

**TONBRIDGE AND MALLING BOROUGH COUNCIL**

**PLANNING AND TRANSPORTATION ADVISORY BOARD**

**Tuesday, 4th June, 2019**

**Present:** Cllr J L Botten (Vice-Chairman in the Chair), Cllr T Bishop, Cllr M D Boughton, Cllr V M C Branson, Cllr D J Cooper, Cllr D A S Davis, Cllr M O Davis, Cllr S A Hudson, Cllr D Keers, Cllr H S Rogers, Cllr M Taylor and Cllr D Thornewell

Councillors D Lettington, R P Betts, A E Clark, M A Coffin, N Foyle, N J Heslop, A Kennedy, P J Montague, M R Rhodes, Miss J L Sergison and T B Shaw were also present pursuant to Council Procedure Rule No 15.21.

Apologies for absence were received from Councillors R W Dalton (Chairman), Mrs C B Langridge and N G Stapleton

**PE 19/8      DECLARATIONS OF INTEREST**

For reasons of transparency, Councillor Boughton indicated that he had previous dealings with the Environment Agency on the River Medway (Flood Relief) Act 1976. However, there was no legal requirement for him to withdraw from the meeting as he emphasised that he retained an unbiased view.

Councillor M Davis reminded Members of the dispensation granted to him by the General Purposes Committee of 20 October 2016 on the grounds of his status as a partner of Warner's Solicitors, which enabled him to remain in the meeting when the Local Plan was being discussed. This dispensation had expired at the Borough Council elections and would be reconsidered at the next scheduled meeting of the General Purposes Committee. However, as the Local Plan Update (agenda item 9) was an information report there was no requirement for Councillor Davis to withdraw from the meeting during its discussion.

**PE 19/9      MINUTES**

**RESOLVED:** That the notes of the meeting of the Planning and Transportation Advisory Board held on 5 March 2019 be approved as a correct record and signed by the Chairman.

**PE 19/10    OVERVIEW OF SERVICE AREAS**

As part of the induction process for new Members, the Head of Planning gave a short overview of the service areas covered by the Planning and Transportation Advisory Board with an emphasis on policy considerations and its role and function.

**MATTERS FOR RECOMMENDATION TO THE CABINET**

**PE 19/11 CONSULTATION ON AMENDMENTS TO THE RIVER MEDWAY  
(FLOOD RELIEF) ACT 1976**

The report of the Chief Executive provided information on a consultation being undertaken by the Environment Agency on an amendment to the River Medway (Flood Relief) Act 1976 that was required in order to deliver the Leigh Expansion and Hildenborough Embankment Scheme. It recommended that the amendments were supported in light of the benefits that the scheme would deliver to residents and businesses in Tonbridge and Hildenborough.

Members recognised that the risk to communities of this project not proceeding were potentially significant in terms of severe disruption to households and loss to local business and welcomed the greater protection offered by the scheme. In addition, it was recognised that the scheme also offered greater protection and benefits to communities further downstream such as East Peckham and Golden Green.

**RECOMMENDED:** That:

- (1) the content of the report be noted; and
- (2) the proposed response, outlined in paragraph 1.4 of the report, be endorsed, subject to emphasising the benefits to communities further downstream (summarised above).

**\*Referred to Cabinet**

**PE 19/12 INNOVATION PARK MEDWAY LOCAL DEVELOPMENT ORDER -  
REQUEST TO CONSULT**

Decision Notice D190036MEM

The report sought permission to consult on the draft Innovation Park Medway Local Development Order (LDO), which set out principles for development to ultimately allow developers and businesses to bring forward high quality development in the high-value technology, engineering, manufacturing and knowledge-intensive sectors.

It was reported that the development had been identified as requiring an Environmental Impact Assessment. In order to satisfy this requirement an Environmental Statement would be finalised to support the LDO.

Members referred to infrastructure funding and whether this development offered an opportunity to consider local issues such as

traffic movements and congestion in the area. In response, it was indicated that funding might be available for economic development in the Borough which could potentially be used for local transport initiatives. However, this was not guaranteed.

**RECOMMENDED:** That:

- (1) the content of the report be noted;
- (2) delegated authority be granted to the Director of Planning, Housing and Environmental Health and the Director of Central Services, in consultation with the Leader and the Cabinet Member for Strategic Planning and Infrastructure, to:
  - finalise and approve the Environmental Statement prior to public consultation in the interest of satisfying Environmental Impact Assessment requirements; and
  - approve any necessary minor amendments to the draft Local Development Order prior to the public consultation for the purposes of presentation and clarity.

#### **PE 19/13 PLANNING ENFORCEMENT DIRECT ACTION PROTOCOL**

Decision Notice D190037MEM

The report sought approval for the adoption of a Planning Enforcement Direct Action Protocol (attached as Annex 1). This was intended to provide a clear and transparent framework in respect of the specific circumstances where it might be appropriate to take direct action to remedy a breach of planning control. In addition, the Protocol set out how decisions would be taken to exercise such powers.

Members supported the adoption of a protocol on the grounds that it strengthened the Borough Council's position in respect of enforcement matters and would reduce the risk of challenge, as the processes and procedures when seeking to take action would be clearly set out. However, it was suggested that local Ward Members and the Cabinet Member for Strategic Planning and Infrastructure be advised when Direct Action was being considered. It was felt that this was a reasonable request and consideration would be given to how this could be managed.

**RECOMMENDED:** That The Planning Enforcement Direct Action Protocol (attached as Annex 1 to the report) be adopted.

## **PE 19/14 TRANSPORTATION UPDATE**

Decision Notice D190038MEM

The report provided brief updates on the South Eastern rail franchise, Gatwick airspace modernisation and Transport for the South East (TfSE) consultation. The latter set out draft proposals for a statutory sub-national transport body (STB) for the South East and outlined the statutory powers and responsibilities TfSE were seeking to help deliver transport outcomes across the region.

Concern was expressed at the amount of representation of district and borough councils across Kent at TfSE board level. However, this was currently under review and it was hoped that stronger representation at a regional tier would secure additional funding for transport and highways projects that would benefit residents in the Borough. The importance of effective engagement with lower tier authorities would be emphasised in the Borough Council's response to the consultation.

Members expressed disappointment that the South Eastern rail franchise was likely to extend further until April 2020 as it created frustration for both the operator and commuters.

With regard to the Gatwick airspace modernisation a number of points were raised related to air quality and impact of aviation noise. These were noted for the next round of consultations.

**RECOMMENDED:** That:

- (1) the content of the report be noted;
- (2) the establishment of a statutory sub-national transport body (STB) for the South East, as set out in the draft proposal of TfSE, be supported, subject to the concerns raised in paragraph 1.3.5 of the report (summarised above) being submitted as part of the Borough Council's response to the consultation; and
- (3) the proposed response to TfSE be finalised in consultation with the Cabinet Member for Strategic Planning and Infrastructure and submitted by the consultation deadline of 31 July 2019.

## **MATTERS SUBMITTED FOR INFORMATION**

### **PE 19/15 LOCAL PLAN UPDATE**

Members were advised of the preparatory work being undertaken for the examination of the Borough Council's Local Plan. Since the last meeting of the Advisory Board, a number of topic papers and documents had

been prepared and submitted to the Planning Inspectors which supplemented existing pieces of works.

In addition, the representations received during the consultation on the Regulation 19 version of the Local Plan in autumn 2018 were available to view on the website.

Particular reference was made to the letter received from the Planning Inspector dated 23 May 2019. Members were advised that Officers were in the process of dealing with all the points raised and were confident that the timescales set out by the Inspector could be met.

Members expressed concern around a number of issues raised by the Planning Inspector including delivery of infrastructure, redaction of personal information from Regulation 19 consultation responses and potentially missing evidence to support the Local Plan. Following robust discussion on these points, Officers reassured Members that further clarity was being sought around the issues raised and the Borough Council remained confident that these could be addressed and responded to in a timely fashion.

However, it was highly likely that the examination of the Local Plan would be delayed whilst these points were being resolved.

#### **PE 19/16 HOUSING LAND SUPPLY - POSITION UPDATE**

Members were updated on the Borough Council's current Housing Land Supply (HLS) position and how this impacted on planning application decisions and its relationship within the Local Plan.

It was noted that the Borough Council was able to demonstrate three years of HSL as at 31 March 2018. This position would be updated to a base date at 31 March 2019 once all of the relevant evidence had been collated and the standard methodology applied. However, given the amount of information to be gathered and analysed this updated position was not likely to be completed until the latter part of this calendar year.

Finally, it was reported that when the Local Plan had been approved the Borough Council would be able to demonstrate 5.9 years of HLS which would support a clear robust position to decision taking on future planning applications.

#### **MATTERS FOR CONSIDERATION IN PRIVATE**

#### **PE 19/17 EXCLUSION OF PRESS AND PUBLIC**

There were no matters considered in private.

The meeting ended at 9.33 pm