

TONBRIDGE & MALLING BOROUGH COUNCIL
PLANNING and TRANSPORTATION ADVISORY BOARD

25 July 2017

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 DUTY TO CO-OPERATE

This report provides an update of progress made in respect of exercising the Duty to Co-operate with neighbouring Local Authorities and other relevant bodies and also seeks endorsement of officer level comments in respect of the recent Regulation 18 public consultations for the emerging Tunbridge Wells Local Plan.

1.1 Introduction

- 1.1.1 Members will recall that the Duty to Cooperate (DtC) was introduced by the Localism Act 2011. Previous reports to this Board have set out examples of cross boundary collaboration within the context of preparing the Local Plan and this report provides a further update.
- 1.1.2 National Planning Practice Guidance describes the DtC as placing a legal duty on Local Planning Authorities, County Councils in England and public bodies to engage constructively, actively and on an ongoing basis to maximise the effectiveness of Local Plan preparation in the context of strategic cross boundary matters.
- 1.1.3 It is not a duty to agree, but Local Planning Authorities should make every effort to secure the necessary cooperation on strategic boundary matters before they submit their plans for examination. Local Planning Authorities must demonstrate how they have complied with the duty at the examination. Failure to do so will mean that the examination goes no further.

1.2 Tunbridge Wells Borough Council Local Plan – Issues and Options (Regulation 18) consultations

- 1.2.1 Tunbridge Wells Borough Council is a neighbouring Local Planning Authority to our south and forms part of a natural grouping of west Kent authorities together with Sevenoaks District to the west. Both neighbouring authorities share part of

the west Kent housing market area with the south western part of Tonbridge and Malling.

- 1.2.2 Tunbridge Wells is also preparing a new Local Plan and have recently carried out their first public consultation exercise as required by Regulation 18 of the Town Planning Regulations, inviting comments up to the 12th June. Officer level comments were submitted by the deadline and can found appended to this report for endorsement.
- 1.2.3 The consultation set out the issues arising from the evidence gathering stage, such as the challenge of meeting an objectively assessed need for new housing of 648 new dwellings per year over a twenty year Plan period (2013-33), which is similar to the approach taken in our own consultation document, “The Way Forward”.
- 1.2.4 However, the Tunbridge Wells approach is different in that it does not specify how much development could be met from the five growth options proposed. One of the officer comments highlighted this arguing that in the absence of estimating yield, the most productive option may be inadvertently discarded at this early stage potentially resulting in a greater unmet need that will have to be addressed.
- 1.2.5 The five growth options are:
- Option 1 - Focused growth – similar to existing core strategy with new development located in and around the main settlements.
 - Option 2 - Semi- dispersed growth – as before, but with some of the larger villages taking more growth.
 - Option 3 - Dispersed growth – development distributed more evenly across all of the Borough’s settlements.
 - Option 4 - Growth Corridor-led growth – growth to be focused along the A21 between Tunbridge Wells and Pembury.
 - Option 5 - New settlement – A new free standing ‘Garden Village’ development – no location proposed. Views are sought on the principle only.
- 1.2.6 Related to the yield point, was the absence of any phasing of the growth scenarios. For example, option 5 involves the establishment of a new settlement, although the location is not specified. While a new settlement could potentially deliver a significant amount of new housing over the long term, it will take many years before new housing begins to be delivered and may then only deliver a maximum of around 200 units a year. The most likely strategy to deliver housing consistently and at the magnitude sufficient to meet objectively assessed needs is to have a portfolio of different sized sites including small, medium options that can

deliver housing relatively quickly at the front end of the Plan period and help contribute to the 5 year housing land supply.

- 1.2.7 Tunbridge Wells is facing a number of challenges in preparing its new Local Plan. The Borough shares many of the same constraints that Tonbridge and Malling have in terms of the extent of Green Belt and Areas of Outstanding Natural Beauty designations, areas prone to flooding and highway capacity.
- 1.2.8 The objectively assessed need for housing, although similar to that for Tonbridge and Malling (648 per year compared to 696) is double the figure in the previous development plan (12,960 (OAN) 2013-33 compared with 6,000 (Adopted Core Strategy 2010) 2006-26) and historically Tunbridge Wells have not delivered as much housing as Tonbridge and Malling, averaging 283 net new dwellings a year over the last decade compared to 606 in Tonbridge and Malling.
- 1.2.9 The consultation documents recognise that these challenges may result in the Local Planning Authority being unable to fully meet its objectively assessed needs for housing and states that:
- ‘..the Council will continue to communicate and engage with neighbouring local authorities both in Kent and East Sussex, as part of the duty to cooperate. Such engagement will include discussion as necessary of the ability of other neighbouring authorities to accept any unmet need from Tunbridge Wells borough, recognising that the duty to cooperate is not a duty to agree.’
- 1.2.10 The officer comments acknowledged the on-going and positive cross boundary liaison meetings, but also reiterated the fact that Tonbridge and Malling in preparing its own Local Plan is striving to meet locally identified needs where they arise and in doing so, particularly for the West Kent Housing Market Area that we share with Tunbridge Wells, are addressing similar constraints and challenges.

1.3 Sevenoaks District Council Local Plan – Issues and Options (Regulation 18) consultations

- 1.3.1 Sevenoaks is slightly behind Tunbridge Wells in preparing their Local Plan, but intend to launch their consultation in August, subject to Cabinet approval of the reports considered by their Planning Committee on 22nd June. Sevenoaks is also part of the west Kent housing market area.
- 1.3.2 The objectively assessed needs for housing are similar to those for Tunbridge Wells and Tonbridge and Malling at 12,400 over a 20 year period or 625 per year. Average delivery over the past decade is 234 per year. 93% of the District is Green Belt. Sevenoaks face many of the same challenges as Tunbridge Wells in planning to meet their future needs. The report to the Planning Committee notes that potential yield on identified sites could deliver up to 6,500 new homes over the 20 year plan period. There could be an additional 1,400 dwellings on sites which would have to demonstrate exceptional circumstances (i.e to remove the

sites from the Green Belt). This equates to a potential shortfall of between 4,000 to 5,400, or 200-270 per year.

- 1.3.3 It is likely that Sevenoaks District, like Tunbridge Wells, will also have ultimately have unmet housing need, which will a matter for further discussion through the DtC and that will be a matter on which we will wish to submit representations during the formal consultation stage.

1.4 Other Neighbouring Local Authority Local Plan Progress

- 1.4.1 Tonbridge and Malling also share boundaries with Maidstone and Gravesham Boroughs and Medway Unitary Council. Officers have and continue to liaise with counterparts in each of these authorities over Local Plan progress and cross boundary issues. Current status can be summarised as follows:

Maidstone

- 1.4.2 The Local Plan hearing closed on 24th January 2017. Further consultations have been held in respect of recommended modifications to the Local Plan made by the Inspector and the Council expect the Local Plan to be adopted later this year.
- 1.4.3 It is worth noting that the Plan will have a plan period to 2021, by which time the plan is expected to be revised, so a review will begin almost immediately.

Gravesham

Gravesham adopted a Local Plan Core Strategy in 2014, subject to an early review. The Council is currently preparing a site allocations and development management policies document which will be the subject of public consultations this summer.

Medway

- 1.4.4 Medway's Local Plan is at a similar stage to Tonbridge and Malling (Regulation 18 consultation) with an anticipated Regulation 19 public consultation for a draft plan in January 2018.

It is worth noting that Medway's proposed strategy options include the site at Lodge Hill (the former Chattenden Barracks). The site is a SSSI and received in excess of 10,000 objections during the last consultation exercise that closed in May. There will be a public inquiry into a current application for 5,000 dwellings in March 2018 after which the status of the site will be confirmed.

1.5 Summary of other recent and on-going examples of cross-boundary working

- 1.5.1 In addition to the ongoing DtC arrangements with neighbouring Local Planning Authorities, there have been a number of examples of cross boundary working including:

Working closely with Kent County Council

- 1.5.2 Kent Highways and their retained consultants Amey have been assisting with the transport modelling work around the A20 corridor, which will feed into the Local Plan. They have also been providing comments in respect of other elements of the transport evidence base and the proposed strategy.
- 1.5.3 Kent Highways have also been working closely with Tonbridge and Malling and Maidstone Borough Councils in implementing Local Growth Area funding and developer contributions to improve junction 5 of the M20, the Coldharbour Roundabout and the northern part of Hermitage Lane.
- 1.5.4 We continue to work closely with Kent Education regarding the implications of future growth on school places and this will feed into the Infrastructure Delivery Plan when the proposed strategy is finalised.
- 1.5.5 Working with Medway Council - Rochester Airport and Business Enterprise Zone
- 1.5.6 Officers continue to work closely with colleagues in Medway regarding the Council's redevelopment of the airport through the planning application process and also in respect of a potential Local Development Order for the Enterprise Zone (the effect of an LDO is to effectively grant outline planning permission for certain uses, in this case business use).
- 1.5.7 The London Plan and the Wider South East
- 1.5.8 London is the UK's largest city and has a wide ranging effect on the wider south east region. Although Tonbridge and Malling does not physically share a boundary with the Greater London Authority, the London Plan will have significant impacts on the wider south east and has to be taken into consideration as part of our own plan making.
- 1.5.9 The current London Plan dates from 2011 although there were alterations published in 2015/16. A full review of the Plan is underway with a Draft London Plan consultation planned for autumn 2017. This will be followed by an Examination in Public Summer 2018 and Adoption anticipated in autumn 2019.
- 1.5.10 Tonbridge and Malling is represented at the South East England Councils (SEEC), which together with an East of England equivalent represents the collective voice of the wider south east. There is regular dialogue with the Mayor and GLA in accordance with the Duty to Inform (the Greater London Act equivalent to the Duty to Cooperate) and progress towards the review of the London Plan carefully monitored.
- 1.5.11 Further updates and responses as necessary will be provided to this Board as the London Plan progresses.

1.6 Conclusion

- 1.6.1 This report provides an update in respect of current and ongoing cross boundary working in accordance with the Duty to Cooperate, which in due course will form part of the evidence base for the Local Plan to show compliance. Endorsement is also sought for the officer level comments in respect of the recent consultation in respect of the Tunbridge Wells Local Plan at Annex 1.
- 1.6.2 The Housing White Paper published in February (the subject of a report to this Board in March) proposed a number of further planning reforms, one of which was to introduce a new Statement of Common Ground to demonstrate that the Duty has been met. The White Paper stated that this would be subject to further consultation before being included in a revised National Planning Policy Framework this autumn.
- 1.6.3 To date there has been no further consultations, so it is unclear if and when the Statements will be introduced. However, it is a clear indication from the Government that Local Planning Authorities will have to demonstrate clearly how they have worked with their neighbours in addressing cross boundary issues in future. This could be a significant factor for all three of the west Kent Authorities, particularly in respect of meeting future housing needs.
- 1.6.4 In due course there will be a need for further strategic discussions with our neighbours in west Kent in order to consider the appropriate approaches each planning authority might adopt moving forward into the key decision making time for local plans.

1.7 Legal Implications

- 1.7.1 While there are no direct legal implications arising from this report, failure to meet the legal test for the Duty to Cooperate when the Local Plan is submitted to the Secretary of State would result in the Plan going no further in the process.

1.8 Financial and Value for Money Considerations

- 1.8.1 Failure to maintain an up to date Local Plan could have financial implications for the Council in terms of an increasing number of planning appeals and the award of costs.

1.9 Risk Assessment

In addition to the inherent risks associated with sections 1.7 and 1.8 above, the absence of an up to date Local Plan could result in a lack of local control over development decisions and risk intervention by the Secretary of State.

1.10 Recommendation

- 1.10.1 That the update in respect of the Duty to Cooperate be **NOTED** and that the officer level comments in respect of the Issues and Options consultations for the emerging Tunbridge Wells Local Plan at Annex 1 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.

Background papers:

Nil

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