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INVESTOR IN PEOPLE

Dear Mr Inspector,

Re. The Maidstone Local Plan Hearing

The purpose of writing to you at this time is to provide some clarification in respect of a number of cross boundary issues that have arisen during the above Hearing in respect of Tonbridge and Malling Borough Council.

As you will be aware Tonbridge and Malling Borough Council has not made a request to be formally represented at the Hearing. However at a number of sessions where officers have attended as observers, references have been made in respect of the progress and proposals towards the emerging Tonbridge and Malling Local Plan, recent planning decisions in the vicinity of the borough boundary at Hermitage Lane and how the duty to cooperate has been met in respect of these and other cross boundary issues. In order to assist your deliberations please find below some simple points of clarification.

1. Update on the Tonbridge and Malling Local Plan

Tonbridge and Malling began preparing a new Local Plan soon after the publication of the National Planning Policy Framework in March 2012, building on the Local Development Framework which was adopted between 2007-10 in a series of Development Plan Documents.

In September 2016 following the compilation of the Local Plan evidence base, a Regulation 18 public consultation took place for an eight week period and this has recently closed on the 25th November.

The consultation was focused on a document entitled 'The Way Forward', which sets out the issues arising from the evidence we have gathered, applies a series of 'building blocks' (recognised in national planning policy as priorities for meeting future development needs, such as brownfield sites within built confines) and guiding principles that seek to meet not only future needs, but also address locally recognised planning objectives, such as delivering new infrastructure where most needed. This process identifies a possible future development strategy on which comments have been invited. No decisions have been made at this stage and there is flexibility within the strategy as the potential capacity exceeds the objectively assessed needs for future housing and employment.

Based on our current timetable we anticipate carrying out a further round of Regulation 19 consultations in respect of a draft Local Plan for submission later in 2017 with the appointment of an Inspector and Hearing date during 2018. Adoption is expected in 2019, although this could be sooner.

Additional Comments

The summary above illustrates that good progress is being made towards a new Local Plan for Tonbridge and Malling and that we are approximately 1-2 years behind Maidstone in the process. (Although we have the benefit of an adopted Development Plan in the shape of our LDF and we are also able to demonstrate a five year housing supply in accordance with the current Objectively Assessed Need). Despite the difference in the stage of Plan making we have reached, we are confident that we have met the requirements of the Duty to Cooperate to date and have worked closely with all our neighbouring Local Planning Authorities and major infrastructure providers, including Kent Highways, in arriving at the recent consultations.

Some of the comments observed at the Hearing seemed to suggest that the proposed strategy in the vicinity of Aylesford/Hermitage Lane is more advanced than is the case and had not been discussed more widely prior to publication. To clarify:

- As noted, the proposed strategy contained within our Regulation 18 consultation is at an early stage and nothing has been decided yet.
- The sites proposed have been drawn from the Strategic Land Availability Assessment, which in turn have been assessed by infrastructure providers including Kent Highways.
- The proposed developable area in the vicinity of Aylesford/Hermitage Lane is intended to deliver sufficient developer contributions to address the capacity and congestion issues in the form of significant new highway infrastructure. This stands to be tested through the next key stages of the plan and the consultation at Regulation 18 stage will form part of that.
- This approach responds to Local Plan evidence in respect of the A20 corridor baseline study commissioned jointly with Kent Highways which points at deficiencies in the capacity of the local road network that could potentially be addressed through a strategic approach in the Tonbridge and Malling Local Plan.
- Further modelling work is underway with KCC and Amey to better understand the impacts of potential future development and mitigation in this area and should be completed by April 2017. The methodology has been discussed with Highways England.

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- The proposed strategy and the potential developable areas were shared with Maidstone Borough Council and their Highways consultants Mott Macdonald in July to inform their own evidence (M20 Junction Assessments).

Further information on Tonbridge and Malling's Local Plan can be found here:

<http://www.tmbc.gov.uk/services/planning-and-development/planning/planning-local-plans>

2. Recent Planning Decisions in the Vicinity of the Borough Boundary at Hermitage Lane

During Session 12 – 'Transport and Infrastructure' held on 17th November 2016 the Hearing heard several references to a recent planning permission at Hermitage Lane in Tonbridge and Malling involving the demolition of 8 residential bungalows and the redevelopment of three A1 retail units and one A5 drive through (McDonalds) application reference TM/13/02637/FL. This case was used as an example of a planning permission causing adverse traffic impact due to lack of adequate mitigation. In the absence of a representative from Tonbridge and Malling to respond it was implied that mitigation is not always sought or is sometimes inadequate.

For clarification, satisfactory mitigation is always sought in liaison with the Highways Authority where it is justified and this was the case in respect of this application where works have been implemented to assist the traffic aspects of the new development. However, the number of vehicles turning right on Hermitage Lane is significantly higher than identified in the traffic assessment and this has caused tailbacks. Further measures to improve the situation are being considered by the Highways Authority and it is intended that a satisfactory solution implemented as soon as practicably possible to assist traffic management further in this location.

Traffic generation in this locality is indeed an issue, as it is with many parts of the local road network in this area of mid Kent. The developments in the north western part of Maidstone Borough has undoubtedly contributed to this situation. As highlighted already, a fundamental reason for the approach set out in the Tonbridge and Malling potential development strategy to see how a strategic approach to development in this locality might improve matters.

3. Duty to Cooperate

The Hearing has also heard numerous challenges regarding the Duty to Cooperate and how Maidstone and Tonbridge and Malling have met the duty in respect of their Local Plans.

The response of the Kent Association of Local Councils (KALC) to Tonbridge and Malling's Regulation 18 consultation dated 14th November 2016 and circulated at the Maidstone Hearing on the 15th makes very specific points at paragraphs 30-33 (further copy attached).

KALC's comments will be addressed as part of the Borough Council's response to the Regulation 18 consultation in due course, but in advance of that process we would like to take an opportunity to clarify the position.

Paragraphs 31 and 32 state that in response to a Freedom of Information request 22 meetings took place between the two Authorities since 2012, but, it is alleged, there is little evidence of constructive, active and ongoing engagement as required by the NPPF. Reference is also made in paragraph 33 to a local press article (Downsmail) suggesting a less than cohesive approach.

It is understood that the meetings referred to equate to the 22 engagements in the Statement of Compliance issued by Maidstone before the start of the Hearing. Closer examination shows that not all of these engagements were in fact meetings. Some were telephone exchanges and others e-mails. Of the actual meetings listed many were joint, technical meetings together with Ashford Borough Council and the consultants GL Hearn and Partners jointly appointed by the three Local Authorities' to prepare our SHMAs. The remainder were meetings to discuss Local Plan progress between Maidstone and Tonbridge and Malling and these were minuted.

The Downsmail article referred to at the Hearing was in respect of a draft response by Maidstone Borough Council to our Regulation 18 consultation, which was subsequently considered by Maidstone's Committee Members and amended before sending to Tonbridge and Malling. The final response dated 17th November raises a number of concerns about the potential impacts any future development in Tonbridge and Malling in the vicinity of South Aylesford could have on the local highway network and anticipates close and collaborative working between the two authorities and Kent Highways and Highways England to establish solutions. It also acknowledges the proposal to investigate a longer term solution to transport challenges through modelling work and an alternative transport route that draws road traffic away from this part of the A20 and Hermitage Lane.

This supports the proposed strategy set out in Tonbridge and Malling's Regulation 18 consultation 'The Way Forward', which seeks to address current and future capacity issues through significant development-led investment and builds on the positive collaboration that has been already documented.

For information, please find attached a copy of the final response by Maidstone Borough Council to our Regulation 18 consultation together with our preliminary reply dated 13th December.

I hope these brief points of clarification have been of assistance in considering the evidence before you.

If you would like further clarification on any of the matters raised in this letter or indeed regarding any other references to Tonbridge and Malling's Local Plan preparations made during the Hearing please do not hesitate to contact me in the first instance.

Yours sincerely

A handwritten signature in black ink that reads "Ian Bailey". The signature is written in a cursive, slightly slanted style.

Ian Bailey
Planning Policy Manager