

TONBRIDGE & MALLING BOROUGH COUNCIL

PLANNING and TRANSPORTATION ADVISORY BOARD

11 March 2014

Report of the Director of Planning, Housing and Environmental Health

Part 1- Public

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

1 LOCAL PLAN UPDATE

This report updates Members on progress towards the new Local Plan, including the preparation of evidence, community engagement arrangements and proposed revisions to the timetable. Members are also requested to acknowledge and accept the outcomes from the final version of the Strategic Housing Market Assessment, arrangements for the forthcoming “Call for Sites” exercise and revisions to the Local Plan timetable.

1.1 Local Plan Progress Since the Last Board Meeting in November 2013

- 1.1.1 Members will recall from previous reports to this Board that officers have been preparing an evidence base to underpin a new Local Plan commensurate with the National Planning Policy Framework. This report sets out the headline figures from one of the key pieces of evidence for any Local Plan, the Strategic Housing Market Assessment or SHMA, which identifies the objectively assessed needs for new housing over the plan period to 2031
- 1.1.2 Planning Inspectors, overseeing Local Plan Examinations around the country, have made it very clear that Local Planning Authorities must acknowledge their objectively-assessed needs in emerging plans and there are numerous examples where failure to do so has resulted in examinations being abandoned or plans being found unsound. The absence of an adopted development plan or an identified 5 year supply of housing land (plus a buffer of between 5 and 20 per cent) can result in ‘planning by appeal’ and a loss of control by Local Planning Authorities over where new development is located.
- 1.1.3 Tonbridge and Malling remains in a relatively strong position having adopted a Local Development Framework (LDF) under the previous planning system and currently a healthy housing land supply, but the Government has made it clear that it wishes new Local Plans to be in place at the earliest opportunity.

- 1.1.4 This report also updates Members in respect of the rest of the evidence base and particularly the Strategic Housing Land Availability Assessment (SHLAA), which assesses the supply side in meeting our future housing needs. This piece of work is being carried out internally and is about to reach a key stage known as the “Call for Sites”. This is a requirement set out in draft National Planning Policy Guidance and involves an invitation to land owners, developers and others with an interest in land in the Borough to suggest sites for future development.
- 1.1.5 Nominating a site is no guarantee that it will be developed and there will be a thorough assessment of any proposals before sites are taken further, but this is a necessary requirement of the assessment. Clearly, the ‘messaging’ allied to this process will need a sensitive approach to guard against fears and expectations being falsely raised. It is anticipated that this exercise will take place during April and May.
- 1.1.6 Community engagement is an important factor in successful plan-making and significant progress has been made since last November in raising awareness of the Local Plan process with the 27 Parish and Town Councils in the Borough. At the time of writing this report, 21 meetings had been held with 6 more arranged. The feedback has been largely positive and the dialogue has generated some useful information about local issues, infrastructure requirements and priorities. This will feed into the new plan.
- 1.1.7 The Statement of Community Involvement (SCI), which sets out the general principles for how the Local Planning Authority involves the community in plan-making and planning applications, prepared in July 2005, is now out of date. The Local Plan represents a good opportunity to refresh the SCI (which is still a requirement) so that it is fit for purpose.
- 1.1.8 The next formal stage of the Plan’s preparation will be the Issues and Options stage (Regulation 18 in the Town and Country Planning Local Plans Regulations 2012). This will take the form of a major public consultation exercise and will be based on the key issues arising from the evidence gathering and some options for going forward. All comments received will be carefully considered and included in a report, which has to be submitted with all the other documentation to the Planning Inspectorate when requesting an Examination.
- 1.1.9 In a proposed change to the indicative timetable for the Local Plan presented to this Board last year, merit is now seen in introducing an additional Regulation 18 consultation on a preferred option, before moving to a deposit draft Plan, for submission to the Government. The deposit draft (Regulation 19) provides another opportunity for comments.
- 1.1.10 The Government has also announced that the National Planning Policy Framework (NPPF) will be reviewed on or around its second anniversary. There are no details of what, if anything, may change, but the extra time needed for a preferred option stage would have the added advantage of taking on board any

adjustments that might otherwise have resulted in abortive work or 'retrofitting' the Plan to accord with a revised NPPF.

- 1.1.11 Consequently, a revised timetable at **[Annex 1]** to this report for information and Members are requested to acknowledge and accept this as a basis for a new Local Development Scheme.

1.2 Tonbridge and Malling Strategic Housing Market Assessment – Summary

- 1.2.1 G L Hearn and Partners have prepared the new SHMA for Tonbridge and Malling and the final version was received shortly before this meeting. The same consultants have prepared separate reports for Maidstone and Ashford as part of a joint commissioning exercise. These reports have also recently been finalised and have been prepared in close working liaison with offices of all three authorities.
- 1.2.2 Tonbridge and Malling is covered by two Housing Market Areas (HMAs). The northern part of the Borough forms part of the Maidstone HMA and the remainder forms part of the Tonbridge, Sevenoaks and Tunbridge Wells HMA. Officers have worked closely with their counterparts at Maidstone throughout the process and will be meeting colleagues in Sevenoaks and Tunbridge Wells shortly to share the results for that part of the HMA under the Duty to Cooperate (for information – Sevenoaks and Tunbridge Wells were invited to update their SHMAs in late 2012 when this process began, but declined as their plans were at a different stage at that time).
- 1.2.3 Our specialist advisors have used a robust methodology reflecting the latest Government guidance and responding to emerging evidence from Local Plan examinations. The objective assessment of the need has taken account of the latest demographic and migration information and has been adjusted to take account of local sensitivities such as evidence of suppressed household formation (for example, where older children are living with parents for longer before they can afford a home of their own).
- 1.2.4 The Objectively Assessed Need for housing for Tonbridge and Malling for the period 2011 to 2031 is for 13,000 new homes, or 650 per annum, representing a growth in the existing housing stock of 1.4% per year.
- 1.2.5 To put this into context, during the period 2001/2 to 2011/12, an average of 615 new dwellings per annum were delivered in Tonbridge and Malling (peaking in 2004/5 at 977 units) and the total housing stock grew on average by 1.3 per cent per year. However, the last decade has seen a number of large housing sites coming forward at the same time, which has contributed to these higher delivery rates and the economic recession has also resulted in a slow down since 2008 (394 units were completed in 2012/13).
- 1.2.6 The existing housing supply position, including completions since 2011, development plan allocations, planning permissions and an estimate from

windfalls (for the first 5 years only) is approximately 5,800 units. This leaves a target of 7,200 dwellings or approximately 400 units a year to plan for up to 2031. As well as identifying an overall supply of land through the Plan period, we are also required to ensure a five year supply (plus an appropriate buffer) based on the Objectively Assessed Need is practically available and deliverable.

- 1.2.7 The previous housing targets in the Local Development Framework cascaded down from the South East Plan were for 450 units a year, so the new figures represent a significantly higher target. The challenge for the new Local Plan will be to identify a continuing supply of deliverable housing sites to maintain this momentum.
- 1.2.8 For information, the Maidstone SHMA identified an Objectively Assessed Need for 19,600 additional housing units or 980 units per annum over the same period. However, Maidstone has now 'approved' a housing target of 19,100 units. It is not currently entirely clear how this position has been reached or justified. There is a Duty to Cooperate meeting now planned in late March.

1.3 Progress in respect of other Local Plan evidence

1.3.1 Strategic Housing Land Availability Assessment

- 1.3.2 As noted above, the results of the desk-based study of estimated housing supply identifies approximately 5,800 units. The next stage of this work is to undertake a "Call for Sites", which involves inviting landowners and others with an interest in land to suggest additional sites for housing and/or other forms of development.

- 1.3.3 It is anticipated that this will take place during April and May for a period of 8 weeks after which the results will be carefully considered.

1.3.4 Employment Land Review

- 1.3.5 Nathaniel Lichfield and Partners have been commissioned to review the Employment Land Review and an inception meeting was held in February. This will be an important piece of work as the NPPF advises Local Planning Authorities that they should ensure land designated for employment use in Local Plans will be deliverable over the life of the plan. This study will review current allocations for their suitability and deliverability in the light of meeting the needs of the local and wider economy.

- 1.3.6 This exercise may generate some additional sites for alternative uses, such as housing.

1.3.7 Bushey Wood Ecological and Archaeological Surveys

- 1.3.8 Bushey Wood is identified as an Area of Opportunity in the adopted LDF to contribute to meeting future housing needs should the need arise. The site has a

number of policy constraints including local wildlife designations, a scheduled ancient monument and regionally important geological constraints.

- 1.3.9 Initial mapping work and consultation with Natural England and the Kent Wildlife Trust has highlighted the potential habitat importance of parts of the area and there are also a number of local and European landscape and ecology designations both within and outside the site. Ecology is thus going to be a key factor and surveys will help us better understand the site's development potential and provide us with key evidence as we move forward.
- 1.3.10 Green Belt Review
- 1.3.11 As noted above, one of the requirements of preparing a new Local Plan is to carry out a review of the current extent of Green Belt. This reflects the NPPF stance that although 'constraints' such as AONB and similarly high level designations are not for Local Plans to review, 'policy areas' should be critically examined and balanced against development needs. Inspectors are increasingly expecting this work to be undertaken to help support the work carried out within the SHLAA and SHMA. Where such a review has not been thoroughly carried out, Inspectors are finding fault with Local Plans.
- 1.3.12 This review will be carried out in house over the next few months and will confirm whether designations continue to meet the requirements for being included as Green Belt as set out in the NPPF.
- 1.3.13 Strategic Flood Risk Assessment
- 1.3.14 Flood risk is an important consideration in preparing development plans and the issues associated with flooding have been highlighted this winter during an unprecedented period of damaging storms. The adopted Core Strategy for Tonbridge and Malling (Sept 2007) recognises this in Policy CP10 and the accompanying paragraphs 6.2.23 to 6.2.29. These refer to the Catchment Flood Management Plan for the River Medway, prepared by the Environment Agency, which in turn sets the context for the Strategic Flood Risk Assessment (SFRA), a key piece of supporting evidence for the Local Plan. The SFRA covers those areas where development might be proposed in future and is supplemented by the preparation of site-specific Flood Risk Assessments when proposals are brought forward.
- 1.3.15 It is worth noting that the NPPF currently does not rule out development in areas at risk to flooding. It does advise against using areas at highest risk by applying a sequential test to ensure that areas at lower risk are developed first. However, if after having followed the sequential test it is still considered necessary to locate a development in a higher risk area, an 'exception test' may be applied. To pass this test it must be demonstrated that the development provides wider sustainability benefits to the community that outweighs the flood risk.

1.3.16 This may be an area of national policy that the Government may wish to address in the review of the NPPF. In anticipation of this, officers will revise the SFRA once the details of that review are known.

1.3.17 Infrastructure Delivery Plan

1.3.18 Another critical part of the Local Plan evidence base is the Infrastructure Delivery Plan (IDP) which addresses the need for, delivery and maintenance of, future infrastructure to meet the needs of the existing population and also those of new communities as a result of planned growth.

1.3.19 Contact has been made with many of the infrastructure providers and regular meetings are held with KCC officers responsible for services such as education and highways. The meetings with the Parishes have also provided a useful insight into priorities for infrastructure at the local level both now and looking towards 2031. However, it has not been possible to prepare a detailed IDP to date because this necessarily has to follow other key pieces of the evidence base and, particularly, establishing the levels of future growth. There will be further updates on this to future Boards as the work progresses.

1.4 Community Engagement and Statement of Community Involvement

1.4.1 Following a briefing prepared for all Parish and Town Councils last September, officers have been attending 1-1 meetings to explain the Local Plan process in more detail, including some of the challenges ahead and to discuss local priorities and issues both current and looking towards 2031.

1.4.2 The exercise has been extremely useful and we have received largely positive feedback and a willingness to continue the dialogue through the Local Plan process.

1.4.3 For the unparished areas of the Borough and the public at large, other engagement techniques and consultation opportunities will be employed to ensure as many people who wish to be involved with the process can be accommodated. In addition to the formal consultation exercises, there will also be a short article in the spring edition of the "Here and Now" magazine and regular updates on the relevant pages of the Council's website. The new citizen's panel will be another mechanism for consultation at the appropriate time.

1.4.4 The Council's Statement of Community Involvement (SCI) was adopted in July 2005. It was prepared to meet requirements set out in the now superseded regulations and set out how the Council would consult on the specific LDF documents the Council would be preparing at that time. I intend to review the SCI and report it to the next meeting of the Board.

1.5 Next Steps

- 1.5.1 Officers will continue to prepare the evidence base as indicated in section 1.3 above and begin to consider issues and options for Members' consideration prior to the first round of formal Regulation 18 consultations now anticipated to be in September this year.
- 1.5.2 Further updates will be reported to this Board including any relevant changes arising from the review of the NPPF and the final version of the National Planning Policy Guidance.

1.6 Revised Timetable/Local Development Scheme

- 1.6.1 A revised timetable, which will form the basis of a new Local Development Scheme [**Annex 1**], incorporates the additional 'Preferred Option' consultation stage.

1.7 Legal Implications

- 1.7.1 As the Local Planning Authority, the Borough Council is required to prepare and keep up to date a development plan for its area. Failure to prepare a new Local Plan will result in the adopted LDF becoming increasingly ineffective.

1.8 Financial and Value for Money Considerations

- 1.8.1 Failure to maintain an up to date Local Plan may lead to an increasing number of challenges to planning decisions resulting in increasing legal costs.
- 1.8.2 Joint commissioning of consultants to prepare evidence has been pursued where possible representing good value for money.

1.9 Risk Assessment

- 1.9.1 The risks associated with not preparing a Local Plan in accordance with the NPPF and NPPG can be illustrated by reference to other Local Plan Examinations.

1.10 Equality Impact Assessment

- 1.10.1 See 'Screening for equality impacts' table at end of report

1.11 Recommendations

- 1.11.1 That Members **NOTE** the update on progress towards preparing the Local Plan, including the proposed Call for Sites exercise; and
- 1.11.2 **ACKNOWLEDGE** and **ACCEPT** the following:
 - 1) the final version of the Tonbridge and Malling Strategic Housing Market Assessment, including the Objectively Assessed Housing Need for the Borough to 2031, as forming part of the Local Plan evidence base; and

- 2) the revised Local Plan timetable at **[Annex 1]** to this report, which can be used as a basis of a revised Local Development Scheme.

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

Background papers:
Nil

contact: Ian Bailey

Steve Humphrey
Director of Planning Housing and Environmental Health Services

Screening for equality impacts:		
Question	Answer	Explanation of impacts
a. Does the decision being made or recommended through this paper have potential to cause adverse impact or discriminate against different groups in the community?	No	This is an update report for Members on progress on the Local Plan.
b. Does the decision being made or recommended through this paper make a positive contribution to promoting equality?	No	This is an update report for Members on progress on the Local Plan.
c. What steps are you taking to mitigate, reduce, avoid or minimise the impacts identified above?		

In submitting this report, the Chief Officer doing so is confirming that they have given due regard to the equality impacts of the decision being considered, as noted in the table above.