

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

**13 November 2019**

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

**Part 1- Public**

**Matters for Information**

**1 LOCAL PLAN UPDATE**

**This report provides Members with an update on the Local Plan including the public consultation exercise requested by the appointed Planning Inspectors. There are no direct financial implications arising from this information report.**

**1.1 Introduction**

- 1.1.1 Since the last update to the Board in June, the Council has responded to the Inspector's letter of the 23<sup>rd</sup> May. The Inspectors have subsequently requested that the Council undertakes a further round of public consultations on some of the documents that have been published since the Local Plan was submitted to the Secretary of State in January. The focus of the consultation is whether in the light of the new documents the soundness of the Local Plan has changed.
- 1.1.2 The consultation was launched on the 4<sup>th</sup> November and will be open until 4pm on the 16<sup>th</sup> December. Further information on the consultation arrangements are set out below. They can also be found on the Council's website.
- 1.1.3 The Council has also reached agreement with the Inspectors on how to display respondent's details in the redacted version of the Regulation 19 response database. Members will recall that the Council was concerned that what was being requested was not in accordance with the requirements of the General Data Protection Regulation 2018 (GDPR). The database has been reloaded to reveal name, ID number and partial postcode for individuals. The search function has also been improved.
- 1.1.4 The Local Plan update also considers the next stages of the Examination process and the implications for the Local Development Scheme or timetable.
- 1.1.5 This report also provides Members with an update in respect of Local Plan progress in neighbouring Local Authorities as part of the ongoing Duty to Cooperate.

## **1.2 Local Plan Update**

- 1.2.1 The Inspectors confirmed that they wished the Council to consult on some of the documents submitted to the examination since 23<sup>rd</sup> January before the Hearing sessions could be arranged in their letter of 12<sup>th</sup> September. The Council has since agreed with the Inspectors how this consultation should be carried out and this was launched on 4<sup>th</sup> November for six weeks.
- 1.2.2 All respondents to the Regulation 19 consultation have been contacted as well as statutory consultees, neighbouring local authorities, local councils and MPs. The consultation has also been publicised on the Council's website and social media accounts and press releases issued.
- 1.2.3 The Council has purchased new consultation software (INOVEM) which will be easier to use and collate the responses. Respondents will be encouraged to use it where possible. There will be reasonable alternatives available for those who cannot access the internet.
- 1.2.4 Previous respondents at Regulation 19 will be asked to use the same ID numbers so that responses may be linked in future searches of the database. New respondents will be issued new ID numbers.
- 1.2.5 After the consultation has closed on the 16<sup>th</sup> December the responses will be sent to the Inspectors for their consideration in finalising the main issues and questions (MIQs) that will form the basis of the discussion at the hearing sessions. How long this part of the process will take will depend in part on the number and type of responses received. However, it is anticipated that the MIQs will be issued early in the new year and a date for the first three days of the hearing confirmed at the same time.
- 1.2.6 As it is normal for there to be at least 6 weeks from the receipt of the MIQs and the start of the hearing to allow for statements for those invited to appear to be prepared, the hearing is not likely to commence before mid to late February and this could extend into March.
- 1.2.7 The Inspectors will advise the Council when the remaining sessions will take place after phase one of the Hearing early next year.

## **1.3 Update on Local Plan Progress in Neighbouring Authorities**

- 1.3.1 Members may also be interested to know of Local Plan progress in neighbouring authorities. It is important to demonstrate that cross boundary issues continue to be the subject of ongoing discussions as part of the Duty to Cooperate. It is also interesting to note how national planning policy is interpreted by different local planning authorities and how Planning Inspectors respond.

### 1.3.2 Sevenoaks

- The Sevenoaks Local Plan was submitted to the Secretary of State in April this year and the first two weeks of a four week hearing began in September.
- The submitted Local Plan did not allocate sufficient sites to meet all of the objectively assessed needs for housing over the plan period and some of the sites that were included raised some questions over their deliverability. The second two weeks of the programmed hearing were due to recommence in November, but the Inspector wrote to the District Council in October recommending that the plan be withdrawn due to significant concerns over soundness and legal compliance issues.
- Sevenoaks District Council has written back to the Inspector asking her to reconsider. Her final decision was still awaited at the time of writing this report and any further update will be provided verbally.

### 1.3.3 Tunbridge Wells

- The draft Tunbridge Wells Local Plan has reached the Regulation 18 consultation stage. Members will recall the extraordinary meeting of the Board on the 2<sup>nd</sup> October that considered a formal response to the draft Tunbridge Wells Local Plan. The proposed response was amended to reflect the concerns of Members raised at the meeting and further refined following the Cabinet meeting on the 16<sup>th</sup> October. The response has now been sent to Tunbridge Wells.

### 1.3.4 Maidstone

- The Maidstone Local Plan was adopted in 2017, but with a recommendation from the Local Plan Inspector that the plan be subject to an early review.
- Maidstone have recently undertaken a Local Plan Review – Scoping, Themes & Issues Public Consultation under Regulation 18, although this did not include detailed proposals or site allocations, which are expected to be the subject of a further round of Regulation 18 consultations early in 2020.
- An officer level response was returned in September identifying relevant cross boundary issues including highway, air quality and local landscape for ongoing Duty to Cooperate discussions and looking forward to further engagement as evidence is updated and more detail emerges.

### 1.3.5 Gravesham

- Gravesham shares a short boundary with Tonbridge and Malling and has a separate Housing Market Area. The current Local Development Scheme (last updated in October) indicates a second round of Regulation 18 public consultations on a preferred option in January 2020.

### 1.3.6 Medway

- Medway Council also shares a boundary with Tonbridge and Malling to the north. The Council's current Plan was adopted in 2003 and is now quite dated. The Council's Local Development Scheme indicates there will be a Regulation 19 consultation on its Local Plan in December, but this may now be delayed.

### 1.3.7 Kent County Council

- The County Council is responsible for preparing the Kent Minerals and Waste Local Plan 2013-2030 (adopted in 2016), which also forms part of the Borough Council's Development Plan. This Plan sets out a strategy for the sustainable management of Kent's minerals and waste.
- KCC have recently carried out an early partial review of the Plan, which included the Minerals sites Plan which identifies mineral sites and locations for extraction, processing and importation. The Plans were submitted to the Planning Inspectorate on the 3<sup>rd</sup> May 2019 and the examination hearing sessions took place between the 8<sup>th</sup> and 15<sup>th</sup> October. KCC are now waiting on the Inspector's report and are anticipating commencing a consultation on proposed modifications within the next few weeks.

### 1.3.8 The London Plan

- Although Tonbridge and Malling does not share a boundary with Greater London the influence of London on the wider south east is far reaching. The Inspectors examining the London Plan have recently published their report, which has recommended that the Mayor reconsiders his policy of not reviewing the Green Belt within Greater London as this is contrary to the NPPF.

## 1.4 **Summary**

- 1.4.1 This informative report sets out an update of the Local Plan progress since June. The Inspectors have requested a targeted consultation on some of the documents submitted by the Council to the examination since January and this is currently open until the 16<sup>th</sup> December.

1.4.2 Once these responses have been collated and passed to the Inspectors we can expect confirmation of the date of and arrangements for the phase one Hearing expected to be early in the new year.

1.4.3 A summary of other Local Plan processes in neighbouring authorities and London is provided for context.

## **1.5 Legal Implications**

1.5.1 There are no legal implications arising directly from this information report.

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

1.6.1 There are no financial or value for money considerations arising directly from this report.

## **1.7 Risk Assessment**

1.7.1 Failing to have an up to date development plan puts the Local Planning Authority at risk from unplanned or speculative developments.

Background papers:

Nil

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