

**TONBRIDGE & MALLING BOROUGH COUNCIL**  
**HOUSING AND PLANNING SCRUTINY SELECT COMMITTEE**

**26 September 2023**

**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 RESPONSE TO THE PLAN-MAKING REFORMS IMPLEMENTATION CONSULTATION**

**This report sets out proposed response to the government’s latest consultation on plan-making reforms. It seeks recommendations of approval to the Cabinet Member for Planning.**

**1.1 Background**

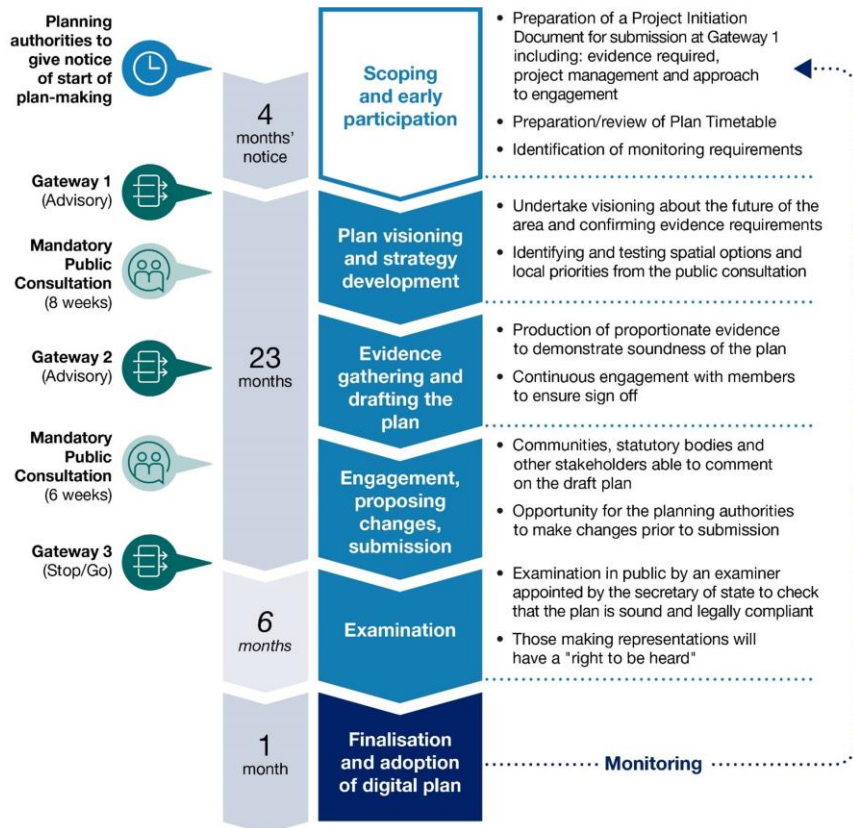
1.1.1 The government is currently consulting on the ‘Levelling-up and Regeneration Bill: consultation on implementation of plan-making reforms’. The deadline for responses is 18 October 2023. This consultation sets out some further detail to the proposals contained within the December 2022 consultation ‘Levelling-up and Regeneration Bill: reforms to national planning policy’ (reported to Cabinet in February 2023).

1.1.2 This report constitutes the council’s proposed response to the consultation, centred around the questions posed. This is included as **Annex 1**.

**1.2 The consultation**

1.2.1 The consultation provides further detail around the proposed 30-month plan-making process, which includes some key steps, as set out in the Figure 1 below. This includes:

- New proposals for a 4-month period prior to commencement (setting out timetable, Project Initiation Document preparation, notifying statutory bodies)
- 2 set periods of consultation and engagement
- 3-staged ‘gateway’ assessment process for local plans



1.2.2 The consultation also includes some new proposals for use of set templates for local plans and consultation responses, and enhanced emphasis on monitoring requirements and metrics.

1.2.3 Although not subject to the consultation itself, the material confirms the transitional arrangements for plan-making as proposed within the December 2022 consultation (subject to Levelling-up and Regeneration Bill royal assent, anticipated Spring 2024). This would mean a deadline of 30 June 2025 to submit an 'old style' local plan. This is discussed further in section 1.5 below. The consultation on the proposed national development management policies is still anticipated, but no further detail on timing is available at present.

1.2.4 The consultation period runs until 18 October 2023. Therefore, the council has until this date to submit its response, which, once approved, will be actioned through the [online survey](#). The proposed response is contained at **Annex 1**.

### 1.3 Legal Implications

1.3.1 Local Planning Authorities are required to prepare and keep an 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 Financial and Value for Money Considerations**

- 1.4.1 There are no direct financial and value for money considerations associated with this response. The council is proposing to submit the local plan under the current arrangements. However, if the proposals are to be brought forward future local plan work and budget-setting would need to reflect these changes.

## **1.5 Risk Assessment**

- 1.5.1 The preparation of the new local plan will provide the council with an up-to-date Local Plan on adoption. This will alleviate the current risks associated with not having an up-to-date development plan in place.
- 1.5.2 The HPSSC report of June 2023, which accompanied the Local Development Scheme timetable, highlighted the highest areas of risk to the local plan were a delay to the NPPF reforms, and progression of the transition arrangements. The government has not yet published the NPPF (previously proposed for Spring 2023) so the amendments to the approach to housing numbers and the Green Belt remain unconfirmed. However, as set out within this consultation the government is still proposing the same transitional arrangements meaning that the council needs to undertake two round of consultation (Regulation 18b, Regulation 19) and submit the local plan in the 22 months to June 2025.
- 1.5.3 **Annex 2** shows the current local plan risks and issues, which includes two high risk items where risk escalation measures have been triggered. This relates to the above and the delay to procurement of the Green Belt study, which will not now be reporting until the end of November 2023.

## **1.6 Equality Impact Assessment**

- 1.6.1 The decisions recommended through this report have relevance to the substance of the Equality Act 2010. The stages in plan preparation will be undertaken in accordance with the new Statement of Community Involvement which ensures that planning policy consultations are accessible to all, irrespective of protected characteristics. An Equalities Impact Assessment is being undertaken alongside the preparation of the next stages of the Local Plan.

## **1.7 Recommendations**

HPSSC is asked to recommend to the Cabinet Portfolio holder for Planning to:

APPROVE the proposed response to the plan-making implementation reforms consultation.

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:

Annex 1- Proposed response to the plan-making  
implementation reforms consultation

Annex 2- Risk assessment

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