

**TONBRIDGE & MALLING BOROUGH COUNCIL**  
**PLANNING and TRANSPORTATION ADVISORY BOARD**

**05 December 2017**

**Report of the Director of Planning, Housing and Environmental Health**

**Part 1- Public**

**Matters for Information**

**1 LOCAL PLAN STATUS AND UPDATE**

**This report provides an update on the Local Plan progress and the implications of the recent Government consultation ‘Planning for the Right Homes in the Right Places’ for the timetable.**

**1.1 Introduction**

- 1.1.1 Good progress has been made on preparing the new Local Plan for Tonbridge and Malling, which has been demonstrated through the regular updates to this Board since the launch of the National Planning Policy Framework (NPPF) in March 2012. The Board meeting in July this year received a report setting out the main themes arising from the first major public consultation exercise that took place in the autumn of 2016 and an update on the remaining evidence required to draft the plan itself.
- 1.1.2 In September and October all Members were invited to a series of informal briefings preparing for the next stages in the process towards agreeing the proposed development strategy for delivering the identified housing and employment needs for the Borough and the draft Local Plan document itself.
- 1.1.3 Officers had anticipated bringing final drafts of the strategy Local Plan to this Board meeting for approval in December and January respectively. The next major public consultation on the draft Local Plan was then due to begin as soon as practicably possible after the meeting of the full Council in February 2018. Allowing for a ‘good practice’ period of consultation of 8 weeks and associated procedures would have meant the Local Plan could have been submitted in May/June.
- 1.1.4 In September the Government published a consultation document bringing forward some of the proposed national planning reforms set out in the Housing White Paper in February this year. The Council’s response is set out in the previous report to this Board. One of the proposals, to establish a standardised methodology for calculating future housing needs in Local Plans has the effect of increasing the number of new homes Tonbridge and Malling would have to plan

for by 163 units a year, or 3,260 additional homes over the Plan period. As explained in that report, this has had the effect of introducing a significant degree of uncertainty into the process. There are also implications for updating the evidence base and the timetable.

- 1.1.5 The proposal is only a consultation at the present time, but it is anticipated that the new methodology will have to be applied when the new NPPF is published in the spring of 2018. The Government has indicated that those Local Planning Authorities that have submitted their Plans by this date or the 31<sup>st</sup> March, whichever is the later, can incorporate their existing objectively assessed needs into the submitted Plan.
- 1.1.6 This option is not feasible for the Tonbridge and Malling Local Plan as following the necessary steps to get the Local Plan to submission would take us beyond the 31<sup>st</sup> March and into May as indicated by the current timetable.
- 1.1.7 Even if it had been possible to submit the Plan in time the implication would have been that a review would have had to begin almost immediately to take account of the additional needs. It is also not clear how the requirement to ensure a five year housing land supply would operate post adoption of a Local Plan based on a lower objectively assessed need than the standard methodology indicates. Presumably the adopted Plan would carry significant weight in decision making, but it is less certain what weight a significant difference between the housing need assumptions would carry in the event of an appeal?
- 1.1.8 The remainder of this report considers some options for a revised timetable and an update on the ongoing work towards preparing and updating the evidence base.
- 1.1.9 It is expected that the Government will make an announcement before the end of the year on the consultation that closed on the 9<sup>th</sup> November. Subject to any confirmation of how the Government is likely to proceed it is anticipated that the Board meeting scheduled for January 2018 will include a revised timetable for consideration.

## **1.2 Implications for the Local Plan Timetable**

- 1.2.1 Incorporating the new housing need figures into the Local Plan
- 1.2.2 To submit a Local Plan to the Secretary of State the Local Planning Authority must be satisfied that the Plan is sound. Part of the test of soundness is that the Plan is deliverable. As noted in the response to the recent Government consultation, we have concerns as to whether the level of new housing need proposed is in fact deliverable.
- 1.2.3 The Tonbridge and Malling Housing Delivery Study prepared by G L Hearn and Partners examined past delivery rates and future expectations across the two housing market areas that Tonbridge and Malling forms part of. It then applied this

analysis to the existing committed supply and estimated housing needs of the Local Planning Authorities making up the two Housing Market Areas that cover parts of the borough.

- 1.2.4 It concluded that in the Maidstone Housing Market Area (which includes the northern part of the borough) an average annual growth rate of 1.5% of the existing housing stock for the period 2016-31 would be needed to meet objectively assessed needs. Although this is higher than has been achieved historically (Over the period 2001-2016, 1.1% was achieved in Maidstone and 1.2% in T&M), the consultants felt that while this was 'ambitious' it was 'potentially achievable', but noted that there were some significant risks involved, especially if the housing market were to weaken, for example, due to uncertainty arising from the Brexit process.
- 1.2.5 Looking at growth rates across the country as a whole the best performing Local Planning Authorities outside London have achieved on average an annual growth rate of 1.5% over the last 15 years. Some have seen higher rates than this in individual years, but this level of growth is unsustainable over the longer term. Another concern expressed by the consultants is that the trajectories for future housing supply in the Maidstone Housing Market Area for the first 5 years (2016-21) equates to 1.9% growth, which is considered to be 'particularly ambitious'.
- 1.2.6 The Study also added a cautionary note that this scale of growth offered only modest scope for introducing further supply in the Maidstone Housing Market Area until at least the mid-2020s.
- 1.2.7 Applying the standardised methodology for Maidstone and T&M would see an increase of 353 additional dwellings per year in Maidstone (7,060 additional over 20 years) and approximately half of the additional 163 dwellings per year (3,260 over 20 years) in T&M making a total of approximately 435 extra dwellings per year (8,690 over the 20 year plan period) for the Maidstone Housing Market Area.
- 1.2.8 The conclusions of the G L Hearn Housing Delivery Study indicate that this level of uplift would not be deliverable over the longer term.
- 1.2.9 Turning to the West Kent Housing Market Area, which includes Tunbridge Wells and Sevenoaks as well as the southern and western part of T&M, the consultants acknowledged that there are differences in that the area is characterised by national planning constraints, such as Green Belt and Areas of Outstanding Natural Beauty. Historically delivery rates have been low reflecting the level of constraints (Over the period 2001-2016, 0.6% and 0.9% was achieved in Sevenoaks and Tunbridge Wells respectively and 1.2% in T&M).
- 1.2.10 To meet future needs based on current assessments a growth rate across the Housing Market Area of 1.2% would need to be achieved over the period 2016-31. This is considerably higher than historic rates of delivery and due to the level of constraints this is unlikely to be sustained over the longer term. This is illustrated by the fact that both Tunbridge Wells and Sevenoaks have indicated recently

through their Regulation 18 consultations that neither expect to meet their current identified needs due in large part to the constraints identified.

- 1.2.11 Factoring in the uplift from the recent consultation, Sevenoaks would see an increase of 78 dwellings per year (1,560 over a 20 year period) and Tunbridge Wells would see an increase of 44 (880 over 20 years). Together with half of the uplifted need for T&M of 82 per year (1,620 over 20 years) this would mean that the West Kent Housing Market Area would need to meet an additional 204 dwellings per year or 4,080 over the 20 year plan period.
- 1.2.12 The G L Hearn study felt that because this housing market was strong it could potentially deliver at a higher rate, but that would require significant and additional release of Green Belt land. Currently, the proposed strategy in T&M's The Way Forward suggests a proportionate release of Green Belt in the West Kent Housing Market Area to meet the needs arising in this part of the borough. Sevenoaks have taken a different approach and are proposing to release no Green Belt in their emerging Local Plan (93% of the District is Green Belt). Tunbridge Wells are still considering growth strategies, but have less flexibility in adjusting Areas of Outstanding Natural Beauty designations (70% of the borough is within the Weald AONB, 22% is Green Belt).
- 1.2.13 In Sevenoaks' recent Local Plan consultation it was suggested that there could be unmet need in excess of 200 dwellings per year. Assuming for argument's sake that there is a similar level of unmet need for Tunbridge Wells and adding the uplift from the standardised methodology for all three Authorities, this would equate to an additional housing need of approximately 600 additional dwellings per year or 12,000 over a twenty year period across the West Kent Housing Market Area.
- 1.2.14 If Sevenoaks and Tunbridge Wells approached T&M to take their unmet need this could be in the region of 522 extra dwellings per year. Adding this to the new need estimate for T&M of 859 per year would require us to deliver 1,381 new homes a year (27,620 over 20 years). This would be the equivalent of 2.6% of our housing stock, which has never been achieved by any Local Planning Authority. To put this into context the highest level of delivery ever achieved in T&M as a whole was 977 in 2004/5, or 1.8% of the total housing stock. The average over the last 15 years is 605 (1.1% of housing stock). In that context the situation looks completely unrealistic unless there were to be accompanied intervention in the property market on a scale not seen in recent decades.
- 1.2.15 In summary, the standardised methodology results in a level of housing that is simply undeliverable in any reasonable analysis.
- 1.2.16 The proposed strategy in The Way Forward allowed for some flexibility in so far as the identified sites had the potential to deliver more housing than the residual need of 6,000. Members will recall that this was based on a developable area adjusted by high level constraints and an average density of 30 dwellings per

hectare. The crude estimated yield on this basis was in the region of 10,000 dwellings, but at that stage did not take into account land take for infrastructure or any adjustments following the Regulation 18 consultation and new evidence to support the strategy. The realistic yield from the sites already contained in the potential development strategy is expected to be closer to 7,000.

1.2.17 There are options for increasing the yield, for example, by increasing the average density to 40 dwellings per hectare, by expanding existing sites or introducing sites previously discounted earlier in the process. The first two options may not require further consultations as the principle of development has been established in those areas. However the last of these options may require a further round of Regulation 18 consultation, which would inevitably extend the timetable further.

#### 1.2.18 Updating the Evidence Base

1.2.19 The Local Plan evidence base plays an important part in the process of demonstrating that the Plan is sound. Our evidence has been based on an objectively assessed housing need of 696 new dwellings per year or 13,920 new dwellings over the 20 year plan period from 2011-31. As noted in The Way Forward last autumn once homes delivered, under construction or granted planning permission since 2011 are taken into account the residual need, for which sites need to be identified, is in the region of 6,000 new homes.

1.2.20 The evidence assesses the need for new infrastructure to accompany this growth, including, but not exclusively, highway capacity, school places and access to health care facilities and also to mitigate any impacts from the new development, for example, on air quality.

1.2.21 This work has proved very difficult to progress in any event because it relies on responses from other agencies and in some cases complex modelling work which has regrettably delayed matters to some degree. If we have to now plan for up to an additional 3,260 dwellings this will require us to revisit the evidence, which will take time and have a cost implication.

#### 1.2.22 Managing Uncertainty

1.2.23 The Government has not made any comment since the consultation closed on the 9<sup>th</sup> November and until they have considered the responses and decided how to take these into consideration there remains some uncertainty. The Government may decide to implement the changes as proposed, or they may decide to amend some of the details or extend the transitional period. It is unlikely that they will decide to do nothing.

1.2.24 The Government advises Local Planning Authorities to prepare their Local Plans based on the most up to date planning guidance available. We are continuing to follow this advice and are currently focusing on completing and where necessary updating the evidence base.

1.2.25 It is too early to propose a detailed revised timetable for the Local Plan, but assuming the refreshed NPPF is published in March 2018, we anticipate bringing a revised strategy to the March meeting of the Board and a draft Local Plan for approval to the June meeting. This would then be endorsed by full Council in July and the Regulation 19 public consultation could start soon afterwards. Assuming an extended consultation period to allow for the summer holiday period, a submission date in late September or October would seem possible. This would represent a delay of 4-5 months on the current timetable meaning adoption later in 2019 than the current estimate of April would still be achievable.

### **1.3 Implications for the Five Year Housing Land Supply**

1.3.1 In the year to 31<sup>st</sup> March 2017 the five year housing land supply fell from 5.3 to 4.7 years. This represents a small drop in the identified supply (199 dwellings) and can be explained in part by where we are in the development plan cycle. Because most of the allocated sites in the current Local Development Framework are nearing completion and before the new sites in the emerging Local Plan are adopted.

1.3.2 4.7 years supply is still a healthy position and does not mean that all of the policies in the LDF are suddenly out of date, but it does mean that developers will argue that their sites are needed to come forward to bolster housing supply. The information was included in the latest edition of the Annual Monitoring Report published in October.

1.3.3 If the new objectively assessed housing need is applied from next spring this would have the effect of reducing the five year housing land supply further. An additional 163 dwellings per year would add 815 dwellings to the 5 year housing land supply.

### **1.4 Local Plan Evidence Progress**

1.4.1 Work is continuing in respect of the evidence base for the Local Plan including the following elements:

1.4.2 VISUM Modelling of the A20 Corridor

1.4.3 Preliminary results of the transport modelling of the A20 corridor being carried out by the consultants Amey are being supplemented by more detailed work on specific junctions, which is expected to be completed soon. The work has been complex and thrown up further issues to be modelled. However, a full report should be available by the end of December.

1.4.4 Transport Assessment

1.4.5 The consultants Mott MacDonald have been appointed to carry out a Transport Assessment for the rest of the borough. Progress has been slightly delayed by

traffic count arrangements but this is expected to be completed early in the new year.

#### 1.4.6 Air Quality Assessment

1.4.7 This piece of evidence relies on the outputs of the Transport Assessment and therefore will follow on from that piece of work. For this reason Mott Macdonald are also preparing this piece of evidence.

#### 1.4.8 Habitats Regulations Assessment

1.4.9 The recent findings of the Wealden Judgement in respect of the potential impact of future growth on the Ashdown Forest has required additional evidence to be prepared to take into consideration any similar impacts on any other sensitive habitats, including Special Areas of Conservation.

#### 1.4.10 Employment Land Review

1.4.11 This piece of evidence is in the process of being revised to take into account changes in permitted development rights that have seen a number of offices converted to residential and also other developments that have taken place since the previous report was prepared in December 2014. This is nearing completion.

#### 1.4.12 Gypsy and Traveller Accommodation Assessment

1.4.13 The GTAA is also being revised by the consultants Arc4. The surveys have been completed and a report is being drafted.

#### 1.4.14 Sustainability Assessment

1.4.15 This is an ongoing part of the evidence base and will be updated when the proposed strategy is agreed.

#### 1.4.16 Infrastructure Delivery Plan

1.4.17 Officers have been working with key infrastructure providers throughout the plan making process and will complete the IDP when the proposed strategy is agreed. This relies significantly on other agencies such as KCC, various parts of the Health Service, transport operators and service providers.

#### 1.4.18 Viability Assessment

1.4.19 It is necessary for the tests of soundness to demonstrate that the Local Plan is viable. This will also be completed once the strategy is agreed.

### 1.5 **Concluding Remarks**

1.5.1 This report has set out the implications of the recent Government consultation 'Planning for the Right Homes in the Right Places' on the Local Plan timetable and

also the 5 year housing land supply. It is anticipated that a revised timetable will be brought back to the next meeting of this Board for approval in January 2018.

- 1.5.2 Further updates on the evidence base will be provided to future meetings of the Board in due course.

## **1.6 Legal Implications**

- 1.6.1 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 continue to comply with the regulations governing the sustainability appraisal process and the habitats regulations assessment.

## **1.7 Financial and Value for Money Considerations**

- 1.7.1 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.

## **1.8 Risk Assessment**

- 1.8.1 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 and increasing number of successful appeals and possible intervention by the Secretary of State.

Background papers:

Nil

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