

# STRATEGIC PLANNING AND INFRASTRUCTURE COMMITTEE

08 June 2021

## Consultation on the Tunbridge Wells Borough Council Pre-Submission (Regulation 19) Plan

|                                       |   |
|---------------------------------------|---|
| <b>Final Decision-Maker</b>           | Strategic Planning and Infrastructure Committee |
| <b>Lead Head of Service</b>           | Rob Jarman                                      |
| <b>Lead Officer and Report Author</b> | Helen Garnett<br>Helen Smith                    |
| <b>Classification</b>                 | Public  |
| <b>Wards affected</b>                 | All   |

### Executive Summary

Consultation on Tunbridge Wells Borough Council's Local Plan (Regulation 19) submission draft commenced on the 26 March 2021. This report sets out the scope of the consultation and the key matters arising from the plan which are of consideration for Maidstone Borough Council. It recommends that members agree a formal response to the consultation, as drafted by officers and appended to this report. Whilst the deadline for comments is 04 June 2021, TWBC has requested that MBC submits comments by that date. Because of the timing of committee, an arrangement has been made whereby officer level comments have been submitted before the 04 June deadline, and any further member comments will be submitted following this committee meeting.

### Purpose of Report

To inform Members of the current consultation on the Tunbridge Wells Draft Local Plan and to seek agreement to submit the response appended to this report.

### This report makes the following recommendations to this Committee:

1. That Members note the current consultation on the Tunbridge Wells Borough Council Draft Local Plan; and
2. That Members resolve to agree the officer level response to this consultation at Appendix 1 of this report.

### Timetable

| <b>Meeting</b>                        | <b>Date</b>  |
|---------------------------------------|--------------|
| Strategic Planning and Infrastructure | 08 June 2021 |

# Consultation on the Tunbridge Wells Borough Council Pre-Submission (Regulation 19) Plan

## 1. CROSS-CUTTING ISSUES AND IMPLICATIONS

| Issue                                 | Implications  | Sign-off                      |
|---------------------------------------|---|-------------------------------|
| <b>Impact on Corporate Priorities</b> | <p>The four Strategic Plan objectives are:</p> <ul style="list-style-type: none"> <li>• Embracing Growth and Enabling Infrastructure</li> <li>• Safe, Clean and Green</li> <li>• Homes and Communities</li> <li>• A Thriving Place</li> </ul> <p>Accepting the recommendations will enable the Council to ensure that plans in a neighbouring authority do not materially harm its ability to achieve each of the corporate priorities.</p>   | Rob Jarman                    |
| <b>Cross Cutting Objectives</b>       | <p>The four cross-cutting objectives are:</p> <ul style="list-style-type: none"> <li>• Heritage is Respected</li> <li>• Health Inequalities are Addressed and Reduced</li> <li>• Deprivation and Social Mobility is Improved</li> <li>• Biodiversity and Environmental Sustainability is respected</li> </ul> <p>The report recommendations support the achievements of the four, cross cutting objectives by ensuring that plans from a neighbouring authority do not materially harm the council's ability to achieve these objectives.</p> | Rob Jarman                    |
| <b>Risk Management</b>                | <p>The recommendations seek to reduce the risk associated with the production of the Local Plan Review by ensuring that plans in a neighbouring authority are not in conflict with our own and those set out in government policy.</p>  | Rob Jarman                    |
| <b>Financial</b>                      | <p>The recommendations seek to reduce the risk associated with the production of the Local Plan Review by ensuring that plans in a neighbouring</p>   | Section 151 Officer & Finance |

|                                    |   |                                       |
|------------------------------------|---|---------------------------------------|
|                                    | authority are not in conflict with our own.   | Team                                  |
| <b>Staffing</b>                    | We will deliver the recommendations with our current staffing.  | Rob Jarman                            |
| <b>Legal</b>                       | Accepting the recommendations will help fulfil the Council's duties under Planning and Compulsory Purchase Act 2004 and the Town and Country Planning (Local Planning) (England) Regulations (2012) as amended. | Russell Fitzpatrick (MKLS (Planning)) |
| <b>Privacy and Data Protection</b> | Accepting the recommendations will not increase the volume of data held by the Council.   | Policy and Information Team           |
| <b>Equalities</b>                  | The recommendations do not propose a change in service therefore will not require an equalities impact assessment.  | Senior Policy and Engagement Officer  |
| <b>Public Health</b>               | No implications identified  | Public Health Officer                 |
| <b>Crime and Disorder</b>          | The recommendation will not have a negative impact on Crime and Disorder.   | Rob Jarman                            |
| <b>Procurement</b>                 | N/A   | Rob Jarman & Section 151 Officer      |

## 2. INTRODUCTION AND BACKGROUND

- 2.1 This report sets out the key issues arising from the Tunbridge Wells Borough Council's (TWBC) emerging Local Plan.
- 2.2 Previous consultations took place on Issues and Options for the new Local Plan in 2017, and on a draft Local Plan in autumn 2019. Maidstone Borough Council (MBC) responded to both consultations. The 2019 consultation presented a relatively advanced plan which contained allocations and draft policies. In its response to that consultation, MBC indicated its support for the overall strategy, subject to the finalising of its evidence base, particularly in relation to the growth of Paddock Wood.
- 2.3 Since the last consultation, further work has been undertaken by TWBC to refine the strategy and to finalise the evidence base.
- 2.4 This plan constitutes the 'full' plan as will be submitted to the Planning Inspectorate for examination. It sets out the strategic vision, objectives and spatial strategy for Tunbridge Wells borough, as well as identifying sites to meet housing and employment land need, along with planning policies that will guide future development.

- 2.5 As this is a Regulation 19 draft, the consultation is only seeking representations as to (1) legal compliance of TWBC's proposed Local Plan with the Planning and Compulsory Purchase Act 2004 (as amended) and associated Regulations and (2) the 'soundness' of TWBC's Local Plan and (3) whether TWBC has complied with its 'duty to co-operate'.
- 2.6 To be sound, a plan must: as a minimum, seek to meet the needs objectively assessed needs whilst delivering sustainable development; be considered against reasonable alternatives and supported by adequate evidence; be deliverable over the plan period and based on effective cross-boundary strategic priorities and; be consistent with national policy. In accordance with paragraph 35 of the NPPF, Local Plans are, briefly stated, considered to be 'sound' if they:
- Are **positively prepared** in that the proposed Local Plan provides a strategy which, as a minimum, seeks to meet the area's objectively assessed needs; and (where appropriate) is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development
  - Are **justified** in that the proposed Local Plan proposes an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;
  - Are **effective** in that the proposed Local Plan is deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and
  - Are **consistent with national policy** in the proposed Local Plan enables the delivery of sustainable development in accordance with the policies in the NPPF.

#### Headline considerations from the Tunbridge Wells Local Plan

- 2.7 A full copy of the TWBC Local Plan (Regulation 19) Pre- submission Consultation is available at: [Pre-Submission Local Plan \(tunbridgewells.gov.uk\)](http://tunbridgewells.gov.uk) This report focusses on those matters that impact on the Borough of Maidstone.

#### Evidence base

- 2.8 TWBC's (Regulation 19) Pre-submission Local Plan is accompanied by a suite of evidence documents including those listed below:
- Local Plan Viability Assessment
  - Duty to Cooperate Statement
  - Infrastructure Delivery Plan
  - Gypsy and Traveller Accommodation Assessment
  - Strategic Housing Market Assessment
  - Retail and Leisure Study
  - Economic Needs Study

- Strategic Housing and Economic Land Availability Assessment
- Habitats Regulations Assessment
- Green Belt Study Stage
- Strategic Flood Risk Assessment
- Transport Strategy

2.9 The Local Plan has also been tested through Sustainability Appraisal.

#### Duty to Cooperate

2.10 MBC and TWBC have engaged in ongoing duty to cooperate throughout the development of their respective plans. Both authorities are seeking to meet their own housing and employment need, and cross boundary matters in relation to infrastructure have also been considered as part of the duty to cooperate process. A Statement of Common Ground has been agreed between MBC and TWBC in advance of TWBC's Regulation 19 consultation.

2.11 Officers are satisfied that both authorities have met their duty to cooperate to date.

#### Housing and strategy

2.12 The government's standard methodology identifies TWBC's need for the plan period from 2020 to 2038 as 12,204 new dwellings. TWBC are seeking to meet this need and will include a buffer of around 1,000 dwellings. TWBC also undertook a Strategic Housing Market Assessment to consider sub-needs of the housing market, such as affordable and older people's housing, and considered whether there were exceptional circumstances to meet a lower overall need through its Housing Needs Assessment Topic Paper. This paper concluded that there was no justification for meeting its lower need, and that the annual delivery rate required by the standard methodology is deliverable. TWBC is seeking to deliver its housing need through a dispersed growth with two strategic sites at Paddock Wood/Capel and Tudeley village.

2.13 TWBC published its Gypsy and Traveller Accommodation Assessment (GTAA) in January 2018 which indicated a need for 32 permanent pitches over the plan period. TWBC is seeking to meet this need through a mix of allocations and enlargement of existing sites.

#### Landscape and Green Belt

2.14 The borough of Tunbridge Wells is significantly constrained by green belt and the High Weald AONB. Whilst the north of the borough is largely free of landscape constraints, TWBC have opted for a strategy that would locate development within the AONB and its setting, along with development in the Green Belt. To support this strategy, TWBC have undertaken a Green Belt Study, AONB setting analysis, and a Landscape and Visual Impact Assessment. Whilst the Metropolitan Green Belt does extend into Maidstone Borough, the loss of green belt at Paddock Wood and Tudeley would not undermine or place pressures on the green belt in Maidstone Borough. Similarly, the setting of the High Weald AONB

extends into the south of Maidstone, but again development in Tunbridge Wells Borough is unlikely to add to landscape pressures in Maidstone borough. The approach taken to assess the impact on the AONB and loss of green belt is considered to be appropriate.

### Sustainability Appraisal

2.15 The plan has been assessed for its contribution to sustainable development through the Sustainability Appraisal. This considers the preferred strategy along with 11 reasonable alternatives, strategic policies, plan allocations and their reasonable alternatives, and development management policies. In this regard MBC consider that TWBC has met its obligation under relevant legislation.

### Employment

2.16 In terms of employment land, the 'Sevenoaks and Tunbridge Wells Economic Needs Study' identified a need for a minimum of 14 ha of employment land, equating to approximately 120,000sqm of floorspace. TWBC draft Local Plan proposes to allocate 26.5 ha of land, which is expected to be appropriate in relation to the minimum provision required, with sufficient flexibility depending on density of floorspace provided on each site (i.e. light industry and warehousing will come forwards at lower densities than purely office uses). TWBC is seeking to meet its own employment land need and MBC is supportive of this approach.

### Transport

2.17 The draft Plan is supported by an Infrastructure Delivery Plan and a Transport Strategy. The following transport schemes are those which are considered necessary to support the growth identified in the plan which are relevant to Maidstone borough:

- Improved A228 Maidstone Road/Whetsted Road priority junction
- Improved A228/Whetsted Road/A228 Branbridges Road/B2160 Maidstone Road roundabout
- Improved B2160 Maidstone Road/Commercial Road priority junction

2.18 Officers recognise the need for and support these highways improvements and will continue to engage with TWBC to assess their impacts as part of the duty to cooperate process.

### Retail

2.19 In terms of retail needs, the 2017 Retail and Leisure Study has been updated for 2021 (RCLTCU Study 2021), recognising the current state of change within the wider retail market. This study concludes that there is no need to allocate land for convenience or comparison retail floorspace. TWBC will instead focus on the reuse of vacant floorspace and the bolstering of existing units. MBC supports this approach – particularly in the short term – but suggests that this is kept under regular review to ensure sufficient floorspace remains available to meet needs over the plan period.

## Flood risk

2.20 The Strategic Flood Risk Assessment identifies that areas to the north of Paddock Wood are particularly prone to flooding. As was the case in MBC's previous consultation response, there are no issues relating to the principle of the expansion of Paddock Wood, on condition that any expansion can be suitably accommodated without further risk of flooding to the surrounding areas of Maidstone Borough, and that betterment can and will be provided in these locations where appropriate.

## Paddock Wood expansion (policy STR/SS1)

2.21 The draft plan policy STR/SS1 'the strategy for Paddock Wood, including land at east Capel' sets out the planned growth of Paddock Wood by approximately 3,490-3,590 dwellings; plus three neighbourhood centres providing approximately 2,000sqm retail floorspace total; and other associated infrastructure to serve the local needs. The policy also states that proposals for piecemeal development will be resisted.

2.22 The overall policy approach is considered to be suitably comprehensive and raises no issues of soundness or objections in this regard. Officers recognise the need for continued engagement with TWBC through the well-established Strategic Sites Working Group and duty to cooperate process, as the masterplans and an SPD for this area are further developed.

## Summary

2.23 As this is a Regulation 19 draft, the scope of the Council's response is limited to matters of legal compliance, soundness and compliance with the 'duty-to-cooperate'. Following this consultation, TWBC may consider making pre-submission plan changes in response to the consultation.

2.24 Taking into account the information presented with the consultation and subject to the comments raised in the attached representation, MBC does not wish to raise issues with the Regulation 19 draft Local Plan in terms of legally compliance, 'soundness', or duty to cooperate.

2.25 The deadline for comments is on 04 June 2021. An agreement has been made with TWBC that officer level comments would be submitted in advance of that date, and that any member comments or changes will be accepted by TWBC in an update to that response. The officer level comments comprise the response at Appendix 1 to this report.

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## **3. AVAILABLE OPTIONS**

3.1 Officer level comments have been submitted to TWBC in advance of this meeting and therefore the options listed below reflect this position.

- 3.2 Option 1: That members agree the officer response to the consultation at appendix 1 of this report.
- 3.3 Option 2: That members amend or include additional comments to the officer level response, which are then to be provided in an update to TWBC.
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#### **4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS**

- 4.1 For the reasons set out above, it is recommended that Option 1 is followed and that members agree the officer level response as appended to this report.
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#### **5. RISK**

- 5.1 The risk associated with these proposals, as well as any risks should the Council not act as recommended, have been considered in line with the Council's Risk Management Framework. We are satisfied that the risks associated are within the Council's risk appetite and will be managed as per the Policy.
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#### **6. REPORT APPENDICES**

The following documents are to be published with this report and form part of the report:

- Appendix 1: Draft Response to the TWBC Local Plan Regulation 19 Consultation