

TONBRIDGE & MALLING BOROUGH COUNCIL
PLANNING and TRANSPORTATION ADVISORY BOARD

01 March 2022

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 since the last report to this board in November 2021.

It also sets out the proposed approach to engaging with Members over the coming months.

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

1.1 Progress since November 2021

Refreshing the Local Plan Evidence Base

- 1.1.1 As a reminder to Members, 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 2021-2040. 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, which highlights adoption of the Plan in 2025 based on current Government guidance regarding the timescales for plan making.
- 1.1.2 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 methodology for calculating housing need in accordance with the 2012 NPPF and supporting practice guidance. The effect of using 839 instead of 696 for the new plan period is an increase of housing need of 2,717 units (+21%).
- 1.1.3 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 15,941 (839x19 years). It should be stressed that this is the gross need, we will discount the supply from

extant (live) permissions, which is in excess of 3,000 units, plus a projected supply from windfalls.

- 1.1.4 The evidence base work deemed necessary to support a Regulation 18 exercise is now underway. To maintain momentum, alongside managing those commissions, the Planning Policy team are preparing commissions for Regulation 19 evidence to ensure that consultants can commence work as soon as possible after the conclusion of the Regulation 18 exercise, or indeed commence some data based elements of those commissions (for example, traffic counts in 'neutral' months) ahead of the Regulation 18 consultation exercise concluding, in order to ensure that no time is lost in the programme.

The Call for Sites exercise

- 1.1.5 The purpose of this exercise was to identify a range of suitable, available and deliverable sites that can help meet our development needs for the plan period. We deployed a piece of software called 'PlaceMaker' to manage this project. This piece of software allowed us to undertake a proactive approach, assessing parcels of land across the borough for their suitability and deliverability. This meant that no stone was left-untuned.
- 1.1.6 An important part of the exercise was the public Call-for-Sites exercise. This was conducted over eight weeks concluding on 7 February 2022. TMBC received 273 submissions during this time, although Members should note that some of these submissions could be considered as duplicates, where they have been submitted both as individual development parcels and wider site proposals.
- 1.1.7 The submitted sites, along with the other parcels of land across the borough, were assessed for their suitability and accessibility using the PlaceMaker software. Members will recall that an explanatory note of the draft methodology for the assessment was reported to the last meeting of this Board in November 2021. This methodology was refined to make it more sophisticated, accurate and fair. For example, the impact of a constraint on the suitability of a site for development more accurately reflects the coverage of that constraint across the site. An explanatory note for the refined methodology is attached to this report for information at **Annex 1**. The notable refinements are set out in the table at the top of the attached document.
- 1.1.8 This process has been informed by the Urban Capacity Study (UCS), which is in the process of being finalised. The UCS is focussed on assessing the potential for housing development on sites within the confines of the urban areas and rural service centres across the borough. The assessment of potential has been framed by prevailing densities of the local areas and taken into account accessibility to services such as public transport, schools and healthcare.
- 1.1.9 At this stage, the initial outputs are being sense-checked and further enquiries are being made about availability of certain sites, through Land Registry Title searches. It is anticipated that this phase of the project will be completed at the

end of March. The outputs will then be shared with consultants preparing other pieces of evidence including the Sustainability Appraisal (SA) and the Strategic Flood Risk Assessment.

- 1.1.10 The PlaceMaker software will continue to be of benefit to the Local Plan project because the Planning Policy Team will use it to analyse and test potential development strategy scenarios for the purpose of the Issues & options stage (Regulation 18). These scenarios will be informed by Government policy, other evidence and the SA process, and Members' priorities including making the best and most effective use of development opportunities within existing settlements.

Other workstreams

- 1.1.11 A Sustainability Appraisal (SA) is required to be carried out during the plan preparation process and consulted on at key stages. The first stage of the SA process is the preparation of a Scoping Report which sets out the context, objectives and approach to the assessment, and identifies relevant social, environmental and economic issues in the borough. This report was subject to consultation with the consultation bodies (Natural England, Environment Agency and Historic England) in late 2021. The report has been amended to address the representations received and the Final Scoping Report is now available on the Council's website.

Member engagement

- 1.1.12 An informal update was sent out to Members in December 2021, highlighting the need to revisit the proposed timetable due to a number of factors.
- 1.1.13 It is proposed that a further Local Plan Member briefing session is held with representatives of the political groups to discuss the site review process following the Call for Sites exercise. Given the need for officers to review all sites submitted through the Call for Sites exercise and those identified through a data led exercise, it is likely that this will take place in April/May 2022. It is further proposed that the Local Plan be a standing item for meetings of the Parish Partnership Panel, given Parishes' keen interest in the development of the Plan, to ensure that regular updates are provided.

1.2 Next Steps

- 1.2.1 The process for preparing the Plan remains as laid out to Members in November, albeit with some revised dates. The key milestones and timetable to adoption are set out in a new Local Development Scheme, which is appended at **Annex 2** for approval.
- 1.2.2 The revised LDS projects a Regulation 18 Plan being presented to Members in July this year, with the intention of a public consultation period running after that approval. This exercise will utilise the digital tools in place as part of the existing process, including the PlaceMaker software and the Inovem consultation tool.

1.3 Duty to Cooperate

- 1.3.1 As detailed in the previous report, ensuring that the requirements of the duty are met in full as we prepare to resubmit a Local Plan.
- 1.3.2 A series of Member level meetings have now been organised with all neighbouring authorities and agendas and minutes of these meetings will form part of the DtC record.
- 1.3.3 The current status of neighbouring authorities Local Plan preparation can be found at **Annex 3** to this report.

1.4 Legal Implications

- 1.4.1 There are no new legal implications arising from the matters in this report that have not been detailed in previous reports.

1.5 Financial and Value for Money Considerations

- 1.5.1 One outcome of the revised programme will be a potential reduction in the overall budget requirement for the completion of the Local Plan process, depending on the ability to complete additional pieces of evidence in house or to manage a wider range of commissions given the slightly extended timetable. A revised financial analysis will be presented to Members via this Board's next meeting on 30 May 2022.

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.
- 1.6.2 The recruitment and retention of a new Planning Policy Manager is a key operational risk; the recruitment process is due to take place in the coming weeks and the incoming Head of Planning will be involved in the shortlisting and recruitment. Recruitment via contract or agency methods will be considered should the permanent recruitment round not prove successful.

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.

1.8 Recommendations

1.8.1 That the contents of the report, are **NOTED**; and

1.8.2 that the Local Development Scheme appended at **Annex 2** is **AGREED**.

Background papers:

Nil

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