

**STRATEGIC PLANNING  
SUSTAINABILITY &  
TRANSPORTATION COMMITTEE**

**6<sup>th</sup> November 2018**

**Tonbridge & Malling Local Plan Reg. 19 consultation**

<b>Final Decision-Maker</b>	Strategic Planning, Sustainability & Transportation Committee
<b>Lead Head of Service/Lead Director</b>	Rob Jarman, Head of Planning & Development
<b>Lead Officer and Report Author</b>	Sarah Lee, Principal Planning Officer (Strategic Planning)
<b>Classification</b>	Public
<b>Wards affected</b>	All

**Executive Summary**

Tonbridge & Malling Borough Council has published its pre-submission (Regulation 19) version of its Local Plan for public consultation. The Plan covers the period 2011 – 2031. This report sets out the headline content of the document. It recommends that formal consultation responses be sent relating to its approach to housing, air quality, transport, green infrastructure and Gypsy and Traveller provision.

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

1. That the responses sets out in Appendix 1 be agreed as this Council's response to the Tonbridge & Malling Local Plan Regulation 19 consultation.

**Timetable**

<b>Meeting</b>	<b>Date</b>
Strategic Planning, Sustainability & Transportation Committee	6 <sup>th</sup> November 2018

# Tonbridge & Malling Local Plan Reg. 19 consultation

## 1. INTRODUCTION AND BACKGROUND

### Introduction

- 1.1 Tonbridge & Malling Borough Council (TMBC) has published its pre-submission (Regulation 19) version of its Local Plan for public consultation. The document is a 'full' Local Plan which, once adopted, will supersede a suite of plans dating from between 2007 and 2010 which currently forms part of that borough's development plan. It covers the period 2011 to 2031.
- 1.2 The consultation document is available here;  
[https://www.tmbc.gov.uk/\\_data/assets/pdf\\_file/0005/618890/Local\\_Plan\\_Reg19\\_Consultation\\_web.pdf](https://www.tmbc.gov.uk/_data/assets/pdf_file/0005/618890/Local_Plan_Reg19_Consultation_web.pdf)
- 1.3 TMBC published a Regulation 18 document 'The Way Forward' in November 2016. This council responded to that document with the following points;
  - mitigating transport impacts on already busy routes into Maidstone will be vital, including the A20, Hermitage Lane and the A26, the latter having already been subject to a significant increase in traffic following developments at Kings Hill;
  - It is noted that there are a number of 'potential developable areas' situated near to the border with Maidstone Borough. In particular the 'South Aylesford and Ditton' area is proposed for significant new residential and employment development. This area already suffers from traffic congestion at both peak times and non-peak times and the proposed developments will potentially make the situation much worse.
  - The measures adopted should consider the location of current and future communities and transport routes, rather than borough boundaries. In particular, the current problems around Hermitage Lane and the A20 must be addressed. Focus in this regard should be upon an alternative transport route that draws road traffic away from this part of the A20 and Hermitage Lane and on potential improvements to sustainable public transport.
  - There are also significant concerns around air quality and the associated impact of new development
  - In their current form, the proposals could also allow settlements to coalesce with Maidstone. The retention and provision of substantial open space, including areas of landscaped semi-natural open space as an integral part of any development proposals is crucial to preventing the coalescence of the Maidstone and Malling urban areas.
- 1.4 TMBC intends to submit its plan to the Planning Inspectorate (acting for the Secretary of State) before 24<sup>th</sup> January 2019. By doing this it will be subject to the National Planning Policy Framework's (NPPF) 'transitional arrangements' meaning the plan will be examined under the provisions of the 2012 version of the NPPF and not the revised 2018 version.

Significantly this means TMBC can use its locally derived housing need figure of 13,920 new homes (696/year) established through its Strategic Housing Market Assessment and not the figure that would result from the Government's new standard methodology.

- 1.5 Thereafter the timetable is as follows, albeit that the actual dates will be dependent on the Planning Inspectorate;
- Local Plan Examination commencing in April 2019
  - Main Modifications consultation commencing in September 2019
  - Adoption December 2019

### **Headlines from the TMBC Local Plan**

- 1.6 **Housing:** Taking account of completions, planning consents and a windfall allowance, the net housing requirement the plan needs to provide for is 6,534. The Local Plan aims to meet this need in full within the borough boundaries and states that the plan makes provision for at least 6,834 new homes.
- 1.7 The plan's spatial approach is focused on 5 strategic sites at Tonbridge (480 homes), Borough Green (1,720 by 2031; 3,000 in total), Eccles (900; 1,514 in total), Kings Hill (900) and at South Aylesford (1,000). These strategic sites are supplemented with a selection of smaller, allocated sites in and adjacent to the borough's main settlements including 3 parcels of land at East Malling Research Centre totalling some 444 dwellings.
- 1.8 A Sustainability Appraisal Report has been published to accompany the plan. This is a key way to test the reasonable alternative strategies prior to selecting the preferred strategy for inclusion in the plan. Five alternative spatial options were assessed and the selected approach was identified as the most sustainable, however the report is brief on the reasons for this and a comparative assessment between the options would have been useful to clearly demonstrate that the selected approach is 'the most appropriate strategy' which is the test the plan will be measured against<sup>1</sup>.
- 1.9 **Employment:** The plan provides for 38.5ha of B class employment land including 7.8 ha at East Malling Research Station (B1 uses - offices, R&D and light industrial), 7.3ha north of M20 J5 (B1 & B8 storage & distribution), a modest extension to Hermitage Court (1.4ha B1) and the Royal British Legion, Hall Road Aylesford (1.5ha; B1,B2,B8). The need is reported to be primarily for light industrial and distribution style floorspace, with some qualitative need for additional office space, especially to facilitate business expansion and smaller units suitable for business start-ups. . The Aylesford Newsprint site is retained as an employment site for light industrial, industrial and distribution/storage type uses with a requirement to link Bellingham Way to the west of the site and Station Road Aylesford to the east as part of the development to ease junction capacity on A20. The allocations result in a modest shortfall of 8.3ha compared with evidenced needs which the plan states will be met through intensified use of existing sites.

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<sup>1</sup> Paragraph 182 of 2012 NPPF

1.10 **Transport:** the plan is accompanied by an Infrastructure Delivery Plan (IDP) which lists the infrastructure schemes needed to support the Local Plan's growth. The following items are considered to be particularly relevant to Maidstone borough;

- a) Hermitage Lane- St Andrews Road-Heath Road junction improvements
- b) Tonbridge Road (A26)-Fountains Lane-Farleigh Lane junction improvements
- c) A20 Coldharbour Lane roundabout enlargement
- d) New link road across the South Aylesford strategic site linking Hermitage Lane to the 20/20 roundabout
- e) A 'fast and frequent' bus service between South Aylesford and Maidstone town centre
- f) Sustainable transport measures (unspecified)
- g) Footway/cycleway to link south Aylesford, Barming station and A20

1.11 Items b) and c) are also listed in the Maidstone IDP with funding secured through s106 monies and the Maidstone Integrated Transport Package (MITP). T&M's Transport Assessment Addendum (August 2018) indicates that the Tonbridge Road (A26)-Fountains Lane-Farleigh Lane junction will be operating beyond capacity at 2031 even with the implementation of the proposed scheme. Further detailed work is required to ensure there is a meaningful scheme which will mitigate the development on both sides of the boundary, including development in Maidstone borough for which s106 monies have already been secured, to ensure a co-ordinated approach to improvements along Hermitage Lane.

1.12 Improvement to Junction 5 of M20 is a funded item in the MITP although it is understood that there is no detailed scheme at present as outline work did not demonstrate sufficient improvements.. The T&M plan documentation is silent on whether a scheme at this junction is needed to support the growth on the T&M side of the border. If it is needed, it should be reflected in the T&M IDP and in the relevant site allocation policies in the plan itself.

1.13 T&M's IDP also lists an improvement scheme for the A20/Hall Road/Mill Road junction which serves the Quarry Wood retail park. The IDP signals that KCC is hoping for £2.2m of the £3.5m cost of this scheme from Local Growth Fund funding. There is no 'in principle' objection to this improvement provided the funding is not diverted from the monies agreed in the MITP.

1.14 The transport evidence supporting the plan assumes a 10% reduction in car trip generation as people convert to more sustainable modes of transport – cycling, walking, public transport and car sharing. The IDP lists two specific measures, e) and g) above, which could impact on traffic flows into Maidstone although both proposals are un-costed at this stage. Otherwise, the assumed degree of modal shift will be achieved through unspecified sustainable transport measures negotiated in connection with individual planning applications. Officers' view is that the plan should be more specific about the actual measures which are required and will be delivered in conjunction with specific developments to enable people to make sustainable travel choices.

- 1.15 **South Aylesford Strategic allocation:** This housing allocation lies to the south of the A20 Coldharbour roundabout and to the east of Hermitage Lane. The allocation extends to include the parcel of land on the Maidstone side of the London Road (A20) railway bridge adjacent to Bunyards Farm. A proposed link road across the site will connect Hermitage Lane and the 20/20 roundabout. This will 'bifurcate' traffic flows, helping to moderate the increase in traffic movements through the Hermitage Lane-A20 (London Road) junction.
- 1.16 The policy for the site requires the applicant to prepare a masterplan prior to the submission of an application which, amongst other things, will result in the development making a proportionate contribution to improvements at the southern end of Hermitage Lane at and leading to the junction between Fountain Lane and the A26 Tonbridge Road. Also, contributions are required towards the A20/Hall Road/Mill Road junction which serves the Quarry Wood retail park and to the Hermitage Lane/A20 junction. The policy also requires a 2FE primary school and contributions towards secondary education and healthcare to meet the needs of the development. These infrastructure items are also listed in the IDP.
- 1.17 There is however a current planning application on the main part of this site for 840 dwellings submitted in 2017. MBC has objected to the application on 3 grounds; i) the absence of mitigation or improvements to the A26/Fountain Lane/Farleigh Lane junction and to the Hermitage Lane/St Andrews Road/Heath Road junction; ii) absence of land for a doctors surgery; and iii) insufficient open space, landscaped areas and woodland belts to soften the proposed development, enhance the visual character of the local area and prevent the coalescence of Maidstone and the Malling area.
- 1.18 **Areas of Opportunity:** Land at East Malling Research Centre (estimated to be approximate 75ha by MBC officers) is identified as an area of opportunity for the post 2031 period. Details in the plan are minimal however it signals that the delivery of this site would need to follow the A20/Mills Road/Hall Road junction improvements, the completion of the link between Hermitage Lane and the 20/20 across the South Aylesford strategic site and improvements to M20 J5.
- 1.19 **Air Quality:** In T&M borough there are Air Quality Management Areas (AQMAs) along M20 and also along the A20 London Road between the Quarry Wood Junction and the junction with Hermitage Lane. In Maidstone borough the AQMA extends along the M20 and also along key routes in the town including A20, A26 and Hermitage Lane which link with T&M borough.
- 1.20 Strategic air quality modelling has been completed to support the plan and the report concludes that the position in T&M's AQMAs will not worsen as a result of the planned development. The report does not appear to have assessed the implications for the Maidstone AQMA so officers are unable to confirm for the Committee whether the plan will result in any significant change. This is a matter to be raised in the council's response.

- 1.21 The air quality report encourages T&M to develop sustainable transport plans for the strategic development sites as early as practicable to support model shift. It advises the identification of measures such as additional cycling routes, more frequent and/or more direct bus services to connect with railways or commercial centres, low emission bus services and contributions to electric vehicle (EV) charging infrastructure. The report goes on to recommended that TMBC require major development to maximise opportunities for incorporating EV charging points into new residential housing areas and explore options for the introduction of commercial 'car clubs' with low emission car sharing and bike hiring schemes.
- 1.22 As stated previously, such specific measures do not feature in the plan or in its IDP. The link between transport choices and air quality underlines the need for the plan to provide clarity about the sustainable measures that will be delivered with development rather than deferring this detail for subsequent masterplanning or development management decisions.
- 1.23 **Gypsies & Travellers:** The plan states that there is a need for 16 additional pitches over the remaining plan period. The plan does not make specific site allocations; instead it seeks to safeguard 6 existing sites and identifies that these may be suitable for intensification. The absence of firm allocations brings some risk that the identified need for pitches will not be met during the plan period. The plan includes a development management policy against which planning applications will be assessed.
- 1.24 **Habitat Regulations Assessment/Green infrastructure:** The impact of the plan's proposals on European nature conservation sites, including the part of the North Downs Woodland adjacent to A249 in Maidstone borough, has been tested by TMBC. The HRA Screening Report concludes the predicted changes in NOx levels, linked to traffic growth, are unlikely to have a perceptible change on the habitat. The report goes on to highlight the role that sustainable transport measures can have in reducing the predicted traffic impacts and thereby reduce the nitrogen effects on the designated sites.
- 1.25 The plan contains a Green Infrastructure & Ecological Network Diagram showing 'principal green corridors' which, according to Policy LP19, "provide opportunities for species and habitats to migrate along as they adapt to the negative effects of climate change". The policy does not aim to prevent development; rather it states that major development should contribute to habitat creation etc in these locations. The diagram also shows 'principal green corridor extensions' as arrows extending into neighbouring boroughs. In Maidstone's case these are in the vicinity of Yalding/Laddingford, Teston/Barming, Forstal Road and Westfield Sole. Clearly it is not the role of T&MBC to illustrate approaches on this side of the boundary, especially as its policy approach has not previously been raised or agreed through Duty to Co-operate discussions.
- 1.26 **Green Belt:** The plan proposes to extend the Green Belt to cover the gap between Kings Hill (excluding the proposed strategic site) and East Malling/Leybourne/West Malling to prevent coalescence. Bearing in mind this revised boundary abuts established settlements, TMBC (and the Local

Plan Inspector) will need to be convinced that the boundaries will not need to be amended again at the end of the plan period to meet future development needs.<sup>2</sup>

### **Proposed MBC representations**

- 1.27 The detailed content of the recommended representations is included in Appendix 1. The following points are made;
- a) Welcome and support the plan's objective to meet housing needs in full within the borough's boundaries.
  - b) If the planned improvements to M20 J5 are required to serve the development proposed in the plan, this should be added as a scheme to the IDP and included in the relevant site allocation policies for which development contributions will be sought should the scheme not be fully delivered using MITP funding.
  - c) To large effect the development of the South Aylesford strategic site will close the gap between the Medway gap urban area and Allington along A20 frontage. It will also reduce the gap in development on the eastern side of Hermitage Lane to the single field between Barming station and the hospital. The allocation policy should include a requirement for the development to be underpinned by a robust landscape strategy which; i) achieves substantial landscape frontage to the A20 which sustains a sense of separation between the two urban areas; and ii) provides a landscaped frontage to Hermitage Lane and along the southern boundary of the site to moderate the overall visual impact of the development.
  - d) The transport evidence shows the Tonbridge Road (A26)-Fountains Lane-Farleigh Lane junction to be significantly over-capacity at 2031. It is considered that T&MBC and KCC should urgently undertake a more detailed study, as signalled in the Transport Assessment Addendum, to test whether a revised scheme can be designed to improve the performance of this junction.
  - e) East Malling Research Centre Area of Opportunity. Whilst not an allocation in this plan, the identification of this extensive area for future consideration confers the clear expectation that it will be part of a future strategy. In these circumstances, the matters which will need to be explored and resolved using up to date evidence before a firm allocation can be made need to be clearly set out in this plan as part of Policy LP33. The matters which are of particular interest to MBC and which should be included in the policy are the traffic and air quality implications, including cumulative impacts.
  - f) The plan and associated IDP should be more specific about the actual sustainable transport measures which will be delivered to give much greater certainty that the assumed degree of modal shift will be achieved in practice. Specificity is also needed in terms of both cost and means of delivery. It could include schemes on the Maidstone side of the border, e.g. from the Maidstone Cycling & Walking Strategy, which could help mitigate the increased flows into Maidstone generated by the new development. Identifying specific measures is also considered vital to address the air quality

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<sup>2</sup> paragraph 85 of the 2012 NPPF

implications of the plan's development, especially as the proposed developments will generate additional traffic on key routes into Maidstone (A20, A26 and Hermitage Lane) which fall within the Maidstone AQMA and to moderate the impacts on the nature conservation sites of international significance, including the North Downs Woodland Special Area of Conservation.

- g) Linked with f) above, the Air Quality Assessment prepared for the plan does not appear to have assessed the implications of the plan's proposals for the Maidstone AQMA. The council requests that this is rectified prior to the plan's submission, including the incorporation of mitigation measures into the plan/IDP if required, so that this cross boundary issue can be resolved.
- h) Whilst MBC does not object to the principal green corridors approach set out in the plan, it should not appear to advocate or apply the approach to Maidstone borough. The approach to habitat protection and creation is rightly a matter for this council to consider as part of a holistic assessment through its own local plan review.
- i) Gypsy and traveller provision: The plan does not allocate sites. Firm provision is the best way to ensure needs will be efficiently and effectively met. Planning for Traveller Sites directs that local plans should identify a supply of specific, deliverable sites and make allocations where there is identified need<sup>3</sup>. Consideration could still be given to including the required number of Gypsy pitches within the strategic site allocations.

1.28 The representations which the Committee agrees will be submitted by the deadline of Monday 19th November.

1.29 T&M officers have indicated that they hope to submit the plan before Christmas and, if not, by the NPPF deadline of 24th January at the latest. Following submission, T&M officers have signalled that they intend to progress a Statement of Common Ground with MBC to be completed before the Examination hearings open.

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## 2. AVAILABLE OPTIONS

2.1 The TMBC plan proposes a significant amount of development close to the borough boundary which will have cross-boundary effects, especially in respect of transport, air quality and landscape character impacts as outlined earlier in this report.

2.2 **Option A** is that MBC submits a formal response to the consultation. This will enable this council's views to be considered by TMBC prior to the submission of the plan for Examination. TMBC could propose pre-submission plan changes in response which may help to address the matters raised. If matters remain unresolved between MBC and TMBC, submitting formal representations at this stage will ensure that this council's interests can be properly assessed as part of the examination process.

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<sup>3</sup> Paragraphs 10,11

2.3 **Option B** is that MBC makes no response. The T&M plan will be progressed without MBC's interests being formally represented.

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### **3. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS**

3.1 For the reasons outlined in the earlier section, it is recommended that Option A is followed and a formal response is made.

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### **4. RISK**

4.1 The risks associated with this proposal, including the risks if the Council does 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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### **5. CROSS-CUTTING ISSUES AND IMPLICATIONS**

<b>Issue</b>	<b>Implications</b>	<b>Sign-off</b>
<b>Impact on Corporate Priorities</b>	As this report relates to the content of a neighbouring authority's Local Plan, we do not expect the recommendations will by themselves materially affect achievement of corporate priorities.	Rob Jarman, Head of Planning & Development
<b>Risk Management</b>	The Council is managing potential risks by actively engaging with TMBC in the preparation of its Local Plan, including seeking to agree a Statement of Common Ground with TMBC.	Rob Jarman, Head of Planning & Development
<b>Financial</b>	The financial costs of responding to TMBC's Local Plan at this stage can be accommodated within existing service budgets.	[Section 151 Officer & Finance Team]
<b>Staffing</b>	We will deliver the recommendations with our current staffing.	Rob Jarman, Head of Planning &

		Development
<b>Legal</b>	<p>The duty to cooperate was created in the <a href="#">Localism Act 2011</a>, and amends the <a href="#">Planning and Compulsory Purchase Act 2004</a>. It places a legal duty on local planning authorities, county councils in England and public bodies to engage constructively, actively and on an ongoing basis to maximise the effectiveness of Local Plan preparation in the context of strategic cross boundary matters.</p> <p>This approach also helps ensure that MBC's interests are communicated clearly to TMBC as it finalises the submission version of the Local Plan.</p>	Cheryl Parks Mid Kent Legal Services (Planning)
<b>Privacy and Data Protection</b>	Accepting the recommendations will not, of themselves, increase the volume of personal data held by the Council.	Cheryl Parks Mid Kent Legal Services (Planning)
<b>Equalities</b>	The recommendations do not propose a change in service therefore will not require an equalities impact assessment	[Policy & Information Manager]
<b>Crime and Disorder</b>	No specific implications arise as a result of this report or its recommendations.	[Head of Service or Manager]
<b>Procurement</b>	No specific implications arise as a result of this report or its recommendations.	[Head of Service & Section 151 Officer]

## 6. REPORT APPENDICES

- Appendix 1: Proposed Representations to the Tonbridge & Malling Borough Local Plan Regulation 19 Consultation
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