

# Housing and Planning Scrutiny Select Committee

03 December 2024

## Part 1 - Public

### Matters for Cabinet – Non-Key Decision



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Cabinet Member	Councillor Mike Taylor: Planning
Responsible Officer	Eleanor Hoyle: Director of Planning, Housing & Environmental Health
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### Authority Monitoring Report (23/24)

#### 1 Summary and Purpose of Report

- 1.1 The purpose of this paper is to outline the Council's latest Authority Monitoring Report (AMR) (Annex 1 to the report). The AMR reviews the effectiveness of the Council's planning policies and helps us to ensure that progress is being made towards achieving the objectives as set out in the suite of Adopted Development Plan documents. The AMR is a statistical document, it is not for the AMR to provide commentary or solutions to issues, but to help guide the direction of travel for future corporate and planning policy.
- 1.2 The AMR covers the previous financial year due to the period for data collection and reports on the period 2023/2024. The last AMR to be published by TMBC was in 2017. This AMR therefore seeks to provide an up-to-date consideration of the effectiveness of policies as well as progress in preparing planning documents as set out in the Local Development Scheme and actions taken in relation to the duty to cooperate. The AMR is provided at Annex 1 to this report.

#### 2 Corporate Strategy Priority Area

- 2.1 Efficient services for all our residents, maintaining an effective council.
- 2.2 Investing in our local economy to help support residents and businesses and foster sustainable growth.
- 2.3 Improving housing options for local people whilst protecting our outdoor areas of importance.
- 2.4 Sustaining a borough which cares for the environment.

- 2.5 The AMR provides monitoring information to understand the effectiveness of certain planning policies which seek to deliver positive outcomes for housing, the economy and the environment. It also reports on the Council's progress in the implementation of the Council's Local Development Scheme (LDS).

### **3 Recommendations**

- 3.1 It is recommended for the AMR to be endorsed and then be approved by the Cabinet member for Planning to enable the AMR to be published on the council's website by the end of December

### **4 Introduction and Background**

- 4.1 The Council is required to produce an Authority Monitoring Report (AMR) (which was formally the Annual Monitoring Report) in accordance with National legislation including the Localism Act 2011, the Town and Country Planning (Local Planning) England Regulations 2012, the Planning and Compulsory Purchase Act 2004, and national Planning Practice Guidance. National Planning Practice Guidance (PPG) requires that:

'Local planning authorities must publish information at least annually that shows progress with Local Plan preparation, reports any activity relating to the duty to cooperate and shows how the implementation of policies in the Local Plan is progressing'.

- 4.2 The Government's PPG provides a short commentary on the role of the AMR, where an AMR should be designed to enable communities and interested parties to remain aware of the Council's progress in development planning and delivery, including its plan-making activities and implementation of neighbourhood plans that have been made. The AMR may also be used to help councils determine whether there is a need to undertake a partial or full review of their Local Plan.

### **5 Monitoring of the Local Development Scheme (LDS)**

- 5.1 The Local Development Scheme (LDS) sets out the council's timetable for preparing new planning documents. The council's current LDS was published in June 2023 within the monitoring period covered by this AMR.
- 5.2 The AMR in chapter 2 sets out the progress that has been made in relation to the Local Plan that is currently being prepared noting that an initial Regulation 18 consultation was undertaken in Autumn 2022, however the second Regulation 18 consultation that was programmed to take place in April / May 2024 has been delayed following the Government's 30<sup>th</sup> July 2024 NPPF and planning reform consultation. This delay impacts the overall timetable and it is noted that once a revised NPPF is published that the Council will adopt a new LDS with Member approval, which will reflect the work that will be required to meet national policy and the Government's timescales for which our Local Plan will need to be submitted to the Secretary of State for Examination in Public.

## **6 Duty to Cooperate progress**

- 6.1 In developing a new Local Plan, the Council has been working to address strategic cross boundary issues with relevant duty to cooperate partners. The AMR provides information in relation to groups and partnerships for which TMBC attends, sets out the main duty to cooperate activities that have taken place during the monitoring period 2023/2024 as well as provide information on the potential cross boundary considerations that are discussed and kept under review with duty to cooperate partners. Information is contained in chapter 3 of the report.

## **7 Housing Land Supply**

- 7.1 Chapter 4 of the AMR sets out information in relation to the Council's housing land supply. The AMR sets out that currently the Council is required to deliver 839 dwellings per year and sets out a housing need figure for the plan period 2021-2041 of 16,780 dwellings. This rises to 18,458 with a 10% contingency. The AMR also shows housing delivery between 2021 and 2024 including that relating to the monitoring period, where 458 dwellings were completed in 2023/2024. Windfall data is also presented split into small sites (below five units) and large sites (five units or more). This shows that windfall sites are currently the main source of housing supply with 372 units being delivered from windfall development in the 2023/2024 monitoring period.
- 7.2 Alongside this AMR, the Council has published on its website an updated five-year housing land supply position statement. The 5-year housing land supply provides an assessment of the deliverability of land for housing development over the next five years to understand whether housing targets can be met. The Council does not currently have a five-year supply, and the Council accepts that for the purposes of determining planning applications and giving evidence at appeal, that the figure published within the November 2024 5-year supply position statement is the appropriate figure at the time of writing. Of course, if it is known that there are significant in-year changes to this position and where required we will ensure that resource is made available to provide an interim update to this position ahead of the next AMR.
- 7.3 In addition to overall housing completions, the AMR also reports on levels of affordable housing completions within the district, with a total of 113 affordable homes being delivered in the 2023/24 reporting period.

## **8 Planning contributions**

- 8.1 The AMR confirms that the Council is not a Community Infrastructure Levy charging authority and therefore uses S106 developer contributions to mitigate impacts from developments. The Council publishes an Infrastructure Funding Statement (IFS) annually. The IFS outlines the funding and delivery of infrastructure to support development, including details on contributions from

individual development sites. The IFS for the 2023/2024 period is provided as its own agenda item and is therefore covered separately.

## **9 Monitoring indicators**

9.1 The council's adopted Development Plan comprises the following documents:

- Core Strategy 2006-2021 (September 2007)
- Development Land Allocations DPD (April 2008)
- Tonbridge Central Area Action Plan (April 2008)
- Managing Development and the Environment DPD (April 2010)

9.2 It also includes saved policies from the Tonbridge and Malling Borough Plan and Kent County Council's Waste and Minerals Plan.

9.3 The above four documents set out numerous policies as well as performance monitoring indicators in which to understand the effectiveness of the policies. Previous Annual Monitoring Reports dating between 2008 to 2012 reported on many of these indicators, whilst Annual Monitoring Reports dating from 2013 – 2017 mainly focused upon housing delivery.

9.4 The Council's development plan is out of date and was drafted under a different planning system, where plan making was based upon Regional Spatial Strategies, which were later revoked in 2013 and replaced with the National Planning Policy Framework (NPPF). Nonetheless, many of the Council's policies have full weight as they remain to be in line with national policy, whilst others have diminished weight where there is a difference between national policy and the Council's adopted policy. In this instance the NPPF takes precedence as it is the most up-to-date approach.

9.5 Many of the performance indicators relate directly to the now revoked Regional Spatial Strategy, however, the indicator remains to be useful to understand the effectiveness of the policy and to provide information in relation to a range of social, economic and environmental matters. Some headlines for the 2023/2024 monitoring period include the following:

- 82% of new dwellings have been built on what is classed as previously developed land.
- Out of 415 C3 units that were built out, 133 of these were affordable homes. In addition, 43 units were completed from C2 to C3 conversions.
- A total of 307,730 square metres of employment land was gained and 80,055 square metres of employment land was lost. This provides a net

increase of 227,674 square metres of employment floorspace in the borough which is positive for supporting our local economy.

- 100% of new employment floorspace was delivered on previously developed land.
- There was an increase in retail (4%), leisure (10%) and commercial (16%) floorspace. There was a 69% net loss of office space.
- There was a total of 3,916m<sup>2</sup> of gross floorspace completions for retail, leisure and office uses. A further 35,762m<sup>2</sup> of commercial floorspace was also completed.
- There were no planning applications granted contrary to Environment Agency advice.
- There are three open spaces awarded Green Flag status that are owned and managed by the Council. There are three others within the Borough owned and managed by Kent County Council.
- Per capita CO<sub>2</sub> Emissions for Tonbridge and Malling Borough have decreased steadily since 2005 from 15.3 tCO<sub>2</sub>e to 5.2 tCO<sub>2</sub>e in 2022.

9.6 It has not been possible to monitor all performance indicators. In some instances, the indicator may not be as relevant as it once was given the time that has lapsed meaning that information is not available and in others staff resource and data systems have not allowed data to be collected in a reasonable time frame.

9.7 Moving forward, monitoring indicators will be considered in detail for the new Local Plan to ensure that any indicators identified are measurable and can be achieved within available staff capacity.

## **10 Other**

10.1 The AMR reports on social, economic, environmental and sustainability matters which affect Tonbridge and Malling Borough. The publication of the AMR enables the public to access the planning information in relation to the borough whilst also meeting legislative requirements.

## **11 Financial and Value for Money Considerations**

11.1 None arising from this report.

11.2 The Director of Planning, Housing and Environmental Health confirms that the proposals contained in recommendation(s), if approved, will fall within the Councils Budget and Policy Framework

## 12 Risk Assessment

- 12.1 The AMR considers monitoring indicators relating to the Adopted Development Plan. The Adopted Development Plan and the monitoring indicators will be replaced once a new Local Plan is adopted. A risk assessment has been undertaken for the New Local Plan and is provided at Annex 3 of the HPSCC report that considers the Local Plan Engagement and Consultation Strategy.

## 13 Legal Implications

- 13.1 Each Local Planning Authority, under Section 35 of the Planning and Compulsory Purchase Act 2004 (as amended by the Localism Act 2011), is required to prepare an annual report on the implementation of the Local Development Scheme and the extent to which the policies set out in the local development documents are being achieved. The AMR fulfils the requirements set out in the Planning and Compulsory Purchase Act 2004 (as amended) and Section 34 of Town and Country Planning (Local Planning) Regulations 2012
- 13.2 The information set out within the report is accurate and has been checked and coordinated.

## 14 Consultation and Communications

- 14.1 The AMR reports on various 'duty to cooperate' matters which are required as part of the Local Plan preparation process. The Local Plan process includes consultation with various stakeholders including other local authorities within the area.

## 15 Cross Cutting Issues

### 15.1 Climate Change and Biodiversity

- 15.1.1 A number of the monitoring indicators reported upon in the AMR relate to Climate change.
- 15.1.2 Climate change advice has not been sought in the preparation of the options and recommendations in this report.

### 15.2 Equalities and Diversity

- 15.2.1 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.

Background Papers	None
Annexes	Authority Monitoring Report 2023/2024