

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

18 September 2023

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, 26th September, 2023 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

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PART 1 - PUBLIC

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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/code-of-conduct-for-members).

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

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This report presents the Biodiversity Net Gain (BNG) Protocol which will help provide guidance for applicants/agents and decision makers on how BNG should be taken into account within development process. It seeks approval to utilise in decision-making purposes.

7. Response to the Plan Making Reforms Implementation Consultation 57 - 72

This report sets out a proposed response to the government's latest consultation on plan-making reforms. It seeks recommendations of approval to the Cabinet Member for Planning.

8. Response to the 'Freight, Logistics and the Planning System: Call for Evidence' Consultation 73 - 84

This report sets out a proposed response to the government's 'Freight, logistics and the planning system: call for evidence'. It seeks recommendations of approval to the Cabinet Member for Planning.

Matters submitted for Information

9. Key Performance Indicators 85 - 92

A number of Key Performance Indicators (KPIs) are presented to enable the Overview and Scrutiny Committee to assess and scrutinise performance.

If there are any questions regarding the KPIs provided, these should be submitted to the relevant Director/Chief Executive at least 2 days in advance of the Scrutiny Select Committee meeting in order to ensure that a suitable response can be provided at the meeting. If additional queries are raised at the Scrutiny Select Committee meeting, these will be responded to within 5 working days.

10. Work Programme 2023/24 93 - 94

The Work Programme setting out matters to be scrutinised during 2023/24 is attached for information. Members can suggest future items by liaising with the Chair of the Committee.

11. Urgent Items 95 - 96

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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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.

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13. Urgent Items 99 - 100

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 D A S Davis (Chair)
Cllr D W King (Vice-Chair)

Cllr L Athwal
Cllr Mrs S Bell
Cllr G C Bridge
Cllr R W Dalton
Cllr D Harman
Cllr P M Hickmott

Cllr M A J Hood
Cllr A Mehmet
Cllr W E Palmer
Cllr R V Roud
Cllr D Thornewell

GUIDANCE ON HOW MEETINGS WILL BE CONDUCTED

- (1) Most of the Borough Council meetings are livestreamed, unless there is exempt or confidential business being discussed, giving residents the opportunity to see decision making in action. These can be watched via our YouTube channel. When it is not possible to livestream meetings they are recorded and uploaded as soon as possible:

<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 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 Chair, 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 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 should attend in person. However, arrangements to participate online can be considered in certain circumstances. 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.

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

	Conservative	Liberal Democratic	Green	Ind. Kent Alliance	Labour
1	Robert Cannon	Bill Banks	Kath Barton		Angus Bennison
2	Sarah Hudson	Tim Bishop	Anna Cope		Wayne Mallard
3	Alex McDermott	Frani Hoskins	Steve Crisp		
4	Mark Rhodes	Anita Oakley	George Hines		
5	Keith Tunstall	Michelle Tatton	Bethan Parry		

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

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Declarations of interest

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TONBRIDGE AND MALLING BOROUGH COUNCIL

HOUSING AND PLANNING SCRUTINY SELECT COMMITTEE

Tuesday, 18th July, 2023

Present: Cllr D A S Davis (Chair), Cllr D W King (Vice-Chair), Cllr L Athwal, Cllr Mrs S Bell, Cllr R W Dalton, Cllr D Harman, Cllr P M Hickmott, Cllr M A J Hood, Cllr A Mehmet, Cllr W E Palmer, Cllr R V Roud and Cllr D Thornewell

(Note: As Councillor G C Bridge was unable to attend in person and participated via MS Teams, he was unable to vote on any matters).

In attendance: Councillors S Crisp and M Taylor were also present pursuant to Council Procedure Rule No 15.21.

Virtual: Councillors M A Boughton, G C Bridge, Mrs A S Oakley and M R Rhodes participated via MS Teams and joined the discussion when invited to do so in accordance with Council Procedure No 15.21.

An apology for absence was received from Councillor G C Bridge.

PART 1 - PUBLIC

HP 23/16 NOTIFICATION OF SUBSTITUTE MEMBERS

There were no substitute Members nominated for this meeting.

HP 23/17 DECLARATIONS OF INTEREST

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

HP 23/18 MINUTES

RESOLVED: That the notes of the meeting of the Housing and Planning Scrutiny Select Committee held on 7 June 2023 be approved as a correct record and signed by the Chair.

HP 23/19 MEMBER BRIEFING ON HOUSING ALLOCATIONS SCHEME

Members received an update on the new Housing Allocations Scheme. In 2019, it was agreed that amendments could be made to the scheme, however due to Covid, the project was delayed and the review was reinvigorated in early 2022. Extensive consultation was undertaken and proposals presented to Members, following which the scheme was rewritten and subsequently agreed. Since the launch of the scheme, a large number of applicants had applied and early feedback had been


positive. A large number of applications now needed to be assessed and data transfer and retention work was ongoing.

MATTERS FOR RECOMMENDATION TO THE CABINET

HP 23/20 REGULATION 18 CONSULTATION

The report of the Director of Planning, Housing and Environmental Heath built upon the initial results presented to the Committee on 6 December 2022, and set out the full consultation analysis from the Regulation 18 consultation. The responses would be utilised and drawn upon in preparing the next Regulation 18B document for Spring 2024. The updated outputs of the questionnaire were included at Annex 1 of the report and the free text answers were included within Annex 2. In addition to the questionnaire, comments were received against sections of the local plan document and the responses were included in Annex 3 together with the officer response. It was highlighted that the level of detail provided on these responses reflected the early stage in plan-preparation.

During discussion, Members welcomed the positive response to optimising the density on development sites within Tonbridge, particularly on those sites within the town centre and maximising their potential for residential and mixed-use development.

RECOMMENDED*: That the output of the Regulation 18 consultation, be noted. 

***Referred to Cabinet**

HP 23/21 HOUSING STRATEGY UPDATE AND DRAFT YEAR 2 ACTION PLAN

(Decision Notice D230067MEM)

The Housing Strategy 2022-2027, adopted in July 2022, set out the Borough Council priorities and strategic approach to housing and outlined objectives for each priority to be delivered and monitored through annual action plans. The report provided an update on the progress of the Year 1 Action Plan and proposed a draft Year 2 Action Plan for approval.

Key actions in Year 2 included the development of a Homelessness and Rough Sleeper Action Plan and Empty Homes Policy. Occupation levels in social housing and Sustainable Temporary Accommodation delivery options would also be investigated.

During discussion, Members requested that quantitative information be provided in terms of outcomes.

RECOMMENDED*: That

- (1) the progress on the delivery of the Year 1 Action Plan for the Housing Strategy, as summarised in Annex 1, be noted; and
- (2) the Year 2 Action Plan, attached at Annex 2, be approved.

***Decision Taken by Cabinet Member**

MATTERS SUBMITTED FOR INFORMATION

HP 23/22 WORK PROGRAMME 2023/24

The Work Programme setting out matters to be scrutinised during 2023/24 was attached for information. Members were invited to suggest future matters by liaising with the Chair of the Committee.

MATTERS FOR CONSIDERATION IN PRIVATE

HP 23/23 EXCLUSION OF PRESS AND PUBLIC

There were no matters considered in private.

The meeting ended at 8.31 pm

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TONBRIDGE & MALLING BOROUGH COUNCIL

HOUSING AND PLANNING SCRUTINY SELECT COMMITTEE

26 September 2023

Report of the Director of Planning, Housing and Environmental Health

Part 1- Public

Matters for Recommendation to Cabinet - Key Decision

1. BIODIVERSITY NET GAIN PROTOCOL

This report presents the Biodiversity Net Gain (BNG) Protocol which will help provide guidance for applicants/agents and decision makers on how BNG should be taken into account within development process. It seeks approval to utilise in decision-making purposes.

1.1 Background

1.1.1 Biodiversity Net Gain (BNG) is an approach to development, and/or land management, that aims to leave the natural environment in a measurably better state than it was beforehand.

1.1.2 Under the Environment Act 2021, all major planning permissions granted in England (with a few exemptions) will have to deliver 10% BNG from November 2023. Applying BNG to small sites applications has been delayed until April 2024. We are expecting further detailed guidance from government to provide clarification of a range of outstanding issues.

1.1.3 The adopted Development Plan does not contain a policy on BNG, and although the emerging Local Plan will include a policy to set out the council's expectations/approach, this will not be adopted by November 23. Therefore, to prepare the council for mandatory BNG, a BNG Protocol has been developed to provide guidance for applicants/agents and decision makers on how BNG should be taken into account within development process, for both major and minor planning applications.

1.2 The Protocol

1.2.1 The BNG Protocol sets out the council's interim policy position on BNG in advance of the adoption of the new Local Plan (anticipated 2026) and will form a material consideration to be taken into account by decision makers when determining planning applications from November 2023.

- 1.2.2 Nationally, the delivery of BNG onsite (within the development boundary) is the preferred solution. However, when a development cannot achieve the full BNG requirement either wholly or partly onsite, then the applicant will need to secure off-site units either on land they own away from the development, or on land where they have bought biodiversity units. If a shortfall in the units required to achieve at least 10% BNG remains, having explored onsite and offsite options, an applicant may purchase statutory biodiversity credits from government as a last resort, but these could be delivered anywhere in the country.
- 1.2.3 The BNG Protocol has been developed by officers in the Planning Policy team, with input from Development Management colleagues, whilst also having regard to work prepared by the Kent Nature Partnership (KNP) is included in **Annex 1**. The Protocol aims to go beyond national policy and provide a Tonbridge and Malling tailored approach where expectations are that any offsite units associated with development in the borough, are to be provided within Tonbridge and Malling prior to consideration of sites outside of the borough and sign-post applicants to the Kent BNG Register to help identify local solutions. The Kent BNG Register has been developed by the Kent Wildlife Trust, in collaboration with KCC and the Districts, to establish an online forum where landowners can identify local land available for purchase for BNG units, and applicants can search for available opportunities. This is currently being tested and is due to be operational from November 2023. Other habitat banks are available; however, the aim of the Kent BNG Register is to identify local opportunities.
- 1.2.4 Although delivering offsite BNG outside of the borough would not be grounds for refusal, the Protocol identifies that opportunities for delivery within the borough should be explored in the first instance. Such an approach aims to retain as much biodiversity gain within the borough as possible.
- 1.2.5 Secondary legislation and numerous pieces of detailed guidance are still awaited from government on key aspects of BNG. However, to be ready for BNG becoming mandatory in November, the Protocol has needed to be progressed in the absence of all of the necessary information. The outstanding information was anticipated during Spring 23, however is now anticipated that this will be published by government prior to November. Therefore, the Protocol may need to be updated to reflect the most up-to-date position as set out in the second recommendation below.

1.3 Financial and Value for Money Considerations

- 1.3.1 There will be direct financial and value for money considerations associated with the application of the protocol as described in this report. These costs relate to staff time within the Planning Policy team in relation to the preparation of the protocol and Development Management in the application of the protocol. These costs will be met from existing budgets. DEFRA have allocated a series of grants to allow local authorities to prepare for BNG. Between 2021/22 and 2023/24 the

council has been awarded £63,661, of which £53,614 is ring fenced for BNG. The table below sets out grant spend/commitment to date:

Green Infrastructure Strategy	£10,047
BNG Officer (hosted by KCC)	£5,024
BNG Register	£3,015
KCC Ecological Advice Service (EAS)	£3,059
Officer time	£3,275

1.4 Legal Implications

1.4.1 Local Planning Authorities are required to reflect the provisions of the Environment Act, 2021. This includes the introduction of BNG. This means that all major planning permissions granted in England (with a few exemptions) will have to deliver 10% BNG from November 2023.

1.5 Risk Assessment

1.5.1 The planning policy team maintains and updates a risk register. Not having an adopted local approach to BNG could mean that there may be a higher risk that offsite BNG associated with development within Tonbridge and Malling, could be delivered outside of the borough.

1.5.2 Delays to the expansion of, or unsuccessful recruitment to, the Kent EAS by November presents a risk in the ability to access the technical ecological expertise needed to support BNG implementation.

1.5.3 Delays to the publication of the secondary legislation and remaining government guidance on BNG presents a risk as the Protocol has needed to be prepared in the absence of all of the necessary information and may need to be amended/updated.

1.6 Equality Impact Assessment

1.6.1 The decisions recommended through this report do not have relevance to the substance of the Equality Act 2010.

1.7 Recommendations

HPSSC is asked to recommend to Cabinet:

1.7.1 APPROVAL of the BNG Protocol for decision-making purposes

1.7.2 DELEGATE to the Director of Planning Housing, and Environmental Health in consultation with the Cabinet Member for Planning any minor amendments or updates to the Protocol in response to updates from government.

Background papers:

Annex 1- BNG Protocol

contact: Jenny Knowles
Principal Planning Officer
(Policy)

Eleanor Hoyle

Director of Planning, Housing and Environmental Health

Biodiversity Net Gain (BNG) Protocol

1. Introduction

1.1 Biodiversity net gain (BNG) is an approach to development, and/or land management, that aims to leave the natural environment in a measurably better state than it was beforehand. The Environment Act 2021 requires that all planning permissions granted in England (with a few exemptions) deliver at least 10% biodiversity net gain from November 2023. BNG will be required for small sites¹ from April 2024. BNG must be measured using DEFRA's Statutory Metric (version 4.0² or updated version) and habitats must be secured for at least 30 years. The metric is a Microsoft Excel-based tool and therefore requires Excel to operate.

1.2 Natural England has produced a short, high-level brochure introducing BNG (Attached as Annex 2)

2. Purpose of this protocol

- 2.1 The purpose of this Protocol is to provide guidance for applicants/agents and decision makers on how BNG should be taken into account within development proposals following the enactment of the Environment Act 2021, for both major and minor applications.
- 2.2 This protocol also sets out the Tonbridge and Malling Borough Council's (TMBC) interim policy position on BNG in advance of the adoption of the new Local Plan (anticipated 2026) and forms a material consideration that will be taken into account by decision makers when determining planning applications.

¹ Small sites are defined as:

- (i) For residential: where the number of dwellings to be provided is between one and nine inclusive on a site having an area of less than one hectare, or where the number of dwellings to be provided is not known, a site area of less than 0.5 hectares.
- (ii) For non-residential: where the floor space to be created is less than 1,000 square metres OR where the site area is less than one hectare.

² <https://publications.naturalengland.org.uk/publication/6049804846366720>

3. Context

- 3.1 The Environment Act 2021 makes BNG mandatory for all but small sites and some exemptions from November 2023 and for small sites from April 2024.
- 3.2 The Act sets out the following key components of mandatory biodiversity gain:
- Amends the Town and Country Planning Act 1990 (TCPA);
 - Minimum 10% gain required calculated using the Biodiversity Metric & approval of a biodiversity gain plan;
 - Habitat secured for at least 30 years via planning obligations or conservation covenants;
 - Delivered on-site, off-site or via a new statutory biodiversity credits scheme; and
 - National register for net gain delivery sites.
- 3.3 BNG maintains the mitigation hierarchy of avoid impacts first, then mitigate and only compensate as a last resort. It does not change existing legal protections, so current legal and policy provisions relating to development impacts on the natural environment, including protected sites and species, and priority species and habitats, all need to be considered in relation to habitat loss. A development cannot avoid this requirement by virtue of delivering a net gain. If there are protected species on-site, then these should be approached and managed in the same way as they are currently. BNG and the biodiversity metric calculations would then be additional to this. NE have confirmed that habitat creation required under existing legislation can be included as part of their overall unit calculation but cannot alone get beyond the equivalent of no net loss and have advised that consultants should complete two different metrics - one detailing the 'compensation measures being included only' – to clearly show what has been included but not beyond the equivalent of No Net Loss.
- 3.4 Green Infrastructure (GI) can form part of BNG and the most common GI features are captured within the metric and can contribute towards a BNG outcome. It is for the consenting body (Local Planning Authority) to determine whether or not the proposal is appropriate (ecologically) or not.

4. When BNG applies

- 4.1 Mandatory BNG will apply to major applications submitted after BNG takes effect in November 2023 (or April 2024 for small sites).
- 4.2 Mandatory BNG will also apply to Nationally Significant Infrastructure Projects (NSIPs) (expected in 2025) but not marine development.

Exemptions

- 4.3 The following are exempt from BNG:

- Householder applications
- Small scale self-build or custom housebuilding
- development impacting habitat of an area below a 'de minimis'³ threshold of 25 metres squared (5m x 5m), or 5m for linear habitats such as hedgerows and watercourses and biodiversity gain sites (where habitats are being enhanced for wildlife)
- if the proposal is for a biodiversity gain site
- if the proposal is for a temporary impact that can be restored within 2 years
- if the proposal only relates to existing sealed surfaces e.g. tarmac or buildings).

4.4 Reserved matters applications will not be required to fulfil mandatory BNG if the outline was approved prior to mandatory BNG.

5. How it's measured

5.1 BNG is calculated using the Statutory Metric **INCLUDE LINK WHEN AVAILABLE**, which measures the biodiversity value of habitats in 'biodiversity units' as a proxy for nature.

5.2 The metric can be used to calculate how a development might change the biodiversity value of a site. It can help an applicant/agent design, plan and make land management decisions that better support biodiversity.

5.3 It uses changes in the extent, distinctiveness⁴ and condition of habitats, and compares the biodiversity value of habitats found on a site before and after development to determine if there is a loss or gain in biodiversity.

5.4 There are 4 key factors that underpin this comparison:

- habitat size
- condition
- distinctiveness
- location

5.5 The applicant/agent will be responsible for completing the metric on submission of a planning application, not the Local Planning Authority (LPA).

³ The de minimis threshold applies to the area or length of habitat within a development, not the total development footprint, and the same exemption will apply for small sites. If a development contains less than 25m² of non-priority habitat but 5m or more of linear habitat, or vice-versa, then the exemption will not apply and all habitats would be subject to BNG. If the exemption does apply then there is no requirement to deliver BNG on that site.

⁴ As defined by Natural England in [Biodiversity Metric 4.0 – Technical Appendix 2 – Technical Information](#)

6. Strategic Significance and Spatial Risk multipliers

- 6.1 Spatial Risk and Strategic Significance multipliers form part of the statutory biodiversity metric and assign a numerical score to habitat parcels.
- 6.2 The Spatial Risk multiplier incentivises habitat delivery on or close to the development site and reduces the biodiversity value of habitats delivered further away from the development.
- 6.3 The Strategic Significance multiplier is a score that describes the local significance of the habitat based on its location and the habitat type. Strategic significance helps to incentivise the creation and enhancement of the right habitat in the right place and the scoring gives additional unit value to habitats that are located in preferred locations for biodiversity and other environmental objectives.
- 6.4 The expectation is that Local Nature Recovery Strategy (LNRS) will be used to help inform the Strategic Significance scoring. However, as a LNRS for Kent is not yet in place, the Kent Nature Partnership (KNP) have developed Interim Strategic Significance Guidance [INCLUDE WEB LINK](#) that applicants/agents can use to inform their metric calculations prior to the adoption of the LNRS.








7. Interim Policy approach

- 7.1 TMBC does not currently have an adopted Local Plan policy relating to BNG. Therefore, in addition to the legislative requirements, TMBC has set out an interim policy approach below which will be a material consideration until the new Local Plan is adopted. This establishes TMBC's expectations in relation to BNG and seeks to respond to the requirements of the Environment Act, the National Planning Policy Framework (NPPF), and the biodiversity emergency declared by TMBC in 2019.

Major Sites

- 7.2 From November 2023, all major development shall deliver at least a 10% net gain in biodiversity value. BNG calculations must be undertaken using the DEFRA Statutory Metric and be secured for at least 30 years. Metric assessments should be undertaken by a suitably qualified and/or experience ecologist.
- 7.3 The delivery of BNG onsite is the preferred solution. However, where a development cannot achieve the full BNG requirement either wholly or partly onsite within the application boundary (red line boundary), then the applicant/agent will need to secure local off-site units either on land they own away from the development, or on land where they have bought biodiversity units.
- 7.4 **TMBC expect any off-site units associated with development in the borough to be provided within Tonbridge and Malling prior to consideration of sites outside of the borough. Opportunities for delivery within the borough should**

be explored in the first instance. An applicant/agent should explore the Kent BNG Register to help identify local off-site opportunities.

<p>Option 1: ON-SITE</p> <p>All BNG can be delivered within the envelope of the development site (redline boundary)</p>	<p>If yes</p> 		<p>At all times the mitigation hierarchy must be followed by the applicant/agent who should also ensure that their scheme provides evidence of high quality, appropriate landscaping and green infrastructure features onsite, which is undertaken properly can count towards the overall BNG score for the development within the Statutory Metric. The inclusion of bird and bat boxes etc will not add to the BNG score but will enhance the site for biodiversity along with other features.</p> <p>All BNG wherever located must demonstrate that it has a 30- year management plan and has a legal agreement for delivery, maintenance, and monitoring.</p>
<p style="text-align: center;"> If no</p>			
<p>Option 2: LOCAL</p> <p>Secure BNG units within the borough</p>	<p>If yes</p> 		
<p style="text-align: center;"> If no</p>			
<p>Option 3: ELSEWHERE</p> <p>Secure BNG units outside the borough</p>	<p>If yes</p> 	<p>Biodiversity Net Gain obligations for development have been fulfilled.</p>	
<p style="text-align: center;"> If no</p>			
<p>Option 4: FINAL OPTION</p> <p>Purchase statutory biodiversity credits</p>	<p>If yes</p> 		

7.5 To assist an applicant/agent in identifying off-site opportunities, the Kent Wildlife Trust have established a Kent BNG Register **INCLUDE WEB LINK** where landowners can identify local land available for purchase for BNG units. Other habitat banks are available; however, the aim of the Kent BNG Register is to identify local opportunities.

7.6 Natural England have established the national Biodiversity Gains Sites National Register for England to record allocations of off-site biodiversity gains and make this information publicly available. The National Register will not act as a marketplace platform for buying or selling units, **INCLUDE WEB LINK**. It is the responsibility of the

applicant/agent to contact the landowner in question and pursue off-site opportunities not the LPA. Any land used for off-site BNG will need to be registered on the National Register. The responsibility for registering sites on the National Register is the responsibility of the applicant/agent and/or landowner, not the LPA.

- 7.7 If a shortfall in the units required to achieve at least 10% BNG remains, having explored on-site and local off-site options, an applicant/agent can purchase statutory biodiversity credits from government as a last resort. An applicant/agent must provide evidence of how on-site and off-site is not available prior to using this option. The price of these credits are set by DEFRA⁵, and sold on their behalf by Natural England via a credit sales service.
- 7.8 A Habitat Management and Monitoring Plan will be required to be submitted to the LPA, detailing how the post-development biodiversity values of the site and any supporting off-site provision will be secured, managed and monitored for at least 30 years. **INCLUDE LINK TO MONITORING AND MANAGEMENT PLAN TEMPLATE**

7.9 Small sites

- 7.10 From April 2024, all small sites shall deliver at least a 10% net gain in biodiversity value. BNG calculations must be undertaken using the DEFRA small sites metric for onsite gains and the Statutory Metric for off-site gains or where high or very high distinctiveness habitat is involved. Gains will need to be secured for at least 30 years. Metric assessments should be undertaken by a suitably qualified and/or experience ecologist.
- 7.11 Until April 2024, paragraph 179 of the NPPF provides the policy context for BNG on small sites and identifies that opportunities for securing *measurable* net gains for biodiversity should be pursued. A specific percentage gain is not stated in the NPPF, however potential for net gains should still be explored. Applicants/agents may choose to use the small sites metric 4.0⁶ prior to BNG becoming mandatory for small sites to assist in demonstrating *measurable* net gains on-site or the Statutory Metric for off-site gains.

8. What is required, and when?

Biodiversity Net Gain Statement

- 8.1 A BNG Statement must be submitted to the LPA alongside the planning application. A draft template has been prepared by DEFRA which can be found in Appendix 1. **(INCLUDE WEB LINK)**
- 8.2 Applications can only be validated if the Metric is completed correctly and submitted in an Excel format. It must demonstrate that a minimum 10% biodiversity net gain can

⁵ <https://www.gov.uk/guidance/statutory-biodiversity-credit-prices>

⁶ <https://nepubprod.appspot.com/publication/6047259574927360>

be achieved and include the name of the competent person who carried out the assessment and the date on which that assessment was carried out. Natural England have published a [User Guide](#) to help complete the Metric. **TMBC require a working version of the Metric to be submitted in Excel format for officer use, as well as a PDF copy which will be uploaded to the public domain.**

- 8.3 Where an applicant/agent has cleared a site prior to an application, this is known as purposeful degradation. In such instances, a base date for the baseline condition calculation of 30/01/2020 should be taken.

Biodiversity Gain Plan

- 8.4 A Biodiversity Gain Plan must also be submitted to the LPA for approval prior to commencement of the development in accordance with Schedule 14 of the Environment Act⁷. This can be submitted either with the planning application or after the permission is granted but must be approved by the LPA before development has commenced. Kent Ecological Advice Service (EAS) will be providing technical support in the assessment on Biodiversity Gain Plans for the TMBC. A draft template for the Biodiversity Gain Plan prepared by DEFRA can be found in Appendix 2.

INCLUDE WEB LINK TO TEMPLATE.

- 8.5 An applicant/agent will need to employ a 'competent person' to conduct the habitat survey and assessments and complete the metric tool.
- 8.6 For outline applications, the metric can be applied on an indicative basis and by adopting a precautionary approach when ascribing habitat condition and distinctiveness values.
- 8.7 It will be the responsibility of the applicant/agent to find a suitable location for off-site BNG delivery. This land will need to be legally secured and managed for the duration of the BNG period. As stated above, TMBC expect any off-site units associated with development in the borough to be provided within Tonbridge and Malling prior to consideration of sites outside of the borough.
- 8.8 Additional biodiversity gain information that sets out how biodiversity gain will be achieved across the whole site on a phase-by-phase basis will be required for outline planning permissions and phased development. Such development will also be required to be subject to a condition, in accordance with Schedule 14 of the Environment Act, which requires approval of a Biodiversity Gain Plan prior to commencement of each phase.
- 8.9 The LPA will need to be satisfied that the metric has been used appropriately. It is the LPA's decision whether the biodiversity net gain information accompanying an application is acceptable and whether to refuse or not on this basis, using the evidence submitted by the applicant, including on any locally distinctive habitats, to

⁷ Environment Act 2021 (legislation.gov.uk)

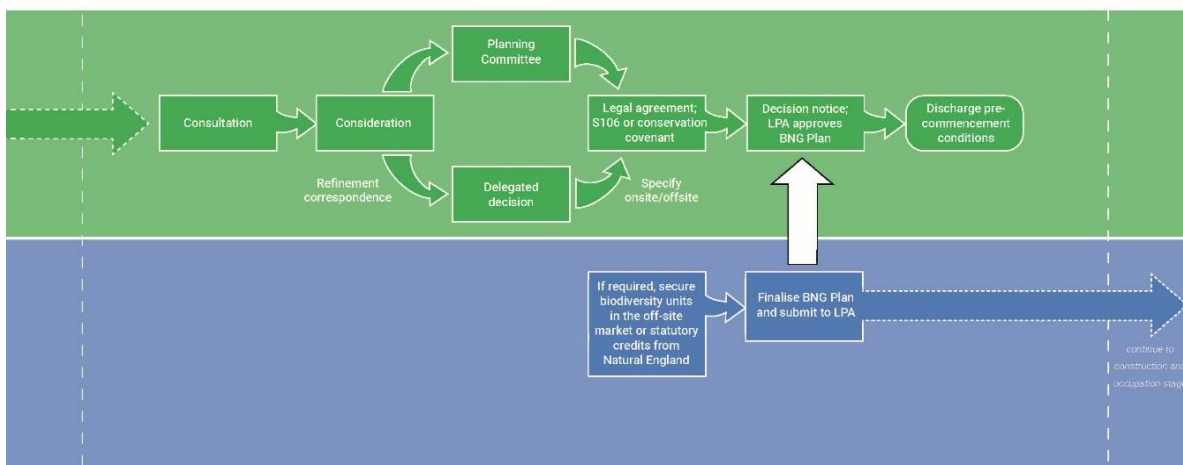
inform that decision. The Kent EAS will be providing ecological advice to TMBC on this matter.

- 8.10 A minimum size for on-site BNG won't be set in legislation and will need to be assessed by LPAs as part of the planning approval process. The minimum viable area for particular habitats will vary depending on the habitats in question. A range of guidance is available on delivering viable biodiversity improvements and best practice (see Section 11).
- 8.11 The [flow diagram](#) below, produced by the Planning Advisory Service (PAS) in collaboration with Future Homes Hub, illustrates how BNG and the planning process interlink. It identifies the key stages and sets out the expectations for both the applicant/agent and the planning department. This diagram is current draft and may be subject to amendment.

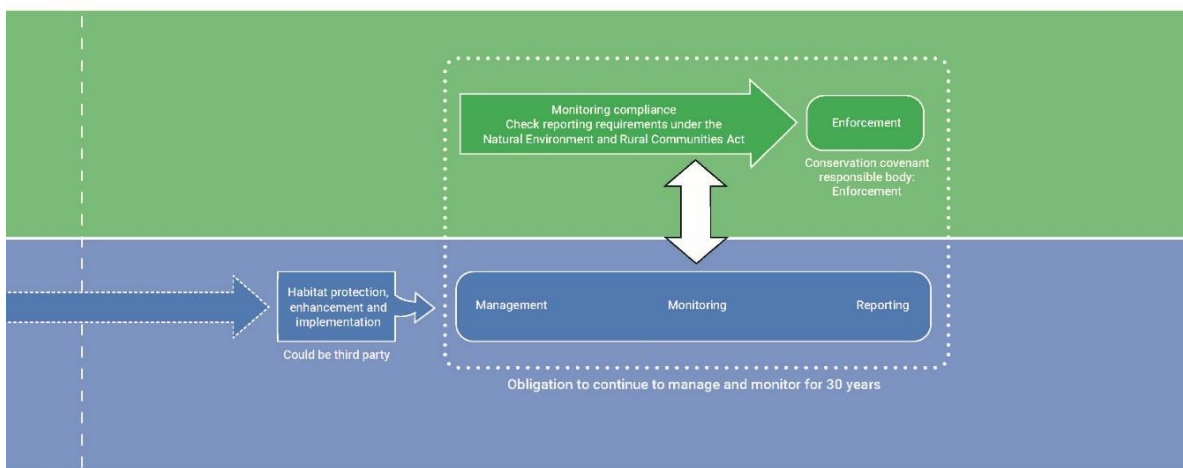
BNG Best Practice Process Flow



PRE-APPLICATION STAGE



PLANNING STAGE



CONSTRUCTION AND OCCUPATION STAGE

9. Monitoring

- 9.1 It's important to be aware that there are two different kinds of monitoring. Habitat monitoring (the actual delivery of the habitat) which sits with the applicant/agent or the person securing the habitat and should be set out in the Biodiversity Gain Plan. Monitoring delivery of BNG sits with the LPA.
- 9.2 Planning authorities will be required to set any specific and proportionate monitoring requirements as part of planning conditions and obligations. A typical monitoring schedule for a project will include reports in years 1, 2, 5, 10, 20 and 30 and will include habitat type, extent, and condition. The frequency and content of these reports will depend on the habitat being created and need to be agreed between the landowner and the Kent EAS. Habitat Management and Monitoring Plans will be checked by Kent EAS. Further guidance on monitoring is expected to be published in Spring 2023.

10. Enforcement

- 10.1 For any potential breaches of the Biodiversity Gain Plan, please contact the Enforcement team at enforcement@tmhc.gov.uk

11. Further information

- 11.1 Guidance and best practice.

<https://cieem.net/resource/biodiversity-net-gain-good-practice-principles-for-development-a-practical-guide/>

<https://cieem.net/resource/biodiversity-net-gain-good-practice-principles-for-development/>

<https://cieem.net/resource/biodiversity-net-gain-case-studies/>

<https://cieem.net/resource/cieem-good-practice-requirements-for-delivering-biodiversity-net-gain-on-and-off-site-july-2021/>

<https://www.bsigroup.com/en-GB/standards/bsi-knowledge/sustainability/the-little-book-of-biodiversity-net-gain/>

Appendix 1 – Draft DEFRA template

Biodiversity Net Gain Statement

Section A: Application information

A1: Details of submission	
Date of submission (update when resubmitted)	
Planning application reference number (if available, may not be available for BNGS submission)	
Relevant Local Planning Authority (if more than one list the one determining the application as lead)	
Site address	
Description of proposed development including any change of use (as stated on the application form)	
A2: Person responsible for BNGS completion or sign off	
Name	
Organisation	
Statement of competency	Relevant qualifications, experience, training, membership of professional bodies (see biodiversity metric User Guide for competency requirements)
Signature	

Section B: Pre-development biodiversity value

B1: Baseline habitat data used to inform metric		
Site plan displaying existing on-site habitats		
Baseline habitat survey report		
Baseline biodiversity metric calculations (full metric or small sites metric)		
Survey date		
Survey constraints		
Please select the local plans or strategies used to inform strategic significance of habitats	Local Plan	Yes/No
	Local Nature Recovery Strategy	Yes/No
	Green Infrastructure	Yes/No
	Landscape Plan	Yes/No
	Spatial Plan	Yes/No

	Network Enhancement and Expansion Zones	Yes/No
	Other	Provide details
Brief description of existing habitat(s) on site (not including irreplaceable habitat)		
Brief description of existing irreplaceable habitat(s) on site (if applicable)		
Total pre-development biodiversity value (in BU):		

Section C: Indicative post-development biodiversity value

C1: Proposed approach to delivering on-site net gain enhancements		
Indicative post-development habitat map or landscape plan (if available at this stage)		
Brief description of proposed strategy to deliver at least a 10% net gain in biodiversity		
Rationale for proposed off-site delivery (if applicable)		
Rationale for proposed use of statutory credits (if applicable)		
Baseline and indicative post-development biodiversity metric calculations (full metric or SSM)		
Total INDICATIVE post-development biodiversity value (in BU):		
C2: Significance of on-site enhancements		
Do you intend for any of your on-site enhancements to be considered as “significant”, and that an appropriate planning condition should be used to secure its long-term management? If so, provide details		
C3: Selling excess biodiversity units		
Do you propose to sell any excess biodiversity units to support delivery of biodiversity net gain on other sites?		Yes/No
If ‘Yes’, give details of the quantity that are likely to be sold and, where possible, information relating to the development to which they will be sold.	[Guide: no more than 250 words]	

Appendix 2 – Draft DEFRA template

Biodiversity Net Gain Plan

Section A: Application information

A1: Details of submission	
Date of submission (update when resubmitted)	
Planning application reference number	
Relevant Local Planning Authority (if more than one, list the Local Planning Authority determining the application as Lead)	
Site address	
Description of proposed development including any change of use (as stated on the application form)	
A2: Person responsible for BNGS completion or sign off	
Name	
Organisation	
Statement of competency	Relevant qualifications, experience, training, membership of professional bodies (see biodiversity metric User Guide for competency requirements)
Signature	

Section B: Supporting documents checklist

B1: Required	
Document	File name (and web link if available)
Completed biodiversity metrics (full or small sites metric)	
Baseline habitat survey report and map	
Post-development habitat map or landscape plan	
B2: Where relevant, may not be necessary for all applications	
Document	File name (and web link if available) or 'N/A' if not applicable
Habitat management and monitoring plan	
Credit receipt references (for biodiversity credits purchased from Natural England)	
Bespoke compensation for:	
Protected species	
Protected sites	

Irreplaceable habitats	
Section 106 agreement	
Covenants or equivalent legal contracts	
B3: Sharing data	
Will you share relevant ecological survey data with: the appropriate Local Environmental Records Centre (LERCs)? another body agreed by the planning authority?	

Section C: On-site pre-development biodiversity value and on-site habitat enhancement

C1: Baseline habitat data used to inform metric		
Survey date		
Survey constraints		
Please select the local plans or strategies used to inform strategic significance of habitats	Local Plan	Yes/No
	Local Nature Recovery Strategy	Yes/No
	Green Infrastructure	Yes/No
	Landscape Plan	Yes/No
	Spatial Plan	Yes/No
	Network Enhancement and Expansion Zones	Yes/No
	Other	Provide details
Brief description of existing habitat(s) on site (not including irreplaceable habitat)		
Brief description of existing irreplaceable habitat(s) on site (if applicable)		
Total pre-development biodiversity value (in BU):		
C2: Adherence to the mitigation hierarchy		
Please set out the steps taken on-site to:		
Avoid impacts to habitats		
Minimise impacts to habitats		
C3: On-site interventions		
Can 10% minimum BNG be delivered on site?	Yes/No	
If No, set out steps taken to try to achieve net gain on site, and provide justification for why this was not possible		

How many off-site biodiversity units are needed to meet the required level of net gain?	
C4: Significance of on-site enhancements	
Do you intend for any of your on-site enhancements to be considered as “significant”, and that an appropriate planning condition should be used to secure its long-term management? If so, provide details	
C5: Selling excess biodiversity units	
Do you propose to sell any excess biodiversity units to support delivery of biodiversity net gain on other sites?	Yes/No
If ‘Yes’, give details of the quantity that are likely to be sold and, where possible, information relating to the development to which they will be sold	[Guide: no more than 250 words]

Section D: Off-site habitat enhancement (if required)

D1: Adherence to the mitigation hierarchy		
Please set out steps taken off-site to:		
Avoid impacts		
Minimise impacts		
D2: Off-site habitat data used to inform metric		
Survey date		
Survey constraints		
Please select the local plans or strategies used to inform strategic significance of habitats	Local Plan	Yes/No
	Local Nature Recovery Strategy	Yes/No
	Green Infrastructure	Yes/No
	Landscape Plan	Yes/No
	Spatial Plan	Yes/No
	Network Enhancement and Expansion Zones	Yes/No
D3: Register reference number(s)		
D4: Securing off-site gains		
Are off-site habitat intervention proposals already secured?	Yes/No	
How have they been secured?		
Total post-development biodiversity value (in BU):		

D5: Risks	
Brief description of risks associated with off-site interventions	
Mitigation measures for risks	
D6: Further habitat intervention	
Are statutory biodiversity credits required?	Yes/ No If Yes, use Section F
How many credits are required?	

Section E: Statutory biodiversity credits (if required)

*Only to be used if on-site or off-site (via purchase of units from registered site) net gain is not available and statutory credits are required

E1: Evidence log to justify the use of statutory credits	
Steps taken to	
Achieve net gain on site	See Section C3
Achieve net gain off site (register search)	
Achieve net gain off site (market search)	
E2: Number of credits	
Number of credits purchased	
E3: Proof of purchase	
Provide link	

Section F: Wider biodiversity net gain obligations

Present on development site? (Yes/No)	F1 Irreplaceable habitat	F2 Designated sites for nature conservation	F3 Protected species
	Yes/ No	Yes/ No	Yes/ No
If Yes, please confirm that you have separately provided the following to the relevant planning authority			
Type and extent on site	Yes/No	Yes/No	Yes/No
Steps taken to avoid and minimise impacts, and justification for any residual impacts	Yes/No	Yes/No	Yes/No

Appropriate bespoke compensation strategy	Yes/No	Yes/No	Yes/No
F4: Net gain legacy			
Briefly describe proposed mechanism for securing long term management and the duration of these agreements Append legal agreement or, if not available at point of submission, letter of confirmation from habitat provider			
F5: Habitat degradation			
Confirmation that, to the best of the applicant's knowledge, any habitat degradation of pre-development habitats since 30 January 2020 has been accounted for in the baseline			
If not, has the action causing degradation been approved by planning permission/s?			
If yes, state the relevant consenting body and reference number			

Section G: Monitoring and reporting

G1: Summary of monitoring requirements	
Provide details of mechanisms to ensure any planning authority monitoring and reporting requirements are satisfied	
G2: Timings	
Years 1 – 5	
Years 6 – 10	
Years 11 – 15	
Years 16 – 20	
Years 21 – 25	
Years 26 – 30	
G3: Monitoring years per habitat type	
Habitat type	Years covered
Habitat type	e.g. 5, 10, 15
Habitat type	
Habitat type	
G4: Responsibilities	

List responsible bodies involved in management and monitoring	
Who outcomes will be shared with	

Section H: Additional information

H1: Limitations and assumptions	
Highlight any additional limitations and assumptions made during the biodiversity net gain process (beyond survey constraints outlined in sections	
H2: Biodiversity net gain good practice. <i>Please note that adherence to the below are not essential to meet the mandatory BNG requirement.</i>	
Does the project adhere to <u>British Standard BS8683</u> ?	Yes/No
Does the project adhere to any additional good practice standards for biodiversity net gain?	
<u>Biodiversity Net Gain Good Practice Principles</u>	Yes/No
Other examples (please add)	Yes/No
Other examples (please add)	Yes/No

Biodiversity Net Gain

An introduction to the benefits.



When designed and delivered well, biodiversity net gain can secure benefits for nature, people and places, and for the economy

“

"As the twin climate and ecological crises deepen there is an increasing need to accelerate nature recovery, for our planet, our wildlife and our communities. Biodiversity net gain offers a new route for development of homes, businesses and infrastructure to play its part in enabling nature to thrive, and to deliver nature-based solutions to climate change, water and air quality and flood risks. It can also help level up access to nature and provide accessible green space on the doorstep of new homes and further afield."

Marian Spain, Chief Executive



Credit: © Kidbrooke, Berkeley Group





CONTENTS

4. [What is Biodiversity Net Gain \(BNG\)?](#)
5. [What does BNG look like?](#)
6. [The Metric](#)
7. [Mechanisms for BNG delivery.](#)
8. [BNG Process Diagram](#)
9. [What BNG Delivers](#)
10. [Nature](#)
11. [People and Places](#)
12. [Economy.](#)
13. [Climate Change](#)
14. [What BNG Delivery could look like](#)
15. [Perspectives on how to maximise BNG benefits](#)
16. [Key facts](#)
17. [Glossary.](#)



Biodiversity Net Gain (BNG) is an approach to development, land and marine management that leaves biodiversity in a measurably better state than before the development took place.

Currently, although certain sites are protected, there are limited mechanisms to value, maintain, enhance or create wider habitats. As a result, habitats continue to be lost to development, reducing nature's ability to connect and thrive. In the future, most developments will need to deliver a minimum 10% BNG.

BNG is additional to existing habitat and species protections. Intended to reinforce the mitigation hierarchy, BNG aims to create new habitat as well as enhance existing habitats, ensuring the ecological connectivity they provide for wildlife is retained and improved.

“ Developments don't have to squeeze out wildlife. The benefits are clear: trees in urban areas improve the view, aid privacy, provide shade and help reduce pollution and flash flooding; community green spaces bring people together; and local parks and woods are valuable places for people to walk, play and unwind in. ”

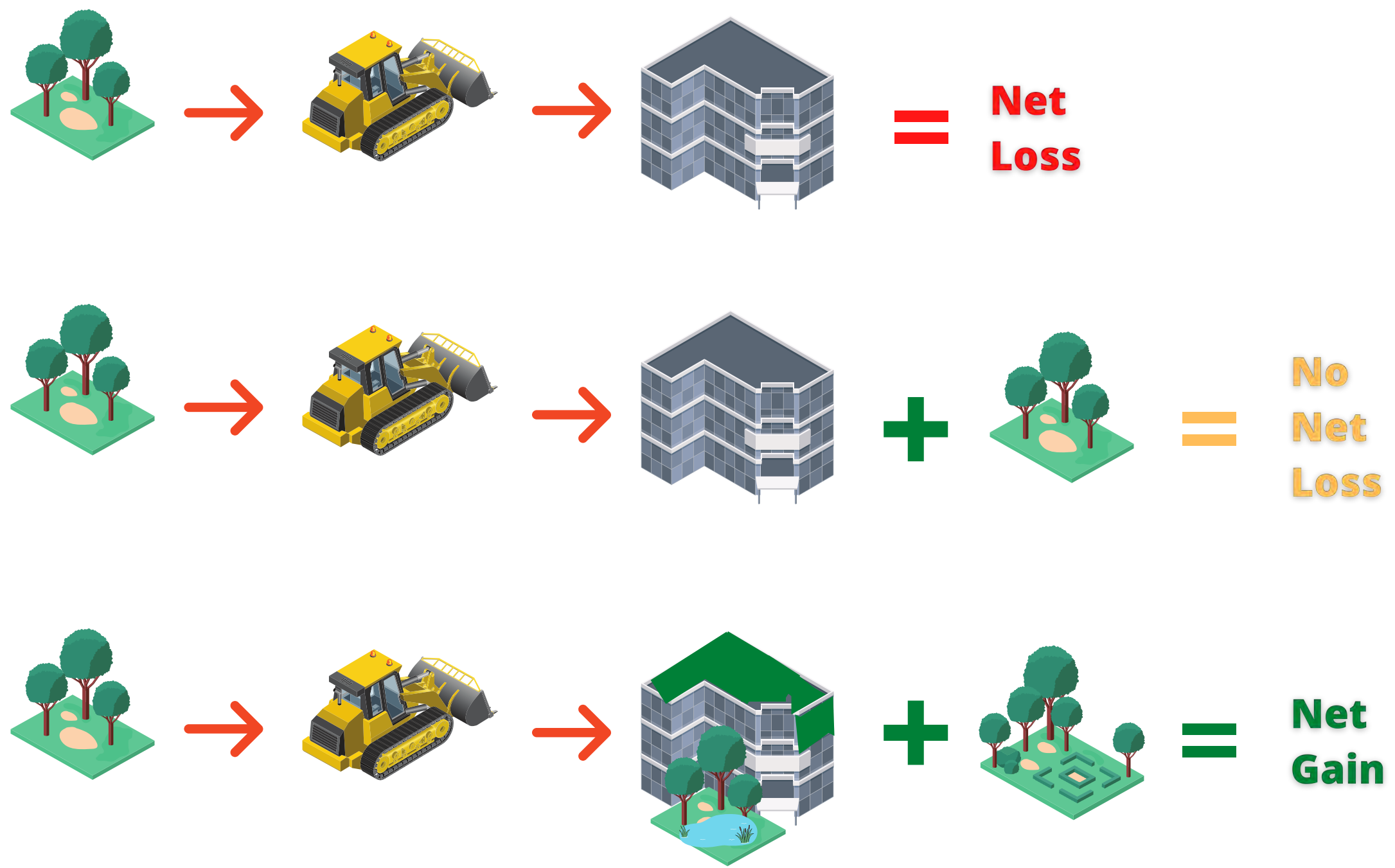
[London Wildlife Trust: Bringing Kidbrooke alive with wildlife - Natural England \(blog.gov.uk\)](https://www.naturalengland.org.uk/blog/bringing-kidbrooke-alive-with-wildlife)

“ Recovering wildlife will require more habitat; in better condition; in bigger patches that are more closely connected. ”

[Habitat Network Mapping Guidance.pdf \(defra.gov.uk\)](https://www.defra.gov.uk/guidance/habitat-network-mapping-guidance)



Development often results in impacts on, and losses of, nature. By reinforcing and complementing the mitigation hierarchy, mandatory BNG requires development to deliver more for nature; setting a requirement to increase biodiversity by a minimum of 10% compared to the baseline. This means that there will be more and better-quality places for wildlife to live and thrive and for people to enjoy.



Calculating the value of habitats

BNG is measured using the Biodiversity Metric. This tool should be used by a competent person, normally an ecologist. It uses changes in the extent and quality of habitats as a proxy for nature and compares the habitat found on a site before and after development. Four key factors underpin this comparison: habitat size; condition; distinctiveness; and location.



HABITAT SIZE

How large or small is the habitat?



HABITAT CONDITION

How well is the habitat functioning, compared to one in full working order?



HABITAT DISTINCTIVENESS

Is the habitat of particular ecological importance?



STRATEGIC SIGNIFICANCE

Is the habitat a local priority or located in a priority area for habitat creation/enhancement?





ON-SITE (UNITS)



Delivered through habitat creation/enhancement via landscaping/green infrastructure

OFF-SITE (UNITS)



Delivered off-site through habitat creation/enhancement, including via habitat banks, with public and private landowners

STATUTORY CREDITS*



Delivered through large-scale habitat projects delivering high value habitats which can also provide long-term nature-based solutions

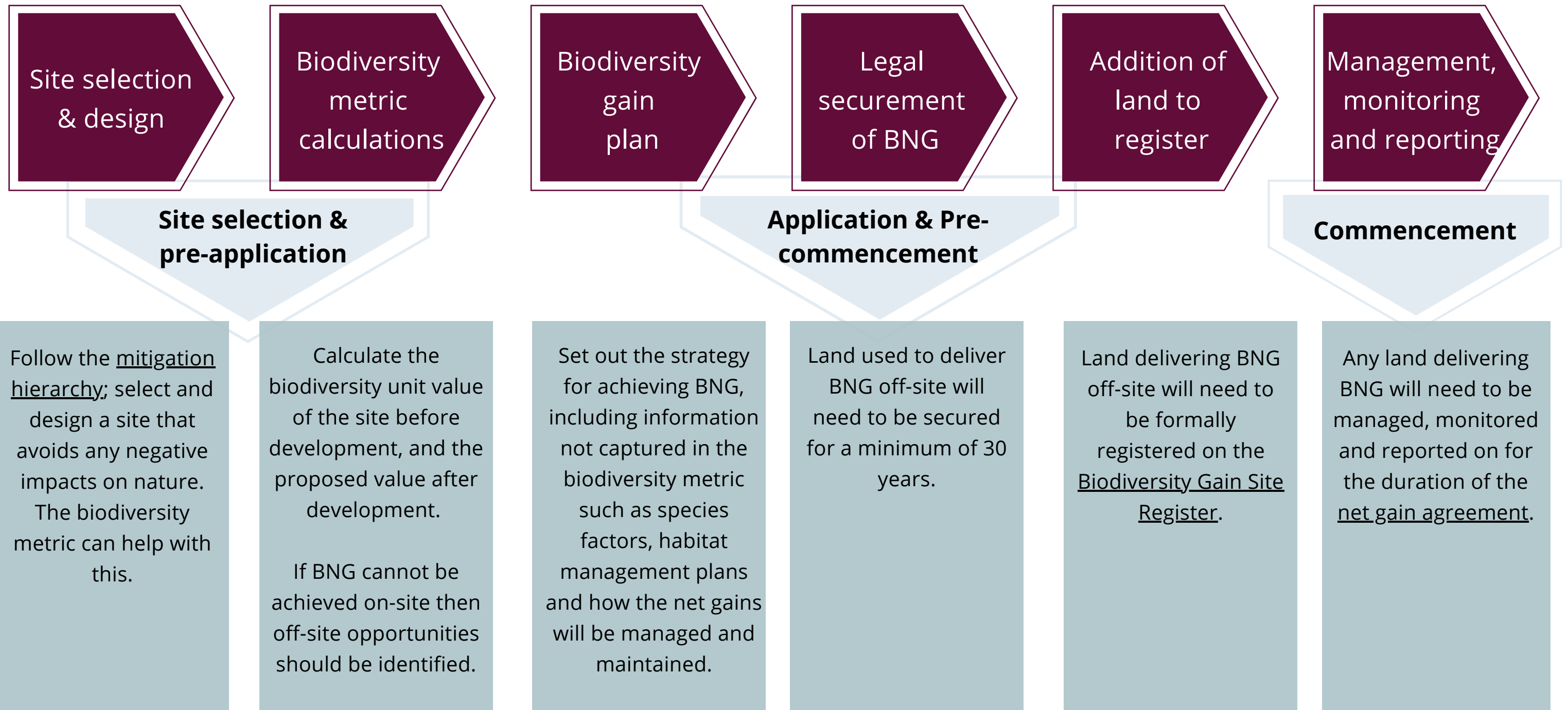
*Credits will be made available for purchase in the future. They are intended for use only where BNG cannot be delivered on-site or off-site via the market, as a last resort.



The biodiversity metric should be used early in the design process to quantify and evaluate the impacts of different design options, when there is more scope to influence design changes to achieve better ecological outcomes.



BNG PROCESS DIAGRAM





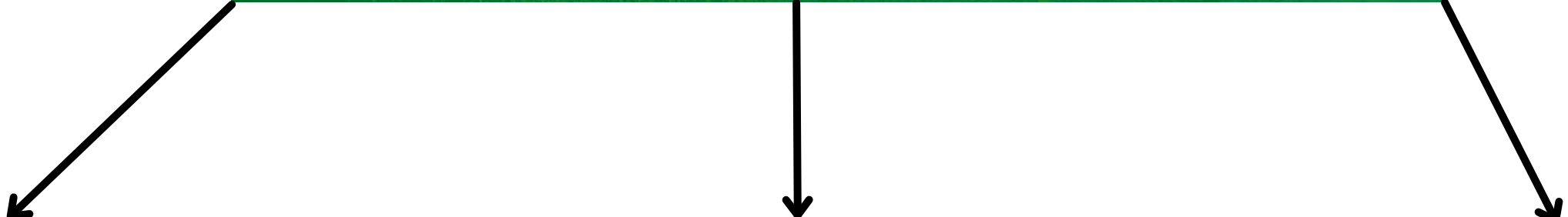
Credit: © Natural England/Steve Pullan

WHAT BNG DELIVERS

NATURE

More, bigger, better and joined up habitats in which wildlife can thrive

Credit: © Natural England/Martin Moss



PEOPLE & PLACES

Promoting health and wellbeing by creating opportunities for people to connect with nature

ECONOMY

Increasing natural capital assets, providing green jobs and contributing to sustainable development

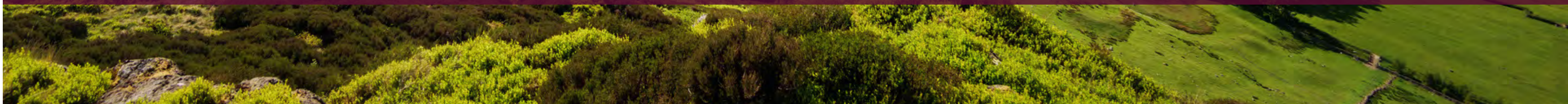
CLIMATE CHANGE

Contributing towards climate change mitigation and adaptation measures, and net zero targets, through nature-based solutions

Nature

Rich grasslands can have as many as 30 different species of wildflower within a quarter of a square metre. [\(Source\)](#)

- BNG contributes towards nature recovery by enhancing existing or creating new habitat.
- BNG creates and connects habitats in which species can thrive and in doing so can help wildlife adapt to climate change.
- BNG can help contribute towards 'more, bigger, better and joined up' green and blue networks and deliver priorities for nature set out in [Local Nature Recovery Strategies](#) or other [strategic plans](#).



Around 9 in 10 people surveyed agreed that natural spaces are good for mental health and wellbeing.

(Source)

People & Places

- BNG can improve our health and well-being by creating new or enhancing existing greenspaces, bringing nature to the doorstep ([Natural England People and Nature survey](#)).
- BNG can create more attractive places in which to live and work, contributing towards place-making.
- BNG can finance investment in new or existing green infrastructure and nature-based solutions, enhancing the resilience of our towns, cities, coasts and infrastructure. It enables us to better adapt to climate change whilst contributing towards corporate and government Net Zero targets.

In the UK, cooling from green and blue space in 2017 was valued at £243.6 million in labour productivity savings and avoided air conditioning costs.

(Source)

Economy


- BNG can help to create greener neighbourhoods that are more attractive places to live, work and do business for current and future occupiers.
- For landowners BNG can create long-term income opportunities through investment in habitat management. BNG generates sustainable and long-term financing for habitat management and maintenance, providing certainty and creating jobs.
- Restoring habitats via BNG can act as a green finance mechanism, delivering wider economic benefits and increasing financial and natural capital asset values. By creating bigger and better natural capital assets the resilience and flow of ecosystem services, and the benefits society receive from them, will be enhanced, and the value received from nature maintained and increased.



Climate Change

A young wood with mixed native species can lock up 400+ tonnes of carbon per hectare in trees, roots and soil.

(Source)

- BNG can help mitigate climate change through the restoration and protection of nature. For example, additional woodland creation will help take more carbon dioxide out of the atmosphere.
 - BNG delivery can be a way in which local communities can be directly involved in climate related adaptation projects, including tree planting and maintenance.
 - BNG can help communities adapt to climate change by increasing resilience to extremes of weather, including heatwaves and flooding. For example, green and blue spaces, such as woodlands, parks and rivers, can provide localised shading and cooling effects, whilst green roofs, street trees and other vegetated surfaces can help reduce flood risk in urban areas.
- 

WHAT COULD BNG DELIVERY LOOK LIKE?



Credit: © Natural England/Stephen Murphy



Credit: © Natural England/Rachel Irvine



Credit: © Natural England/Peter Roworth



Credit: © Network Rail



Credit: © Natural England/Peter Roworth



Credit: © Malcolm Jarvis



Credit: © Natural England/Peter Wakely



Credit: © Natural England/Jenny Wheeldon





PERSPECTIVES ON HOW TO PREPARE FOR BNG

Landowners can:

- Explore options for delivering net gain on their site, including via habitat banking, and selling the associated biodiversity units to developers;
- Undertake a baseline assessment of their land using the [Biodiversity Metric](#);
- Start conversations with LPAs and other relevant brokers emerging in this market.

Developers can:

- Consider net gain at the site selection and design phase of projects;
- Focus on engaging in collaborative and joined up partnership working, for example in finding opportunities on-site and off-site for BNG delivery;
- Design, broker and deliver net gain in accordance with best practice principles and standards, using appropriate ecological expertise.

Local Planning Authorities (LPA) can:

- Develop approaches to embed BNG in local planning policy and decision-making and consider how BNG fits in with wider corporate priorities. Doing this now will help make sure LPAs are ready for mandatory requirements and that BNG delivers a wide range of benefits for people and nature in their local area;
- Identify features and areas for habitat creation and enhancement within [strategic plans](#) and/or [Local Nature Recovery Strategies](#). This will help target BNG delivery where it is most needed and where it can achieve 'best bang for buck';
- Take a flexible approach to BNG delivery, including off-site options. Explore options for delivering net gain on both LPA owned and privately owned land, including via green and blue infrastructure features.



Landowners can start to undertake habitat works now in anticipation of mandatory BNG - this is referred to as 'habitat banking'.

LPAs can use their own land to deliver BNG on, under the caveat that all necessary requirements are met and any conflicts of interest managed.

BNG is additional to, and does not replace or reduce existing protection for protected sites, habitats or species.

BNG can also be delivered via blue and/or green infrastructure, both on-site and off-site.

Prior to mandatory BNG, the net gain requirement for a project will be dependent on Local Plan and NPPF requirements.

Habitat enhanced or created for mandatory BNG must be secured, managed and maintained for at least 30 years and must achieve the distinctiveness and condition as intended.

River, hedgerow and area habitats are considered independently and are not interchangeable; you cannot address a loss of one type by providing another.

FOR INFORMATION

More detailed information on the net gain approach can be found on:

- [Natural England Blog](#)
- [GOV.UK](#)
- [Local Government Association](#)

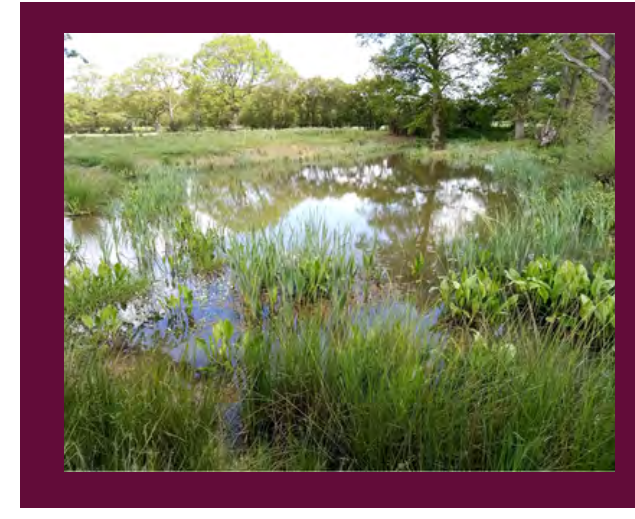
FOR ACTION

- Progress on the development of the digital services required for BNG, including registering land, can be tracked via the [BNG Digital Services Blog](#).
- Developers can: familiarise themselves with the [British Standard for net gain](#), and the [CIEEM](#), [CIRIA](#), [IEMA Good Practice Principles for Developments](#).
- Local Planning Authorities can: [Sign up for updates on the Planning Advisory Service website](#).



BIODIVERSITY GAIN PLAN

A consistent document explaining how a project has followed the mitigation hierarchy and also then achieved BNG.



HABITAT BANKS

Sites where habitat is created in advance, prior to any loss occurring. This habitat will need to be secured and managed long-term.



BIODIVERSITY GAIN SITE REGISTER

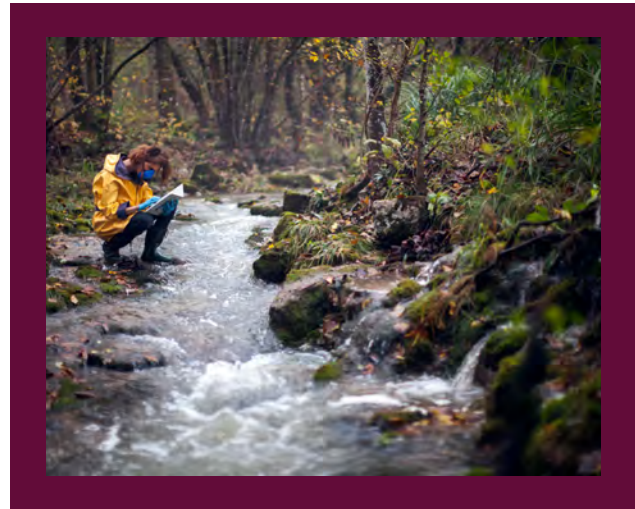
An online platform whereby off-site gains are registered. An operator will assess whether the application and its proposed enhancements meet a set of eligibility criteria.



Credit: © Natural England/Rachel Irvine

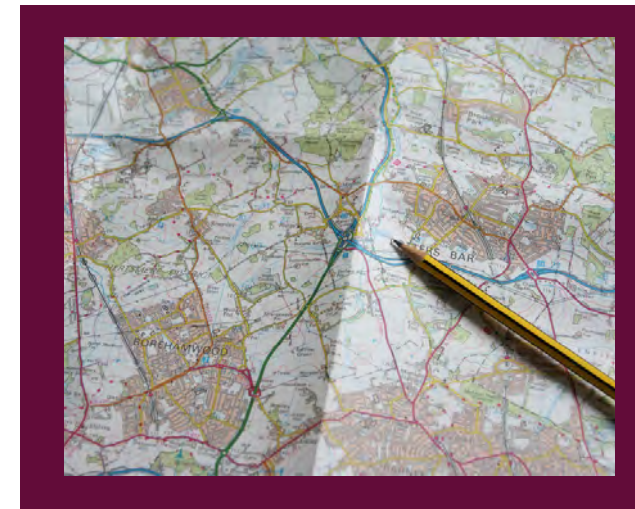
LOCAL NATURE RECOVERY STRATEGY (LNRS)

LNRS will set out locally agreed priorities and opportunities for nature recovery in written and cartographic form.



BIODIVERSITY UNITS

The unit of measurement used by the Biodiversity Metric. The units come in three types: area, riverine and hedgerow/line of trees.



LOCAL PLANNING AUTHORITIES

The public authority whose duty is to carry out specific planning functions for a particular area (Reference: [NPPF, 2021](#)).



Credit: © Natural England/Jenny Wheelton



MITIGATION HIERARCHY

The principle that environmental harm resulting from a development should be avoided, adequately mitigated, or, as a last resort, compensated for (NPPF, 2021).



Credit: © Natural England/Catherine Tonge

NATURE RECOVERY NETWORK

A national network of wildlife-rich places.



Credit: © Natural England/Jane Houghton

NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

A document setting out the Government's planning policies for England and how these should be applied (NPPF, 2021).



NET GAIN AGREEMENT

A document that sets out how a site will be managed and maintained over time to deliver the forecast net gain outcome.



Credit: © Natural England/Peter Wakely

NATURE-BASED SOLUTIONS

Actions and solutions for societal challenges that are inspired by processes and the functioning of nature (Nature-Based Solutions).



Credit: © Natural England/Rachel Irvine

STRATEGIC PLAN

Local or national plans or strategies that set out priorities for nature recovery in a place.

TONBRIDGE & MALLING BOROUGH COUNCIL

HOUSING AND PLANNING SCRUTINY SELECT COMMITTEE

26 September 2023

Report of the Director of Planning, Housing and Environmental Health

Part 1- Public

Matters for Recommendation to Cabinet - Non-Key Decision (Decision may be taken by the Cabinet Member)

1 RESPONSE TO THE PLAN-MAKING REFORMS IMPLEMENTATION CONSULTATION

This report sets out proposed response to the government's latest consultation on plan-making reforms. It seeks recommendations of approval to the Cabinet Member for Planning.

1.1 Background

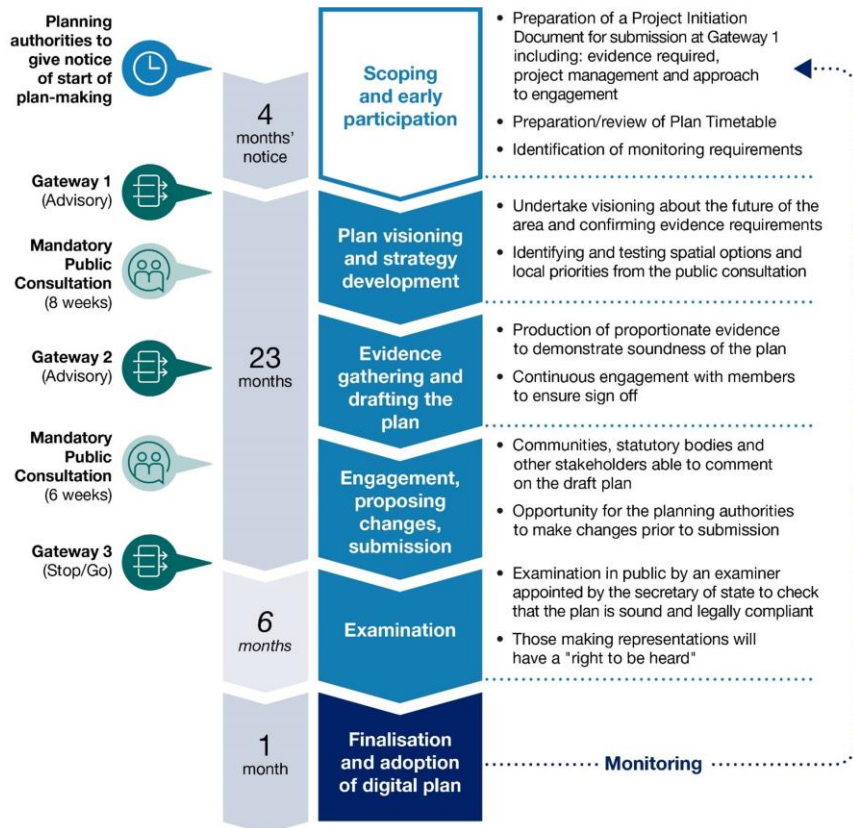
1.1.1 The government is currently consulting on the 'Levelling-up and Regeneration Bill: consultation on implementation of plan-making reforms'. The deadline for responses is 18 October 2023. This consultation sets out some further detail to the proposals contained within the December 2022 consultation 'Levelling-up and Regeneration Bill: reforms to national planning policy' (reported to Cabinet in February 2023).

1.1.2 This report constitutes the council's proposed response to the consultation, centred around the questions posed. This is included as **Annex 1**.

1.2 The consultation

1.2.1 The consultation provides further detail around the proposed 30-month plan-making process, which includes some key steps, as set out in the Figure 1 below. This includes:

- New proposals for a 4-month period prior to commencement (setting out timetable, Project Initiation Document preparation, notifying statutory bodies)
- 2 set periods of consultation and engagement
- 3-staged 'gateway' assessment process for local plans



1.2.2 The consultation also includes some new proposals for use of set templates for local plans and consultation responses, and enhanced emphasis on monitoring requirements and metrics.

1.2.3 Although not subject to the consultation itself, the material confirms the transitional arrangements for plan-making as proposed within the December 2022 consultation (subject to Levelling-up and Regeneration Bill royal assent, anticipated Spring 2024). This would mean a deadline of 30 June 2025 to submit an 'old style' local plan. This is discussed further in section 1.5 below. The consultation on the proposed national development management policies is still anticipated, but no further detail on timing is available at present.

1.2.4 The consultation period runs until 18 October 2023. Therefore, the council has until this date to submit its response, which, once approved, will be actioned through the [online survey](#). The proposed response is contained at **Annex 1**.

1.3 Legal Implications

1.3.1 Local Planning Authorities are required to prepare and keep an up-to-date development plan for their area. The Planning and Compulsory Purchase 2004 (as amended) and the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) set out the requirements and the statutory process for the preparation of a Local Plan.

1.4 Financial and Value for Money Considerations

- 1.4.1 There are no direct financial and value for money considerations associated with this response. The council is proposing to submit the local plan under the current arrangements. However, if the proposals are to be brought forward future local plan work and budget-setting would need to reflect these changes.

1.5 Risk Assessment

- 1.5.1 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.
- 1.5.2 The HPSSC report of June 2023, which accompanied the Local Development Scheme timetable, highlighted the highest areas of risk to the local plan were a delay to the NPPF reforms, and progression of the transition arrangements. The government has not yet published the NPPF (previously proposed for Spring 2023) so the amendments to the approach to housing numbers and the Green Belt remain unconfirmed. However, as set out within this consultation the government is still proposing the same transitional arrangements meaning that the council needs to undertake two round of consultation (Regulation 18b, Regulation 19) and submit the local plan in the 22 months to June 2025.
- 1.5.3 **Annex 2** shows the current local plan risks and issues, which includes two high risk items where risk escalation measures have been triggered. This relates to the above and the delay to procurement of the Green Belt study, which will not now be reporting until the end of November 2023.

1.6 Equality Impact Assessment

- 1.6.1 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 which ensures that planning policy consultations are accessible to all, irrespective of protected characteristics. An Equalities Impact Assessment is being undertaken alongside the preparation of the next stages of the Local Plan.

1.7 Recommendations

HPSSC is asked to recommend to the Cabinet Portfolio holder for Planning to:

APPROVE the proposed response to the plan-making implementation reforms consultation.

The Director of Planning, Housing and Environmental Health confirms that the proposals contained in the recommendation(s), if approved, will fall within the Council's Budget and Policy Framework.

Background papers:

Annex 1- Proposed response to the plan-making
implementation reforms consultation

Annex 2- Risk assessment

contact: Gudrun Andrews
Planning Policy Manager

Eleanor Hoyle

Director of Planning, Housing and Environmental Health

Levelling-up and Regeneration Bill: consultation on implementation of plan-making reforms

NB- Wording in italics is for information purposes only, not for inclusion in the response.

Preparation and timetable

- *Start updating plans every 5 years.*
- *Updating the timetable in standard format every 6 months.*
- *Allows for preparation and evidence-gathering before formal announcement of the 30 month period will commence. Also includes new steps, e.g. PID preparation.*
- *2 periods of public consultation and ‘invite’ early matters shaping the plan, with stat bodies, and longer statutory consultation periods.*
- *3-stage gateway process plus final assessment.*

Other matters

- *Minerals and waste plans to be separate, or incorporated within local plans. New style minerals and waste plans but as above can be combined so who produces?*
- *Introducing supplementary plans, but this would mean not one single local plan as is stated to be the intention.*
- *Community land auctions. options for phasing the roll-out of the new local plan-making system from autumn 2024.*

Question 1: Do you agree with the core principles for plan content? Do you think there are other principles that could be included?

Plans should contain ambitious locally distinctive policies, foster beautiful places, set out a detailed approach to monitoring and ongoing review. Plans to set out:

- *“amount, type and location of, and timetable for, development”*
- *other policies relating to the use or development of land*
- *details of any infrastructure requirements, or requirements for affordable housing, which development over the plan period should meet.*

Yes, agree with the core principles of plan-making, including infrastructure requirements and for affordable housing.

Question 2: Do you agree that plans should contain a vision, and with our proposed principles preparing the vision? Do you think there are other principles that could be included?

The vision should serve as a “golden thread” through the entire local plan,

set out measurable outcomes for the plan period, supported by a key diagram.

Yes, agree that the vision is a fundamental element of a local plan. This should be drawn down from other corporate strategies and be deliverable, and to secure local buy-in of the local plan.

Question 3: Do you agree with the proposed framework for local development management policies?

Local DM policies should be underpinned by appropriate justification, scoped through the gateway assessment and enable the delivery of the plan's vision.

Without having seen the detailed content of the NDMP, or the checks at each 'gateway' it is difficult to comment fully on the appropriateness of this approach.

Question 4: Would templates make it easier for local planning authorities to prepare local plans? Which parts of the local plan would benefit from consistency?

The introduction of data standards will help to ensure that plan data is created and published consistently across all planning authorities. So proposing nationally-defined digital templates setting out standardised approaches to specific parts of the plan. Templates will be designed to provide sufficient flexibility, for example to allow for individual local circumstances and to enable local innovation, whilst ensuring that key standards are met.

Disagree with approach to templates for local plan drafting. This appears contrary to the principles of strengthening engagement and consultation within the plan-making system, and reduces scope for local distinctiveness. However, if this were to be progressed the templates should be limited to the scope and structure of policies not detailed 'options' for selection or deselection. It is unlikely that templates produced at the national level would be capable of reflecting the wealth of detailed and local matters and LPAs would then have to spend additional time justifying deviations from this approach.

Question 5: Do you think templates for new style minerals and waste plans would need to differ from local plans? If so, how?

As above.

Question 6: Do you agree with the proposal to set out in policy that planning authorities should adopt their plan, at the latest, 30 months after the plan preparation process begins?

Sets out proposed elements of the 30-month timeframe for local plans and minerals and waste plans. However, sets out 30 months maximum.

- **Scoping and early participation (4 months) before clock starts**– including

“notify” the public and stakeholders including statutory bodies and “invite” participation; prepare or update timetable, participation and evidence gathering required to inform the Strategic Environmental Assessment (and its eventual replacement Environmental Outcomes Reports).

- **Preparation -23 months**
 - **Plan visioning and strategy development** – visioning about the future of the area (and the first formal public consultation on the plan of 8 weeks)
 - **Evidence gathering and drafting the plan** – including the second gateway assessment.
 - **Engagement, proposing changes and submission of the plan** – second public consultation (6 weeks) and undertaking the third gateway assessment.
- **Examination- 6 months**
- **Finalisation- 1 month**

Agree that the 30-month timetable should speed up plan making, but only under the right conditions. This would require continuity of position and certainty regarding timetables of any further government planning reforms, including the Development Management Policies or the Environmental Outcomes Reports. At a local level political change, which occurs in regular cycles could have impacts on the ability to meet key deadlines within the 30 month timetable. To be achievable local planning authorities need to be appropriately resourced, enabled to make effective use of technology, in particular in relation to consultation response processing, and to have certainty with regard to each part of the plan-making process.

Question 7: Do you agree that a Project Initiation Document will help define the scope of the plan and be a useful tool throughout the plan making process?

Agree with in introduction of project management processes to the plan-making process. However, the initial scoping stage combines plan-scoping with project management which are likely to require more time to be effective. Bullets 49 (a) i and ii define the scope of the plan and local issues and is likely to be more complex and will most likely involve some element of political engagement, introducing a variety of variables, local matters and issues. This also includes SEA (or EOR) processes. However, agree with bullets 49 (a) iii and iv, which embeds project management processes (e.g. Project Initiation Document, risks, engagement plans). Also agree that plan monitoring should be factored in from the outset. Therefore, this stage could take longer than the 4 months allowed and lead to delays to the commencement period.

The plan visioning stage includes confirmation of evidence. Depending on the topics and detail of the evidence this may be too late as can take months to produce so should be done prior to the commencement period. Agree that vision-setting should be integral to the focus of the local plan. If the scope of the evidence gathering is completed before the commencement period this gives additional time for the

evidence gathering stage, making the total 23-month period feel more achievable. Given that the 23-month period contains 16 weeks of consultation, it would be imperative that local planning authorities have the right consultation packages in place to be able to turn around within these timeframes.

Question 8: What information produced during plan-making do you think would most benefit from data standardisation, and/or being openly published?

There is quite a lot of data contained within evidence base documents that could be applied universally, or made available. For example open space studies include population data, service provision and standards which could be applied or reflected within other documents. Evidence can also include raw data from retail household surveys or business surveys which could also be useful for other agencies.

Question 9: Do you recognise and agree that these are some of the challenges faced as part of plan preparation which could benefit from digitalisation? Are there any others you would like to add and tell us about?

Agreed, most particular in relation to plan-monitoring, whereby digital processes would be easiest to introduce and standardise at a national level.

Question 10: Do you agree with the opportunities identified? Can you tell us about other examples of digital innovation or best practice that should also be considered?

Agree. Digital planning tools will be imperative to be able to produce plans within the 30-month period. As above standardisation and integration of monitoring processes.

Question 11: What innovations or changes would you like to see prioritised to deliver efficiencies in how plans are prepared and used, both now and in the future?

As above.

Question 12: Do you agree with our proposals on the milestones to be reported on in the local plan timetable and minerals and waste timetable, and our proposals surrounding when timetables must be updated?

Agreed. Consistency of timetable reporting and utilising consistent formats and structures is appropriate. As set out within the consultation, it is likely that delegated authority to make these updates would be required to update these every 6 months.

Question 13: Are there any key milestones that you think should automatically trigger a review of the local plan timetable and/or minerals and waste plan timetable?

There may be some circumstances whereby political change or direction of national policy, or other locally specific matters which may trigger a review of the timetable.

Question 14: Do you think this direction of travel for national policy and guidance set out in this chapter would provide more clarity on what evidence is expected? Are there other changes you would like to see?

These amendments to the NPPF will be subject to further consultation but principles of setting out evidence expectations are supported. Support for the light touch statement of compliance with legislation and national policy supported, which should give local planning authorities confidence in the direction of travel.

Question 15: Do you support the standardisation of evidence requirements for certain topics? What evidence topics do you think would be particularly important or beneficial to standardise and/or have more readily available baseline data?

Support for the standardisation of evidence topics. There is already a lot of data produced in support of existing local plans which could be made centrally available to draw upon as a baseline where relevant. One example would be open space studies which apply consistent approaches and methodologies.

Question 16: Do you support the freezing of data or evidence at certain points of the process? If so which approach(es) do you favour?

It would be more practical to freeze input data at a certain point in time preventing the need to review where new data is available.

Question 17: Do you support this proposal to require local planning authorities to submit only supporting documents that are related to the soundness of the plan?

The proposed amendments require an element of judgement from local planning authorities to determine what documents should be submitted. There is a risk that LPAs will err on the side of caution so these amendments may not have the desired impacts. Therefore additional guidance or dialogue may be required through the 'gateway' assessment process.

Question 18: Do you agree that these should be the overarching purposes of gateway assessments? Are there other purposes we should consider alongside those set out above?

Support for the new gateway assessment process and the purposes appear reasonable. However, at least 4 weeks per gateway to meet the 30-month timeline other work would need to continue whilst these checks are underway. Additionally, it is unclear what the early 'advisory' outcomes may be. The risk being that any failures at each gateway stage could increase the requirements for the next, and the ability to meet the strict timelines at risk.

The gateway approach introduces a series of additional checks, with implications for the assessors' resources, so support for a dedicated 'gatekeeper' to undertake some of this role. The cost of the checks are proposed to be borne by the local planning authority which would require additional budget allocations.

Question 19: Do you agree with these proposals around the frequency and timing of gateways and who is responsible?

Agree the timing of the gateways and the responsible bodies for assessment. As above the additional costs to the LPA would need to be accounted for.

Question 20: Do you agree with our proposals for the gateway assessment process, and the scope of the key topics? Are there any other topics we should consider?

Some of the gateway tasks as proposed relate to project management processes whereas others relate to the content of the plan. It would be helpful therefore to understand the potential outcomes or recommendations of both and their implications for proceeding to the next stage. However the gateway process itself will also require resourcing from within the local planning authorities.

Question 21: Do you agree with our proposal to charge planning authorities for gateway assessments?

The gateway process as set out will also require resourcing from within the local planning authorities, and may impact on the ability to deliver the core local plan tasks and timetables. Given local authority budgets, disagree in this context with the proposal to charge local planning authorities for this service. However if there is to be a charge it should be proportional to the tasks.

Question 22: Do you agree with our proposals to speed up plan examinations? Are there additional changes that we should be considering to enable faster examinations?

Agreed that crucial to getting plans in place is a swift examination process. This would require adequate resourcing from within the planning inspectorate. There is currently some duplication between Regulation 19 representations, hearing statements and information given at the hearing sessions, therefore could be sped up if there were opportunities to streamline. Shortening the main modifications consultation period could also be beneficial.

Question 23: Do you agree that six months is an adequate time for the pause period, and with the government's expectations around how this would operate?

Agreed.

Question 24: Do you agree with our proposal that planning authorities should set out their overall approach to engagement as part of their Project Initiation Document? What should this contain?

The approach to engagement is probably too detailed for inclusion within a PID.

Therefore it would be more appropriate to include a requirement for a specific Engagement Strategy including how, when and who will be engaged for each task of the plan-preparation. This should include extensive stakeholder mapping and gap analysis to ensure that groups are effectively engaged with the plan-making system by a variety of means.

Question 25: Do you support our proposal to require planning authorities to notify relevant persons and/or bodies and invite participation, prior to commencement of the 30 month process?

Although the principles of early notification and inviting comments at an early stage are supported in principle, inviting input on the plan before it has been developed could lead to additional frustrations or confusion from stakeholders as there would be only a limited amount of input they would be able to provide at this stage. It is the experience of many LPAs that the most useful comments are received on draft policies and approaches and have a real opportunity to further shape and refine content.

Question 26: Should early participation inform the Project Initiation Document? What sorts of approaches might help to facilitate positive early participation in plan-preparation?

Early engagement on how to involve stakeholders should form part of the PID, however as above the level of detail this could involve would lend itself to a separate Engagement Strategy approach instead.

Question 27: Do you agree with our proposal to define more clearly what the role and purpose of the two mandatory consultation windows should be?

Agree with defining the purposes of the two mandatory consultation periods, and the approaches reflect the degree of influence at differing stages of the plan-preparation process. However, in terms of standardisation, this should also allow for innovation in methods and approaches. Additionally, from experience the length of the consultation period does not affect the quality or quantity of responses. Often consultation periods are extended currently beyond the 6 weeks statutory minimum, however responses become more numerous in the remaining days and weeks. Therefore, extending the minimum requirement will likely have very minimal impact.

Question 28: Do you agree with our proposal to use templates to guide the form in which representations are submitted?

Support for the approach to limit the time taken analysing responses, and the need to maximise the use of technology. However, the templates need to be simple, accessible and understandable. The risks associated with templates for submissions is that respondents may by-pass these methods by more traditional means (emails, letters) which would make it more time-consuming to address and respond to. The implications of respondents' not using the templates would a need for external response analysis with a cost to the LPA, or that the 30-month deadlines would not be able to be met.

Question 29: Do you have any comments on the proposed list of prescribed public bodies?

Agree with the proposed list of prescribed bodies.

Question 30: Do you agree with the proposed approach? If not, please comment on whether the alternative approach or another approach is preferable and why.

Agree with the approach to notifying prescribed bodies of the commencement period for local plan preparation.

Question 31: Do you agree with the proposed requirements for monitoring?

Support a consistent and focussed approach to monitoring which should allow more accurate comparisons to be made across authorities. This should also allow data collection at different spatial scales. Provided the appropriate data handling systems are in place, with opportunities for automation it should be relatively simple for local planning authorities to provide the data on a regular basis. Therefore question whether there is a need for a 'light touch' annual approach. The operation of standard data-handling systems at a national level would also assist.

Question 32: Do you agree with the proposed metrics? Do you think there are any other metrics which planning authorities should be required to report on?

To enable useful data-collation and comparisons at varying spatial scales, it may be beneficial to include more detailed metrics, such as bedrooms, unit types, floorspace change etc.

Question 33: Do you agree with the suggested factors which could be taken into consideration when assessing whether two or more sites are 'nearby' to each other? Are there any other factors that would indicate whether two or more sites are 'nearby' to each other?

Disagree with the removal of Supplementary Planning Documents as they are often used to provide more detailed guidance on adopted topic-based policies and given the parameters of the Supplementary Plans (SP), this leaves a gap. Agree with SPs being used for Design Codes but it is not clear when, and under what other circumstances a SP may be appropriate. The questions posted around what could be considered to be 'nearby' reinforce that the purposes of these documents will most likely be misunderstood, or not applied consistently.

Question 34: What preparation procedures would be helpful, or unhelpful, to prescribe for supplementary plans? e.g. Design: design review and engagement event; large sites: masterplan engagement, etc.

As the SPs are due to undergo 'light touch' examination it would be useful to set out what would be included within this. Additionally, similar to the current SPD

preparation process a clear process and consultation approach would be useful.

Question 35: Do you agree that a single formal stage of consultation is considered sufficient for a supplementary plan? If not, in what circumstances would more formal consultation stages be required?

As a majority of SPs will relate to Design Codes one round of public consultation appears appropriate.

Question 36: Should government set thresholds to guide the decision that authorities make about the choice of supplementary plan examination routes? If so, what thresholds would be most helpful? For example, minimum size of development planned for, which could be quantitative both in terms of land use and spatial coverage; level of interaction of proposal with sensitive designations, such as environmental or heritage.

Agreed that thresholds for who should conduct SP examinations appear appropriate.

Question 37: Do you agree that the approach set out above provides a proportionate basis for the independent examination of supplementary plans? If not, what policy or regulatory measures would ensure this?

Agreed a proportionate approach appears appropriate.

Question 38: Are there any unique challenges facing the preparation of minerals and waste plans which we should consider in developing the approach to implement the new plan-making system?

No comment.

Question 39: Do you have any views on how we envisage the Community Land Auctions process would operate?

It is unclear how the process could operate if there was not a need to allocate land for development to take place, eg if the site could be developed through the application of existing plan policies alone.

Question 40: To what extent should financial considerations be taken into account by local planning authorities in Community Land Auction pilots, when deciding to allocate sites in the local plan, and how should this be balanced against other factors?

Where the allocation process applies, the CLA approach and the consideration of financial benefit should not overrule or supersede sustainability and other site-specific factors.

Question 41: Which of these options should be implemented, and why? Are there any alternative options that we should be considering?

It is very disappointing that the government is intending to proceed with the transition arrangements as proposed within the December 2022 consultation, whereby plan-makers will have until 30 June 2025 to submit their local plans. At this date it was envisaged that the new NPPF would be published in 'Spring 2023' and yet this is now not expected until September 2023 at the earliest. The consultation suggested quite considerable reforms to the approach to housing targets and the Green Belt and without this certainty it is difficult for Green Belt authorities to proceed with their plan-making. The government will be aware of the number of local planning authorities publicly seeking to pause on the basis of this uncertainty. Therefore authorities have already lost 9 months of the 'transitional period' through this uncertainty. The timeline is therefore incredibly tight for authorities such as Tonbridge and Malling (who require a second round of Regulation 18 consultation) to proceed with their plan-making. The council wishes to get a local plan adopted as soon as possible, and under the current arrangements but due to these delays, this may no longer be achievable.

It is noted that regulations will provide limited flexibility for authorities to adopt plans at a specified later date in the most exceptional circumstances, it would be helpful to have some clarity on under what circumstances this may be appropriate.

If the council was unable to meet the transitional arrangements it would be required to proceed under the new arrangements with at least a year's delay to adoption, depending on whether it would be successful in becoming one of the ten 'front-runners'. If not, the grouping approach applied would be a further delay in plan-making and an even longer delay to when the council has an up-to-date local plan. Therefore, an extension to the transitional arrangements is strongly argued for to allow local planning authorities to get a plan in place.

If not forthcoming, as suggested authorities should be allowed to proceed with the new arrangements as soon as possible.

Question 42: Do you agree with our proposals for saving existing plans and planning documents? If not, why?

Agree with the 'saving' arrangements, but this would only apply to authorities with up-to-date plans.

Appendix A - Risk Register

No	Risk Title	Consequences	Overall inherent risk score	Risk Assessment form completed?	Desired risk score	Mitigating actions to achieve desired risk score
13	Planning reforms- delay to NPPF or significant changes to the approach as set out in the December 2022 consultation. Ministerial commitments to the transition periods amid uncertainty around the outcomes of NPPF (housing numbers and GB)	Exceptionally challenging to meet the transitional arrangement- with potential for missed deadline and need to restart under new arrangements. Validity of some evidence base questioned and new evidence with additional costs.	20	N	Medium	Continue to liaise with members to keep them informed of any changes and timescales for reform; ensure flexibility within new evidence base commissions and budgets. Submission of response to the government's consultation with strong opposition to the deadlines imposed in light of uncertainty regarding the NPPF finalisation.
32	Green Belt - Evidence	Delay to the critical path of evidence production and resulting impact upon local plan production and consultation process. Including any delays to the procurement process or changes in scope of the work, resulting from direction or outcomes of NPPF consultation. Including development of evidence base options with differing implications for the outputs of the work in relation to spatial strategy decisions and local plan options.	20	Y	Medium	Project management approach, regular evidence base check ins, ensuring consultants and internal deadlines are met.
5	Change in political administration or direction from administration	Delay or revisiting key aspects of the local plan, failure to meet the 'transitional arrangements' as proposed within the Levelling Up and Regeneration Bill	15	?	Medium	Working will all members to gain understanding and awareness of the local plan and the process. Regular member briefings.
7	Project management- timetable for local plan document, evidence and supporting documentation slips	Delay to the local plan consultation and failure to meet deadlines	12	N	Medium	Regular project management meetings between PPM and PPOs; regular updates of timetable
8	Staffing- further changes in staff numbers or loss of hours; unexpected absences	Delay to timetable, health and wellbeing implications for team	12	N	Low	Regular team meetings, 1:1s, effective file management and installation of a 'buddy' system, risk management escalation; utilising contractor staff
11	DTC issues	Failure to demonstrate DTC at examination or other issues raised prior to in consultations; issues with neighbouring boroughs	12	N	Medium	Developing a robust PM system, new DTC grid and legal compliance toolkit at an early stage
20	Consultation database, GDPR and privacy notice issues	Failure of management of the database	12	N	Medium	Liaising with legal, keeping them informed of current process, setting dates/timeframes for consultation database review/refresh
22	Lack of design/conservation support	Lack of dedicated internal staff offering this support could lead to matters being missed in local plan, design code or decision-making compromised	12	N	Medium	Continual review of and flagging of matters relating to conservation and design- review of the design code work programme and resource requirements
24	Lower Thames Crossing	Stepping outside alignment with the KCC position either existing or new administration	12	N	Medium	Raising awareness across the organisation and regular briefings on the LTC situation
25	HRA, AQ Evidence- Evidence	Delay to the critical path of evidence production and resulting impact upon local plan production and consultation process	12	N	Medium	Project management approach, regular evidence base check ins, ensuring consultants and internal deadlines are met
26	SA	Delay to the critical path of evidence production and resulting impact upon local plan production and consultation process	12	N	Medium	Project management approach, regular evidence base check ins, ensuring consultants and internal deadlines are met
27	EDNS - Evidence	Delay to the local plan production and consultation process; lack of consultant support, failure to deliver the study to time	12	N	Medium	Project management approach, regular evidence base check ins, ensuring consultants and internal deadlines are met
28	SFRA, L1 and L2 - Evidence	Delay to the local plan production and consultation process; Not PPG compliant as data is not available; not yet known the number of sites to be assessed which could extend cost or length or work programme. With impacts on other workstreams.	12	N	Medium	Project management approach, regular evidence base check ins, ensuring consultants and internal deadlines are met
30	HCA- Evidence delay	Delay to the critical path of evidence production and resulting impact upon local plan production and consultation process	12	N	Medium	Project management approach, regular evidence base check ins, ensuring consultants and internal deadlines are met
31	Spatial Strategy	Delay to the critical path of evidence production and resulting impact upon local plan production and consultation process	12	N	Medium	Project management approach, regular evidence base check ins, ensuring consultants and internal deadlines are met
35	Transport Modelling	Delay to the critical path of evidence production and resulting impact upon local plan production and consultation process	12	N	Medium	Project management approach, regular evidence base check ins, ensuring consultants and internal deadlines are met
37	Amended or escalating costs of evidence base	Changes to the scope, timing or number of iterations of the evidence base requirements incurring additional costs; or amended requirements of national policy	12	N	Medium	Regular financial management procedures, ensuring contracts are in place, strict project management controls

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TONBRIDGE & MALLING BOROUGH COUNCIL

HOUSING AND PLANNING SCRUTINY SELECT COMMITTEE

26 September 2023

Report of the Director of Planning, Housing and Environmental Health

Part 1- Public

Matters for Recommendation to Cabinet - Non-Key Decision (Decision may be taken by the Cabinet Member)

1 RESPONSE TO THE 'FREIGHT, LOGISTICS AND THE PLANNING SYSTEM: CALL FOR EVIDENCE' CONSULTATION

This report sets out proposed response to the government's 'Freight, logistics and the planning system: call for evidence'. It seeks recommendations of approval to the Cabinet Member for Planning.

1.1 Background

1.1.1 The government is currently seeking input from interested parties in its 'Freight, logistics and the planning system: call for evidence' consultation. The deadline for responses is 6 October 2023. This report constitutes the council's proposed response to the consultation, centred around the questions posed. This is included as **Annex 1**.

1.2 The consultation

1.2.1 The consultation seeks views on the efficacy of local plans and planning policies in relation to planning for freight and logistics. Questions are also posed in relation to engagement between these sectors and local planning authorities and the decision-making process.

1.2.2 The consultation period runs until 6 October 2023. Therefore, the council has until this date to submit its response, which, once approved, will be actioned through the [online survey](#). The proposed response is contained at **Annex 1**.

1.3 Legal Implications

1.3.1 There are no legal implications in relation to the response to the government's call for evidence.

1.4 Financial and Value for Money Considerations

1.4.1 There are no direct financial and value for money considerations associated with this response. The council is proposing to submit the local plan under the current

arrangements. However, if the proposals are to be brought forward future local plan work and budget-setting would need to reflect these changes.

1.5 Risk Assessment

1.5.1 There are no relevant risks in relation to the response to the government's call for evidence.

1.6 Equality Impact Assessment

1.6.1 The decisions recommended through this report do not have relevance to the substance of the Equality Act 2010.

1.7 Recommendations

HPSSC is asked to recommend to the Cabinet Portfolio holder for Planning to:

APPROVE the proposed response to the freight and logistics call for evidence.

The Director of Planning, Housing and Environmental Health confirms that the proposals contained in the recommendation(s), if approved, will fall within the Council's Budget and Policy Framework.

Background papers:

Annex 1- Proposed response to the freight and logistics call for evidence

contact: Gudrun Andrews
Planning Policy Manager

Eleanor Hoyle
Director of Planning, Housing and Environmental Health

Consultation Response: Freight, logistics and the planning system: call for evidence

Closes: 6 October 2023

Question 1

In your view, how effective are local plans at identifying development needs, and then allocating sites, for freight and logistics and how could this be improved?

In response to this question, you may want to think about:

- **how this varies between different local planning authorities**
- **whether the location of allocated sites appropriately meets the needs of the sector, particularly in terms of good accessibility to the transport network**
- **any feedback you may have received following the submission of a site through a call for sites process**
- **what site constraints typically prevent development of land for freight and logistics infrastructure**
- **the extent to which local plans focus on warehouse and distribution infrastructure provision at the expense of other infrastructure and operational considerations required by the freight sector**
- **the level of data, information and evidence available to local planning authorities to determine the supply and demand needs for space**
- **any feedback you may have received when promoting sites for allocation in plans**

Is there anything else that you consider relevant?

The effectiveness of local plans for identify development needs and allocating sites depends on the evidence base sitting behind policies. The PPG currently provides some guidance for LPAs and consultants carrying out their Employment Land Review (ELR) however this is currently combined with assessments of housing land availability (see PPG section [Housing and economic land availability assessment](#)).

Therefore, the degree of focus on employment and industrial floorspace requirements in such studies may vary, and consequently the detail on freight and logistics as a sub-sector of class B8 Storage and Distribution may also vary. Therefore, providing more guidance on how to prepare evidence for this sector would be of use, including servicing and rest facilities. The geographical scale at which evidence is collated should also be considered, as freight and logistics is a strategic matter best dealt with at a regional or national level.

Some LPAs prepare optional evidence base to support a tailored approach to employment policies and allocations within their local plans, such as through commissioning related economic strategies or surveys to fully understand the local

economy. Whilst this is optional the degree of coverage, and thus scope of policies will also differ. Therefore, policies can be found sound without having very detailed or locally specific context to support particular sectors or sectors of growth or opportunity.

With regard to land allocations for freight and logistics, the LPAs are often largely restricted to sites which have been submitted to them through Call for Sites processes, which may not be the most suitable location for such uses. The ELR should assess existing parcels of employment land in relation to their suitability and access to the strategic road or rail networks, with a view to understanding their quality and function. However, this picture may well be better completed across the whole of the LPAs area (regardless of whether sites are already or have been put forward for such development) and integrated across a regional or national level. Regional assessments of the most suitable and appropriate locations for such freight and logistics uses would be very helpful for each LPA, to translate and build upon in their respective evidence base. Sub-national transport bodies such as Transport for the South East (TfSE) are well placed to advise on this in partnership with local highway and transport authorities. Better engagement and collaboration with TfSE would be helpful to achieve this.

Question 2

How effectively are the policies in [national planning policy](#) (Chapter 6) and associated practice guidance applied by plan makers in supporting the needs of freight and how could this be improved?

In response to this question, you may wish to think about:

- **whether existing planning policies and guidance are clear, consistent and have their intended impact**
- **how the needs case for freight and logistics is being considered at a local level, particularly where that case has regional or national significance**
- **the effect on the freight and logistics sector in relation to its efficiency, reliability, resilience and environmental sustainability**

Is there anything else that you consider relevant?

The policies in the NPPF (Chapter 6) and the PPG are not very detailed or comprehensive when it comes to non-residential uses, and do not adequately distinguish between freight and logistics and other employment land requirements. Further direction on how to effectively plan for these uses would be helpful.

Alike residential freight and logistics should be directed towards the most appropriate location which needs to be done at a higher than local level. Planners and policy-makers should therefore be given the tools within the planning system to support the most appropriate use for the location, regardless of the uses put forward by the land-promoter. Otherwise, with a focus on housing delivery the most sustainable and

appropriate sites for freight and logistics could end up being put forward for residential. However, it is also understood that the land values for freight and logistics have increased rapidly in a short space of time, in some cases outstripping that of residential. This will have an influence on the take-up of land for such uses but should also be planned for in a sustainable way, but reinforces the need for uses to be planned for at a strategic level.

Question 3

How effective is engagement between industry and local authorities in the course of local plan making? How can this be improved?

In response to this question, you may want to think about:

- **the effectiveness of demonstrating the in-principle need for freight and logistics, particularly at the regional or strategic scale**
- **options that exist to enable developers and planning authorities to better understand these needs**
- **examples of where local plans have successfully planned for the needs of freight and logistics including what they did and why it worked**
- **whether local planning authorities have access to clear guidance and training for officers on planning requirements for freight and logistics**

Is there anything else that you consider relevant?

Given the focus of call-for-sites processes on housing delivery the engagement between local planning authorities and promoters of land for freight and logistics is more limited.

A stronger emphasis on evidence-base gathering (particularly at a regional or strategic level) would facilitate better relationships between both parties. This would also enhance local planning authority skills in these areas.

Question 4

How effectively does planning currently support efficient use of established freight and logistics infrastructure? How could it better support existing infrastructure?

In response to this question, you may want to think about:

- **making sites more space efficient, supporting innovation of site usage, policy or planning conditions required to densify operations and challenges to deliver this**
- **the effectiveness of permitted development rights supporting the industry**

- **how easy has it been to achieve consent for change of use or densification of sites to facilitate freight and logistics operations**
- **the use of design codes in driving intensification and in accommodating appropriate compatible uses**
- **the role scale of development, function and consolidation of functions can play**
- **whether there are any circumstances where development could be located nearer than currently allowed to more sensitive use classes including residential**

Is there anything else that you consider relevant?

It is understood that due to rising land values for freight and logistics it is only now becoming viable to promote the intensification of freight and logistics uses. This would not normally be included as a typology for testing with the local plan viability assessment. Again, the focus of national planning policy has typically been on housing delivery, so a broadening of focus and an understanding of the wider context could enable more innovative thought. The NPPF does already promote the most effective use of land, but again mainly from a housing delivery perspective. This could be expanded to specifically include freight and logistics, and other non-residential uses.

It is understood that within London planning policies have been successful in delivering intensified employment uses alongside residential development. The incentive for landowners and developers is often the enhanced land value of residential when considering brownfield redevelopment options. However, for freight and logistics if no residential is to be delivered, and typically land is in much more abundant supply there is no specific incentive to intensify existing operations within the same location, normally opting for site expansion. Therefore, some further financial incentives may be required to bring forward such innovation on existing sites.

Question 5

How should freight and logistics be factored into statutory local transport plans and sub-national transport strategies?

In response to this question, you may want to think about:

- **how our sub-national transport bodies, transport authorities and local planning authorities can better align transport and spatial planning across authority boundaries to identify improvements to the local transport networks that support the seamless movement of goods**

Is there anything else that you consider relevant?

It is important that there is effective co-operation between all tiers of regional and local government in preparing plans and strategies, which should be aligned in terms of transport policy related schemes and land use.

TfSE has a Freight, Logistics and Gateways Strategy which identifies 'Increase Provision of Logistics Land and Property' as a strategic action. The related Strategic Investment Plan identifies related investment priorities. Local transport and highway authorities lead engagement with TfSE.

Kent County Council is in the process of preparing a new Local Transport Plan for Kent (LTP5). It is expected that any regional policy and sector requirements are expressed clearly at a county level in this plan, so emerging Local Plans can take any area specific/spatial requirements into consideration. It is understood that sector specific proposals such as rail/freight interchange, warehousing and servicing facilities can be controversial to deliver through the planning process. Issues can include the location, scale and related impacts of development proposals e.g. hours of operation, noise and traffic.

As above, the most effective means of understanding freight and logistics requirements and opportunities should be at the regional and county level, rather than local authority level.

Planning decision taking and the applications process

Alongside concerns about the need for proper consideration of freight and logistics in the plan making process of local planning authorities, there were also concerns raised during the future of freight engagement about the decision taking and planning application processes of local planning authorities.

Supporting the freight and logistics sector to deliver efficient, reliable, resilient and sustainable supply chains, requires access to the right type of sites in the right places.

If the planning system is to support freight and logistics sites there must be clear and consistent application of planning policy and guidance in the granting of permission to use sites, with the process by which planning authorities take their decisions being well understood and navigable by the sector.

The questions in this section relate to decision taking and seek to gather evidence on experiences of application and best practice for planning decisions involving freight and logistics developments.

Question 6

What aspects of the applications and decision taking process work well and what aspects do not work well?

In response to this question, you may want to think about:

- **where planning applications were the subject of pre-application advice**
- **capacity and capability of local decision taking, particularly in reference to understanding of freight and logistics**
- **reasons for refusal**
- **perceptions of the planning application stage in terms of proportion of applications that are approved and refused**
- **examples of aborted applications or development**
- **appraisal of the quality of planning applications for freight and logistics submitted**

Is there anything else that you consider relevant?

Applications which have gone through the pre application will generally get a better result. It is important to have early engagement with local stakeholders. Regional guidance is imperative for the decision-making process because of the nature of this type of application.

The council currently has an application for HGV truckstop in the Green Belt and adjacent to AONB. No pre application was received on this case and the application is raising challenging issues which could have been dealt with at pre application stage. This is the first application of this type received in recent memory.

Questions relating to specific policy priorities

Supporting supply chains

The FoF is clear that the government recognises the crucial role played by the freight and logistics sector in supporting every supply chain into, across and out of the country. The FoF plan sets out how the national freight and logistics network is a part of a larger global system and how the domestic network ranges from large international gateways and warehousing and distribution hubs to residential delivery.

Planning is not the only lever available to enhance the freight and logistics network in England, but it is an important one. This section focuses on how planning can support supply chains.

Here local plan making and decision taking remain important – for example, facilitating last-mile delivery – but there is also a strong interest in understanding how to align the planning system with the needs of the freight and logistics sector at a regional and national level.

The government also committed, in the FoF, to identify a national freight network. We will work to develop a fuller understanding of the domestic freight network across road, rail, maritime, aviation, inland waterway and warehouse infrastructure.

This will start with developing a stronger data and strategic picture of the network before exploring how this could be consolidated into a national freight network. With this process, we want to understand the role a national freight network could have in the planning system.

Question 7

How effective is the planning system at addressing the operational needs of the freight and logistics sector and how could this be improved? How could a national freight network be recognised in national planning policy?

In response to this question, you may want to think about:

- **what are the priorities for improvement and what would need to change for those improvements to be realised?**
- **national, regional and local needs of the freight and logistics network and system**
- **how a national freight network could be recognised in national planning policy and the role the planning system could play to safeguard but also enhance key freight corridors and nodes in England**
- **the impact of the location of modal interchanges and distribution and storage hubs of different sizes within the freight and logistics network and system**
- **diversification, expansion, intensification of freight and logistics sites and operating restrictions – tension between efficiency and environmental impact**
- **the provision of land for freight and logistics in housing, office and retail developments including kerbside, delivery drop, and distribution hubs and the potential role for design guidance, nationally prescribed standards or standard conditions**
- **role of spatial and transport planning and local authorities in supporting adoption of innovative technology and operating models to grow and level up the economy**
- **mode specific regulation and guidance**
- **impact of freeports**

Is there anything else that you consider relevant?

Refer to answers to questions 1 to 6 above.

The decarbonisation of freight

The [Transport decarbonisation plan](#) sets the strategic direction with 78 commitments to put transport, including freight and logistics on an ambitious path to net zero by 2050.

The FoF prioritises the provision of net zero energy infrastructure and supporting modal shift by increasing the proportion of freight moved by rail, including the use of urban rail freight interchanges and other sustainable modes, such as cargo bikes, light rail and inland waterways.

The FoF also references urban and peri-urban freight consolidation centres, building on the commitment in [Gear Change](#). Achieving net zero in freight will require infrastructure and maybe facilitated by land use or operational changes.

Question 8

How can the planning system support our net zero ambition for freight and logistics?

In response to this question, you may want to think about:

- how national planning policy and local plans and decisions can facilitate modal shift to low-carbon transport modes in urban, suburban and rural areas, including modal interchange, for example, rail freight interchanges
- how national planning policy and local plans and decisions can support the provision of zero emission energy infrastructure including charge points for, for example, large goods vehicle (LGVs) and heavy goods vehicles (HGVs) at freight facilities
- issues that impact specific modes including inland waterway and coastal shipping and air freight
- last-mile delivery including provision of consolidation centres, co-location of logistics and other land uses (for example, micro consolidation and distribution hubs operating from car parks) and mobile e-cargo bike stations
- how can distribution centres be located in more locations accessible by and connected to sustainable transport modes including public transport and the provision of cycle facilities

Is there anything else that you consider relevant?

These matters should be considered within the 15/20 minute neighbourhood principles. A re-focussing of town centre policy to support other ancillary uses rather than housing would be beneficial.

HGV driver parking facilities and welfare

The government is committed to ensuring the planning system plays its part to meet the needs of hauliers and addressing current deficiencies, including the allocation of land for lorry parking.

We recently published [DfT Circular 01 2022: strategic road network and the delivery of sustainable development](#), which explains how National Highways will engage with the planning system and addressing the requirements for roadside facilities, including HGV driver services. Nevertheless, there is more we can do.

Question 9

What more could local plans and decisions do to facilitate the supply of high-quality HGV parking and driver facilities?

As above this should be dealt with strategically at a national or regional level.

In response to this question, you may want to think about:

- how the need for new and higher quality, more secure facilities (including adequate food, accommodation, toilet and shower facilities for men and women) can be conveyed to plan-makers and decision-takers and secured in the places they are needed
- how better HGV parking and driver welfare facilities can be delivered through the planning system at freight sites such as modal interchanges, distribution and logistics centres
- recognising the need for HGV parking facilities to be located close to the strategic road network or key road networks, what would help HGV parking facilities be better integrated into their surroundings and more acceptable to nearby local communities – how could these be encouraged through planning measures?
- how existing infrastructure (for example, vacant hardstanding land) can be better used through the planning system to accommodate HGV parking and what would unlock these sites

Is there anything else that you consider relevant?

A strengthening of the evidence base around freight and logistics could also include assessment of ancillary uses to support the effective operation of such uses.

Strengthening the Union

As a geographically distributed employer, the freight and logistics sector drives economic activity across the UK and contributes to both levelling up our economy and strengthening the Union. Government recognises that our national freight and logistics network is not constrained by internal borders – relying on all parts of the UK to be able to function effectively.

The following question seeks to identify opportunities in which the planning system in England can help to support the movement of freight across the UK and the delivery of shared infrastructure priorities of England, Scotland, Wales and Northern Ireland.

Question 10

How can planning policy in England help to support the freight and logistics sector across the whole of the UK?

In response to this question, you may want to think about:

- **the interconnectivity of the freight and logistics network across the whole of the UK**
- **any examples of planning policy drawn from England and the devolved administrations that impact upon freight, whether positively or negatively**
- **is there anything else that you consider relevant?**

No comment.

TONBRIDGE & MALLING BOROUGH COUNCIL

HOUSING AND PLANNING SCRUTINY SELECT COMMITTEE

26 September 2023

Report of the Director of Planning, Housing and Environmental Health

Part 1- Public

Matters for Information

1 KEY PERFORMANCE INDICATORS

Following the Peer Challenge Review in 2022, the Council established a Corporate Performance Framework which provides visibility and a formal mechanism to track progress across a number of aspects of its work. This covering report and appendix provides data on Key Performance Indicators (KPIs) that are monitored on a quarterly or annual basis and made available to the select committees on an ongoing basis.

1.1 Overview of KPIs and Next Steps

- 1.1.1 The KPI dataset that is provided represents the key strategic indicators that the Council reports on to various Government departments and bodies. They are not designed to provide detailed service specific indicators.
- 1.1.2 The KPIs are provided in **Appendix 1**. A baseline covering April-June 2022 has been used, with the data for April-June 2023 representing the most up-to-date available statistics in most instances, although due to the lag in some statistics the previous quarter represents the most up to date figures.
- 1.1.3 Now that the KPIs have been collated and reported on for over a year, there are some trends that can be identified and highlighted in this report. These include:
- In Development Management, the determination of all types of applications were well above government targets, and consistently much higher than the baseline in April-June 2022. Determination of major applications remained at 100% within government targets in April-June 2023, minor applications improved to around 92% and 'other' applications improved to 94%
 - There has been an increase in the number of appeals both allowed (8) and dismissed (12).
 - The number of people on the housing register has been falling from a high of just over 1,500 during July-September 2022, however most recent figures are currently not available due to the transfer to a new IT system and allocations

policy, which has meant that from 01 June 2023 everyone has had to reapply. As such current figures are not comparable whilst this reapplication process takes place.

- The number of people in temporary accommodation had fallen from 107 to 91 between June 2022 and March 2023, but has since increased to 110.
- 1.1.4 Unfortunately, there are some gaps in the data as things stand due to lags with certain datasets, however most KPIs provide indications of trends.
- 1.1.5 This current KPI reporting (as set out in Appendix 1) represents the first stage of a programme of activity to action the recommendation from the Peer Challenge Review. With the Corporate Strategy 2023-2027 (along with action plan and KPIs) now adopted, the planned changes to the KPIs will come into effect in the next quarterly cycle of reporting, resulting in them better reflecting our strategic priorities. The new suite of KPIs, as approved by Council will be reported on in the next quarter. For this committee, the new list of KPIs is provided in **Appendix 2**.
- 1.1.6 At the same time, work is being undertaken to access background/raw data relating to KPIs in order to ensure data quality. This is an ongoing process.
- 1.1.7 Future steps, many of which will happen now the Corporate Strategy has been approved, are likely to include;
- Quarterly review of the KPIs at Management Team, having been discussed at Service Management Teams in order to ensure that the KPIs are embedded within the organisation.
 - Where available, providing comparator baselines for other Kent districts and other similar authorities (for example, our CIPFA grouping).
 - Agreeing KPI targets relating to improvement or maintenance of service delivery standards.
 - Exploring opportunities for benchmarking offered by the LGA's performance management function.

Background papers:

Nil

contact: Jeremy Whittaker,
Strategic Economic
Regeneration Manager

Appendix 1 – Housing and Planning Key Performance Indicators

	BASELINE				2022/23			2023/24		TREND	NOTES
	Value	Date	Frequency	Source	July-Sept	Oct-Dec	Jan-Mar	Apr-Jun	Jul-Sept		
INDICATORS - Housing and Planning											
Development Management											
Number of major applications determined	8	Apr-June 2022	Quarterly	PS1/2 Returns (Uniform)	8	9	3	4			
% against Government target of 60% (for major apps)	75%	Apr-June 2022	Quarterly	PS1/2 Returns (Uniform)	87.50%	88.89%	100%	100%		↑	Performance remains strong with major applications with the use of PPA's and EOT's
Number of minor applications determined	47	Apr-June 2022	Quarterly	PS1/2 Returns (Uniform)	73	69	62	37			
% against Government target of 65% (for minor apps)	72%	Apr-June 2022	Quarterly	PS1/2 Returns (Uniform)	91.78%	85.51%	85.48%	91.89%		↑	Similar to Majors, a concerted effort has been made to ensure applications are progressed within agreed timelines.
Number of others determined	255	Apr-June 2022	Quarterly	PS1/2 Returns (Uniform)	305	222	223	186			
% against Government target of 80% (for 'others')	76%	Apr-June 2022	Quarterly	PS1/2 Returns (Uniform)	90.49%	94.14%	92.83%	94.09%		↑	Performance remains strong for others with less use of EOT's and a greater focus on determining applications within the 8-week deadline.

Number of appeals received	8	Apr-June 2022	Quarterly	PS1/2 Returns (Uniform)	20	13	15	11	↑	The number of appeals received has gone down from the previous quarter, but it is difficult to predict the number of appeals being received each quarter
Number of appeals determined - allowed	3	Apr-June 2022	Quarterly	PS1/2 Returns (Uniform)	8	5	3	8	↓	We have seen an increase in the number of appeals allowed in this quarter and have put in place a monitoring review for Team Leaders and training to ensure the quality of decision making is maintained.
Number of appeals determined - dismissed	3	Apr-June 2022	Quarterly	PS1/2 Returns (Uniform)	8	4	4	12	↑	The number of appeals dismissed in the quarter has risen sharply although these will also include appeals that have been on-going for some time. The quality of decision making is continually monitored with appeal success being a significant measure of quality.
Planning Enforcement										

Number of planning enforcement cases opened	75	Apr-June 2022	Quarterly	Uniform	76	50	80	66	→	The number of cases opened fluctuates over the quarters with no apparent pattern.
Number of planning enforcement cases closed	158	Apr-June 2022	Quarterly	Uniform	143	102	117	45	↓	The number of cases closed fell due to the long-term sick leave of the Senior Enforcement Officer and reduced staff capacity.
Number of notices served	5	Apr-June 2022	Quarterly	Uniform	4	3	0	0	→	We have reviewed our processes for serving enforcement notices after a number of cost awards for defective notices. We now have a more robust process and are hopeful that the position of Principle Enforcement Officer will be filled which will enable us to move forward with some of the more complex sites.
Planning Policy										
Housing Land Supply (years)	3.17	Mar-21	Annually	HLS Study	N/A	3.22	3.22	3.22	→	Marginally improved since 2021, but still short of 5 years.
Housing										

Number of people on housing register	1474	Jun-22	Quarterly	Locata	1508	1447	1208	N/A			New IT system and allocations policy in place so data currently not meaningful.
Number of applications received	441	Apr-June 2022	Quarterly	Locata	439	413	541	N/A			
Waiting time for assessment of applications (days)	133	Jun-22	Quarterly	Locata	112	105	140	N/A			
Number of people in Temporary Accommodation	107	Jun-22	Quarterly	Locata/TA system	96	98	91	110		↓	
Number of properties where property conditions have been improved	8	Apr-June 2022	Quarterly	Uniform	15	16	10	19		↑	
Number of enforcement notices served	8	Apr-June 2022	Quarterly	Notices Register	2	3	0	0		→	

Appendix 2 – HPSSC Key Performance Indicators

Corporate Strategy Actions	Corporate KPI Ref No	Aligned KPI	Scrutiny Select Committee	Frequency
Develop a Local Plan which will ensure the provision of new homes in appropriate locations, focusing on tackling the need to deliver a range of housing for the whole community.	32	Housing Land Supply (years)	HPSSC	Annually
	33	Milestones achieved on delivering the T&M Local Development Scheme	HPSSC	Quarterly
Ensure a supply of affordable housing for people who would struggle to buy on the open market	34	Number of affordable homes built out per annum	HPSSC	Annually
Use every power we can to support those who are most in need of housing support and at risk of becoming homeless.	35	Number of people on housing register	HPSSC	Quarterly
	36	Number of HR applications received	HPSSC	Quarterly
	37	Waiting time for assessment of applications (days)	HPSSC	Quarterly
	38	Number of people in Temporary Accommodation	HPSSC	Quarterly
Improving standards in rented accommodation.	39	Number of properties where property conditions have been improved	HPSSC	Quarterly
	40	Number of housing enforcement notices served	HPSSC	Quarterly
	41	Number of disabled facilities grants completed in the borough.	HPSSC	Quarterly

Additional KPIs

Useful data that will give an indication of performance within specific parts of the borough council		Planning		
		% against Government target of 60% (for major apps)	HPSSC	Quarterly
		% against Government target of 65% (for minor apps)	HPSSC	Quarterly
		% against Government target of 80% (for 'others')	HPSSC	Quarterly
		Number of appeals received	HPSSC	Quarterly
		Number of appeals determined - allowed	HPSSC	Quarterly
		Number of appeals determined - dismissed	HPSSC	Quarterly
		Number of planning enforcement cases opened	HPSSC	Quarterly
		Number of planning enforcement cases closed	HPSSC	Quarterly
		Number of planning enforcement notices served	HPSSC	Quarterly

HOUSING AND PLANNING SCRUTINY SELECT COMMITTEE

WORK PROGRAMME 2023/24

Meeting Date	Matter for Discussion	Requested by:	Director/Officer
12 December 2023	Appeals and Costs Awards		Director of Planning, Housing and Environmental Health / Hannah Parker
	Fees and Charges		Director of Planning, Housing and Environmental Health / James Bailey
	Sustainable Temporary Accommodation Options report		Director of Planning, Housing and Environmental Health/ Linda Hibbs
	Infrastructure Development Plan - Water Strategy (Gill Fox to arrange inviting water companies)	Cllr M Hood	Director of Planning, Housing and Environmental Health
	Review of Active Travel Strategy	Cllr M Hood	Director of Planning, Housing and Environmental Health
	Key Performance Indicators Work Programme		J Whittaker Democratic Services/Scrutiny Officer

19 March 2024	TCPA/Living Streets (alternatively as a separate session)	Cllr M Hood	Director of Planning, Housing and Environmental Health
	Key Performance Indicators Work Programme		J Whittaker Democratic Services/Scrutiny Officer

*Review of Health Homes Principles under investigation by Scrutiny Officer (Gill Fox)

Agenda Item 11

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 12

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 13

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

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