

TONBRIDGE & MALLING BOROUGH COUNCIL
HOUSING AND PLANNING SCRUTINY SELECT COMMITTEE

06 September 2022

Report of the Director of Planning, Housing and Environmental Health

Part 1- Public

Matters for Recommendation to Cabinet - Key Decision

1 REGULATION 18 LOCAL PLAN

1.1 Background

- 1.1.1 The Council is currently working towards the preparation of its new Local Plan. The new local plan covers the period between 2021 and 2040. A first draft (known as Regulation 18) of the plan has been prepared for public consultation.
- 1.1.2 Regulation 18 is the first of two prescribed consultation processes. The purpose of the Regulation 18 consultation process is to seek a wide range of views from communities and stakeholders, specifically inviting comment on what a local plan should contain. There is limited prescription within the primary and secondary legislation on the form and format of a Regulation 18 local plan, provided statutory consultation duties are met.
- 1.1.3 This report seeks a HPSSC recommendation to Cabinet for approval of the publication of the Regulation 18 Local Plan [**Annex 1**] for public consultation for a period of six weeks (the statutory minimum), commencing 15 September 2022 (subject to call-in period). The consultation will be in accordance with Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended).
- 1.1.4 Comments are also sought in accordance with the Environmental Assessment of Plans and Programmes Regulations, 2004 on the Interim draft Sustainability Appraisal (SA). Other supporting evidence base documents will also be made available alongside the Local Plan (see **Annex 2**) but unlike the Local Plan and the SA, are not specifically consulted upon.

1.2 Preparation and content

- 1.2.1 Since the decision to withdraw the previous Local Plan in July 2021, work has focussed upon the preparation of a new evidence base. This includes key evidence base documents in relation to the Green Belt, economic development, housing and transport (see **Annex 2**). Following consultation on the Sustainability Appraisal Scoping Report in February 2022, an interim draft Sustainability Appraisal has also been prepared (link within **Annex 2**). The prepared evidence

and sustainability appraisal process has been used to inform the content of the Regulation 18 Local Plan.

- 1.2.2 At this stage the plan identifies key ‘issues’ relating to the borough. This includes identifying potential ‘Spatial Strategy Options’ (see section 4 of **Annex 1**) and ‘strategic priorities’ (see section 5 of **Annex 1**), inviting representations on these matters. At this stage, the Local Plan does not present draft policies or propose any site allocations. The Regulation 18 Local Plan includes a list of sites at Appendix 1 which have been identified through the Call for Sites process which concluded in February 2022, the Urban Capacity Study, and 12 formally proposed allocations within the withdrawn Local Plan. These sites are currently considered to have *potential* for development for housing, employment or a mix of uses within the plan period. It is anticipated that this list will be subject to further refinement following the completion of further suitability and availability analysis, the production of new evidence base documents, and the receipt of any additional site submissions invited through the consultation.
- 1.2.3 **At this stage, the information within Appendix 1 should only be considered as a broad indication of the council’s ability to meet its objectively assessed needs and does not represent the quantum or pattern of development to be proposed through future site allocations.**
- 1.2.4 The Sustainability Appraisal consists of the main report plus an extensive appendix which includes an assessment of each submitted site against the sustainability objectives. At paragraph 5.41 of the main report (available through the link at **Annex 2**) some sites are identified as scoring particularly well or poorly against these objectives. At this early stage these conclusions should not be considered to have much bearing on the overall outcomes as further analysis is yet to take place, and mitigation measures taken into account.
- 1.2.5 The planning policy team liaises with neighbouring boroughs on an ongoing basis, updating the Duty to Cooperate grid on a regular basis. The latest version of this grid is available on request. Officers will organise bespoke duty to cooperate meetings on the Regulation 18 local plan once it is out to consultation.

1.3 Consultation approach

The consultation requirements for Regulation 18 are set out within the above Regulations. The Council has also prepared an up-to-date Statement of Community Involvement (SCI) which sets out the approach to local plan consultations. This will include making the consultation documents publicly available in hard copy at the council’s main office, the website and on the INOVEM [consultation portal](#).

- 1.3.1 All statutory consultees, and stakeholders/other interested parties registered on the council’s consultation portal will be notified by email of the consultation. The consultation will also be publicised via the council’s communication channels, e.g. twitter. Links will be provided to a consultation video and a leaflet explaining the

content of the local plan. Further details of the approach to this consultation are contained within **Annex 3**.

- 1.3.2 Consultation responses will be invited by the consultation portal, however an email address and postal address will also be provided for receipt of other responses, including via a consultation form. Questions are invited throughout the document to give some structure to the responses, although more general comments will also be carefully considered and taken into account.
- 1.3.3 The representations received during this consultation will be reviewed and key issues will be identified and summarised. This will be reported back to members at the earliest opportunity, dependent on the amount and complexity of responses received, but this is anticipated in November 2022. The feedback will inform the next stage of plan preparation, alongside new and emerging evidence base documents, the outcomes of the sustainability appraisal and habitats regulations processes.
- 1.3.4 The next consultation stage will be on the Regulation 19 version of the Local Plan. This will be the plan which the council considers to be 'sound', which will then be submitted to the Secretary of State, via the Planning Inspectorate. Further details on timescales can be found within the [Local Development Scheme, November 2021](#)

1.4 Legal Implications

- 1.4.1 Local Planning Authorities are required to prepare and keep up to date development plan for their area. The Planning and Compulsory Purchase 2004 (as amended) and the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) set out the requirements and the statutory process for the preparation of a Local Plan.
- 1.4.2 The Regulation 18 Local Plan, the interim Sustainability Appraisal and other supporting documents have been subject to extensive (external) legal input.

1.5 Financial and Value for Money Considerations

- 1.5.1 There will be direct financial and value for money considerations associated with the public consultation exercise described in this report. These costs will be met from existing budgets.

1.6 Risk Assessment

- 1.6.1 The preparation of the new local plan will provide the council with an up-to-date Local Plan on adoption (anticipated 2025). This will alleviate the current risks associated with not having an up-to-date development plan in place. There are reputational risks should the local plan programme not be delivered on time.

1.7 Equality Impact Assessment

- 1.7.1 The decisions recommended through this report have relevance to the substance of the Equality Act 2010. The Regulation 18 consultation will be undertaken in accordance with the new Statement of Community Involvement (subject to Cabinet approval) which ensures that planning policy consultations are accessible to all, irrespective of protected characteristics. An Equalities Impact Assessment will be undertaken alongside the preparation of the Regulation 19 Local Plan.

1.8 Recommendations

HPSSC is asked to recommend to Cabinet:

- 1.8.1 **APPROVAL** of the commencement of the Regulation 18 consultation on the draft Local Plan and Interim Sustainability Appraisal.
- 1.8.2 **DELEGATE AUTHORITY** to the Director of Planning, Housing and Environmental Health for any minor amendments including typographical corrections to the Regulation 18 consultation on the draft Local Plan.
- 1.8.3 **APPROVAL** of publishing of the evidence base documents at **Annex 2** alongside the Local Plan.

Background papers:

Annex 1 - Regulation 18 Local Plan (including plan Appendices)

Annex 2 - links to the Interim Sustainability Appraisal, evidence base and other supporting documents

Annex 3 - Engagement Strategy note

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