

**TONBRIDGE & MALLING BOROUGH COUNCIL**  
**PLANNING and TRANSPORTATION ADVISORY BOARD**

**18 November 2014**

**Report of the Director of Planning, Housing and Environmental Health**

**Part 1- Public**

**Matters for Recommendation to Cabinet**

**1 LOCAL PLAN PROCESS AND PROGRAMMING**

**Summary: This report examines some of the statutory elements making up the Local Plan and seeks approval for a new Statement of Community Involvement and Scoping report for a Sustainability Assessment.**

**1.1 Introduction**

1.1.1 Although the National Planning Policy Framework replaced the previous development plan regime (Regional Spatial Strategies and Local Development Frameworks), some of the statutory elements making up the new Local Plans remain. These are:

- Statement of Community Involvement;
- Sustainability Appraisals and
- Local Development Scheme.

1.1.2 The adopted Tonbridge and Malling LDF has these elements in place, but they need updating for the new Local Plan. The purpose of this report is to explain what the documents are and seek approval for the revised versions appended.

1.1.3 Statement of Community Involvement (SCI)

1.1.4 The requirement to produce a SCI was introduced by the Planning and Compulsory Purchase Act 2004 and TMBC's first SCI was adopted in July 2005. The purpose of a SCI is to set out how the Local Planning Authority will engage with local communities and other interested parties on the preparation of the Local Plan and also consult on planning applications. How the Local Planning Authority complies with the SCI is one of the tests of soundness at the Local Plan Examination.

1.1.5 A revised SCI can be found at Annex 1 to this report.

### 1.1.6 Sustainability Appraisal (SA)

1.1.7 The requirement to carry out a SA of a Local Plan is set out in Section 19(5) of the Planning and Compulsory Purchase Act. The appraisal should be carried out throughout its production to ensure that it is fully consistent with and helps to implement the principles of sustainable development. The SA process also incorporates the requirements of the Environmental Assessment of Plans and Proposals Regulations 2004, for plans that have a significant effect on the environment to be subject to Strategic Environmental Assessment (SEA).

1.1.8 The first step is to prepare a Scoping Report to set out:

- The policy context in which the SA and Local Plan will be prepared;
- The relevant baseline information;
- Key sustainability issues and problems; and
- An appraisal framework consisting of objectives and decision making criteria against which the Local Plan can be considered.

1.1.9 In accordance with the regulations a scoping report is subject to a 5 week consultation period with the statutory consultees: Natural England, the Environment Agency and English Heritage.

1.1.10 The SA scoping report can be found at Annex 2. A full SA report will eventually accompany the draft Local Plan.

### 1.1.11 Local Development Scheme (LDS)

1.1.12 Section 15 of the Planning and Compulsory Purchase Act sets out the requirement for Local Planning Authorities to prepare a LDS. Amendments have been made since the Act, which effectively remove the requirement to submit a copy to the Secretary of State, but the rest of the provisions remain.

1.1.13 Under the previous LDF system the LDS played a more important role as there were different Development Plan Documents being prepared at the same time that required careful programming of resources. The new Local Plan will be a single document and so the main component of the LDS will be the timetable.

1.1.14 A revised timetable for the Local Plan is annexed to the Local Plan Update report also on this agenda, for approval. Subject to that approval, the revised timetable will form the basis of the new LDS.

## **1.2 Conclusions**

1.2.1 These three elements of the Local Plan are statutory requirements. Subject to Member's approval they will be uploaded onto the Local Plan pages of the Council's website.

### 1.3 Legal Implications

1.3.1 The three statutory components of the Local Plan in this report will be required to be in place in order for the Plan to be found sound.

### 1.4 Financial and Value for Money Considerations

1.4.1 These elements of the Local Plan will be prepared in house within existing budgets.

### 1.5 Risk Assessment

1.5.1 There is a risk that the Plan will be found unsound if these documents are not in place and adhered to. This will be tested at the Examination.

### 1.6 Equality Impact Assessment

1.6.1 See 'Screening for equality impacts' table at end of report

### 1.7 Policy Considerations

1.7.1 The Local Plan will replace the adopted suite of documents making up the Local Development Framework for Tonbridge and Malling and will be the main land use planning document for determining future development proposals.

### 1.8 Recommendations

1.8.1 That the documents annexed to this report are approved and recommended to Cabinet for adoption and that the revised Local Plan timetable annexed to the Local Plan Update report also on this agenda forms the basis of a new Local Development Scheme.

Background papers:

contact: Ian Bailey

Nil

Steve Humphrey

Director of Planning, Housing and Environmental Health

<b>Screening for equality impacts:</b>		
<b>Question</b>	<b>Answer</b>	<b>Explanation of impacts</b>
a. Does the decision being made or recommended through this paper have potential to cause adverse impact or discriminate against different groups in the community?	No	This report seeks approval of three statutory elements of the new Local Plan as required by the Planning and Compulsory Purchase Act 2004 as amended.

<b>Screening for equality impacts:</b>		
<b>Question</b>	<b>Answer</b>	<b>Explanation of impacts</b>
b. Does the decision being made or recommended through this paper make a positive contribution to promoting equality?	No	This report seeks approval of three statutory elements of the new Local Plan as required by the Planning and Compulsory Purchase Act 2004 as amended.
c. What steps are you taking to mitigate, reduce, avoid or minimise the impacts identified above?		

*In submitting this report, the Chief Officer doing so is confirming that they have given due regard to the equality impacts of the decision being considered, as noted in the table above.*