

TONBRIDGE AND MALLING BOROUGH COUNCIL

HOUSING AND PLANNING SCRUTINY SELECT COMMITTEE

MINUTES

Tuesday, 6th September, 2022

Present: 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 and Cllr D Thornewell

In attendance: Councillors R P Betts, M D Boughton, D A S Davis, P M Hickmott, F A Hoskins, D Lettington, T B Shaw and K B Tanner were also present pursuant to Council Procedure Rule No 15.21.

Virtual: Councillors A E Clark, M A Coffin, A Cope, D Keers, P J Montague, Mrs A S Oakley, J L Sergison 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.

An apology for absence was received from Councillor Miss G E Thomas

HP 22/9 NOTIFICATION OF SUBSTITUTE MEMBERS

Notification of substitute Members were recorded as set out below:

- Councillor B Luker for Councillor G Thomas

In accordance with Council Procedure Rules 17.5 to 17.9 these Councillors had the same rights as the ordinary member of the committee for whom they were substituting.

HP 22/10 DECLARATIONS OF INTEREST

Councillor M Davis declared an Other Significant Interest in the agenda item relating to the Local Plan on the grounds of his status as a partner of Warner's Solicitors. He noted however that he was entitled to remain in the meeting in accordance with the dispensation granted to him under section 33 of the Localism Act 2011 at Minute GP 22/27 (General Purposes Committee of 18 July 2022).

HP 22/11 MINUTES

RESOLVED: That the notes of the meeting of the Housing and Planning Scrutiny Select Committee held on 19 July 2022 be approved as a correct record and signed by the Chair.

MATTERS FOR RECOMMENDATION TO THE CABINET

HP 22/12 REGULATION 18 LOCAL PLAN

The report of the Director of Planning, Housing and Environmental Health detailed the purpose of the Regulation 18 consultation in respect of the draft Local Plan and advised that this was the first of two prescribed consultation processes.

The purpose of the Regulation 18 consultation was to seek a wide range of views from individuals, communities and stakeholders and invited comment on what a local plan should contain. There was limited prescription within primary and secondary legislation on the form and format of a Regulation 18 local plan provided statutory consultation duties were met.

Subject to the views of Members it was hoped that public consultation could commence in September 2022 for a period of six weeks. This would be in accordance with the Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012 as amended.

In addition, comments were also sought in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004 on the interim draft Sustainability Appraisal.

For reasons of clarity, it was emphasised that at this stage the Plan only identified key 'issues' related to the Borough and the information set out in Annex 1, Appendix B, should be considered as a broad indication of the Borough Council's ability to meet its objectively assessed needs and did not represent the quantum or pattern of development to be proposed through future site allocations.

Careful consideration was given to the consultation approach and Members recognised that the preparation of a new local plan would provide the authority with an up to date Local Plan on adoption (anticipated 2025), which would alleviate the current risks associated with not having an up to date development plan in place. There were also reputational risks should the local plan programme not be delivered on time.

However, concern was expressed about the number of public open spaces identified as potential sites for development within the Urban Capacity Study. In response it was indicated that these sites were deemed to have potential for development for housing, employment or a mix of uses with the plan period. It was also emphasised that these sites would be subject to refinement following the completion of further suitability and availability analysis, the production of new evidence and consultation responses. It was agreed that the specification and

methodology used by consultants in drafting the Urban Capacity Study be shared with Members out of meeting for information.

Particular reference was made to General Data Protection Regulations (GDPR) and the importance of clarifying the requirements of the Planning Inspectors to meet this requirement when publishing consultation responses. Members were reminded that despite the views of the Planning Inspectorate organisations had a responsibility to protect data of individuals. The Director of Planning, Housing and Environmental Health committed to clarifying the position of the Borough Council in respect of GDPR as soon as possible.

Other points discussed and noted included the potential shortfall in traveller and gypsy sites, the challenges related to meeting the Objectively Assessed Need which continued to be raised with central Government and whether socio-economic factors should be considered as a protected characteristic when assessing sites.

Finally, a number of factual corrections were requested and the Director of Planning, Housing and Environmental Health committed to clarifying and amending these points before any public consultation commenced.

RECOMMENDED: That

- (1) the commencement of the Regulation 18 consultation on the draft Local Plan and Interim Sustainability Appraisal be approved;
- (2) authority be delegated to the Director of Planning, Housing and Environmental Health for any minor amendments, including typographical corrections, to the Regulation 18 consultation on the draft Local Plan; and
- (3) the publishing of the evidence base documents, as set out in Annex 2 to the report, alongside the draft Local Plan be approved.

***Referred to Cabinet**

MATTERS SUBMITTED FOR INFORMATION

HP 22/13 WORK PROGRAMME 2022/23

The Work Programme setting out matters to be scrutinised during 2022/23 was attached for information. Members were invited to suggest future matters by liaising with the Chair of the Committee. It was requested that the following matters be considered for inclusion in the Work Programme, subject to liaison with relevant Services:

- Walking and Cycling Infrastructure Plan/Active Travel Strategy
- Housing Strategy
- Healthy Homes Campaign
- Living Streets Principles

HP 22/14 EXCLUSION OF PRESS AND PUBLIC

There were no matters considered in private.

The meeting ended at 9.10 pm