

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

16 September 2024

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, 24th September, 2024 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

DAMIAN ROBERTS

Chief Executive

AGENDA

1. Guidance for the Conduct of Meetings

5 - 8

PART 1 - PUBLIC

2. Apologies for absence
3. Notification of Substitute Members 9 - 10
4. Declarations of interest 11 - 12

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

5. Minutes 13 - 18

To confirm as a correct record the Notes of the meeting of the Housing and Planning Scrutiny Select Committee held on 21 May 2024.

Matters for Corporate Monitoring

6. Corporate Key Performance Indicators 19 - 28

This report provides data on Key Performance Indicators (KPIs) that are aligned to the Corporate Strategy 2023-2027 and monitored on a quarterly or annual basis. The data provided in this report relates to the period up to the end of June 2024.

Matters submitted for Information

7. Implications of the Proposed Reforms to the National Planning Policy Framework and Other Changes to the Planning System Consultation 29 - 144

This report invites Members to note the Borough Council's response to the Government's 'Proposed reforms to the National Planning Policy Framework (NPPF) and other changes to the planning system' consultation and the potential implications of a revised NPPF on the Borough Council's plan-making process and timetable, and informs Members of the potential items that were intended to be presented to the Committee at a future meeting.

8. Identification of Saving Options 145 - 146

Following discussion at Cabinet on 3 September 2024, Members of the three Scrutiny Select Committees and the Overview & Scrutiny Committee are invited to propose options for evaluation in the forthcoming months to assist in bridging the current funding gap identified in the Medium Term Financial Strategy.

9. Work Programme 2024/25 147 - 148

The Work Programme setting out matters to be scrutinised during 2024/25 is attached for information. Members can suggest future items by liaising with the Chair of the Committee.

10. Urgent Items 149 - 150

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

Matters for consideration in Private

11. Exclusion of Press and Public 151 - 152

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

PART 2 - PRIVATE

12. Urgent Items 153 - 154

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 Mrs S Bell
Cllr G C Bridge
Cllr S M Hammond
Cllr P M Hickmott
Cllr M A J Hood
Cllr S A Hudson

Cllr A Mehmet
Cllr R W G Oliver
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	Lee Athwal		Angus Bennison
2	Roger Dalton	Tim Bishop	Kath Barton		Wayne Mallard
3	Alex McDermott	Frani Hoskins	Anna Cope		
4	Mark Rhodes	Anita Oakley	Steve Crisp		
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

MINUTES

Tuesday, 21st May, 2024

Present: Cllr D A S Davis (Chair), Cllr Mrs S Bell, Cllr G C Bridge, Cllr S M Hammond, Cllr P M Hickmott, Cllr M A J Hood, Cllr A Mehmet, Cllr W E Palmer, Cllr R W G Oliver, Cllr R V Roud, Cllr D Thornewell, Cllr R I B Cannon and Cllr M R Rhodes

Cllrs A G Bennison, M Taylor, R P Betts*, M A Coffin*, D Keers*, Mrs A S Oakley*, K B Tanner* and Mrs M Tatton* were also present pursuant to Council Procedure Rule No 15.21.

(*participated via MS Teams)

Apologies for absence were received from Councillors D W King (Vice-Chair) and S A Hudson

HP 24/19 NOTIFICATION OF SUBSTITUTE MEMBERS

Notification of substitute Members were recorded as set out below:

- Cllr D King substituted by Cllr M Rhodes
- Cllr S Hudson substituted by Cllr R Cannon

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

HP 24/20 DECLARATIONS OF INTEREST

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

HP 24/21 MINUTES

RESOLVED: That the notes of the meeting of the Housing and Planning Scrutiny Select Committee held on 19 March 2024 be approved as a correct record and signed by the Chair.

MATTERS FOR CORPORATE MONITORING

HP 24/22 CORPORATE KEY PERFORMANCE INDICATORS

The report of the Interim Chief Executive provided data on Key Performance Indicators (KPIs) that were aligned to the Corporate

Strategy 2024-27 and monitored on a quarterly basis. The data provided related to the period up to end of March 2024 and aimed to provide analysis about the performance of the authority and support its improvement.

Members noted positive trends in respect of affordable housing delivery, implementation of projects funded through Disabled Facilities Grants and improving results at planning appeals. Conversely, decisions on planning applications had seen a negative trend predominantly due to delays in getting decisions issues as a result of disruption caused by the introduction of a new software system. Further detail on these trends were set out at 1.1.2 to 1.1.6 of the report.

A number of queries were raised related to the housing register and it was confirmed that applications continued to be high despite improved waiting times arising from increased resourcing. Currently there were 204 live applications and the position was kept under constant review. It was also hoped that for the next quarter reporting period benchmarking data for KPI 037 would be completed.

RESOLVED: That the positive and negative trends as set out in the report be noted.

MATTERS FOR RECOMMENDATION TO THE CABINET

HP 24/23 TREE ENFORCEMENT PROTOCOL AND TREE PRESERVATION ORDER PROTOCOL

Consideration was given to the introduction of a new Tree Enforcement Protocol (at Annex 1) and Tree Preservation Order (TPO) Protocol (at Annex 2).

The Tree Enforcement Protocol detailed options available in respect of planning enforcement; the prosecution procedures and available penalties concerning trees. There would be greater liaison between Enforcement and Tree and Landscape Officers in assessing and investigating enforcement issues and this was welcomed by the Committee.

The TPO Protocol demonstrated principles of consistency in assessment and decision making when considering whether new Orders should be made and confirmed; aimed to increase public confidence and speed up decision making by streamlining the process and making it more robust.

An update was also provided on how the Planning Service dealt with tree related matters and it was acknowledged that there was a backlog in respect of outstanding TPOs which currently stood at 59. It was noted that these were triaged as indicated in the proposed Protocol and not identified as immediate priorities (unless an urgent TPO was

required) when compared to other landscape related tasks carried out by the Landscape Officer. Measures to address the backlog were detailed in 1.4 of the report and a target of reducing this by at least one case per week would be implemented. The process of triaging TPO requests would continue and trees at immediate risk would always be prioritised.

Members expressed concern that the measures proposed to address the backlog were insufficient to make a significant improvement in a timely manner. To assist with monitoring the progress being made to reduce the backlog, it was suggested that six monthly updates be provided to the Scrutiny Select Committee and this to include potential alternative measures that could be implemented. This approach was supported by the Committee. The form of the update report would be discussed with the Cabinet Member for Planning.

Concern was expressed that there was an insufficient role for Members in the TPO Protocol and there was no safety-check to ensure that decisions were appropriate and fit for purpose.

Cllr Hood proposed, seconded by Cllr Oliver that a call-in mechanism for Councillors be added to the TPO Protocol. Following a formal vote this proposed was rejected. However, the Director of Planning, Environmental Health and Planning indicated that better engagement and communication between Officers and local Members regarding TPO applications and decisions could alleviate the concerns raised. A majority of the Committee supported this suggestion and a suitable approach to informal engagement would be discussed with the Cabinet Member for Planning.

***RECOMMENDED:** That

- (1) the Tree Enforcement Protocol (at Annex 1) be commended to Cabinet for adoption to aid decision making; and
- (2) subject to the approach on informal communications between Members and Officers being detailed, the Tree Preservation Order Protocol (at Annex 2) be commended to Cabinet for adoption to aid decision making.

***Recommended to Cabinet**

HP 24/24 LOCAL PLAN - DUTY TO CO-OPERATE UPDATE

The report of the Director of Planning, Housing and Environmental Health provided an update on the duty to co-operate, partnership working and reporting.

Members were reminded that the Duty to Co-operate was a legal requirement on local planning authorities to engage with other relevant

authorities and bodies constructively, actively and on an ongoing basis in relation to strategic planning matters.

A simple guide to strategic planning and the duty to co-operate was attached at Annex 1.

Government considered that effective and on-going joint working was integral to the production of a positively prepared and justified Local Plan. It was intended that joint working should help to determine where additional infrastructure was necessary, whether development needs that could not be met wholly within a particular area plan could be met elsewhere. It was good practice for local authorities to keep an accurate record of meetings undertaken with neighbouring authorities and other bodies. These would inform the preparation of statement of common ground later in the plan making process.

A record of engagement providing a summary of contact between the Borough Council and neighbouring authorities from July 2021 was attached at Annex 2. Members were advised that since the publication of the agenda, a further request to assist with unmet need had been received from Sevenoaks District Council. The record of engagement would be updated accordingly.

***RECOMMENDED:** That the contents of the report and the legal requirements regarding the Duty to Co-operate as part of the Local Plan process be noted.

***Recommended to Cabinet**

HP 24/25 TRANSFER INCENTIVE SCHEME

Members considered proposals for a new transfer incentive scheme policy to assist Tonbridge and Malling Borough Council to make the best use of existing housing stock.

A potential Scheme was attached at Annex 1 and proposed incentive payments ranging from £1,500 to £3,500 depending upon the size of the property released with an additional £2,000 for the freeing up of an adapted property. Funding for the Scheme would be met from existing budgets such as Discretionary Housing Payments or Housing Assistance reserve.

The Scheme would be closely monitored and where it was determined that there was no available funding in year, applications could be deferred to the following year.

It was recognised that a financial incentive might not be the only factor in encouraging a tenant to downsize. The Borough Council would work

with relevant housing providers and other agencies to offer support where required.

***RECOMMENDED:** That the Transfer Incentive Scheme (at Annex 1) be commended to Cabinet for approval.

***Recommended to Cabinet**

MATTERS SUBMITTED FOR INFORMATION

HP 24/26 WORK PROGRAMME 2024/25

The Work Programme setting out matters to be scrutinised during 2024/25 was attached for information. Members were invited to suggest further matters by liaising with the Chair of the Committee.

MATTERS FOR CONSIDERATION IN PRIVATE

HP 24/27 EXCLUSION OF PRESS AND PUBLIC

There were no matters considered in private.

The meeting ended at 9.00 pm

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TONBRIDGE & MALLING BOROUGH COUNCIL

HOUSING AND PLANNING SCRUTINY SELECT COMMITTEE

24 September 2024

Report of the Chief Executive

Part 1- Public

Matters for Corporate Monitoring

1 CORPORATE KEY PERFORMANCE INDICATORS

This report provides data on Key Performance Indicators (KPIs) that are aligned to the Corporate Strategy 2023-2027 and monitored on a quarterly or annual basis. The data provided in this report relates to the period up to the end of June 2024. The main headlines show a number of positive trends in particular relating affordable housing and major planning application deadlines. In addition, there are also areas that continue to be challenging, particularly in relation to the delivery of the new Local Plan, demand for temporary accommodation and minor planning application deadlines.

1.1 Overview of KPIs

1.1.1 The aligned KPIs are provided in **Annex 1**, with the data for April - June 2024 (Q1) representing the most up-to-date available statistics in most instances. However, due to the lag in some statistics, the previous quarter does still represent the most up to date figures.

1.1.2 There are some quarterly **trends** that can be identified and highlighted in this report. These include:

Positive Trends:

- **032: Housing Land Supply (HLS)** is now at 4.36 years. Whilst the target is to have 5 years supply, this new figures represents a considerable increase from 3.22 years in 2022. It should be noted that Government is proposing to change the methodology and this will likely have a negative bearing on future HLS figures.
- **034: Affordable Homes Built Out** increased to 157 in 2023/24 (from 30 in 2022/23).
- **100: Major Applications** – 90% were decided upon within government targets, an increase from 67% in the previous quarter.

Areas to Highlight:

- **033: T&M Local Development Scheme** - The Council took the decision to pause work on the Regulation 18b Local Plan due to the announcement that a revised National Planning Policy Framework (NPPF) would be consulted on very soon. An updated LDS was to be presented to members at the same

time as the Regulation 18b. A revised Local Development Scheme will now need to be drawn up following the implications of the NPPF being fully understood.

- **038: Number of People in Temporary Accommodation** – has increased to 136 from 91 in Q4 of 2022/23 demonstrating the ongoing growth in demand.
- **101: Minor Planning Applications** – although still above government targets, this KPI has dropped to 75.47% The introduction of Biodiversity Net Gain and the requirement to secure funding for monitoring will further impact on the timing for delivery of such schemes. The use of Extensions of Time is going to be essential to ensure applications are delivered to agreed timescales.

1.1.3 In addition, for **KPIs 035-037** it should be noted that a new IT system was implemented from June 2023 and all households on the housing register were asked to reapply. These changes to the IT system have resulted in these KPIs becoming temporarily disrupted. As such, there is a backlog in Housing Register Assessments and therefore the number on the register is artificially low at the moment. As things stand the housing department is currently assessing documentation that was submitted in January 2024 and applications with a priority date of 15 July to 15 August 2023 are currently being assessed.

1.1.4 In analysing the Q1 trends, Members are encouraged to consider the following:

- **Have you received any feedback from residents on any of these issues?**
- **Are there any KPIs that you would like to scrutinise in more detail?**

1.1.5 Looking beyond the Q1 trends, Tables 1 and 2 show the more long-term trends for the Corporate KPIs and the 'other' KPIs respectively.

1.1.6 Through the use of a traffic lights system, progress on each of the KPIs is set out. Where a KPI is monitored on an annual basis, the quarter within which the KPI is monitored is coloured with the other quarters in grey.

KPI Ref	Key Performance Indicator	Frequency	Trend over 2023/24				Q1 of 2024/25
			Q1	Q2	Q3	Q4	
032	Housing Land Supply (years)	Annually	Grey	Grey	Green	Grey	Green
033	Milestones achieved on delivering the T&M Local Development Scheme	Quarterly	Yellow	Yellow	Yellow	Yellow	Red
034	Number of affordable homes built out per annum	Annually	Grey	Grey	Grey	Green	Grey

035	Number of people on housing register	Quarterly					
036	Number of HR applications received	Quarterly					
037	Waiting time for assessment of HR applications (days)	Quarterly					
038	Number of people in Temporary Accommodation	Quarterly					
039	Number of properties where property conditions have been improved	Quarterly					
040	Number of housing enforcement notices served	Quarterly					
041	Number of disabled facilities grants completed in the borough.	Quarterly					

Table 1: Corporate KPIs

1.1.6 As shown in Table 2, in Q1 there have been broadly positive and static trends in planning-related KPIs, with the exception being the determination of minor planning applications as referenced above. This represents an improved picture in comparison to Q3-Q4 of 2023/24.

KPI Ref	Key Performance Indicator	Frequency	Trend over 2023/24				Q1 of 2024/25
			Q1	Q2	Q3	Q4	
100	% against Government target of 60% (for major apps)	Quarterly					
101	% against Government target of 65% (for minor apps)	Quarterly					
102	% against Government target of 80% (for 'others')	Quarterly					
103	Number of appeals received	Quarterly					

104	Number of appeals determined - allowed	Quarterly					
105	Number of appeals determined - dismissed	Quarterly					
106	Number of planning enforcement cases opened	Quarterly					
107	Number of planning enforcement cases closed	Quarterly					
108	Number of planning enforcement notices served	Quarterly					

Table 2: Other KPIs

1.2 Performance Management

1.2.1 With Performance Management becoming more established within the organisation, it is essential that our processes and data are reviewed on a regular basis to ensure that they are as fit-for-purpose as possible in helping to drive improvement within the organisation.

1.2.2 As such, when the Quarter 1 KPIs are reported to Cabinet in October 2024, part of the report will also seek approval for a number of proposed amendments, including:

- Having a Cabinet Member with explicit responsibility for Performance Management to help embed it within the organisation.
- Streamlining the reporting process of KPIs, to avoid the KPIs being scrutinised in a piecemeal way.
- A rationalisation of KPIs – down from the current 72 to around 50, focussing on those that are most closely aligned to the Corporate Strategy and that best measure our performance.
- Introducing an annual portfolio-holder report at Scrutiny Select Committees, setting out achievements, challenges and future plans (including KPIs)

1.3 Legal Implications

1.3.1 The matters set out in this briefing note are considered routine or uncontroversial and a legal opinion has not been sought.

1.4 Financial and Value for Money Considerations

1.4.1 The Corporate Key Performance Indicators are administered, analysed and reported in-house.

1.5 Risk Assessment

1.5.1 Performance Management is identified in the Strategic Risk Register and currently assessed as a medium risk with a positive direction of travel. Within the register it is highlighted that without an effective performance management framework in place, the authority will not be able to understand any required improvements or achieve value for money.

1.6 Policy Considerations

1.6.1 The Corporate Key Performance Indicators are aligned to the Corporate Strategy 2023-2027, and aim to provide data and analysis about the performance of the authority and support its improvement.

Background papers:

Nil

contact: Jeremy Whittaker,
Strategic Economic
Regeneration Manager

Damian Roberts
Chief Executive

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Appendix 1 – KPIs April-June 2024 (Q1)

CS Priority Action	Ref. No.	Aligned KPI	BASELINE				Q4 2023/24 Snapshot	2024/25				Proposed Target 2024/25	TREND	Benchmarking			Benchmark Source	Explanatory Comments	
			Value	Date	Frequency	Source		Apr-Jun	Jul-Sep	Oct-Dec	Jan-Mar			Value	Date	Comparator			
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.	032	Housing Land Supply (years)	3.22	2022	Annually	HLS Study	3.65	4.36					5-year supply	↑	2.9 (GBC), 3.9 (SDC) 4.29 (TWBC) 6.0 (MBC)	2022/23	Adjoining LAs	Publicly available on websites.	Housing delivery measured against the annual requirement and calculates a figure demonstrating the number of years' housing supply
	033	Milestones achieved on delivering the T&M Local Development Scheme (LDS)	Reg. 18 Consultation Closed	Nov-22	Quarterly	Local Development Scheme	Reg. 18b to be presented to Members in June 2024.	Reg.18b suspended in light of upcoming NPPF consultation.					TBC – subject to amended LDS	↓				N/A	The LDS is a project plan which sets out the timetable for the production of new or revised development plan documents.
Ensure a supply of affordable housing for people who would struggle to buy on the open market	034	Number of affordable homes built out per annum	30	2022/23	Annually	New Homes Bonus	157	N/A					170		22 (SDC); 172 (TWBC) 288 (MBC); 164 (GBC)	2022/23	Adjoining LAs	LG Inform Plus	
Use every power we can to support those who are most in need of housing support and at risk of becoming homeless.	035	Number of people on housing register	1208	Jan-Mar 2023	Quarterly	Locata	167	245					1000 by end of March 2025					Kent Housing Group	Please refer to report.
	036	Number of HR applications received	541	Jan-Mar 2023	Quarterly	Locata	772	679					500 by end of March 2025					N/A	
	037	Priority date range for which we are currently	N/A	N/A	Quarterly	Locata	N/A	15/7/23 to 15/8/23					Assessment within 8-10 weeks of application					N/A	

CS Priority Action	Ref. No.	Aligned KPI	BASELINE				Q4 2023/24 Snapshot	2024/25				Proposed Target 2024/25	TREND	Benchmarking			Benchmark Source	Explanatory Comments
			Value	Date	Frequency	Source		Apr-Jun	Jul-Sep	Oct - Dec	Jan-Mar			Value	Date	Comparator		
		assessing HR applications.																
	038	Number of people in Temporary Accommodation	91	Jan-Mar 2023	Quarterly	Locata/TA System	118	136				80-100	↓	257 (MBC); 75 (TWBC); 69 (SDC)	Q3 of 2023 /24	Adjoining Authorities.	LG Inform Plus	A revised target of 120 has been suggested in service given continued growth.
Improving standards in rented accommodation.	039	Number of properties where conditions have been improved	10	Jan-Mar 2023	Quarterly	Uniform	23 (75 for 2023/24)	24				Reactive to need	↑				N/A	
	040	Number of housing enforcement notices served	0	Jan-Mar 2023	Quarterly	Notices Register	2 (2 for 2023/24)	0				Reactive to Need	→				N/A	
	041	Number of disabled facilities grants completed in the borough.	80	2022/23	Annually	Housing Improvement Team Database	21 (81 for 2023/24)	21				80	→				N/A	

		Value	Date	Frequency	Source	Q4 2023/24 Snapshot	Apr-Jun	Jul- Sep t	Oct - Dec	Jan- Mar	Proposed Target for 2024/25	TREND	Value	Date	Comp arator	Benchmark ing Source	Explanatory Comments	
Planning																		
100	% against Government target of 60% (for major apps)	100%	Jan-Mar 2023	Quarterly	PS1/2 Returns	67%	90%				75%	↑	60%	2023/24	Government Targets	HMCLG - NI157a	Performance has improved with a number of these having PPA's signed with an agreed decision date.	
101	% against Government target of 65% (for minor apps)	85%	Jan-Mar 2023	Quarterly	PS1/2 Returns	85%	75.47%				80%	↓	65%	2023/24	Government Targets	HMCLG - NI157b	Please see report.	
102	% against Government target of 80% (for 'others')	93%	Jan-Mar 2023	Quarterly	PS1/2 Returns	84%	83.84%				92%	→	80%	2023/24	Government Targets	HMCLG - NI157c	Please see report.	
103	Number of appeals received	15	Jan-Mar 2023	Quarterly	PS1/2 Returns	N/A	13											
104	Number of appeals determined - allowed	3	Jan-Mar 2023	Quarterly	PS1/2 Returns	3	3					→						
105	Number of appeals determined - dismissed	4	Jan-Mar 2023	Quarterly	PS1/2 Returns	6	7					→						
106	Number of planning enforcement cases opened	80	Jan-Mar 2023	Quarterly	PS1/2 Returns	54	55					→						
107	Number of planning enforcement cases closed	117	Jan-Mar 2023	Quarterly	PS1/2 Returns	N/A	73											
108	Number of planning enforcement notices served	0	Jan-Mar 2023	Quarterly	PS1/2 Returns	2 (3 for 2023/24)	3					↑						

TONBRIDGE & MALLING BOROUGH COUNCIL

HOUSING AND PLANNING SCRUTINY SELECT COMMITTEE

24 September 2024

Report of the Director of Planning, Housing and Environmental Health

Part 1- Public

Matters for Information

1 IMPLICATIONS OF THE PROPOSED REFORMS TO THE NATIONAL PLANNING POLICY FRAMEWORK AND OTHER CHANGES TO THE PLANNING SYSTEM CONSULTATION

1.1 Introduction

- 1.1.1 Members will be aware of the latest Government consultation that is seeking views on a proposed approach to revise the National Planning Policy Framework (NPPF) to achieve sustainable growth in the planning system. Whilst the consultation principally relates to the supply of land to boost housing, it is also seeking views on a series of wider policy proposals in relation to increasing planning fees, local plan intervention criteria and appropriate thresholds for certain Nationally Significant Infrastructure Projects (NSIPs). The consultation also sets out how and when it is expected for every Local Planning Authority (LPA) to rapidly create a clear, ambitious local plan for high quality housebuilding and economic growth.
- 1.1.2 The consultation comprises of 106 questions and the consultation runs from 30th July to 24th September 2024. The Government has confirmed that it will respond to the consultation and will publish a revised NPPF before the end of the year, so that policy changes can take effect as soon as possible.
- 1.1.3 The consultation deadline is 24th September 2024, the same day as this committee meeting. The TMBC consultation response has therefore been submitted to The Ministry of Housing, Communities and Local Government (MHCLG) following Cabinet Member for Planning and Transportation approval. The consultation response is provided at Annex 1 to this report for information only. On this basis we are not seeking Member approval as confirmed by recommendation 1.12.1.
- 1.1.4 As you will note from Annex 1, the Council does not agree with all elements put forward by the Government within its consultation. Notwithstanding this, the purpose of this report is to understand the proposed changes and consider at an early stage the potential implications of these changes for Tonbridge and Malling Borough Council (TMBC) in relation to progressing its local plan.

1.2 Proposed changes to the National Planning Policy Framework

1.2.1 The proposed changes to the NPPF and other planning reforms are provided in three Government consultation documents. The first is the consultation document¹ which is split into a number of chapters presenting and explaining the proposed changes alongside seeking views on a number of planning reform matters. Alongside this, the Government has provided a draft NPPF². This sets out the Government's proposed amendments to the NPPF in draft and as tracked changes. The third document that is available is the 'Outcome of the proposed revised method'³. This sets out the results of a new standard method calculation (as set out in the consultation document) and compares this to the current standard method calculations on both a regional and local authority basis.

1.2.2 A detailed summary of the consultation document taking into account the revisions made as set out in the draft NPPF is provided at Annex 2. A table setting out the main implications of the proposed revisions to the NPPF is provided at Annex 3. The headline proposed changes and implications are as follows:

Housing need and targets

1.2.3 The consultation reaffirms the Government's objective to significantly boost the supply of homes. To boost supply, the consultation stipulates that local requirements will be based on identified housing need and introduces a new standard method calculation formula to be used by all local authorities, using a baseline based on existing housing stock levels, a stronger affordability multiplier, and removing caps /additions. The consultation also indicates the intention to reintroduce the 5-year housing land supply requirement, restore the 5% buffer or require a 20% buffer if the Council scores below 85% in the housing delivery test, remove the urban uplift and disallow fixing the 5-year housing land supply through annual position statements.

1.2.4 Alongside new housing targets, the consultation also proposes to amend policy on housing mix, introducing specific reference to social rent and 'looked after children'. The requirement for the first 10% of homes to be affordable home ownership and 25% to be First Homes is deleted.

1.2.5 The main implication of the above changes for TMBC is an uplift in housing need requirements from **820** to **1057** dwellings per annum, which is an increase of 237 dwellings per annum. In addition, a 20% buffer will apply given that TMBC do not

¹ Proposed reforms to the National Planning Policy Framework and other changes to the planning system
<https://www.gov.uk/government/consultations/proposed-reforms-to-the-national-planning-policy-framework-and-other-changes-to-the-planning-system/proposed-reforms-to-the-national-planning-policy-framework-and-other-changes-to-the-planning-system>

² National Planning Policy Framework: draft text for consultation
https://assets.publishing.service.gov.uk/media/66acffdce1fd0da7b593274/NPPF_with_footnotes.pdf

³ Outcome of the proposed revised method
<https://assets.publishing.service.gov.uk/media/66a8d6a20808eaf43b50d9a8/outcome-of-the-proposed-revised-method.ods>

currently have a 5-year housing land supply. Other matters can be considered through evidence gathering and policy.

Green Belt and Grey Belt

- 1.2.6 Currently there is no requirement for LPAs to review the Green Belt. The consultation proposes to change this to require LPAs to undertake a review where an authority cannot meet its identified housing, commercial or other need without altering Green Belt boundaries. It also introduces the term 'grey' belt.
- 1.2.7 A sequential approach is proposed to guide Green Belt release asking LPAs to first consider Previously Developed Land (PDL), then consider grey belt and to then consider higher performing Green Belt sites where these can be made sustainable. Green Belt release is also proposed through the development management process where any sites for development that meet the new 'grey belt' definition will be deemed 'appropriate if they are in a sustainable location and do not fundamentally undermine the function of the Green Belt. These sites will not need to demonstrate 'very special circumstances'.
- 1.2.8 To correspond with the above, revisions to the NPPF are proposed setting out a number of 'golden rules' that any Green Belt released through plan-making or through development management decisions will need to deliver benefits for communities and nature. This includes a requirement to deliver at least 50% affordable housing, with an appropriate proportion being social rent (subject to viability), improvements to local or national infrastructure, the provision of new or improved good quality green spaces that are accessible to the public.
- 1.2.9 The main implications of this for TMBC given that it does not currently have a 5-year housing land supply is that if land outside the Green Belt cannot deliver the Council's housing and employment needs, then it will be necessary to undertake further Green Belt work to inform plan-making. A stage 1 Green Belt Assessment was undertaken in 2016 to support the withdrawn local plan and a Stage 2 study has been progressed to consider the Green Belt in more detail. This work will now require review and further work to account for any national policy changes and guidance including the consideration of grey belt land. There are also implications for decision making in that development in the Green Belt should not be regarded as inappropriate on 'grey belt' or where a 5-year housing land supply cannot be demonstrated.

Other changes proposed:

- 1.2.10 The consultation seeks to re-introduce a focus on the supply of land as the primary **presumption in favour of 'sustainable development'**, which will affect paragraph 11 of the NPPF. The tilted balance will remain, but this will be more intrinsically linked to policies connected with the supply of land.
- 1.2.11 An update to the NPPF **economic growth** chapter is proposed to focus planning policies on additional industries and uses by identifying sites to meet emerging

economic needs and drive economic growth. There is a new focus on identifying land for specific uses (laboratories, gigafactories, data centres, digital infrastructure, freight and logistics). There is also a new requirement to make provision for the “expansion or modernisation of other industries of local, regional or national importance to support economic growth and resilience”.

- 1.2.12 The consultation proposes to remove reference to **‘beauty’ and ‘beautiful’**, in relation to housing design and layout which will eliminate the ambiguity around these terms. In addition, the consultation retains its emphasis on **design-codes** but steers the use of these from district-wide design codes to localised design codes and masterplans and guides for sites that are subject to the most change / development potential.

Local Plans

- 1.2.13 The consultation indicates that a new plan-making system will be implemented, as set out in the Levelling-up and Regeneration Act 2023, from summer or autumn 2025. This includes transitional arrangements for plans at different stages. The Government proposes that plans that are at the examination stage can continue, although where there is a significant gap between the plan and the new local housing figure, then it is expected for LPAs to begin a plan immediately in the system. For plans at an advanced stage of preparation (Regulation 19), it is proposed that these can progress to examination unless there is a significant shortfall (200 dwellings) between the plan and the new housing need figure.
- 1.2.14 TMBC is at an earlier stage of plan development and is not subject to the above transitional arrangements (i.e. not currently being examined or at Regulation 19 stage). For LPAs at this stage, it is proposed for plans to be prepared still under the current 2004 Planning Act system and against the revised version of the NPPF. The consultation sets out that plans should be progressed as quickly as possible and submitted no later than **December 2026** (this being extended from the currently recognised June 2025 deadline).
- 1.2.15 Alongside this, the duty to cooperate through plan-making is proposed to be re-emphasised and strengthened to capture meeting housing need (including meeting neighbouring local authority unmet need), strategic infrastructure, and climate resilience.

Other reform

- 1.2.16 Other reforms are also captured by the consultation, which relates to fees, strategic planning, local plan intervention, NSIPS and climate change.
- 1.2.17 **Fees:** the consultation includes proposals to further increase planning fees, firstly for householder applications from £258 to £528, but subsequently for other applications also. These changes are based upon the cost recovery of administering and determining planning applications and includes the ability for local authorities to be able to recover costs for their involvement in NSIP related

applications as well. It is also seeking views on the localisation of planning fees and local variation from a default national set fee regime.

- 1.2.18 **Strategic Planning:** the consultation seeks to re-introduce a regional tier of planning through the introduction of Spatial Development Strategies (SDSs), which will see Mayors overseeing the development and agreement of SDSs. Outside of mayoral areas, other appropriate geographies will be considered.
- 1.2.19 **Local plan intervention:** the consultation indicates the Government is committed to taking tough action to ensure authorities have up-to-date local plans in place and proposes to revise the policy criteria for intervention where plans are not forthcoming (whilst maintaining flexibility). Such measures would include issuing plan-making directions and/or SoS intervention. The Government are clear in the consultation that they want LPA's to progress plan preparation at pace.
- 1.2.20 **NSIPs and climate change:** the consultation seeks to increase the scope of commercial projects covered by the NSIP regime (including data centres, gigafactories, and/or laboratories), and also considers reducing the mega wattage thresholds for renewable energy projects (wind and solar). Other references to climate change seek views on how national policy can be strengthened to deliver measurable climate change mitigation. Reference is also made to agricultural land and food production, and also water resilience.

Future consultations

- 1.2.21 Following the conclusion of the NPPF consultation, the Government have confirmed that it will take forward and consult on National Development Management Policies and will bring forward the Planning and Infrastructure Bill to accelerate the delivery of high-quality infrastructure and housing. The Government have confirmed that it will not be taking forward the Infrastructure Levy as proposed in the Levelling Up and Regeneration Act 2023 but will instead be focusing on improving the existing system of developer contributions. It has also confirmed its intention to modernise planning committees by introducing a national scheme of delegation, further reform compulsory purchase compensation rules, streamline the delivery process for critical infrastructure and provide the legal underpinning to ensure the funding for nature recovery alongside consulting on the right approach to implement strategic planning. Therefore, this NPPF consultation is the first stage of many subsequent consultations on planning reform.

1.3 Plan-making under a new NPPF – main implications for TMBC

Transitional arrangements and Local Plan submission

- 1.3.1 The previous requirement under the current NPPF / planning system was to submit a Local Plan by 30th June 2025. The consultation proposes that plans at an early stage in preparation (i.e. plans that have not reached Regulation 19

stage), such as the TMBC Plan, should be prepared against the revised version of the NPPF and should be prepared as quickly as possible.

- 1.3.2 To submit a plan under the 2004 Act / current planning system, a plan will need to be submitted no later than **December 2026**. The Government considers this to be a significant extension to that provided previously and that the extension will benefit plans that are at earlier stages, providing more time for LPAs to reflect on the revised NPPF and progress plans that will stand up to scrutiny at examination.
- 1.3.3 The Government have committed to publishing a new NPPF by the end of the year. There is 'in effect' two years to deliver a local plan from the date of a revised NPPF publication to submission in December 2026. The consultation document makes it clear that it is unacceptable for local authorities not to make a local plan and that if plans are not in place, the Government will intervene to ensure housing delivery.

Implications of a revised NPPF on TMBC's current plan-making position

- 1.3.4 Since the NPPF consultation was published on 30th July 2024, alongside preparing a consultation response, officers have considered the proposed changes to the NPPF in relation to TMBCs current plan-making position. Member's will be aware, that the Council was in its late stages of preparing a Regulation 18b Local Plan with the aim of consulting on this over the summer 2024. However, given the imminent release of the NPPF consultation the Regulation 18b consultation was paused.
- 1.3.5 To inform the emerging Regulation 18b Local Plan and its policies the Council has progressed a considerable amount of evidence and work. Given the iterative nature of plan-making, other key evidence was programmed to be undertaken post Regulation 18b to inform a Regulation 19 pre-submission Local Plan.
- 1.3.6 A new NPPF (as per the current consultation draft) will result in some fundamental changes to the way in which we will need to take forward and progress plan-making. A robust evidence base, that aligns with a revised NPPF will be key to this to ensure that decisions made are robust and will meet the tests of soundness and will withstand scrutiny at examination.
- 1.3.7 Given the changes proposed, including a higher housing need requirement and the policy changes to the release of Green Belt, it will be necessary to consider and review the local plan work undertaken to date to ensure that an emerging local plan aligns with a new NPPF. It will also be necessary to consider and review the Council's evidence base to ensure that this also aligns with a revised NPPF, including the application of methodologies, whether all relevant matters are considered and what in addition should now be considered.
- 1.3.8 Following review, evidence bases will need to be updated where they do not currently align with the revised NPPF, so that the evidence can inform the direction of the Council's local plan, its vision and objectives, plan policies and its

spatial strategy including site allocations. Aligning the evidence with a new NPPF and for this evidence to then inform the local plan will help ensure that once submitted the local plan will be considered sound (legally robust and justified) at examination.

- 1.3.9 An emerging local plan, based on a revised NPPF, will also need to be tested including through a Sustainability Appraisal, a Habitats Regulations Assessment as well as testing whether the spatial strategy is deliverable taking into account infrastructure requirements. Throughout this process, meeting the Council's Duty to Cooperate will also be fundamental. This is especially the case given the increase in housing need across the West Kent area as a result of a potential new standard method.

1.4 Evidence base requirements and considerations - including those required to ensure plan-making meets the requirements of a potential new NPPF and meets the tests of soundness at examination

Timing of evidence base work

- 1.4.1 As above, the Council has progressed a number of evidence base reports to support the Regulation 18b Local Plan that was due for consultation in summer 2024.
- 1.4.2 It is worth noting that plan-making is an iterative process and often evidence will be progressed to provide early information to inform plan-making in the knowledge that further work or addendums / updates and testing of policies and sites will be required at a later stage to ensure that policies and decisions are based on the most up-to-date information. It is also worth noting that it is not necessary to provide all evidence at the Regulation 18 stage. However, if it is possible to, then this can be helpful to show the basis as to how and why decisions have been made, supporting the consultation and engagement process. The level of information published at a Regulation 18 stage is often dictated by how far the plan and its policies have evolved and the availability of certain evidence and vice versa.
- 1.4.3 The strict time constraint of submitting a local plan by 30th June 2025 impacted upon the way we have progressed plan-making and evidence gathering to date under the current NPPF where this was dictated to ensure that the legislative consultation stages could be achieved. The extended time-period to submit a plan (i.e. **December 2026**) will allow additional time to progress important evidence base reports at an earlier stage in the plan-making process to inform the next Regulation 18 consultation local plan including progressing further with our understanding of sites and drafting / refining our policies.
- 1.4.4 Annex 4 sets out the work the Council has progressed to date in its evidence gathering and sets out work that was due to be undertaken between Regulation 18b and 19 under the current work programme. The table also provides an early indication as to whether a revised NPPF will result in it being necessary to up-date

or revise evidence base work that has either been completed already or is currently being progressed to support plan-making to account for national policy changes.

Implications of a revised NPPF on evidence gathering to inform plan-making

- 1.4.5 The NPPF consultation seeks to increase development needs. A revised target for submission by December 2026 will also result in a change to the TMBC plan period, where strategic policies should look ahead over a minimum 15-year period from adoption. Evidence base studies such as those requiring calculations to understand development needs i.e. housing, economy, town centre, open space and sport facilities studies will therefore likely require revisions to account for an increased need in development and also to account for an updated plan period.
- 1.4.6 Other evidence base studies consider potential site allocations and or test emerging spatial strategies. Such studies may include landscape related studies, Green Belt Site Assessments, infrastructure and transport testing for example. These studies help to inform important decisions about the suitability of sites, development management policies and the local plan's growth strategy. Given that a new NPPF and changes to the standard method will result in an increased development need and a change in Green Belt policy, these studies will also likely require an update or where these have not yet progressed, consideration of how a revised NPPF may impact the work that needs to be undertaken. This is due to the relationship between these studies and the spatial strategy and site allocations.
- 1.4.7 In addition, certain assessments as described above are legislatively required such as the Sustainability Assessment or Habitats Regulations Assessment. These assessments are progressed iteratively, testing policy options and amending policies as necessary to ensure that the most sustainable option is taken forward and / or that policies do not harm International or European designated sites of nature conservation.
- 1.4.8 Given the fundamental changes proposed by the NPPF consultation many of the studies progressed to-date will require some form of update to account for the national policy changes. Many of these studies were already programmed to be updated as part of the iterative process, whilst others were not.
- 1.4.9 Given the increase in housing need requirements, alongside a requirement to optimise density, additional evidence base studies are also proposed to account for a revised NPPF. This includes a landscape character assessment and landscape sensitivity assessments and also a density study. These will help in the consideration of whether development options and proposed housing numbers would be sustainable.
- 1.4.10 Whilst Annex 4 provides an early indication of the evidence base requirements that will likely be needed to meet the requirements of a revised NPPF and to deliver a local plan generally, the Council requires time to consider its position

more fully. For example, will a complete refresh of an evidence base be required or can a piece of work be undertaken to provide a lighter touch update to satisfy meeting national policy changes? We will need to consider each evidence base required in detail and work with consultants to gain expert advice. A further update will therefore be provided on our evidence base requirements at the December H&PSSC, subject to a revised NPPF being published in good time ahead of the meeting.

1.5 Local Plan Engagement

- 1.5.1 Engagement is an essential and critical part of the plan-making process providing an opportunity for members, communities, partners and stakeholders to be involved, having a say in how to shape the places in which we live. It is also important for consultation and engagement to be effective. The extended time provided by the transitional arrangements for Local Plan submission provides an opportunity to consider the most effective ways to engage both internally and externally, with Council Members, officers in other relevant teams, partners and stakeholders, Parish Council's and communities. We have already progressed working with consultants and preparing a plan using digital tools. However, an opportunity is presented to further consider engagement more widely and how to ensure that the plan taken forward is based on evidence and will stand up to scrutiny at Examination. It is proposed that a **draft Engagement Strategy** to be reported to H&PSSC in December 2024.
- 1.5.2 In the meantime, the Council will consider how to take forward a Member Local Plan Engagement Programme. It is envisaged that confidential engagement sessions will be set up on a topic-by-topic basis. For example, vision and objectives, the natural environment, climate change, the historic and built environment, housing, the economy, infrastructure etc. The engagement sessions will involve presentations from officers where appropriate and will offer an opportunity for members to ask questions and / or raise any pertinent points to help inform policy direction. In order to develop a programme for these meetings, an initial discussion will be held as part of the informal Group Leaders' sessions in the coming months. Further information on the Member Local Plan Engagement Programme will be set out in the December H&PSSC.

1.6 Risks

- 1.6.1 An early consideration of risks resulting from our understanding of the NPPF consultation has been undertaken. Many of the risks associated with plan-making generally remain. These focus on issues in relation to changes in political administration or direction from administration, issues around project management, staffing and expert support and other risks centred on obtaining the required evidence base in time to inform plan-making. A number of risks are particularly pertinent given the proposed NPPF changes and the timescales provided to submit the local plan.

- 1.6.2 A key risk is associated with a need to actively engage consultants ahead of the publication of a new NPPF to ensure that we can continue from where we are in evidence base workstreams and to secure recognised and expert consultants in the field. Not securing the consultants we need could result in local plan delay and not meeting transitional timescales or indeed not receiving the expert input that we will require to deliver a robust local plan. We will be looking to continue on from work undertaken, using the same consultants where relevant to reduce time, resources and costs on the projects needed. To mitigate this, we will look to procure consultants as soon as possible to ensure they are in place to undertake work when required and that they have the resources to meet our timescales to reduce the potential for delay.
- 1.6.3 So far, the TMBC plan-making process has focused on certain Green Belt areas given the short-time period in which to submit a Local Plan. Work was required to consider the Green Belt more fully to inform a Regulation 19 Local Plan. Considering the Green Belt more fully has now been further justified as part of the latest NPPF proposals. This will be an important area of work to progress as soon as possible.
- 1.6.4 The NPPF proposes an increase in development needs for TMBC. This will impact upon the consideration of a sustainable spatial strategy. With a higher housing and employment target, there will be some difficult decisions for both the community and members to make. Early and ongoing engagement will be key to reduce this risk.
- 1.6.5 An updated risk register is provided at Annex 5. This will be further considered and updated ahead of the December H&PSSC, taking into account our deeper understanding of implications once a revised NPPF has been published.

1.7 December H&PSSC proposed agenda

- 1.7.1 The NPPF consultation is only recently published with a revised NPPF due before the end of the year. It is currently uncertain whether a revised NPPF will be published as per the consultation draft or whether there will be ‘minor’ or indeed ‘major’ amendments or further policy changes as a result of the consultation, which could subsequently require further and detailed consideration.
- 1.7.2 Until such a time that a revised NPPF is published the Council will progress work to understand more fully the implications to ensure that TMBC is in the best possible position to respond quickly to a revised NPPF and to reduce any risks to local plan delivery. The Council will also seek to consider a new local plan timetable and update the Local Development Scheme to ensure that we can submit a local plan no later than **December 2026** and will also progress a Local Plan Engagement Strategy. Subject to a revised NPPF being published in good time ahead of the next H&PSSC on 3rd December taking into account democratic service requirements for publication, the following agenda is proposed.

- 1.7.3 Should an NPPF not be published in good time ahead of the meeting, then we will need to reflect on the agenda and consider which and when items can be presented to committee, including whether an extraordinary meeting is required to enable local plan work to progress in a timely manner.

H&PSSC proposed agenda – 3rd December 2024

- I. NPPF update (if this has been confirmed and there is adequate time to consider the update)
- II. Planning and Infrastructure (P&I) Bill update (report on this if consultation has commenced including its contents/implications)
- III. Local Plan update including update on where we are, following on from September H&PSSC.
- IV. Local Plan Project Initiation Document – if it is possible to provide this at this stage based on NPPF publication date and any direction from P&I Bill.
- V. Evidence base update - Update on where we are to follow on from September H&PSSC. Caveat – partly dependent on NPPF release and P&I Bill.
- VI. Local Development Scheme - Present LDS – Subject to NPPF publication and confirmation of the ‘no later than **December 2026**’ submission date or alternatively present likely timescales.
- VII. Local Plan Engagement Strategy - Present the draft Local Plan Engagement Strategy and outline the Member Local Plan Engagement Programme. Subject to NPPF publication or alternatively present headlines of the draft Strategy.
- VIII. Local Plan estimated costs and budget – Present this information, but again this will be dependent on the timing of NPPF publication and the confirmation of national policy changes.
- IX. Update on risks

1.8 Legal Implications

- 1.8.1 Local Planning Authorities are required to prepare and keep up to date a development plan for their area. The Planning and Compulsory Purchase Act 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.

1.9 Financial and Value for Money Considerations

- 1.9.1 There will be direct financial and value for money considerations associated with local plan preparation beyond that which was originally programmed before the 30th July 2024 NPPF consultation. It is worth noting that work was progressed to

take forward a Regulation 18b consultation in the summer of 2024. This work has been paused given the significance of the changes that were anticipated to come forward within the NPPF and planning reform consultation. This has included pausing certain work already commissioned to save costs and the need to further update work at a later date.

1.9.2 The Government are clear that LPAs at the early stages in plan-making will be required to take plans forward in accordance with a revised NPPF once this is published. Given the fundamental changes proposed it will be necessary for TMBC to consider its position in relation to work undertaken so far on its emerging local plan and consider its work programme moving forward to ensure that the emerging local plan is NPPF compliant. From an early consideration it has been identified that a revised NPPF will result in further evidence base work and will also result in a need to revise work undertaken on the local plan that has already been progressed. It is anticipated that the following budget increases will arise from both the pause on the local plan and also a revised NPPF:

- Increased costs to engage consultants to review and update completed evidence bases to accord with a revised NPPF;
- Increased costs to engage consultants to provide new evidence bases to meet the requirements of the NPPF;
- Costs to cover staffing requirements to progress the local plan towards a new Regulation 18 consultation, associated with updating evidence bases and progressing local plan work in accordance with this;
- Costs associated with engagement (staff resource) and creating the publication version of the Regulation 18 Local Plan (consultancy costs).

1.9.3 It is not possible to fully cost the local plan project at present, given that there is uncertainty as to whether the changes proposed in the NPPF consultation will come forward and / or come forward in the way as presented in the consultation documents. However, given the Government's drive to deliver housing, it is most likely that work will need to be commissioned to account for a change in development targets (housing and employment) and to consider Green Belt release. These changes will have a knock-on impact to how other evidence bases are then taken forward and the extent of work required to provide the evidence we need.

1.9.4 Given the above, we will undertake a costing exercise of delivering a new local plan under the new NPPF and within new timeframes taking into account work already undertaken, work already programmed and work that will be required to meet the requirements of a new NPPF. It will be necessary to consider the revised NPPF against each of our published and emerging evidence bases to understand the level of updates that will be required and the most efficient way of achieving this. As part of this work, we will identify whether it is necessary to completely

update and re-run an evidence base or whether we can apply a 'lighter touch' update to ensure that the work aligns with the NPPF. The approach taken will impact costs and we will identify the most cost-effective approach, whilst ensuring that our evidence bases are robust.

- 1.9.5 Subject to the timing of a revised NPPF being published it is anticipated that we will provide a report setting out likely budget requirements over the coming financial years to deliver a local plan by **December 2026** and will present this to the December 2024 H&PSSC. There is a local plan reserve which can be drawn down to cover some costs where these are required ahead of the December 2024 meeting, given that certain works were programmed/accounted for already. In the meantime, work will be undertaken to estimate such costs and to put in place a work programme for the coming months including procuring consultants so that they are in place to ensure that we can progress quickly once a revised NPPF is published and a budget is agreed.

1.10 Risk Assessment

- 1.10.1 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. The Government are clear within the consultation that it is unacceptable for LPAs to not make a local plan and are considering updating the intervention criteria given the criticality of local plans to the Government's housing and economic development agenda. The Government are also clear that plans should continue to be progressed under the existing planning system without delay and have provided transitional arrangements to achieve this where all plans will need to be submitted no later than December 2026.
- 1.10.2 A number of Corporate Risks are relevant including staffing challenges in planning services and a corporate risk directly associated with the local plan.

1.11 Equality Impact Assessment

- 1.11.1 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 Statement of Community Involvement which ensures that planning policy consultations are accessible to all, irrespective of protected characteristics. An Equalities Impact Assessment will be undertaken alongside the preparation of the next stages of the Local Plan.

1.12 Recommendations

H&PSSC is asked to:

- 1.12.1 NOTE the TMBC response to the Government's 'Proposed reforms to the National Planning Policy Framework and other changes to the planning system' consultation as set out in Annex 1.

1.12.2 NOTE the potential implications of a revised NPPF on TMBC's plan-making process and timetable.

1.12.3 NOTE the items as set out in section 1.7 that are intended to be brought to a future H&PSSC meeting dependent on the timing of the publication of a revised NPPF.

Background papers:

Contact: Kelly Sharp
Planning Policy Manager

Annex 1 - TMBC 30th July NPPF consultation response

Annex 2 - Detailed Summary of the NPPF consultation and other Planning Reforms

Annex 3 - Main implications of the proposed NPPF revisions to the NPPF for TMBC

Annex 4 - TMBC's existing and emerging evidence base taking into account proposed NPPF revisions

Annex 5 - TMBC Local Plan Risk Register

Eleanor Hoyle

Director of Planning, Housing and Environmental Health

Tonbridge and Malling Borough Council response to the ‘proposed reforms to the National Planning Policy Framework and other changes to the planning system’ consultation Published 30th July 2024

Chapter 3 – Planning for the homes we need

Question 1

Do you agree that we should reverse the December 2023 changes made to paragraph 61?

No. Tonbridge and Malling Borough is subject to high level constraints, 20% of the borough is designated National Landscape, 11% is ancient woodland, there are 61 conservation areas and over 1300 listed buildings and scheduled ancient monuments. 70% of the borough is designated Green Belt including areas that serve Green Belt purposes.

In a borough like Tonbridge and Malling which has significant landscape, heritage, infrastructure and other constraints, it was already challenging to meet the need identified through the previous standard method. The council has been committed to identifying sites to meet its objectively assessed housing need through its emerging Local Plan. Based on past delivery rates and the availability of suitable land, a further increase in housing need requirements will create an even greater challenge. Revising the wording as proposed at paragraph 61 removes the flexibility that may be required for a constrained authority where it is likely to be unable to deliver the level of housing required, as set out through the use of a new standard method. The very fundamentals of town planning require one to assess constraints as part of a spatial strategy, so by simply proposing that Council's apply a standard figure without taking into account those key local constraints including that relating to delivery, goes against the core principles of good planning and the potential to deliver sustainable development.

Question 2

Do you agree that we should remove reference to the use of alternative approaches to assessing housing need in paragraph 61 and the glossary of the NPPF?

No, the wording of former paragraph 61 should remain as drafted. The outcome of the standard method should remain an advisory starting-point for establishing a housing requirement for the area and an opportunity to test whether this can be delivered or not in consideration of constraints provided.

Question 3

Do you agree that we should reverse the December 2023 changes made on the urban uplift by deleting paragraph 62?

Whilst we note the revised method for identifying housing need, we consider that city regions and larger urban areas should seek to meet an increased housing need given that these are the most sustainable locations for growth.

Question 4

Do you agree that we should reverse the December 2023 changes made on character and density and delete paragraph 130?

Yes, we agree that it should be deleted for the reasons set out in the consultation and given that local design codes can address suitable densities alongside other relevant national policies such as those relating to design, heritage and landscape.

Question 5

Do you agree that the focus of design codes should move towards supporting spatial visions in local plans and areas that provide the greatest opportunities for change such as greater density, in particular the development of large new communities?

Yes. We support the revised focus towards localised design codes, masterplans and guides for areas of most change and most potential – including regeneration sites, areas of intensification, urban extensions and the development of large new communities. This will allow this work to be targeted and place specific and will also allow a greater opportunity to work collaboratively with site promoters in developing these, which could also make cost savings where developers are willing to frontload this work to support site promotion.

Question 6

Do you agree that the presumption in favour of sustainable development should be amended as proposed?

Yes, the revised wording clarifies the application of the presumption which is welcomed. We also agree that the location and design of development, as well as the provision of affordable housing be explicitly referenced. These are important considerations in weighing up the benefits of developments against any adverse impacts and could help to ensure that developments which are approved where the presumption is engaged, meet the high standards that we all expect.

Question 7

Do you agree that all local planning authorities should be required to continually demonstrate 5 years of specific, deliverable sites for decision making purposes, regardless of plan status?

No, changing the 5-year housing land supply requirements as proposed would undermine spatial strategies, where for example there is delay in site(s) delivery following adoption of a Local Plan. This would further undermine community confidence in the plan making process. The proposed change would remove the protection that adopted local plans have and therefore the ability to focus on delivering development in accordance with the local plan. Should a local authority find itself without a 5-year housing land supply then development coming forward that is not identified through the plan will also result in difficulties relating to strategic and community infrastructure capacity and delivery, should sites not allocated within Local Plans come forward in an ad hoc or piecemeal way.

A further consequence could be that council's place further reliance upon small to medium sites within the early years of Local Plan trajectories, to ensure that substantial upfront costs associated with strategic sites, don't delay sites building out. This may be detrimental to growth coming forward elsewhere i.e. in a more sustainable way that delivers community benefits, given that small to medium sites don't always bring the necessary infrastructure that may be required to support an increase in population.

To support a plan-led approach, it is imperative for authorities to be protected for a five-year period post adoption. Instead, additional resource should be made available to councils to assist in overcoming delivery barriers, which often relate to the early-stage resolution of site

costs or infrastructure delivery. In addition, there needs to be onus put on developers to deliver the sites once permitted. LPAs should not be in a position to deliver more housing where sites are not delivered.

Overall, continually demonstrating 5 years of specific supply will create a scenario which undermines the planning system and does not provide it with protection against challenges to land supply matters that may be outside the LPA's control such as developers delaying on build out rates.

Question 8

Do you agree with our proposal to remove wording on national planning guidance in paragraph 77 of the current NPPF?

No, past oversupply where this has been achieved should be able to be discounted against future housing need. Should there be opportunities and a willingness for local authorities to deliver housing over and above this, then delivering higher housing numbers would be possible.

Question 9

Do you agree that all local planning authorities should be required to add a 5% buffer to their 5-year housing land supply calculations?

No, restoring the 5% buffer will place further pressure upon planning authorities to maintain a larger 5-year housing land supply than is assessed as to be required. Where this can't be demonstrated it will further erode 5-year supply positions especially where up-to-date Local Plans are not in place. With the presumption engaged, this will lead to more speculative planning applications/unplanned growth that undermines a plan led system, placing further pressure upon already stretched development control teams and will lead to additional infrastructure co-ordination and delivery challenges, as infrastructure and service providers seek to address development impacts arising on a piecemeal or ad hoc basis.

An approach that may lead to more speculative development will also undermine the drive towards a 'plan-led' system with a focus on community engagement and will provide little incentive for communities to be involved in plan-making. This approach may also contribute to further issues between house building and infrastructure delivery. With an up-to-date Local Plan in place planning authorities will be in a stronger position to co-ordinate and direct growth in their areas. This proposal will undermine this aspiration.

Question 10

If yes, do you agree that 5% is an appropriate buffer, or should it be a different figure?

N/A as we do not agree with question 9.

Question 11

Do you agree with the removal of policy on Annual Position Statements?

No. The council has published annual statements which set out the council's 5-year housing land supply position, most recently doing so in December 2023. This is considered to be a helpful practice, especially for planning authorities that don't have an up-to-date Local Plan in place or a 5-year housing land supply. As such, the matter of the council's 5-year supply often becomes a matter of debate in relation to the determination of individual planning applications and appeals. Whilst 5-year supply positions regularly change, published annual

positions statements are considered a helpful base position to inform subsequent development management negotiations and decisions.

Question 12

Do you agree that the NPPF should be amended to further support effective co-operation on cross boundary and strategic planning matters?

Yes. We support the introduction of the wording at paragraph 27 which provides clarity regarding the scope of the duty. However, given the proposed revisions to the standard method and 5-year supply rules, it is a likely prospect in highly constrained areas such as West Kent, that one or more planning authorities reaches a position where they are unable to accommodate their identified need. Notwithstanding the retention of the duty, such issues could be challenging to resolve quickly for reasons, including the differential timing of Local Plan preparation and the timing of such conversations.

Question 13

Should the tests of soundness be amended to better assess the soundness of strategic scale plans or proposals?

No. We consider the tests of soundness as included at paragraph 36 to be suitable as drafted.

Question 14

Do you have any other suggestions relating to the proposals in this chapter?

No.

Chapter 4 – A new Standard Method for assessing housing needs

Question 15

Do you agree that Planning Practice Guidance should be amended to specify that the appropriate baseline for the standard method is housing stock rather than the latest household projections?

No, whilst we agree that a baseline set at 0.8% percentage of existing housing stock levels does provide a stable baseline, this is likely to lead to a growing baseline position over time as new dwelling completions add to the total dwelling stock. Whilst demand for housing will be satisfied this would not be taken into consideration in calculating any updated baseline position in the future, leading to a progressively growing baseline. We would prefer that the latest household projections are used.

Question 16

Do you agree that using the workplace-based median house price to median earnings ratio, averaged over the most recent 3-year period for which data is available to adjust the standard method's baseline, is appropriate?

Yes, we agree that using an average, rather than just the most recent datapoint, will help smooth out changes in affordability and will provide further stability and certainty in inputs and outputs of the method.

Question 17

Do you agree that affordability is given an appropriate weighting within the proposed standard method?

Yes, however the current standard method multiplier is 0.25% is appropriate. Adjusting the baseline stock figure upwards in areas where house prices are more than four times higher than earnings is not considered to be appropriate or realistic, due to the challenges of delivering additional housing at the local level, especially in more constrained borough's such as Tonbridge and Malling.

Question 18

Do you consider the standard method should factor in evidence on rental affordability? If so, do you have any suggestions for how this could be incorporated into the model?

No, as the availability of open market rental stock is affected by numerous factors other than the supply of new dwellings. This can't be influenced by the planning system, such as regulation and taxation upon landlords which in recent years has led to an increasing number of landlords and investors to consider leaving the sector, reducing the availability of stock available for rent.

Question 19

Do you have any additional comments on the proposed method for assessing housing needs?

No.

Chapter 5 – Brownfield, grey belt and the Green Belt

Question 20

Do you agree that we should make the proposed change set out in paragraph 124c, as a first step towards brownfield passports?

TMBC supports the principle of the brownfield first approach to meeting identified need, as this seeks to make the most efficient use of land. However, some brownfield sites may have high biodiversity value, for example due to the presence of Open Mosaic habitat on site, or other on-site issues such as contamination that should be investigated prior to accepting 'permission in principle' / fast track approval.

In addition, clarification is required as to the implications of sites with brownfield passports on plan making. It is currently unclear whether such sites would need to be allocated in the development plan or whether similar to Part 2 of the Brownfield Register, the site will be regarded as 'permission in principle and therefore falling outside the need to specifically allocate such sites in a Local Plan.

Question 21

Do you agree with the proposed change to paragraph 154g of the current NPPF to better support the development of PDL in the Green Belt?

TMBC recognises that the proposed change provides more flexibility when assessing proposals for infilling or redevelopment of previously developed land in the Green Belt,

however it removes the affordable housing need element of the exception. Although paragraph 155 sets out the golden rules including in the case of schemes involving the provision of housing, that at least 50% affordable housing should be provided, this relates to major development and not all development. Therefore, there is potential for non-major sites to deliver less affordable housing than under the previous wording of 154g.

Question 22

Do you have any views on expanding the definition of PDL, while ensuring that the development and maintenance of glasshouses for horticultural production is maintained?

TMBC is a predominantly rural borough, with a diverse rural economy which includes glasshouses for horticulture, and these provide a valuable agricultural resource which the council would wish to see retained to help support the rural economy.

However, in some instances where glasshouses have remained unused for a prolonged period, and may have fallen into disrepair, then including them with the definition of PDL may provide suitable opportunities for redevelopment but this would need to be supported by viability testing and marketing evidence to demonstrate a lack of demand for the retention of the glasshouses for horticultural purposes.

The inclusion of hardstanding in the definition of PDL, could potentially increase the supply of land to meet identified need. However, the council would be concerned if all car parks were included within the definition of hardstanding as this could potentially lead to a loss of assets which provide a valuable resource to communities. Each case would need to be considered individually and be supported by viability and marketing assessments to demonstrate the land is no longer needed for its current use.

Question 23

Do you agree with our proposed definition of grey belt land? If not, what changes would you recommend?

TMBC is c.70% Green Belt. This designation to date has helped to restrict urban sprawl, prevent the coalescence of towns and villages and preserve the setting and character of individual settlements within the borough, whilst also supporting food production and security and providing opportunities for recreation and leisure to help support the health and well-being of our residents and visitors. The designation has shaped how the borough has evolved.

The borough also contains a number of other constraints, some of which fall outside of the Green Belt. The council welcomes the exclusion of those areas and assets listed in footnote 7 from the definition of grey belt. The preservation of these areas and assets of importance, along with a high percentage of Green Belt, provides challenges in the process of identifying sufficient land to meet our identified needs.

In seeking to meet our identified needs through plan making, and provide sustainable patterns of development, the council recognises that some development in the Green Belt may be required to achieve this and Green Belt evidence to identify how areas perform against the five tests has been undertaken. The proposed definition of grey belt provides some clarity on those areas of Green Belt where development can be directed, and the council supports the inclusion of PDL within the definition as this will ensure the most efficient use of land. However, further guidance is required on how 'limited contribution' is to

be assessed and determined as this will be a subjective judgement that will require careful assessment.

TMBC has concerns over difficulties in the delivery of some brownfield land, especially those sites which are heavily contaminated, and seeks clarification on how government can help unlock such sites. In addition, remediation and stability are important factors that need to be taken into consideration when considering allocating previous landfill as grey belt, if it makes a limited contribution to the five Green Belt purposes.

The introduction of grey belt will mean that any existing Green Belt evidence will need to be revisited to ensure compliance with this definition. This will have additional time and cost implications on those local authorities with Green Belt, and the timely provision of further guidance on 'limited contribution' will be essential to ensure that any delays to plan making are kept to a minimum. The introduction of Grey Belt almost certainly will result in the loss of Green Belt land. This is unacceptable given the nature of the existing designation.

Notwithstanding the above, given the Council's development requirements, work has progressed to consider opportunities for Green Belt release at a huge cost including staff time. This work will now need to be reviewed and revised. Further work will also need to be undertaken to meet a revised NPPF if this comes forward as proposed. A Green Belt evidence base is a costly piece of work, especially given the amount of Green Belt within this authority's administrative area. Reviewing and revising work progressed to date alongside applying a new national approach and ensuring that work meets national policy should be financially supported by the Government where local authorities should be compensated for these additional costs and for costs already incurred. In addition, TMBC are keen to progress a local plan and the uncertainty around the grey belt definition and any associated guidance will hold up the plan-making process and will also have a knock-on effect to other work and local plan testing that is required.

Question 24

Are any additional measures needed to ensure that high performing Green Belt land is not degraded to meet grey belt criteria?

The currently proposed definition of grey belt includes reference to 'limited contribution' and 'substantial built development'. These both rely on subjective judgements which may result in differing approaches to grey belt between local authorities. Guidance on this would therefore be welcomed to ensure a consistent approach across the Country.

Question 25

Do you agree that additional guidance to assist in identifying land which makes a limited contribution of Green Belt purposes would be helpful? If so, is this best contained in the NPPF itself or in planning practice guidance?

TMBC would welcome additional guidance on limited contribution. The tests should be included in the NPPF itself, but additional guidance could be accommodated within planning practice guidance. The timely provision of this guidance is key to allowing local authorities to progress with the assessment and identification of grey belt, and the council would wish to see this in place as soon as possible given the impact of this upon plan-making.

Question 26

Do you have any views on whether our proposed guidance sets out appropriate considerations for determining whether land makes a limited contribution to Green Belt purposes?

The guidance should set out appropriate considerations for determining whether land makes a limited contribution as well as clarifying the process of assessment that is needed to ensure a standardised method for undertaking assessment and minimise the subjectivity to ensure a robust evidence base for decision making and one that is applied in a consistent manner between local authorities.

Question 27

Do you have any views on the role that Local Nature Recovery Strategies could play in identifying areas of Green Belt which can be enhanced?

Local Nature Recovery Strategies will identify potential measures for creating or improving habitats and will identify suitable locations for delivery. This may include some areas of Green Belt but may also include areas assessed as grey belt. Both Green Belt and grey belt locations could potentially help to deliver elements of the LNRS, so long as there is a funding mechanism to do so. The delivery of new, or improvements to existing green spaces accessible to the public on grey belt in line with paragraph 155 (c) could compliment the LNRS. However not all habitats are compatible with public access, and there may be potential for conflict.

Until the Local Nature Recovery Strategies (LNRS) have been prepared, it is uncertain how much land this will impact on. Excluding land from development that is identified by the LNRS that could be of particular importance for biodiversity will be helpful in relation to the delivery of the golden rules.

Question 28

Do you agree that our proposals support the release of land in the right places, with previously developed and grey belt land identified first, while allowing local planning authorities to prioritise the most sustainable development locations?

Should Green Belt release be taken forward as proposed, then yes this is the correct approach. It should remain for Council's to prioritise the most sustainable development locations in their areas and this will be a matter of understanding which sites deliver the most sustainable development. In some cases, grey belt may not be the most sustainable location for development, therefore this sequential approach is welcomed as it provides flexibility where this may be required.

Question 29

Do you agree with our proposal to make clear that the release of land should not fundamentally undermine the function of the Green Belt across the area of the plan as a whole?

Yes, we consider that this is important, any release of land should not fundamentally undermine the function of the Green Belt.

Question 30

Do you agree with our approach to allowing development on Green Belt land through decision making? If not, what changes would you recommend?

No, we consider that the provisions of the NPPF at paragraphs 149-151 remain as current with regard to 'very special circumstances'. The council would prefer that any potential grey belt sites are brought forward via our Local Plan process. There is a high potential for inconsistencies in interpretation with the proposed approach given the current definition of grey belt land and the lack of guidance around "limited contribution" which are only likely to be resolved through the appeal process.

Question 31

Do you have any comments on our proposals to allow the release of grey belt land to meet commercial and other development needs through plan-making and decision-making, including the triggers for release?

TMBC support the proposal to allow the release of grey belt land to meet commercial and other development needs, where those needs cannot be met on land outside the Green Belt in principle. However, a sustainable location may be different for a housing/housing led scheme than it is for commercial and other development needs. Proximity to the strategic highway network may be a key consideration for some commercial schemes e.g. B2/B8 rather than access to a train station for example.

Question 32

Do you have views on whether the approach to the release of Green Belt through plan and decision-making should apply to traveller sites, including the sequential test for land release and the definition of PDL?

TMBC do not support the application of the sequential test for land release in relation to traveller sites. The introduction of traveller sites will result in the loss of Green Belt land. This is unacceptable given the nature of the existing designation.

Question 33

Do you have views on how the assessment of need for traveller sites should be approached, in order to determine whether a local planning authority should undertake a Green Belt review?

The starting point should be the Gypsy and Traveller Accommodation Assessment to fully understand and set out need during the plan period, in accordance with the PPTS. Further clarification of need and opportunities to understand if Green Belt release is necessary could be gained through Land Availability site assessments and discussions around landowner willingness to expand.

Question 34

Do you agree with our proposed approach to the affordable housing tenure mix?

Yes, this tenure mix should be determined by each local authority based on local housing need evidence.

Question 35

Should the 50 per cent target apply to all Green Belt areas (including previously developed land in the Green Belt), or should the Government or local planning authorities be able to set lower targets in low land value areas?

The target of 50% affordable housing on land released from the Green Belt for residential development is laudable, however TMBC have concerns about whether this target will impact on the viability of some PDL and grey belt sites, especially where there may be costs for remediation and stabilisation works to allow the sites to be deliverable. If such schemes are not viable and cannot meet the proposed Golden rules, this may increase pressure to develop on higher performing areas of Green Belt in sustainable locations to meet identified need.

Local authorities already set local affordable housing targets through their development plan, based on locally specific evidence. These targets take into account local need as well as land values and viability and may provide a more realistically deliverable affordable housing percentage.

Question 36

Do you agree with the proposed approach to securing benefits for nature and public access to green space where Green Belt release occurs?

TMBC supports the desire to secure benefits for nature and people and suggest that this should be considered for all development sites not just those where Green Belt release is proposed.

The Golden rules do not specially mention securing benefits for nature, only public access to green space. Although it is possible to deliver multifunctional spaces to accommodate nature and people, this is not always the case, and some habitats are sensitive to human pressures. Depending on the local habitats present, and the outcome of this consultation in relation to Local Nature Recovery Strategies, it may not always be possible to deliver for both nature and people on a single piece of land. Therefore, there is potential that a larger portion of a development site may need to be devoted to green space, and this may reduce potential development yields.

A definition of 'good quality green space' would be helpful.

Question 37

Do you agree that Government should set indicative benchmark land values for land released from or developed in the Green Belt, to inform local planning authority policy development?

TMBC agree, however the starting point should be independent evaluation from a RICS independent valuer appointed by the Government. There is potentially a data limitation issue in that benchmarks may not reflect local land values. Furthermore, if land values are below the minimum return at which a reasonable landowner would be willing to sell their land, there creates a risk that land might not be bought forward.

Question 38

How and at what level should Government set benchmark land values?

In setting benchmark land values, the priority should be to look at agricultural land values at a local level to underpin any ranges set within the NPPF and/or Planning Practice Guidance.

Question 39

To support the delivery of the golden rules, the Government is exploring a reduction in the scope of viability negotiation by setting out that such negotiation should not occur when land will transact above the benchmark land value. Do you have any views on this approach?

TMBC agree, but this should be based on credible market evidence and RICS Red Book valuation.

Question 40

It is proposed that where development is policy compliant, additional contributions for affordable housing should not be sought. Do you have any views on this approach?

There is not a one size fits all approach, as site constraints may vary. We do not agree that there should be a blanket approach here. Local authorities already set local affordable housing targets through their development plan, based on locally specific evidence and where opportunities to increase affordable housing exist a LPA should have the ability to ensure additional affordable housing is delivered.

Question 41

Do you agree that where viability negotiations do occur, and contributions below the level set in policy are agreed, development should be subject to late-stage viability reviews, to assess whether further contributions are required? What support would local planning authorities require to use these effectively?

We agree in principle as we would wish to see affordable housing to the maximum level that can be delivered in viability terms delivered by developers. To use these effectively it would be helpful to have guidance on this in relation to when these would apply and also to provide consistency of approach. There may be further resourcing issues associated with this also in relation to the cost of independent assessment as well as a skills gap in how to understand the assessments or a requirement to pay consultants in order to apply the findings.

Question 42

Do you have a view on how golden rules might apply to non-residential development, including commercial development, travellers sites and types of development already considered 'not inappropriate' in the Green Belt?

It is expected that applications for non-residential development may need to be considered on an individual basis particularly around infrastructure and green spaces. For example, with traveller sites, there may be more specific needs around on-site facilities/infrastructure.

Question 43

Do you have a view on whether the golden rules should apply only to 'new' Green Belt release, which occurs following these changes to the NPPF? Are there other transitional arrangements we should consider, including, for example, draft plans at the regulation 19 stage?

We consider that all planning applications for development on Green Belt sites that are submitted following the adoption of the updated NPPF should be subject to the Golden Rules. TMBC is at the Regulation 18 stage in plan preparation and will not therefore be affected by the NPPF change. However, it is noted that changes in the NPPF which may

apply to Regulation 19 plans or adopted plans may require transitional arrangements to account for any changes in the number or types of homes or types of development being now required.

Question 44

Do you have any comments on the proposed wording for the NPPF (Annex 4)?

TMBC note that an exact figure for benchmark land value is not provided in Annex 4. As above, in setting benchmark land values, the priority should be to look at agricultural land values at a local level to underpin any ranges set within the NPPF and/or Planning Practice Guidance.

Question 45

Do you have any comments on the proposed approach set out in paragraphs 31 and 32?

More detail would be required on exactly how land could be bought forward and the support that would be put in place for local planning authorities to achieve this.

Question 46

Do you have any other suggestions relating to the proposals in this chapter?

No.

Chapter 6 – Delivering affordable, well-designed homes and places

Question 47

Do you agree with setting the expectation that local planning authorities should consider the particular needs of those who require Social Rent when undertaking needs assessments and setting policies on affordable housing requirements?

Yes, it is agreed because the delivery of affordable homes should be based on local need rather than nationally set figures.

Question 48

Do you agree with removing the requirement to deliver 10% of housing on major sites as affordable home ownership?

Yes.

Question 49

Do you agree with removing the minimum 25% First Homes requirement?

Yes, because this requirement of 25% displaces the delivery of traditional forms of affordable homes. By removing the 25% first homes requirement, there will be greater flexibility to be able to meet local needs.

Question 50

Do you have any other comments on retaining the option to deliver First Homes, including through exception sites?

Greater flexibility would be welcomed by Tonbridge and Malling Borough Council to set affordable housing tenure requirements locally for all development sites including exception sites, to better reflect local housing needs. The exception site policy in our current development plan (Core Strategy policy CP19) is already clear that exception sites are intended for development which meets specific local need for affordable housing, based upon up-to-date local evidence.

It is sensible to keep first homes as a form of discounted market sale housing. The definitions of first homes and discount market sale must be clear, including specifying how this differs from market housing. It would be helpful to allow local authorities to set the level of discount locally based upon market affordability and Local Plan viability evidence.

Question 51

Do you agree with introducing a policy to promote developments that have a mix of tenures and types?

We would support the introduction of a policy which promotes mixed tenure schemes and the positive benefits this can bring, especially for major applications. Mixed tenures would contribute to sustainable communities and would assist in breaking up concentrations of housing types, addressing social issues that can stem from this.

Question 52

What would be the most appropriate way to promote high percentage Social Rent/affordable housing developments?

Whilst we acknowledge that social rented dwellings are amongst the most affordable, on their own as single tenure developments they are rarely viable without a form of subsidy or grant. Land and property values vary from site to site and between local authority areas across the country, this has implications for site viability. The ambition/preference for the delivery of social rented dwellings can be expressed in the NPPF, but it should not specify a percentage or threshold which is better informed by housing evidence that is prepared as part of the Plan making process.

Higher percentages of social rented dwellings could also be achieved through the provision of additional grant funding from central government, which could be used alongside the use and pooling of related s106 contributions.

Question 53

What safeguards would be required to ensure that there are not unintended consequences? For example, is there a maximum site size where development of this nature is appropriate?

Large single tenure developments rarely lead to the delivery of mixed and balanced communities. Sites providing a high percentage of affordable homes, with a mix of affordable housing tenures within this (social rent, affordable rent, various affordable home ownership options) can deliver mixed communities, good design, mix of unit types and sizes (flats and houses), percentage of various tenures and effective tenancy management would be key factors in delivering a sustainable community, rather than a maximum size.

Identifying a maximum site size is very subjective as the density and character of residential developments vary between urban and rural settlements.

Question 54

What measures should we consider to better support and increase rural affordable housing?

Affordable housing needs are often high in rural areas where house prices are also high, and availability of housing stock is more limited. Measures required to support the delivery of rural exceptions sites, include making funding available to assist with the viability of often small single tenure infill sites. Land assembly can also be a barrier for registered providers in seeking to bring forward exception sites. Further revisions to reduce the cost of using compulsory purchase powers could also be helpful.

Question 55

Do you agree with the changes proposed to paragraph 63 of the existing NPPF?

Yes. Housing needs and provision for this group need to be considered in planning terms in a similar way to other needs for specialist accommodation provision.

Question 56

Do you agree with these changes?

Yes.

Question 57

Do you have views on whether the definition of 'affordable housing for rent' in the Framework glossary should be amended? If so, what changes would you recommend?

Yes, as suggested broadening the definition to also reference community land trusts and alms houses, could assist in widening opportunities to increase the supply of new affordable rented dwellings from these providers. Charitable trusts should be included too such as The Royal British Legion who have a significant presence in the north of our borough, and who are active in delivering supported and assisted living accommodation for veterans. However, it will be important that any broadening of the definition does not open up the ability for non-registered providers who may not be as genuine in their aims to delivery of affordable housing as alms houses or charitable trusts.

Consideration needs to be given to regulation and monitoring of delivery if providers are not subject to the regulations through being a registered provider; for example, in relation to the approach to rent setting and affordability of provision, along with consumer standards, health and safety, repairs and maintenance.

Question 58

Do you have views on why insufficient small sites are being allocated, and on ways in which the small site policy in the NPPF should be strengthened?

We agree that providing suitable sites for small and medium sized builders is essential to meet housing delivery ambitions and support economic growth. The character of local authority areas varies across the country, as such the availability of small sites will vary by area. Meeting the 10% local plan small sites requirement is not considered to be a challenge for Tonbridge and Malling Borough Council.

We consider that there should be clarity regarding the scale of small, medium and by implication strategic sites. Historically we have classified strategic housing development sites as comprising of 500 dwellings or more, but this is not defined in national planning policy.

Compliance with small and medium sites requirements set out in the NPPF should be checked through the Local Plan examination process.

Question 59

Do you agree with the proposals to retain references to well-designed buildings and places, but remove references to ‘beauty’ and ‘beautiful’ and to amend paragraph 138 of the existing Framework?

Yes.

Question 60

Do you agree with proposed changes to policy for upwards extensions?

Yes.

Question 61

Do you have any other suggestions relating to the proposals in this chapter?

No.

Chapter 7 – Building infrastructure to grow the economy

Question 62

Do you agree with the changes proposed to paragraphs 86 b) and 87 of the existing NPPF?

Yes, as long as employment policies in Local Plans and related site allocations continue to respond to locally prepared economy and employment evidence. We agree that where there is demand for the growth industries identified (laboratories, gigafactories, data centres, digital infrastructure, freight and logistics), that these needs are evidenced and balanced against other planning considerations through the preparation of Local Plans.

Question 63

Are there other sectors you think need particular support via these changes? What are they and why?

No.

Question 64

Would you support the prescription of data centres, gigafactories, and/or laboratories as types of business and commercial development which could be capable (on request) of being directed into the NSIP consenting regime?

No, as we don't consider that these uses are Nationally Significant Infrastructure Projects (NSIPs) as currently defined by part 3 of the Planning Act 2008. These uses are different to those already included, which covers the fields of energy, transport, water, wastewater and

waste. We acknowledge that part 3 paragraph 14 (3) states that the Secretary of State may by order add to or amend the list of NSIP project types, but only within the specified fields. Data centres, gigafactories, and laboratories are not utilities or transport infrastructure, for which there can be **an overriding public interest in terms of project delivery**.

Question 65

If the direction power is extended to these developments, should it be limited by scale, and what would be an appropriate scale if so?

Yes. Setting an appropriate threshold by scale either in terms of site area, commercial floorspace or both, should be substantial so that only the largest and potentially most controversial projects are dealt with by the NSIP regime. We suggest a site area exceeding 40ha or floorspace exceeding 200,000 sq./ft.

Question 66

Do you have any other suggestions relating to the proposals in this chapter?

No

Chapter 8 – Delivering community needs

Question 67

Do you agree with the changes proposed to paragraph 100 of the existing NPPF?

Yes.

Question 68

Do you agree with the changes proposed to paragraph 99 of the existing NPPF?

Yes, it is helpful that this now references early years, school and post-16 education. A lack of places for any of this provision could hinder the development of children and young adults within existing and growing communities.

Question 69

Do you agree with the changes proposed to paragraphs 114 and 115 of the existing NPPF?

Yes. We consider that it is no longer possible to apply a 'predict and provide' approach, as in many cases existing road junctions are expected to operate beyond their capacities in the future and mitigation in the form of road and junction improvements is also not always possible due to constraints. This may include land ownership and/or the existing built/natural environment.

As such a 'vision-led' approach is required with sustainable and active travel interventions that provide people with genuine mode choice.

Question 70

How could national planning policy better support local authorities in (a) promoting healthy communities and (b) tackling childhood obesity?

Following the establishment of Active Travel England and publication of updated guidance by the DfT (Local Transport Note 1/20 and Local Walking and Cycling Infrastructure Plans), there has been little progress on the ground in delivering comprehensive new infrastructure to support walking, wheeling and cycling.

The preparation of and LCWIP is the first step towards achieving a step change in local infrastructure provision. These need to be sufficiently ambitious in their vision and scope but also need to be a requirement in the NPPF which currently isn't the case (see paragraph 110d). LCWIPs are not currently statutory plans and across Kent their preparation and quality are variable, in most cases, aligned to the preparation of Local Plans, few have yet to be adopted.

Separate to this the government should make capital funding available to assist local authorities in delivering the infrastructure identified in their LCWIPs. It is not possible to secure all the required funding via development contributions, this is often piece meal and therefore implementation at best follows new house building and commercial construction.

Controls on fast food takeaways in terms of their proximity to schools, needs to be evidenced in terms of the link to childhood obesity. There are other relevant factors too such as the availability of safe and well-equipped sport, play and recreation facilities within all communities, as well as accessible and affordable indoor sports facilities. Where evidence supports tighter planning controls on fast food takeaways, these could be set nationally so that there is consistency across the country for future development management decisions.

Question 71

Do you have any other suggestions relating to the proposals in this chapter?

No.

Chapter 9 – Supporting green energy and the environment

Question 72

Do you agree that large onshore wind projects should be reintegrated into the NSIP regime?

Yes. TMBC agrees that large onshore wind projects should be reintegrated into the NSIP regime because the scale and complexity of such projects are of national significance and then can wholly benefit from the NSIP regime which was designed to facilitate such projects of national interest. This would allow smaller projects that have a more localised impact which fall beneath the proposed new thresholds to be processed through the local planning system. Overall, this is likely to create a better proportionately balanced system for the determination of applications and speed up delivery of onshore wind projects.

The Government's Net Zero Strategy outlines the role of onshore wind in achieving net zero greenhouse gas emissions targets by 2050 and to achieve these, an effective planning system is needed to support large scale nationally significant infrastructure. It is vital that developers use the most efficient planning route to process their energy projects appropriate

to their size and complexity, so the UK can meet its net zero target and provide a cleaner, greener future.

By reintegrating large onshore wind projects back into the NSIP regime (proposed to be 100MW) this will reaffirm their status as 'critical national priority'. National Policy Statement EN-1 specifically recognises that there is a Critical National Priority (CNP) for the provision of significant low carbon infrastructure and such applications with CNP status are required to be progressed as quickly as possible.

This reintegration of onshore wind into the NSIP regime also appears to align with the new Government's aspiration for its Great British Energy company that is envisaged to deliver 20-30GW of wind power.

Question 73

Do you agree with the proposed changes to the NPPF to give greater support to renewable and low carbon energy?

Yes. Concerning plan making, the NPPF already requires Plans to provide a positive strategy [para 161] to increase the use and supply of renewable and low carbon energy and heat to maximise the potential for suitable development. This sets a good foundation for renewable and low carbon energy and heat which is noted to be unchanged. As proposed, para 161b] now requires plans to 'identify' instead of 'consider identifying' suitable areas for renewable and low carbon energy sources, and supporting infrastructure, where this would help secure their development. The strengthening of this policy is welcomed overall. It is considered that the locations will be largely dictated by market needs and energy company environmental preferences with many LPA areas being unsuitable. It will also be challenging to meet this requirement for constrained urban LPAs as well as LPAs that have significant landscape constraints such as that within Tonbridge and Malling Borough which has significant constraints including 27% National Landscape, 11% ancient woodland and 70% greenbelt coverage. On this basis, the latter part of 161B] continues to be useful alongside 161a] in relation to ensuring that adverse impacts are addressed appropriately (including cumulative landscape and visual impacts).

For decision making, it is noted that the proposed NPPF does make meaningful changes in terms of the planning balance. In this regard, para 164 now requires significant weight to be given to the proposal's contribution to renewable energy generation and a net zero future. TMBC consider this to be a positive step forward, whereby the current NPPF does not provide such a weighting, leaving decision makers to determine the weight to be given to renewable energy generation (against other planning material considerations). In addition, TMBC supports the removal of '*significant*' from para 164b) recognising that all projects provide a worthy contribution to reducing greenhouse gas emissions.

Overall, TMBC considers the proposed changes will strengthen the policy framework and provide greater encouragement for these energy sources which is supported. Maximising the use of renewable and low carbon energy and heat on development sites, both commercial and residential, will help to reduce carbon emissions and improve energy security. The domestic and commercial sectors produce 28% of Tonbridge and Malling borough's carbon emissions and these are dominated by heating in buildings and energy use.

Furthermore, TMBC also recommends that the practice guidance is updated and amended to reflect the proposed NPPF changes on this matter which should provide the important

clarity and assurance to Local Planning Authorities when considering renewable and low carbon energy in future development plans and decisions.

Question 74

Some habitats, such as those containing peat soils, might be considered unsuitable for renewable energy development due to their role in carbon sequestration. Should there be additional protections for such habitats and/or compensatory mechanisms put in place?

Yes. TMBC agrees that at the national level, the role of natural carbon sequestration is important in the fight against climate change and where such ecologically rich habitats do not currently benefit from local/national or international policy protection, TMBC considers these areas should be afforded additional protections and that this should be made clear.

In the case of peat habitat, TMBC does not support compensatory mechanisms. Peat habitat stores significant amounts of carbon and there is not a viable compensatory mechanism for the destruction of this habitat whereby the precautionary principle should therefore be applied to these areas when considering development proposals affecting them.

The borough of Tonbridge and Malling does not have any such peat soils. Tonbridge and Malling does however have areas of ancient woodland and an existing tree canopy coverage that is higher than the national average, which acts as a natural carbon sink for sequestration, as well as being biologically rich. When planning for growth, TMBC considers it important that our ancient woodland and existing canopy cover is protected, and is unaffected, where possible, by new development.

Question 75

Do you agree that the threshold at which onshore wind projects are deemed to be Nationally Significant and therefore consented under the NSIP regime should be changed from 50 megawatts (MW) to 100MW?

Given the technological advances in wind turbines, TMBC considers it appropriate that the thresholds for considering NSIP's are reviewed and where necessary updated to reflect the current industry and the likely power outputs from this technology. TMBC considers there to be a degree of pragmatism with this proposal.

However, TMBC considers that in raising the threshold, this will inevitably result in more and larger projects being determined at the local level which could present significant technical and resource challenges for Local Planning Authorities. It is considered that the impact of this should be considered and addressed appropriately including the provision of guidance and training to assist officers in determining applications as well as financial considerations to help with resources.

Question 76

Do you agree that the threshold at which solar projects are deemed to be Nationally Significant and therefore consented under the NSIP regime should be changed from 50MW to 150MW?

Given the technological advances in solar energy, TMBC considers it appropriate that the thresholds for considering NSIP's are reviewed and where necessary updated to reflect the

current industry and the likely power outputs from this technology. TMBC considers there to be a degree of pragmatism with this proposal.

However, TMBC considers that in raising the threshold, this will inevitably result in more and larger projects being determined at the local level which could present significant technical and resources challenges for Local Planning Authorities. It is considered that the impact of this should be considered and addressed appropriately including the provision of guidance and training to assist officers in determining applications as well as financial considerations to help with resources.

Question 77

If you think that alternative thresholds should apply to onshore wind and/or solar, what would these be?

TMBC has no comment on this and considers the thresholds should be set according to the technical evidence and industry feedback.

Question 78

In what specific, deliverable ways could national planning policy do more to address climate change mitigation and adaptation?

TMBC considers that national planning policy could go further to address water scarcity and increases in drought conditions particularly in water stressed areas such as the southeast of England. The National Infrastructure Commission's report, 'Preparing for a drier future – England's water infrastructure needs' (2018), has already shown that investing in improving our resilience to drought is far more cost-efficient than the alternative cost incurred to society, and the environment, as a result of severe droughts. The Environment Act 2021 sets a target to reduce the use of public water supply in England, per head of population, by 20% by 2037-38 from the 2019-20 baseline. Therefore, it is considered that robustly encouraging mandatory water consumption targets/thresholds alongside water recycling/harvesting and smart metering through national policy would be a deliverable climate change mitigation/adaption mechanism.

TMBC considers that national planning policy could go further to address overheating. With a steadily warming climate and hot summers expected to become more common, it is widely accepted that overheating significantly affects communities, in particular vulnerable people as well as critical infrastructure. Observations show that extremes of temperature in the UK have been affected much more than average temperature, with the recent heatwaves of July 2022 and June and September 2023 considered to have all been made more likely by climate change, as outlined in the International Journal of Climatology, state of the UK Climate (2023).

TMBC considers that national planning policy could strengthen consideration and guidance of nature-based solutions for climate change adaptation in new developments. Green infrastructure, appropriate planting including street trees, and other nature-based solutions deliver a range of benefits such as tackling the urban heat island effect, regulating water flows, and supporting habitats and biodiversity. The NPPF could support the use of these approaches over mechanical, energy-hungry alternatives through guidance on design codes, energy and emissions measurement and monitoring, and ensure consistency with on-site

potential for Biodiversity Net Gain in support of broader planning priorities on health and well-being, and well-designed buildings and places.

As set out by Q.81, TMBC would like to see greater emphasis and support to the application of the Circular Economy within development. TMBC also would like to see greater clarity and policy direction on developments meeting the energy hierarchy and LPA's individual desires to set their own energy standards. Given the recent 2023 Ministerial Statement and the forthcoming Future Homes Standards, it is considered that there is a degree of ambiguity on this matter for LPA's when addressing climate change mitigation in their Local Plans.

Question 79

What is your view of the current state of technological readiness and availability of tools for accurate carbon accounting in plan-making and planning decisions, and what are the challenges to increasing its use?

There is a good level of technological readiness and availability of tools for accurate carbon accounting in plan-making and planning decisions in terms of direct emissions from new developments. For example, data and modelling in terms of energy use and carbon emissions from a range of technologies that may be used in new developments under different planning policies is now relatively straightforward. These tools are well-known and readily available with good competition between providers. This data and modelling quantify operational emissions from buildings to inform and/or monitor Local Plan policies.

However, carbon accounting for operational emissions fails to recognise the complexities of climate change within broader social, economic and environmental systems. These complexities require consideration of:

- emissions from land use change, embodied emissions from decommissioning buildings and new construction, and indirect emissions from transport, as well as
- impacts of the changing climate on infrastructure, health and well-being, future risks and vulnerabilities of communities, built and natural environments.

These complex systems are influenced by the planning system and should be considered in the carbon accounting techniques, tools and methodologies used for plan-making.

TMBC considers there to be an adequate level of technological readiness and availability of tools to support a spatial approach to incorporating net zero and environmental protection within the planning system. Important spatial modelling and tools that incorporate climate changes and emissions to enable future-ready policy decisions are under development or in early stages of deployment by public sector bodies, including the Met Office, the National Infrastructure Commission and UK Power Networks, as well as within industry, academia and cross-sector partnerships. The NPPF could usefully provide a framework and a clear, robust methodology for the application of such tools and techniques that integrate emissions, climate impacts and future scenarios alongside other relevant considerations to the planning system.

The most significant challenge to increasing the use of tools and techniques for a spatial approach to plan-making that incorporates net zero and environmental protection is the availability of analytical skills and capabilities to understand how to use spatial models and tools, and leadership that can implement these changes in plan-making processes. The

NPPF could perform an important function by providing a clear framework for the use of spatial tools, their level of priority, and appropriate methodologies that account for emissions, climate risks and impacts in plan-making. A clear framework, guidance and methodologies would enable LPAs to develop assessments and monitoring of the climate impacts of developments beyond operational building emissions, supporting the delivery of net zero through the planning system.

Question 80

Are any changes needed to policy for managing flood risk to improve its effectiveness?

Yes. TMBC considers there should be a stronger requirement in policy for the use of Sustainable Urban Drainage [SUDs] which should extend to developments beyond just major developments. There has been an increase in heavy rainfall across the UK in recent decades which is projected to continue and will increase the risk of flash flooding and the need for greater use of SUDs. Sustainable Urban Drainage Systems mimic natural drainage processes, allowing rainwater to be absorbed into the ground, reducing the risk of surface water flooding and enhancing water quality as well as green infrastructure and biodiversity. In addition to SUDs, TMBC also considers that greater emphasis should be given to the application of individual rain water capture and harvesting and grey water harvesting for non-potable uses which are easily installed within new developments but difficult to retrofit afterwards and can help reduce flooding and drought/water scarcity.

TMBC considers national policy should go further to support local flood risk management infrastructure projects that provide critical protection for communities now and in the future. An example of such a project is the Medway Estuary and Swale Flood and Coastal Erosion Risk Management Strategy (MEASS) which sets out the best economic, environmental and technically appropriate approach to managing flood and coastal erosion risk over the next 100 years which expands across several local authority areas within the south east.

TMBC would also like to see greater clarity provided regarding the sequential test and applying all forms of flooding using different data sets. Following the updates to the August 2022 PPG, it is now required that the sequential test assesses all sources of flooding for low, medium and high-risk areas both now and in the future. However, there are concerns over the availability, compatibility and accuracy of data for other sources of flood risk. For some sources of flood risk the uncertainty in the data does not make it appropriate to apply the sequential test and make such demarcations and use derived mapping in the same way as the available flood zone information for river and sea flooding. Introducing mapping and data with a higher level of uncertainty will potentially compromise the basis for sequential testing as it introduces the prospect that sites that are incorrectly identified as having a high or medium risk of flooding are incorrectly excluded from the Plan (and vice versa). In the absence of clear guidance on how to apply the sequential test using significantly differing data sets and leaving it for individual LPA's judgement, this will result in vastly different methodologies and a lack of continuity across the UK planning sector.

Question 81

Do you have any other comments on actions that can be taken through planning to address climate change?

Yes. TMBC would like to see greater emphasis and support to the application of the Circular Economy within development. This will reduce embodied carbon and waste as well as encourage the reuse of materials and buildings whilst ensuring new buildings are built in a manner that better prepares them for future extensions/alterations and maintenance in response to our changing climate.

TMBC considers that the national policy should be stronger to support the use of nature-based solutions in the land use planning system. The DEFRA A Green Future: Our 25 Year Plan to Improve the Environment, sets a clear ambition to seek an environmental net gain principle for development and this can only be achieved through a transparent commitment in the NPPF as well as the role of nature within design. One such way could be to strengthen the reference to the use of natural flood management and green sustainable drainage systems. The wording in para 172d currently refers to 'where possible' provide multifunctional benefits which could be amended to be much stronger in delivery.

Question 82

Do you agree with removal of this text from the footnote?

Yes. TMBC does not consider that the additional text in footnote 64 provided a material benefit and does not object to its removal. Arguably, this is already covered by para 180b). In this instance, whilst TMBC agrees that safeguarding best and most versatile agricultural land is an important consideration it must also be recognised that not all land classified as best, and most versatile agricultural land is currently used for food production.

As a predominantly rural borough, Tonbridge and Malling has a proud tradition of nationally renowned agriculture and horticulture, and most recently, a thriving viticulture industry has been successfully established in the borough. The area has been identified as forming an important part of the 'Orchard Belt' of Kent also traditionally known as 'The Garden of England' and therefore contains extensive areas of the best and most versatile agricultural land (BMV) as defined in the national Agricultural Land Classification (ALC). When planning for growth, TMBC will therefore continue to seek to safeguard the best and most versatile agricultural land in line with national policy.

Question 83

Are there other ways in which we can ensure that development supports and does not compromise food production?

Yes. As a predominantly rural borough with a strong agricultural sector, TMBC understands the national importance of food production and will therefore continue to safeguard the best and most versatile agricultural land and support agricultural development in principle.

Greater focus and support should also be given to the importance of domestic food growing for example, the use of allotments and small holdings.

The council has some concerns about including glasshouses in the definition of PDL and how this could impact on food production in the borough (see response to Q 22).

Question 84

Do you agree that we should improve the current water infrastructure provisions in the Planning Act 2008, and do you have specific suggestions for how best to do this?

Yes. Located within a water stressed area as classified by the Environment Agency in their 2021 classification, TMBC considers water scarcity and supporting water resilience to be a critical issue for the future.

TMBC supports the proposal to amend the Planning Act 2008 to ensure water infrastructure projects of national importance are captured within the NSIP regime which should bring clarity and support faster delivery in the national interest.

It is considered that the Planning Act 2008 should be reviewed and updated to refer to the future water management technology such as water recycling as well as the needs of the country and accurately reflect the current industry technology. In this regard it is acknowledged that UK water company revised draft water resources management plans contain proposals for multiple new infrastructure schemes across the UK by 2050, potentially supplying 10 million litres of water per day (Ml/d) or more including: 4 new desalination schemes, 7 new reservoirs, 5 new water recycling schemes and multiple new internal and inter-company transfers to share resources, as set out in water resource management plans. As such the current water infrastructure provisions in the Planning Act 2008 should reflect these future proposals.

Question 85

Are there other areas of the water infrastructure provisions that could be improved? If so, can you explain what those are, including your proposed changes?

Yes. Located within a water stressed area as classified by the Environment Agency in their 2021 classification, TMBC considers water scarcity and ensuring sufficient water supplies are planned for its future communities to be of critical importance. To achieve this and provide greater clarity and reassurance to TMBC and all LPA's, it is considered that when modelling and planning for future growth there should be a stronger requirement for water companies to meaningfully and actively engage with Local Planning Authorities at an earlier stage and not following the adoption of Local Plans.

Lastly, TMBC has significant concerns regarding the harmful impacts of wastewater and sewage discharges into local rivers and watercourses from sewage plants and combined storm overflows have on the environment and properties. To address this, TMBC would therefore like to see much stronger regulatory processes to deter such discharges as well as mitigation/adaption measures required as part of new wastewater infrastructure provisions.

Question 86

Do you have any other suggestions relating to the proposals in this chapter?

TMBC has no further comments on this chapter.

Chapter 10 – Changes to local plan intervention criteria

Question 87

Do you agree that we should replace the existing intervention policy criteria with the revised criteria set out in this consultation?

No. The existing intervention criteria set out in the 2017 Housing White Paper are adequate. These being...

- the least progress in plan-making had been made;
- policies in plans had not been kept up to date;
- there was higher housing pressure;
- intervention would have the greatest impact in accelerating local plan production.
- The wider planning context in each area in terms of the extent to which authorities are working cooperatively to put strategic plans in place; and
- The wider planning context in each area in terms of the potential impact that not having a plan has on neighbourhood planning activity.

Notwithstanding the above, we consider that intervention in plan-making should not be applied and that LPAs should be trusted to progress plan-making taking into account local matters and constraints.

Question 88

Alternatively, would you support us withdrawing the criteria and relying on the existing legal tests to underpin future use of intervention powers?

No, the current intervention criteria are adequate.

Chapter 11 – Changes to planning application fees and cost recovery for local authorities related to Nationally Significant Infrastructure Projects

Question 89

Do you agree with the proposal to increase householder application fees to meet cost recovery?

Yes

Question 90

If no, do you support increasing the fee by a smaller amount (at a level less than full cost recovery) and if so, what should the fee increase be? For example, a 50% increase to the householder fee would increase the application fee from £258 to £387.

If Yes, please explain in the text box what you consider an appropriate fee increase would be.

Any fee increase for cost recovery would require to be evidenced before being set by the LPA. This would be done through an evidence base exercise of the actual costs of progressing an application. Currently we do not hold this information so we cannot provide a figure at this point.

Question 91

If we proceed to increase householder fees to meet cost recovery, we have estimated that to meet cost-recovery, the householder application fee should be increased to £528. Do you agree with this estimate?

In principle we agree but as stated above we do have the evidence of actual cost recovery for householder applications.

Question 92

Are there any applications for which the current fee is inadequate? Please explain your reasons and provide evidence on what you consider the correct fee should be.

At this point in time, we do not have sufficient evidence to provide a figure. An evidence base exercise will need to be undertaken. However, we can comment on the different types of application where the fee is inadequate.

Discharge of conditions, especially on major schemes, can often involve a lot of negotiation and officer chasing the consultees and agents for information. It is more productive to seek the information during the course of the discharge of condition application to ensure a timely delivery of the development. What would also be of benefit is if applicants were only allowed to submit one condition per application. This would also prevent a hold up or delay when certain conditions stop an entire discharge. Having this limit would also be more reflective of the cost of an application.

Non-material amendments have shorter timeframes. The fee is currently low. It still has to go through the validation process and officers' assessment and decision notice being issued. Sometimes consultations with internal departments will also be required. Therefore, the fee charged should be more reflective of the work required to process and assess the application including liaison with other departments.

Permitted development and prior approval applications can also require a great deal of time to go through from registration to issuing of the decision notice. These can be really complex applications which require research and take more time than a standard householder application. This work should be reflected in the fee.

As stated, any fee charged will need to be evidenced and TMBC will need to go through this exercise before any fees could be set locally.

Question 93

Are there any application types for which fees are not currently charged but which should require a fee? Please explain your reasons and provide evidence on what you consider the correct fee should be.

As stated in question 92, at this point in time, we do not have sufficient evidence to provide a figure. An evidence base exercise will need to be undertaken. However, TMBC can comment on different types of application where we feel a fee should be applicable.

It is argued that consents for listed building and works to trees that are protected / located in a conservation area should not be charged because owners cannot opt out of these designations. However, the majority of people who own these properties will be owner occupiers or have chosen to purchase a property in such a designation. Therefore, they have taken on the responsibility of such a property, and it is not an unreasonable request, that for improvements or maintenance that the consents required are covered at least in part.

There could be an exception put in for listed buildings on the at-risk register, newly designated heritage assets or 5-day tree exceptions notices to reflect the urgency or the new status of the properties in new designations.

Question 94

Do you consider that each local planning authority should be able to set its own (non-profit making) planning application fee?

Please give your reasons in the text box below.

Local authority should have the ability to set their fees. This will allow fees to reflect more of the local conditions and allow the department the opportunity to become self-funding. TMBC would support Local Variation.

Question 95

What would be your preferred model for localisation of planning fees?

Local Planning Authorities should have the ability to set their own fees, without there being any default or guidance from Government.

Please give your reasons in the text box below.

Local variation would be the preferred choice. Full localisation could actually put further strain on under resourced departments. The introduction of local variation makes sense in order to ensure everything is adequately evidenced and the introduction thoroughly thought out to how it may impact the authority and its customers.

Question 96

Do you consider that planning fees should be increased, beyond cost recovery, for planning applications services, to fund wider planning services?

If yes, please explain what you consider an appropriate increase would be and whether this should apply to all applications or, for example, just applications for major development?

Yes. Any figure would need to be evidenced so a figure cannot be provided at this point. However, it should span the range of applications. The burden shouldn't fully fall just on major applications. Planning applications of all types are on the most part fuelled by private interest and the burden should fall more heavily and at least in part on those who benefit from the services.

The risk of deterring development is likely to be low because developers and individuals want a good service. This is already evidenced by the use of PPAs. People are willing to pay more.

Question 97

What wider planning services, if any, other than planning applications (development management) services, do you consider could be paid for by planning fees?

Plan-making, enforcement, heritage and conservation, design services, ecology should all count. The DM service only can run with the help from these services. Having an up-to-date local plan, is so important to good decision making. Funding local plans will only enhance the service that can be provided.

Not including the wider service and those who input into the decision-making process would not accurately reflect what the DM service does as a whole. Not accounting for these wider services could slow services and more importantly slow service improvements.

Wider services like IT support to help maintain the planning software to ensure it is fit for purpose could also be included. Change/ transformation managers who look at processes to ensure efficiency could also be included. If the aim is to get planning applications out faster this kind of support and continual improvements is crucial to the delivery of an efficient service.

Question 98

Do you consider that cost recovery for relevant services provided by local authorities in relation to applications for development consent orders under the Planning Act 2008, payable by applicants, should be introduced?

Yes. Engaging in the DCO process is a substantial draw upon officer time. As our experience of engaging with the Lower Thames Crossing DCO demonstrated, requiring engagement and support from officers across services within the council. It is essential that cost recovery is introduced and negotiated via planning performance agreement or other suitable mechanism, at an early stage i.e. prior to the submission of the DCO. TMBC is a host authority for the Lower Thames Crossing project, we were engaged in project consultations and related meetings with National Highways and other parties from the early stages, however a PPA was not offered to the council, and this had to be proactively negotiated which was incredibly time consuming. The time required to participate in DCO applications competes against providing resources for other important services such as delivering a local plan. Should cost recovery be possible, then staff resource to support DCO applications could be enhanced.

Question 99

If yes, please explain any particular issues that the Government may want to consider, in particular which local planning authorities should be able to recover costs and the relevant services which they should be able to recover costs for, and whether host authorities should be able to waive fees where planning performance agreements are made.

As we found following our engagement with the Lower Thames DCO process, we were able to recharge for time and costs relating to our engagement and preparation for meetings which did not form part of the statutory DCO proceedings, i.e. the examination hearings. It was expected that we resource all officer time and if required any additional technical and legal advice/representation in relation to preparation for and attendance at hearing sessions. Undertaking this work is not insignificant due to the volume and complexity of DCO documentation that must be reviewed, liaison meetings involved, and time required to draft the local impact report and other submissions. Local authority planning departments do not have surplus officer capacity that can be drawn upon to resource this important work, as such full cost recovery must be possible though the negotiation of a PPA.

Furthermore, third parties such as councils have little if no influence over the timing of DCO proceedings, which are set by the applicants and appointed planning inspectors. This can place further challenge upon council planning terms, especially if Local Plan and other work programmes are at critical stages. Due to the resourcing challenges faced by several local authorities in relating to the Lower Thames DCO, including TMBC, the appointed Inspectors held a preliminary meeting to explore and resolve these, following written representations

made by host authorities. Lessons must be learnt from this experience, and we encourage the government to liaise with the Planning Inspectorate to gain related published correspondence on this.

Question 100

What limitations, if any, should be set in regulations or through guidance in relation to local authorities' ability to recover costs?

Understandably cost recovery needs to be reasonable and proportionate, as the cost of preparing and progressing DCO applications are substantial. All reasonable costs should be recoverable up to a ceiling set within PPAs, including preparation of submissions for and attendance at examination hearings. This should be set out in regulations not guidance.

Question 101

Please provide any further information on the impacts of full or partial cost recovery are likely to be for local planning authorities and applicants. We would particularly welcome evidence of the costs associated with work undertaken by local authorities in relation to applications for development consent.

Reflecting upon our experience of engaging with the Lower Thames Crossing DCO, we were not able to recover all our associated costs. Once negotiated, the PPA had a sufficiently generous cost limit of £55k for our purposes, however the council was only able to recharge approximately £11,500.00 against this. Given also the late-stage negotiation of the PPA and subsequent recharge following the closure of the examination, the council was not able to put in place any additional professional resource to support the council's engagement with the DCO process, as there was insufficient time to achieve this.

Question 102

Do you have any other suggestions relating to the proposals in this chapter?

No.

Chapter 12 – The future of planning policy and plan making

Question 103

Do you agree with the proposed transitional arrangements? Are there any alternatives you think we should consider?

No. Tonbridge and Malling has been making positive progress in preparing its new Local Plan and was due to publish a Regulation 18b consultation during August 2024, in line with the council's current Local Development Scheme.

The implications of the proposed NPPF changes are that the council will need to re-consider significant elements of its evidence base and procure new evidence in order to prepare a Local Plan that is NPPF compliant, in particular the revised standard method for calculating housing need alongside changes to Green Belt national policy. These changes will have significant knock on effects to other evidence base requirements including testing different local plan spatial scenarios and revising work that has been undertaken to date to account for national policy changes alongside considering a different local plan time period. The Council will also need to revise its Local Development Scheme which will provide a later date for submission and adoption than that identified currently. This all comes at a huge cost

to the Council and LPAs should be financially compensated to address the Government's policy changes.

The revisions to the NPPF as proposed will have significant resource and cost implications for the council, including the amount of time and costs already spent on plan preparation that will now need to be re-worked.

The Council welcomes the additional time that is provided in which the council can prepare and submit a plan, that being by December 2026. To account for the time and money already spent, we suggest that councils that have already undertaken a Regulation 18 consultation, should be allowed to proceed in preparing a Local Plan in accordance with the 2023 NPPF, as this would allow the adoption of an up-to-date plan at the earliest possible opportunity. In addition, the Government should also consider providing funding to compensate for the additional resource and costs that preparing a plan under the revised NPPF will amount to.

Question 104

Do you agree with the proposed transitional arrangements?

No, the proposed transitional arrangements whilst providing an additional 18 months for plan preparation, will in practice result in additional cost and delay for Tonbridge and Malling Borough Council, in progressing an up-to-date Local Plan. Until an up to date Local Plan is in place, the council remains at risk of further speculative development.

Question 105

Do you have any other suggestions relating to the proposals in this chapter?

The council supports further progress in relation to digital planning, including common data and digital platform standards. The council has embraced digital planning, being one of the first to use a digital platform to prepare our urban capacity study. We have experience of using different digital/tech suppliers for different plan making purposes and have encountered frustrating situations where digital products don't integrate well. Common data and platform standards could help overcome this, as different councils are separately procuring and using many different digital consultation, data management and other software products.

Chapter 13 – Public Sector Equality Duty

Question 106

Do you have any views on the impacts of the above proposals for you, or the group or business you represent and on anyone with a relevant protected characteristic? If so, please explain who, which groups, including those with protected characteristics, or which businesses may be impacted and how. Is there anything that could be done to mitigate any impact identified?

The council does not foresee any new or additional impacts upon anyone with a relevant protected characteristic as a consequence of the proposed changes to the NPPF.

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Annex 2: Detailed Summary of the NPPF Consultation and other Planning Reforms

1. Purpose of this report

- 1.1 The purpose of this report is to set out a summary of the headlines proposed in the NPPF consultation to assist and inform an understanding of the potential implications of this for Tonbridge and Malling Borough Council (TMBC).
- 1.2 The consultation is seeking views on a proposed approach to revise the National Planning Policy Framework (NPPF) to achieve sustainable growth in the planning system. The Government is also seeking views on a series of wider policy proposals in relation to increasing planning fees, local plan intervention criteria and appropriate thresholds for certain Nationally Significant Infrastructure Projects (NSIPs). The consultation also sets out how and when it is expected for every Local Planning Authority (LPA) to rapidly create a clear, ambitious local plan for high quality housebuilding and economic growth.
- 1.3 The consultation document¹ explains the changes proposed. Alongside this, the Government has also provided an accompanying draft NPPF². It is proposed that changes will be made to the NPPF as this is vital to delivering the Government's commitment to achieve economic growth and build 1.5 million new homes. The third document that is available is the 'Outcome of the proposed revised method'³. This sets out the results of a new standard method calculation and compares this to the current standard method calculations on both a regional and local authority basis.
- 1.4 The consultation runs from 30th July to 24th September 2024, and the Government has set out that it will respond to the consultation and will publish NPPF revisions before the end of the year, so that policy changes can take effect as soon as possible.
- 1.5 In summary, the proposed changes set out within the consultation seek to:

¹ Proposed reforms to the National Planning Policy Framework and other changes to the planning system <https://www.gov.uk/government/consultations/proposed-reforms-to-the-national-planning-policy-framework-and-other-changes-to-the-planning-system/proposed-reforms-to-the-national-planning-policy-framework-and-other-changes-to-the-planning-system>

² National Planning Policy Framework: draft text for consultation https://assets.publishing.service.gov.uk/media/66acffddce1fd0da7b593274/NPPF_with_footnotes.pdf

³ Outcome of the proposed revised method <https://assets.publishing.service.gov.uk/media/66a8d6a20808eaf43b50d9a8/outcome-of-the-proposed-revised-method.ods>

- make the standard method for assessing housing needs mandatory unless hard constraints are demonstrated and all other options have been exhausted;
- reverse changes to the NPPF made in December 2023, which are considered detrimental to housing supply;
- Implement a new standard method calculation to support house building;
- Broaden the definition of brownfield land and strengthen the expectation that applications on brownfield land will be approved and that plans should promote an uplift in density in urban areas;
- identify grey belt land within the Green Belt for both plan-making and decision-making to help meet development needs;
- improve the operation of ‘the presumption’ in favour of sustainable development to support housing supply;
- deliver affordable, well-designed homes, with new “golden rules” for land released in the Green Belt to ensure development is delivered that is in the public interest;
- makes wider changes to enable local authorities to prioritise the types of affordable homes needed in their areas and support a more diverse housebuilding sector;
- support economic growth in key sectors, aligned with the Government’s Industrial Strategy and future growth plans;
- deliver community needs to support society and the creation of healthy places;
- support clean energy and the environment, including through support for onshore wind and renewables.

1.6 The Government’s policy objectives are set out within Chapter 2 of the consultation document. The main driver for the changes proposed is to fix the foundations of the economy through housebuilding, which will create jobs and deliver new and improved infrastructure.

1.7 Local Plans are considered to be key to delivering the Government’s policy objectives by spelling out where development will and will not take place, bringing certainty to all parties as well as being the mechanism through which local communities can have their say in how homes are built. The consultation sets out that it is unacceptable for LPAs to not make a local plan.

2. Chapter 3 – Planning for the homes we need

2.1 The consultation sets out that the Government believes that decisions about what to build and where should reflect local views, and planning should be about how to deliver the housing an area needs – not whether to do so at all.

The following changes are therefore proposed with the aim of stopping debates about the right number of homes and to support authorities to 'get on with plan-making':

- Changes to paragraphs 1 and 61 of the NPPF to make clearer the importance of planning to meet housing need.
- Removing 'opt outs' for not meeting housing needs, such as not meeting need in 'exceptional circumstances' and 'alternative approaches' for demonstrating need.

2.2 LPAs will be expected to make all efforts to allocate land in line with housing need as per the standard method. A lower figure may still be justified on the basis of local constraints such as National Parks, protected habitats and flood risk areas but this would need to be evidenced and justified through local plan consultation and examination, as is the current requirement.

2.3 The deletion of paragraph 62 and 130 in the current NPPF is proposed. Paragraph 62 deletes the application of the standard method to 'urban uplift' which directs increased housing growth to the named 20 cities and urban centres. The consultation document sets out that this approach is no longer needed given other proposed changes (see section 4 below).

2.4 Paragraph 130 sets out that significant uplifts in density may be inappropriate if it would result in development being out of character with the existing area. The Government instead proposes to strengthen expectations that plans should promote an uplift in density in urban areas by focusing on ensuring development plans support the efficient use of land at appropriate densities. It is proposed for this to be supported through the preparation of localised design codes / masterplans rather than district-wide design coding. This would include regeneration sites, areas of intensification, urban extensions and the development of large new communities.

2.5 The 'presumption in favour of sustainable development' is set out at paragraph 11 of the current NPPF. Its primary function is to provide a fallback to encourage planning permissions to be granted where local plans are out-of-date and where there is an insufficient supply of land. The 'presumption' tilts the balance to approval where development has not been allocated (for example, on the edge of a settlement or where land is allocated for another purpose). The balance for approval is tilted unless doing so would cut across protections for safeguarded areas, such as national landscapes, habitat sites or where adverse impacts would significantly outweigh the benefits when assessed against national policy.

- 2.6 The consultation seeks to address known issues of debate and litigation in this policy area by clarifying that the relevant policies in which to consider whether the ‘presumption in favour of sustainable development’ should apply are those relating to the supply of land – which are those policies that ‘set an overall requirement and / or make allocations and allowances for windfall sites for the area and development concerned’, as provided in proposed footnote 8. It is also proposed to add explicit reference to the need to consider locational and design policies, as well as policies relating to affordable housing when bringing sites forward under the ‘presumption’ to ensure high standards of ‘all’ development.
- 2.7 The consultation proposes to restore the requirement to demonstrate a 5-year housing land supply⁴ reversing the changes made in the revised December 2023 NPPF publication. The NPPF currently states that where a local planning authority has an up-to-date plan which meets certain criteria, it is exempt from having to continually demonstrate a 5-year housing land supply while that plan remains up to date. The consultation seeks to delete this and proposes that all LPAs, regardless of local plan status (even when a plan is adopted), will be required to continually demonstrate 5-years of specific, deliverable sites for housing.
- 2.8 Other matters proposed in Chapter 4 of the consultation include:
- Deleting the ability to count oversupply against upcoming supply in 5-year housing land supply calculations given the chronic need for housing;
 - Restoring the requirement for LPAs to include a 5% buffer on top of their 5-year housing land supply.
 - Requiring LPAs to include a 20% buffer where there has been a significant under delivery of housing over the previous 3 years, as measured through the Housing Delivery Test.
 - Removing the provision of a 10% buffer if LPAs wished to confirm a 5-year of deliverable sites through an annual position statement.
- 2.9 It is noted in the consultation that the above changes to the 5-year housing land supply requirements will invoke pro-supply measures, ensuring that a pipeline of deliverable sites is maintained at all times.

Maintaining effective co-operation and the move to strategic planning

- 2.10 Whilst the Levelling Up and Regeneration Act 2023 will revoke the Duty to Cooperate, the consultation report confirms that the Duty will remain a legal

⁴ The December 2023 NPPF provided that only 4-years supply was required if a local authority was in the later stages of plan-making. This was to protect authorities from the presumption where they have a well-developed or up-to-date plan.

requirement for local plans progressed under the current local plans system. It proposes that moving forward housing need cannot be met without planning for growth on a larger than local scale, and that it will be necessary to introduce effective new mechanisms for cross-boundary strategic planning to deliver sustainable growth and address key spatial issues. The Government plans to formalise through legislation the steps necessary to enable universal coverage of strategic planning, exploring the most effective arrangements for developing Spatial Development Strategies (SDSs) including geographies to cover functional economic areas and democratic mechanisms for securing agreement.

- 2.11 In the short term, amendments to the ‘maintaining effective co-operation section of the NPPF are proposed to ensure greater collaboration between authorities on strategic issues that are cross boundary. The updates include:
- Making the role of cross boundary working clear;
 - Ensuring that plan policies are consistent with other bodies where a strategic relationship exists and consistent with relevant investment plans of infrastructure providers;
 - Ensuring that a consistent approach is taken to delivery of major infrastructure;
 - Ensuring that unmet development needs from neighbouring authorities are accommodated;
 - Ensuring the appropriate management of allocations or designations which cut across the boundary of plan areas or has significant implications for neighbouring areas; and
 - Providing that strategic policy-making authorities and Inspectors will need to make an informed decision on the basis of available information where plans come forward at different times or where there is uncertainty from infrastructure providers.

3. Chapter 4 – A new Standard Method for assessing housing needs

- 3.1 The consultation report sets out issues with the current standard method for assessing local housing need and proposes a revised standard method that seeks to: address issues with the current approach; support a more ambitious house building strategy; provide greater certainty to the sector through more stable and predictable housing numbers; achieve a more balanced distribution of homes across the country by directing homes to where they are most needed and least affordable; maximises housing delivery in urban areas including loading a third of national need to London; and be straightforward to understand and apply. The new standard method proposed looks to:

- Use a baseline set at a percentage (0.8%) of existing housing stock levels using the most recent dwelling stock estimates by local authority districts⁵ – It is proposed that this will provide a stable baseline, driving a level of delivery proportionate to the existing size of settlements and rebalance the distribution to reflect growth ambitions across the Midlands and North;
- Top up the baseline by focusing on those areas facing the greatest affordability pressures, using a stronger affordability multiplier to increase this baseline in proportion to price pressures; and
- Remove arbitrary caps and additions, so that the approach is driven by an objective assessment of need.

3.2 In relation to affordability, the approach is similar to the current approach using the workplace-based median house price to median earnings ratio⁶, however, two specific changes are proposed including:

- Increasing the significance of affordability by revising the affordability adjustment where the baseline stock figure would be adjusted upwards in areas where house prices are more than four times higher than earnings. For every 1% above the 4:1 ratio the multiplier increases to 0.6%. The current method is 0.25% multiplier.
- Using an average affordability over the three most recent years for which data is available. This is instead of using the most recent datapoint. The purpose is to provide further stability and certainty of inputs and outputs of the method.

3.3 Other changes to the standard method include removing the 40% cap to limit the level of increase in housing for individual authorities. It is suggested that this will ensure a boost in housing supply as well as housing need being reflective to the level of need that authorities should be planning to release land for, according to their specific circumstances. As mentioned above, the urban uplift will therefore be removed given that the method will seek to ensure that housing need is reflective of specific locational circumstance.

3.4 The consultation report sets out that the new standard method will increase new supply across the country, and it is provided that the output will be the starting point for determining housing requirement and that LPAs must make all efforts to allocate land in line with it, unless despite taking all steps it is not possible to meet it, including optimising density, sharing need with neighbouring authorities and reviewing Green Belt boundaries.

⁵ <https://www.gov.uk/government/collections/dwelling-stock-including-vacants>

⁶ Outcome of the proposed revised method:
<https://www.ons.gov.uk/peoplepopulationandcommunity/housing/datasets/ratioofhousepricetoworkplacebasedearningslowerquartileandmedian>

3.5 The Government have published the outcomes for the new revised method as part of the consultation material. Applying the new standard method would result in an increase in housing need for TMBC from **820** dwellings per year under the current method to **1057** dwellings per year, a 237 dwelling per year increase. An increase in housing need is also proposed for other West Kent authorities also.

4. Chapter 5 – Brownfield, grey belt and the Green Belt

- 4.1 The current NPPF promotes utilising brownfield land and this approach is set to continue but with a proposed addition of wording in the NPPF at paragraph 124c) to reinforce the expectation that development proposals on Previously Developed Land (PDL) are viewed positively and ‘should be regarded as acceptable in principle’. This would be the first step on the way to delivering brownfield passports.
- 4.2 The consultation report sets out that brownfield development alone will not be enough to meet the countries housing need, and whilst recognising the important role that the Green Belt plays in preventing urban sprawl, the consultation sets out its proposals to altering the post-war Green Belt policy to enable those local authorities who are unable to meet their housing and / or employment need an opportunity to undertake a Green Belt review.
- 4.3 In reviewing Green Belt land, the consultation proposes that the consideration of PDL is the first step as it makes no sense to protect sites in the Green Belt that have once housed petrol stations or car parks, for example. The NPPF revision at Paragraph 154c seeks to relax the restrictions currently applied to PDL and limited infilling to make clear that development is ‘not inappropriate’ where it would not cause substantial harm to the openness of the Green Belt. Whilst the consultation does not provide an updated definition of PDL, the consultation seeks views on whether the definition of PDL should be expanded, whilst ensuring that the development and maintenance of glasshouses for horticultural production is maintained.
- 4.4 Given that PDL alone is unlikely to deliver the growth required, the consultation proposes that Green Belt sites that are ‘low performing’⁷ should be considered for release. The consultation proposes inserting a new criteria-based definition of grey belt land into the NPPF Glossary to support a consistent and transparent approach to identifying land. The definition proposed is as follows:

⁷ When assessed against the criteria in the current NPPD at Paragraph 143.

- **Grey belt:** For the purposes of Plan-making and decision-making, grey belt is defined as land in the Green Belt comprising Previously Developed Land and any other parcels and/or areas of Green Belt land that make a limited contribution to the five Green Belt purposes (as defined in para 140 of this Framework) but excluding those areas or assets of particular importance listed in footnote 7 of this Framework (other than land designated as Green Belt).
- 4.5 The areas excluded include Habitats sites including Ramsar sites and habitat mitigation sites, SSSIs, Local Green Space, National Landscapes, Heritage coast, irreplaceable habitats, designated heritage assets, non-designated heritage assets of archaeological interest, which are demonstrably of equivalent significance to scheduled monuments, and areas at risk of flooding or coastal change.
- 4.6 The Government are also proposing to provide guidance to assist LPAs in judging whether land makes a limited contribution to the Green Belt purposes. The consultation states - Land which makes a limited contribution to the Green Belt purposes will:
- (a) Not strongly perform against any Green Belt purpose; and
 - (b) Have at least one of the following features:
 - i. Land containing substantial built development or which is fully enclosed by built form;
 - ii. Land which makes no or very little contribution to preventing neighbouring towns from merging into one another;
 - iii. Land which is dominated by urban land uses, including physical developments;
 - iv. Land which contributes little to preserving the setting and special character of historic towns.
- 4.7 The consultation document sets out that in providing a definition for grey belt and by providing guidance the Government:
- Wants to avoid prescribing specific and quantifiable measures of terms such as ‘substantial built development’.
 - Wants to protect land that makes a strong contribution to Green Belt purposes, while allowing authorities to consider Green Belt land based on its merits for potential development.
 - Wants to ensure the grey belt definition acts to accurately identify land with a high sustainable development potential, while avoiding incentives to allow land degradation.
 - Does not want to undermine existing protections for best and most versatile agricultural land, which will remain policy.

- Are clear that sustainability remains an overarching objective including that around effective use of land and access to transport.

Land release through plan-making

- 4.8 Currently there is no requirement for LPAs to review Green Belt. The consultation proposes to change this to require LPAs to undertake a review where an authority cannot meet its identified housing, commercial or other need without altering Green Belt boundaries. A sequential approach is proposed to guide Green Belt release asking LPAs to first consider PDL, then consider grey belt and to then consider higher performing Green Belt sites where these can be made sustainable. The aim of the approach is to identify low quality Green Belt first while not restricting opportunities which could be made more sustainable, so that decisions can be made that best support the development needs and sustainability objectives of an area. Whilst there is an expectation for development needs to be met in full, the revised wording in the NPPF at paragraph 145 sets out that Green Belts should not be altered if it would fundamentally undermine the function of the Green Belt across the area of the plan as a whole.

Allowing Development on the Green Belt through Decision Making

- 4.9 In advance of Local Plans coming forward and Green Belt reviews getting underway, a new paragraph in the NPPF is proposed to support the release of the Green Belt outside of the plan-making process. This sets out that where a 5-year housing land supply cannot be demonstrated or where a LPA is delivering less than 75% against the HDT or where there is unmet commercial or other need, then Green Belt development will not be considered inappropriate when it is either on sustainable 'grey belt', where it would not fundamentally undermine the function of Green belt and where 'golden rules' for major development are satisfied (see below). Similar to current national policy, other than grey belt and PDL, it would remain the case that Green Belt land would only be able to be released where 'very special circumstances' exist and such cases would remain exceptional.

Golden rules to ensure public benefit

- 4.10 Where land is released from the Green Belt the Government are proposing a set of 'golden rules' to deliver benefits for communities and nature. This includes a requirement to deliver at least 50% affordable housing, with an appropriate proportion being social rent, subject to viability, improvements to local or national infrastructure, the provision of new or improved good quality green spaces that are accessible to the public. These are set out at paragraph 155 of the draft NPPF.

Green Belt land and Benchmark Land Values

4.11 The consultation document sets out that the existing use and hope value of Green Belt land is generally low due to its designation, however, the consultation recognises that contributions that can be secured for community and environmental benefits may vary between areas and individual sites due to some areas having lower house prices and / or some sites having abnormal costs. In considering this, limited use of viability assessments has been proposed only for where negotiation is genuinely needed for development to come forward, particularly in relation to affordable housing. The following approaches/options have been put forward as part of the consultation:

- (a) Government sets benchmark land values for different land uses to be used in viability assessments through national policy, to inform the policies developed on benchmark land value by local planning authorities. These would reflect the need for policy delivery against the golden rules.
- (b) Government sets policy parameters so that where land transacts at a price above benchmark land value, policy requirements should be assumed to be viable and viability negotiations should not be undertaken or planning permission granted where a development cannot comply with the golden rules policy.
- (c) Government sets out that where development proposals comply with benchmark land value requirements, and a viability negotiation to reduce policy delivery occurs, a late-stage review should be undertaken to test actual costs and revenues against the initial viability assumptions, where should the initial assumptions be lower then additional contributions can be secured, to bring the development closer to policy compliance.

4.12 The Government is also considering how relevant bodies, such as LPAs and Homes England could take a proactive role in land assembly to help bring forward policy compliant schemes, supported by compulsory purchase powers.

5. Chapter 6 – Delivering affordable, well-designed homes and places

5.1 The focus of the consultation report for affordable homes is around how to support affordable housing delivery alongside NPPF reform to achieve the Government's aims of a more diverse housing market that delivers homes quicker and better, responding to the range of community needs. To do this, the Government confirms that it will not be introducing the Infrastructure Levy as introduced in the LURA but will instead be focusing on improving the existing system of developer contributions.

- 5.2 The consultation proposes that the current expectations for LPAs to establish housing requirements and community need will continue, however, an expectation will be set for housing need assessments to explicitly consider the needs of those requiring Social Rent and for LPAs to specify their expectations on the minimum proportion of Social Rent homes required as part of their affordable housing policies.
- 5.3 In considering the Government's support for Social Rent delivery, it is proposed to remove the prescriptive requirements in paragraph 66 of the NPPF relating to affordable home ownership products including the requirement to deliver 10% affordable home ownership products on major sites and the minimum 25% of affordable housing units to be First Homes. It is also proposed to remove starter homes from the affordable homes definition and the definition to be updated to reflect the above. This change would allow LPAs to identify the right balance for the delivery of affordable home products in accordance with the needs of the community.
- 5.4 The consultation also proposes a new policy to promote the delivery of mixed-use sites to support the creation of diverse communities alongside the timely build out of sites. This policy sets out that LPAs should support the delivery of mixed-use sites through policies and decisions including a mixture of ownership and rental tenures, including rented affordable housing and build to rent, as well as housing designed for specific groups such as student accommodation or older people's housing, and plots for self or custom build.
- 5.5 Other changes proposed include:
- Making explicit reference in paragraph 63 of the NPPF to 'looked after children' which will require this housing need to be assessed and reflected in planning policies;
 - Strengthening the provisions in the NPPF to support community-led development by including within the definition of community-led development' housing that is developed by a group originally set up for a purpose other than housebuilding and by removing the size limit for community-led exception sites, where an alternative limit is established through the development plan.
 - Removing reference to beauty and beautiful in relation to well-designed development given that there is already a clear framework through policy and National design guidance on how to achieve well-designed places and also making a small amendment to paragraph 138 of the NPPF to clarify this.

- Updating paragraph 124(e) to support all upward extensions, not just mansard roofs.

5.6 The consultation also sought views on:

- How to best promote sites that are predominantly or exclusively for affordable housing including rural exception sites, while ensuring that adequate safeguards are in place that avoid unintended consequences. For example, should there be an appropriate maximum size for such schemes?
- Whether changes are needed to the definition of ‘affordable housing for rent’ in the Framework glossary to make it easier for organisations that are not Registered Providers, for example community-led developers and almshouses, to develop new affordable homes. The consultation sets out that views on this will be used to inform an approach to National Development Management Policies.
- Why authorities are finding it difficult to meet current policy requirements of delivering 10% of housing on small sites and views on measures to strengthen the small site policy through the NPPF.

6. Chapter 7 – Building infrastructure to grow the economy

6.1 The consultation report sets out that alongside delivering 1.5 million new homes, that a reform of the planning system is required to build the infrastructure needed to power the economy and support a forthcoming industrial strategy. To support this the Government are proposing a number of changes to the NPPF to help support investment and construction of key modernised industries to support economic growth. The key industries include laboratories, gigafactories (battery cell manufacturing plants), digital infrastructure including data centres, freight and logistics. This is reflected in updates to paragraphs 86b) and 87 of the NPPF where:

6.2

- Paragraph 86b) sets out that planning policies should set criteria for and identify strategic sites to deliver the key industries mentioned above.
- Paragraph 87a) supports proposals for new or upgraded facilities and infrastructure that are key to data, creative or high tech industries;
- Paragraph 87b) provides additional wording to ensure that supply chains, transport innovation and decarbonisation are considered in terms of locational requirements of the storage and distribution sectors;
- Paragraph 87c) is added to make provision in planning policies and decisions for the expansion or modernisation of other industries of local, regional or national importance to support economic growth and resilience.

6.3 The consultation also seeks views on whether the Government should go further by reflecting its priorities for data centres, gigafactories and laboratories in the National Significant Infrastructure Project (NSIP) consenting regime process. This follows on from changes made in 2013 so that certain business and commercial developments such as offices, sports, leisure and tourism of substantial size or that may have a significant economic or important for economic growth could be directed into the NSIP regime.

7. Chapter 8 - Delivering community needs

7.1 A number of revisions to the NPPF are proposed in relation to delivering community needs in recognition that community needs go beyond the provision of homes and jobs alongside a critical need to address current issues around public infrastructure, creating healthy communities and promoting active travel. To facilitate this, wording is proposed to the following paragraphs in the NPPF:

- paragraph 100 - to make clear that significant weight should be placed on the importance of facilitating new, expanded, or upgraded public service infrastructure when considering proposals for development.
- Paragraph 99 – additions to include early years and post year school places in relation to meeting education choices, recognising that access to affordable childcare is important for parents seeking to rejoin the workforce and that the delivery of a modern economy needs a work force with the skills necessary for the future.

7.2 In relation to transport planning, the consultation notes that at present, planning for travel too often follows a simplistic ‘predict and provide’ pattern, with limited regard for quality of place or whether planned infrastructure is fully justified. To ensure better outcomes for residents and the environment, the Government are proposing for a ‘vision-led’ approach to be taken so that desired outcomes become the focus. To address this, paragraph 114 is proposed to be updated to include reference to a vision-led approach to promoting sustainable transport modes, taking into account the type of development and its location. In addition, paragraph 115 is also proposed to be updated in relation to preventing or refusing development on highway grounds if there would be unacceptable impact on highway safety, or where residual or cumulative impacts on the road network would need to be severe ‘in all tested scenarios’.

7.3 Through the consultation the Government is also seeking views on whether and how the planning system and national policy could provide greater

direction and clarity on the promotion of health through local plans and planning decisions noting that LPAs are already able to develop policies to support local strategies to improve health and well-being but there is considerable variation in the extent to which they do so. This includes tackling obesity, encouraging active travel and supporting a healthy childhood.

8. Chapter 9 – Supporting green energy and the environment

- 8.1 This chapter both seeks views on a number of climate change and environment matters and also proposes some updates to the NPPF.

Supporting onshore wind

- 8.2 Footnotes 57 and 58, relating to paragraph 163 of the NPPF were deleted by the Chancellor on 8th July 2024. The purpose was to remove additional tests on onshore wind schemes to help promote the delivery of onshore wind projects to meet the target set to double onshore wind generation by 2030. The Government committed to consult on bringing onshore wind back into the NSIP regime and a question is asked on this in the consultation to fulfil the promise.

Supporting renewable deployment

- 8.3 The consultation sets out a number of NPPF paragraph revisions to strengthen national policy to support renewable and low carbon energy generation to increase the likelihood of LPAs granting permission for such schemes, thus contributing to the 2030 zero carbon electricity generation target. This includes amendments at paragraph 160 which changes ‘consider identifying’ to ‘identify suitable areas for renewable and low carbon energy sources, and supporting infrastructure, where this would help secure their development’, thus setting a stronger expectation for LPAs to proactively identify sites for renewable and low carbon development when producing plans, where allocating a site(s), would help to secure development.
- 8.4 Amendments to paragraph 163 of the NPPF is also proposed which removes ‘in determining planning applications’ from the text. The interpretation of this text removal is that significant weight to the need to support energy efficiency and low carbon heating improvements should also be a consideration for plan making also. Paragraph 164 is also amended, which sets out that LPAs should support planning applications for all forms of renewable and low carbon development.

Setting the NSIP threshold for solar generating stations and onshore wind

- 8.5 Under the Planning Act (2008) a threshold of more than 50 megawatts is used to define which projects are determined by the Secretary of State under the NSIP regime. Given technological advances the Government are proposing to increase the threshold to 100MW for onshore wind and 150MW for solar projects to follow a proportionate process to secure consent. This would result in projects below these thresholds to be considered through the local planning system.

Tackling climate change

- 8.6 The consultation does not propose any NPPF amendments but instead seeks views on what specific, deliverable ways could national planning policy do more to address climate change mitigation and adaptation. A question is asked in relation to the current state of technological readiness and availability of tools for accurate carbon accounting in plan-making and planning decisions, and what are the challenges to increasing its use? Whether any changes are needed to policy for managing flood risk to improve its effectiveness and what other actions could be taken through planning to address climate change?

Availability of agricultural land for food production

- 8.7 A footnote was added in the December 2023 NPPF that made the availability of agricultural land for food production an explicit consideration in determining if sites are appropriate for development. It is proposed for this to be removed on the basis that policy is already clear on this matter.

Supporting water resilience

- 8.8 The consultation sets out that the Government are considering how to provide water undertakers greater certainty on the planning route for new strategic water infrastructure, to support faster delivery so that water scarcity and quality can be addressed. An amendment to the Planning Act 2008 is suggested to bring projects into the definition of NSIP.

9. Chapter 10 - Changes to local plan intervention criteria

- 9.1 Given the criticality of local plans, the law provides powers for the Government to take action to ensure plans are progressed and are in place. Decisions on intervention are currently made in line with legal provisions and

policy criteria set out in the 2017 Housing White Paper and the Government is considering updating them to align with Government priorities.

- 9.2 The consultation seeks views on whether to remove the intervention powers provided in the Planning and Compulsory Purchase Act 1990 and instead Ministers would approach any future decisions on intervention with substance, rigour and an open mind, and in the context of relevant legal tests. LPAs would also be given an opportunity to set out any exceptional circumstances that might be relevant. An alternative to this would be to instead revise the criteria set out in the 2004 Act so that LPAs who fail to do what is required to get their plan in place or keep it up to date, would be at risk from Government intervention. Intervention options could include issuing plan-making directions through to the removal of plan-making powers.

10. Chapter 11 – Changes to planning application fees and cost recovery for local authorities related to Nationally Significant Infrastructure Projects

- 10.1 Within this chapter views are sought as to whether planning fees should be raised and whether to introduce statutory cost recovery for LPAs for their role in applications for development consent under the NSIP regime.
- 10.2 In relation to planning fees the consultation notes that current fees do not generate enough income to cover the cost of some planning applications and for many LPAs there is a funding shortfall. The Government wishes to reduce the shortfall by ensuring that application fees cover estimate costs for determining those applications. This would ensure that planning departments are sufficiently resourced and it would reduce the funding burden on wider Council budgets. By increasing planning fees, it is expected that the resource would be sufficient to determine applications within the statutory time period and contribute to housing delivery and economic growth. LPA performance would be monitored on a quarterly basis.

Proposed fee increase for householder applications

- 10.3 The current fee for householder applications is £258, however the cost to process such applications is significantly higher. Based on an estimate, it is proposed to increase this to £528. It is noted that there is a balance to be struck between costs for the applicant and reducing the funding shortfall for local authorities, however, the Government consider that this would represent less than 1% of the total cost of the development and also considers the benefits from permitted development rights. Views are sought on this matter.

Proposed fee increase for other planning applications

- 10.4 The consultation identifies that other planning applications where the cost is greater than the fee received are applications for prior approval, section 73 applications for the variation or removal of conditions and applications for the approval of details reserved by condition. The Government have already consulted on the section 73 application route as introduced by the Levelling Up and Regeneration Act 2023, which included consultation on raising fees for major applications and the majority of respondents were in agreement that fees for major applications should be raised. The Government is therefore seeking views on other applications as part of the consultation.

Fees for applications where there is currently no charge

- 10.5 Certain applications currently do not require a fee such as listed building consents, demolition in a conservation area, works to trees in a conservation area or those with a Tree Preservation Order mainly due to the fact that owners cannot opt out of these designations. However, these applications require technical input, additional publicity and the cost burden is felt strongly in LPAs, especially those with a high proportion of these application types. Views are sought as to whether a fee should be charged for these applications.

Localisation of planning application fees

- 10.6 This section of the consultation notes that nationally set fees do not always reflect the full costs for all LPAs and puts forward questions as to whether LPAs should be able to set their own fees to cover actual costs specific to that LPA in determining applications. Two possible models for the localisation of planning fees are put forward.
- Model 1 – Full Localisation: This would allow LPAs to set their own planning fees to achieve, but not exceed cost recovery with the existing fee categories and exemptions set by the Secretary of State. This would require primary legislation and Regulations, including a charging schedule.
 - Model 2 – Local Variation (from default national fee): This would retain a nationally set default fee but provide LPAs the option to vary fees within prescribed limits where national fees do not meet actual costs. This could be for all fees or just select fees.

Increasing fees to fund wider planning services

- 10.7 Currently planning fees can only be charged at a level to cover the cost of determining planning applications. Other services, for example, planning enforcement, plan-making, heritage and conservation and design services have to be funded from other Council budgets. It is estimated that to cover the cost of these services planning fees would need to be increased by 157%. The consultation seeks views as to whether planning fees should fund wider planning services and what an appropriate fee should be and what planning functions should be funded.

Cost recovery for local authorities related to NSIP

- 10.8 The consultation notes the important role that LPAs play in the Development Consent Order (DCO) process, by ensuring that local impacts and context are considered in the delivery of infrastructure as well as being responsible for monitoring and enforcing DCO requirements and provisions and any section 106 infrastructure obligations. Engagement in the DCO process is both time consuming and resource intensive. Although there is an option to negotiate planning performance agreements with applicants to provide funding for an agreed level of service, this is often a lengthy process with no certainty. The consultation sets out that the Government are considering whether provisions should be made to allow unitary LPAs to be able to recover costs for services provided and views on what limitations, if any, should be set in regulations or through guidance in relation to the ability to recover costs. The Government considers that fee charging would be most appropriate for host lower and upper tiers (unitary authorities) and that planning performance agreements remain the most appropriate mechanism for neighbouring authorities to recover costs. It is also put forward the consideration as to whether host authorities should be able to waive fees where a planning performance agreement is in place, to provide a more flexible approach where this would be more appropriate based on specific circumstances.

11. Chapter 12 – The future of planning policy and plan making

- 11.1 This chapter of the consultation sets out how LPAs should prepare local plans in response to the revised NPPF. The key points relevant to TMBC are as follows:
- LPAs should continue to progress their plans to adoption under the existing system without delay and LPAs without an up-to-date plan should not stop work on a plan with the intention of preparing a plan under the new system.

- A commitment is re-affirmed to support LPAs in responding to proposed policy changes and getting plans in place. This may include targeted or tailored support to meet individual circumstances of different places.
- To maintain progress in plan-making, transitional arrangements are proposed relating to the different stages of plan-making. TMBC has not undertaken a Regulation 19 consultation, so is considered to be at the early stages of plan-making. It is proposed that all plans at this stage should be prepared against the revised version of the NPPF and progressed as quickly as possible.
- For plans that have undertaken a Regulation 19 consultation, whether these plans can be submitted to the Secretary of State depends on whether or not there is a gap of over 200 dwellings per annum between the LPAs Local Housing Need revised figure. Where this is the case, the Plan will require revision before it can be submitted.

11.2 The Government intends to implement a new planning system as set out in the LURA between summer/autumn 2025. All plans will need to be submitted no later than December 2026 under the current system. This is considered to be a significant extension to the 30th June 2025 date that was provided previously. It is considered that the extension will benefit plans that are at earlier stages, providing more time for LPAs to reflect on the revised NPPF and progress plans that will stand up to scrutiny at examination. Further details of the Government's intentions around plan-making reform will be published in due course, which will assist in starting to consider and plan for this.

11.3 The consultation also confirms that the Government will be exploring the creation of a more accessible and interactive, web-based set of national policies (both in the form of National Development Management Policies and national policies for plan-making). The Government will also be considering how national policies for waste and for Gypsy and Travellers can be set out in the future, including which aspects need to form part of the suite of proposals for National Development Management Policies.

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Annex 3 - Implications of proposed revisions to the NPPF

NPPF Paragraph	Change	Implications for Local Plan	Current Local Plan Commitments	Further work required	Additional cost	LP Timetable implication	Main Risks – see Annex 5
Chapter 3 – Planning for the homes we need							
1 & 61	<p>Makes it clear the importance of planning to meet housing need as per the standard method, removing ‘opt outs’ such as not meeting need in ‘exceptional circumstances’ and ‘alternative approaches’.</p> <p>Deletion that the standard method is the advisory starting point.</p>	<p>Meeting housing need using the standard method is mandatory with LPAs expected to make all efforts to allocate land in line with housing need.</p> <p>Should it not be possible to meet housing need then this will need to be justified through local plan consultation and examination. A robust evidence base will be critical to support plan-making and decisions made</p>	<p>Through the plan-making process the Council is considering and testing sites to understand whether it can meet its housing need requirement, alongside gathering evidence to support plan-making.</p>	<p>To further test sites taking into account any future NPPF revisions and evidence to understand whether need can be met in full.</p> <p>If need cannot be met in full, then to discuss TMBCs unmet need with relevant LPAs.</p>	<p>Yes – associated with reviewing and updating evidence base work already undertaken and gaining further evidence to inform spatial strategy testing. A Green Belt review and landscape evidence will be pertinent to progressing the plan and testing sites.</p>	<p>Yes – the plan will need to be informed by evidence and testing prior to publishing a further Regulation 18 consultation.</p>	<p>Duty to Cooperate discussions will be required to discuss need and unmet need</p> <p>Delay to obtaining the evidence base and testing required.</p> <p>Availability of expert consultants to undertake the work.</p> <p>Evidence base and plan-making costs</p> <p>Meeting the plan</p>

NPPF Paragraph	Change	Implications for Local Plan	Current Local Plan Commitments	Further work required	Additional cost	LP Timetable implication	Main Risks – see Annex 5
		will be tested / scrutinised at examination including the ability to meet other LPAs unmet need, as relevant.					submission deadline Risk No. 11, 28, 37, 39 and 40
62	The uplift to the standard method and housing need to 20	No direct implication for TMBC beyond that considered	N/A	N/A	N/A	N/A	N/A

NPPF Paragraph	Change	Implications for Local Plan	Current Local Plan Commitments	Further work required	Additional cost	LP Timetable implication	Main Risks – see Annex 5
	cities/urban areas is removed.	below in relation to the standard method.					
130	Removal of text providing an 'opt out' for higher densities, if it would result in	Localised design codes and masterplans for strategic	The PlaceMaker software uses several criteria to make assumptions around	Further evidence required to understand appropriate	Yes – Characterisation and Density Study.	Yes – Will need to understand appropriate densities	Delay to obtaining the required evidence base and /

NPPF Paragraph	Change	Implications for Local Plan	Current Local Plan Commitments	Further work required	Additional cost	LP Timetable implication	Main Risks – see Annex 5
	development being out of character with the existing area.	<p>development are proposed to be the vehicle for understanding appropriate densities for strategic sites.</p> <p>The Council will need to ensure that proposed densities in urban areas are sufficiently uplifted to represent an efficient use of land.</p>	appropriate densities by location, which provides a starting point.	densities including further site visits, partnership working with site promoters to progress localised design codes and masterplans for strategic sites, alongside procuring a TMBC density and characterisation study.	Resources to support work with site promoters to deliver design codes / masterplans.	when identifying housing numbers for site allocations.	<p>or information from site promoters, which will be required prior to further testing plan options given the implications on housing numbers.</p> <p>Site promoters may opt to not forward fund design codes / masterplans for their sites, which could impact on TMBC budgets.</p> <p>Specialist design advice not available.</p>

NPPF Paragraph	Change	Implications for Local Plan	Current Local Plan Commitments	Further work required	Additional cost	LP Timetable implication	Main Risks – see Annex 5
							Risk No. 22 and 27
11(d)	Inclusion of wording to clarify that the relevant policies are those relating to the supply of land including overall	No direct implication for plan-making. However, a helpful clarification for planning	The Council is progressing a local plan and once adopted the risk of adhoc developments coming forward	N/A	N/A	To continue to progress plan-making and submit/adopt a plan at the earliest opportunity.	N/A

NPPF Paragraph	Change	Implications for Local Plan	Current Local Plan Commitments	Further work required	Additional cost	LP Timetable implication	Main Risks – see Annex 5
	requirement, allocations and/or windfall allowances when considering the presumption in favour of sustainable development for decision-taking.	application decision-making.	under the presumption in favour of sustainable development will be reduced.				
11(dii)	In considering whether adverse impacts outweigh benefits in applying the presumption in favour of sustainable development,	No direct implication for plan-making. However, a helpful clarification for planning application decision-	N/A	N/A	N/A	N/A	N/A

NPPF Paragraph	Change	Implications for Local Plan	Current Local Plan Commitments	Further work required	Additional cost	LP Timetable implication	Main Risks – see Annex 5
	emphasis is provided on considering design, location and affordable housing provision to ensure high standards of 'all' development.	making to ensure high-quality development.					
76 & 78	Amendments to how 5-year housing land supply is considered, requiring all LPAs, regardless of local plan status (even when a plan is less than five	There will be a continual need to identify a 5-year housing land supply. It will be important for the local plan to allocate sufficient sites	Two 'call for sites' rounds for the emerging plan have been undertaken so far to inform the Land Availability Assessment (LAA). This provides the evidence to	Undertake a further call for sites as part of the Regulation 18 consultation or sooner (if appropriate) and progress the LAA evidence base taking into	The LAA is a fundamental and substantial work area that is undertaken in house. There will be a staff resource implication on updating and progressing the	Yes – further work on the LAA will be required to address the revised NPPF and obtaining the necessary evidence in which to inform the	A risk should staff leave, fall ill etc on delivering the LAA. Delay to obtaining the evidence base which

NPPF Paragraph	Change	Implications for Local Plan	Current Local Plan Commitments	Further work required	Additional cost	LP Timetable implication	Main Risks – see Annex 5
	<p>years old), to continually demonstrate 5-years of specific, deliverable sites for housing.</p> <p>Deletion of the ability to count oversupply against upcoming supply in 5-year housing land supply calculations.</p>	<p>to meet housing need and provide an appropriate buffer to protect the Council’s 5-year housing land supply position on an annual basis to ensure a planned approach, alongside ensuring and responding to changes in housing delivery.</p>	<p>understand the suitability and deliverability of sites taking into account national policy and constraints and will allow the future housing supply position to be understood through supporting the provision of a local plan housing trajectory.</p>	<p>account a revised NPPF and the Council’s evidence base. This work will feed into spatial strategy option testing and understanding housing supply. Work specifically around the 5-year housing supply will also be required.</p> <p>Considering monitoring practices.</p>	<p>LAA. There will also be costs associated with obtaining evidence to inform the LAA / plan-making process as identified in this table.</p>	<p>assessment of sites submitted to the LAA.</p>	<p>will inform the LAA.</p> <p>Risk No. 8 and 27.</p>

NPPF Paragraph	Change	Implications for Local Plan	Current Local Plan Commitments	Further work required	Additional cost	LP Timetable implication	Main Risks – see Annex 5
75 & 77	<p>The 10% buffer for 'annual position statements' has been deleted.</p> <p>The requirement for a 5% buffer has been added.</p> <p>The requirement for a 20% buffer on top of the 5-</p>	<p>Given TMBC's 5-year housing land supply position¹, the local plan will need to account for a 20% buffer in the first five years to be added to the overall housing supply. Using the new</p>	<p>The Regulation 18 Local Plan made a commitment to meeting need.</p>	<p>Evidence around the degree to which it is possible to meet higher development needs will be required. See chapter 4 row below.</p>	<p>No – work undertaken in-house. Costs associated with evidence base gathering as per comments under chapter 4 below.</p>	<p>Yes – See chapter 4 comments below.</p>	<p>Risks around the soundness of the plan, should development needs (including a 20% buffer) not be met or cannot be met by other LPAs via</p>

¹ Based upon the housing need of 839 dpa plus a 20% buffer, the Council is able to demonstrate 4.36 years of housing land supply between 1 April 2023 and 31 March 2028 as at 31 December 2023. This does not account for any increase in housing need requirements as per the revised NPPF.

NPPF Paragraph	Change	Implications for Local Plan	Current Local Plan Commitments	Further work required	Additional cost	LP Timetable implication	Main Risks – see Annex 5
	<p>year housing land supply figure for LPAs that have scored below 85% in the housing delivery test (HDT) is also added.</p> <p>The reduced requirement to demonstrate a 4YHLS for plans that had been submitted or reached Reg 18 or 19 has also been deleted, restoring consistency of requiring a 5-year housing land supply for LPAs regardless of plan progress.</p>	<p>standard method calculation this amounts to 212 additional dwellings per annum or a total of 1,060 additional dwellings in the first five years.</p>					<p>Duty to Cooperate discussions / agreements.</p> <p>Risk No. 11</p>

NPPF Paragraph	Change	Implications for Local Plan	Current Local Plan Commitments	Further work required	Additional cost	LP Timetable implication	Main Risks – see Annex 5
24 & 27	<p>Amendments to ensure effective cooperation and greater collaboration between authorities on strategic cross boundary issues.</p> <p>Amendments providing that strategic policy-making authorities and Inspectors will</p>	<p>The Duty to Cooperate will continue to apply but with a greater emphasis on strategic planning and there will be a requirement to continue progressing Statements of Common Grounds to demonstrate</p>	<p>Duty to Cooperate discussions and work progressing an Infrastructure Delivery Plan is ongoing.</p>	<p>Given that housing supply requirements for most West Kent Authorities will increase and the emphasis on strategic planning, it may be prudent to take forward a collaborative approach between West Kent authorities</p>	N/A	<p>Yes – to aid further engagement to ensure effective cooperation.</p>	<p>Duty to Cooperate discussions fail or cause plan production delay.</p> <p>Risk No. 11 and 39</p>

NPPF Paragraph	Change	Implications for Local Plan	Current Local Plan Commitments	Further work required	Additional cost	LP Timetable implication	Main Risks – see Annex 5
	<p>need to make an informed decision on the basis of available information where plans come forward at different times or where there is uncertainty from infrastructure providers.</p>	<p>this. Policy consistency will be required between other strategic LPAs and other relevant bodies.</p> <p>Decisions to be made on available information may have implications when considering key matters such as meeting housing need, unmet need from other LPAs and / or infrastructure delivery certainty.</p>		<p>on strategic matters.</p>			

NPPF Paragraph	Change	Implications for Local Plan	Current Local Plan Commitments	Further work required	Additional cost	LP Timetable implication	Main Risks – see Annex 5
Chapter 4 – A new Standard Method for assessing housing need							
N/A – see chapter 4 of consultation document	New standard method proposed for assessing local housing need where LPAs must make all efforts to allocate land in line with it including optimising density, sharing need with neighbouring authorities and reviewing Green Belt boundaries.	Applying the new standard method will result in an increased housing need from 820 to 1057, a 237 dwellings per year increase from the previous standard method. The new standard method will also	Updating the strategic housing market assessment and need evidence base and Green Belt evidence is already noted within the Local Plan work programme.	Given the amount of housing need required for Tonbridge and Malling Borough, alongside likely unmet need from adjacent LPAs, a range of evidence will be required to demonstrate whether it is possible to	Yes – associated with providing evidence bases and updating the Sustainability Appraisal.	Yes – to obtain the required evidence and consider the suitability of sites using a revised NPPF, emerging evidence and densities to understand whether overall housing need can be met.	Delay to obtaining the required evidence base which will help inform whether it is possible to meet needs and identify a deliverable spatial strategy.

NPPF Paragraph	Change	Implications for Local Plan	Current Local Plan Commitments	Further work required	Additional cost	LP Timetable implication	Main Risks – see Annex 5
		<p>increase housing need in adjacent authorities. This could lead to an increase in unmet need requests from other LPAs and / or an uplift in the amount of unmet need likely to be requested.</p> <p>Going forward, we will need to deliver a higher housing target and test whether this is deliverable or ensure that robust evidence exists to demonstrate that land cannot be brought forward due to constraints.</p>		<p>meet our needs / unmet need from elsewhere.</p> <p>This will be undertaken via the LAA, evidence bases to understand constraints (such as a Green Belt review or landscape sensitivity assessments etc), an updated housing / economy evidence base and spatial option testing and density work.</p>			<p>Risks around the soundness of the plan, should development needs not be met or cannot be met by other LPAs via Duty to Cooperate discussions / agreements.</p> <p>Risk No. 27 and 11</p>

NPPF Paragraph	Change	Implications for Local Plan	Current Local Plan Commitments	Further work required	Additional cost	LP Timetable implication	Main Risks – see Annex 5
Chapter 5 Brownfield, grey belt and the Green Belt							
124c	Addition of wording in the NPPF to reinforce the expectation that development proposals on brownfield land / Previously Developed Land (PDL) are viewed positively and 'should be regarded as acceptable in principle'.	None – The current NPPF already promotes utilising brownfield land.	The LAA provides information on available brownfield land.	Provide an update to the Brownfield Register.	N/A	N/A	N/A

NPPF Paragraph	Change	Implications for Local Plan	Current Local Plan Commitments	Further work required	Additional cost	LP Timetable implication	Main Risks – see Annex 5
154g	In relation to proposals affecting the Green Belt, amendments relax the restrictions that are currently applied to PDL and limited infilling in the Green Belt, to make clear that development is 'not inappropriate' where it would not cause substantial harm	The amendment provides a change in how restrictions to development are applied.	Certain Green Belt work has / is being progressed.	A change in how restrictions are applied will need to be considered in both current and future Green Belt work.	Yes – revising emerging evidence base alongside a Green Belt review.	Yes – to update evidence base and undertake a Green Belt review.	Delay to obtaining the evidence base which will inform the LAA and the overall spatial strategy. Risk No. 27

NPPF Paragraph	Change	Implications for Local Plan	Current Local Plan Commitments	Further work required	Additional cost	LP Timetable implication	Main Risks – see Annex 5
	to the openness of the Green Belt.						
145	Wording amended / added requiring LPAs to undertake a Green Belt review where exceptional circumstances are evidenced / justified. This includes instances where an authority cannot meet its identified needs through other means unless this would fundamentally undermine the function of the	Currently there is no requirement to review Green Belt. Should TMBC not be able to meet its housing need on land outside the Green Belt, then a Green Belt review will be required.	Certain Green Belt work has / is being progressed.	Given limited opportunity to meet needs outside the Green Belt, a full Green Belt review will be required.	Yes – Consultancy costs to undertake a full Green Belt Review, building on work already undertaken / being progressed.	Yes – It is stipulated that Green Belt review should be undertaken through the preparation of plans. This will be a critical piece of work that will feed into the Local plan spatial strategy.	<p>Delay to obtaining the evidence base which will inform the LAA.</p> <p>Delay to Guidance being published by the Government which will inform Green Belt work.</p> <p>Risk No. 27 and 32</p>

NPPF Paragraph	Change	Implications for Local Plan	Current Local Plan Commitments	Further work required	Additional cost	LP Timetable implication	Main Risks – see Annex 5
	Green Belt across the plan area as a whole.						
147	Provision of a sequential approach to guide Green Belt release towards urban areas, towns and villages within the Green Belt or towards locations beyond the outer Green Belt boundary is proposed where consideration should first be directed to PDL in sustainable locations, then towards grey belt land in sustainable	The term 'grey belt' ² is defined in the revised NPPF. This addition provides a new approach to releasing land in the Green Belt that will need to be addressed through both plan-making and decision-making.	Certain Green Belt work has / is being progressed.	To understand Government guidance in relation to judging whether land makes a limited contribution to the Green Belt purposes. A Green Belt review and further work to consider the sequential approach.	Yes – Consultancy costs to undertake a full Green Belt Review, building on work already undertaken / being progressed.	Yes – It is stipulated that Green Belt review should be undertaken through the preparation of plans. This will be a critical piece of work that will feed into the Local plan spatial strategy.	Delay to obtaining the evidence base which will inform the LAA. Delay to Guidance being published by the Government which will inform Green Belt work. Risk No. 27 and 32

² • Grey belt: For the purposes of Plan-making and decision-making, grey belt is defined as land in the Green Belt comprising Previously Developed Land and any other parcels and/or areas of Green Belt land that make a limited contribution to the five Green Belt purposes (as defined in para 140 of this Framework) but excluding those areas or assets of particular importance listed in footnote 7 of this Framework (other than land designated as Green Belt).

NPPF Paragraph	Change	Implications for Local Plan	Current Local Plan Commitments	Further work required	Additional cost	LP Timetable implication	Main Risks – see Annex 5
	locations and only then to consider other sustainable Green Belt locations.						
152	New paragraph proposed to support the release of grey belt land outside of the plan-making process where a 5-year housing land supply cannot be demonstrated or where a LPA falls below the 75% HDT threshold or where there is unmet commercial or other need.	No implications for plan-making, however, TMBC is without a 5-year housing land supply and this change is likely to result in applications coming forward outside the plan-making process.	Certain Green Belt work has / is being progressed.	Sites coming forward outside the plan-making process will need to be considered as part of the Council's overall housing supply work.	N/A	N/A	N/A

NPPF Paragraph	Change	Implications for Local Plan	Current Local Plan Commitments	Further work required	Additional cost	LP Timetable implication	Main Risks – see Annex 5
155 & 156	New paragraph introducing 'golden rules' that will apply to development management decisions that relate to both land released from the Green Belt and also developments permitted through development management. The 'golden rules' require housing schemes to deliver at least 50% affordable housing, subject to viability, infrastructure improvements and provision of accessible green space that meets local or Natural	N/A	N/A	N/A	N/A	N/A	N/A

NPPF Paragraph	Change	Implications for Local Plan	Current Local Plan Commitments	Further work required	Additional cost	LP Timetable implication	Main Risks – see Annex 5
	England standards.						
157 & Annex 4	Provides that additional guidance for viability in relation to Green Belt release is provided in Annex 4 setting out guidance on benchmark land values, that planning permission should not be granted if policy compliant development cannot be delivered and advice on viability assessments.	No direct impact – however ‘golden rule’ requirements and benchmark land values being set at too low a level could result in developers holding back land which could affect the Council’s housing land supply position.	Viability assessments for plan policies are already part of the Local Plan work programme at its various Reg 18 and Reg 19 stages.	Further work will be required to consider a revised NPPF in relation to the viability of sites in the Green Belt.	Yes – to update work already undertaken.	No	N/A

NPPF Paragraph	Change	Implications for Local Plan	Current Local Plan Commitments	Further work required	Additional cost	LP Timetable implication	Main Risks – see Annex 5
Chapter 6 Delivering affordable, well-designed homes and places							
63 & 64	<p>Expectation set for housing need assessments to explicitly consider the needs of those requiring Social Rent and for LPAs to specify their expectations on the minimum proportion of Social Rent homes required as part of their affordable housing policies.</p> <p>Also addition of reference to consider and reflect in planning policies the needs of 'looked after children'</p>	Planning policies to specify minimum proportion of Social Rent homes.	An updated Strategic Housing Market Needs Assessment forms part of the local plan work programme.	To consider evidence and progress a policy to include Social Rent minimum requirements.	N/A	Evidence required to inform draft policy.	<p>Delay to obtaining the evidence base which will inform the LAA.</p> <p>Risk No. 27</p>

NPPF Paragraph	Change	Implications for Local Plan	Current Local Plan Commitments	Further work required	Additional cost	LP Timetable implication	Main Risks – see Annex 5
6 & 66	Removal of requirements relating to percentages required for affordable home ownership tenures and 25% of affordable housing units to be First homes.	It will be necessary for TMBC to identify the right balance for the delivery of affordable home products in accordance with the needs of the community and as supported by evidence.	An updated Strategic Housing Market Needs Assessment forms part of the local plan work programme.	To progress and consider evidence to inform Local plan policies.	N/A	Evidence required to inform affordable housing requirements.	Delay to obtaining the evidence base which will inform the LAA. Risk No. 27

NPPF Paragraph	Change	Implications for Local Plan	Current Local Plan Commitments	Further work required	Additional cost	LP Timetable implication	Main Risks – see Annex 5
69	New paragraph promoting the delivery of mixed tenure sites to support the creation of diverse communities alongside the timely build out of sites and setting out that LPAs should support these through policies and decisions ³ .	To progress policies to support mixed tenure sites, as supported by evidence.	An updated Strategic Housing Market Needs Assessment forms part of the local plan work programme.	To progress and consider evidence to inform Local plan policies.	N/A	Evidence required to inform and advise on policy direction.	Delay to obtaining the evidence base which will inform the LAA. Risk No. 27
Chapter 7 Building infrastructure to grow the economy							

³ Mixed tenure sites can include mixture of ownership and rental tenures, including rented affordable housing and build to rent, as well as housing designed for specific groups such as student accommodation or older people's housing, and plots for self or custom build.

NPPF Paragraph	Change	Implications for Local Plan	Current Local Plan Commitments	Further work required	Additional cost	LP Timetable implication	Main Risks – see Annex 5
86b, 87b and 87c	<p>Provides a number of updates focussed on additional industries and uses where planning policies are required to identify sites to meet the needs of the modern economy. Laboratories, gigafactories, digital infrastructure including data centres, freight and logistics are highlighted.</p> <p>There is a new requirement to make provision for the “expansion or modernisation of other industries of local, regional or national importance to support</p>	The policy updates will need to be accounted for within the Economic Needs evidence base as this progresses and addressed through planning policy as relevant.	An Economic Development Needs Study has been progressed to help inform emerging policy.	An update / addendum to the Economy evidence base will be required to specifically consider the NPPF revisions.	Yes	Evidence required to inform and advise on policy direction.	<p>Delay to obtaining the evidence base which will inform the LAA.</p> <p>Risk No. 27</p>

NPPF Paragraph	Change	Implications for Local Plan	Current Local Plan Commitments	Further work required	Additional cost	LP Timetable implication	Main Risks – see Annex 5
	<p>economic growth and resilience”.</p> <p>Also a requirement to ensure that supply chains, transport innovation and decarbonisation are considered in terms of locational requirements of the storage and distribution sectors.</p>						
Chapter 8 – Delivering community needs							

NPPF Paragraph	Change	Implications for Local Plan	Current Local Plan Commitments	Further work required	Additional cost	LP Timetable implication	Main Risks – see Annex 5
99	Additions to include early years and post year school places in relation to meeting education choices.	None – this is already accounted for as part of plan-making.	An Infrastructure Delivery Plan (IDP) will be prepared to support each local plan consultation / submission stage.	On-going liaison with Kent County Council.	N/A	N/A	N/A
100	Addition to make clear that significant weight	None – this is already accounted for	An Infrastructure Delivery Plan (IDP) will be	On-going liaison with	N/A	N/A	N/A

NPPF Paragraph	Change	Implications for Local Plan	Current Local Plan Commitments	Further work required	Additional cost	LP Timetable implication	Main Risks – see Annex 5
	should be placed on the importance of facilitating new, expanded, or upgraded public service infrastructure when considering proposals for development.	as part of plan-making.	prepared to support each local plan consultation / submission stage.	Kent County Council.			
114	Reference made to a vision-led approach for transport planning to promote	None – the approach to transport planning is already accounted for	An Infrastructure Delivery Plan (IDP) will be prepared to support each local	On-going liaison with Kent County Council.	N/A	N/A	N/A

NPPF Paragraph	Change	Implications for Local Plan	Current Local Plan Commitments	Further work required	Additional cost	LP Timetable implication	Main Risks – see Annex 5
	sustainable transport modes, taking account of the type and location of development proposed.	as part of plan-making.	plan consultation / submission stage.				
115	Update requiring cumulative impacts on the road network to be severe 'in all tested scenarios' for a planning refusal on	None – the approach to transport planning and highways capacity is already accounted for	An Infrastructure Delivery Plan (IDP) will be prepared to support each local plan consultation / submission stage.	On-going liaison with Kent County Council to understand outputs and implications of	N/A	N/A	N/A

NPPF Paragraph	Change	Implications for Local Plan	Current Local Plan Commitments	Further work required	Additional cost	LP Timetable implication	Main Risks – see Annex 5
	highways grounds.	as part of plan-making.		transport modelling.			
Chapter 9 Supporting green energy and the environment							
160	Amendment strengthening the requirement to consider renewable and low carbon energy and heat setting out that	Previous requirement was to 'consider identifying such areas'. The revision now requires LPAs	Work has been undertaken to gain Local Plan Climate Change Policy Support to help inform and provide evidence for local plan policies.	It will be necessary to progress both a landscape capacity study for renewables alongside a renewable	Yes	Yes – time required to obtain the evidence bases.	Delay to obtaining the evidence base which will inform the LAA. Risk No. 27

NPPF Paragraph	Change	Implications for Local Plan	Current Local Plan Commitments	Further work required	Additional cost	LP Timetable implication	Main Risks – see Annex 5
	plans should identify suitable areas to deliver such development and associated infrastructure, where this would help secure their development.	to consider and identify suitable areas for renewables / low carbon and heat developments.		energy assessment to help identify areas of land that may be suitable for wind / solar energy generation.			
163	Removal of text 'in determining planning applications' which will require both plan-making and when determining applications to give significant	To review and revise emerging policy in line with the Council's evidence base on this topic.	Work has been undertaken to gain Local Plan Climate Change Policy Support to help inform and provide evidence for local plan policies.	N/A	N/A	N/A	N/A

NPPF Paragraph	Change	Implications for Local Plan	Current Local Plan Commitments	Further work required	Additional cost	LP Timetable implication	Main Risks – see Annex 5
	weight to support energy efficiency and low carbon heating improvements to existing buildings.						
Footnote 64	Removal of footnote that made the availability of agricultural land for food production an explicit consideration in determining if sites are	None	The best and most versatile agricultural land is considered as part of plan-making.	N/A	N/A	N/A	N/A

NPPF Paragraph	Change	Implications for Local Plan	Current Local Plan Commitments	Further work required	Additional cost	LP Timetable implication	Main Risks – see Annex 5
	appropriate for development.						

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Annex 4 – Local plan evidence base commissioned to date and future evidence base commissioning requirements – early consideration based on a proposed revised NPPF

NB: The below table covers the work programme to support a future Regulation 18 Local Plan consultation. It does not include the work programme or any evidence base requirements that may be required to support a Regulation 19 Local Plan consultation over and above that identified below.

Evidence base	Current status of work	Current programme of work (without a revised NPPF)	Update or addendum required due to a revised NPPF	Work required to inform a future Regulation 18 consultation
Published to support the Regulation 18 consultation (2022)				
Green Belt Assessment – Stage 1 (2016)	This study supported the withdrawn plan.	N/A	Yes, consider how this study can be utilised to support Green Belt work and whether updates are required.	Yes
Green Belt Assessment – Stage 2 (2018)	This study supported the withdrawn plan.	N/A	N/A	N/A
Green Belt Study: Exceptional circumstances (strategic) note (July 2022)	Published	To update to reflect any changes to the HMAs, HDT, standard method calculations.	Yes, to account for the new definition of exceptional circumstances. Any changes to the housing market areas, standard method calculation, any updates to the HDT and potential updates to the settlement hierarchy	N/A
Housing needs study (July 2022)	Published	To provide an addendum to inform a Regulation 19 consultation.	Yes to account for change in plan-period, increase in housing need, affordable	Yes

Evidence base	Current status of work	Current programme of work (without a revised NPPF)	Update or addendum required due to a revised NPPF	Work required to inform a future Regulation 18 consultation
			housing requirements and types and to consider needs for specific groups.	
TMBC Strategic Housing Market Assessment (March 2014)	Published	To update study to inform the Regulation 19 local plan.	Yes, however work already required. This can account for NPPF revisions also.	Yes
Urban capacity study report (July 2022)	Published	To update study to align with the consideration of sustainable settlements to inform the Regulation 19 local plan.	Yes, however work already required. This can account for NPPF revisions also.	Yes
Housing market delivery study (July 2022)	Published	To update study in accordance with outputs from the above required Strategic Housing Market Assessment update.	Yes, however work already required. This can account for NPPF revisions also.	No
Gypsy and Traveller and Travelling Showpeople accommodation assessment report (July 2022)	Published	Need assessment and site assessments reports being updated and prepared to be published Regulation 19.	Yes, update to need assessment required to account for a change in local plan period and potential additional need.	Yes
Transport initial baseline assessment (July 2022)	Published	This work is being updated to inform Regulation 19.	Yes, this will need updating to reflect	Yes

Evidence base	Current status of work	Current programme of work (without a revised NPPF)	Update or addendum required due to a revised NPPF	Work required to inform a future Regulation 18 consultation
			revised development needs.	
Economic development needs study – Part one) (August 2022)	Published	Addendum to ensure employment evidence is up-to-date to support the Regulation 19 Plan.	Yes, however work already required. This can account for NPPF revisions also.	Yes
Strategic Flood Risk Assessment (Level 1): Site Screening	Published	Addendum required to support Regulation 19 Local plan.	Yes, however work already required. This can account for NPPF revisions also.	Yes
Windfall allowance methodology paper (July 2022)	Published	To update study to inform Regulation 19 Plan.	Yes, however work already required. This can account for NPPF revisions also.	Yes
Sustainability Appraisal Scoping Report (August 2022)	Published	N/A	Yes – report should be updated to account for recent legislative changes (LURA and Environment Act) and a revised NPPF to inform the SA.	Yes
Interim Sustainability Appraisal Report (31 st January 2022)	Published	Iterative process with reports to be published at Regulation 18 and 19.	N/A	N/A
Emerging evidence base progressed to help inform the Regulation 18b consultation now paused				
TMBC Active Travel Strategy (July 2024)	Evidence in progress.	Yes, update required to account for any changes to spatial	Yes, this will need updating to reflect revised development	Yes

Evidence base	Current status of work	Current programme of work (without a revised NPPF)	Update or addendum required due to a revised NPPF	Work required to inform a future Regulation 18 consultation
		strategy between Regulation 18 and 19.	needs and to support site allocations.	
TMBC Climate Change Policy Support Review (March 2024)	Evidence in progress.	N/A	To be considered further. Potential to update to align with new NPPF.	Yes
TMBC Economy Study (March 2024)	Evidence in progress.	Addendum to ensure employment evidence is up-to-date to support the Regulation 19 Plan.	Yes this will need updating to align with provisions in a revised NPPF and to reflect new plan period and revised development need.	Yes
TMBC Retail and Town Centre Needs Study (March 2024)	Evidence in progress.	Addendum to ensure town centre evidence is up-to-date to support the Regulation 19 Plan.	Yes this will need updating to align with provisions in a revised NPPF and to reflect new plan period and revised development need.	Yes
TMBC Strategic Flood Risk Assessment – Level 1 (May 2024)	Evidence in progress.	Yes update required to account for any changes to spatial strategy between Regulation 18 and 19.	Yes, however work already required. This can account for NPPF revisions also.	Yes
TMBC Level 1 Strategic Flood Risk Assessment – Methodology in	Evidence in progress.	N/A	N/A	Yes

Evidence base	Current status of work	Current programme of work (without a revised NPPF)	Update or addendum required due to a revised NPPF	Work required to inform a future Regulation 18 consultation
support of performing the sequential test				
TMBC Strategic Gap Study (May 2024)	Evidence in progress.	N/A	N/A	Yes
TMBC Stage 2 Green Belt Assessment (May 2024)	Evidence in progress.	To be updated should additional sites or areas require assessment.	Yes – to account for NPPF proposed revised changes in relation to Green Belt national policy.	Yes to support spatial strategy and site allocations.
TMBC Heritage Strategy (May 2024)	Evidence in progress.	N/A	N/A	Yes
HRA Scoping Report (July 2023)	Evidence in progress.	To inform a full Habitats Regulations Assessment at Regulation 19 stage	N/A	Yes – bring this work forward to support a Reg 18 consultation.
Sustainability Appraisal (July 2024)	Evidence in progress.	Iterative process with reports to be published at Regulation 18 and 19.	Yes – should policies or the spatial strategy change from work already undertaken an SA will be required.	Yes – an SA will be required to support a Local plan at Regulation 18 stage taking into account policies, spatial strategy and site allocations.
Green and Blue Infrastructure Strategy (March 2024)	Evidence in progress.	N/A	N/A	Yes
TMBC Transport - Local Plan Tests 1 and 2 (May 2024)	Evidence in progress.	To undertake scenario test 3 to support the Regulation 19 Plan.	Yes – to test sites / the spatial strategy. See scenario test 3 below.	Yes

Evidence base	Current status of work	Current programme of work (without a revised NPPF)	Update or addendum required due to a revised NPPF	Work required to inform a future Regulation 18 consultation
TMBC Transport – Forecast Baseline Report (June 2024)	Evidence in progress.	To update as necessary to inform scenario testing.	Yes, to account for a revised local plan period.	Yes
Local plan Viability Assessment Regulation 18 (July 2024)	Evidence in progress.	To update assessment to inform the Regulation 19 Plan.	Yes, it will be necessary to update to test draft policies taking into account NPPF revisions.	Yes
Evidence base originally planned to be progressed to support the Regulation 19 plan				
Local Plan Viability Assessment Regulation 19	Consultants in place to progress work	As above - To update assessment to inform the Regulation 19 Plan.	As above - Yes will need to revisit the assessment to inform a future Regulation 18 Plan	Yes
Habitats Regulation Assessment	Consultants in place to progress work	To be progressed to support Regulation 19	N/A	Yes
Health Impact Assessment	Consultants in place to progress a combined HIA, CSA and EQiA.	N/A	Yes – to support emerging policy in this area.	Yes
TMBC cumulative local plan assessment – junction capacity analysis	Evidence in progress.	To be progressed to support Regulation 19	Yes – to account for revised development needs and proposed site allocations.	Yes
Transport Assessment – outline of mitigation required to address highways impacts	On hold	To be progressed to support Regulation 19	Yes – to account for revised development needs and proposed site allocations.	Yes
Transport – Scenario 3, Lower Thames	On hold	To be progressed to support Regulation 19	Yes – to account for revised development	Yes, and further refined to inform Reg 19

Evidence base	Current status of work	Current programme of work (without a revised NPPF)	Update or addendum required due to a revised NPPF	Work required to inform a future Regulation 18 consultation
Crossing and M20 Junction – 3 sensitivity tests			needs and proposed site allocations.	
Landscape Sensitivity Assessment screening	Evidence in progress.	To be progressed to support Regulation 19	Yes – to account for revised development needs and proposed site allocations.	Yes
Landscape Character Study	Not currently programmed	N/A	Yes – to support emerging policy in this area.	Yes
Borough wide (minus the National Landscape and strategic sites – see below) landscape Sensitivity Assessments for housing and employment growth	Not currently programmed	N/A	Yes – to support emerging policy in this area.	Yes
Landscape sensitivity Assessment for sites for housing and employment growth within the National Landscape (AONB) and its setting.	Not currently programmed	N/A	Yes – to support emerging policy in this area.	Yes
Landscape sensitivity Assessments for strategic sites for housing and employment growth.	Not currently programmed	N/A	Yes – to support emerging policy in this area.	Yes

Evidence base	Current status of work	Current programme of work (without a revised NPPF)	Update or addendum required due to a revised NPPF	Work required to inform a future Regulation 18 consultation
Density study	Not currently programmed	N/A	Yes – to support emerging policy in this area, including optimising density.	Yes
Strategic Flood Risk Assessment – Level 2	Evidence in progress.	To be published to support Regulation 19		Yes, to support spatial strategy and site allocations.
Gypsies, Travellers and Travelling Showpeople need assessment and site assessments	Evidence in progress.	To be published to inform Regulation 19	Yes – to account for revised plan period.	Yes, for updated needs assessment and any additional site assessment work if required.
Open Space Study	Evidence in progress.	To be published to support Regulation 19	Yes – to account for revised plan period and housing need.	Yes
Playing Pitch study	Evidence in progress.	To be published to support Regulation 19	Yes – to account for revised plan period and housing need.	Yes
Indoor Sports facilities Study	Evidence in progress.	To be published to support Regulation 19	Yes – to account for revised plan period and housing need.	Yes
Green Belt extension	On hold	To be published to support Regulation 19	Yes – to account for NPPF proposed revised changes in relation to Green Belt national policy.	Yes
Green Belt Site Assessments – additional sites	Evidence in progress.	To be published to support Regulation 19	Yes – to account for NPPF proposed revised changes in relation to	Yes, to support spatial strategy and site allocations.

Evidence base	Current status of work	Current programme of work (without a revised NPPF)	Update or addendum required due to a revised NPPF	Work required to inform a future Regulation 18 consultation
			Green Belt national policy.	
Green Gap Study	On hold	To be published to support Regulation 19	Yes, to account for any Green Belt revisions.	No
Strategic Housing Market Assessment	On hold	To be published to support Regulation 19	Yes, however work already required. This can account for NPPF revisions also.	Yes

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Annex 5: TMBC Local Plan Risk Register (September 2024)

No	Risk Title	Consequences	Date identified	Likelihood Score	Impact score	Overall inherent risk score	Risk Assessment form completed?	Desired risk score	Mitigating actions to achieve desired risk score	Risk escalation date	Risk Owner	Date closed	Action required/ by	Review Date
5	Change in political administration or direction from administration	Delay or revisiting key aspects of the local plan, failure to meet 'transitional arrangements' as proposed by Government.	01/09/2024	4	4	16	N	Medium	Progress a Local Plan Engagement Strategy setting out how both internal and external engagement will be progressed. Working with members to gain understanding and awareness of the local plan, the process and the direction of the spatial strategy and local plan policies. Regular member briefings. External legal and technical advice obtained and for the outputs to be communicated to members.	n/a	Kelly Sharp		31/12/2024	04/12/2024
7	Project management-timetable for local plan document, evidence and supporting documentation slips	Delay to the local plan consultation and failure to meet deadlines	01/09/2024	3	4	12	N	Medium	Regular project management meetings between PPM and PPOs; regular updates of timetable	n/a	Kelly Sharp		31/12/2024	04/12/2024
8	Staffing- further changes in staff numbers or loss of hours; unexpected absences	Delay to timetable, health and wellbeing implications for team.	01/09/2024	3	4	12	N	Medium	Regular team meetings, 1:1s, effective file management and installation of a 'buddy' system, risk management escalation; utilising contractor staff. Smart recruitment policy and investigation of specialist support. Work with recruitment agencies to fill permanent positions including the currently vacant PPO post.	n/a	Kelly Sharp		31/12/2024	31/01/2025
11	DTC issues	Failure to demonstrate DTC at examination or other issues raised prior to consultations; duty to cooperate issues with neighbouring boroughs including unmet development needs and cumulative infrastructure issues. This may be more critical with NPPF revisions.	01/09/2024	3	4	12	N	Medium	Developing a robust PM system, new DTC grid and legal compliance toolkit and cross boundary issues understood at an early stage. Meeting with DTC partners early.	n/a	Kelly Sharp		31/12/2024	01/01/2025

20	Consultation database, GDPR and privacy notice issues	Failure of management of the database	01/09/2024	3	4	12	N	Medium	Liaising with legal, keeping them informed of current process, setting dates/timeframes for consultation database review/refresh	n/a	Kelly Sharp		31/12/2024	01/01/2025
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.	01/09/2024	4	3	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. Grant awarded from the Planning Skills and Delivery Fund to progress review of conservation areas. Funding anticipated April/May 24 onwards. Working with Tunbridge Wells Borough Council to implement a new Planning Service Level Agreement to provide advice and guidance in local plan heritage related work.	n/a	Kelly Sharp		31/12/2024	01/01/2025
25	HRA, AQ Evidence-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.	01/09/2024	3	4	12	N	Medium	Project management approach, regular evidence base check ins, ensuring consultants and internal deadlines are met. Providing enough time in the work programme to test the local plan and its policies.	To be identified subject to revised timetable	Kelly Sharp		31/12/2024	01/11/2024
26	SA	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.	01/09/2024	3	4	12	N	Medium	Project management approach, regular evidence base check ins, ensuring consultants and internal deadlines are met. Providing enough time in the work programme to test the local plan and its policies.	To be identified subject to revised timetable	Kelly Sharp		31/12/2024	01/11/2024

27	Evidence base studies - general	Delay to the local plan production and consultation process; lack of consultant support, failure to deliver the study to time. Securing the right consultants to undertake the work with work being delivered in a timely manner to inform plan-making.	01/09/2024	3	4	16	N	Medium	Project management approach, regular evidence base check ins, ensuring consultants and internal deadlines are met. Engaging with consultants early to ensure they are available and have the necessary resources to deliver work to the identified timescales.	To be identified subject to revised timetable	Kelly Sharp		31/12/2024	01/11/2024
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.	01/09/2024	3	4	12	N	Medium	Project management approach, regular evidence base check ins, ensuring consultants and internal deadlines are met	To be identified subject to revised timetable	Kelly Sharp		31/12/2024	01/11/2024
31	Spatial Strategy	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 the NPPF consultation.	01/09/2024	3	4	12	N	Medium	Project management approach, regular evidence base check ins, ensuring consultants and internal deadlines are met. Dissemination and approval by members.	To be identified subject to revised timetable	Kelly Sharp		31/12/2024	01/11/2024
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 and any subsequent guidance. 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.	01/09/2024	3	4	16	Y	Medium	Project management approach, regular evidence base check ins, ensuring consultants are in place and internal and external deadlines are met. Ensuring that consultants are in place to undertake work when required.	To be identified subject to revised timetable	Kelly Sharp		31/12/2024	01/11/2024

35	Transport Modelling	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.	01/09/2024	3	4	12	N	Medium	Project management approach, regular evidence base check ins, ensuring consultants and internal deadlines are met	To be identified subject to revised timetable	Kelly Sharp		31/12/2024	01/11/2024
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 in order to meet the Governments proposed submission date of no later than December 2026.	01/09/2024	4	4	16	N	Medium	Regular financial management procedures, ensuring contracts are in place, strict project management controls	n/a	Kelly Sharp		31/12/2024	01/11/2024
39	Transition arrangements for plan making maintained and formally confirmed to be submission no later than December 2026	Meeting the transitional arrangements will be dependent on the extent of changes made as provided in a revised NPPF once published before the end of the year. A revised NPPF is likely to result in fundamental changes to the way we have progressed plan-making to date and there will be a need for evidence base updates, new evidence to be progressed alongside further on the local plan and its policies to account for a revised NPPF. A revised NPPF will result in cost implications to account for the work required and also the extended time period to deliver a local plan.	01/09/2024	5	4	12	N	Medium	Continue to liaise with members to keep them informed of any changes and timescales relating to a revised NPPF and other relevant consultations; ensure flexibility within new evidence base commissions and budgets to enable quick action once NPPF confirmed. Submission of response to the government's consultation setting out the implications for TMBC on the proposed national policy changes and other planning reforms.	n/a	Kelly Sharp		31/12/2024	01/11/2024

40	Increase in development needs following a new standard methodology as per a revised NPPF once published	Changes to work undertaken so far in plan-making, a need to undertake a further call for sites to identify suitable sites for development to meet needs. The knock on impact of this in evidence gathering and spatial strategy / site allocation testing and work to progress towards a Regulation 18 consultation.	01/09/2024	4	4	16	N	Medium	Consider work that has been progressed so far and identify a work programme to address further work required. Progress background work for a call for sites to progress once NPPF has been published. Work with consultants to understand implications and liaise with members to keep them informed. Progress duty to cooperate meetings with surrounding LPAs and other relevant stakeholders / partners.	n/a	Kelly Sharp		31/12/2024	01/11/2024
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Agenda Item 8

Following discussion at Cabinet on 3 September 2024, Members of the three Scrutiny Select Committees and the Overview & Scrutiny Committee are invited to propose options for evaluation in the forthcoming months to assist in bridging the current funding gap identified in the Medium Term Financial Strategy.

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HOUSING AND PLANNING SCRUTINY SELECT COMMITTEE – UPCOMING MATTERS

2024-25

C=Council; CAB = Cabinet; DEL = Delegated to Committee; INFO = matters for information. Cabinet are responsible for ALL Key Decisions (KD). Some Non-Key Decisions (NKD) can be taken by Cabinet Members outside of/following the meeting. Cabinet member DN Y/N, seeks indication whether the decision is anticipated to be taken by the relevant Cabinet Member following the HPSSC meeting, or whether it is anticipated to go to the next Cabinet meeting for a decision to be taken by the Cabinet as a whole.

DECISION (TITLE)	DESCRIPTION	C/CAB/ DEL/INFO	KD/NKD	CAB MEMBER DN Y/N	PART 1 OR 2	MEETING DATE	OFFICER IN PERSON ATTENDANCE Y/N
Infrastructure Funding Statement 2023/24						3 December 2024	
Local Plan and NPPF (TBC)							
S106 Process Review (TBC)	Requested by Cllr Mehmet via Chair						
Differences between Planning and Building Control	Planning and Building control legislation focusing on Building control regime	Info			1		
Key Performance Indicators							
Work Programme							

DECISION (TITLE)	DESCRIPTION	C/CAB/ DEL/INFO	KD/NKD	CAB MEMBER DN Y/N	PART 1 OR 2	MEETING DATE	OFFICER IN PERSON ATTENDANCE Y/N
Housing Action Plan Annual Update		Cab	NKD	Y	1	18 March 2025	
Key Performance Indicators							
Work Programme							
						20 May 2025	
Key Performance Indicators							
Work Programme							

Agenda Item 10

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

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Agenda Item 11

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

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

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Agenda Item 12

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

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