

TONBRIDGE & MALLING BOROUGH COUNCIL
PLANNING and TRANSPORTATION ADVISORY BOARD

06 March 2018

Report of the Director of Housing, Planning 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

This report sets out a revised timetable for preparing the Local Plan following the publication of ‘Building the Right Homes in the Right Places’ by the Government for consultation in September 2017. The report also provides an update in respect of the most recent elements of the Local Plan evidence base that have now been finalised or updated.

1.1 Background

- 1.1.1 In September last year the Government launched a consultation entitled ‘Building the Right Homes in the Right Places’, building on some of the reforms to the planning system initially proposed in the Housing White Paper published in February 2017. One of the main and most controversial proposals relates to the introduction of a standardised method for calculating housing need in Local Plans.
- 1.1.2 Members will recall that a report to this Board in December last year set out a comprehensive response to the consultation raising a number of significant concerns, particularly in relation to the implications arising from the proposed methodology, which would as proposed have the effect of increasing the annual housing need for Tonbridge and Malling by 23% or 159 extra dwellings per year. This would equate to 3,260 extra dwellings over the Local Plan period.
- 1.1.3 Our own evidence base has identified a need of 696 new homes each year, which is already a significant increase on historic delivery rates. There is a risk that the new figure (859 per annum) may simply not be deliverable in market terms and would place an acceptable pressure on infrastructure. These points, amongst others, have been made in the Council’s response to the consultation. At the time of writing this report the Government has made no statements in respect of the consultation responses, although the consultation page on the Ministry of Housing, Communities and Local Government (formally the DCLG) website suggests there will be a statement soon. Indications are that a draft version of the revised National Planning Policy Framework, which will introduce the new methodology, will be published for consultation this spring. It is less clear when the final version of the NPPF will be published although the Government has

indicated that Local Plans submitted to the Secretary of State after that time will have to reflect the new methodology.

- 1.1.4 Members at the Board meeting in December provided a steer for officers to progress the Local Plan at the earliest opportunity reflecting a deliverable housing target supported by robust evidence.
- 1.1.5 As there remains some uncertainty as to when the new methodology will be introduced and whether there will be any adjustments to the way it is calculated, the preferred way forward is to proceed on the basis of our own evidence that has identified a level of growth that seems practically deliverable.
- 1.1.6 However, it will be prudent and indeed necessary for the purposes of presenting the Council's case at an examination, to acknowledge that there will be a proposed uplift in the new housing need for the Local Plan, but to explain and demonstrate that the level of new homes per year that can practicably be delivered consistently over the plan period will be less. This will effectively be recognising that there will be unmet need the extent of which will rightly be based on a proper analysis of the local evidence.
- 1.1.7 The importance of progressing the Local Plan as soon as practicably possible remains a key consideration for the Local Planning Authority, particularly in determining planning applications and in addressing the current lack of a five year housing land supply that first became apparent through the Annual Monitoring Report for the year ending 31st March 2017. Further delays to the process increases the risks associated with an out of date development plan, albeit that key delays to date have not been of the Council's making. The responsibility is clearly on the Council to pursue the new plan efficiently whilst in the meantime responding to the undoubted challenges of dealing with planning applications that come forward in advance of the Plan.

1.2 Revised Local Plan Timetable

1.2.1 The next steps in the Local Plan process can be summarised as follows:

- Complete the remaining elements of the evidence base;
- Agree the proposed strategy as refined from the version consulted on during the Regulation 18 consultation in the autumn of 2016; and
- Prepare and agree a draft Local Plan, including policies, allocations and a policies and proposals map, for the purposes of public consultations

1.2.2 It is envisaged that these matters will be the focus of the next two meetings of the Board, following which it will be necessary to seek full Council approval of the draft Local Plan for the purposes of a further round of public consultation required by Regulation 19 of the Town and Country Planning (Local Plans) Regulations.

1.2.3 The revised timetable for approval is appended to this report.

1.2.4 The Local Plan evidence base

1.2.5 Most of the evidence base for the Local Plan has now been completed or revised and uploaded to the Council's website. These include:

- A20 Corridor Traffic (Visum) Modelling
- Employment Land Review
- Housing Delivery Study
- Strategic Land Availability Assessment Part 1
- Gypsy and Traveller Accommodation Assessment
- Green Belt Study Part 2
- Green Infrastructure Report
- Open Space Report

1.2.6 The remaining pieces of evidence are:

- Transport Assessment (Completion expected end of March)
- Air Quality Assessment (Completion expected end of March)
- Whole Plan Viability Assessment (Completion expected end of April/early May)
- Infrastructure Delivery Plan (Completion expected end of April/early May)

1.2.6 The borough-wide Transport Assessment will complement the VISUM modelling focusing on the A20 corridor and is being prepared in partnership with the consultants Mott MacDonald. The Air Quality Assessment is being prepared in parallel with the Transport Assessment by the same consultants using the same data, which was collected in November 2017. This work will also update the Habitats Regulations Assessment for the Local Plan in respect of the potential impacts that future planned development will have on Special Character Areas, such as the Ashdown Forest. Once completed these will also be uploaded to the website, which is currently anticipated to be at the end of this month.

1.2.7 The whole plan viability assessment is an important piece of evidence that essentially demonstrates that the Local Plan will be deliverable. By its nature, this piece of work has to be prepared once the draft Local Plan starts to take shape. This work has been put in place and is expected to be completed by early May.

- 1.2.8 The Infrastructure Delivery Plan will build on the ongoing liaison and discussions with the main infrastructure providers. It will also be informed by the viability assessment to ensure that the necessary infrastructure is deliverable.
- 1.2.9 Agreeing the proposed strategy for the Local Plan
- 1.2.10 Members will be aware that the proposed strategy included in the Regulation 18 public consultation document The Way Forward is in the process of being refined to reflect the responses received during the consultation, the outputs from the evidence base and other known changes, such as emerging national planning reforms and changing land ownerships.
- 1.2.11 Subject to Member's approval of the revised Local Plan timetable, the strategy will form part of the draft Local Plan that will be brought back to this Board for consideration at the next scheduled meeting in June.
- 1.2.12 Preparing the Draft Local Plan
- 1.2.13 The draft Local Plan itself will resemble the adopted Local Development Framework (LDF) insofar as it will include policies and reasoned justifications and a policies and proposal map, but it will be a more succinct document. Members will recall that the LDF is comprised of a number of separate development plan documents. The Government guidance for development plan making at the time was that each document could be updated separately so that if one part of the LDF became out of date it could be revised without requiring the whole plan to be subject to the statutory processes, ostensibly requiring less time and resources while ensuring the development plan remained up to date.
- 1.2.14 In practice, although Tonbridge and Malling managed to adopt a full suite of documents between 2007-10, LDFs took much longer for most Local Planning Authorities to complete and a significant number had not completed the task by the time the Government replaced LDFs with Local Plans in March 2012 with the publication of the National Planning Policy Framework (NPPF). The NPPF replaced over 1,000 pages of national planning policy and made it clear for plan makers that national planning policy should not be repeated in Local Plans. It also introduced the concept of Local Plans and the evidence supporting them being 'proportionate'.
- 1.2.15 It is expected that one of the changes to be introduced when the NPPF is updated later this year is that Local Plans will be required to be revised within 5 years of adoption. These messages all point to a more streamlined document.
- 1.2.16 An audit of the current LDF policies has been carried out to ensure that those policies that have proved to be most effective and frequently used will where possible be brought forward and refreshed in the draft Local Plan alongside a small number of new policies.

1.2.17 The revised timetable as proposed would see the draft of the Local Plan also being considered at the June meeting of this Board, with the opportunity also to revisit some issues at the Board meeting in July in the event that further information and advice was required before making a recommendation to Cabinet.

1.2.18 It is not certain when the final version of the revised NPPF will be published, but this could be in the summer, assuming a draft is published in the spring. Alternatively, there may be some delay and a decision taken to postpone publication until after the summer recess, as was the case with 'Building the right homes in the right places' last year. It may be unwise to speculate that the Local Plan will be submitted before the NPPF is relaunched, but there may be some advantage to be gained depending on how advanced the Local Plan is at that point in time.

1.3 Next Steps

1.3.1 Subject to the agreement of the Board through the June and July meetings, a recommendation will be made to the Cabinet and then the Council to agree the draft Local Plan document for the purposes of a further round of public consultations required by Regulation 19 of the Town and Country Planning (Local Plans) Regulations 2012. Following the conclusion of that exercise, the Council's plan would be submitted to the Secretary of State (along with the outturn of consultation) and would subsequently be the subject of a public examination overseen by a planning inspector.

1.3.2 If members are minded to agree the timetable appended to this report, and subject to Full Council approval, the Regulation 19 consultation could take place in October and November with submission to the Secretary of State in early January 2019. On this basis adoption is still anticipated during 2019.

1.4 Legal Implications

1.4.1 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.

1.5 Financial and Value for Money Considerations

1.5.1 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.

1.6 Risk Assessment

1.6.1 It is important that the development plan is kept up to date for the purposes of carrying out the functions of the Local Planning Authority. The proposed timetable set out in this report seeks to progress the Local Plan as soon as practicably

possible. If there are further delays to the timetable this will increase the risk of the Plan becoming out of date.

1.7 Recommendations

- 1.7.1 That the progress on the Local Plan and evidence base is noted; and
- 1.7.2 The revised timetable for preparing the Local Plan as set out in this report and at Annex 1 is agreed and reports on the new Local Plan be brought forward to the next meetings of this Board.

The Director of Housing, Planning 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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