

**TONBRIDGE & MALLING BOROUGH COUNCIL**  
**COUNCIL**

**12 September 2018**

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

**Part 1- Public**

**Matters For Decision**

**1 LOCAL PLAN**

**This report seeks approval for the Local Plan and accompanying documents to be submitted to the Secretary of State following public consultations as required by the Town Planning (Local Planning) (England) Regulations 2012**

**1.1 Introduction**

- 1.1.1 Preparation of the Local Plan began soon after the publication of the National Planning Policy Framework in March 2012. The Local Plan document has been prepared in accordance with the necessary statutory procedures for plan making and is considered to be sound for the purposes of submission to the Secretary of State required by Regulation 22 of the Town Planning (Local Planning) (England) Regulations 2012 (“the Regulations”), subject to a further round of public consultations required by Regulation 19.
- 1.1.2 Approval is sought for the Local Plan document, amendments to the policies and proposals map, Sustainability Appraisal and Habitats Regulations Assessment (forming part of the minutes of the extraordinary meeting of the Cabinet held on the 3<sup>rd</sup> September) for the purposes of public consultation and subsequent submission to the Secretary of State as required by the relevant Regulations. For convenience the report made to the Extraordinary Cabinet meeting of 3<sup>rd</sup> September is attached and Members are also directed to the other documents referred to here which can be accessed [here](#):
- 1.1.3 It is anticipated that the consultation exercise will commence as soon as practicably possible and conclude after 6 weeks. The Local Plan and accompanying documents, including the representations received, will be submitted to the Secretary of State as soon as possible after the consultation closes to ensure that the Plan is submitted within the 6 month transitional period provided for in the revised National Planning Policy Framework (NPPF) that was published on 24<sup>th</sup> July.

## **1.2 Legal Implications**

- 1.2.1 The function of formulating and preparing a Local Plan is a matter which by law must be considered by full Council as part of the policy Framework.
- 1.2.2 The Council should be satisfied that is sound and ready for independent examination.
- 1.2.3 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 plan for the borough and must be prepared in accordance with the NPPF and be kept up to date.
- 1.2.4 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, as outlined in the report to Cabinet attached.

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

- 1.3.1 There are resource implications for preparing the Local Plan, but these can be accommodated within current budgets
- 1.3.2 Preparing a Local Plan within the transitional period following the publication of the revised NPPF 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.

## **1.4 Risk Assessment**

- 1.4.1 Failure to submit a Local Plan within the transitional period will result in significantly higher risks associated with having an out dated Plan as described in detail in the report to Cabinet on 3<sup>rd</sup> September. In particular, having an up to date Local Plan at the earliest opportunity will re-establish a five year housing land supply, provide a stronger basis for defending appeals and reduce the risk of unplanned development in the Borough without the necessary infrastructure investment.

## **1.5 Equality Impact Assessment**

- 1.5.1 The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

## **1.6 Recommendations**

- 1.6.1 It is recommended that Council RESOLVES that:
- 1.6.2 It is satisfied that the Local Plan is ready for independent examination and that the Local Plan, amendments to the policies and proposals map, Sustainability

Appraisal and Habitats Regulations Assessment are approved for the purposes of public consultation as required by Regulation 19 of the Regulations.

- 1.6.3 The Local Plan document and supporting documents, together with any other relevant information including a copy of representations received during the Regulation 19 consultation, are subsequently submitted to the Secretary of State for Housing, Communities and Local Government as required by Regulation 22 of the Regulations.

Background papers:

Nil

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