

LEAD MEMBER FOR PLANNING AND INFRASTRUCTURE

3 November 2022

Response to Tonbridge and Malling Borough Council Local Plan Regulation 18 consultation

Timetable	
Meeting	Date
Planning and Infrastructure Committee PAC	3 November 2022
Lead Member on the Executive for Planning and Infrastructure	3 November 2022

Will this be a Key Decision?	No
Urgency	Not Applicable. See Executive Summary for Consultation deadline date.
Final Decision-Maker	Lead Member for Planning and Infrastructure
Lead Head of Service	Phil Coyne (Interim Director, Local Plan Review)
Lead Officer and Report Author	Erik Nilsen (Principal Planner, Strategic Planning)
Classification	Public
Wards affected	All

Executive Summary

Tonbridge and Malling Borough Council is preparing a new Local Plan and has launched a Regulation 18 stage public consultation which closes on 03 November 2022. The new Local Plan will cover the period up to 2040. This report provides a headline summary of the consultation documents and recommends that the Council's draft response to the consultation, set out in Appendix 1, is formally submitted. The report will have been considered by the Planning and Infrastructure Policy Advisory Committee before being passed to the Lead Member for a decision.

Purpose of Report

To provide background information on the Tonbridge and Malling Borough Council Local Plan Regulation 18 consultation. The Planning and Infrastructure Policy Advisory Committee will have been consulted on the response to the consultation, set out in

Appendix 1, prior to the decision by the Lead Member for Planning and Infrastructure on the Executive.

This report makes the following recommendation to the Lead Member on the Executive for Planning and Infrastructure:

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

Response to Tonbridge and Malling Borough Council Local Plan Regulation 18 consultation

1. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Impact on Corporate Priorities	<p>The four Strategic Plan objectives are:</p> <ul style="list-style-type: none"> • Embracing Growth and Enabling Infrastructure • Safe, Clean and Green • Homes and Communities • A Thriving Place <p>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.</p>	Phil Coyne (Interim Director – Local Plan Review)
Cross Cutting Objectives	<p>The four cross-cutting objectives are:</p> <ul style="list-style-type: none"> • Heritage is Respected • Health Inequalities are Addressed and Reduced • Deprivation and Social Mobility is Improved • Biodiversity and Environmental Sustainability is respected <p>The report recommendation supports the various strands of the Council's ongoing strategic planning work, including compliance with the duty to cooperate, which contributes toward achievement of the cross cutting objectives.</p>	Phil Coyne (Interim Director – Local Plan Review)
Risk Management	Already covered in the risk section.	Phil Coyne (Interim Director – Local Plan Review)
Financial	The financial costs of responding to TMBC Local Plan consultation at this stage can be accommodated within existing budgets.	Phil Coyne (Interim Director – Local Plan Review)

Staffing	We will deliver the recommendation with our current staffing.	Phil Coyne (Interim Director – Local Plan Review)
Legal	<p>The duty to cooperate was created by the Localism Act 2011 and amends the Planning and Compulsory Purchase Act 2004. 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 Maidstone Borough Council’s interests are communicated clearly to Tonbridge and Malling Borough Council as it progresses work on its Local Plan.</p>	Cheryl Parks; Mid Kent Legal Services (Planning)
Information Governance	There are no concerns with regards to the Data Protection Act 2018 and UK GDPR	Lauren Connett (Information Governance Officer)
Equalities	The recommendation does not propose a change in service therefore will not require an equalities impact assessment	Nicola Toulson (Equalities & Communities Officer)
Public Health	We recognise that the recommendation will not negatively impact on population health or that of individuals.	Jolanda Gjoni (Senior Public Health Officer)
Crime and Disorder	The recommendation will not negatively impact on crime and disorder.	Phil Coyne (Interim Director – Local Plan Review)
Procurement	Not applicable.	Phil Coyne (Interim Director – Local Plan Review)

Biodiversity and Climate Change	<p>The implications of this report on biodiversity and climate change have been considered and are:</p> <ul style="list-style-type: none"> • There are no implications on biodiversity and climate change. 	<p>Phil Coyne (Interim Director – Local Plan Review)</p>
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2. INTRODUCTION AND BACKGROUND

2.1 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.

2.2 This section of the report provides a summary of the consultation and the proposed response from Maidstone Borough Council. The full draft response is set out in Appendix 1 of this report.

Background

2.3 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.

2.4 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.

2.5 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.

2.6 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>

2.7 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

- 2.8 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.
- 2.9 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
- 2.10 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.
- 2.11 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.
- 2.12 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

- 2.13 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 draft response is attached as Appendix 1 to this report.

- 2.14 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.
- 2.15 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.
- 2.16 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.
- 2.17 The consultation response also provides additional comments on selected topic areas which may have strategic cross-boundary implications, including housing and economic development.
- 2.18 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.

3. AVAILABLE OPTIONS

- 3.1 Option 1: That the draft response to the consultation be approved by the Lead Member for Planning and Infrastructure. This would allow the response to be sent by the submission deadline and help to ensure the Council fulfils its statutory duty to cooperate.
- 3.2 Option 2: That the draft response be approved by the Lead Member for Planning & Infrastructure, 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.
- 3.3 Option 3: That the draft response is not approved by the Lead Member for Planning and Infrastructure. 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.

4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

- 4.1 Option 1: That the draft response to the consultation be approved by the Lead Member for Planning and Infrastructure. This would allow the response to be sent by the submission deadline and help to ensure the Council fulfils its statutory duty to cooperate.

5. RISK

- 5.1 The risk associated with the recommendation, including the risks should the Council not act as recommended, have been considered in line with the Council's Risk management Framework.
- 5.2 If agreement is secured, per the recommendations, then we are satisfied that the risks associated are within the Council's risk appetite and will be managed as per the Policy.

6. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

- 6.1 This matter will have been considered by the Planning and Infrastructure Policy Advisory Committee on the 3 November 2022, ahead of the Lead Member for Planning and Infrastructure's consideration of the matter.
- 6.2 If agreed the response provided as Appendix 1 will be presented to the executive and then if approved submitted to Tonbridge and Malling Borough Council on behalf of Maidstone Borough Council. The consultation response will be submitted prior to the completion of the Call-In process.

7. REPORT APPENDICES

- 7.1 The following documents are to be published with this report and form part of the report:
- Appendix 1 - Draft Response to Tonbridge and Malling Local Plan Regulation 18 consultation

8. BACKGROUND PAPERS

- 8.1 The Tonbridge and Malling Borough Council Local Plan Regulation 18 consultation document can be viewed online at the following link:

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