitted, any such approaches should be directed back to the relevant case officer with any appropriate advice or guidance to assist negotiations.

5. Involvement of Borough Councillors, Town and Parish Councils and local community groups

5.1 Developers promoting larger and strategic schemes are often keen to meet with local Councillors to discuss local needs and the issue of wider community benefits that may come forward as planning obligations. There is an opportunity for Councillors to do this without pre-determining the outcome of the application process through structured and organised Member briefings. Presentations by prospective developers are also possible but officers should also be in attendance at these.

5.2 The need for such Member briefings is a matter best addressed through developers and applicants entering into a formal PPA where parameters and timeframes can be agreed between the parties. However, in all instances Council officers would take the lead in providing such briefings, utilising where necessary material provided by the developer.

- 5.3 Where obligations are required and where it is considered necessary to identify and evidence suitable local projects in accordance with policy requirements, the case officer will discuss with the relevant Ward members at the earliest opportunity.
- 5.4 Similarly, it is recognised that Town and Parish Councils and other local community groups can positively engage in this process **via the completion of the Parish Infrastructure statements in order to identify and outline potential projects within their communities that may be funded through contributions.** Such contributions may only be spent on new facilities or improvements to facilities where the new development has been identified as contributing to the need for that facility or will have an impact on the existing facilities. It should however be remembered that costs related to revenue expenditure or costs which primarily relate to the maintenance of existing facilities such as minor repairs, replacement or redecoration will not meet the necessary tests.
- 5.5 The Council would expect such groups to clearly identify and robustly evidence any such projects at the time they make their representations on a planning application to enable the Council to make an assessment of the project and take it forward as part of the negotiations with the developer. Submitting this evidence in this manner will in no way prejudice any objections raised within the wider representations made. Where such projects are taken forward, the terms of the obligations will be shared with the group in question so they understand the relative requirements prior to the agreement being finalised. Similarly, if it is not considered that the project can be taken forward, an explanation as to the reasons will be provided within the officer's report.
- 5.6 Further guidance on how to compile such evidence can be found at Annexes 1 and 2 of the Protocol.
- 5.7 It should be remembered that Town and Parish Councils must prepare a report for any financial year in which it receives levy receipts. The information that parish councils should report on is prescribed in Regulation 121B of the Community Infrastructure Levy (Amendment) (England) (No. 2) Regulations 2019. The report must be published online. A copy of the report should be sent to the charging authority from which it received levy receipts (the Borough or County Council), no later than 31 December following the reported financial year, unless the report is, or is to be, published on the charging authority's website.

6. Unilateral Undertakings

- 6.1 The submission of unilateral undertakings on behalf of applicants may be acceptable. If this approach is being considered on behalf of the applicant then it is important that it is discussed at the pre-application stage with the relevant Development Management case officer before any work is done on the

proposed undertaking. A unilateral undertaking must comply with the same statutory and policy requirements as a bilateral agreement. Where a unilateral undertaking is submitted and it meets the relevant tests then it will be taken into account as a material consideration when determining the application. However, if the obligation does not meet those tests and the proposed development is unacceptable without it, then the planning application will be recommended for refusal. If an alteration to the undertaking would overcome the reason for refusal then the Council will advise the developer prior to determining the application.

7. Preparation and Execution of the Agreement

- 7.1 If the Council has resolved to grant planning permission subject to the execution of a planning obligation, the planning permission will only be issued once the agreement has been executed by all parties and dated by the Council. The Council will ask for evidence that the owner has capacity to enter into the agreement and that any persons signing the agreement on behalf of the owner are authorised to do so. Ideally, this should be provided at the submission stage along with the Heads of Terms/draft agreement.
- 7.2 Applicants requiring a s.106 agreement or undertaking are expected to instruct a specialist solicitor to assist them with the preparation and completion of these documents. These are important and contractually binding documents which are often legally complex. The Council does not produce or expect a “standard format” of agreement to be followed, as this cannot account for every eventuality which a planning obligation may need to address.
- 7.3 All obligations and conditions contained within the agreement will become legally binding once the agreement has been signed. The obligations and conditions contained within the agreement cannot subsequently be changed unless the consent of the owner is obtained together with further approval by Planning Committee or the Director of Planning, Housing and Environmental Housing as is appropriate or necessary. If any such variation is subsequently sought, the developer will be expected to provide a full, reasoned and evidenced justification for such a variation.
- 7.4 Once completed, legal agreements form part of the planning permission and are a public document. As such, anyone may see a copy of it by viewing the documents on Public Access.

8. Legal costs

- 8.1 The Council will require the developer to pay the Council’s legal fees of preparing the planning obligation or checking any draft agreement or unilateral undertaking. These costs vary according to the type of agreement or unilateral undertaking and the scale or complexity of the associated development. The Council’s Legal Department will be able to advise on the cost of dealing with

the agreement once they have received instructions from the Planning Department.

- 8.2 The majority of the Council's section 106 agreements are outsourced to the Council's appointed external advisers save in a minority of cases where they are legally unable to act for the Council, in which case the matter will be dealt with by the Council's internal legal team.

9. Implementation and Monitoring

- 9.1 Once planning obligations have been agreed it is important that they are implemented, monitored and, where necessary, enforced in an efficient and transparent way. This is to ensure that contributions are spent on their intended purpose and that the associated development contributes to the sustainability of the area. This will require monitoring which, in turn, may involve joint-working by different parts of the Council.

- 9.2 Following the finalization of a planning obligation there are a range of different activities that need to be undertaken by a variety of different parties, to different timetables, sometimes extending over a number of years. Some of these tasks include:

- ensuring the delivery of on-site obligations by the developer to the required standard and timetable;
- ensuring that the necessary infrastructure that the Council or another public body has agreed to provide (wholly or in part, funded by contributions) is delivered;
- ensuring receipt of financial contributions at appropriate times;
- monitoring adherence to restrictions on all parties, including the Council, imposed through planning obligations;
- managing applications for the modification or discharge of agreements; and
- any necessary enforcement action.

- 9.3 If the Council's monitoring work indicates that contributions from developers have not been spent for their specified purpose within an agreed timeframe, which will be set out in the obligation and depend on the level of the contribution and its proposed end use, they will be returned to the developer. The time periods during which financial contributions are to be spent will run from the date the contribution is received by the Council once the trigger point is reached as opposed to the date of the agreement or obligation.

- 9.4 If the contribution cannot be spent for the originally specified purpose within the

timescale set out in the agreement the Council will first seek to negotiate with the developer, or their successor in title, an alternative purpose for the financial contribution.

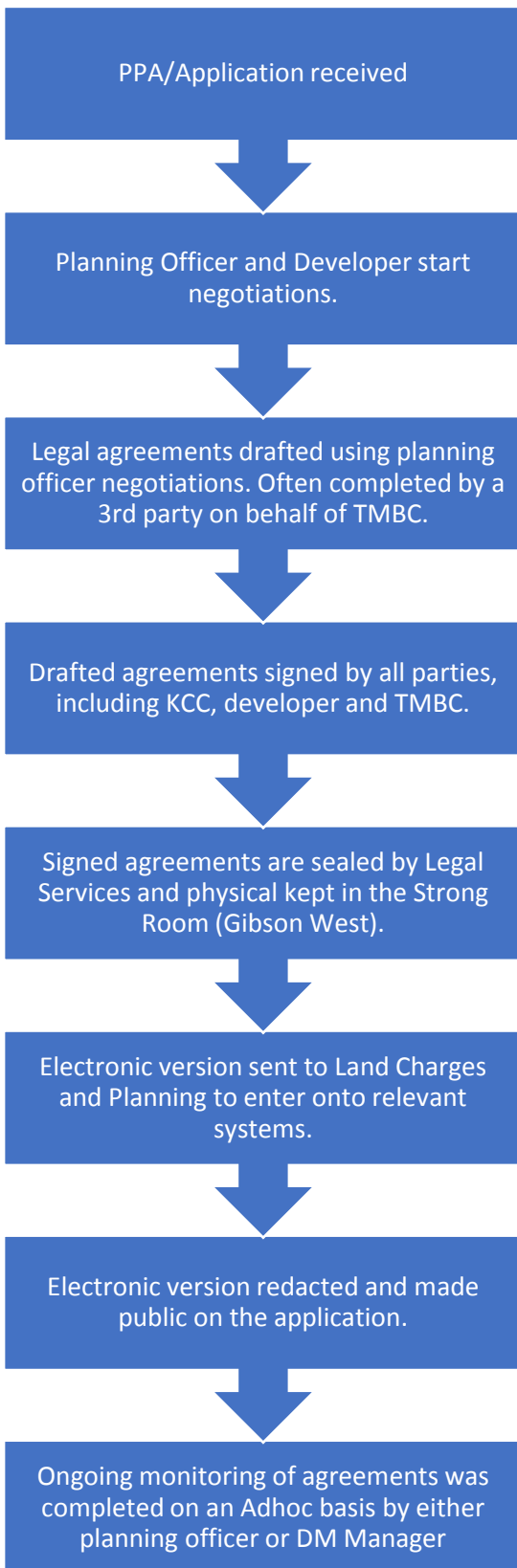
- 9.5 In order that the monitoring and enforcement of planning obligations is carried out efficiently and effectively for the benefit of communities affected by development, the Council will levy a monitoring fee on each planning obligation (rate of £330 for each obligation contained within the agreement). This monitoring fee will be enshrined within the planning obligation and must be paid by the developer or other parties as may be specified in the obligation on signing the section106 agreement. The fee will be applied to all obligations whether these are by agreement or submitted as unilateral undertakings. Similarly, the monitoring fee applies to all obligations including those payable to the County Council (and notwithstanding any fees they may levy in addition) because the Borough Council as determining local planning authority is under a duty to monitor compliance with those obligations as a matter of course too.

KCC risk assessment

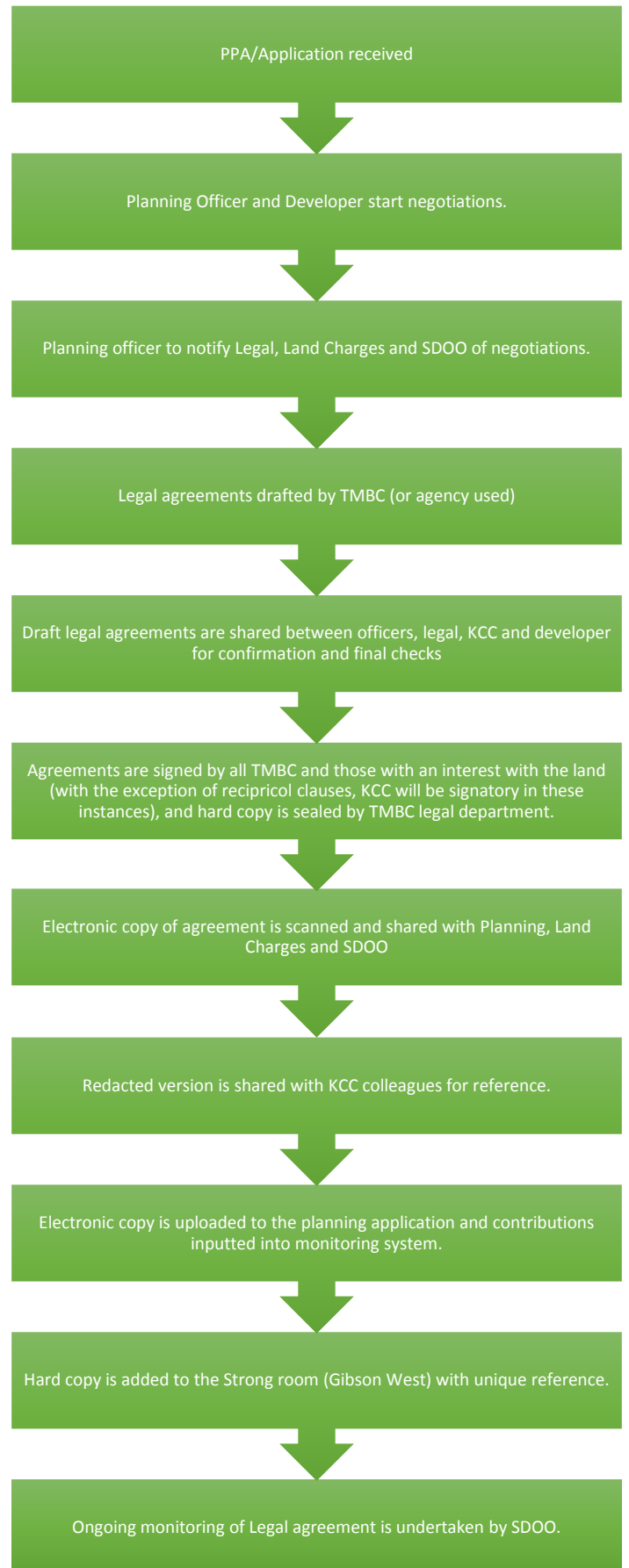
Query/Risk raised	Mitigation proposed
<p>The ability of KCC to input into the S106 agreement and have this checked by their independent legal team.</p>	<p>A monitoring group has been created and will include various TMBC colleagues and KCC to ensure they are able to receive updates relating to ongoing negotiations, ongoing monitoring, and make/raise queries in relation to specific sites.</p> <p>Draft copies of the agreement would be distributed to KCC to enable them to review and provide any potential comments.</p> <p>For those agreements where the reciprocal covenants to TMBC and/or the relevant developer are required, then KCC will still be a signatory to the agreement.</p>
<p>KCC costs incurred from independent legal checking would not be funded by the agreement</p>	<p>Potential to include KCC legal fees into the S106 agreements and the agreement not being signed and completed until KCC have received their legal costs from the developer.</p>
<p>Potential for a threshold for KCC to be included as signatories on agreements.</p>	<p>Thresholds would not be required as they would be party to any agreements with reciprocal covenants to TMBC and/or the relevant developer are required e.g. such as Land Transfer and School provision. These would be the similar sized developments as the threshold would incur (approx. 500 dwellings).</p>
<p>KCC do not feel the current proforma works effectively for them, they are unable to provide details relating to project start dates and timelines.</p>	<p>TMBC will work alongside KCC when using the proforma, we will investigate any potential changes, however for majority use the current proforma supplied is suitable.</p>
<p>Concerns of being notified when funding has been paid to TMBC and is available for use by KCC.</p>	<p>Reassured in previous meeting that KCC will be notified when funds are received and what project/site they are to be allocated to.</p> <p>We will look to share real time live data with KCC which outlines the funds held by TMBC and breakdown of contribution, thus enabling KCC to properly plan for the delivery of essential mitigation via the S106 agreement funding.</p>

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Current process:



Proposal process:



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TMBC S106 monitoring group.

It is proposed to create a S106 monitoring group comprising of internal department team members to meet on a regular basis and talk through potential S106 matters including current negotiations taking place, use of Parish infrastructure statements to allocate funds appropriately and enable other teams such as housing/leisure to attempt to obtain more exact figures to enable them to comment on planning applications while requesting the correct amount. The meetings would also give group members a chance to update in other matters such as when/where money has been spent and/or the current progress noted on an application site creating a more open environment to discuss potential points and updates.

The meetings would likely trial starting on a monthly basis and look to change the frequency depending on how many changes we see between meetings, or whether participants feel they are working well.

An invite would be sent out to the below members/departments to initially find out availability and willingness to be included – however initial discussions with internal TMBC departments shows this is a sought after idea.

Proposed members to include:

- Chelsea Honey-Bradfield (Chair)- Senior Development Obligations officer.
- Nadia Ross - Development Obligations Officer.
- Ria Hotchin – Senior Planning Officer (Policy).
- DM Majors officer (once appointed)
- Andrew Longman – Senior Planning Officer (majors)
- Gillian Aylett – Housing Strategy & Enabling Manager
- Mike Harris – Leisure Services Manager – Outdoors
- Mark De Save – Senior Accountant
- Representative from KCC Development Contributions.

Meeting agenda:

- Previous issues raised.
- Current ongoing negotiations with developers.
- Progress of developments within Borough.
- Monies received/spent within period.
- Allocation of funds held using Parish Infrastructure Statement and Capital Plan.
- Project updates.
- Historic S106 matters (monies due to be spent with deadline looming etc.)
- Any other questions/queries.

Once this meeting has taken place a breakdown of the discussion can be stored electronically and where needed shared with other teams/members/councils.

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TMBC S106 member monitoring group.

It is proposed to create a S106 monitoring group comprising of internal TMBC colleagues and Councillors to meet on a regular basis and talk through potential S106 matters and ongoing negotiations relating to large scheme developments, new monies received and spent by TMBC, outlining any projects lined up for funding via S106. The meetings would also give group members a chance to request updates on other S106 matters and raise any concerns they had regarding developments.

The meetings would likely trial starting on a quarterly basis and look to change the frequency depending on how many changes we see between meetings, or whether participants feel they are working well.

An invite would be sent out to the below members/colleagues to initially find out availability and willingness to be included.

Proposed members to include:

- Chelsea Honey-Bradfield - Senior Development Obligations officer.
- James Bailey – Head of Planning
- Gudrun Andrews – Planning Policy Manager
- Hannah Parker – Development Management Manager
- DM Majors officer (once appointed)
- Cllr Dave Davis - Cabinet Member for Strategic Planning and Infrastructure
- Cllr Jon Botten - Chair of Housing and Planning Scrutiny Select Committee

Potential meeting agenda:

- Previous issues raised.
- Current ongoing negotiations with developers.
- Progress of developments within Borough.
- Project allocation.
- Monies received/spent.
- Updates from monitoring group meeting with external authorities included.
- Any other questions/queries.

Once this meeting has taken place a breakdown of the discussion can be stored electronically and where needed shared with other teams/members/councils.

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Approach to remove KCC as a signatory to Section 106 agreements

1. The Starting point for KCC's preference is to remain as signatory on all legal agreements in order to ensure that:
 - (a) KCC is satisfied the impacts of any proposed development on county infrastructure are adequately mitigated (or alternatively that reduced contributions are justified to maintain the development's viability with review mechanisms to capture potential uplift);

KCC proposed solutions:

We understand the protocol allows for KCC to review S106 documents, but:

1. **Seek an inclusion that ensures all KCC requests are included with notice being provided should viability be a factor, and:**
2. **KCC be invited to discuss priorities should that be a factor.**

Potential inclusion of Invicta Law's (IL) cost with an undertaking of TMBC to pay due regard and for IL to provide initial comments within a defined time.

Outcome:

Avoid a scenario where KCC contributions are not transferred into the agreement and mitigation is not forthcoming in T & M, the consequence of which KCC may be required to consider Judicial Review (not something that we wish to do but which must be considered).

- (b) KCC can directly enforce developer obligations to provide mitigation in relation to county matters;

KCC proposed solutions:

1. **Use of wording that is commonly used in other agreements with other Kent LPAs, through which there is a unilateral undertaking with S106's to all KCC obligations to enable enforcement.**
2. **Suggest that a template TMBC S106 be passed to IL initially for review and get to a point of agreement before adoption. Through that one off initial engagement KCC would define exactly what needs to be included in terms of KCC needs, e.g. indexation, interest rate, preferred payment triggers dependent on size of development, phrasing on disputes, etc.**
3. **Potential to include KCC as a signatory for the highest value contributions sites – for example, those above a development threshold of 150 units or more (potential for a higher number depending on TMBC analysis). This has affected only 6 developments in the last 3 years**

Outcome:

To avoid a scenario of KCC contributions not being enforced or enforceable and reduced mitigation coming forward within T & M. Using learnt standard KCC phrasing to reduce the risk of the above. Larger more contentious and complicated sites retain absolute transparency and KCC a party only to the higher risk 106's.

Approach to contribution monitoring

We understand from TMBC's committee that members had frustration of mitigation delay and sought for flexibility within Sec106 drafting. KCC is firmly of the view that the proposed gatekeeping of funding secured for KCC services is unjustified, the proposed process is unworkable and creates duplication and avoidable revenue resource for both authorities.

Contributions secured are for the provision of KCC services and infrastructure for which TMBC is not accountable. It should not be that case that one local authority indefinitely holds and controls money that is required for mitigation delivered by another.

When considering that KCC spent £5.6m last year (details attached as an appendix), more than on any other Authority in Kent on infrastructure in T & M in the last financial year, on the proposal seems to be moving from a desirable situation for both to one that is far less desirable.

KCC is unable to forward fund and then seek payment back. Delays in funding transfer from TMBC to KCC results in reducing KCC's ability to earn interest on the contributions that would naturally be applied towards the development, and may result in us needing to recoup the interest during the period that TMBC holds onto the contributions. Overall, this would result in zero mitigation and the exact opposite to what TMBC members seem to be seeking.

TMBC's proposed process is dependent on an unreasonable and unworkable impact upon KCC resources. The level of information being sought is not held by the Developer Contributions Team, who would have to liaise with multiple infrastructure delivery departments at KCC to obtain the level of 'evidence' suggested by TMBC. We understand this to be the provision of receipts and evidence for every single application, monthly attendance of meetings and zero cost recovery currently received for monitoring and legal inspection. The KCC Developer Contributions Team would be administratively paralysed just by TMBC if this occurred, who would be an outlier in requesting this level of detail. It will naturally also have huge revenue implications for TMBC. One authority had previously used such a pro-forma but has subsequently agreed a far less onerous

process whereby KCC only completes the details of project names and values. This reduced Pro-Forma is attached as an appendix.

1. In most s106 agreements there will be a clause entitling the developer to request details of how financial contributions have been used, and if KCC does not spend as intended or within a given timeframe, contributions would understandably be refunded in line with the agreement. The current process for evidencing spend operates effectively.

KCC proposed solutions:

Continue to include a clause in S106 agreements that allows developers to request how financial contributions have been spent.

Potential outcome to avoid:

In a scenario whereby KCC has no guarantee of receipt of funding at the time of application approval, it would have to consider either:

- A. Judicial Review due no guarantee of the site meeting the basic need tests, or**
- B. Independent Unilateral Undertakings, as was required to be the case for another Kent Authority.**

KCC proposed solution 1:

1. **TMBC transfer the contributions to KCC at the agreed triggers, with KCC in return providing TMBC with regular information via our SMS reports on money it is in receipt of and what it has spent money on.**
2. **Potentially also provide this detail through an annual presentation of the IFS. All information being sought is generally readily available without the proposed process and seemingly would address TMBC members concerns on where the money is and what it's been spent on with greater transparency and far less resource implications for both authorities.**

KCC proposed solution 1:

1. **KCC agrees to completing a pro-forma for releasing funds that only necessitates the detail of the project name, amount, development application number and anticipated delivery date or phase at which the project is at (Feasibility, Planned, In Delivery, Delivered). TMBC in return provides regular information on all funding held on behalf of KCC.**

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Executive Decisions Record - March 2023

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
D230016CAB	Future Gas and Electricity Supply Contracts	Cabinet	07.03.23	09.03.23	16.03.23						17.03.23
D230017CAB	Green Business Grant Scheme										
D230018CAB	Corporate Strategy Community Consultation										
D230019URG	Development Management Agency Costs	Leader, Chair of Overview and Scrutiny	07.03.23*	13.03.23	N/A						13.03.23
D230020MEM	Business Rates Retention Pilot - Apprenticeships	Economic Regeneration	08.03.23	09.03.23	16.03.23						17.03.23
D230021MEM	Biodiversity Net Gains	Strategic Planning and Infrastructure	07.03.23	14.03.23	21.03.23						22.03.23
D230022MEM	Energy bills support scheme alternative funding	Leader	14.03.23	14.03.23	21.03.23						22.03.23
D230023MEM	Tonbridge & Malling Leisure Trust – pension fund liabilities in respect of transferred employees under Management Agreement	Finance, Innovation and Property	08.03.23	15.03.23	22.03.23						23.03.23
D230024MEM	Revenue Local Scheme Decisions	Finance, Innovation and Property (via FRPSCC)	14.03.23	16.03.23	23.03.23						24.03.23
D230025MEM	Adelante Smartpay 4 – Cashiering System Replacement	Finance, Innovation and Property	21.03.23	22.03.23	29.03.23						
D230026MEM	Active Travel Capability Fund Grant 2022/23	Strategic Planning and Infrastructure	21.03.23	22.03.23	29.03.23						
D230027MEM	Self Build and Custom Housing Register	Strategic Planning and Infrastructure	27.03.23	27.03.23	03.04.23						

Decision pending	Call in period	Key Decision	Private	Urgent
	Subject to call in			

URG - outside of budget and policy framework

*date of consent of Chair of Overview and Scrutiny

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Agenda Item 13

The minutes of meetings of Advisory Panels and Other Groups are attached, any recommendations being identified by an arrow.

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TONBRIDGE AND MALLING BOROUGH COUNCIL

JOINT TRANSPORTATION BOARD

MINUTES

Monday, 6th March, 2023

Present: County Cllr H Rayner (Chair), Cllr R P Betts, Cllr D A S Davis, Cllr M Taylor, Cllr D Thornewell, County Cllr Mrs S Hohler, County Cllr M Hood, County Cllr S Hudson and County Cllr P Stepto.

(Note: As Borough Councillor R I B Cannon was unable to attend in person and participated via MS Teams they were unable to vote on any matters).

In attendance: Councillor R V Roud was also present pursuant to Council Procedure Rule No 15.21.

Mr Owen Baldock and Mrs W Palmer were also present on behalf of the Kent Association of Local Councils (KALC).

Virtual: Mr David Gaunt (KALC) and Councillors Mrs J A Anderson, P A Bates, V M C Branson, R I B Cannon, Mrs A S Oakley, M R Rhodes, T Shaw, K B Tanner and Mrs M Tatton participated via MS Teams and joined the discussion when invited to do so by the Chair in accordance with Council Procedure Rule No 15.21.

Apologies for absence were received from Councillors P J Montague (Vice-Chair), R I B Cannon, County Cllr Mrs T Dean and County Cllr A Kennedy.

PART 1 - PUBLIC

JTB 23/1 NOTIFICATION OF SUBSTITUTE MEMBERS

There were no substitute Members for this meeting.

JTB 23/2 DECLARATIONS OF INTEREST

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

JTB 23/3 MINUTES

RESOLVED: That the Minutes of the meeting of the Joint Transportation Board held on 21 November 2022 be approved as a

correct record and signed by the Chairman, subject to the following amendment:

- Minute JTB 22/27, Proposed Single Yellow Line Waiting Restrictions – Oldbury Lane, whereby the recommendation to be amended to read ‘Old Lane Junction A25 Only’.

MATTERS SUBMITTED FOR INFORMATION

JTB 23/4 INVOLVEMENT IN HIGHWAY ASPECTS OF PLANNING APPLICATIONS

Members received the report of the Cabinet Member for Highways and Transport, Kent County Council which advised of involvement in the highway aspects of planning applications.

There was in depth discussion and a number of concerns were raised, including the confidentiality of pre-application advice and non-disclosure under a Freedom of Information request due to the potential effect on the commercial viability of the site and that the response of the Highways Authority on planning applications could not take into account assumptions or opinions of the local community.

Members questioned whether Kent County Council officers considered comments submitted via the Local Planning Authority by members of the public, Members and other organisations; whether a Parish Council could claim costs associated with the engagement of a highways engineer whose opinion contradicted that of Kent County Council officers; and if due regard was given to heavier vehicles, parking requirements, off road parking and garage sizes when a planning application was considered. Members were advised that comments raised at the meeting would be responded to by Kent County Council officers.

JTB 23/5 ACTIVE TRAVEL UPDATE

The report of Kent County Council Highways and Transportation provided an update on Kent County Council’s Active Travel agenda.

During discussion, Members believed that there could be improved connections between public right of ways and questioned the likelihood of funding to reconstruct the collapsed section of the Medway Towpath, Aylesford and sought details of any data analysis undertaken to determine the popularity of the link. Furthermore, Members asked how funding for the development of a Local Cycle and Walking Infrastructure Plan would be used.

JTB 23/6 HIGHWAYS FORWARD WORKS PROGRAMME 2022/23 AND 2023/24

The report of the Kent County Highways, Transportation and Waste summarised schemes programmed for delivery in 2022/23 and provided an update on Road, Footway and Cycleway Renewal and Preservation Schemes (Appendix A), Drainage Repairs and Improvements (Appendix B), Street Lighting (Appendix C), Transportation and Safety Schemes (Appendix D), Developer Funding Works (Appendix E), Bridge Works (Appendix F), Traffic Systems (Appendix G) and the Combined Members Grant (Appendix H).

Members sought an update on the developer funded works for junction improvements at London Road/New Road, East Malling and associated land ownership issues; and the proposed additional cleansing and CCTV survey to expand the survey area between New Road and new Hythe Lane to address the flooding issues. Furthermore, reassurance was sought that the programmed machine resurfacing works on the A25 Borough Green would be undertaken on 5 June 2023 and would not be postponed further.

MATTERS FOR CONSIDERATION IN PRIVATE**JTB 23/7 EXCLUSION OF PRESS AND PUBLIC**

There were no items considered in private.

The meeting ended at 8.18 pm

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TONBRIDGE & MALLING BOROUGH COUNCIL

RECORD OF DECISION TAKEN UNDER URGENCY POWERS

Decision No:	D230019URG
Decision Taken By:	Leader of the Borough Council
Authority under which Decision Taken:	Departure from the Council's adopted Budget and Policy Framework and in accordance with paragraph 4 of the Budget and Policy Framework Procedure Rules
Decision Type:	Executive Key Decision
Date:	13 March 2023

Decision(s) and Reason(s)

DEVELOPMENT MANAGEMENT AGENCY COSTS

The Development Management (DM) team is currently operating with seven contractor staff which in the main occupy vacant establishment positions, some of which were created because of the recent DM and Enforcement restructures.

There have been several recruitment campaigns to fill the current vacant establishment positions, some of which were before the re-structures and some following, with both the existing positions and newly created posts being advertised using the standard marketing campaigns. Whilst success was achieved recruiting to the senior management positions, (Head of Planning, Development Manager and Policy Manager roles) there has been little success recruiting to the other less senior roles in the planning team. The Development Management team currently has a stable set of agency staff in place, with changes being made where required due to changing requirements or performance issues. There is a handover process in place to ensure that these changes do not have significant service impacts.

There is a national shortage of qualified, experienced Planners and indeed similar issues in other technical disciplines. These issues are also not unique to Planning within the Council, as there are other posts within the Council that are proving difficult to fill e.g. in IT/ Property and Legal. Human Resources is currently leading on a review of recruitment to these hard to fill posts, which will be reported to the General Purposes Committee in due course.

Significant progress has been made in the last 12 months with planning performance, which would be significantly, negatively impacted should the vacant posts not be filled in the short to medium term with agency staff. These include a drop in application decision rates, a likely reduction in income from both pre-application enquiries and Planning Performance Agreements as a result of not

having the staffing resource available to service these areas effectively, customer dissatisfaction due to increased delays in determining applications, greater number of complaints, potential rise in appeals for non-determination and likely requests for planning fee refunds under the Planning Guarantee due to the time taken to determine applications.

The specific approaches to posts and agency staff employed is currently managed by the Head of Planning, in consultation with the Director of Planning, Housing & Environmental Health, as well as Management Team as needed. This includes an agreed approach to ensure that if any permanent staff are appointed, the agency cohort is reduced accordingly. The position will be reviewed on a regular basis during the initial proposed period of 6 months.

Should the posts remain vacant and the agency cost requirement remain the same throughout 2023/24, the total spend above the established staffing budget would be c.£254,000.

It is proposed that:

- (1) the agency staffing costs for a 6 month period, equating to a maximum net additional cost of £127,000 above existing budget provision, are met from the Council's General Revenue Reserve; and
- (2) a review be carried out and a decision made about whether additional costs are likely to be required and incurred and can be incorporated into revised estimates.

The Director of Finance and Transformation has confirmed that this additional cost of £127,000 can be accommodated from the General Revenue Reserve as a one-off cost. However, the ongoing issues with recruitment and retention, which are particularly impacting Planning currently, do present a financial and wider risk for the Council. This risk is already highlighted on the Council's strategic risk register.

Details of any alternatives considered:

At present, there are not considered to be any reasonable alternatives to continuing to utilise agency Planners.

Reason why departure from Budget and Policy Framework:

In order to maintain service provision and retain existing agency staff who are performing well, their contracts need to be extended beyond the current end date of 31 March. It is not practical to convene a quorate meeting of the Full Council due to the timescales required for the required contract discussions to take place with agencies and staff and it is not possible to seek a decision from Full Council at their next meeting.

Reason(s) why rejected:
n/a
Conflicts of Interest/Dispensations Granted:
None
Background Papers (if any):
None
RESOLVED: That (1) The net additional cost of £127,000 of employing agency staff to fill vacant positions in Development Management for the initial period of the 6 months from April to September 2023 be met from the Council's General Revenue Reserve. Taken in accordance with paragraph 4 of the Budget and Policy Framework Procedure Rules set out in the Constitution and in agreement with the Chair of the Overview and Scrutiny Committee.

Signed Leader:	M Boughton
Signed Chair of Overview and Scrutiny Committee	A Oakley
Signed Chief Executive:	J Beilby
Date of publication:	14 March 2023

In accordance with Budget and Policy Framework Procedure Rule 4 it is not practical to convene a quorate meeting of the Full Council due to the timescales required for the required contract discussions to take place with agencies and staff and with the consent of the Chair of the Overview and Scrutiny Committee, this decision is considered urgent, is not subject to call-in and will become effective immediately.

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Agenda Item 15

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 16

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

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

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

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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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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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