

TONBRIDGE & MALLING BOROUGH COUNCIL
PLANNING and TRANSPORTATION ADVISORY BOARD

05 June 2018

Report of the Director of Planning, Housing and Environmental Health

Part 1- Public

Matters for Recommendation to Cabinet - Council Decision

1 LOCAL PLAN

This report introduces the draft Local Plan document for consideration including a refined development strategy, policies and proposals for the purposes of carrying out a public consultation as required by Regulation 19 of the Town and Country Planning Regulations 2012 later this year.

The report also provides an update in respect of Local Plan evidence and other relevant matters relating to the preparation of the Local Plan such as meeting the requirements of the Duty to Cooperate.

1.1 Introduction

- 1.1.1 At the March meeting of this Board Members were advised that the day before, on the 5th March, the Government had launched a public consultation exercise in respect of the revised National Planning Policy Framework (NPPF). The response to this consultation, which closed on 10th May, is the subject of another report on this agenda.
- 1.1.2 Crucially, the consultation introduced for the first time a proposed transitional period for the full implementation of the new NPPF. What this means is those Local Planning Authorities submitting a Local Plan to the Secretary of State within 6 months of the final publication of the NPPF, expected to be this summer, may proceed based on the current version of the NPPF and using the housing need calculations estimated by locally derived evidence rather than the standardised methodology being introduced in the revised NPPF.
- 1.1.3 Members will recall that the standardised methodology would have the effect of increasing our housing need to be addressed in the Local Plan by 23%, from 696 to 859 dwellings per year over the Local Plan period (2011-31). This would result in an increase of 3,640 additional dwellings having to be accommodated in the Plan or addressed elsewhere as unmet need. Notwithstanding the fact that this level of delivery has never been sustained in the past and our evidence states this would be challenging to say the least, such a change would have led to significant delays in the Local Plan timetable while evidence was updated. It would clearly

also present a much greater challenge in terms of identifying land for development.

- 1.1.4 Given the age of the existing LDF and the lack of a demonstrable 5 year housing land supply since 2017, such a delay would be highly undesirable.
- 1.1.5 The Board recommended an amendment to the Local Plan timetable to enable the Local Plan to be submitted within the transitional period, by the end of this year. This report introduces the draft Plan for consideration and a refined development strategy based on the version that was subject to public consultations in the autumn of 2016 required by Regulation 18 of the Town and Country Planning (Local Plans) Regulations. The refinements reflect the responses received during that consultation, Local Plan evidence as it has become available and other relevant information, such as changes in land ownership.
- 1.1.6 Inevitably at this stage in the work programme there remain some areas where a little further work is required. The Board will have a further opportunity to consider the draft Local Plan at the next meeting in July before making recommendations, for consideration by Cabinet and Full Council in September, to carry out further public consultations required by Regulation 19 of the Town and Country Planning Regulations and then submit the Local Plan to the Secretary of State.

1.2 The Draft Local Plan

- 1.2.1 The draft Local Plan document appended to this report (Annex 1) will eventually replace the suite of documents making up the current Local Development Framework (LDF). The Local Plan is a more succinct document than the LDF, which reflects Government Guidance that there should be no duplication of national policies already set out in the NPPF and that Local Plans should focus on strategic issues.
- 1.2.2 The policies in the Local Plan have been prepared in accordance with the NPPF and bring forward the most effective and most frequently used LDF policies, updated as necessary. There are also some new policies to address issues that have arisen since the last Plan was prepared and there are site specific policies for the major sites proposed as part of the development strategy, which will meet future needs for new homes, employment and infrastructure.

1.3 The Refined Development Strategy

- 1.3.1 The development strategy to accompany the Local Plan is based on that which was first published in The Way Forward consultation document in 2016, but there have been some changes to reflect some of the responses received, new evidence and other information since it was first proposed, which are summarised below. The strategy map can be seen at Annex 2 to this report.
- 1.3.2 It is important to note that this map does not represent the Local Plan Policies and Proposals Map, which will have other designations, such as Conservation Areas

and Areas of Outstanding Natural Beauty showing. At this stage only changes to the current Map have to be illustrated and subject to consultation, but those changes will reflect the refined strategy where appropriate once agreed.

- 1.3.3 The distribution of future development shown on the original proposed strategy map responded to the issues arising from the Local Plan evidence base, for example, the objectively assessed need for additional housing and employment and also addressed the guiding principles set out in the previous Regulation 18 consultation document “The Way Forward”.
- 1.3.4 It was estimated at the Regulation 18 stage that the sites put forward towards a potential development strategy, if implemented at an average density of 30 dwellings per hectare, could deliver approximately 10,000 new dwellings against a net housing need (once existing permissions and other sites in the pipeline have been taken into account) in the region of 6,000 new dwellings over the remaining Local Plan period up to 2031. At the time it was envisaged that some element of refinement would be inevitable as evidence and consultation responses were applied.
- 1.3.5 The refined strategy as now put forward has the potential to deliver much closer to the objectively assessed housing need, (which now includes an element of under delivery since the base date in 2011 equating to approximately 500 dwellings). The estimated housing yield now incorporated in the local plan document up to 2031 is 6,828 new dwellings, which is just over our Objectively Assessed Need.
- 1.3.6 The refinements reflect the fact that some proposed development areas have been reduced in size in response to Local Plan evidence or to reflect consultation responses and also takes into consideration land take for infrastructure. For the strategic development allocations, detailed inset plans are incorporated within the local plan document.
- 1.3.7 The strategy also shows proposals for additional employment sites. In The Way Forward our evidence suggested that up to an additional 33 Hectares of employment land would be needed over the Plan Period. The revised Employment Land Review increased this to 46.8 Hectares. The sites shown on the refined strategy equate to 32.8 Hectares. With intensification of planned and existing sites this is sufficient to meet our future employment needs.
- 1.3.8 The following sections summarise the key elements of the refined strategy and how they have changed from the strategy as proposed in The Way Forward. The policies in the Local Plan document itself will show the key development issues associated with each major site, including the need for key infrastructure.

Major Sites

1.3.9 Bushey Wood

1.3.10 The Bushey Wood Area of Opportunity was identified in the current development plan as having potential for meeting residential needs in the post 2021 period or earlier if there is any significant shortfall in strategic housing provision (Policy CP16 in the adopted Core Strategy refers). Consequently, an extension to the village of Eccles was included in the proposed strategy as a 'building block' to reflect that previous approach.

1.3.11 In the refined strategy the area shown has been altered to provide land for infrastructure improvements and taking this into consideration the current estimated housing yield for this site is 900 homes.

1.3.12 The Area of Opportunity designation is proposed to be retained in the new Local Plan and will be revisited when the Plan is revised.

1.3.13 South Aylesford

1.3.14 The significant area of potential development land shown at south Aylesford in The Way Forward was proposed in order to deliver significant new road infrastructure to address highway capacity issues as a result of committed development in the area, especially within Maidstone Borough along Hermitage Lane.

1.3.15 In The Way Forward this included a new relief road to bifurcate the traffic using the northern part of Hermitage Lane by utilising land at Whitepost Field and a new access to the south of Quarry Wood Retail Park to take pressure off the current and only access on the A20.

1.3.16 The results of the Visum modelling of the A20 Corridor confirmed that in the absence of any further interventions the developments and mitigations already committed will lead to further capacity issues locally up to the end of the Plan period in 2031.

1.3.17 The bifurcation of Hermitage Lane at Whitepost Field together with the committed improvements to Coldharbour Roundabout and Junction 5 of the M20 showed some improvement in journey times and capacity on the local highway network up to 2031.

1.3.18 The proposed alternative access to Quarry Wood was significantly less convincing. The modelling in this respect showed that the new infrastructure would not result in any significant improvement on traffic flows and queue lengths for those wishing to access and exit Quarry Wood and the impacts of accommodating the additional traffic generated by the associated housing development would add to the pressures on the system unless other improvements were forthcoming.

1.3.19 Consequently, the developable area at south Aylesford has been reduced from that shown in The Way Forward. Only those sites to the east of Hermitage Lane and for the most part to the north of the railway line (with the exception of land adjacent to Kent House) have been retained in the refined strategy together with the proposed relief road at Whitepost Field. These sites have an estimated yield of 1,000 dwellings compared with approximately 3,000 in the previous strategy.

The Whitepost Field site is the subject of a current planning application for up to 849 dwellings and includes the new relief road from Hermitage Lane to the Poppyfields/20-20 roundabout.

1.3.20 North of Kings Hill (Broadwater Farm)

1.3.21 A northern extension to Kings Hill was proposed in “The Way Forward” with an estimated capacity of approximately 1,000 new dwellings. This was considerably smaller than the site that had been proposed through the earlier Call for Sites exercise.

1.3.22 The developable area has not changed significantly in the refined strategy, although there have been some amendments to reflect road and field boundaries. The proposed yield has been reduced slightly to 900 dwellings in response to the results of the Visum modelling that identified some capacity issues at Junction 4 of the M20. A new access road from the A 228 at the railway station junction is proposed.

1.3.23 This site is also the proposed location for a new secondary school, which will be required to meet future needs.

1.3.24 Borough Green

1.3.25 The Way Forward showed the outline of a site submitted under the Call for Sites exercise by a consortium of land owners and the route of a relief road between the Dark Hill roundabout on the A25 and the A20 at Nepicar, to the south of Junction 2A of the M26. Although the entire route of the relief road was included, only the first phase of development was shown as a potential developable area.

1.3.26 Only the first phase was shown because there was some doubt over the ability of the remainder of the site to deliver houses within the plan period up to 2031 due to ongoing minerals extraction. The potential yield of the developable area shown was estimated to be 1,000 dwellings, with a total site capacity up to 3,500.

1.3.27 The refined strategy shows a second phase of developable area reflecting a new phasing plan that demonstrates that more of the site can be delivered during this plan period. The whole site is proposed to be removed from the Green Belt to enable the delivery the relief road at the earliest opportunity and safeguard land for future housing delivery during the next Local Plan.

1.3.28 The current yield for the first two phases of development during this Local Plan is estimated to be 1,720. The total yield is now expected to be in the region of 3,000 dwellings rather than the 3,500 suggested previously.

1.3.29 South Tonbridge

1.3.30 Three adjacent sites make up a developable area in south Tonbridge at Lower Haysden. One is a safeguarded site in the current development plan; the others have been brought forward through the current Local Plan process. There have been no significant changes to this area which is currently estimated to have a potential yield of 480 new dwellings.

1.3.31 Areas of Opportunity and Safeguarded Land

1.3.32 The refined strategy also proposes an additional Area of Opportunity at south Aylesford to the west of Hermitage Lane so that the development potential of this area can be revisited, but only in the event that planned and funded strategic highway improvements come forward.

1.3.33 The third phase of the development at Borough Green will be safeguarded for future development in the next Local Plan.

1.3.34 Green Belt Extension to the east of West Malling

1.3.35 The proposed Green Belt extension to the Ashton Way bypass east of West Malling was welcomed by many respondents during the Regulation 18 consultation exercise, but many of those expressions of support sought a more extensive extension beyond the bypass.

1.3.36 In response the exceptional circumstances for the proposed extension have been revisited and the strategy has been refined to extend the extension east to Watlingbury Road and north to the A20. The southern boundary will be formed by the proposed northern extension to Kings Hill (See Annex 3). This will provide a logical new boundary to the green belt, provide more certainty about the long term retention of the openness that characterises this area and will retain the important separation between the new settlement of Kings Hill and the historic villages of West Malling and East Malling.

1.3.37 Other Refinements

1.3.38 In addition to the major sites and the Green Belt extension, there have been a number of amendments to the proposed development sites in the smaller settlements.

1.3.39 Hadlow

1.3.40 The potential site to the north of Court Lane has been removed from this local plan due to the capacity of Court Lane and the junction with the A26 to

accommodate additional traffic. The site south of Court Lane has been retained with the estimated yield of all sites in Hadlow now at 247.

1.3.41 East Peckham

1.3.42 The potential site previously identified at Snoll Hatch Road has been removed due to concerns about practical delivery and flood risk, but a new site has been included at Church Lane. Estimated yield is now 58.

1.3.43 West Malling

1.3.44 The potential site at Offham Road has been reviewed, particularly in the light of traffic capacity and green belt impact and is scaled down accordingly. A site to the south of the A20 and to the north of the railway line at Brickfields has been included. The estimated yield is now 122.

1.3.45 East Malling Research (EMR)

1.3.46 Although a large area within the east of the EMR landholding has been removed from the development strategy, two other smaller areas have been included in the western part of the East Malling Research site recognising the reduced reliance on land based work at the EMR and to compliment the employment expansion also envisaged at the core of the EMR site. The estimated yield is 421.

1.4 Local Plan Evidence Update

1.4.1 Evidence to support local plans is required to demonstrate the soundness of proposals, especially when tested at the Public Examination. By its very nature the collection of evidence, in various forms, is an iterative process carried on throughout the plan making period. It provides a basis for the approach to the Plan, for example by identifying particular needs, such as for housing, but it is also work that constantly changes as thinking and preparation of proposals and policies progress and are tested.

1.4.2 As members will be aware there has been a substantial commitment to evidential work in association with the Plan. A wide range of matters have been covered and the following list demonstrates that commitment:

- A20 Baseline and VISUM studies
- Development Capacity Study
- Employment Needs and Economic Futures Forecasting
- Green Belt Study
- Green Infrastructure and Ecological Networks Report
- Gypsy and Traveller Accommodation Assessment
- Housing Delivery Study
- M25 & M26 Connectivity Study
- Open Space Study
- Strategic Flood Risk Assessment
- Strategic Housing and Employment Availability Study

- Strategic Housing Market Assessment
- Strategic Land Availability Assessment
- Surface Water Management Plan

(Completed Local Plan Evidence can be found on our website here:
www.tmbc.gov.uk/localplanevidence)

- 1.4.3 Recently added or soon to be added to the Local Plan evidence base include the following items:
- 1.4.4 Transport Assessment and Modelling
- 1.4.5 The borough-wide Transport Assessment prepared by the Council's consultants Mott Macdonald considers the potential transport impacts of the future development proposed in the Local Plan and explores mitigation measures to alleviate such impacts where necessary. It complements the strategic Visum modelling prepared by the consultants Amey along the A20 corridor between Leybourne and south Aylesford.
- 1.4.6 The assessment was based on background growth, committed and planned developments in the borough and surrounding areas covering a period of time between 2017 and 2031. Three scenarios were tested, 2017 existing, 2031 future base and future base plus Local Plan development.
- 1.4.7 Proposed measures for encouraging modal shift towards more sustainable methods of transport will complement the potential mitigation measures.
- 1.4.8 Air Quality Assessment
- 1.4.9 The Air Quality Assessment has also been prepared by Mott Macdonald utilising data collected for the Transport Assessment. In summary, the assessment has demonstrated that none of the strategic sites are predicted to exceed the relevant air quality objectives in any scenario.
- 1.4.10 Infrastructure Delivery Plan (IDP)
- 1.4.11 The Infrastructure Delivery Plan is being prepared in-house and sets out the infrastructure requirements to accompany the development proposed in the new Local Plan. It should be read in conjunction with the Viability Assessment.
- 1.4.12 Viability Assessment
- 1.4.13 The consultants HDH are preparing a whole plan viability assessment. This piece of evidence will demonstrate that the Local Plan is deliverable by assessing the costs of infrastructure and other Local Plan requirements.

1.4.14 Green Belt Study Part 2

1.4.15 This complementary piece of evidence assesses the parcels of land that are proposed to be removed or added to the Green Belt designation to provide a basis for demonstrating exceptional circumstances.

1.4.16 Sustainability Assessment

1.4.17 The Sustainability Assessment is a critical piece of evidence that is prepared alongside the Local Plan process. The report involves an appraisal of the Plan Objectives and policies including an analysis of the individual as well as the cumulative effects. This will be consulted upon by TMBC alongside the Reg.19 version of the Plan.

1.5 Duty to Cooperate and Statements of Common Ground

1.5.1 Meetings with neighbouring authorities (Maidstone, Medway, Gravesham, Sevenoaks and Tunbridge Wells) to discuss Local plan progress and cross boundary issues have continued throughout the Local Plan process. Portfolio Holder meetings have been held with Tunbridge Wells, Sevenoaks and Maidstone this year to ensure there is a good channel of communication at Member level.

1.5.2 Statements of Common Ground are being introduced under the revised NPPF. Local Planning Authorities will be expected to have drafts in place within six months of the publication of the NPPF this summer. Tonbridge and Malling, Sevenoaks and Tunbridge Wells have been working together as a pilot for Statements of Common Ground with assistance from the Planning Advisory Service, which will place us in a good position for meeting any future requirements.

1.6 Next Steps

1.6.1 Clearly the issues raised in this report and set out in the Local Plan document are important to the future of the Borough. The emergence of the local plan has been over a long period and there have been many reports of progress and consideration of the key issues during that time. We now face the challenge of submitting the Plan to the Secretary of State for Housing, Communities and Local Government by the end of the year, following a further period of consultation, to take advantage of the transitional arrangements introduced in the NPPF.

1.6.2 The Board will have a further opportunity to consider the draft Local Plan together with additional information and points of clarification at the next meeting on 24th July. The Board will then be invited to make recommendations to the special meetings of the Cabinet and Full Council arranged for 3rd and 12th September respectively. If Members at Full Council are minded to agree, the public consultation exercise required by Regulation 19 of the relevant Regulations will take place as soon as practicably possible after the meeting, anticipated to be

towards the end of September. The consultation will be open for a minimum of 6 weeks.

- 1.6.3 Once the consultation closes, estimated to be during November, any responses received will be collated, grouped into themes and given due consideration before being sent to the Secretary of State with the Local Plan documents. Once appointed the Local Plan Inspector will decide whether to address any issues including any arising as a result of the two public consultations exercises at the Local Plan Hearing, expected to take place in 2019.

1.7 Conclusion

- 1.7.1 This report provides Members with an update on the preparation of the Local Plan and provides a draft document and refined strategy for consideration. Inevitably given the timescales involved there will be further work on completing and updating evidence as the process moves on and there will be a further opportunity to consider the drafts at the next meeting of the Board in July before recommendations are made to Cabinet and Full Council in September.

1.8 Legal Implications

- 1.8.1 Planning law requires that planning applications are determined in accordance with the development plan unless other material considerations indicate otherwise. The Local Plan for Tonbridge and Malling will represent a significant part of the development for the borough and needs to be prepared in accordance with the NPPF and be kept up to date.
- 1.8.2 Failure to prepare a Local Plan or having a Plan that is out of date reduces the ability of the Local Planning Authority to manage development proposals that come forward.
- 1.8.3 A planning barrister has now been engaged initially to advise on the procedural and soundness issues to do with the draft plan and then to help prepare for the Public Examination which is likely to take place during next year

1.9 Financial and Value for Money Considerations

- 1.9.1 There are resource implications for preparing the Local Plan, but these can be accommodated within current budgets.
- 1.9.2 Preparing a Local Plan within the transitional period after the revised NPPF is published represents a potential cost saving for the Council as the alternative would be to update existing evidence and delay the adoption of the Local Plan while the implications of the uplift in housing need is addressed.
- 1.9.3 Having an up to date Plan at the earliest opportunity will also re-establish a five year housing land supply and provide a stronger basis for defending appeals.

1.10 Risk Assessment

1.10.1 Failure to submit a Local Plan within the transitional period will result in significantly higher risks associated with having an out dated Plan and the associated implications described in the sections above.

1.11 Recommendations

That the content of this report be noted and subject to addressing any matters raised or further clarification to be considered at the July meeting of this Board;

The Draft Local Plan be recommended for approval for the purposes of public consultations required under Regulation 19 of the Town and Country Planning (Local Plans) Regulations 2012 and submission to the Secretary of State under Regulation 22.

Background papers:

Nil

contact: Ian Bailey
Planning Policy Manager
Louise Reid
Head of Planning

Steve Humphrey
Director of Housing, Planning and Environmental Health