

Agenda Item: 16

Report to: Planning, Transport & Environment Committee

Date: 2nd September 2020

Subject: Local Plan Hearing

Summary: To note report and consider the Local Plan hearings.

Decision required

To consider which matters, if any, the parish council would like to speak on at the hearing session and consider the statement.

Local Plan Hearing

Stage 1 of the hearing sessions will cover the matters set out below. If, after the Stage 1 hearing sessions, the Planning Inspectorate consider that in relation to these issues the Local Plan is likely to be found legally compliant and sound, the remaining matters including site allocations, housing supply and delivery and development management policies, will be considered at a later date.

There are three possible outcomes to the examinations:

- The submitted Plan is sound
- The submitted Plan is not sound, but could be made sound by changes
- (known as 'main modifications'), if necessary following additional work
- The submitted Plan is not sound and could not be made sound by changes.

The Examination Process

The Inspectors will run the examination hearings as efficiently as possible, keeping a tight rein on the discussions and time taken. Repetition will be discouraged. The aim is to conduct a short, but focused, series of hearings – resulting in the preparation of a short, focused report.

Representors have largely already indicated whether they wish their views to be dealt with solely on the basis of their written representation or if, in addition, they intend to participate in a hearing session. Both methods will carry the same weight and the Inspectors will have equal regard to views put orally or in writing.

It is open for any representor to submit an additional statement in advance of the hearings provided the content of further submissions seeks to address the questions the Inspectors have raised, and the subject matter directly relates to the issues raised in original representations. Representors should not seek to repeat comments already submitted or introduce new areas of objection to the Plan at this stage. Only those parties seeking specific changes to the Plan are entitled to participate in the hearing sessions of the examination, and there is no need for those supporting or merely making comments on the Plan to attend.

Below are the four matters that are being discussed and any links to the parish council's Regulation 19 responses.

Matter 1

Whether the council has complied with the Duty to Cooperate and other relevant legal and procedural requirements.

Duty to Cooperate

KHPC have commented on the green belt, infrastructure and environmental quality. I cannot see any comments on the duty to cooperate.

Sustainability Appraisal

The sustainability appraisal refers to the green belt extension alternatives.

- Are the likely environmental, social and economic effects of the Local Plan adequately and accurately assessed in the Local Plan?
- Is the Local Plan the most sustainable strategy when considered against the reasonable alternatives?

KHPC have made reference in the green belt response that removing green belt land is not a sustainable pattern of development and that it should be protected – exceptional circumstances for loss of green belt have not been demonstrated.

KHPC have also commented that TMBC have not adequately considered and assessed reasonable alternatives. This kind of development is not sustainable for the following reasons.

1. Development of greenfield land will result in potential adverse impacts on wildlife and habitats.
2. Landscape value of the Greensand Fruit Belt considered to be of Local Value.

Other Matters

I did not see anything relating to KHPC's comments.

Matter 2

Whether the spatial strategy, settlement hierarchy, development distribution and site selection methodology is justified, effective and consistent with national policy.

1. Is the approach to devising the spatial strategy as explained in the Council's Spatial Strategy Topic Paper robust and in line with the national guidance?
2. Is the spatial strategy, settlement hierarchy and distribution of development justified and sustainable, what other spatial strategies and patterns of distribution were considered and why were they discounted?
3. To what extent does the spatial strategy seek to focus development on non-green belt sites? Generally, how has the green belt influenced the spatial strategy settlement hierarchy and distribution of development?
4. The spatial strategy balances the need to support sustainable growth with the need to protect natural and heritage assets by avoiding, as far as possible, the following designations: Special Areas of Conservation; Sites of Special Scientific Interest; Areas of Outstanding Natural Beauty; Ancient Woodland.

KHPC stated that the settlement hierarchy is inappropriate as the basis for directing the location of residential or employment development. It is based on the outdated premise that the borough is an isolated location, ignoring the need for most residents to commute out of the borough, mostly to London.

KHPC have also stated that the balance of the strategy is unnecessarily reliant on strategic sites of which there is significant doubt about delivery.

KHPC stated that within 5 years Kings Hill will be a sprawling housing estate with upwards of 14k residents and the infrastructure designed to support a mere fraction of this number.

KHPC stated that there is not an equitable distribution of new houses across the borough. Proposed housing development should be spread more evenly across the borough and should be proportionate to the size of existing settlements and local infrastructure.

There are many other questions within this section that councillors may wish to comment on I have just noted above the ones that KHPC have referred to already. This document is not a substitute for reading the information sent from the Planning Inspectorate.

Matter 3

Whether the Local Plan has been positively prepared and whether it is justified, effective and consistent with national planning policy in relation to the overall approach to the Green Belt.

1. Does it reflect the fundamental aim of Green Belts, being to prevent urban sprawl by keeping land permanently open?
2. Does it reflect the five purposes that Green Belts serve, set out in paragraph 80 of the NPPF?

One of the key factors was how various parcels of Green Belt performed against the purposes prescribed in para.80 of the NPPF. The purposes are:

- 1. to check the unrestricted sprawl of large built-up areas;*
- 2. to prevent neighbouring towns merging into one another;*
- 3. to assist in safeguarding the countryside from encroachment;*
- 4. to preserve the setting and special character of historic towns; and*
- 5. to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.*

3. Paragraph 83 of the NPPF is clear that the Green Belt boundaries should only be altered in exceptional circumstances. Is the Council's approach to the Green Belt set out in its Green Belt Exceptional Circumstances Topic Paper robust and in line with national guidance?

KHPC have made reference in the green belt response that removing green belt land is not a sustainable pattern of development and that it should be protected – exceptional circumstances for loss of green belt have not been demonstrated.

KHCP have also commented that TMBC have not adequately considered and assessed reasonable alternatives. This kind of development is not sustainable for the following reasons.

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There are many other questions within this section that councillors may wish to comment on I have just noted above the ones that KHPC have referred to already. This document is not a substitute for reading the information sent from the Planning Inspectorate.

Matter 4

Whether the Local Plan has been positively prepared and whether it is justified, effective and consistent with national planning policy in relation to the overall provision for housing and employment land.

I did not see anything relating to KHPC's comments.

Update in May

The TMBC website states:-

"The Inspectors have provided some points of clarification to their Matters, Issues and Questions for the Stage 1 Hearing sessions which can be viewed at ED46 in the Examination Documents. Dates for the postponed Hearing sessions have not yet been set and no deadline for Hearing statements will be set until the dates for the Hearing Sessions have been arranged. As soon as there is any further information a note will be posted here in the Latest News and Updates."

The points of clarification have been added to this report as an attachment.

Decision required

To consider which matters, if any, the parish council would like to speak on at the hearing session and consider the statement.

Contact Officer: Georgina Jackson, Deputy Clerk

Date: 16th June 2020