

TONBRIDGE & MALLING BOROUGH COUNCIL
PLANNING and TRANSPORTATION ADVISORY BOARD

05 July 2016

Report of the Director of Planning, Housing and Environmental Health

Part 1- Public

Matters for Recommendation to Cabinet - Non-Key Decision

1 LOCAL PLAN – THE WAY FORWARD

This report updates Members on progress towards completing the Local Plan evidence base and sets out proposals and arrangements for the Local Plan Regulation 18 public consultations to commence in September, including emerging development strategies.

1.1 Introduction

- 1.1.1 Members will recall that preparation of the new Local Plan began soon after the publication of the National Planning Policy Framework in March 2012. The first stage of plan making is to build an evidence base. This has to be relevant, proportionate and up to date as it will be tested by an Independent Inspector towards the end of the process. This Board has received regular updates on progress, the most recent being to the January meeting, which focussed on explaining the technical assessments of the Call for Sites exercise.
- 1.1.2 This report provides a further update on progress, but importantly, also prepares for the next stage of Plan making involving public consultations into the main issues arising from the evidence and how to consider the best way forward in terms of a strategy to meet future needs for development and wider Plan objectives. This exercise is required by Regulation 18 of the Local Plan Regulations and is often referred to as 'Reg 18' or Issues and Options. It is proposed to adopt a plain English working title and avoid technical planning terms that may confuse members of the public, by referring to this document as 'The Local Plan – The Way Forward'.
- 1.1.3 Appended to this report is a draft document, which will form the focus of the consultation, expected to begin before the end of September and run for a minimum of 6 weeks. It will be refined in the intervening months and updated if necessary by evidence yet to be completed before seeking Cabinet approval on the 6th September. Also appended are two other supporting documents relating to Sustainability Appraisal and Habitats Regulations Assessment, which form part of the Local Plan process and also have to be the subject of public consultation. Members of the Board are invited to make the necessary recommendations to Cabinet at the end of this report.

1.2 Local Plan Evidence Update

1.2.1 Strategic Housing Market Assessment (SHMA)

- 1.2.2 Members will be aware that one of the key pieces of evidence for any Local Plan is to establish the Objectively Assessed Needs (OAN) for future development over the Plan period (in our case the Plan period is 2011-31). The Strategic Housing Market Assessment or SHMA sets out the OAN for future housing. The main SHMA report was completed in March 2014 and has been updated twice to take account of new sub-national population projections and household projections published by the Office of National Statistics (ONS) and the Department for Communities and Local Government (DCLG) respectively. The current OAN for new housing is 13,460 units over the Plan period or 673 per year.
- 1.2.3 The ONS published the latest edition of the sub national population projections in May. DCLG are expected to revise the household projections to reflect these later this year. Consequently, our consultants GL Hearn and Partners have been instructed to review the new data and advise if any revisions to the OAN are necessary. Early indications suggest that these will have a negligible impact on the OAN for Tonbridge and Malling. It is anticipated that the SHMA will be updated to reflect any changes by the time consultations are due to take place September.
- 1.2.4 The Gypsy and Traveller Accommodation Assessment (GTAA) carried out by the consultants Salford University and completed in April 2013 will have to be revisited in the light of legislative changes introduced by the Planning and Housing Act (2016) and amendments to the Planning Policy for Travellers Sites (August 2015).
- 1.2.5 Consequential amendments arising from the Housing and Planning Act mean that there is no longer a separate requirement for Local Authorities to prepare GTAAs. In future the needs of those people residing in or resorting to the district with respect to sites on which caravans can be stationed will in future, will have to be addressed as part of periodic reviews of all housing needs in accordance with Section 8 of the Housing Act 1985.
- 1.2.6 The changes to the definition of Traveller introduced in the amendment to the Planning Policy for Traveller Sites means that the current GTAA needs to be reviewed to reflect the new definition.
- 1.2.7 To date there has been no formal guidance from the DCLG on how Local Authorities should interpret the changes and examples of how Local Authorities are responding are limited and not fully tested. This part of the evidence base will have to be revisited using the best information available at the time.

1.2.8 Strategic Land Availability Assessment (SLAA)

1.2.9 The Strategic Land Availability Assessment responds to the needs identified in the SHMA and other parts of the evidence base, such as the Employment Land Review, by identifying sites that may have some potential for meeting those needs over the Plan period. Part one of the SLAA identifies existing commitments, such as developments that have already been completed since the base date in 2011, sites with planning permission, existing allocations for development and an estimate for windfall development from small sites (the SLAA only takes account of sites capable of delivering 5 dwellings or more).

1.2.10 Part two of the SLAA identifies sites that have some potential for delivery up to 2031 based on their suitability, availability and achievability (this was explained in more detail in the January Board report). National Planning Practice Guidance requires Local Planning Authorities to invite proposals from those with an interest in land early on in the process. This is known as the Call for Sites exercise.

1.2.11 The Call for Sites exercise ran from the spring of 2014 and closed on the 1st September 2015. Over 250 sites were submitted, including some suggestions from the Borough Council. These sites have now been assessed and on 27th May the results were uploaded to the Borough Council's website forming part of the Local Plan evidence base as an 'Interim Sites Assessment'. Those who submitted sites have been given an opportunity to inform the Council of any factual inaccuracies or changes, for example in respect of ownership, since the sites were first submitted. This means that some of the assessments may need to be amended.

1.2.12 The completed SLAA incorporating the most up to date monitoring information available for part one and the amended part two will be published by the time consultations begin in September.

1.2.13 Advisory notes and frequently asked questions have been made available alongside the Interim Assessments to clarify their status and recognise that in their current form these are a fairly crude tool in terms of the local policy constraints and potential yields that would be applied should any of these sites come forward in the Local Plan.

1.2.14 Currently, the residual need for additional housing taking into consideration the latest SHMA figures, less part one of the SLAA is approximately 6,000. The GTAA identifies a need for 21 new pitches, although as noted this is likely to change. The Employment Land Review identifies a need for additional employment land of up to 33 hectares over the Plan period.

1.2.15 Strategic Flood Risk Assessment (SFRA)

1.2.16 The Strategic Flood Risk Assessment is being prepared by consultants JBA and will be completed and published during the summer.

1.2.17 A20 Corridor Baseline Study

A study to establish the baseline data for the A20 between Ashton Way and Coldharbour Roundabout prepared was completed in May. The study prepared by Amey confirms the existing capacity issues, identifies a number of quick wins, but importantly, will form the basis for further modelling work to take place as part of the Local Plan.

1.3 **Next Steps**

- 1.3.1 Appended to this report is a document that will form the focus of the forthcoming public consultations anticipated to start this September. It takes the reader on a journey from the issues arising from the evidence, through the Plan making stages by first setting out the wider objectives (over and above simply meeting our identified needs), identifying the 'building blocks' that underpin any future strategy (for example, by prioritising brownfield land in sustainable locations) before proposing the guiding principles for a future strategy.
- 1.3.2 The consultation document sets out the issues that need to be addressed and the contribution the various building blocks and principles can deliver. It also points to the conclusion that to best meet future needs and deliver wider Plan objectives it will be necessary to draw on the key elements from each of these components in order to arrive at an optimal solution.
- 1.3.3 As an illustration of this and to guide the discussion, a way forward in the form of an emerging development strategy is set out in the document. This potentially could deliver significant infrastructure improvements in parts of the borough that have capacity issues and the negative impacts associated with that, meet needs where they arise through a portfolio of different sized sites to safeguard against under delivery, while making a proportionate and sustainable contribution to existing settlements to sustain communities and local businesses.
- 1.3.4 The emerging strategy could deliver in excess of our OAN for housing over the Plan period. This is intentional at this stage of Plan making as it provides for some flexibility for responding to comments relating to specific sites through consultation. It is also good planning practice in providing reassurances over delivery and maintain a five year supply as required by the Government. Finally it also provides some capacity for ongoing discussions relating to the Duty to Cooperate, which requires neighbouring Local Planning Authorities to demonstrate that they have planned positively to address cross boundary issues.
- 1.3.5 Questions are invited throughout the document to give some structure to the responses, although more general comments will also be carefully considered and taken into account.
- 1.3.6 Consultation arrangements will include tried and tested methods such as contacting those who have asked to be informed of Local Plan consultations, Parish Councils, local business representatives, neighbouring Local Authorities,

statutory consultees and other key stakeholders. We will be using the website and social media to inform and signpost and there will be hard copies at the usual deposit points and main receptions. Manned exhibitions and requests to attend public meetings will also be considered subject to resources and timing. These arrangements will be firmed up over the summer.

- 1.3.7 A Strategic Environmental Assessment and Sustainability Appraisal (SEA/SA) and a Habitats Regulations Assessment Screening Report will also be required to accompany the consultation document. These are also appended to this report and will form part of the consultation material for which approval is sought.

1.4 Legal Implications

- 1.4.1 Local Planning Authorities are required to prepare and keep up to date a development plan for their area. Failure to do so may leave the Council's planning decisions at risk of appeal and could also lead to intervention from Government.

1.5 Financial and Value for Money Considerations

- 1.5.1 There will be direct financial and value for money considerations associated with the public consultation exercise described in this report. These costs will be met from existing budgets. In addition and as noted above, failure to prepare a Local Plan within reasonable timescales may have financial implications if this results in appeals being lost.

1.6 Risk Assessment

- 1.6.1 Notwithstanding the risk associated with appeal as explained in sections 1.4 and 1.5 above, an out of date Local Plan puts at risk the ability of the Local Planning Authority to control development and plan positively for local communities.

1.7 Equality Impact Assessment

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

1.8 Recommendations

- 1.8.1 That the progress in respect of the preparation of the Local Plan evidence base and the proposed next steps including the Regulation 18 public consultations be noted; and
- 1.8.2 The documents appended to this report are recommended to Cabinet for approval as forming the basis of that consultation.

Background papers:

contacts: Ian Bailey
Planning Policy Manager

Nil

Louise Reid
Head of Planning

Steve Humphrey
Director of Planning, Housing and Environmental Health