

Home Builders Federation

Matter 1

TONBRIDGE AND MALLING LOCAL PLAN EXAMINATION

Matter 1 - Duty to Co-operate and other Legal and Procedural Requirements

Duty to Cooperate

1. What are the relevant strategic matters in relation to the Duty to Cooperate? What evidence is there of this?

In our representations we raised our concern as to the dearth of evidence with regard to the duty to co-operate. As such we are pleased to see that some evidence has now been provided for the examination in public. However, we do not consider the evidence provided to show that the duty to co-operate has been effective in addressing some of the key strategic and cross boundary issues facing Tonbridge and Malling.

In relation to the relevant matters falling under the duty to co-operate we would agree with the Council's position in paragraph 2.3 of the Duty to Co-operate Statement (SC1) that housing is a key strategic and cross boundary issue for the Council. The Council's 2014 Strategic Housing Market Assessment (HO7) provides evidence that the Council is located within two Housing Market Areas, one with Maidstone to the east and the other with Tunbridge Wells and Sevenoaks to the south and west. However, there are evident concerns that co-operation within this housing market area has been effective given the Inspectors findings from the Sevenoaks Local Plan which we will raise in our response to question two below.

However, in addition to the strategic links within the HMA we are concerned that insufficient consideration has been given as part of the Council's duty to co-operate with regard to the impact of London on both these housing markets. HO7 provides evidence as the strong links between both the HMAs and London recognising that national research published by DCLG in 2010 included the whole of Tonbridge and Malling within a London Housing Market Area.

However, what does not seem to be recognised within SC1 is the increasing amount of unmet housing needs within the capital and the Mayor's request for "willing partners" to help address these needs. At the time this plan was being prepared the GLA indicated that there was a shortfall of 10,000 homes over the next ten years, based on their own assessment of housing needs. This has not been acknowledged by the Council and consideration does not appear to have been given to becoming a "willing



partner” given the excellent transport links between the Tonbridge and Malling/Maidstone HMA and the capital.

It is also a situation that is not improving. As we are sure the Inspectors will be aware the examination of the London Plan identified that the shortfall between housing needs and supply across London will now be in the region of 140,000 homes over the next ten years. The impact from such a shortfall will be felt across the south east but it will have the greatest impact on those areas with strong transport links to the Capital and as such we consider that this cross boundary and strategic issue should have had significant weight within considerations of housing needs and supply.

2. Has the Council maximised the effectiveness of the Local Plan by engaging constructively, actively and on an ongoing basis with the prescribed bodies on relevant strategic matters during the preparation of the Local Plan and what form has this taken?

Failure to co-operate effectively in relation to housing needs in Sevenoaks

The inspectors will be fully aware of the findings of the Inspector examining the Sevenoaks Local Plan. These findings raise significant concerns regarding not only the with regard to the approach taken by Sevenoaks but the effectiveness of the approach to considering unmet housing needs across the HMA. In particular the report raises concerns that the engagement on unmet housing needs has been active, constructive, or on-going. What is evident from the evidence presented by Sevenoaks and summarised in paragraphs 21 to 23 of the Report on the Sevenoaks Local Plan, is that the TMBC were aware of the issue of unmet needs in Sevenoaks, if not the full scale, prior to submitting the Local Plan. What the Councils did not do was go on to consider in a constructive and meaningful manner whether any assistance could be provided to Sevenoaks. We fully recognise that the duty to co-operate is not a duty to agree but in order to disagree the Councils should have collectively considered and tested options for meeting some of Sevenoaks unmet needs prior to submitting their local plans. The failure to properly consider the options for addressing the unmet needs in Sevenoaks points to an ineffective approach to co-operation on the strategic issue of housing delivery across the West Kent HMA.

Co-operation in relation to London's unmet housing needs

We do not consider the Council to have engaged sufficiently with the Mayor and other London Borough's with regard to the unmet needs of London and its potential impact on housing needs within Tonbridge and Malling. There has largely been a desire from authorities across the South East that London needs to 'consume its own smoke' with regard to housing needs to avoid placing inevitable pressure on the wider region. Engagement has largely taken place at a strategic level managed through the South East of England Council's (SEEC) but our concern is that this work has not been effective in actually seeking to address the concerns that London has been failing to meet its housing needs. The Council, and others across the South East, have been content to ignore this issue and not create effective mechanisms through which the

growing shortfall in the delivery of new homes could be addressed through increased delivery across the wider south east. The approach taken by the Council, as represented by SEEC, to support the unrealistic expectations as to the capacity of outer London Borough's to increase delivery through the intensification of development on previously developed land.

We recognise that this plan was prepared prior to the examination of the London Plan and the inspector's conclusion. However, no acknowledgement as to the Capital's shortfall of 10,000 homes between 2018 and 2028 has been noted in SC1 or seemingly fed through into the considerations of housing needs, supply and affordability that have shaped the local plan in order to maximise its effectiveness. In fact, it would appear that considerations as to the impact from the capital have waned with the most recent SHMA update published in January 2019 not seeking to update its analysis of London migration. Without any such considerations the effectiveness of the duty to co-operate must be brought into question.

3. What outcomes have resulted from the co-operation with the prescribed bodies on any relevant strategic matters and how have these informed the plan's policies?

As we set out above the Council does not appear to have taken into account the shortfalls in housing supply within London and the inevitable impact that this will have on demand and affordability within Tonbridge and Malling. These same concerns were considered by Ashford within their recently adopted local plan. This plan initially proposed an increase in their objectively assessed needs by 547 new dwellings to take account of increased migration from the capital. Whilst this was eventually combined into an increase in the affordability uplift it gives an indication that such matters can and should be taken explicitly into account when preparing Local Plans.

4. Are there any cross-boundary issues in relation to any of the proposed site allocations and any general policies and if so, how have they been dealt with through the Duty to Cooperate?

No comment.

Other matters

12. Does the overarching strategy of the Local Plan secure the development and use of land which contributes to the mitigation of, and adaptation to, climate change consistent with S19(1A) of the Planning and Compulsory Purchase Act 2004? If so, which are the relevant policies?

No comment

13. How have issues of equality been addressed in the Local Plan?

No comment

14. NPPF paragraph 157 says that Local Plans should be drawn up over an appropriate time scale, preferably a 15-year time horizon. Is this Local Plan period an appropriate time horizon? What is the justification for using 2011 as the first year?

The time period over which this local plan covers is not appropriate. Paragraph 157 of the 2012 NPPF states the local plans should be “*drawn up over an appropriate time scale, preferably a 15-year time horizon, take account of longer-term requirements, and be kept up to date*”. As such a plan which establishes and meets development requirements for, at best, the next ten years cannot be considered to be consistent with national policy.

There is no justification for using 2011 as the first year of the plan period. We recognise that the time taken in developing local plans and their supporting evidence base does allow for plan periods to cover periods prior to the examination and adoption of the local plan. This was especially the case under regional plans where local authorities were preparing plans to meet needs over a period defined by the Regional Spatial Strategies. However, with the introduction of the NPPF in 2012 it fell to the LPAs to assess needs and define the period over which needs would be met. This required them to look forward and to take account of longer-term needs within the local plan rather than focus on what has happened before.

This does not mean that past delivery is not a factor when preparing a plan. Planning Practice Guidance published to support the 2012 NPPF recognised that the consequences of past delivery should be taken into account when establishing the objectively assessed needs for housing in both the demographic projections (paragraph 2a-01520140306) and the market signals (2a-019-20140306). As such it is not strictly necessary for such long periods prior to plan adoption to be included in plan periods as long as the consequences of under delivery are recognised within the objective assessment of housing need.

However, what is necessary is to ensure a 15-year time horizon to support long term planning and the greater certainty this provides to local residents, businesses and developers. Given that the Council has reviewed its housing needs assessment several times during the preparation of this local plan, most recently in January 2019, it is therefore surprising that the Council did not extend the plan period reflect national policy and ensure a 15-year time horizon for its local plan. To ensure consistency with national policy the plan period must be extended to ensure the plan covers a fifteen-year period from the likely year of adoption. This will require the local plan set out the development needs for Tonbridge and Malling between 2021 and 2036 and identify, where possible, sufficient sites or broad locations for development that will meet these needs as required by paragraph 47 of the NPPF.

15. Are there any ‘made’ Neighbourhood Plans, or any being prepared or in the pipeline? If so, how have these been taken into account and where is this evident?

No comment

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