

TONBRIDGE & MALLING BOROUGH COUNCIL



EXECUTIVE SERVICES

Chief Executive

Julie Beilby BSc (Hons) MBA

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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

11 July 2022

To: MEMBERS OF THE HOUSING AND PLANNING SCRUTINY SELECT COMMITTEE

(Copies to all Members of the Council)

Dear Sir/Madam

Your attendance is requested at a meeting of the Housing and Planning Scrutiny Select Committee to be held in the Council Chamber, Gibson Drive, Kings Hill on Tuesday, 19th July, 2022 commencing at 7.30 pm.

Members of the Committee 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.

Yours faithfully

JULIE BEILBY

Chief Executive

A G E N D A

1. Guidance for the Conduct of Meetings

5 - 6

PART 1 - PUBLIC

2. Apologies for absence
3. Notification of Substitute Members 7 - 8
4. Declarations of interest 9 - 10

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

5. Minutes

There are no Minutes for consideration as this is the first meeting of this committee

6. Work Programme 2022/23 11 - 22

Members of the committee are invited to submit suggestions for the work programme to the Chair, the Scrutiny, Policy and Communities Manager and the Principal Democratic Services Officer in advance of the meeting.

The Terms of Reference for Scrutiny Select Committees are attached as an annex (pages 10-11 refer to the Housing and Planning SSC)

Matters for Recommendation to the Cabinet

7. Statement of Community Involvement 23 - 40

The report explains how residents and other stakeholders will be engaged as the Council prepares planning policies and determines planning applications.

8. Highway Officer Attendance at TMBC Area Planning Committees 41 - 48

The report provides an update on the negotiations with Kent County Council (KCC) to agree a protocol for highway officer attendance at the Area Planning Committees.

Matters submitted for Information

9. Update on the latest Building Regulation changes

A PowerPoint presentation will be given to provide Members with an update on the latest building regulation changes including those that came into effect on 15 June 2022.

10. Urgent Items 49 - 50

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

Matters for consideration in Private

11. Exclusion of Press and Public 51 - 52

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

12. Urgent Items 53 - 54

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

MEMBERSHIP

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

Cllr Mrs S Bell
Cllr G C Bridge
Cllr R W Dalton
Cllr M O Davis
Cllr D Harman
Cllr M A J Hood
Cllr Mrs F A Kemp

Cllr D W King
Cllr M R Rhodes
Cllr R V Roud
Cllr M Taylor
Cllr Miss G E Thomas
Cllr D Thornewell

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.

Housing and Planning Scrutiny Select Committee – Substitute Members (if required)

	Conservative	Liberal Democratic	Green	Ind. Kent Alliance	Note
1	Pam Bates	Paul Boxall	Anna Cope	Tim Shaw	
2	Chris Brown	Tim Bishop	April Clark		
3	Andrew Kennedy	Trudy Dean	Nick Stapleton		
4	Brian Luker	Frani Hoskins			
5	Colin Williams	Anita Oakley			

Members of Cabinet cannot be appointed as a substitute to this Committee

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Declarations of interest

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Scrutiny Select Committees – Membership and Terms of Reference

Title:	Communities and Environment Scrutiny Select Committee
Membership:	15 Members
Quorum:	4 Members
Terms of Reference:	
Communities	
Community Safety initiatives	
Environmental Strategy	
Matters related to: <ul style="list-style-type: none"> - The West Kent Partnership (LSP) - LA21 - Climate Change 	
Implementation, monitoring and future review of the: <ul style="list-style-type: none"> - Borough’s Sustainable Community Strategy - Community Safety Strategy 	
Liaison with local voluntary groups	
Grant support to local voluntary groups	
Take a strategic view of issues affecting: <ul style="list-style-type: none"> - rural parts of the Borough; including the work of the Medway Valley Countryside Partnership, and make appropriate recommendations to the Executive and other agencies - older persons within the Borough, including assessing the impact of the projected increase in the number of older persons, and make appropriate recommendations to the Executive and other agencies 	
Public Health strategies and actions	
Health improvement and health inequalities strategies	
Strategies and actions for tackling youth related drug problems	

Leisure	
Provision, development, management and maintenance of informal and formal public open spaces	
Larkfield Leisure Centre	<i>NB: The Tonbridge & Malling Leisure Trust operates these facilities on behalf of the Borough Council</i>
Angel Centre, Tonbridge	
Tonbridge Swimming Pool	
Poult Wood Golf Centre, Tonbridge	
Leybourne Lakes Country Park	
Grounds Maintenance – Tonbridge Cemetery	
Children’s play provision	
Country Parks and access to the countryside	
Advisory and/or consultancy services on outdoor leisure and grant aid issues	
Water recreation	
Annual programme of sports coaching	
Parks patrolling and security	
Allotments liaison – Tonbridge	
Cemetery management and burial function	
Provision and promotion of Borough wide arts events	
Provision of public art	
Partnerships	
Support for arts marketing	
Tonbridge Gatehouse Exhibition	
Tonbridge Council Chamber functions (e.g. weddings)	
Tonbridge Castle Grounds – events programme	
Heritage interpretation throughout the Borough	

Youth Development Plan	
Youth activity programmes	
Youth consultation and engagement	
Young Achievers Award	
To advise the Council in respect of its twinning links with Le Puy-en-Velay and Heusenstamm and generally to promote twinning within the Borough.	
Environment	
Abandoned vehicles	Litter control
Animal welfare	Noise control
Air quality	Pest control
Climate Change	Private drains and sewers
Contaminated land	Public health and control of nuisances
Dog control	Public conveniences
Environment	Recycling
Environmental monitoring	Refuse collection
Fly-tipping	Street name signage maintenance
Fly-posting	Street cleansing
Food safety	Sunday trading
Graffiti removal	Verge/grass cutting
Health and safety at work	
CCTV operations	
Civil contingencies/ Emergency readiness and response	
Design, consultation and implementation of car parking action plan	

Engage with businesses to ensure compliance with food hygiene regulations
Kent Resource Partnership
Land drainage and flood attenuation
Management and maintenance policy for the off-street car parks
Matters relating to the development and delivery of co-ordinated street scene services, including partnership working with KCC Highways and other external bodies
Overall monitoring of the transport and highway activities including improvement programmes, street signage
Promotion of traffic management highway improvement and crash remedial schemes and works
Review and management of the on-street parking regime including enforcement procedures
The annual review of the charging structure for public car parking in the Borough

Title:	Finance, Regeneration & Property Scrutiny Select Committee
Membership:	15 Members
Quorum:	4 Members
Regeneration	
Attracting new business investment into the Borough	
Encouraging and supporting growth of existing businesses	
Engaging and listening to the local business community	
Promoting the Borough as a popular tourism destination/Tourism marketing	
Representing the Borough Council on the West Kent Partnership	
Supporting local entrepreneurship	
Working to improve the vitality of the Borough's town and local centres	
Economic Development Tasks	
Commission and fund: <ul style="list-style-type: none"> - Business support seminars - Free 1-2-1 business advice sessions 	
Ensure payments by the Council for services from local business are paid promptly	
Help to foster business networking via an online business directory	
Maximise use of the Council's own property portfolio to support local business	
Provide on-line advice for businesses in search of funding	
Signposting businesses to support provided by partner agencies	
Supporting Local Business	
Use the Council's own procurement processes to support local business	
Business Engagement	
Contribute to existing business networks and fora active in the Borough	

Holding regular engagement events for local business
Receive and act upon feedback from local businesses
Support locally held business award initiatives
Promoting Inward Investment
Promote, support and bring forward new sites for employment use
Engage with developers to ensure new employment-related development is well planned
Signpost to on-line advice for businesses in search of new premises/sites
Work with Locate in Kent to promote the take up of vacant business property
Partnership Working
Achieve a higher economic priority for the area in relation to the wider LEP
Assist with the delivery of the West Kent Investment Strategy
Contribute to the economic work of the West Kent Partnership
Rural Business Sector
Commission and fund support for: <ul style="list-style-type: none"> - home-based businesses - the land-based sector
Matters related to Farmers' Markets
Promote the enhancement of local broadband services in areas of need

Skills and Employability
Commission services to promote entrepreneurship in deprived communities
Develop and support Job Clubs in areas of particular need
Help promote: <ul style="list-style-type: none"> - the take up of local apprenticeships available in the Borough - work experience opportunities for young people with local businesses
Offer regular Borough Council apprenticeships to local young people
Work with Job Centre Plus and other partners to tackle local worklessness issues
Work with local schools and colleges to develop work-readiness skills
Supporting Town Centres
Allocation of Innovation Fund
Contribute to the promotional work of the Town Team in Tonbridge and in other local centres
Encourage the improvement of the environment and appearance of town and local centres
Support a major redevelopment of Tonbridge Town Centre
Support opportunities for additional retail activities e.g. Farmers Markets
Tackle the need to find new uses for empty shop premises
Supporting the Tourism Sector
Deliver an annual programme of cultural events
Manage Tonbridge Castle as a key visitor attraction
Operate the Tourist Information Centre at Tonbridge
Prepare online visitor information
Work with operators to help promote cultural and entertainment events
Work with Visit Kent to promote the Borough's visitor attractions and accommodation

Finance
Administration of Housing & Council Tax Benefits and Council Tax Reduction Scheme
Annual Estimates & the provision of medium term forecasts
All strategic and corporate matters relating to Information Technology and E-government (not within the direct purview of other portfolio holders)
Capital Planning including the management of new 'bids' and the preparation of a medium term plan
Collection of Council Tax and Business Rates
Day to Day financial operations, including debt recovery / management and payment of staff & creditors
Developing shared service arrangements
Development of the Council's procurement strategy
Financial management for the Council as a whole in accordance with proper practices, including the preparation of annual estimates and the provision of medium term forecasts
Property
Operational management of acquisition and disposal of land and property including leases, easements and other interests
Maintenance and improvement of Council property
Operational management of Council land and property not falling within the purview of other portfolio holders, specifically offices, depots, commercial and industrial holdings and vacant land and premises
Strategic management of land and property requirements, resources and allocation in line with the Asset Management Plan
Usage of Council offices and allocation of accommodation
Customer Services
Meeting the Council's targets for customer satisfaction

Development of a corporate customer charter
Development and implementation of a customer contact strategy encompassing a range of access channels including face-to face, telephone, website, letters and text messaging
<p>To consider:</p> <ul style="list-style-type: none"> - VFM (Value for Money) and Performance Reviews - Service delivery improvement for customers in support of the Council's Diversity Policy and Equality Act requirements in consultation with service users - Options for local service delivery across the Borough in response to identified need
All matters relating to Data Protection and Freedom of Information
Personnel issues that do not fall within the purview of the General Purposes Committee
Matters relating to skills education and training

Title:	Housing and Planning Scrutiny Select Committee
Membership:	15 Members
Quorum:	4 Members
Terms of Reference:	
Planning	
Conservation Area and Character Area appraisals and improvement schemes	
Countryside planning and transport initiatives	
Design and procedural guidance	
Evaluation, programming, consultation and implementation of projects on the Council's capital plan	
Improvement of operating systems	
Input into Regional Transport Strategy	
Liaison with the Cabinet Member for Housing over delivery of the Council's Strategic Housing Objectives	
Local transport projects (such as Tonbridge Transport Strategy, A228/A20 corridor, West Malling station)	
Major regional projects (e.g., A21, Rail Investment)	
Neighbourhood Plans/Village design statements	
Performance monitoring and review	
Planning enforcement - overview of performance, resources and priorities	
Preparation of development briefs	
Preparation of the statutory Development Plan (as defined in s.38 Planning and Compulsory Purchase Act 2004)	
Public transport initiatives (bus priority measures, Medway valley line)	

Housing
<p>To oversee the Council's:</p> <ul style="list-style-type: none"> - approach to Housing strategy, housing need and housing market assessment and housing investment programmes - Enabling role and promote new affordable housing, low-cost home ownership housing, key and essential worker housing and schemes for special housing needs - Comprehensive approach to housing options advice, homeless prevention, the management of the housing register - Approach to temporary accommodation arrangements - Disabled Facilities Grant and Housing Assistance Schemes
Liaison with the Cabinet Member for Strategic Planning & Infrastructure over delivery of the council's strategic housing objectives
Empty Homes
Liaison with Kent County Council and other partners in delivering housing related support programme
Enforcement of caravan site licensing
The Council's functions in home safety, energy efficiency, fuel poverty
Maintaining private sector housing standards and enforcement, including the housing, health and safety rating system, disrepair and defective housing
Houses in multiple occupation (HMO)

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TONBRIDGE & MALLING BOROUGH COUNCIL

HOUSING AND PLANNING SCRUTINY SELECT COMMITTEE

19 July 2022

Report of the Director of Planning, Housing and Environmental Health

Part 1- Public

Matters for Recommendation to Cabinet - Key Decision

1 STATEMENT OF COMMUNITY INVOLVEMENT

1.1 Background

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

1.2 Legal Implications

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

1.3 Financial and Value for Money Considerations

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

1.4 Risk Assessment

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

1.5 Equality Impact Assessment

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

1.6 Recommendations

Cabinet be requested to:

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

Background papers:
Statement of Community Involvement - Annex 1

contact: Bartholomew Wren
Principal Planning Officer

Eleanor Hoyle
Director of Planning, Housing and Environmental Health

Tonbridge and Malling Borough Council

Statement of Community Involvement (SCI)

July 2022

(SCI)

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(SCI)

Introduction

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

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

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

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

Getting Involved

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

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

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

Why We Consult

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

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

(SCI)

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

Who We Consult

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

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

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

General Data Protection Regulations (GDPR)

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

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

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

(SCI)

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

Circumstances Outside of Our Control

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

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

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

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

Plan Making

When We Will Consult

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

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

(SCI)

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

(SCI)

Duty To Cooperate

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

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

Supplementary Planning Documents

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

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

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

(SCI)

How We Will Consult on Draft Plans

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

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

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

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

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

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

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

Sustainability Appraisal

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

How Your Comments Help

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

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

Development Management

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

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Planning Applications

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

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

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

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

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

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

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

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

Environmental Impact Assessment Consultation Procedures

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

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

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

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

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

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

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

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

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

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

Permitted Development

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

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

Planning Performance Agreements

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

Pre-Application Advice

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

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

Planning Committee

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

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

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

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

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

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

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

Planning Appeals

You can appeal a planning decision if either:

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

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

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

Tree Matters

Background and procedures

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

Trees included within a TPO

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

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

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

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

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

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

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

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

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

Publication/notification of tree work applications and notices

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

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

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

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

Planning Enforcement

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

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

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

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TONBRIDGE & MALLING BOROUGH COUNCIL

HOUSING AND PLANNING SCRUTINY SELECT COMMITTEE

19 July 2022

Report of the Director of Planning, Housing and Environmental Health

Part 1- Public

Matters for Recommendation to Cabinet - Non-Key Decision

1 HIGHWAY OFFICER ATTENDANCE AT TMBC AREA PLANNING COMMITTEE

This report provides an update for members on the negotiations with KCC to agree a protocol for highway officer attendance at the Area Planning Committees.

1.1 Background

1.1.1 Officers and Members have been seeking to agree a Planning Committee Protocol on highway officer attendance at Area Planning Committees with KCC for some time. This is due to concerns raised that KCC highway officers were not attending planning committee for applications where the key areas of concern related to significant highway issues including highway safety.

1.1.2 In January 2021, KCC offered the following terms for attending Area Planning Committees which TMBC were informed had been offered to all other Kent Districts. The terms were set out as follows:

Subject to availability, an officer from KCC Highways will attend district planning committee meetings to speak on applications where:

- *these meetings are held virtually*
- *proposals are of a strategic nature and where it is agreed there are significant or complex highways issues which cannot be adequately presented by the district planning officer*
- *the highway recommendation is for refusal and this is contrary to that of the planning authority*
- *the district planning officer will field questions of clarification in the first instance and questions of clarification of detail contained within the Transport Assessment will be referred to the applicant's transport consultant*
- *Officers will be treated with respect at all times.*

In accordance with the above KCC Highways will only attend Chairman's Briefing meetings for those applications on the agenda that meet the above criteria.

To assist officers and Members, KCC Highways will provide:

- *training in highways development planning matters where this is requested*
- *assistance in preparation of planning officer presentations*
- *written responses to Member questions where these are not already covered in previous consultation responses*

- 1.1.3 Whilst TMBC wished to work collaboratively with KCC to find a workable solution and agree a protocol that would result in attendance of KCC officers at the Area Planning Committees, it was considered that the proposed protocol put forward did not address the key concerns of Members and Officers alike.
- 1.1.4 Further meetings and discussions were held (including drafting alternative terms for the protocol) with key KCC highway managers to ensure proposals of a strategic nature or ones that raised significant or complex highway issues which could not be addressed by the TMBC planning officer, had the attendance of a highway officer at the meetings.
- 1.1.5 TMBC's alternative proposal on a draft protocol is set out in **Annex 1** and was sent to KCC highways following the initial round of officer meetings.
- 1.1.6 On the 4 February, a letter was received from Barbara Cooper, Corporate Director of Growth, Environment & Transport, which is set out in **Annex 2**, confirming that KCC highways officers would only attend planning meetings to speak on applications in the same terms as set out in paragraph 1.1.2 above.
- 1.1.7 The Director for Planning, Housing and Environmental Health responded to Barbara Cooper's letter on the 5 February 2021 seeking to find a workable solution for all parties, however further discussions on the matter were not progressed.
- 1.1.8 Given the serious concerns raised by Members and officers alike on the stalemate position of negotiations, the Leader contacted the Cabinet Member for Highways and Transport at KCC to progress discussions and to push for a resolution and agreement on the protocol. These discussions were held between 26 January and 20 May 2022.
- 1.1.9 Unfortunately the Cabinet Member for Highways and Transport in his latest e-mail re-affirmed KCC's position on a protocol along the same terms as set out in 1.1.2 above. It is understood that this approach has been agreed with the other Kent districts.

1.2 Current Position

- 1.2.1 The current position is that TMBC do not have an agreed protocol in place and there is currently no highway attendance at the Area Planning Committees. KCC has indicated that they will continue to make officers available under the parameters laid out at 1.1.2.

1.3 Legal Implications

- 1.3.1 Whilst there are no direct legal implications arising from the current position of KCC on a protocol for attending Area Planning Committee, there are potential legal implications arising to TMBC should Members chose to refuse an application on highway grounds when the statutory consultee has not raised an objection. This can be mitigated by attendance of the legal officer at Area Committee meetings and advice given at the time of draft grounds being provided by Members.
- 1.3.2 There is no legal requirement for a statutory consultee to attend a planning committee meeting; all statutory consultees are given an opportunity to comment on relevant applications as part of the formal consultation process.

1.4 Financial and Value for Money Considerations

- 1.4.1 Whilst there are no direct financial implications arising from the current position of KCC on a protocol for attending Area Planning Committee, there are potential significant financial implications arising should Members chose to refuse an application on highway grounds when the statutory consultee has not raised an objection. This could take the form of an award of costs for raising unreasonable grounds without having the evidence to substantiate such grounds for not following the advice of the statutory consultee.

1.5 Risk Assessment

- 1.5.1 The risks associated with not having a protocol in place for highway attendance at Area Planning Committees have been set out in 1.3 and 1.4 above and mainly centre around the implications of Members choosing to refuse an application on highway grounds when the statutory consultee has not raised an objection. This risk is still present even if a protocol was in place, but an agreed protocol with KCC in attendance would allow Members to ask further questions on highway related technical matters which the planning officer may not be able to address.

1.6 Equality Impact Assessment

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

1.7 Recommendations

- 1.7.1 That the content of this report be **NOTED**, and that Members set out their concerns with not having an agreed protocol in place, which can be relayed to the Cabinet Member for Highways and Transport.

Background papers:

- Annex 1 - TMBC agreed protocol position
- Annex 2 - Letter from Barbara Cooper on KCC's protocol position (4 February 2021)

contact: James Bailey
Head of Planning

Eleanor Hoyle
Director of Planning, Housing and Environmental Health

KCC HIGHWAYS – TMBC PLANNING COMMITTEE ATTENDANCE PROTOCOL

Highways officers are keen to engage with the LPA, Members and applicants at as early a stage as possible in the application process. To this end, if there are opportunities to discuss applications with Members prior to Planning Committees taking place, these will be fully explored. It is expected that members and KCC Highways Officers would comply with the District Council's protocol on Member/Officer relations throughout this process.

The LPA case officer will proactively liaise with KCC Highways with a view to ensuring that an officer from KCC Highways will attend district planning committee meetings to speak on applications where:

- proposals are of a strategic nature or where it is agreed there are significant or complex highways issues which cannot be adequately presented by the district planning officer. This shall include but not be limited to:
 - sites named in the emerging Local Plan as strategic sites or listed under policy LP25 with more than 100 units proposed;
 - sites no smaller than 200 units not included in that list (unless there are site specific and/or cumulative reasons why a smaller site has significant highway implications);
 - a site that contributes to an identified strategic highway issue; or
 - sites where significant highways issues have been raised about previous applications for the site.
- the highway advice is for refusal and this is contrary to that of the local planning authority

There is an acceptance that this list is not exhaustive and that officers and Members will need to work closely together at the earliest opportunity to agree attendance or where a written statement might be the most appropriate and proportionate way for Highways information to be provided.

During the course of a Planning Committee where a KCC Highways Officer is in attendance, the district planning officer will field questions of clarification in the first instance and will subsequently, through the Chair, request that the KCC Highways Officer respond to any questions of a technical nature.

It is anticipated that this protocol will be followed whilst district planning committee meetings are held virtually, whilst this is allowed for in legislation. The position will be revisited at a time when it is known whether the current arrangements will be extended beyond the current statutory cut-off period (May 2021).

In accordance with the above KCC Highways will only attend Chair's Briefing meetings for those applications on the agenda that meet the above criteria.

To assist LPA officers and Members, KCC Highways will provide:

- Attendance at organised Member briefings at pre-app and application stages
- training in highways development planning matters where this is requested
- assistance in preparation of planning officer presentations
- written responses to Member questions where these are not already covered in previous consultation responses

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Sent via email

Julie Beilby
Chief Executive
Tonbridge & Malling Borough Council

Julie.Beilby@tmbc.gov.uk

**Growth, Environment
& Transport**

Room 1.62
Sessions House
Maidstone
Kent
ME14 1XQ

Phone: 03000 415981
Ask for: Barbara Cooper
Email: Barbara.cooper@kent.gov.uk

Out of hours helpline: 03000 419191

Your ref:
Our ref: GT/BC/JAC

Date: 04 February 2021

Dear Julie

**KCC HIGHWAYS/ TMBC PLANNING COMMITTEE
ATTENDANCE AND SUPPORT**

With continuing pressures on staff workload and a need to focus resources on our statutory responsibilities I have been keeping a close eye on how officers have been supporting district councils with the planning process and in dealing with planning applications. Whilst there is a good working relationship with the planning process in most boroughs, I am very concerned about the time and effectiveness of my officers' support for TMBC as well as the behaviours shown towards them.

I have discussed this with my highways team and there is a better way we can support you. This is in line with good practice employed at other Kent local planning authorities where a much more efficient and effective relationship is achieved without affecting our professional input into the priority applications.

We have fostered a very good working relationship with your team at TMBC to support the Local Plan process. Good quality and timely advice on planning applications is provided in line with Government planning guidance and local policies. And this will continue.

However, I am concerned about the pressures caused by the planning committee meeting processes where officers have been asked to attend to face local opposition, even on relatively small applications, and have been subjected to aggressive, disrespectful questioning over points of detail which would have been better addressed by the applicant. To underline the seriousness of this situation, this behaviour led to an officer resigning last year and other promising internal candidates not applying for the vacant post.

Your unique set up with 3 area planning committees and the large number of applications considered by committee and, I am told, a constitution which does not allow the applicant's transport consultant to answer Member questions raised in the debates results in officers spending a significant amount of time re-reading associated material and preparing to be cross examined.

This time would be much better spent focusing on technical responses and negotiating with applicants for strategic sites where we can get the best outcomes for the borough.

In line with what we provide to other districts and boroughs, and subject to availability, an officer from KCC Highways will attend district planning committee meetings to speak on applications where:

- these meetings are held virtually, and you have the technology to enable this to continue in the future,
- proposals are of a strategic nature and where it is agreed there are significant or complex highways issues which cannot be adequately presented by the district planning officer,
- the highway advice is for refusal and this is contrary to that of the planning authority,
- the district planning officer will field questions of clarification in the first instance and questions of clarification of detail contained within the Transport Assessment will be referred to the applicant's transport consultant, and
- officers will only attend Chairs Briefing meetings for those applications on the agenda that meet the criteria above.

To assist we will provide:

- training in highways development planning matters where this is requested,
- assistance in preparation of planning officer presentations and
- written responses to Member questions where these are not already covered in previous consultation responses.

Most importantly though I would expect officers to be treated with respect at all times and that the KCC and District Council's Code of Conduct on Member/Officer relations to be followed.

As ever happy to discuss further.

Yours sincerely



Barbara Cooper
Corporate Director
Growth, Environment & Transport

Cc: Simon Jones, KCC
Tim Read, KCC
Eleanor Hoyle, TMBC

Agenda Item 10

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

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Agenda Item 11

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

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

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Agenda Item 12

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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