

TONBRIDGE & MALLING BOROUGH COUNCIL
PLANNING and TRANSPORTATION ADVISORY BOARD

10 November 2021

Report of the Director of Planning, Housing and Environmental Health

Part 1- Public

Matters for Recommendation to Cabinet - Key Decision

1 LOCAL PLAN UPDATE

This report provides Members with an update of progress made following the decision of Full Council in July to withdraw the Local Plan submitted in January 2021 and prepare a revised Plan at the earliest opportunity.

It also sets out the priority pieces of evidence that need to be updated in order to prepare a document for Regulation 18 consultations to commence in 2022, including a Call for Sites exercise.

Approval is sought for a revised Local Development Scheme setting out the key milestones to Adoption.

1.1 Progress since July 2021

Withdrawal of the 2019 Local Plan

- 1.1.1 Following the decision of Full Council on 13th July endorsing the recommendation of this Board on 29th June, the Local Plan submitted in January 2019 was formally withdrawn during the week commencing 1st November 2021. All Members were advised of this in advance by email. Regulation 27 of the Town and Country Planning (Local Plan) Regulations 2012 requires that a statement explaining that the Plan has been withdrawn is published (a copy of the statement can be found at **Annex 1** to this report) and that the general consultation bodies are informed. The Regulations also state that any documents relating to the withdrawn Local Plan should no longer be made available and consequently, arrangements have been made to remove relevant documents from the Council's website.
- 1.1.2 The decision also agreed the recommendation that resubmitting the Local Plan based on the current development strategy with some adaptations and additions to meet the higher housing requirement as the preferred option for adopting a Plan at the earliest opportunity.

Refreshing the Local Plan Evidence Base

- 1.1.3 In order to resubmit a revised Local Plan, it will be necessary to reset the base date and update the evidence to reflect the new plan period.
- 1.1.4 The base date and plan period in the 2019 Plan was 31st March 2011 and 2011-2031 respectively. The new dates will be 31st March 2021 and 2021-2039. This reflects the latest version of the National Planning Policy Framework (NPPF) that suggests Local Plans should include a plan period of at least 15 years post anticipated adoption. The revised Local Development Scheme (LDS) is appended to this report.
- 1.1.5 The housing need for this Plan will be set by the Standard Methodology, which is generated by the Government and kept under review. This is currently 839 new dwellings per annum (dpa) for Tonbridge and Malling, which compares to 696 dpa in the previous Plan. Members will recall that this was derived using a local methodology for calculating housing need in accordance with the 2012 NPPF. The effect of using 839 instead of 696 for the new plan period is an increase of 2,574 (+21%).
- 1.1.6 The total need for the previous plan period was for 13,920 new dwellings (696x20 years). The new need to be planned for equates to 15,102 (839x18 years).
- 1.1.7 In order to ensure the most effective use of land and maximise the use of brownfield sites before considering any additional greenfield options to meet these needs consultants have been appointed to prepare an Urban Capacity Study for the first time and also carry out a new Call for Sites exercise. This is explained in more detail below.
- 1.1.8 To update the development strategy to reflect these changes requires prioritising a review of parts of the evidence base in order that an issues and options consultation required by Regulation 18 can take place as soon as practicably possible. The following consultants have recently been appointed to review these parts of the evidence base.
- Housing Delivery Study (GL Hearn and Partners)
 - Gypsy and Traveller Accommodation Assessment (TBC)
 - Economic Development Needs Study (Lichfields)
 - Strategic Flood Risk Assessment (JBA)
 - Sustainability Appraisal (JBA)
 - Urban Capacity Study (Urban Intelligence)
 - Call for Sites Exercise (Urban Intelligence)

The Call for Sites exercise

- 1.1.9 The Call for Sites exercise invites landowners and those with an interest in land to promote sites for inclusion in the Local Plan in order to meet future identified needs. The previous exercise took place in 2014/15 and generated over 200 proposals, which were assessed for their suitability, availability and deliverability. Planning judgements were then made to identify those sites for inclusion in the development strategy that could best meet the aims and objectives of the Plan.
- 1.1.10 As there may have been changes since the last exercise (e.g. a change of ownership could affect the availability of a site) it is appropriate to reopen the exercise to update our records and also to invite additional sites for consideration, for meeting the needs for housing (including pitches for Travellers and self-build plots), employment, infrastructure and other land uses over the plan period.
- 1.1.11 The consultants Urban Intelligence have been appointed to carry out the Call for Sites exercise. Their previous clients include Birmingham City Council and the London Borough of Hounslow. The consultants have devised computer software called 'Placemaker' to assess the whole borough based on a methodology agreed with the Local Authority. This has the effect of significantly reducing the time it takes to assess sites once they have been submitted in the normal way.
- 1.1.12 It also has the added benefit of highlighting prospective sites that have not been submitted that could be more suitable, for example, brownfield sites that we wish to prioritise. In these cases there would be the option of contacting landowners to see if they would be willing to promote these sites to ensure previously developed land can be considered before turning to greenfield options.
- 1.1.13 The criteria for identifying suitable sites reflects the high level constraints that were applied to the previous exercise (e.g. removing areas at high risk of flooding), but the computer modelling allows for more filters to be applied. These can be found at **Annex 2**.
- 1.1.14 An invitation to submit to our Call for Sites was issued in early November. The exercise will be split into two broad categories, with owners/promoters of sites identified as part of the previous exercise (i.e. those which form part of the existing Development Strategy on which the new Strategy will be based) being asked to confirm the position on their site with updated delivery timescales. Where appropriate, there will also be an opportunity for these sites to indicate whether they feel there is additional capacity on their site. This will be tested against the 'Placemaker' modelling and against key criteria such as infrastructure capacity.
- 1.1.15 The second category will be for additional sites to augment the Development Strategy, which will be needed in order to meet the housing delivery target now identified for the borough as at 1.1.5 above. These sites will be asked to provide relevant information relating to their site and the officer team will also use the

outcomes of the modelling exercise based on the criteria at **Annex 2** to contact prospective sites and invite them to submit.

- 1.1.16 The Call for Sites exercise will run for 4 weeks. This is a much shorter time period than previously, however this is mitigated by the facts that the existing development strategy will remain as the starting point for consideration and that we are using technology to support the process.

Member engagement

- 1.1.17 The Leader and Deputy Leader have been kept regularly updated on Local Plan progress and the LDS timetable proposed in this report is based on discussions to date with them about Members' aspiration to have a Local Plan adopted as soon as possible.
- 1.1.18 A Member briefing session has been held for representatives of the political groups. Further briefing sessions will be organised at key points throughout the development of the Local Plan.

1.2 Next Steps

- 1.2.1 The outputs of the Call for Sites exercise will be a crucial input to the other pieces of evidence, particularly the Sustainability Appraisal, which will have to assess the development strategy options and the sites included.
- 1.2.2 All of the consultants will then complete their tasks and the updated evidence can be used to form the development strategy options for the Regulation 18 consultation anticipated to take place next spring.
- 1.2.3 The remainder of the evidence base will be updated during 2022 in time for drafting a new Local Plan document for member approval for the purposes of Regulation 19 consultations and subsequent submission to the Secretary of State. It is expected that this approval will be secured before the end of 2022, enabling the Plan to be submitted in the first half of 2023.
- 1.2.4 These key milestones and a timetable to adoption (expected to be during 2024) are set out in a new Local Development Scheme a copy of which can be found at **Annex 3** for approval.

1.3 Duty to Cooperate

- 1.3.1 Since the 2019 Local Plan was deemed to have failed in respect of the Duty to Cooperate with regard to the single cross boundary issue of unmet housing need in Sevenoaks District, it will be important to ensure that the requirement of the duty are met in full as we prepare to resubmit a Local Plan.
- 1.3.2 To address this issue the regular officer level meetings with all of our neighbouring Local Planning Authorities will be supplemented by Member level meetings involving the Portfolio Holder/Deputy Leader and other Members as appropriate.

- 1.3.3 The current status of neighbouring authorities Local Plan preparation can be found at **Annex 4** to this report.

1.4 Legal Implications

- 1.4.1 The Local Plan submitted in January 2019 has been withdrawn in accordance with Regulation 27 of the Town and Country Planning (Local Plans) Regulations (2012).
- 1.4.2 The consultants listed in paragraph 1.1.8 have been appointed in accordance with the Council procurement procedures.

1.5 Financial and Value for Money Considerations

- 1.5.1 The full Financial implications are laid out in the attached part 2 report (restricted due to LGA 1972 - Schedule 12A Paragraph 3 – Financial or business affairs of any particular person). However, it important for Members to note that the additional cost of the proposed timetable for Local Plan delivery, compared to a longer programme, is estimated to be in the region of £200,000.

1.6 Risk Assessment

- 1.6.1 Any delay in the Local Plan process carries the risk of the Council's adopted policies becoming more out of date and extends the period of time before the Council can re-establish a 5-year housing land supply (5YHLS). This is likely to result in a significant increase both in 'speculative' applications (i.e. those that are not draft allocations in the current Local Plan draft) and those in areas with certain protections where applicants consider the Local Plan and 5YHLS in conjunction with other special circumstances for their scheme may be sufficient to make an acceptable planning case.

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 the report, including the proposed way forward in respect of the new Call for Sites exercise in Section 1.1.9-1.1.16 and **Annex 2** of the report are **NOTED**; and

1.8.2 that the Local Development Scheme appended at **Annex 3** is **AGREED** subject to the Financial Implications detailed in the Part 2 report of Local Plan Update.

Background papers:

Nil

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