

TONBRIDGE & MALLING BOROUGH COUNCIL
PLANNING and TRANSPORTATION ADVISORY BOARD

25 July 2017

Report of the Director of Planning, Housing and Environmental Health

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

1 LOCAL PLAN UPDATE – REGULATION 18 CONSULTATION RESPONSE

This report provides an update following the consultation exercise carried out last year. It summarises the main issues raised, with responses and sets out the next stages in the Local Plan process. An amended timetable is appended for approval.

1.1 Introduction

- 1.1.1 Between the 30th September and 25th November 2016 the first public consultation exercise on the emerging Local Plan took place resulting in 1,117 responses making 2,482 representations. Initial indications suggested that there were approximately 1,300 responses, but some of these were duplicates, for example, where a hard copy and an e-mail were received from the same respondent. Of the 1,117 responses, 628 were via e-mail or letter, while 489 were in response to the Survey Monkey questionnaire.
- 1.1.2 The main focus of the consultation was the document 'The Way Forward', which set out the purpose of preparing a new Local Plan, highlighted a number of key issues arising from the evidence base and how these could be addressed in the form of a potential development strategy. In addition, the Sustainability Appraisal (Interim Report) was consulted upon. This appraised the strategy options, including reasonable alternatives.
- 1.1.3 This consultation stage is required by Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012, which state that a Local Planning Authority must notify specified persons or bodies of the subject of a Local Plan, which the Authority proposes to prepare and invite them to make representations about what a Local Plan with that subject ought to contain. Any representations received must be taken into account in preparing the Local Plan.
- 1.1.4 This report summarises the main themes emerging from the responses and suggests how they may be taken into account. A more detailed summary is

appended at Annex 1. Annex 2 sets out a series of pie charts illustrating the Survey Monkey responses.

- 1.1.5 This report also provides an update on progress in respect of the Local Plan evidence base and sets out the next stages for the Local Plan. A revised timetable, taking into account the implications of the snap calling of the General Election in June, is appended at Annex 3 for approval.

1.2 Responses to the consultation

- 1.2.1 The 2,482 representations received have been grouped into 31 themes. Each theme has been broken down into more specific issues (214 in total) and each issue has a suggested response and proposed action.
- 1.2.2 Taken together the proposed strategy attracted a significant number of responses. The strategy in general (119), some of the larger development sites, including; the east bank of the Medway and Aylesford Quarry (107); south Aylesford and Ditton (113); Broadwater Farm (78); Borough Green and Platt (105); and Tonbridge (164) and also the smaller settlements (137) and alternative sites suggested (135).
- 1.2.3 Turning to topic based responses, the three subjects attracting the largest numbers of representations include the green belt (197), housing issues (125) not including affordable housing (26) and economic development (88). Tonbridge Town Centre (60) and traffic and transportation (46) were also significant, in numbers of representation alone.
- 1.2.4 It is worth noting that the representations range significantly in the material they present. On the one hand some are straightforward and relatively brief comments about specific matters or sites. Others put forward a range of technical information that has required consideration. All approaches are material and relevant and the ultimate weight to be placed on them depends on the significance of the planning issues raised and how that affects the main thrust of the local plan.
- 1.2.5 It is worth noting that some of the responses received were supported by signatories, social media comments or on-line petitions. In most cases these simply expressed support for another response and did not provide contact details or explicitly state that they should be formally registered as responses, but they have been acknowledged in the schedule of responses at Annex 1.. These can be summarised as follows:
- West Malling Parish Council's response was supported by 219 local residents;
 - Cllr Markham's proposal for an extension of the green belt boundary to the east as far as Wateringbury Road was supported by a petition of 117 signatories and 53 comments;

- New Allington Action Group (NAAG)'s response was supported by 172 comments and 1,074 signatories.

- 1.2.6 In addition to the expressions of support listed above, 30 individual, identical responses were made by the Friends of Offham Road.
- 1.2.7 Other representations have been received since the consultation closed, which have been noted and taken into consideration. These include a submission on behalf of the Parish Alliance (comprising Borough Green, Platt, Plaxtol, Wrotham and Ightham Parish Councils) in respect of the Borough Green Gardens proposals and a representation from Natural England in respect of the work required to comply with the Habitats Regulations.

The Main Themes in brief

- 1.2.8 As highlighted previously, Annex 1 sets out the main themes. A main theme is defined as an issue that was raised by a significant number of different respondents, or an issue raised by a statutory consultee or key stakeholder, or a point of national policy, regulation or planning practice guidance.
- 1.2.9 The proposed strategy and the larger potential development areas including the East Bank of the Medway, Aylesford/Ditton, Broadwater Farm, Borough Green and Tonbridge have received a range of very similar representations, which in broad terms reflect the comments that were received at the public exhibitions during the consultation exercise.
- 1.2.10 Infrastructure concerns are a common theme certainly in respect of the strategic development sites but also for other smaller sites, including the existing capacity of the highway network, GP surgeries and schools to be able to accommodate any new demands placed upon them by future development. Flood defences or the mitigation of flooding was also mentioned.
- 1.2.11 At the strategic level, concerns were expressed about the distribution of future development sites between the two housing market areas. In addition, concerns were expressed about the coalescence of settlements including urban areas and rural centres and villages.
- 1.2.12 Mitigating the potential impacts of development including those on air quality, character, the loss of agricultural land, countryside and Green Belt also featured.
- 1.2.13 In addition there was a range of specific issues raised which are detailed in Annex 1.
- 1.2.14 The proposed strategy in respect of smaller settlements also received a number of representations along similar lines.
- 1.2.15 There were also over 50 alternative sites suggested for potential development.

- 1.2.16 As would be expected there was a general theme of resistance to development at the various locations identified in the consultation document. Equally, however, there was some expression of support for the proposed strategy and the potential to deliver new infrastructure on the back of new development.
- 1.2.17 As the schedule of responses at Annex 1 shows, many of these issues will be addressed as part of the next stage of plan making and the drafting of policies, informed by further evidence, in particular the Infrastructure Delivery Plan.
- 1.2.18 The topic based themes also attracted a number of representations. Support for the retention of the Green Belt featured strongly, together with expressions of support for the proposed extension in the vicinity of West Malling and representations about larger increases being made. From other quarters objections to any increase in Green Belt were received and some felt there should be more Green Belt releases around Tonbridge, while others insisted all other options for development should be explored first.
- 1.2.19 Housing, economic development, the natural environment and transportation issues also attracted a range of responses, some of which reiterated the more site specific concerns received in respect of the proposed development strategy sites. In other cases there were challenges to the way in which some of the local plan evidence was prepared, for example in respect of establishing the objectively assessed needs for new housing. Some argued the figures are too low, others that they are too high.

The Survey Monkey responses

- 1.2.20 Most of the questions posed in the Survey Monkey received a positive response, in particular for the plan objectives, which 64% of respondents supported. However, there was less support for the proposed development strategy with 32% agreeing compared to 39% disagreeing.
- 1.2.21 In response to question 13, which asked respondents to rank which local features were important, controlling housing densities was the most popular first priority, with accessible public open spaces and providing affordable housing the next most popular.

Considering the Representations

- 1.2.22 The comments made in this report are of a general nature to provide an overall context for Members at this stage of our local plan. Annex 1 shows in more detail the range of the matters raised. In many cases and as indicated in the annex this is helpful in shaping our work, including finalising the evidence, as we move into the next stage. It will hopefully also provide Members with the focus for consideration into the next stages of the Local Plan process (see 1.4 below). That is important because it is apparent that there are some challenging and strategic decisions before the Council that will require careful consideration and should ultimately be based upon our duties in plan preparation supported by evidence

and shaped by the overall response to consultation. As ever with all levels of planning that process will need balance and judgement in a way that ensures we can deliver a sound local plan.

1.3 Local Plan Evidence – Update

Transport modelling – A20 corridor

- 1.3.1 The VISUM modelling of the A20 corridor commissioned with Kent Highways and Amey is now expected to be completed by the end of August. It will provide evidence for the traffic implications of the proposed strategy and the infrastructure improvements.

Transport Assessment

- 1.3.2 A further piece of work will assess the transportation implications of the proposed strategy across the rest of the borough taking account of growth scenarios in neighbouring authorities as well. This will not be as detailed as the VISUM modelling around the A20, but will provide supporting evidence for the other potential major development proposals and the development of policies.

Air Quality Assessment

- 1.3.3 This will be informed in part by the Transport Assessment and so it will follow once the outputs from the aforementioned evidence are available.

Employment Land Review Update

- 1.3.4 The first Employment Land Review was completed in December 2014 and is now in the process of being updated. This will take into consideration any significant changes in the supply of employment land, for example, as a result of permitted development rights allowed for changes of use to residential. It will clarify the objectively assessed needs for additional employment land over the plan period.

Gypsy and Traveller Accommodation Assessment Update

- 1.3.5 The Gypsy and Traveller Accommodation Assessment or GTAA was prepared in 2012/13, prior to the amendments to the Government's national Planning Policy for Traveller Sites, in August 2015 and consequently an update is now required. The consultants Arc4, who have recently prepared a similar update for Sevenoaks District have been appointed for this task.

Infrastructure Delivery Plan

- 1.3.6 The Infrastructure Delivery Plan will be prepared after the proposed strategy is confirmed and the location of the future development sites is known. In the meantime regular dialogue is being maintained between officers and the main infrastructure providers regarding the emerging local plan.

Sustainability Appraisal

- 1.3.7 An appraisal of suitable and deliverable potential development sites will need to be undertaken in addition to an appraisal of the draft policies in the detailed plan.

Habitats Regulations Assessment

- 1.3.8 This is an on-going assessment in accordance with the regulations, looking at the potential impact of the development strategy on the Kent Downs Woodlands which is designated as a Special Area of Conservation.

Green Infrastructure Report

- 1.3.9 This will be an update of the report that informed the Green Infrastructure Network that features in the Council's Managing Development and the Environment DPD.

Open Space

- 1.3.10 This is a piece of evidence that takes stock of existing open space provision in the borough and considers national benchmark guidelines for future provision.

Strategic Flood Risk Assessment (update)

- 1.3.11 The Level 1 report will need to be updated with flood mapping due to be published by the Environment Agency later this year.

Green Belt Study: Stage 2 Report

- 1.3.12 This will need to start with the current study. It will need to take account of the assessed needs for housing and employment land and the need to promote sustainable patterns of development.

Market Delivery Study

- 1.3.13 This will look at the issue of market capacity across the housing market areas, taking account of historical records of delivery and proposed growth levels within the borough and in neighbouring districts.

Whole Plan Viability

- 1.3.14 The cumulative effects of local standards, eg affordable housing, on the deliverability of the development strategy in the plan will need to be undertaken. This may encompass the viability of introducing the likely replacement for the Community Infrastructure Levy (CIL) which will probably be the Local Infrastructure Tariff (LIT) as recommended by the Government appointed CIL Review Panel. An announcement is expected in the next few months.

Local Plan Position Statement

- 1.3.15 This needs to be updated to reflect the progress made with evidence gathering and plan-making since September 2016.

1.4 Next Steps

- 1.4.1 The purpose of this report has been to provide an opportunity to reflect on the overall response to the first stage of consultation and provide some basis for the next steps in the coming months. Due to the cancellation of the June 6th meeting of this Board, it is proposed that an additional meeting is timetabled before the next scheduled in November. Members will be aware that a provisional date of 21st September was arranged soon after the decision to cancel the June meeting.
- 1.4.2 Over the summer and into the early autumn all Members will be invited to a meeting(s) to consider in more detail the responses to the Regulation 18 consultation and how these are taken into consideration informing the proposed development strategy that will ultimately feature in the local plan. It is envisaged that this will provide a further opportunity for Members to be involved in this important piece of work. Members will be advised of the outcomes of the Sustainability Appraisal process which will help inform the refinement of the strategy. Depending on the timing of these sessions it may be necessary to revise the date of the Advisory Board meeting of 21st September. That meeting and the November meeting of the Advisory Board will receive updates in respect of Members involvement and progress on the evidence base, but the main will focus will be on agreeing the strategy.
- 1.4.3 In the meantime work will continue in respect of the evidence base described at section 1.3 and drafting of the document that will become the Local Plan will begin.
- 1.4.4 It is anticipated that the November meeting will consider the draft Local Plan itself with a recommendation to approve the Plan and any accompanying documents for the purposes of the next major public consultation exercise required by Regulation 19 of the Town and Country Planning (Local Planning)(England) Regulations 2012. If agreed the recommendation will be considered by the next meeting of the full Council in February 2018 after which the consultation will begin.
- 1.4.5 As a result of these changes it is necessary to make a further amendment to the Local Plan timetable to take account of the additional Board meeting and seeking full Council approval. A revised version is appended to this report at Annex 3.

1.5 Legal Implications

- 1.5.1 It is important that the Local Authority has an up to date development plan for the purposes of long term future planning and determining planning applications. The Council needs to ensure that it continues to comply with the regulations governing the Sustainability Appraisal process and the Habitats Regulations Assessment.

1.6 Financial and Value for Money Considerations

- 1.6.1 There are costs arising from the preparation and updating of the evidence base using consultants, but these can be met from the Local Plan budget.

1.7 Risk Assessment

- 1.7.1 The risks associated with failing to prepare and keep up to date a robust, sound Local Plan include, loss of local control over development decisions, an increasing number of successful appeals and possible intervention by the Secretary of State.

1.8 Recommendations

- 1.8.1 That the content of the report be **NOTED** and the revised Local Plan timetable at Annex 3 be agreed.

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.

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