

TONBRIDGE AND MALLING BOROUGH COUNCIL

HOUSING AND PLANNING SCRUTINY SELECT COMMITTEE

MINUTES

Wednesday, 12th February, 2025

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

Councillors A G Bennison, Mrs T Dean, F A Hoskins, L Athwal*, R P Betts*, M D Boughton*, S Crisp*, D Keers*, Mrs A S Oakley*, K B Tanner*, Mrs M Tatton* and M Taylor* were also present pursuant to Council Procedure Rule No 15.21.

(*participated via MS Teams)

Apologies for absence were received from Councillors Mrs S Bell and S M Hammond.

HP 25/1 NOTIFICATION OF SUBSTITUTE MEMBERS

Notification of substitute Members were recorded as set out below:

- Cllr M Rhodes substituted for Cllr S Bell
- Cllr R Cannon substituted for Cllr S Hammond

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 25/2 DECLARATIONS OF INTEREST

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

HP 25/3 MINUTES

RESOLVED: That the notes of the meeting of the Housing and Planning Scrutiny Select Committee held on 3 December 2024 be approved as a correct record and signed by the Chair.

HP 25/4 OUTSIDE BODIES UPDATE - GATWICK AIRPORT NOISE MANAGEMENT BOARD COMMUNITY FORUM

The Borough Council's outside body appointee to the Gatwick Airport Noise Management Board Community Forum, Cllr M Boughton,

provided a brief verbal update on the involvement with the Board over the last year.

Unfortunately, there had not been much update mainly due to two reasons: (1) the Airport had been focusing on their expansion plans; and (2) the Borough Council was moving towards the periphery of the Board's work programme as a consequence of a structure change of the Board, which now covered a wider remit with less role for the Borough Council to play on aircraft noise issues that had an impact on the residents of the borough.

Now that the second term of the Board which the Borough Council joined in 2020 was coming to an end, Cllr Boughton indicated his desire to propose for the Borough Council to leave the membership of the Gatwick Airport Noise Management Board at the next meeting of the Annual Council in May 2025.

MATTERS SUBMITTED FOR INFORMATION

HP 25/5 WORK PROGRAMME 2025

The Work Programme setting out matters to be scrutinised during 2025 was attached for information. Members were invited to suggest future matters by liaising with the Chair of the Committee.

HP 25/6 REVISED NPPF AND LOCAL PLAN UPDATE

Following the publication of a revised National Planning Policy Framework (NPPF) on 12 December 2024, the report of the Director of Planning, Housing and Environmental Health and the Cabinet Member for Planning confirmed that the majority of the amendments proposed in the NPPF consultation now formed the National Planning Policy.

Key changes in the revised NPPF were summarised and particular attention was drawn to: (1) a significant uplift in housing need requirement placed upon the Borough Council from 820 to 1096 dwellings per annum and, as a result of the Borough Council being significantly under delivery of housing within the last three years, a penalised buffer of an additional 20% housing need would also apply to the Borough Council; and (2) the introduction of a new 'Grey Belt' concept which, as explained to the Committee, was land that did not strongly contribute to Green Belt purposes (a), (b) and (d), and therefore could be utilised for development providing certain conditions were met, including a set of 'Golden Rules' with a 50% affordable housing target applicable to residential development applications by default. Further guidance on 'Green Belt' and 'Grey Belt' was anticipated to be published by Government in the next few weeks. A summary of the revisions made to the NPPF were detailed in Section 5 of the report.

Furthermore, a general update on the Local Plan work that had taken place since the last meeting of the Scrutiny Select Committee was provided, which mainly focused on procuring consultants to progress key evidence base for the Local Plan, including the Sustainability Appraisal, Green Belt review work and assessment of sites in the Green Belt, Landscape work, an update to the employment evidence base and work for a new Strategic Housing Needs Assessment. The Government had confirmed that to progress a local plan under the current planning system for those at the Regulation 18 stage, a submission deadline of 12 December 2026 would need to be met, which would apply to Tonbridge & Malling Borough Council. The Government had also been clear that plan-making must continue and had updated intervention procedures to ensure that plans were progressed to achieve universal coverage across the country. The Risk Assessment had been updated to reflect current risks associated with developing a Local Plan within the timeframe required and was attached at Annex 1.

During discussion, particular concern was expressed by Members in respect of the removal of the footnote relating to the consideration of availability of agricultural land, the significant increase in the housing delivery requirement on the Borough Council and the ability to secure delivery of 50% affordable housing under the 'Golden Rules' with the context of viability assessments.

In conclusion, Members noted:

- the revised NPPF and the implications for Tonbridge and Malling Borough Council's plan-making process and Local Plan timetable; and
- the update provided setting out Local Plan and evidence base progress.

MATTERS FOR RECOMMENDATION TO THE CABINET

HP 25/7 LOCAL DEVELOPMENT SCHEME

Careful consideration was given to a revised Local Development Scheme (LDS), which had been updated to account for the delay of the Regulation 18 Local Plan consultation as a result of the Government's 'Proposed reforms to the National Planning Policy Framework (NPPF) and other changes to the planning system' consultation and the implications of this for plan-making. It was noted that in accordance with the timeframe provided by the Government following the publication of the revised NPPF, local authorities were required to update their LDS and submit the timetable by 6 March 2025.

Key stages of the revised LDS were set out in a timetable included in Annex 1 to the report and particular reference was made to the proposed timescales to undertake the second stage of Regulation 18

Local Plan consultation in October 2025, to publish the Pre-Submission Local Plan at Regulation 19 in Quarter 2 of 2026/27 and to submit the Local Plan to the Secretary of State by 12 December 2026.

Risks associated with the delivery of a Local Plan by the deadline set by the Government were summarised in paragraph 9.5 of the report and detailed in the Risk Register attached at Annex 2.

RECOMMENDED:* That

- (1) the updated Local Development Scheme (February 2025), attached at Annex 1, be commended to Cabinet for approval.

***Recommended to Cabinet**

HP 25/8 LOCAL PLAN BUDGET PROPOSAL

Following the publication of the revised National Planning Policy Framework (NPPF) on 12 December 2024, work had been undertaken to understand the budget requirements to deliver a Local Plan. The report set out the estimated costs for local plan production up to Local Plan adoption (end of 2027/28).

After careful consideration of the evidence base studies, Members recognised the importance of progressing the green belt extension feasibility study at West Malling and the Green Gap study, and they also considered and supported undertaking an extended green belt extension feasibility study for an additional piece of land up to the railway line and Wateringbury Road, East Malling, while acknowledging a very high bar would need to be met for a green belt extension to be endorsed at Local Plan examinations.

In addition, while recognising that Design Code remained a requirement under the revised NPPF, Members supported not progressing a Borough wide Design Code requiring a budget of £260,000 within the current Local Plan budgetary period given that Design Code work was not programmed until post Local Plan submission and adoption, there was uncertainty as to what a design code would be required to entail and the uncertainty around devolution and local government reorganisation. It was also noted that the identification of parking standards for the borough was not due to progress until much later in the plan-marking process. However, it was recognised that this was an important area of work and would be progressed alongside any future design-code work once the Local Plan was further developed. Therefore, the Committee was invited to note that the need for further financial provision, including that relating to a future Borough-wide Design Code / Parking standards, would need to be considered alongside other competing budget demands for the Council as part of the future budget setting process for the Council and Medium-Term Financial Strategy (MTFS).

RECOMMENDED:* That

- (1) the additional pressure on the Borough Council's overall budget as a result of the requirements to deliver a new Local Plan, in accordance with the revised National Planning Policy Framework, and a consequential shortfall in the Planning reserve from 2026/27, be noted;
- (2) the following evidence base studies be progressed:
 - Green Belt extension at West Malling (£30K)
 - Green Gap study (£15K)
- (3) the budget requirement of £260,000 to progress a Borough-wide Design Code not be progressed within the current Local Plan budgetary period; and
- (4) the additional budget requirements of the Local Plan as set out in Table 3, and in addition the budget requirements for a Green Gap Study (£15k) and a Green Belt Extension Study (£30k), as well as an additional budget to progress an additional piece of land in the Green Belt Extension Study up to the railway line and Wateringbury Road, East Malling at an additional estimated cost of approximately £50-£70k, be approved.

***Recommended to Cabinet**

MATTERS FOR CONSIDERATION IN PRIVATE

HP 25/9 EXCLUSION OF PRESS AND PUBLIC

There were no matters considered in private.

The meeting ended at 10.00 pm