

MAIDSTONE BOROUGH COUNCIL

RECORD OF DECISION OF THE LEAD MEMBER FOR PLANNING AND INFRASTRUCTURE

Decision Made: 3 November 2022

Response to Tonbridge and Malling Borough Council Local Plan consultation

Issue for Decision

Tonbridge and Malling Borough Council is preparing a new Local Plan and has launched a Regulation 18 stage public consultation which closes on 3 November 2022. The new Local Plan will cover the period up to 2040. This decision considers the Council's draft response to the consultation, set out in Appendix 1 to the report.

Decision Made

That Maidstone Borough Council's response to the Local Plan Regulation 18 consultation, attached as Appendix 1 to the report, be submitted to Tonbridge and Malling Borough Council.

Reasons for Decision

- 1.1 Tonbridge and Malling Borough Council (TMBC) is currently consulting on a Regulation 18 stage Local Plan document. The consultation runs from 22 September to 03 November 2022.
- 1.2 This section of the decision provides a summary of the consultation and the proposed response from Maidstone Borough Council. The full response is set out in Appendix 1 to the report.

Background

- 1.3 TMBC is preparing a new Local Plan. It is intended that this document, once adopted, will supersede a suite of plans dating from between 2007 and 2010 which currently form part of that borough's statutory development plan. The new Local Plan will cover the period 2021 to 2040.
- 1.4 It is noted that TMBC previously prepared a detailed Local Plan. This was submitted to the Secretary of State for Examination in Public in January 2019. However, following comments from the Planning Inspector with respect to the matter of compliance with the duty to cooperate, TMBC withdrew the plan and took the decision to recommence the Local Plan review process.
- 1.5 TMBC is now carrying out an early-stage public consultation on a new Local Plan. This is a Regulation 18 stage consultation in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012, as amended. The consultation documents comprise a Local Plan document and an Interim Sustainability Appraisal Report. A 'Call for Sites' exercise is also

being undertaken concurrently, where the public is being asked to identify land that may be suitable for development.

- 1.6 Further information about the consultation and links to view the documents are available online at:

<https://www.tmbc.gov.uk/local-plan/regulation-18-consultation>

- 1.7 TMBC's Local Development Scheme (LDS) sets out the timetable for preparing the Local Plan. Following the current Regulation 18 consultation the LDS provides for a Regulation 19 consultation (August-October 2023), Regulation 22 submission of the Local Plan to the Secretary of State for examination (January 2024) and adoption (July 2025).

Consultation content

- 1.8 TMBC is in the early stage of the plan-making process. The Local Plan consultation document is therefore focussed principally on setting the scope of the new plan. The document includes contextual information and identifies the main issues and priorities for the plan across a range of topic areas. It also presents policy options to address the identified issues. The document does not set out preferred policy approaches as these will be established later in the plan process, informed by consultation feedback and additional evidence.
- 1.9 The Local Plan consultation document is organised into 8 main sections under which there are a range of policy topic areas. The sections include questions for which TMBC is seeking responses to, with 50 questions in total. The main sections are as follows:
- Introduction
 - Local context
 - Vision
 - Spatial distribution of development
 - Strategic matters
 - Other matters
 - Further information
 - Next steps
- 1.10 The Local Plan document provides an indication of the borough's future growth requirements that the plan will address. These requirements are informed by the latest evidence base. This includes a local housing need figure in Tonbridge and Malling borough of 839 dwellings per annum or 15,941 dwellings (gross) across the plan period up to 2040. The document indicates that TMBC will seek to meet this need in full through the Local Plan.
- 1.11 To address identified needs for new development the Local Plan document sets out considerations for the settlement hierarchy along with spatial options for distributing growth. It is noted that these options provide for areas that are proposed to be a 'focus of development'. Many of these include development in the northern and eastern parts of the borough in proximity to the Maidstone Borough boundary.

- 1.12 The Local Plan document identifies further strategic matters which cut across a range of policy areas including housing, economic development, transport, Tonbridge town centre and retail, community facilities and infrastructure, natural environment, built and historic environment, green belt and climate change. In some instances, it is expected that additional evidence will be prepared to inform the consideration of policy approaches as work on the plan progresses.

Maidstone Borough Council response

- 1.13 Whilst the Regulation 18 consultation includes a suite of 50 questions (which are also set out in a companion 'paper form' response booklet) it is proposed to provide a long-form response in order to focus on those key areas of interest to Maidstone Borough Council at this time. The response is attached as Appendix 1 to the report.
- 1.14 The Council has a statutory duty to cooperate with prescribed bodies, including neighbouring local authorities, on strategic cross-boundary matters. Maidstone Borough Council has and will continue to engage positively and proactively with TMBC through the Local Plan process. The consultation response reaffirms this position and welcomes the opportunity to comment on the emerging local plan as part of the ongoing engagement.
- 1.15 At this stage in the plan process there are no preferred policy approaches confirmed and it is therefore difficult to assess the implications of the plan on Maidstone borough.
- 1.16 However, the response does raise concerns with some of the spatial options for distributing growth within Tonbridge and Malling Borough. Whilst at this stage details as to the preferred spatial approach and quantum of development expected in different locations are yet to be confirmed, the response raises concerns with the spatial options in terms of their impacts, particularly on the highway network and air quality.
- 1.17 The consultation response also provides additional comments on selected topic areas which may have strategic cross-boundary implications, including housing and economic development.
- 1.18 TMBC has published a Sustainability Appraisal (SA) Interim Report as part of the Regulation 18 consultation. The consultation response does not provide any comments on this document. The SA will be considered by the relevant statutory consultees Environment Agency, Natural England and Historic England. The Council may seek to comment on future iterations of the SA during the next stages of public consultation.

Previous Consultation and Policy Advisory Committee Feedback

- 2.1 This issue was considered by the Planning and Infrastructure Policy Advisory Committee on 3 November 2022 and the Committee supported the recommendations.

Alternatives considered and why rejected

Option 1 **(APPROVED)**: That the draft response to the consultation be approved. This would allow the response to be sent by the submission deadline and help to ensure the Council fulfils its statutory duty to cooperate.

Option 2 **(NOT APPROVED)**: That the draft response be approved, subject to further comments and changes. Depending on the extent and timing of the receipt of these comments, there may be insufficient time for the response to be sent by the submission deadline.

Option 3 **(NOT APPROVED)**: That the draft response is not approved. However, this would mean the response would not be sent and the Council's views on the Regulation 18 document would not be duly submitted for consideration by Tonbridge and Malling Borough Council as work on their Local Plan progresses. It would also compromise the Council's ability to demonstrate it has fulfilled its statutory duty to cooperate.

Background Papers

None.

I have read and approved the above decision for the reasons (including possible alternative options rejected) as set out above.



Signed: _____
Lead Member for Planning and Infrastructure

Full details of both the report for the decision taken above and any consideration by the relevant Policy Advisory Committee can be found at the following area of the [website](#)

Call-In: Should you be concerned about this decision and wish to call it in, please submit a call-in form signed by any three Members to the Proper Officer by: **5pm 11 November 2022**