

Cllr McDermott: [0:09:55] Thank you, Lady Mayor.

In 2010 Full Council passed the existing Local Plan, known amongst most of us as the Core Strategy. Unfortunately in 2014 the then Coalition Government overnight increased the number of houses we had to build, with immediate effect. Work started on the new Local Plan immediately, and there it has been comprehensive process with significant engagement between members and with the public and business. It is underpinned by a comprehensive proportionate evidence base, and the final form the plan has evolved from the Draft Local Plan in 2019.

There are so many reasons why it is necessary to have an up to date plan in place. It will provide the certainty for decision making, protect the Council and its residents from speculative development, implement the policies which will deliver more affordable housing, will result in more sustainable buildings and meet the government's insistence that all councils have an up to date Local Plan in place by the end of 2023.

The government I am sure will be making changes to the whole planning system over the coming years, and having an up to date plan in place through this period will provide clarity for the borough through the upcoming years of uncertainty, again protecting the borough from those looking to make the most of this uncertainty, but more importantly meaning that we can continue to insist on high-quality planned development.

I have sought to ensure that all members from across the Council have had the opportunity to have their say and be involved in the process of producing the Local Plan through inviting all to the Planning Policy Working Group.

And I would like to take this opportunity to thank members for the time and energy that they have spent on this process. We have ensured that there has been significant engagement with the public, with two major consultations so far. Particularly that which took

place in Autumn 2019 on the Draft Local Plan. The changes to the plan since the Draft Local Plan are set out in the report. The final version of the plan is far stronger as a result of this consultation.

There will be significant opportunities for further public engagement as the plan progresses, particularly in those areas which will be most affected by the proposals in it. This will occur through the course of producing the supplementary planning documents for Paddock Wood including land in East Capel, Tudeley and the Royal Tunbridge Wells Town Centre Area Plan. Work will take place on these in 2021 and particularly in 2022.

I wanted to focus on two aspects of the Local Plan. The first, affordable housing. House prices in the borough are more than twelve and a half times gross income. It is the second worst in Kent, only behind Sevenoaks. There is a real need for genuine affordable housing in the borough, particularly that of social rented housing. Whilst we know that the new development delivers affordable housing, it is often not delivered to the extent of social rented housing which is 60% of the market rate.

The new Local Plan policies will not only raise the percentage of overall houses which will be built as affordable homes from 35 to 40% on greenfield sites, but it will ensure that the majority of these affordable homes will be socially rented. Without this policy in place, our ability to deliver such social rented housing is hugely reduced.

The second point is in relation to infrastructure. For far too long there hasn't been the delivery of infrastructure to match the housing which has been built. Members have been adamant there is a need for the timely delivery of infrastructure alongside development. Whilst the proposals for the standalone garden settlement at Tudeley, the transformational expansion of Paddock Wood and East Peckham will not affect residents there, developments of this scale allow comprehensive planning and delivered infrastructure, whether this is roads, schools, doctors

surgeries, flood mitigation measures, open space or leisure centres.

The proposals for the strategic sites will deliver an estimated £179 million in Section 106 contributions and other forms of off-site provision, all of which has been costed and subject to independent testing and reviewed to make sure that these sites and the future communities will be viable and deliverable.

The housing numbers to be planned for and the constraints of the borough and the Council required difficult decisions to be made. The Council has wrestled with the waste plan for the growth that the planning system eventually forces us to deliver and I feel that the plan before the Council does this in the most appropriate way. It means that we can move forward.

But this isn't the final step tonight. Residents, businesses, objectors and supporters will have the opportunity to provide their representations through the Regulation 19 consultation which will all go to the planning inspector.

I'm sure that members have seen the update onto the papers. Consultation will start on Friday 26<sup>th</sup> March and run for eight weeks until Friday 21<sup>st</sup> May.

As a final point, I shall remind the Council that the planning inspector will examine the plan and ultimately if the strategy of the plan is not appropriate or not sound for some other reason then we will be told so. My view is that the plan is sound. We need to move forward now with the plan and I propose the motion.

Thank you, Madam Mayor.

Mayor Podbury:

Thank you. I see Cllr Hayward has raised a Point of Order. He raised it after I introduced the item so I intend to let the motion be moved and seconded, to listen to the public speakers and then call

on Cllr Hayward to raise his point of order before I open the item to debate.

Cllr Dawlings, would you like to second the motion?

Cllr Dawlings: Madam Mayor, yes I would and I'll reserve my right to speak, thank you.

Mayor Podbury: Thank you. We now have four public speakers. When I call your name, please unmute yourself and you will have three minutes to make your statement.

Our first speaker is Dave Lovell.

Dave Lovell: Thank you. Councillors, in 2017 this Council presented five options for the borough's housing need. The majority chose the A21 growth corridor in Capel but the public was ignored. In 2019 we were told our rural parish, 2% of the borough's population, would shoulder over 505 of the housing need. At Regulation 18 in an unprecedented response, 95% objected to the Capel proposals; we were ignored.

The Parish Council recently registered another 95% rejection of the proposals and Save Capel voted 95% in favour of an alternative site in the parish. The result: Capel was slapped with an increase. 700 more houses.

Mr Baughan says public consultation is not a numbers game but democracy, like housing need, is very much so. Openness is also vital to democratic norms, but justification of these sites is dressed up in convoluted planning speak and inconsistency. The NPPF says brownfield first; the plan's focus is greenfield. The AONB and its setting are key. Tudeley borders the AONB and is intrinsic to the setting between High and Low Weald. Flood zone should be avoided; Tudeley, East Capel and Paddock Wood are adjacent to or in a flood zone. The greenbelt should be preserved; the plan undermines it, creating an urban sprawl from the edge of

Tonbridge, merging Tudeley and Five Oak Green with Paddock Wood.

There is a climate emergency, but destroying countryside is part of the problem. Alternative sites have not been properly considered, and key reports on viability and infrastructure are withheld from public scrutiny. Why? Well, experts say the proposals appear unsustainable, unavailable and therefore unsound. As do Tonbridge and Yalding councillors, dismayed at the threat of congestion and flooding to their communities. Are they also to be ignored?

You are warned, developers will run amok if you don't approve the plan, but the Court of Appeal says otherwise and the Council's five year supply is all but met.

And there's the pandemic, dictating the future and accelerating change, but the plan barely acknowledge this. We need a plan for the post-COVID world, not one that has to play catch-up.

Save Capel is not alone. We are closely aligned with other campaigns including Paddock Wood, Benenden and Cranbrook, and we represent many thousands who reject this plan. We all want a plan that respects public opinion and doesn't strike fear into residents and neighbours; a plan to regenerate our town centres, focused on genuinely affordable housing and close to employment. Such momentous change needs proper debate but COVID restrictions make that impossible, now compounded by the distraction of local elections at the same time.

Councillors, we ask you to reject the Local Plan and to use the time to create a forward looking plan that we can all be proud of. Thank you.

Mayor Podbury:

Thank you. Our next speaker doesn't appear to be online so I'm going to ask a member of the Democratic Services to read it out. It's the speech of Hazel Strauss, please. Thank you.

Democratic Services: Thank you, Madam Mayor.

What is an affordable house? It is one which costs 80% of its market value. In 2018 the average house price in this borough was £472,000. When it comes to affordable housing, the plan talks a good game but the fact is that truly affordable housing can only be achieved through community land trusts and there is nothing in this plan to support these. The plan offer lip service to affordability, and that is all.

I hear this phrase often, that we don't have the five year land supply and we have lost control of our planning system. But have we? On April 1<sup>st</sup> 2020 we had 4.83 years. The figure will be revised this April 1<sup>st</sup> when planners expect to reach that vital five year supply mark. It is even possible that we have reached it already.

The purpose of the planning system is to achieve sustainable development; sustainability should be front and centre but in this plan it isn't. In January the government published a revised NPPF. It is setting up three categories: land for growth, renewal areas and protected areas which include the greenbelt and AONB. Planners will set higher standards to meet the challenges of climate change and protecting the environment. Small builders will be given easier access to the market and hopefully they will build smaller sized estates, which is what people want. Most importantly for us in the South East, a levelling up process will see a 35% increase in building in the North.

And everywhere, talk of a post-COVID future which will be different. Offices, commercial centres and retail space will be repurposed as housing. Is Tunbridge Wells planning for a post-COVID future? Alas, no. This plan proposes building as never before. Building on the greenbelt, covering flood plains with houses, plastering our AONB and areas within its setting with almost 7,000 new homes. The plan before you this evening is the offspring of what one MP described as a *mutant algorithm* that prioritises building in the

villages and towns of the South East, but this algorithm is long dead. We have a new NPPF coming up.

Vote against this Local Plan. It is not good enough, it is extremely destructive and is anchored in the past. [0:23:07]

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John Hurst:

[0:26:56] Councillors, I am speaking via an electro-larynx. The Green Party supports some aspects of the BSLB, for example the use of brownfield sites near town centres, though the climate emergency provisions need to be toughened up. For example, by not building houses in flood prone areas and making the zero carbon ready to reflect the Housing Ministry's energy efficiency requirements published last month.

But the plan has a fatal flaw. It contains too many houses and is hence unsustainable in a constrained borough like Tunbridge Wells. The planners have tried to get a quart into a pint pot and the overspill has placed over 50% of the new dwellings in the greenbelt and has created unpopular developments from Ramslye to Benenden and Cranbrook via Capel and Paddock Wood.

But on 16<sup>th</sup> December the Housing Minister Robert Jenrick reformed the standard method, putting the responsibility for determining the number of houses and where they go back to local authorities. This is what the Minister calls his policy position prior to it going into the next NBBF:

*“Within the current planning system the standard method does not present a target in plan making, but instead provides a starting point for determining the level of need for the area, and it is only after consideration of this alongside what constraints areas face, such as the greenbelt, that the decision on how many homes should be planned is to be made. It does not override other planning policies, including the protections set out in the NBBF or our strong protections for the greenbelt.*

*It is for local authorities to determine precisely how many homes to plan for and where those homes are most appropriately located, taking into account the local circumstances and constraints.”*

I am surprised this reform was not mentioned at the Cabinet Advisory Board, and the sentence about the reformed standard method in paragraph 3.19 on page 16 of the Agenda numbering is incomplete and thus misleading.

Councillors, since December the Local Plan numbers have become your numbers and you are now free to reduce them where there are constraints. It is time to take back control. The BSLB should be returned for rework with say 30% fewer houses to give Tunbridge Wells the sustainable plan and Local Plan that it deserves.

Thank you.

Mayor Podbury:

Thank you. next we have representatives from several Parish Councils. Given the particular impact on Capel Parish I am minded to be lenient in time allowed, but please try to keep as close as you can to the three minutes.

Cllr Hugh Patterson on behalf of Capel Parish Council.

Cllr Patterson:

Madam Mayor and Councillors, good evening. I am here representing the 95% of Capel residents opposed to this plan.

The two strategic sites, both within the parish, are within two miles of each other and disproportionately impose more than half of the housing allocation on Capel. To be fair to all our residents, the consultation should be after the pandemic. There were 8,000 comments about Capel at Regulation 18; none of them will be considered by the inspector unless they are resubmitted at Regulation 19. But many Capel residents will not be able to comment at Regulation 19 as the parish is one of the least digitally skilled ones in the borough. On some estimates up to 20% of residents here have no or limited internet access or skills. With a



postal consultation it will be impossible to access the 1,100 I think pages of plans without access to the internet.

The planners provided no evidence, just an assertion that the process can properly be carried out during a pandemic and lockdown. It must be self-evident that an extended consultation will make no difference without a face to face access for those lacking computer or internet skills.

With more time we could re-examine this documents flaws, ensuring Tunbridge Wells has a plan fit for a post-COVID world.

Firstly, Tudeley village is unsustainable. The surrounding road infrastructure is clearly inadequate, and Hadlow Estate the developers show no enthusiasm for building outside their development, as they demonstrated at their exhibition. Furthermore, neighbouring Tonbridge residents fear the impact on their town of such a large proximate development and the borough has not established a duty to cooperate with Tonbridge and Malling.

If the inspector agrees that the Tudeley development is unsustainable then the plan will be unsound. The planners, I would submit, are taking a big risk when there is a much more sustainable option at Castle Hill which they do not want to consider as they are trying to rush this plan through.

Secondly, the AONB setting needs to be given more weight in this document. Tudeley village, as well as the proposed Five Oak Green bypass, affects the setting of the AONB which is as important as the AONB itself. On any objective viewing the landscape impact of the development at Tudeley is far greater than it would be at Castle Hill, a relatively enclosed development site. The plan claims minimal impact on the AONB but has thousands of houses and a road in its setting. Where is the logic here?

Thirdly, Capel Parish is nearly all in the greenbelt, including Castle Hill. But Castle Hill is a much less strategically important part. It

does not separate Tonbridge from Five Oak Green and Paddock Wood, which is the key test of the greenbelt as it maintains openness and prevents coalescence. Castle Hill will not lead to development stretched from Tonbridge to the east of Paddock Wood in the way that Tudeley and East Capel together would. That is why Capel Parish Council support it. If the greenbelt boundary is to be moved, it, Caste Hill, is the least worst option.

Finally, as many have said, this plan is the pre-COVID one. The Council needs to step back and imagine what the future might be like after the pandemic before trying to destroy large swathes of the countryside and the Capel community whose way of life will be changed for good.

Thank you, Madam Mayor. [0:34:19]

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Mayor Podbury: [0:39:40] I have also exercised my discretion so as to allow Adrian Berendt to speak on behalf of the Town Forum. Whilst the Town Forum is not a parish or town council so is not covered by Council procedure rule 28.6.3 I am conscious that the Local Plan also impacts upon the town centre and that other speakers have largely been concerned with the impact on rural areas. I therefore felt that it was important to allow the Town Forum, which represents residents and amenity associations in Royal Tunbridge Wells, to express a view.

Mr Berendt, you have three minutes.

Adrian Berendt: Thank you Madam Mayor, good evening Councillors.

I wasn't really sure whether to speak tonight, but when I thought of the thousands of collective hours that have been put into this Local Plan, not just by members of the Council but by Town Forum members who have spent evenings and days reviewing the plan, to

find that it might fall at the penultimate hurdle was not something that I could ignore.

Paraphrasing an old saying, I would rather not start from here. I've listened to the comments from many of the villages and parishes and I absolutely agree that we don't want to be carpeting our green and pleasant land with homes.

But the trouble is, if we don't agree a plan someone else will do it for us and that someone will be from Whitehall. And if we didn't like this directive, we ought to have thought about that some five years ago and not a few million pounds later, because we have invested millions of pounds in this plan so far.

No plan is ever perfect, but it does have some good things in it. We've heard a lot about the housing numbers. What we haven't heard about is the infrastructure. We haven't heard about the affordable housing or the active travel plans or the things which are going to help with climate change. Most importantly, having a Local Plan will unblock funding for those things.

Voting 'no' tonight will not stop the development. Developers will simply go over our and your heads. Voting 'no' tonight will ensure that there is no money for the much needed infrastructure that many people have already spoken about. And voting 'no' tonight risks the development happening in the wrong places.

You might say, "Well, let's defer things a bit and hope, like Mr Micawber, that something will turn up." This is the worst of all possible worlds. I am sure that something will turn up. That something might be the developer who wants more housing on an allocated site, or a developer with plans for 1,000 homes where you don't want it. Or a government that decides that there are no votes to be lost in Tunbridge Wells and ups our target again.

And even if we assume that our future housing targets reduce, we can always take care of that in the next round of the plan.

It would be very politically tempting to say 'no' tonight, or to defer the decision. You can go back to your business and say, "There you are, I voted down the local plan." I hope that you will be able to look them in the eye when a developer comes along with an application for 100 homes in the next field, because the Borough Council will not be there to protect you.

And by the way, there will be no Section 106 to build the playground that we and you want.

I urge you to support this plan.

Mayor Podbury: Thank you. Before I open this item for debate, Cllr Hayward has indicated he wishes to raise a Point of Order. Cllr Hayward, as I'm sure you are aware, a Point of Order enables you to speak if you believe a procedural rule has been broken. Please tell us which Council procedural rule you believe has been broken?

[Interruption re volume 0:44:09]

Cllr Hayward: Thank you, Madam Mayor. I put an S in the chat bar before you started Item 3 because I wished to move a motion without notice. So the Point of Order is that I wasn't allowed at the time to put my notice even though it was in the side bar in good time, Madam Mayor.

Mayor Podbury: I'm sorry, I must have missed it. Would you like to put your...?

Cllr Hayward: Yes, thank you. I'm actually grateful that you've allowed the speakers to speak because I think that's important. Madam Mayor, I'd like to move a motion without notice under section 12.11 of the constitution to adjourn motion 3 which is the one that we've just heard from. This will be seconded by Cllr Nick Pope, Madam Mayor. Thank you.

Mayor Podbury: Could you just wait a minute, I'll take some advice.

I'm going to ask the Chief Executive to come in, please.

Chief Executive: Thank you, Madam Mayor. So Cllr Hayward has raised a motion on notice to adjourn the debate. That motion on notice is contained in both council procedure rule 12 and council procedure rule 13. Under the council procedure rules it says, Madam Mayor, *"If a motion to adjourn a debate is seconded,"* which it has been, *"And the Mayor thinks the item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion, she will put the procedural motion to the vote without giving the mover of the original motion the right to reply."*

So Madam Mayor, it's for you to determine whether you think the item has not been sufficiently discussed and whether you think it cannot reasonably be so discussed.

Mayor Podbury: Well it obviously can be discussed, this is a special meeting just to discuss this and we're only three quarters of an hour in. So there's plenty of time. So I intend to open the debate. [0:47:07]

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Mayor Podbury: [0:57:41] Our next speaker is Cllr Alan Lewis, please.

Cllr Lewis: Thank you, Madam Mayor. I am speaking on behalf of the Labour group tonight.

Firstly I'd like to thank the officers for their hard work over the months and years in producing this document, especially Steve Baughan and his team for their assiduous and patient work. The Labour group is happy that our call for more affordable and social housing has been listened to and adopted across the whole political spectrum. We are even more pleased that this policy has been entered into this Draft Local Plan.

But the plan is a mere start. We need far more genuinely affordable and social housing in Tunbridge Wells borough. This has been a

dire need since the double whammy of the over-inflation of housing prices and the loss of council housing stock without replacement. We have done our bit in pointing out where the plan gets things wrong. It is well documented that we have expressed our dismay at the disconnect between the provision of affordable housing and the lack of infrastructure to improve the lives of our residents. We doubt the sustainability of some of the proposed developments.

If we look at the proposed development in Caenwood it is evident that this would increase levels of traffic to saturation point and beyond on the already busy A26. These are points akin to those that we have been arguing ever since we became councillors and why we were elected for the wards we represent, in my case Southborough and High Brooms.

Also as a Mayor of Southborough I do need to represent the views of my residents. Labour members have been committed in their contribution to the Planning Policy Working Group in finessing this plan and developing the policies within it. We do our bit to influence thinking and decisions along the way.

And so it is with goodwill and a desire to see the borough develop and flourish, and that a council of a different hue may well implement this plan, that the Labour group will support the motion to approve. But we will continue the fight for more affordable housing, more social housing in Tunbridge Wells, to make Tunbridge Wells a more sustainable and an equal place for all of it's residents. [1:00:16]

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Mayor Podbury: [1:02:48] Next is Cllr Morton, please.

Cllr Morton: Thank you very much, Madam Mayor. First of all I would like to thank Steven Baughan and the rest of the planning team for all the hard work that they have put into producing this enormous document known as the pre-submission Local Plan, which we are

now asked this evening to approve so that it can go on to the next stage of the process which is the Regulation 19 consultation, and then on to examination by the inspector.

However, I represent St John's ward in the town and I think most of us are disappointed that something as wrong as releasing greenbelt land for development, that was not in the Draft Local Plan, can then be inserted at the pre-submission Local Plan stage when the majority of the residents have already had their say. It doesn't seem fair or democratic to me.

It seems that the reductions in other parts of the town have to be compensated by increase elsewhere. The houses at Spratsbrook Farm and Cadogan Fields were removed because they were correctly challenged on planning grounds. They should not have been allocated in the first place. It's ironic that the Caenwood Farm site that is now chosen was previously refused at the Regulation 18 consultation stage because the land had previously been designated as strong greenbelt land and judged too sensitive to release.

The Council has now moved on to greenbelt stage 2 and also stage 3. At stage 2 the parcel at the northeast edge of Caenwood Farm was assessed as having only moderate to weak harm. Today when I read stage 3 it stated that, *"The impact of its release on the adjacent greenbelt will be negligible harm resulting from the release of Caenwood Farm."*

So how does the same parcel of land originally judged to be too sensitive to be released go to one that would result in negligible harm in a matter of four years? We need to see how that assessment was made and I would like the matter to be looked at again.

Before we go forward with consenting to the pre-submission Local Plan tonight I feel that we need to take into account changes to the standard method in Autumn 2020. The Ministry of Housing,

Communities and Local Government confirmed on 16<sup>th</sup> December 2020 that the changes to the standard method would essentially only apply to city areas. We need a new assessment of the town centre and associated results of a post-pandemic economy, where it's likely that there will be major shop closures and where the availability of development opportunity, especially change of use from commercial to residential occupancy, must be looked into as part of a whole Local Plan delivery not as a separate one tacked on the end.

Finally, the availability of brownfield sites and change of use must now alter the assumptions for the pre-submission Local Plan because of changes in work patterns and different requirements for living space.

Therefore I suggest that we do have a pause in the process in order to allow for these renewed circumstances to be reviewed.

Mayor Podbury:

Thank you. Cllr Hayward, you've not been missed. You have actually used your opportunity to speak to move your motion without notice and you could have used the speaking opportunity to explain why you think it's reasonable to discuss. You omitted to do so.

Our next person is Peter Lidsdale, please.

Peter Lidsdale:

Thank you, Madam Mayor. Evening all.

I think this is probably the hardest decision that I've had to make in my time as a Councillor, simply because we are making decisions here which affect the whole of our borough over the next fifteen years.

I suppose I should start by saying there are aspects of the plan that I do like: the areas covering the sustainability requirements of housing and the affordability targets that are built in, ambitions for section 106 money, securing it and how that will be spent. And I do



believe that of the five growth options that were presented to us, the one chosen was the correct one.

I should also say there are many things I don't like about this local plan. I'm really not at all at ease about the volume of objections from Capel and the fact that there doesn't seem to really be a resolution that satisfies the residents of Capel and their concerns.

A couple of speakers already have talked about releasing greenbelt and particularly the land at Caenwood, which is in my ward and as Cllr Morton said was not put out to public consultation at Regulation 18. Now developers have obviously fed back to the Council and had a say, but local residents didn't on the premise that nothing was planned at the site; I don't believe that that is fair.

I do have concerns about the additional traffic that would generate on the A26 which is already a heavily congested and polluted road. I share concerns that a number of speakers have raised about the fact that a consultation is happening during a pandemic.

And also the change that we're going through with COVID and the rapid change that that will bring to the high street and the way that that works, and may well open up in the future opportunities for us to change the way the high street operates and perhaps open up residential opportunities there.

So I guess the question is on the balance of all of that can I vote in good conscience against this plan going to Regulation 19? I find that hard to do. The reason for that, and I think Adrian Berendt summarised it very well, is that we are really constrained here, we're handcuffed by central government policy. Through the meetings we've had with officers and with other members, I have not seen a viable alternative for us to reach the house building targets.

I should say as a localist I really, really hate the thought of voting against something that is locally unpopular, but I think as Adrian

Berendt said, the risk if we delay is worse outcomes than what is being proposed in the current Local Plan in terms of planning by appeal where applicants can virtually get anything through due to a lack of a five year housing supply.

Also, the proposed government white paper on planning as well, we know that the mutant algorithm might have been removed from us, but the white paper does have significant changes which actually make us less localist and remove power from local authorities to decide where is best to develop in the areas.

It may have been a coalition government who set the current targets, but the current Conservative government is certainly doing a good job of confusing the picture and there are contradictory statements out there which makes our job even harder as Councillors. But as I understand the constraints we work within, we do not have a freedom to not allocate for the objectively assessed need.

All I can do is hope the residents of St John's, Capel, Paddock Wood, East End and everywhere else affected who are tuned into this meeting understand the position that we Councillors are being placed in.

Thank you.

Mayor Podbury: Thank you, Cllr Lidsdale. Cllr Pound, you wanted to raise a point of order?

Cllr Pound: Thank you Madam Mayor. I'm just wondering whether we could have some advice from the officers please about your interpretation of Cllr Hayward's use of his one opportunity to speak to the motion. He actually raised a motion under part 4 section 12.1.1 I think, which is not speaking to the motion it was raising a new motion which you determined was not appropriate at this time because the matter had not been heard fully.

It seems unfair or unreasonable to deduce that that is then his single contribution to the debate and I hope that other members would agree that that is not fair.

Mayor Podbury: Okay, I'll take advice thank you.

Chief Executive: Thank you, Madam Mayor. I think what I'm going to do on that point is I'm going to bring in our legal representative. Members, you haven't met Gina before, but Gina Clark is attending the meeting tonight because Patricia Narebor our monitoring officer has a prior commitment at Maidstone Borough Council – this meeting was called as an extraordinary meeting.

Just to be clear Cllr Pound, the motions without notice are actually set out rather strangely in two places in the constitution so you're right. In council procedure rule 12 which deals with motions without notice and also council procedure rule 13 where a little bit more detail is given at council procedure rule 13.11.4, which was the piece I read out.

Clearly it would ultimately be for the Mayor to determine, but Cllr Hayward did – my recollection of events was he put an S in the side bar indicating that he wished to speak. He put that in after the Mayor had kicked off the procedure by which agenda item 3 was introduced. He then put a PO in the side saying that it was because he wanted to speak and then he spoke, and in speaking he introduced his closure motion. So he himself put the S in the sidebar.

But perhaps Gina Clark could just give some advice on that point.

Gina Clark: Thank you. What I would say is that in relation to point of order my reading of the procedure rules it seems that points of orders could be raised at any time during this process. However, if it is that the Councillor in question did speak, obviously then he's used his right to speak.

So I would say in this circumstance, if it's not clear what actually happened in these circumstances then I would say you would give him opportunity to speak.

Mayor Podbury: Thank you. Sorry about that. Councillor, would you like to then speak?

Cllr Hayward: Thank you Madam Mayor. It's nothing contentious, I don't know why everybody is so scared.

The point I would like to make is actually procedural if anything. The members are aware of missing and incomplete documents relating to the pre-submission Local Plan, some of which are important such as the Paddock Wood Master Plan and the Paddock Wood Flood Appraisal.

The documents missing from the public agenda that are merely drafts for this item are only available to members in a members' secure folder. This password-protected folder requires access to be granted separately from mail and other Council accounts. IT granted and enabled everybody access late yesterday after issues with individual accounts, which members will be aware of.

As at around 4pm today, at least twelve members of this Council had not accessed the server, which means that many members expected to vote have not accessed those documents let alone read and understood them.

If you add to this the explanation from our Head of Planning that members have understanding of the complexity of these documents by them having been examined and explored at the Planning Policy Working Group, what about the Councillors including Cabinet members that didn't attend Planning Policy Working Group?

Information on which to make a properly informed decision regarding the submission of the Local Plan should be made

available to us in a timely manner, and can't be in the form of early drafts of the promise of pending documents.

An amazing amount of work has gone into the preparation of the Local Plan by the officers for which we are very grateful. But I am concerned about the sudden need to rush this. The plan is currently behind schedule but not up against any formal deadlines. Why is this the case? Is it because there is an election in May perhaps, and the introduction of more members demanding transparency and scrutiny? Is it because there's a new planning policy framework which enhances protection of the Area of Outstanding Natural Beauty and our greenbelt? Could it be an issue with the five year land supply, or maybe a change in the way the government are going to calculate the numbers?

We are constantly advised, as you heard Mr Berendt say, of the possibilities of disaster to be inflicted upon us by a tyrannical Secretary of State who is waiting, salivating in the wings for the news of our total disrespect. A distant possibility maybe. Probability? [sound cuts out 1:18:54] I am certain our local planning authority would have delighted in giving us an example, should one exist. We should not be rushed into a blinkered, box-ticking compliance at the expense of our greenbelt and the Area of Outstanding Natural Beauty.

This should be about a net contribution to society, not to developer profits.

In summary, members aren't in a position to make an informed decision with so many missing documents, Councillors not accessing documents and others gaining access late. The Local Plan is very important for the future of our borough, our wards and our communities. We must be seen to be making fully informed decisions. I'm not asking anybody to reject the pre-submission Local Plan; make the decision based on access to all of the documents.

Thank you, Madam Mayor.

Mayor Podbury: Thank you Cllr Hayward. I will ask Mr Baughan to respond under the requirement to ensure that professional advice from officers is taken into account.

Stephen Baughan: Thank you Madam Mayor. Good evening members.

I think the key points that I would advise as the Head of Planning are that members have had access to the pre-submission Local Plan, the Sustainability Appraisal and the Infrastructure Delivery Plan which is before them in the public domain. The policies and site allocations in the documents are all with reasoned justification.

The more detailed evidence documents that Cllr Hayward referred to covering the key matters such as the master planning at Paddock Wood and the flood modelling reports for Paddock Wood and East Capel have all been available to members, most of them since 18<sup>th</sup> December.

No concern was expressed, Madam Chairman, about the documentation at Planning and Transportation Cabinet Advisory Board or indeed prior to this meeting, i.e. it has been through proper, detailed scrutiny.

The Local Plan has been informed by the draft evidence based documents including the comprehensive master planning work for Paddock Wood. The findings of the emerging documents were relayed to members throughout the preparation of the plan, and as members will all be aware all of the documentation is circulated to all members. And so even if those members are not able to attend the working group, documentation is still sent to all members.

The evidence based documents themselves will be subject to review at examination and members have all the information before them, in my view, to make a decision on the plan.

In terms of the impacts which Cllr Hayward mentioned, I think without going into all of them in detail the local development scheme has set out the programme for producing the Local Plan. It was updated last summer and the timetable is clear with the decision due in February allowing for consultation in March and April and submission in July. That is the timetable that the plan is working to. There has been no rush, there has been no speeding up of the process for any reason. It is purely the length of time taken to prepare a Local Plan, to have the evidence and to then move forward in line with that program.

In terms of the impacts which have been mentioned, I won't go through all of them in terms of a delay, but it is suffice to say they impact on a day to day basis in terms of the dozens of planning applications which were made, the policies in the existing Local Plan are long in the tooth, very long in the tooth in some instances, and they impact on decision making on a day to day basis. It means that we are able to deliver less affordable housing, less able to provide housing that meets the needs of older people, less able to deliver infrastructure.

[sound cuts out 1:23:52] appeals and members will be aware of recent appeal decisions where the fact that the plan had not progressed sufficiently was specifically mentioned by the inspector. And then there are then the longer term implications that we have discussed with members before.

The Housing Minister, Chris Pincher, wrote to local authorities only a week and a half ago setting out that local planning authorities need to continue to prepare their plans.

I'll leave it at that, thank you Madam Mayor. [1:24:25]

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Mayor Podbury: [1:31:02] Doctor Linda Hall.

Dr Hall:

Thank you very much. Yes, it's been a very interesting debate so far and I am surprised at some of the comments that have been made. But I would have to say that I would endorse both Cllrs Hayward and Morton; they are not asking to reject this plan, they are asking quite simply that we give it a slight pause. I think there are several very good reasons why, which they have indicated, and I would suggest some of my own as well.

We are being asked currently to vote for a plan many of whose documents we haven't yet managed to read because the documents have still not been published and uploaded to the website. Hence we cannot know what we're being asked to vote for in totality. That's my first point. I think it's very important that we know that.

Like my fellow Councillors and many of them, I too wish for protections of a Local Plan and I like much that is in the current Local Plan. But I cannot endorse something until I have fully grappled with it, and I haven't been able to do that because not all the documents have been made available.

The Local Plan is not like outlined planning permission, to be approved in principle with all other matters reserved for officers to decide at a later date. We the Councillors cannot make sound judgements without seeing the whole evidence base, which means the surveys and appraisals that were unavailable last week when on Planning Committee some of us found that we could not access three or four [sound cuts out 1:33:35] the two sites in the AONB in Cranbrook with greater knowledge and understanding. Even the computer link as Cllr Hayward has pointed out would not allow us access.

This suggests to me that the process currently is flawed and probably premature. Why have all these documents been left for example to the very last minute, now, even some of them are not to be published until about 26<sup>th</sup> March I gather from Cllr McDermott's 7-page letter sent to us.



It is also I think a pity that Cllr Lewis has never sat on Planning Committee because he would know that such a very high number of affordables, 40%, even in the days when it was fewer than 40%, will simply not materialise I suspect. It is easy to put it in a policy to please us all, but as those of us who have served for long periods on Planning Committee know, at the planning application stage developers so often find reasons like profit to make it unviable for them to fulfil the pledge of 35% and now it's gone up to 40. I do not see that happening very often, I must say. It has happened in Tunbridge Wells in the past and it's certainly happened in the rural areas.

And I agree with Cllr Morton in that – and she has highlighted something really important that of course we haven't taken into account just yet but we will need to take into account very, very soon, which is a new assessment of the town centre where so many shops and retailers are closing down. We do need to examine the amount of housing that might be provided within the retail sector of the town centre before we go to examination. This is a very crucial and vital and urgent job that we need to do.

To finish, I would say that this weekend we read in the Courier of all papers that Robert Jenrick, Secretary of State for Housing, has announced that we will return to the 2014 baseline. And the reason is because, he says, local authorities have misinterpreted it. I quote his very words:

*“It is not a target in plan making, it is a starting point for deciding the level of need in the area while taking into account the constraints of that area.”*

We should not need, it seems to me, to build so many houses now, and therefore we can address the speakers from the public their major concerns because so far we have not considered our constraints. From the beginning of the process we have not made allowance for the many constraints the borough has, such as floodplain, AONB and the greenbelt.

Jenrick also pointed out in the government response of December 16<sup>th</sup> 2020 to the replies to the white paper consultation about planning reform that the presumption for a sustainable development, in other words housing, does not override the policies and strategies in the NPPF. And he draws our particular attention to the most vital [sound cuts out 1:37:51] because it covers a whole page as a paragraph, that [with its two 1:37:58] concessionary clauses starting [sound cuts out 1:38:00] and its footnote number 7 which states, “*The full protection accorded to Areas of Outstanding Natural Beauty,*” of which over 70% of our area consists. We really need to look at that aspect again.

Thank you, Madam Mayor. [1:38:21]

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Mayor Podbury: [2:02:28] Cllr Williams, would you like to speak now?

Cllr Williams: Yes please, thank you for this opportunity. I'd like to echo the comments made about officers and members of the PPWG for their efforts over years to produce this plan. However I think Sherwood, my ward, will be affected badly. The root problem is infrastructure, and it's accentuated by the commercial development in Longfield Road referred to by Cllr Marsh with its spill-over effects on Liptraps Lane, Birken Road, Dowding Way, Knell's Bridge and for example the latest proposals for a roundabout on Pembury Road have outraged local opinion.

So no, I shall not be voting for this plan.

I do agree that a lot of landowners have made a lot of money; my estimate is at over £1 billion, and as one speaker quoted tonight, all we are getting in infrastructure is £176 million.

Thank you.

Mayor Podbury: Thank you Cllr Williams. [sound cuts out 2:04:03]

Cllr Pope: Were you calling me, Cllr Pope?

Mayor Podbury: Go ahead, please.

Cllr Pope: Thank you very much. There has been a massive amount of work to get the Local Plan to where it is today, and there is more work before it can be put forward for a decision on its approval next year. I'd like to thank all of the officers and everyone else who has been involved in the work to get the Local Plan to where it is today.

However, I am concerned that there are more than 40 draft documents not included in the public agenda that were made available to members in a secure folder that required Councillors to be given access separately. As mentioned by Cllr Hayward, twelve Councillors or more had not yet accessed these documents earlier this afternoon.

The Local Plan is not perfect and I doubt it is possible to produce a perfect Local Plan that pleases everyone. There are some major concerns for some residents of the borough, particularly the large increase in development of flood prone areas. I recommend these residents use the Regulation 19 consultation.

In my ward, Park in Tunbridge Wells, I have some concerns about the sports hub which will bring a number of – centralise football in Hawkenbury, and the impact it will have on residents in that area; the additional traffic, parking, people, floodlights and the number of cars that will be travelling across town. But perhaps these impacts can be mitigated in the detailed design with the provision of safe, active travel routes across town.

I am also concerned about the loss of some green spaces, the football fields in other areas of town, that will be developed leaving less green space in some residential areas.

I am very pleased that there will be a town centre area plan for Tunbridge Wells. This is something I strongly support, and would

like to see strengthened with design codes that protect the character of the town and consider carefully how the town should move forward and attract businesses and visitors with the changing retail and business environment.

I am not willing to risk having no Local Plan in place but I also think the vote on this should be delayed until after all Councillors have had time to review all the documents.

Thank you, Mayor.

Mayor Podbury: Thank you Cllr Pope. Next is Cllr Warne please.

Cllr Warne: Thank you, Madam Mayor. I haven't prepared a speech because I'm feeling quite angry about the whole thing at the moment in the light of the planning decision that went against the Turnden application was approved last week. And I feel that this is one of the major sites in my ward that I have been most contacted about, this one and the ones in East End and Benenden.

What I have sought to do is to understand at what stage, if there is still chance for those residents to input into the process going forward. A lot of people who have written to me have said to me, "Will you vote against this plan?" as if I'm voting for the Local Plan, and I've had to say to them, "I don't think that's what I'm doing. I'm voting for the plan to proceed to the next stage in the process, on the understanding that that involves a second round of consultation."

So it's trying to allay their fears that they still have a chance to make their representations about why they think it's not a sustainable plan and to help them understand how they can make their representations and have their voices heard about why they think those sites are the wrong sites within the ward.

I got a response today from the Head of Planning to go through what actually happens in the Regulation 19 consultation. He has

been very clear about that, that it has to be legally compliant and it has to prove the tests of soundness which are very clearly laid out here, and that residents will get the chance to address those legal compliance and test of soundness.

What concerns me is that the case at Turnden has already been trumped, because we've passed planning permission on it and it won't go through this process. And I was really, really upset by the committee last week because a representative from the Council's adviser for the natural world, Natural England, it wasn't even acknowledged that the significance of the fact that they had requested that that application be called in to the Secretary of State for the Ministry of Housing, Communities and Local Government. That was just never explained by the officers to that committee, and I think that what really concerns me is that we're really not understanding the impact on our natural environment of the allocations that are being put forward.

I'm also listening to my colleagues and others that have spoken about the evidence not being available to members and that does concern me. I have been part of the Planning Policy Working Group for the last nearly two years and I did agree earlier in January that I thought the plan was ready to move forward. But on closer scrutiny of the documents and in particular the Historic Environment Review part 1, I found that there was a piece of evidence, what they'd recommended is that a further part 2 review be undertaken that tested the policies of the emerging Local Plan against the recommendations of the vulnerabilities and the opportunities that the part 1 review had identified.

On asking why this hadn't been undertaken I wasn't really satisfied with the answer that I got from the Chief Executive, so I'm still unhappy about the fact that that piece of work hasn't been done.

So at the moment unfortunately although I do agree with everybody who has said, "Yes, we need a Local Plan in place," I completely and utterly agree with that and the sooner that we get it done the

better, but we really need to make sure that we've got all the evidence in place and that people's views on the sustainability and stuff will be taken into account at this next Regulation 19 consultation stage.

I hadn't prepared a speech but I've finished what I was going to say.  
Thank you, Madam Mayor. [2:11:46]

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Mayor Podbury: [2:20:53] Cllr McDermott, would you like to close for the debate?

Cllr McDermott: Yes, thank you very much Madam Mayor. Can I emphasise firstly that if this gets passed everything then goes out for consultation. Everything will get sent to the inspector; that's including all comments made when it goes out for consultation. They all get sent to the inspector. If the inspector finds that we haven't done anything correctly he will send it back and tell us, "It's no good, try again." So don't – some people are worrying about the fact that we haven't got the necessary certificates ready at the moment, or policies, they will be ready by the end of March. If they're not, we can't send it out for consultation.

So it's quite simple: everything will be ready for the consultation. And when the consultation comes into play, everything that comes in in that consultation goes to the inspector without any hesitation.

I would like to, if I may Madam Mayor, suggest that we have a vote, and I will be supporting. Thank you.

Mayor Podbury: Thank you Cllr McDermott. I will now put the motion to the vote. Chief Executive, will you please confirm the motion and take the vote.

Chief Executive: Thank you very much, Madam Mayor. The motion is set out on page 8 of the agenda and they are as follows;

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 or April to May 2021.
2. After 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 the Sustainability Appraisal prior to commencement of Regulation 19 consultation to ensure clarity, robustness and consistency, with any minor modifications to be agreed with the Portfolio Holder for Planning and Transportation.

So members, that is the motion in aggregate that we are voting for.  
[2:23:19]

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*End of Transcript*