

# Regulation 19 Consultation on Pre-Submission version of Local Plan 2020-2038 and Sustainability Appraisal, and submission to Secretary of State

For Full Council on 03 February 2021

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## Summary

**Lead Member:** Cllr McDermott – Leader of the Council (and Portfolio Holder for Planning and Transportation)

**Lead Director:** Lee Colyer – Director of Finance, Policy and Development (Section 151 Officer)

**Head of Service:** Steve Baughen – Head of Planning

**Report Author:** Steve Baughen – Head of Planning

**Classification:** Public document (non-exempt)

**Wards Affected:** All

Approval Timetable	Date
Management Board	23 <sup>rd</sup> December 2020
Portfolio Holder	31 <sup>st</sup> December 2020
Planning and Transportation Cabinet Advisory Board	11 <sup>th</sup> January 2021
Cabinet	21 <sup>st</sup> January 2021
Full Council	3 <sup>rd</sup> February 2021

## Recommendations

Officer recommendations as supported by the Portfolio Holder, Planning and Transportation Cabinet Advisory Board and Cabinet:

1. To agree to undertake consultation on the Pre-Submission version of the Local Plan 2020-2038 (Regulation 19) and its supporting Sustainability Appraisal in March/April-May 2021.
2. After the Regulation 19 consultation, to submit the Local Plan 2020-2038, Sustainability Appraisal and associated documentation to the Secretary of State, in July 2021.
3. That the Head of Planning be authorised to make minor modifications to the Local Plan and Sustainability Appraisal prior to commencement of Regulation 19 consultation to ensure clarity, robustness and for consistency, with any minor modifications to be agreed with the Portfolio Holder for Planning and Transportation.

# 1. Introduction and Background

- 1.1 A Local Plan is a long-term strategic planning document, which sets out the spatial vision, strategic objectives, and the overarching development strategy for an area and establishes the planning policy framework necessary to deliver them. Planning applications are assessed against the policies within a Local Plan.
- 1.2 This report sets out the previous stages in the production of the new Local Plan for Tunbridge Wells borough, and provides information on the Pre-Submission version of the Local Plan [the PSLP] which has been produced. The report recommends that Regulation 19 consultation be undertaken on the PSLP and Sustainability Appraisal, together with other supporting documents, and that the Plan, Sustainability Appraisal and relevant documentation are then submitted to the Secretary of State for examination by the independent Planning Inspectorate.

## 2. National Planning Policy

### The National Planning Policy Framework [NPPF] 2019

- 2.1 National planning policy for “Plan Making” is set out in chapter 3 of the NPPF. Key elements of this include:
- Paragraph 15: *“The planning system should be genuinely plan-led. Succinct and up-to-date plans should provide a positive vision for the future of each area; a framework for addressing housing needs and other economic, social and environmental priorities; and a platform for local people to shape their surroundings”;*
  - Paragraph 31: *“The preparation and review of all policies should be underpinned by relevant and up-to-date evidence”;*
  - Paragraph 21: Strategic policies should look ahead over a period of 15 years from adoption;
  - Paragraph 35: *“Local plans and spatial development strategies are examined [by the Planning Inspectorate] to assess whether they have been prepared in accordance with legal and procedural requirements, and whether they are sound. Plans are ‘sound’ if they are:*
    - o *a) Positively prepared – providing a strategy which, as a minimum, seeks to meet the area’s objectively assessed needs; and 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;*

- *b) Justified – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;*
- *c) Effective – 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*
- *d) Consistent with national policy – enabling the delivery of sustainable development in accordance with the policies in this Framework”;*
- Paragraphs 24 and 27: *“Local planning authorities and county councils (in two-tier areas) are under a duty to cooperate with each other”, and with other bodies/organisations on strategic matters that cross administrative boundaries: effective and on-going joint working and demonstration that cross-boundary matters are being addressed and progressed should be demonstrated through “statements of common ground”;*
- Paragraph 32: *“Local plans and spatial development strategies should be informed throughout their preparation by a sustainability appraisal that meets the relevant legal requirements. This should demonstrate how the plan has addressed relevant economic, social and environmental objectives (including opportunities for net gains)”;*
- Paragraph 33: *“Policies in local plans and spatial development strategies should be reviewed to assess whether they need updating at least once every five years, and should then be updated as necessary”.*

## **“Changes to the Current Planning System [CtCPS] August 2020” and “Planning for the Future: White Paper [the White Paper] August 2020”**

2.2 The Ministry of Housing, Communities and Local Government consulted on two documents in autumn 2020:

- CtCPS proposes changes related to the “standard method” for calculating Local Housing Need, delivering “First Homes”, temporarily raising the threshold of the size of development sites above which affordable housing can be sought from 10 to 40 or 50 dwellings, and extending the permission in principle scheme. Further comment on the standard method is provided below at paragraph 3.19;
- The White Paper proposes long term and widespread changes to the planning system in England in autumn 2020.

2.3 The Council’s detailed and robust responses to both are available here: <https://www.tunbridgewells.gov.uk/planning/government-consultations>

- 2.4 In relation to the White Paper, MHCLG has confirmed that it received over 40,000 representations and “*the government will publish a response in the Spring setting out its decisions on the proposed way forward including preparing for legislation, should the government so decide, in the Autumn*”<sup>1</sup>. The MHCLG Chief Planner has previously stated that it is expected that it will take two-three years for legislation to progress before implementation.
- 2.5 Therefore, the Council has been very aware of the consultation documents and proposals. However, the longer term proposals in the White Paper remain uncertain, with a lengthy timetable for their introduction. This Local Plan is therefore proposed against the current legislative and national planning policy framework. As detailed above, the NPPF sets out at para 33 (which in turn makes specific reference to the relevant Regulations) that there is a requirement that Local Plans are reviewed every five years. It is expected that the five year review of the Local Plan 2020-2038 would be in the form of the “new style” local plans proposed in the White Paper, if these proposals are introduced.

### **3. The Tunbridge Wells Local Plan 2020-2038**

- 3.1 Once adopted, the Local Plan 2020-2038 will set the agenda for development across the borough to 2038 and will replace the existing planning framework which is set out in a number of documents, including: the Tunbridge Wells Borough Local Plan 2006 (saved policies), the Core Strategy 2010, the Site Allocations Local Plan 2016. Additionally, the made Hawkhurst Neighbourhood Plan also forms part of the planning framework.
- 3.2 The Local Plan 2020-2038 will contain overarching strategic and place shaping policies for each parish and settlement within the borough, as well as specific site allocations to deliver the development strategy, and detailed “development management” policies to be applied to all new developments across the borough.
- 3.3 There are a series of stages in the preparation of a new Local Plan. For Tunbridge Wells borough, these are summarised below:

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[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/946245/Chief\\_Planners\\_Newsletter\\_-\\_December\\_2020.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/946245/Chief_Planners_Newsletter_-_December_2020.pdf)

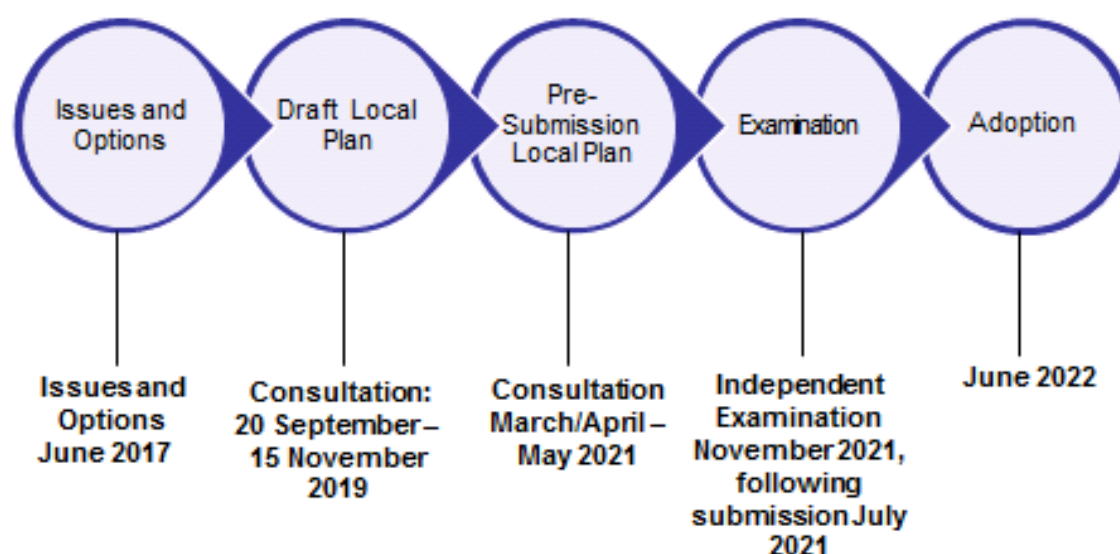


Figure 1: Key stages in production of TWBC Local Plan

- 3.4 These stages are in accordance with the Council’s current Local Development Scheme, which came into effect in June 2020:  
<https://www.tunbridgewells.gov.uk/planning/planning-policy/local-development-scheme>

## TWBC Local Plan “Issues and Options” Document

- 3.5 The Local Plan Issues and Options document was published in summer 2017, for public consultation. Consultation took place under Regulation 18 of the Local Plan Regulations 2012. The Regulations detail that such consultation should invite representations “to the local planning authority about what a local plan with that subject ought to contain”<sup>2</sup>.
- 3.6 The Issues and Options document set out the main issues facing the borough, with reference to seven themes, and sought early views about the best way to approach the specific challenges presented by each theme. It proposed five possible spatial options for the physical location of new development across the borough to meet identified needs that would meet the challenges to different degrees, and in different ways. Further information on the Issues and Options document is available here:  
<https://www.tunbridgewells.gov.uk/planning/planning-policy/local-plan/issues->

<sup>2</sup> <https://www.legislation.gov.uk/ukxi/2012/767/regulation/18>

[and-options](#). Over 6,500 comments were received in response to this consultation, from approximately 550 responders.

## TWBC “Draft Local Plan 2016-2036”

- 3.7 The Draft Local Plan document was developed since the Issues and Options consultation. It involved reviewing the comments received as part of the Issues and Options consultation, liaison and engagement with parish and town councils and their neighbourhood plan groups, the Town Forum, discussions with infrastructure providers, consultees, neighbouring authorities and Kent County Council, and consideration of the findings of the evidence base.
- 3.8 It proposed a series of strategic policies, which included a spatial strategy for the distribution of housing, employment, leisure and other development, place shaping policies for each parish and settlement and a full suite of “development management” policies. The development management policies reflected current and future pressures and changes in national planning policy since 2006 and 2010 when the previous Local Plan and Core Strategy were prepared, and to address issues which arise in the determination of planning applications as a result of the wording of some current policies in the adopted Local Plan/Core Strategy/Site Allocations Local Plan. The Draft Local Plan is available on the Council’s website, as is the Sustainability Appraisal which accompanied it: <https://www.tunbridgewells.gov.uk/planning/planning-policy/local-plan/draft-local-plan> and <https://www.tunbridgewells.gov.uk/planning/planning-policy/local-plan/sustainability-appraisal> .
- 3.9 Regulation 18 consultation took place on the Draft Local Plan for eight weeks in autumn/winter 2019. As part of this consultation, alongside the Draft Local Plan and Sustainability Appraisal, other supporting documents were available on the Council’s website, including the Infrastructure Delivery Plan, Habitats Regulations Assessment, Equalities Impact Assessment and various topic/background papers covering a range of different matters. These are available here: <https://www.tunbridgewells.gov.uk/planning/planning-policy/local-plan/evidence>
- 3.10 Over 8,000 comments were received from over 2,000 responders. Response reports containing all duly-made comments on the Draft Local Plan (i.e. made during the consultation period) are available for viewing on the Council’s website: <https://www.tunbridgewells.gov.uk/planning/planning-policy/local-plan/local-plan-comments>

## The Pre-Submission Local Plan

### Review of consultation responses, evidence, and preparation

- 3.11 Review and analysis of the representations received under the Regulation 18 consultation on the Draft Local Plan took place late 2019 and early 2020. The main issues raised in the consultation were identified: in some instances the



issues raised required further evidence gathering to inform the PSLP (set out below in Table 1), in addition to the evidence that had already been identified at the Draft Local Plan stage. As set out above, the NPPF requires that Local Plans and policies are underpinned by relevant and up-to-date evidence. A full list of the evidence documents is provided in **Appendix A**. Work on the final drafts of several of these is being undertaken at present, although the preparation of the PSLP has been informed by updates of findings and reviews of drafts. All evidence documentation will be available on the TWBC Local Plan website before the start of the Regulation 19 consultation period.

Transport Assessment Report Update for PSLP	Strategic Sites Masterplanning and Infrastructure Study
Landscape and Visual Impact Assessment of Proposed Allocation Sites within the High Weald AONB	Grassland Assessment Survey of Selected Sites Within the High Weald AONB
AONB Setting Report	Viability Study update
Green Belt Study Stage 3	Habitat Regulation Assessment
Retail, Leisure & Town Centre Uses Study Update	Local Cycling and Walking Infrastructure and Low Traffic Neighbourhoods Plan
Review of Housing Need	

Figure 2: Further evidence undertaken since the Draft Local Plan

- 3.12 The Landscape and Visual Impact Assessment of larger Proposed Allocation Sites within the High Weald Area of Outstanding Natural Beauty (AONB) has been of particular importance in relation to potential housing allocations in the AONB, whilst the Strategic Sites Masterplanning and Infrastructure Study, Green Belt Study Stage 3 and AONB Setting Reports have been key in determining the overall strategy in relation to the strategic sites at Paddock Wood including land in east Capel parish (here after referred to as Paddock Wood including east Capel) and for Tudeley Village. Finally, the Retail, Leisure & Town Centre Uses Study Update has been very important in developing a strategy for Royal Tunbridge Wells Town Centre, particularly in light of the changing trends in retailing, commuting, demand for office space, etc which have been accelerated by the Coronavirus pandemic.
- 3.13 In light of the representations received to the Draft Local Plan, considerable additional work has also been undertaken on a number of other matters, including the further review of the potential for development on “previously developed land”, which is also known as brownfield land, and on the amount of housing which is delivered through “windfall” (non-allocated sites).
- 3.14 The review of the main issues raised by the representations, the further evidence base work, and adjustments to national planning guidance and regulations which have occurred since the Draft Local Plan have been important elements in developing the draft PSLP. Other important elements have included the iterative Sustainability Appraisal of options for strategies and policies (please see below),



and an advisory visit with a senior Planning Inspector. The latter identified that there were no apparent fundamental issues with the proposed plan, but some areas were highlighted as requiring further thought. The PSLP has been amended to reflect the advice received from the Inspector.

- 3.15 The main issues identified in the Regulation 18 consultation, emerging additional evidence, policy and strategy options and draft policies and wording of the PSLP have been reviewed and informally endorsed by the cross-party Planning Policy Working Group (PPWG) at each stage. Papers for the PPWG are circulated to all Members, all are invited to attend and are invited to discuss matters with Planning Services.

### Development Strategy

- 3.16 The PSLP is attached at **Appendix B**, with the Policies Maps at **Appendix C**: It is pertinent to note that the PSLP is written as if it has been adopted. Therefore, and for clarity, there will be references such as “the site has been removed from the Green Belt”: at present, and until adoption, the site is in the Green Belt. It is important to understand this when reading the PSLP. The key diagram is shown below:

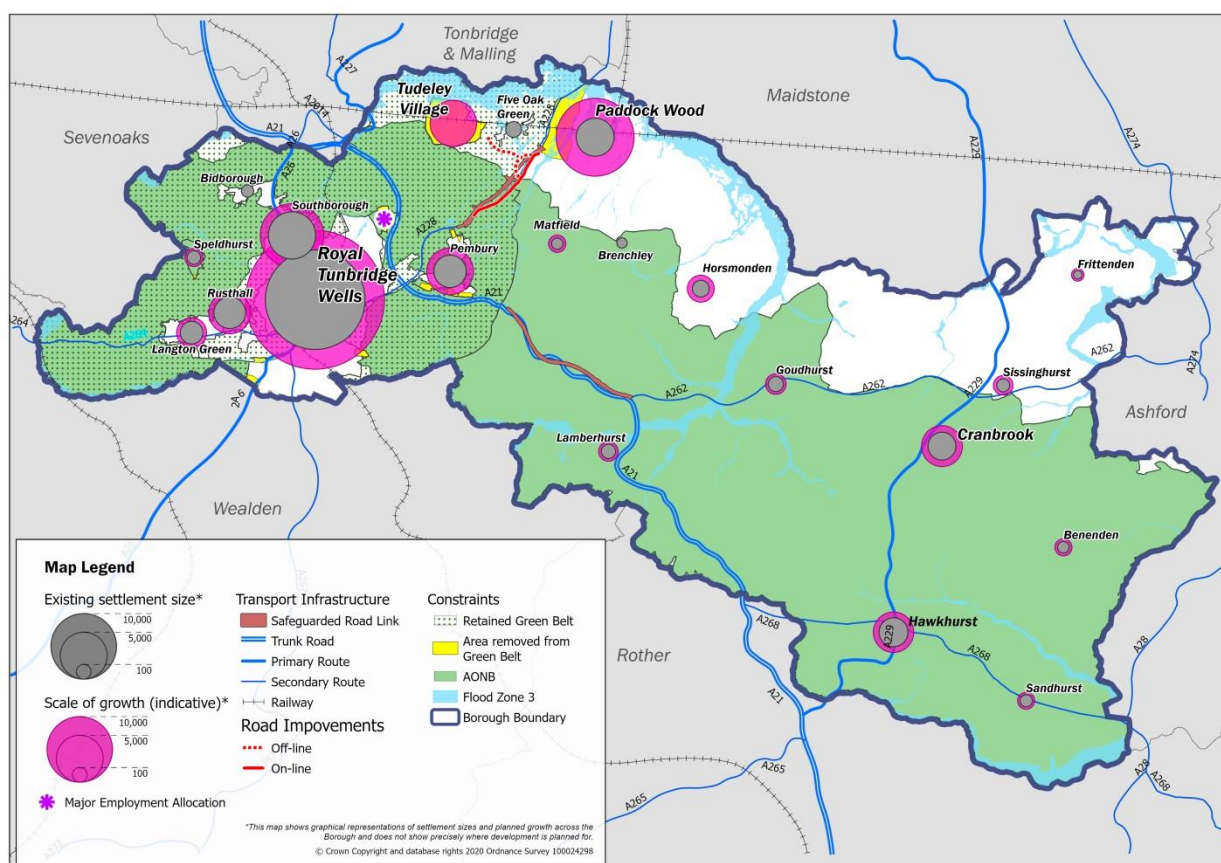


Figure 3: The key diagram in the PSLP

- 3.17 The PSLP has progressed significantly since the Draft Local Plan, with some adjustment to its structure and layout, and strengthening, re-wording and adjustment of the vast majority of sections. In addition to a change to the plan period (including to ensure, in accordance with paragraph 21 of the NPPF, that the strategic policies look forward for a full 15 year period from adoption (expected in June 2022)), it is considered pertinent here to outline the key changes to the overall development strategy, as this will be the prime focus when the Local Plan is examined by the Planning Inspectorate (expected in late 2021).
- 3.18 The development strategy, which is set out in Policy STR1 of the PSLP (with Table 4 of the PSLP identifying the overall distribution of housing allocations – please see Figure 4 of this report below), is now more robust, and appropriate, relative to the Draft Local Plan, notably in terms of:
- Fewer allocations, especially ‘major developments’, in the AONB overall
  - Much less development at the larger settlements of Cranbrook and Hawkhurst, in the AONB
  - Reduced development at some smaller settlements (especially Sissinghurst, Matfield and Hartley) where relatively high levels of growth were initially proposed
  - A modest increase in the overall scale of development at Royal Tunbridge Wells, together with a Town Centre Area Plan to be produced and adopted by 2025
  - More provision for urban intensification/brownfield site development.

#### Positively prepared and justified

- 3.19 The NPPF sets out that the amount of housing which a Local Planning Authority should plan for as part of a Local Plan is derived through the “standard method”. As set out in paragraph 2.2, the MHCLG consulted on changes to this in autumn 2020. MHCLG confirmed, on 16<sup>th</sup> December 2020 that the changes to the standard method would essentially only apply to city areas. For TWBC, the output of the standard method equates to 678 houses year (or 12,204 for the plan period), and is a substantial increase from the amount (300 houses per year) that the Core Strategy (2010) needed to plan for. The housing need for the borough is set out in Table 3 alongside the Development Strategy policy, STR1 in the PSLP, which is replicated below at Figure 3. It should be noted that one of the inputs to the standard method (the affordability ratio) is updated every March – which would fall after Full Council. The Council is seeking confirmation from MHCLG that the figure of 678 dwellings per year would remain unaltered in the event this input changes.
- 3.20 It should be appreciated that the standard method caps housing need at 40% above household projections. Without this cap, the need figure would be nearly 10% higher. Officers have investigated the potential to provide for such a higher level of growth, as well as the capacity to also help meet any unmet needs from neighbouring areas. However, further growth, beyond that already being

proposed, is found to be substantially at odds with national policies for Areas of Outstanding Natural Beauty (AONBs) and Green Belt in particular, and for sustainable growth generally. Also, with an inevitable focus of growth on less constrained areas, there are also potential issues with the market delivery of higher growth targets.

**Table 3 Housing Need and Supply 2020-2038**

1.	<b>Housing need 2020-2038</b>	<b>12,204</b>	18 years x 678 pa
2.	Extant planning permissions at 1 April 2020	3,313*	See HS&T TP
3.	Windfall allowance small sites	1,310	See HS&T TP/BL TP
4.	Windfall allowance large urban sites	360	See HS&T TP/BL TP
5.	Outstanding SALP/Local Plan site allocations	276	See HS TP
6.	Minimum additional allocations to meet need	6,945	= row 1 - rows (2-5)
7.	<b>Minimum total allocations</b>	<b>7,221</b>	Rows 5+6

*\*Includes discounting for C2 permissions*

Figure 3, replicated from the PSLP: Table 3 of the PSLP, showing Housing Need and Supply

- 3.21 This table also shows the supply from sites which already have planning permission, plus (as set out in para 3.13) the revised supply which can be made for housing to be delivered on sites which aren't allocated (e.g. through the redevelopment of existing developed areas). It also shows the bare minimum allocations required to, mathematically, meet the need. However, it is emphasised that it is also necessary to exceed this amount, effectively to provide a "buffer", to allow for any delay in allocations coming forward for development as expected, either in the plan period or at all.
- 3.22 The evidence gathered has indicated a need to provide for a minimum of 14 hectares of employment land, and to plan positively for the town centres (particularly given the national structural changes in retailing).
- 3.23 As detailed above, one of the tests of soundness of a Local Plan (which will be tested at examination by the Planning Inspectorate) is whether the plan provides a strategy which, as a minimum, seeks to meet the area's development needs. The PSLP attached at **Appendix B** proposes to do this, and to plan for the timely delivery of infrastructure to support this growth. This is set out in the Infrastructure Delivery Plan (attached as **Appendix D** to this report): the Infrastructure Delivery Plan is a live document, which is provided in draft and will continue to be updated on an ongoing basis.
- 3.24 Full details of how housing, employment, leisure and development will be planned for are set out in the PSLP (**Appendix B**), and are summarised in the

Key Diagram (Figure 2, above, as reproduced from the PSLP). This includes strategic allocations at Paddock Wood including east Capel and Tudeley Village, to be delivered on comprehensive, garden settlement and masterplanned basis. As set out in paragraph 3.12 above, significant and substantial further evidence base work has been undertaken in relation to these sites since the Draft Local Plan, particularly in terms of the infrastructure provision, through the “Strategic Sites Masterplanning and Infrastructure Study”.

- 3.25 The PSLP also includes a strategic employment site adjacent to Kingstanding Way by North Farm in Royal Tunbridge Wells: the Tunbridge Wells Borough Council Planning Committee has considered a planning application for this development, and resolved to grant outline planning permission for this site, and both Kent County Council Highways and Highways England have recommended approval of this development. The PSLP also includes a strategic policy for a Town Centre Area Plan for Royal Tunbridge Wells: this will provide a comprehensive framework for the development of the Town Centre, to be led by the Council and developed with significant engagement, to be delivered as rapidly as possible but with sufficient time to take account of evidence of post-pandemic societal changes, and to reflect the timetable for the Local Plan.
- 3.26 In overall terms, the allocated sites, together with these other sources of supply yield 13,059-13,444 dwellings, relative to the Plan’s overall target of 12,204 net additional dwellings. Taking the mid-point of dwelling ranges, there is a 'buffer' of approximately 1,050 dwellings, equivalent to some 14.6% of the need from allocated sites and 8.6% of overall need. While there is a high level of confidence regarding the achievability and availability of identified sites, and very high for those that have already the benefit of planning permission, and the windfall allowances are robust, it is accepted that it is prudent to provide this degree of flexibility in the actual housing supply, particularly having regard to the high contributions from the strategic sites. Figure 4 below, which is replicated from Table 4 in the PSLP, indicates the location of the allocations by parish and settlement. Some sites which already have planning permission are included as allocations as development has not yet started on the site.

Local Plan Table 4: Distribution of housing allocations

<b>Parish/Settlement</b>	<b>Local Plan Allocations</b>	
	Lower	Upper
Royal Tunbridge Wells	1,416	1,536
Southborough	42	42
Paddock Wood	3,932	4,032
<i>Strategic urban expansion*</i>	<i>3,490</i>	<i>3,590</i>
<i>Town centre</i>	<i>30</i>	<i>30</i>
Capel*	2,100	2,100
<i>Tudeley Village - new settlement</i>	<i>2,100</i>	<i>2,100</i>

Cranbrook & Sissinghurst	453	467
<i>Cranbrook</i>	415	429
<i>Sissinghurst</i>	38	38
Hawkhurst	161	170
Benenden	87	95
<i>Benenden</i>	43	45
<i>East End</i>	44	50
Bidborough	0	0
Brenchley and Matfield	56	60
Frittenden	25	30
Goudhurst	25	25
Horsmonden	240	320
Lamberhurst	25	30
Pembury	389	417
Rusthall	15	15
Sandhurst	20	30
Speldhurst	10	12
<b>Sub-total</b>	<b>8,996</b>	<b>9,381</b>
Allocations with existing planning permission (to be discounted to avoid double-counting)	920	920
<b>Total (with existing planning permission discounted)</b>	<b>8,076</b>	<b>8,461</b>

\* The figure for Capel parish excludes that part of the urban expansion extending from Paddock Wood into the eastern edge of the parish, to avoid double counting. The number of houses for Capel parish (including Tudeley Village and development in land in east Capel) for the Plan period is approximately 4,160

*Figure 4, replicated from the PSLP: Distribution of Housing Allocations*

- 3.27 In order to accommodate this growth, the PSLP proposes the release of land from the Green Belt. The exceptional circumstances to justify this release include confirmation from neighbouring authorities that they are unable to accommodate some or all of that identified need for development. The PSLP also proposes some major development sites in the AONB, although (as set out above in paragraph 3.18) the scale of this is much reduced as compared to the Draft Local Plan, reflecting further evidence base work undertaken, particularly in relation to the Landscape and Visual Impact Assessments.
- 3.28 A number of “topic” or “background papers” are being produced which will either update those which supported the Draft Local Plan or are new documents in their own right. A list of these is provided in figure 5 below. These will be available on

the Council's website ahead of the consultation commencing: they will most likely be uploaded in late February/March.

Limits to Built Development Topic Paper	Strategic Sites Topic Paper
Energy Topic Paper (TBC: subject to outcome of changes to Building Regs)	Air Quality Topic Paper
Brownfield Land Topic Paper	Employment Topic Paper
Royal Tunbridge Wells Town Centre/Commercial Topic Paper	Housing Needs Topic Paper
Residential Parking Standards Topic Paper	Housing Supply and Trajectory Topic Paper
Gypsy and Travellers Topic Paper	Self-build Topic Paper
Older People's Housing Topic Paper	Distribution of Development Topic Paper
Local Green Space Topic Papers (Methodology and Sites)	

Figure 5: List of Topic Papers to be available for Regulation 19 consultation

### Duty to Cooperate

- 3.29 Through out the period of preparing the Local Plan since 2016, the Council has been engaging in discussions with adjacent authorities, the County Council, and other organisations on strategic cross-boundary matters. At the time of writing, a Statement of Common Ground has been signed with Rother District Council, and are shortly to be signed with Wealden District, Ashford Borough, Maidstone Borough, Sevenoaks District and Tonbridge and Malling Borough councils, together with the County Council, and where relevant infrastructure providers and consultees.
- 3.30 The strategic sites at Paddock Wood including east Capel and Tudeley are in relatively close proximity to the borough boundaries. Both Tonbridge and Malling Borough and Maidstone Borough Councils are fully aware of these proposals, have attended the monthly Strategic Sites Working Group (please see below at paragraph 6.3) and discussions have taken place about the cross-boundary implications of these proposals, including in relation to infrastructure in Tonbridge. These discussions will continue over coming months and years.
- 3.31 Members will be aware that the Planning Inspectorate presently consider that both Sevenoaks District Council and Tonbridge and Malling Borough Council failed the legislative requirements of the Duty to Cooperate in the preparation of their local plans, related chiefly to Sevenoaks District Council's requests that neighbouring authorities meet some or all of their unmet housing need, of 1,900 dwellings. The Council remains of the opinion that it has met the duty to cooperate requirements:
- The Council has had regard to the potential for unmet need through-out the process, including at Regulation 18 stage in the preparation of the Draft Local Plan and the impact of accommodating Sevenoaks' unmet need has been considered in the Tunbridge Wells Sustainability Appraisal;

- The search and assessment of sites has not been limited by just meeting local need: the Council has instead assessed each site individually (and cumulatively) so that more sites may potentially have been allocated, if identified as suitable, than those shown in the PSLP;
  - The Council has proposed release of Green Belt land, and some major development in the AONB: informed by the robust and proportionate evidence base it is considered that further release of Green Belt or major development in the AONB is considered to be contrary to national policy
  - There has been, and remains, considerable uncertainty about the scale, or indeed existence, of unmet need from Sevenoaks;
  - The Council has undertaken formal discussions with its neighbours to understand the sub-regional ability (i.e. wider than Sevenoaks' immediate neighbours) to accommodate need;
  - The timetable for producing the PSLP is significantly different to the timescales of the Sevenoaks and Tonbridge and Malling plans;
  - The Council is actively engaging with Sevenoaks and Tonbridge and Malling Councils about timetabling the next round of plan making, and as part of this the potential for development in the Green Belt and Areas of Outstanding Natural Beauty at the sub-regional (rather than Local Planning Authority) level.
- 3.32 The Council has arranged with MHCLG for a further Advisory Visit with the Planning Inspectorate, ahead of Regulation 19 consultation, to ensure that the duty to cooperate matters are fully addressed.
- 3.33 Matters of consistency, and typographical errors have been corrected in the PSLP (and Sustainability Appraisal, please see below) since the version provided to Cabinet, or updated in the Supplementary Paper provided to Cabinet. The updated versions are attached as Appendices B and E to this report.
- 3.34 In the Supplementary Paper, it was confirmed that:
- Site 413 in Hawkhurst was included as a proposed allocation in the Draft Local Plan for housing, open space, playing fields and a doctor's surgery, but was not taken forward into the PSLP due to, chiefly AONB considerations regarding the housing element;
  - It was understood, as the site is under option to a housebuilder, that no land within the site would be available for development for just the doctor's surgery;
  - Therefore an alternative location for the GP surgery was identified at King George V playing field at the Moor (Policy AL/HA5), to be co-located with the new Hawkhurst Parish Council hall;
  - Since the publication of the P&T CAB report, the GPs have continued to set out their preference for location at the part of the site 413, immediately to the north of Birchfield, which provides vehicular access to the Rye Road to the south, and discussions have taken place with the landowners and developers who have the option on the site;
  - It has been confirmed by the landowners that the land is available for just the doctor's surgery;



- Since the Cabinet meeting, officers have undertaken the detailed Sustainability Appraisal and Strategic Housing Land Availability Assessment of this smaller site for a doctor's surgery only: the PSLP has been updated to include a policy allocating this site for a doctor's surgery (Policy HA6, Land to the north of Birchfield Grove), amending Policy HA5 (King George V field) accordingly, and renumbering the policies for Hawkhurst Station Business Park and Site at Limes Grove (March's Field).
- 3.35 **Appendix F** contains charts showing other pertinent changes to documents since the publication of the Cabinet report.
- 3.36 **Appendix G** sets out the housing trajectory: this is a projection of when new site allocations, existing extant planning permissions (as at 01 April 2020), and windfall sites are expected to be delivered over the Plan period against the annual housing target of 678 dwellings per annum. The trajectory (subject to minor formatting amendments) will also be included in the Regulation 19 Housing Supply and Trajectory Topic Paper, due to be published prior to the Regulation 19 consultation in March.

#### Sustainability Appraisal

- 3.37 As above, at paragraph 2.2 of this report, the NPPF sets out that Local Plans should be informed by a Sustainability Appraisal, which evaluates the social, economic, and environmental impacts of policies and strategies to determine to what extent they are in agreement with sustainable development objectives, and assessing alternative options. This is also required by legislation. This includes assessing "reasonable alternatives" to strategies and policies, and indeed whether alternatives are "reasonable", including some major sites which are being suggested as alternatives.
- 3.38 The Sustainability Appraisal that has informed the PSLP is attached at **Appendix E**. This report recommends that consultation be undertaken on the Sustainability Appraisal as well, and that this be submitted with the Local Plan in July 2021.

## **4. Next steps: Regulation 19 consultation and submission**

- 4.1 The next steps are to undertake Regulation 19 consultation. Whereas as part of Regulation 18 consultation a Local Planning Authority invites representations on "*what a local plan with that subject ought to contain*", at Regulation 19 the focus of the consultation is on the soundness and legal compliance of the plan.
- 4.2 Details of how the Council undertakes consultation on planning policy documents is provided in the Statement of Community Involvement [SCI] (October 2020): <https://www.tunbridgewells.gov.uk/planning/planning-policy/statement-of-community-involvement>. The SCI sets out the following at paragraph 3.22:

*“There may be consultations where it is not possible to meet face to face or to publicise consultations by usual means, due to circumstances beyond the Council’s control, such as the Covid-19/Coronavirus pandemic, by which the Government has imposed restrictions on movement in its efforts to combat the virus (see Government guidance). In light of any restrictions, the Council will endeavour to use appropriate temporary methods for consultation on its own and neighbourhood planning documents, such as digital and site notice publications, virtual exhibitions, digital consultations, video conferencing, social media, and providing documents for inspection on its website, to ensure that it remains committed to effective community engagement, in line with the most up-to-date Government guidance”.*

- 4.3 Given the current tiered restrictions, it is anticipated that Regulation 19 consultation will be undertaken on such a basis. The Council has already been in contact with MHCLG to discuss this, and has reviewed the manner in which other Local Planning Authorities have undertaken Regulation 19 consultation during periods of lockdown. Confirmation of the start date of the consultation will be provided in a Supplementary Paper to be issued on Monday 1<sup>st</sup> February 2021.
- 4.4 The next step after Regulation 19 consultation is for the Local Plan to be submitted to the Secretary of State in July 2021 for public examination by the independent Planning Inspectorate (who acts on behalf of the Secretary of State). If the submitted Local Plan is found sound, it will then be for the Full Council of TWBC to decide to formally adopt the Plan: this is programmed to occur in June 2022.
- 4.5 Once adopted, the Local Plan will, together with “made” (approved) neighbourhood plans, form the Development Plan: planning applications will be assessed against the policies within the Development Plan. It will supersede the Local Plan 2006, Core Strategy 2010 and Site Allocations Local Plan 2016.

## 5. Options Considered

**Option 1:** Undertake Regulation 19 consultation on the PSLP and Sustainability Appraisal (supported by IDP, Habitats Regulation Assessment, Equalities Impact Assessment and other documentation) and to submit the Local Plan, Sustainability Appraisal and other documentation to the Secretary of state in July 2021.

- 5.1 As summarised in this report, the development of the new Local Plan has been ongoing since evidence gathering commenced in 2016. Following the extensive consultation on the Issues and Options and Draft Local Plan, it is now considered appropriate to consult and submit the Plan, in accordance with the current timetable shown in Figure 1, and the Local Development Scheme.

**Option 2:** Do not undertake Regulation 19 consultation on the PSLP and Sustainability Appraisal (supported by the Infrastructure Delivery Plan, Habitats Regulation Assessment, Equalities Impact Assessment and other

documentation) at this time and/or do not submit the Local Plan, Sustainability Appraisal and other documentation to the Secretary of state in July 2021.

- 5.2 As above, there has been considerable work undertaken to this point to develop the Local Plan, as part of the overall timetable set out in Figure 1 and the Local Development Scheme. To not undertake Regulation 19 consultation at this point, or to not submit the Plan in July 2021, would jeopardise this overall timetable.
- 5.3 There are potential negative implications of not progressing a Local Plan, including:
- the evidence base produced to inform the Local Plan will become out-of-date;
  - planning applications will continue to be assessed against planning policies which were developed in a very different context;
  - the Council cannot presently demonstrate a “five year supply” of housing which makes parts of the borough vulnerable to speculative planning applications and development;
  - there is ultimately a risk that the Secretary of State may intervene and take over preparation of the Local Plan;
  - there would be uncertainty over the acceptability of developments, deterring investment and the provision of much-needed homes, including affordable homes.
- 5.4 As detailed in paragraph 2.5 of this report, the legislative proposals for the widespread changes to the planning system are not expected until autumn 2021, and these will take a period of time to progress and to be brought into force, followed by the period of time for Local Planning Authorities to then produce such a new style local plan. Additionally, there remains considerable uncertainty about exactly how the new form of Local Plans will operate, or the requirements of them. Therefore, to delay the PSLP to take account of the proposed changes would add several years to the plan making timetable, with considerable uncertainty as to how the final versions will appear.

## 6. Preferred Option and Reason

- 6.1 The preferred option is **Option 1**. This would be in accordance with the overall timetable for the production of the Local Plan, and reflects the extensive work undertaken in the preparation of the Plan to this point.
- 6.2 To not undertake consultation at this time will jeopardise the overall timetable, and increase the length of time that planning decisions are not being made in a “genuinely plan-led” approach (due to the age of the existing Local Plan/Core Strategy/Site Allocations Local Plan and the fact that the borough cannot at this time demonstrate a five year supply of housing).
- 6.3 There is ongoing work to finalise the exact wording and formatting of the PSLP and Sustainability Appraisal (and the Infrastructure Delivery Plan) to ensure that the policies are as robust and clear as possible. The recommendation therefore

includes the provision for this work to be undertaken and finalised between the date of decision and the start of the consultation period.

## 7. Consultation on Options

- 7.1 As set out in paragraphs 3.15 above, the cross-party PPWG (to which all Members have been invited) has been consulted through out the production of the Local Plan. Frequent briefings have been provided to all Members, and meetings have been held with individual Members and different political groups at TWBC over the course of producing the plan. The PPWG has endorsed the PSLP.
- 7.2 There has been ongoing liaison and engagement with Parish and Town Councils, Neighbourhood Plan Groups and the Town Forum in the preparation of the Local Plan, at all different stages.
- 7.3 The Strategic Sites Working Group, comprising Capel Parish Council (which has attended and contributed to the Group, whilst being clear that it holds “in principle” objections to the proposals), Paddock Wood Town Council, and their respective neighbourhood plan representatives, the developers of the proposed Strategic Sites, infrastructure providers and consultees, has been engaged from summer 2019 as to the work and evidence base for Paddock Wood including east Capel and Tudeley Village. It has met monthly throughout most of this period, and will continue to do so moving forward.
- 7.4 There have been a series of informal consultations on iterations of the Infrastructure Delivery Plan with infrastructure providers and statutory consultees, and there are ongoing discussions with these. Extensive liaison, discussion and work on cross-boundary issues has been undertaken with neighbouring authorities and Kent County Council, and these are ongoing. A full suite of Statements of Common Ground is expected to be signed soon.

### Recommendation from Cabinet Advisory Board

- 7.5 The Planning & Transportation Cabinet Advisory Board was consulted on 11<sup>th</sup> January 2021 and agreed the following:

The Cabinet Advisory Board supports the recommendations in the report.

### Decision of Cabinet

- 7.6 The decision from Cabinet was that the recommendations in this report be recommended to Full Council, for the reason “to commence a public consultation in accordance with the overall timetable for the production of the Local Plan”.

## 8. Implementation

- 8.1 The dates and actions for implementation of the decision are outlined in the body of the report.

## 9. Appendices and Background Documents

Appendices:

- **Appendix A:** Supporting and Evidence Document List
- **Appendix B:** the PSLP 2020-2038
- **Appendix C:** the PSLP Policies Maps
- **Appendix D:** the draft Infrastructure Deliver Plan (a live document)
- **Appendix E:** the PSLP Sustainability Appraisal
- **Appendix F:** Changes made to Regulation 19 Local Plan Post-Cabinet 21 January 2021 for Full Council on 3 February 2021
- **Appendix G:** Housing Trajectory for Pre-Submission Local Plan

## **11. Cross Cutting Issues**

### **A. Legal (including the Human Rights Act)**

The recommendations within the Report comply with the specific requirements contained within the Town and Country Planning Act 1990, the Planning and Compulsory Purchase Act 2004, and regulations of the Town and Country Planning (Local Planning)(England) Regulations 2012 (“the Regulations”) and acting on the recommendations is within the Council’s powers as set out in the Regulations.

Cheryl Parks, Mid Kent Legal Services (Planning) 24.12.2020

### **B. Finance and Other Resources**

There is a statutory duty to produce a Local Plan and sufficient financial resources have been allocated within the Medium-Term Financial Strategy.

Lee Colyer, Director of Finance, Policy and Development 30.12.2020

### **C. Staffing**

There are no staffing implications

Anita Lynch, HR Manager 23.12.2020

### **D. Risk Management**

The Local Plan not being adopted effectively (together with housing not being delivered in right areas / types) is a risk on the Corporate Risk Register. The timely progression of the new Local Plan is identified as Current Control/ Mitigation in place/ Action.

Agreement to undertake the consultation and submission as recommended would ensure that Local Plan continued to progress towards adoption, therefore reducing (in the long term) the risk of the Local Plan not adopted, and the associated consequences of this.

Steve Baughen, Head of Planning, 21<sup>st</sup> December 2020

## **E. Environment and Sustainability**

The Draft Local Plan will be a key long lived policy document in terms of future place shaping. As such it is critical in delivering on the council's ambition, declared by full Council July 2019, (Item FC29/19), to make the Borough carbon neutral by 2030. Equally, legislation enacted in 2019 requires the government to reduce the UK's net emissions of greenhouse gases by 100% relative to 1990 levels by 2050. Given the longevity of the Local Plan, policies to support delivery of low or zero carbon emissions and the provision of renewables will be essential.

The plan includes policies for the protecting of the natural environment that go beyond the requirements of Section 40, National Environment and Rural Communities Act 2006 to "have regard" to conserving biodiversity and in line with current guidance sets out a proactive approach to achieving measurable net gains for biodiversity.

The spatial approach and policies of the Local Plan seek to minimise adverse effects on the nationally important landscape of the High Weald AONB in line with its statutory duty to have regard to "conserving and enhancing the natural beauty". The plan is underpinned by a strong landscape evidence base and proposals for development have considered the effects on the designated landscape at every stage.

Policies seek a high standard of design in the High Weald AONB and require developers to take account of the High Weald AONB Management Plan and supporting guidance.

Karin Grey, Sustainability Manager and David Scully, Landscape & Biodiversity Officer  
30.12.2020

## **F. Community Safety**

No community safety issues arise as a result of this report

Terry Hughes, Community Safety Manager 23.12.2020

## **G. Equalities**

Decision-makers are reminded of the requirement under the Public Sector Equality Duty (s149 of the Equality Act 2010) to have due regard to (i) eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act, (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 could directly impact on end users.



The PSLP contains policies and plans to guide future development within Tunbridge Wells borough which could be relevant to people with protected characteristics such as people with disabilities and different age groups.

As part of the proposed consultation the Council will contact organisations and groups that may be relevant or have an interest with regard to the protected characteristics of disability, race, sex, age, religion/belief, sexual orientation and gender reassignment.

The preparation of the Local Plan has been accompanied by an Equalities Impact Assessment. This will set out:

- how the Council's understanding of the impacts has developed at key stages of the Local Plan process;
- matters relating to protected characteristics that were raised in the previous consultation;
- a summary of the impacts on the protected characteristics.

Ingrid Weatherup, Corporate Governance Officer 31.12.2020

## **H. Data Protection**

The Regulation 19 consultation will involve the processing of personal data. Individuals will be informed about the use of their data in the Privacy Notice. We do not consider that the processing will result in a high risk to individuals' interests under the General Data Protection Regulation.

Ingrid Weatherup, Corporate Governance Officer 31.12.2020

## **I. Health and Safety**

There are no new staff related health and safety at work considerations arising from this report.

Gary Stevenson, Head of Housing, Health and Environment 31.12.2020

## **J. Health and Wellbeing**

The Local Plan is a long-term strategic planning document which establishes a planning policy framework that will have a positive impact on the health and wellbeing of the borough's residents by for example protecting green spaces, promoting opportunities for active travel and providing allocations for new employment opportunities and housing. The health and well being benefits of individual planning applications will be considered and assessed as part of the Development Management process.

Gary Stevenson, Head of Housing, Health and Environment 31.12.2020