

TONBRIDGE & MALLING BOROUGH COUNCIL

CABINET

09 January 2024

Report of the Director of Planning, Housing and Environmental Health

Part 1- Public

Executive Non Key Decisions

1 PETITION – EXTENSION OF THE GREEN BELT

The Borough Council has received a petition from East Malling and Larkfield Parish Council and West Malling Parish Council 'seeking support for an extension to the Green Belt to protect the green fields between East and West Malling and Kings Hill.'

1.1 Introduction

1.1.1 The Petition was originally hosted online via the change.org platform and was created on 20 January 2023 where it gained a significant number of signatures within a short period.

1.1.2 The Borough Council became aware of the petition at the beginning of October and received a request for a formal submission to the Mayor of a paper petition. This was arranged for 19 October 2023.

1.1.3 At the time of submission, the petition (attached at Annex 1) had approximately 2,900 signatures.

1.2 Petition Scheme

1.2.1 In accordance with the Borough Council's adopted petition scheme (attached at Annex 2), petitions containing more than 1,500 signatures will be debated by Cabinet or Full Council, whichever body is appropriate.

1.2.2 The petition organiser(s) are also allowed five minutes to present the petition at the meeting prior to discussion by Councillors.

1.2.3 As the matter in question relates to an executive function it is appropriate for the matter to be discussed by Cabinet.

1.2.4 The organisers have been invited to address the Cabinet.

1.2.5 The Cabinet may decide:

- To take the action requested;

- Not to take the action requested, for reasons put forward in the debate;
- To commission further investigation into the matter.

1.2.6 The petition organiser will receive written confirmation of the decision reached and this will also be published on the Borough Council's website.

1.3 Local Plan Considerations

- 1.3.1 The borough is highly constrained in nature, and with around 71% Green Belt coverage this already restricts the borough's potential for growth. Any further development constraints, such as Green Belt expansion, would make it more challenging to deliver our objectively assessed needs for housing and other uses, as required by the National Planning Policy Framework (NPPF).
- 1.3.2 The NPPF sets out the policy expectations in relation to the Green Belt. Once established, boundaries should only be altered where exceptional circumstances are fully evidenced and justified through the plan-making process. Paragraph 139 sets out a high bar for the extension of the Green Belt, including what would need to be demonstrated under these circumstances, including why the extension is required, what changes require the extension, the consequences and necessity.
- 1.3.3 However, where a local planning authority can demonstrate through its local plan evidence the potential harm of settlements merging, there are also other potential policy levers. One such option is the consideration of strategic gap approaches. This would need to be sufficiently distinct from Green Belt policy and relate to the potential harm to local character and its setting, while acknowledging the impacts of introducing additional constraints on development. Although the NPPF is silent on strategic gaps, it would be broadly consistent with the framework as a whole, and there are some precedents of being applied recently in 2021 (eg Fareham Borough Council).
- 1.3.4 In the context of the above, members opted to commission a borough-wide Strategic Gap Assessment (see July 2023 [Cabinet decision](#)) to assess whether there is any potential for such a policy approach. The council has subsequently commissioned Ove Arup to produce this alongside the Stage 2 Green Belt Study. The study will assess the potential need for, and locations of any strategic gaps to prevent settlement coalescence. At the time of writing the outcome of this work has not yet been reported, however if the study identifies some potential, then further area character assessments and landscape character assessments will be required.
- 1.3.5 In summary, members have already made the decision to investigate the potential for strategic gaps within the borough, rather than to pursue an extension of the Green Belt. The Green Belt and Strategic Gap evidence will be key evidence to underpin future decisions on sites, and the spatial strategy within the local plan. Until this work has been concluded then there is no evidence to justify either a Green Belt extension or a strategic gap approach. Therefore, any decision to

formally and firmly support a Green Belt extension at this stage in plan-preparation would be premature, and not be based on available evidence, therefore likely to fail at local plan examination.

- 1.3.6 Should the outcomes of the Green Belt and Strategic Gap evidence demonstrate potential for a strategic gap then further landscape and character area will be commissioned. This would be in place in time for the Regulation 19 local plan in late 2024.

1.4 Legal Implications

- 1.4.1 The Council has adopted a Petition Scheme, and this Petition has been submitted by the petitioners for consideration by Cabinet in accordance with the Scheme.
- 1.4.2 Changes to the Green Belt boundaries are made through the Local Plan. In order to make such a change, there has to be exceptional circumstances as detailed in NPPF Paragraph 145 – 148.

1.5 Financial and Value for Money Considerations

- 1.5.1 The costs of the Green Belt and Strategic Gap work are fully accounted for within the local plan budget. Any further landscape and character work, estimated to be circa £20,000 would be in addition to the estimates agreed at the July 2023 cabinet meeting and will need to be taken from the local plan reserve.

1.6 Risk Assessment

- 1.6.1 Potential extensions to the Green Belt boundary are required to be led by evidence, and any decisions prior to this being made available is likely subject to challenge. This could present risks to future adoption of the local plan, and damage to the reputation of the council.
- 1.6.2 Therefore, any decision to formally and firmly support a Green Belt extension at this stage in plan preparation would be premature and not be based on available evidence, and therefore likely fail at local plan examination.

1.7 Equality Impact Assessment

- 1.7.1 The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

1.8 Recommendations

- 1.8.1 It is recommended that:
- 1.8.2 Members RECEIVE and NOTE the Petition at Annex 1;
- 1.8.3 Members AGREE that all policy options continue to be explored to provide protection for the green belt and open land.

Background papers:

contact: James Bailey

Nil