

TONBRIDGE & MALLING BOROUGH COUNCIL
PLANNING and TRANSPORTATION ADVISORY BOARD

17 May 2021

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 TUNBRIDGE WELLS LOCAL PLAN REGULATION 19 CONSULTATION

This report summarises the main changes between the Regulation 18 version of the Local Plan and sets out a proposed response for endorsement.

1.1 Introduction

- 1.1.1 Tunbridge Wells Borough Council is inviting comments on its pre-submission version of its Local Plan, which is currently subject to a 10 week public consultation exercise due to close on 4th June 2021, as required by Regulation 19 of the Town and Country Planning (Local Plan)(England) Regulations 2012. The latest version of the Tunbridge Wells Local Development Scheme (March 2021) anticipates that the Plan will be submitted to the Secretary of State in July this year and for the Examination to commence in November. The target date for adoption is in June 2022.
- 1.1.2 Tonbridge and Malling Borough Council responded to the previous public consultation (Regulation 18) on 16th October 2019 [**Annex 1**], which was informed by comments made at an extraordinary meeting of this Board on 2nd October 2019. Most of the comments and concerns have been positively addressed in the latest version [**Annex 2**].
- 1.1.3 In response to Member's comments at the time, there has also been increased and ongoing engagement and collaboration, as required by the Duty to Cooperate. This can be illustrated by:
- Continued and ongoing regular meetings between officers to discuss Local Plan progress and address any cross boundary issues;
 - Attendance at the monthly Strategic Sites Working Group established by Tunbridge Wells Borough Council to facilitate the master planning of the two strategic site allocations at Tudeley and Paddock Wood/Capel Parish;

- Contributing to the consultants call for evidence and workshops in preparing the master plans;
- Working with Kent Highways, other infrastructure providers and consultants to ensure that there is appropriate infrastructure to accompany the development proposals and the mitigation of any adverse impacts; and
- The drafting of a Statement of Common Ground to supplement the Duty to Cooperate evidence.

1.1.4 The revised Local Plan, which is the subject of the current consultation is accompanied by a comprehensive evidence base that has been enhanced and updated since Regulation 18 in 2019. Accompanying the evidence base is an Infrastructure Delivery Plan (IDP) that identifies the necessary infrastructure to accompany the proposed developments set out in the Local Plan, when it should be delivered and by whom. Further work on infrastructure requirements can be found in the preliminary master planning work for the two strategic sites carried out by the consultants David Locke and Associates and the Hadlow Estate.

1.1.5 These documents and the rest of the evidence base underpinning the Local Plan can be found on the Tunbridge Wells Borough Council website here: [Pre-Submission Supporting Documents \(tunbridgewells.gov.uk\)](https://www.tunbridgewells.gov.uk)

1.1.6 This report summarises the main changes since the previous draft, including any made in respect of the concerns raised by this Council at that time and sets out a suggested response to the current consultation for endorsement [**Annex 3**].

1.2 Summary of the Tunbridge Wells Pre-Submission Local Plan (Regulation 19), including Main Changes since the Previous (Regulation 18) version.

Brief Summary of the Current Version

1.2.1 The Foreword to the current version by Councillor Alan McDermot (Leader and Portfolio Holder for Planning at TWBC) recognises that there have been many refinements since the previous version published in 2019. The structure of the document remains approximately the same, with 10 main strategic policies (unchanged); 81 'Place Shaping' policies (115 previously); and 60 Development Management policies (79 previously). There are 151 policies in total compared to 204 in the previous version. It is also slightly shorter in length at 519 pages compared to 540 before.

1.2.2 The Local Plan period has been amended to 2020 to 2038 (it was 2016-36 previously). This is a slightly shorter plan period and reflects the current National Planning Policy Framework (2019) that Local Plans should look ahead at least 15 years post the anticipated adoption date.

1.2.3 Consequently, the housing need of 678 net new dwellings per annum (set by the Standard Methodology, which is unchanged from 2019) is now 12,200 new

dwellings over an 18 year period compared to 13,500 dwellings over the previous 20 year plan period.

- 1.2.4 Taking into account extant planning permissions as of 1st April 2020 (3,313); a windfall allowance over the plan period (1,670); and unimplemented allocations from the previous plan carried forward (276), this plan is looking to allocate sufficient sites to deliver a minimum of 6,945 new dwellings over the plan period (previously it was 7,593). In addition, the Local Plan seeks to allocate 26.5 hectares of additional employment land against a need of 14 hectares.
- 1.2.5 The development strategy set out in the Local Plan seeks to meet these needs in full, within the Borough boundary, as before, meaning Tunbridge Wells Borough Council will not be formally requesting assistance to meet unmet needs. However, the Local Plan confirms that the only way this can be achieved is by the inclusion of the two strategic site allocations at Paddock Wood/East of Capel Parish and Tudeley (now covered by Policies STR/SS1-3, STR/PW1 and STR/CA1).
- 1.2.6 Tonbridge and Malling in responding to the Regulation 18 consultation welcomed the fact that Tunbridge Wells were seeking to meet their needs in full despite the significant constraints covering the majority of the borough in the form of Metropolitan Green Belt and High Weald Area of Outstanding Natural Beauty designations. However, this was caveated by the concern that the concentration of a significant amount of the planned growth would be at Tudeley and Paddock Wood close to the borough boundary and the Tonbridge and Malling settlements of Tonbridge, Hadlow and East Peckham.
- 1.2.7 The response therefore sought reassurances that any additional impacts on infrastructure and services in Tonbridge and Malling should be minimised and mitigated as part of the master planning of these proposals. Greater involvement and engagement in the planning for these sites was also requested.
- 1.2.8 Tunbridge Wells has responded positively to these comments and have taken into account the other 8,000 representations from 2,000 respondents in amending and drafting the Local Plan. The evidence base has been completed and filled some of the gaps in information that were not available in 2019 and consultants have begun work on master planning the strategic sites, which will continue in parallel with the Local Plan process culminating in Supplementary Planning Documents (SPDs) in due course.
- 1.2.9 These changes are set out in **Annex 2** to this report. Members are invited to consider whether these have adequately addressed the concerns made in 2019. A suggested response can be found at **Annex 3** for endorsement, subject to any further comments members wish to make.

Summary of Main Changes (in respect of T&M's Regulation 18 response)

- 1.2.10 Perhaps the most significant amendment from the previous version of the Local Plan is the relocation of the site proposed for a new 6 form entry secondary school. This had been located in close proximity to the boundary with Tonbridge and Malling/south east Tonbridge, but is now shown on a site further east between the new proposed garden settlement at Tudeley and Paddock Wood. This was recommended in the T&M response at Regulation 18.
- 1.2.11 Another site and policy that formed part of the Regulation 18 response relating to a proposal for up to 120 residential units at Mabledon Farm (to the east of the A26 and close to the boundary with Tonbridge and Malling) has been removed from the Local Plan. The proposed hotel and spa development at Mabledon House, to the west of the A26, has been retained (now as Policy AL/SO2).
- 1.2.12 The large employment allocation (13.4 hectares) adjacent to the A21 and North Farm has also been retained (now as Policy AL/RTW17).
- 1.2.13 The Local Plan notes at paragraph 5.109 that:
- “Tunbridge Wells Borough Council resolved to grant planning permission in September 2020 for the development of up to 74,000sqm employment floorspace for Use Classes E Commercial (g)(iii), General Industrial (B2), and Storage and Distribution (B8), subject to the resolution of outstanding highways and Section 106 legal matters (TW/19/02267/OUT). The highway matters have been resolved, and both highways authorities recommend granting permission. Therefore an allocation is appropriate.”
- 1.2.14 There have also been some necessary updates to the Development Management policies to reflect changes to the planning system introduced by the Government since 2019, for example, amendments to the Use Classes Order and Permitted Development Rights, but they are in large part unchanged from the previous draft.
- 1.2.15 Some of the uncertainties arising from recent events, for example, the Covid restrictions and how they might affect future working arrangements and retail uses in town centres are recognised as new challenges. The Plan recognises these and acknowledges that these policies will be revisited, if necessary, at the first review of the Plan within 5 years of adoption.

1.3 Summary and Conclusion

- 1.3.1 This report provides Members with a brief overview of the Tunbridge Wells Local Plan that is currently the subject of public consultations until 4th June. It also revisits the responses made in respect of the previous consultations in the autumn of 2019 and how these have been taken into account in the latest draft.
- 1.3.2 A draft response to this consultation is attached at **Annex 3** for Members consideration and, subject to any further amendments, endorsement so that the Borough Council's response can be made by the close of the consultation exercise.

1.4 Legal Implications

- 1.4.1 The Duty to Cooperate is a legal test of the soundness of a Local Plan. While it is not a requirement that neighbouring Local Planning Authorities respond to the public consultation stages of the Local Plan, it does demonstrate ongoing cooperation.

1.5 Financial and Value for Money Considerations

- 1.5.1 There are no direct financial implications arising from this report. However, should the Tunbridge Wells Local Plan be adopted in the future, there may be scope for mitigation measures to be implemented in Tunbridge and Malling using developer contributions attached to the strategic allocations in Tunbridge Wells as set out in the Tunbridge Wells Infrastructure Delivery Plan.

1.6 Risk Assessment

- 1.6.1 Not responding to the consultation risks the Council's views not being taken into consideration in the examination of the Tunbridge Wells Local Plan.

1.7 Equality Impact Assessment

- 1.7.1 Members are reminded of the requirement, under the Public Sector Equality Duty (section 149 of the Equality Act 2010) to have due regard to (i) eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010, (ii) advance equality of opportunity between people from different groups, and (iii) foster good relations between people from different groups. The decisions recommended through this paper directly impact on end users. The impact has been analysed and does not vary between groups of people. The results of this analysis are set out immediately below.
- 1.7.2 There is no perceived impact on end users.

1.8 Recommendations

- 1.8.1 That the contents of this report are **NOTED**; and
- 1.8.2 That, subject to any further amendments, the proposed response at **Annex 3** to the report is **ENDORSED** and returned to Tunbridge Wells Borough Council by the deadline of 4th June 2021. Approval of any final changes to this response will be delegated to the DPHEH and agreed in consultation with the Portfolio Holder.

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

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