

## Housing and Planning Scrutiny Select Committee

21 October 2025

### Part 1 - Public

#### Matters for Cabinet - Key Decision



Cabinet Member	Cllr Mike Taylor – Cabinet Member for Planning
Responsible Officer	Eleanor Hoyle – Director of Planning, Housing and Environmental Health
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#### Local Plan Regulation 18 Consultation (10<sup>th</sup> November – 22<sup>nd</sup> December 2025)

### 1 Summary and Purpose of Report

- 1.1 This report seeks approval of the Tonbridge and Malling Regulation 18 Local Plan document to be published for public consultation. Once agreed, the consultation will run for the statutorily required six-week period, between Monday 10<sup>th</sup> November and Monday 22<sup>nd</sup> December 2025.

### 2 Corporate Strategy Priority Area

- 2.1 The report will contribute to the following Corporate Priorities:

- Efficient services for all our residents, maintaining an effective council.
- Sustaining a borough which cares for the environment.
- Improving housing options for local people whilst protecting our outdoor areas of importance.
- Efficient services for all our residents, maintaining an effective council.
- Investing in our local economy.

- 2.2 The Local Plan once progressed to adoption will be the key planning document for Tonbridge and Malling, setting out the Council's strategy for land use, therefore contributing to the achievement of all of the Council's Corporate Priorities.

### 3 Recommendations

- 3.1 Housing and Planning Scrutiny Select Committee is asked to recommend that Cabinet:

- 3.2 APPROVES the Tonbridge and Malling Regulation 18 Local Plan consultation document, Interim Sustainability Appraisal and Draft Active Travel Strategy for a 6-week public consultation between Monday 10<sup>th</sup> November and 22<sup>nd</sup> December 2025.
- 3.3 APPROVES delegated authority for the Director of Planning, Housing and Environmental Health to make minor changes to the Tonbridge and Malling Regulation 18 Local Plan document prior to consultation.
- 3.4 APPROVES delegated authority for the Director of Planning, Housing and Environmental Health to make minor changes to other supporting documentation shared with Members to date prior to consultation.
- 3.5 APPROVES delegated authority for the Director of Planning, Housing and Environmental Health to agree other supporting material to be produced for consultation including a number of Topic Papers. This would be in consultation with the Leader of the Council and the Cabinet Member for Planning.
- 3.6 APPROVES the amended Local Development Scheme (October 2025).

#### **4 Introduction and Background**

- 4.1 This report seeks approval of the Tonbridge and Malling Regulation 18 Local Plan document to be published for public consultation for a six-week period between Monday 10<sup>th</sup> November and Monday 22<sup>nd</sup> December 2025.
- 4.2 The Council consulted upon an early Regulation 18 Local Plan between 22<sup>nd</sup> September and 3<sup>rd</sup> November 2022. On the 6<sup>th</sup> of December 2022 meeting and 3<sup>rd</sup> July 2023 meeting of this Committee, members were presented with the findings of the Regulation 18 consultation.
- 4.3 Since this time, the Council progressed work on a second Regulation 18 Local Plan and was timetabled to consult upon this in summer 2024. However, the consultation was delayed due to the announcement of the then new Government (June 2024) that the National Planning Policy Framework (NPPF) would be updated by the end of the year. A decision was taken to pause work on the Local Plan to understand the implications of a new NPPF and to ensure that a Plan could progress in accordance with national planning policy and is ultimately a robust and sound Plan.
- 4.4 A revised NPPF was published in December 2024, and updates were also made to Planning Practice Guidance (PPG), including updated guidance released in February 2025 on how to address the changes made to national Green Belt policy in both plan-making and decision making.
- 4.5 Over the past year a number of reports have been brought to this Committee to ensure that the Committee has been kept up to date with the implications of a new NPPF and Local Plan progress, particularly in relation to obtaining evidence to

inform the Plan, Local Plan budget, Duty to Co-operate and also Local Plan engagement.

## **5 Tonbridge and Malling Draft Regulation 18 Local Plan**

- 5.1 The Council has prepared a Regulation 18 Local Plan for public consultation. A DRAFT desktop published version of the consultation document is provided at Annexe 1<sup>1</sup>.
- 5.2 The Plan has taken account of the previous consultation responses from residents and other interested parties, the December 2024 revised NPPF and associated PPG, internal engagement with relevant officers, external engagement with partners and engagement with members in accordance with the Engagement Strategy. The Regulation 18 Local Plan has also been informed by an up-to-date evidence base on key matters.
- 5.3 The Regulation 18 Local Plan is also supported by a digital Policies Map. This can be accessed here:  
<https://tmbconline.maps.arcgis.com/apps/instant/basic/index.html?appid=bf790eafb3044ced9744fa6c7cfcfe74>
- 5.4 The Policies Map shows the draft proposed housing and employment allocations amongst other policy matters such as proposed settlement confine boundaries, a proposed Green Gap, a new proposed Green Belt boundary, Town centre boundaries, for example.
- 5.5 In terms of the evidence that has informed and will support the Local Plan consultation, the Council and its consultants have worked at pace to meet Local Plan timelines. Whilst evidence has fully informed plan-making using outputs from work undertaken, some of the evidence reports themselves are still to be finalised. Those finalised ahead of the consultation are available to view on the Council's website: <https://www.tmbc.gov.uk/local-plan/local-plan-evidence-topic-papers>
- 5.6 As further reports are finalised these will also be added to our website to support the Local Plan consultation.

### Format of the Local Plan consultation document

- 5.7 The Local Plan will look ahead to 2042 and will provide a long-term vision and growth strategy for the borough. Once adopted, it will provide a range of policies to help guide development, ensuring that the borough's needs and priorities are met. The Local Plan is structured around key themes and presents both strategic and non-strategic policies. The themes include climate change, the natural environment, the historic environment, design, housing, the economy, rural

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<sup>1</sup> Please note that further minor revisions to the desk top published version of the Draft Local Plan consultation document will take place ahead of consultation where this will improve its content, this will include updating a number of photos and illustrations.

development and infrastructure. The Plan also puts forward draft proposed housing and employment allocations to meet the borough's needs. The Local Plan supports the Council's Corporate Strategy and responds to these spatially.

#### Housing and employment need

- 5.8 As stipulated by national planning policy (paragraph 11), Local Plans are required to provide a framework for meeting the needs of an area, aligning the provision of infrastructure and improving the environment and help to mitigate and adapt to climate change. One of the key areas for any Local Plan is to provide for the Government's objectively assessed needs for housing and other uses, as well as any unmet needs from other neighbouring areas.
- 5.9 The Government has confirmed that boosting housing supply across the country is a key priority. This has been reflected in the latest updates to the Government's standard method, which is the tool that national planning policy requires us to use to understand our minimum annual housing need figure. As a minimum, we are required by national policy to provide for our objectively assessed needs.
- 5.10 The latest standard method, introduced by the Government in December 2024 with March 2025 and May 2025 updates using the 2024 affordability ratio and housing stock dataset, identifies that the local plan must deliver 1,097 dwellings per year. This means that our housing need figure is to deliver 19,746 homes during the plan period between 2024 – 2042.
- 5.11 Given the constraints within the borough, such as 71% coverage of Green Belt and 27% coverage of National landscape as well as infrastructure constraints, extensive work has been undertaken to understand whether it is possible to meet our minimum housing need requirement. This has included understanding the many constraints, as well as undertaking a proactive approach to identify sites that could help to meet our growth requirements through numerous 'call for sites' exercises.
- 5.12 Members have previously advised us to seek to meet the Government's objectively assessed housing need and from the work we have undertaken we consider that it will be possible to deliver our objectively assessed housing need of 19,746 dwellings within the Plan period. The following table sets out how we will meet our housing need. Existing commitments and a windfall allowance will provide 7,154 dwellings. The Local Plan therefore seeks to allocate sites to deliver 12,664 dwellings.

## 6 Figure 5.1 Housing supply (table)

Housing supply	Number of dwellings if further sites to be tested are deliverable
Completions (from 1 <sup>st</sup> April 2024-2025)	689
Extant permissions	4595
Windfall allowance	1870
<b>Total</b>	<b>7,154</b>
Potential site allocations	12,664
Total supply	19,818
Surplus	72
Dwellings per annum	1097

- 6.1 From the work we have undertaken, it is not possible to deliver our housing need without allocating sites within the Green Belt. There is capacity in 'non Green Belt' locations to deliver 4,756 dwellings. Given the existing commitments and windfall allowance, there is a shortfall of 7,908 dwellings. In accordance with the NPPF, we have therefore contacted neighbouring authorities to understand whether they are able to meet some or all of this unmet need. However, from engagement we consider that this will be unlikely that local authorities will be able to meet our unmet need. The Draft Regulation 18 Local Plan has therefore considered the potential contribution of Green Belt land within the borough to help meet this shortfall and to ensure that we can meet our minimum objectively assessed need. Duty to cooperate discussions will of course continue as the Plan evolves.
- 6.2 In relation to employment need, our evidence indicates that we should seek to deliver at a minimum 361,500 sqm of employment floorspace within the plan period. The Local Plan through existing commitments and through allocating sites, including through Green Belt release seeks to meet our employment need, allocating 78,700sqm of B2 and B8 floorspace and 56,580 sqm of office floorspace. Our office floorspace is slightly below our requirements of 60,500 sqm, however we will undertake further work to try and meet this shortfall as the plan progresses.
- 6.3 The National Planning Policy Framework (NPPF) requires local planning authorities to assess and plan for the housing needs of all residents, including Gypsies, Travellers and Travelling Showpeople. Our evidence indicates that we should make provision for an additional 33 pitches. In terms of site supply, the Council will explore a range of options to meet identified needs. It is most likely that needs can be met through the upgrading, enhancement or intensification of existing permanent and temporary authorised Gypsy and Traveller sites.

### Spatial strategy

- 6.4 Chapter 5 of the Draft Regulation 18 Local Plan sets out the Local Plan spatial strategy providing the overarching framework for the distribution of development for the Local Plan period.
- 6.5 A key part of evidence that has helped to inform our spatial strategy is our settlement hierarchy. This has been updated since the last Regulation 18 consultation in 2022, which has involved engagement with members and Parish Council's on the methodology and data relating to services and facilities within settlements. This has allowed us to undertake detailed analysis of settlements and to understand the level of sustainability for each settlement, placing settlements in tiers. The settlement hierarchy does not define whether or not a settlement will be allocated future growth in itself, this is achieved by considering many other evidence bases, however it does help us understand the level of sustainability of a settlement. The Sustainable Settlement Study will be made available as part of the Local Plan consultation.
- 6.6 In summary, the draft spatial strategy seeks to deliver patterns of sustainable growth, whilst protecting the national landscape and its setting and protecting the Metropolitan Green Belt, taking into account that we are unable to deliver our housing need without releasing some Green Belt sites. Key to the spatial strategy is ensuring that development is directed to the right places and at the right time, to ensure that the necessary infrastructure is in place to support both new and existing communities. Overall, the draft spatial strategy seeks to allocate growth in and around our most sustainable towns and villages, where communities will have access to a wide range of services and facilities and sustainable transport options to larger settlements. Growth in these areas will also support existing communities by bringing forward new or improved infrastructure and community services and facilities. In addition, our spatial strategy also seeks to support smaller villages by providing some limited housing and employment growth.
- 6.7 Annexe 2 sets out the proposed allocated housing and employment growth by settlement to 2042. The focus of growth is within our most sustainable settlements i.e. Tier 1 – 4 settlements. In relation to Tier 5 settlements, or those settlements that would be considered as countryside, draft Policy SP1 (6) provides that the Local Plan will
- ‘Maintain the role of our more rural settlements (Tier 5) through supporting appropriate growth to help sustain existing services and facilities or to sustain communities through appropriate small-scale housing that meets need, as supported by policies within this plan’.
- 6.8 Due to the constraints in the borough as well as a limited supply of land, delivering the spatial strategy in a way that meets our housing requirement will rely on bringing some large strategic allocations forward. There are seven sites proposed for allocation for 500 units or more within the Plan.

Site ID	Site Name / Address	Proposed Use	Yield (units)
BG1	Land North of Borough Green	Mixed	2000
MG4	Land East of Kiln Barn Road and west of Hermitage Lane, Aylesford	Residential	1300
SN1	Land North of Holborough Lakes, Snodland	Residential	1300
TO1	Land Northeast of Tonbridge	Residential	1671
KH1	Land at Broadwater Farm, Kings Hill	Residential	900
AY1	Land at Aylesford Lakes, Aylesford	Residential	800
HI2	Land off Stocks Green Road, Hildenborough	Residential	629

- 6.9 The largest of the strategic allocations is Land North of Borough Green. This site has capacity to deliver around 3,000 dwellings, alongside other community uses and infrastructure. Parts of the site (around half) is considered to be previously developed land given its former and current minerals extraction site. The site is located within the Green Belt but has been identified for potential release. For the purpose of the Regulation 18 consultation, we have identified that this site has the potential to deliver around 2,000 dwellings, with an additional 1,000 dwellings to be delivered post 2042.
- 6.10 Chapter 14 of the Regulation 18 Local Plan includes the draft proposed allocations. These allocations are required to meet the Government's standard methodology for housing need in the borough. However, these allocations are not set in stone at this stage. Should the Council receive evidence either as part of the consultation or as part of further testing then changes may be made ahead of Regulation 19. However, we would need to find alternative sites to meet the Government housing target, unless neighbouring authorities are able to meet any of our housing need.

#### Further testing of the spatial strategy

- 6.11 As with any Local Plan at Regulation 18 stage, we will be undertaking further testing of our Spatial Strategy to inform our Regulation 19 Local Plan. This will include further testing of all sites to confirm their deliverability in relation to constraints, viability and whether the necessary infrastructure can be provided to support the development, both on their own and cumulatively. Further testing alongside working with infrastructure providers will provide us the confidence about the deliverability of the spatial strategy for when we publish our Regulation

19 Local Plan. In addition, further work on masterplans and design codes will also be progressed as relevant.

### Evidence base

- 6.12 Annexe 3 to this report provides a list of evidence base documents at section (A) that have been progressed by our external consultants to date. It also sets out the evidence and topic papers that have been progressed by officers at section (B). These documents will be provided alongside the Draft Regulation 18 Local Plan consultation and have informed the Local Plan and its policies to date.
- 6.13 There are a number of studies listed at section C of Annexe 3 that are either currently being progressed or will shortly be progressed. These will inform the Local Plan as it progresses from Regulation 18 to Regulation 19 stage.
- 6.14 To inform the Regulation 19 Pre-Submission version of the Local Plan, further updates to the evidence base will be required. The studies that we are aware of now are listed at Annexe 3, section D. Updates to other studies will be dependent on whether we need to undertake work on any additional sites, for example whether we will need further landscape, Green Belt or flood risk assessments. We may also need to progress further studies should we need further evidence to respond to matters that arise from consultation responses.

### Sustainability Appraisal

- 6.15 It is a legislative requirement for Local Plans to be informed by a Sustainability Appraisal (SA). A SA is an iterative process progressed throughout plan-making to assess the likely effects of the Plan when considered against reasonable alternatives. The SA considers both the environmental effects as well as social and economic effects also. The Regulation 18 Local Plan Sustainability Appraisal will be made available alongside the Regulation 18 Local Plan for consultation.

### Duty to Cooperate

- 6.16 Duty to Cooperate is a national requirement and to demonstrate effective and ongoing joint working, it is good practice for local authorities to keep an accurate record of engagement undertaken with neighbouring authorities and other bodies. A Duty to Cooperate update was taken to this Committee on 21<sup>st</sup> May 2024. The Duty to Cooperate Topic Paper will address this in further detail. The Duty to Cooperate will continue throughout the plan-making process.

### Infrastructure

- 6.17 To inform the Regulation 18 Draft Local Plan the Council has engaged with infrastructure providers to ensure that growth proposed can be supported by both new and existing infrastructure. Detailed work has been undertaken to understand likely transport mitigation and this work alongside continued engagement with providers will continue as the Plan evolves towards the Regulation 19 stage. To



support the Draft Regulation 18 Local Plan an Interim Infrastructure Delivery Plan (IDP) is provided for consultation. This is a live document and will be further progressed alongside the Local Plan to ensure that the right level of infrastructure will be provided to support new and existing communities.

#### Draft Active Travel Strategy

- 6.18 A Draft Active Travel Strategy has been prepared in accordance with the Department for Transport's published Local Cycling and Walking Infrastructure Plan (LCWIP) guidance. This provides an evidence base for the improvement of existing and the development of future walking and cycling networks across the borough. It will also support external funding bids for these infrastructure schemes as opportunities become available. The Draft Active Travel Strategy will be provided alongside the Local Plan for consultation

#### Land Availability Assessment and Call for sites

- 6.19 Alongside the Local Plan Consultation we have published an Interim Land Availability Assessment. This is a technical study that identifies and assesses potential future land supply for housing and economic development to support plan-making. It evaluates sites based on their suitability, availability, and achievability for development.
- 6.20 Alongside the Draft Local Plan consultation we will be undertaking another 'call for sites'. This will involve inviting further submissions for land. Any sites submitted will feed into the Regulation 19 stage of the new local plan. The aim will be to understand whether there are any alternative options to deliver our housing and employment need and indeed whether it will be possible to provide a suitable buffer to our housing supply, should sites fall out of the process. The 'call for sites' will run at the same time as the Local Plan consultation.

#### Regulation 18 Consultation

- 6.21 The Regulation 18 consultation will take place between Monday 10<sup>th</sup> November and Monday 22<sup>nd</sup> December 2025 for the statutorily required six-week period.
- 6.22 The Consultation will meet the requirements of the Council's Statement of Community Involvement (2022) which sets out how and when the Council will consult during plan making.
- 6.23 We consider it important to engage with as wide a range and as many individuals and organisations who have an interest in the future of the borough as possible to help shape the Plan and to ensure that future development is delivered in a way that meets our communities and stakeholder's expectations.
- 6.24 The Local Plan Engagement Strategy sets out that we will use the following methods of engagement:

- Consultation / drop in sessions – We will hold up to three events across the borough where the community / stakeholders will be able to view information relating to the Local Plan, to find out how to respond to the consultation and to ask any questions to help inform consultation responses.
- Virtual exhibition - We will provide a virtual exhibition, where we can present information about the Local Plan as well as provide all Local Plan information. The virtual exhibition will also host videos and provide a link direct to the consultation. The virtual exhibition will be made available throughout the consultation and can be accessed by the community and stakeholders at any time and from anywhere.
- Digital consultation platform – The Council has procured a specialist digital platform called ‘Commonplace’ to engage with communities and stakeholders on the Local Plan. The digital platform will provide a ‘one-stop-shop’ for the consultation, providing information that is easy to navigate, making it easy for people to engage with the consultation as well as providing solutions so that all consultation responses can be analysed effectively, using both quantitative and qualitative techniques as well as understanding the nature of responses spatially. The software also provides an opportunity to keep communities and stakeholders on the Local Plan consultation database up to date on local plan progress and will allow the Council to promote and build awareness of the consultation to increase participation.
- Digital maps – The Council has procured specialist software to help understand the suitability and deliverability of sites for future development. This software will be used to present the Council’s Land Availability Assessment evidence base and will provide an opportunity for landowners, agents and developers to engage in this process, including updating information that the Council may hold and also submitting new sites for consideration. It will be possible to see the outputs of the LAA digitally using this software and this will be made available during consultations.
- Video log (Vlog) – We will provide an ‘explainer video’ to introduce the Plan and to let people know what the consultation is about. We can also provide a video guide to help explain how to use the consultation system to help ensure that a high level of responses is received via this medium. These videos will be made available throughout the consultation via various means including our website, the consultation platform, the virtual exhibition and via social media.

6.25 Similar to the previous Regulation 18 Local Plan consultation, Parish briefings will be arranged. There will also be promotion of the consultation across multiple channels including social media, news outlets, the TMBC app and residents’

newsletter. Parish councils will be provided with posters, to encourage people to take part in the consultation.

### Next steps

- 6.26 The Council has progressed much work to inform and produce a Draft Regulation 18 Local Plan for consultation. Following Committee, officers will progress the following:
- Prepare all consultation material, organise and attend consultation events and briefings and undertake the Regulation 18 Local Plan consultation;
  - Consider the responses from the consultation and report on these to this Committee as well as provide a report alongside the Regulation 19 Local Plan setting out how responses have been addressed;
  - Progress further evidence base work as required;
  - Continue with Duty to Cooperate discussions and prepare Statements of Common Ground with Duty to Cooperate partners;
  - Work with the Planning Advisory Service and Barristers to inform the Regulation 19 Draft Pre-Submission Local Plan;
  - Consider any changes to national policy and legislation that may have implications for the emerging Local Plan.
  - Progress work with key landowners and developers such as Masterplans or Design Codes as relevant and further work to confirm the deliverability of sites.
  - Develop the Regulation 19 Draft Pre-submission Local Plan and present to this Committee and Full Council in summer 2026 to be approved for public consultation.
  - Collate and submit representations on the Regulation 19 Pre-Submission Local Plan to the Secretary of State no later than December 2026 for Examination in Public.

## **7 Local Development Scheme**

- 7.1 An updated Local Development Scheme (LDS) was approved by Cabinet in February 2025.
- 7.2 The LDS sets out the timetable for the Local Plan, setting out when the next stages in the plan process are expected. The LDS proposed a timetable for a second Regulation 18 consultation to take place in Quarter 3 (starting in October) in 2025. This report seeks approval to update the LDS to state (starting in

November). The consultation will still take place in quarter 3 as set out in the LDS and no other changes are proposed. The slight delay to the consultation start date is to allow evidence bases to be both available to support the Consultation as well as providing time for Officers to consider the outputs of evidence to inform the Draft Regulation 18 Local Plan as presented to this Committee.

- 7.3 A track changed version of the Local Development Scheme is provided at Annexe 4. Updates are provided on the front page, paragraph 1.2 and table 1 on page 10. If approved a clean version will be uploaded to the Council's website.

## **8 Other Options**

- 8.1 The Council has already committed to preparing a new local plan, this step is an essential part of that process. Options previously considered included delaying the new local plan until the new plan-making system is enacted. However, the publication of the new plan-making regulations and secondary legislation has already been delayed, as has the consultation on new National Policies.
- 8.2 Should a Local Plan not be approved for Regulation 18 consultation, then this will expose the Council to a number of risks. Not progressing a Local Plan will likely result in intervention from central government, which could result in a plan being imposed with limited local influence. This would undermine the Council's ability to reflect community priorities and aspirations.
- 8.3 At present, due to the Borough's housing land supply position, the presumption in favour of sustainable development, as outlined in paragraph 11(d) of the National Planning Policy Framework (NPPF) applies. This means that planning permission should generally be granted unless the negative impacts clearly outweigh the benefits. A new Local Plan would help rebalance this position, giving the Council greater control over development outcomes. Not having a Plan in place will also open the door to more speculative development, particularly for housing sites, where the Council will be left without the necessary policy tools to defend decisions at appeal.

## **9 Benefits of progressing a Local Plan**

- 9.1 Whilst preparing a Local Plan is a legal requirement, there are a number of benefits of having a Local Plan. This includes:
- **Clarity on Growth and Protection:** The new Local Plan will provide a clear spatial strategy, identifying where development should be directed and equally, where it should be resisted. This will help protect sensitive areas while guiding sustainable growth as well as ensuring a coordinated approach for infrastructure provision.
  - **Strengthening the Evidence Base:** As the plan progresses, the publication of supporting evidence documents will begin to inform decision-making on

planning applications. This will enhance the development management process and provide a more robust basis for assessing proposals.

- **Reducing Uncertainty for Communities:** While preparing a Local Plan involves making difficult choices about where growth should occur, it also brings clarity. Many sites identified in the Land Availability Assessment (LAA) will be found unsuitable and excluded from allocation, offering reassurance to communities concerned about speculative development.
- **Empowering Local Planning:** An up-to-date Local Plan will provide a strong strategic foundation for Parish and Town Councils preparing Neighbourhood Development Plans. This will help ensure that local aspirations are aligned with broader planning objectives and supported by current policy.
- **Government reorganisation:** The future of strategic planning in Kent is currently uncertain due to ongoing Local Government Reorganisation (LGR). Having a Local Plan in place when the area becomes a unitary authority will ensure that local priorities are delivered effectively, and that the borough is well-positioned to respond to any future changes in governance.

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

- 10.1 The Local Plan Budget was approved by Full Council on 18<sup>th</sup> February 2025. Since this time, the Council applied for and was awarded £300k from Central Government to contribute to the costs for updating and progressing the Green Belt evidence to meet national planning policy requirements.
- 10.2 The local plan budget estimated costs up to Local Plan adoption. A budget review will take place shortly following the Regulation 18 consultation going live and any implications over that identified within the current budget will be reported to this Committee. This will include an up-to-date consideration of evidence that may be required to respond to matters that arise from consultation responses.

## **11 Risk Assessment**

- 11.1 Consulting on a Regulation 18 Local Plan will bring the Council a stage further in the Local Plan process. Once a Local Plan is adopted, the current risks of not having an up-to-date Plan will be alleviated.
- 11.2 The Government are clear that it is unacceptable for LPAs to not make a Local Plan and have updated the intervention criteria for not progressing a local plan expediently given the criticality of local plans to the Government's housing and economic development agenda. The Government are also clear that plans should continue to be progressed under the existing planning system without delay and have provided transitional arrangements to achieve this where all plans will need

to be submitted no later than 12<sup>th</sup> December 2026. Other risks of not progressing a Local Plan include:

- Credibility with residents and stakeholders if not sticking to our agreed publication timetable;
- No time left to deliver a Local Plan under the current legislative requirements;
- Strips the borough of its protection from indiscriminate development;
- Significant public challenge of the Council as more sites come forward from developers;
- Significantly larger appeal £m costs in trying to defend decisions that are ultimately lost at appeal;
- Significant abortive work and associated costs that cannot be recovered or re-used;
- Unprotected as we enter the new Unitary thus making the borough more vulnerable to a disproportionate amount of housing;
- Staff turnover – significant risk of losing staff with impact on performance and reputation; and
- Delays tend to result in a higher housing target being allocated by Government.

11.3 The Risk Register has been updated and is provided at Annexe 5.

## **12 Legal Implications**

12.1 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.

## **13 Consultation and Communications**

13.1 The Council adopted a Statement of Community Involvement (SCI) in September 2022 and a Local Plan Engagement Strategy was adopted by Cabinet in December 2024. These documents set out the consultation and communication arrangements that will take place to deliver the Local Plan. At each consultation stage the Local Plan, alongside other relevant documents will be published and consulted upon to meet legislative requirements.

## **14 Implementation**

- 14.1 The Local Plan is on-going work. The LDS has been updated and is also reported at this committee with the recommendation for approval. The LDS sets out the timelines of the Local Plan and other relevant documents.

## **15 Cross Cutting Issues**

### **15.1 Climate Change and Biodiversity**

- 15.1.1 Adaptation and resilience have been considered.

- 15.1.2 Climate change advice has not been sought in the preparation of the options and recommendations in this report. The Local Plan itself once adopted will seek to address climate change mitigation and adaptation and will seek to reduce carbon emissions as relevant to new and existing development.

### **15.2 Equalities and Diversity**

- 15.2.1 Members are reminded of the requirement, under the Public Sector Equality Duty (section 149 of the Equality Act 2010) to have due regard to (i) eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010, (ii) advance equality of opportunity between people from different groups, and (iii) foster good relations between people from different groups. The decisions recommended through this paper directly impact on end users.

- 15.2.2 The Draft Regulation 18 Local Plan itself has been subject to an Equalities Impact Assessment to ensure that its policies do not discriminate against those with protected characteristics.

- 15.2.3 The impact has been analysed and does not vary between groups of people.

### **15.3 Data Protection**

- 15.3.1 The engagement strategy sets out how we will consult with communities and stakeholders including the use of software platforms. Data protection is a key consideration within the work we do. The Council holds information within databases to enable us to consult on the Local Plan as well as gather information for the Council's Local plan evidence, such as the Land Availability Assessment. and data protection consultation process. Databases are kept up to date and used to keep registered individuals, organisations and groups informed on the production of any planning policy documents. In order to accord with the requirements of the General Data Protection Regulations (GDPR) 2018, those wishing to take part in the consultation and / or be contacted in relation to community engagement and updates to the Local Plan, must register with TMBC. In compliance with GDPR, contact details cannot be shared.

Background Papers	<p>Local Plan Engagement Strategy (HPSSC 3<sup>rd</sup> December 2024  <a href="https://democracy.tmbc.gov.uk/ieListDocuments.aspx?CId=465&amp;MId=5962&amp;Ver=4">https://democracy.tmbc.gov.uk/ieListDocuments.aspx?CId=465&amp;MId=5962&amp;Ver=4</a></p> <p>Statement of Community Engagement (2022) <a href="#">Statement of Community Involvement (SCI)</a></p> <p>Regulation 18 Local Plan Consultation document (2022)  <a href="https://www.tmbc.gov.uk/local-plan/regulation-18-consultation">https://www.tmbc.gov.uk/local-plan/regulation-18-consultation</a></p> <p>HPSSC 6<sup>th</sup> December 2022 <a href="#">Agenda for Housing and Planning Scrutiny Select Committee on Tuesday, 6th December, 2022, 7.30 pm</a></p> <p>HPSSC 18<sup>th</sup> July 2023 <a href="#">Agenda for Housing and Planning Scrutiny Select Committee on Tuesday, 18th July, 2023, 7.30 pm</a></p> <p>HPSSC 12<sup>th</sup> February 2025 <a href="#">Agenda for Housing and Planning Scrutiny Select Committee on Wednesday, 12th February, 2025, 7.30 pm</a></p>
Annexes	<p>Annexe 1 DRAFT desktop published Regulation 18 Local Plan</p> <p>Annexe 2 Proposed allocated housing and employment growth by settlement</p> <p>Annexe 3 List of evidence base documents progressed / due to be progressed</p> <p>Annexe 4 Local Development Scheme with track changes for ease of reference</p> <p>Annexe 5 Risk Register</p>