

TONBRIDGE & MALLING BOROUGH COUNCIL
PLANNING and TRANSPORTATION ADVISORY BOARD

03 March 2020

Report of the Director of Planning, Housing 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 UPDATE AND TIMETABLE

This report provides an update on Local Plan progress since November 2019, considers the next stages in the process and recommends a revised Local Plan timetable for approval. Progress in neighbouring Authorities is also reviewed.

1.1 Additional Consultation (November to December 2019)

1.1.1 The Inspectors requested a further round of public consultations on some of the documents published since the Local Plan was submitted to the Secretary of State in January 2019. The focus of the consultation was whether in the light of the new documents the soundness of the Local Plan had changed. The consultation ran for 7 weeks from 4th November closing on the 23rd December.

1.1.2 191 completed responses were received during the consultation period. These can be viewed on our website here: (www.tmbc.gov.uk/lppsconsult).

1.1.3 Copies of everything received, including a small number of incomplete entries, were sent to the Inspectors in January together with a summary of the main issues. We anticipate these will be taken into account when the Inspectors prepare their Matters Issues and Questions (MIQs), which will guide the discussions at the Local Plan Hearings.

1.2 Provisional Dates for the First Phase of Hearings

1.2.1 The Inspectors informed the Council of the provisional dates for the Hearings via the Programme Officer on 5th February. Subject to confirmation these will take place on 19th-21st May at the Orchards Conference Venue at East Malling Research. Details have been uploaded to the examination pages of the website:

<https://www.tmbc.gov.uk/services/planning-and-development/planning/planning-local-plans/local-plan-examination-contents/hearing-sessions>

1.3 Appointment of a new Lead Inspector

- 1.3.1 On 6th February the Planning Inspectorate informed the Council of a change of our Lead Inspector. Simon Berkeley has been replaced by Susan Crosby, who has more capacity over the coming months. Our other Inspector, Luke Fleming, is unchanged.
- 1.3.2 Susan Crosby is an experienced Local Plan Inspector who is currently examining two other Local Plans St Albans and Uttlesford. Our Programme Officer, Louise St John-Howe is also the Programme Officer for those two Local Plans and so is used to working with our new Inspector. The Planning Inspectorate have confirmed that the change of Inspector will not affect the provisional dates for the first phase of hearings, but the dates are still subject to confirmation.

1.4 Next Stages and Revised Local Plan Timetable

- 1.4.1 The MIQs will be received at least 8 weeks before the first hearing day (and potentially sooner) to allow for hearing statements to be prepared by participants and circulated by the Programme Officer. The MIQs will only relate to the matters to be discussed during the first phase of the hearing, which usually concern legal compliance, duty to cooperate and sustainability appraisal. Our Inspectors have also indicated that there may be some other matters for discussion including Green Belt.
- 1.4.2 The Inspectors will write to the Council after the close of the first hearing sessions with further advice about the remainder of the examination, which may involve the Council being asked to prepare more work.
- 1.4.3 The revised timetable going forward found at **Annex 1** and recommended for approval is therefore a best estimate based on the information we know at the current time. The revised timetable allows a reasonable estimate of time for each of the remaining key stages, but this will be subject to confirmation by the Inspectors. We will continue to work closely with the Planning Inspectorate to ensure that any unforeseen delays are minimised and that the Local Plan progresses to adoption as swiftly as possible.

1.5 Local Plan Progress in Neighbouring Authorities

- 1.5.1 Members received an update of Local Plan progress in neighbouring authorities in the Local Plan update to the Board in November. The sections below provide a refresh as of mid-February.
- 1.5.2 Sevenoaks
- 1.5.3 In November, Members were advised that the Local Plan Inspector for the Sevenoaks Local Plan had written to the Local Authority raising concerns regarding the Duty to Cooperate and recommending they withdraw the plan. The Council had responded asking her to reconsider.

- 1.5.4 The Inspector's last letter to the Council dated 13th December maintained her previous position that the plan should be withdrawn or that her report will conclude that it is unsound. The Council responded on the 3rd January maintaining its position and confirming that it would not be voluntarily withdrawing the plan. The letter also invited the Inspector to issue her report as soon as possible so they may move forward.
- 1.5.5 At the time of writing the Inspector had not issued her report. However, it is worth noting that the Leader of the Council wrote to the Secretary of State requesting a meeting to discuss the matter on the 21st January and it may be that the process is paused pending the Secretary of State's response.
- 1.5.6 The latest published Local Plan timetable, agreed in July 2018, expected the Local Plan to be adopted by September 2019, but this will clearly need to be revised.
- 1.5.7 Tunbridge Wells
- 1.5.8 The Regulation 18 consultation on the Tunbridge Wells Local Plan concluded on 15th November 2019. The Council received over 8,000 representations from over 2,000 representors, including those from T&M. The Council has acknowledged that due to the volume and range of issues raised it may take longer to fully consider them before moving the next stage of plan making.
- 1.5.9 The last iteration of the Local Plan timetable (September 2019) indicated that the Full Council would consider a report in July 2020 to approve a pre-submission version of the Local Plan for Regulation 19 consultation and submission, for consultations to take place in August/September and submission by December 2020. However, this may now be extended.
- 1.5.10 The same timetable anticipated an examination during May 2021 and adoption by December 2021, but this may now also be extended.
- 1.5.11 Maidstone
- 1.5.12 The latest Local Plan timetable for Maidstone (agreed 18.7.18) anticipates that there will be a preferred options Regulation 18 consultation during February and March this year, but an update on the website states that the timetable is being actively reviewed and that the next consultation exercise will therefore be rescheduled.
- 1.5.13 This will no doubt lead to a revised timetable in due course. The current version shows a Regulation 19 consultation this autumn, submission in March 2021 and adoption in April 2022, but this will slip.

1.5.14 Gravesham

1.5.15 The anticipated preferred options Regulation 18 consultation on the Gravesham Local Plan for January/February 2020 appears to have been delayed, but there is no update on the Council's website.

1.5.16 The published timetable (dating from October 2019) puts the plan at Regulation 19 in September/October 2020, submission in February 2021, examination in July 2021 and adoption by December 2021, but again this may be subject to delay.

1.5.17 Medway

1.5.18 The Medway Local Plan timetable was last updated in December and anticipates a Regulation 19 consultation this summer, submission to the Secretary of State by January 2021 and adoption by December 2021.

1.5.19 Kent County Council

1.5.20 The consultation on the proposed modifications to the Early Partial Review of the Kent Minerals and Waste Local Plan took place between 19th November 2019 and 14th January 2020. The latest timetable anticipated adoption in December 2019 so there will be some inevitable delay.

1.5.21 The London Plan

1.5.22 The process for the London Plan is different to that for other Local Plans. In December the Greater London Authority (GLA) issued an intention to publish the plan to the Secretary of State and a date for a response from the Secretary of State has been extended to 16th March. Adoption will follow this date.

1.6 Legal Implications

1.6.1 Having an up to date timetable for the preparation of the Local Plan (known as a Local Development Scheme or LDS) is a requirement set out in the Planning and Compulsory Purchase Act 2004 (as amended) and the Town and Country Planning (Local Planning)(England) Regulations 2012.

1.7 Financial and Value for Money Considerations

1.7.1 There are no financial or value for money considerations arising directly from this report. The Local Plan budget is regularly monitored and reviewed in the light of new information on timescales as it becomes available.

1.8 Risk Assessment

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

1.9 Equality Impact Assessment

1.9.1 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.

1.10 Recommendations

1.10.1 That the content of this update report be **NOTED**; and

1.10.2 The revised Local Plan timetable at **Annex 1** is **RECOMMENDED** to Cabinet for endorsement.

The Director of Planning, Housing 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

contact: Ian Bailey
Planning Policy Manager

Eleanor Hoyle
Director of Planning, Housing and Environmental Health