

Comment

Consultee	Delwyn Kay [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] East Peckham [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Delwyn Kay [REDACTED]
Comment ID	PSLP_1208
Response Date	04/06/21 11:02
Consultation Point	Policy STR/SS 1 The Strategy for Paddock Wood, including land at east Capel (View)
Status	Processed
Submission Type	Web
Version	0.4
Question 1	
Respondent's Name and/or Organisation	Delwyn Kay
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
Policy STR/SS1 for Paddock Wood, including land at East Capel	
Question 4	
Do you consider that the Local Plan:	
Is legally compliant	Don't know
Is sound	No
Complies with the Duty to Cooperate	Don't know

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

- . It is not effective
- . It is not justified
- . It is not consistent with national policy

Question 5

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

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My family and I have lived in East Peckham for nearly 19 years now, my school aged children attend local schools, they have to travel for secondary school (as do all children that age from our village). I work in mental health NHS services that require me to travel to Tunbridge Wells to my team base and around South West Kent to provide community services to local residents.

I am concerned about the prospect of this proposed massive development in East Capel and the demand that will place on our local services (GP, schools - esp secondary schools, roads, NHS). There is traffic congestion around this area now, esp at peak hours and even despite the covid restrictions currently in place. If this development goes ahead this will make it very difficult for villagers in East Peckham to travel to their work and schools as the congestions points will be on small lanes. Additionally the plan funnels traffic into certain limited routes that will make trip times and distances excessive for us here in East Peckham, easily doubling times and inconvenience and making it harder for us to travel locally into Paddock Wood, Tonbridge, Tunbridge Wells and to access the A21. There are plans to block the route for us to South Tonbridge and the A21, where the majority of secondary schools for our girls are. The congestion will add to local pollution and inconvenience for current residents. Might I suggest the proposal of blocking roads such as Hartlake to solve congestion for current residents is a poor and simplistic solution, compared to changing the housing plan to provide smaller sympathetic housing developments, in a wider range of places that can be integrated into villages and towns and not place undue demand on the local facilities of neighbouring councils, at the expense of local council tax paying residents of Tonbridge and Malling.

Using green belt and farming land for the purposes of housing is not in keeping with local residents wishes and the national and local plans for that type of land use. Using current town and village edges and brown field should be the first and main housing option.

It is already difficult to get a GP appointment at our local surgery in Paddock Wood and for our children to obtain places and to travel to Tonbridge comp and grammar secondary schools. This will only worsen for our village if there is a development of thousands of houses between our village and our GP surgery and also the schools. This will therefore restrict access of current local residents to facilities if the new development goes ahead. Local services need to be able to provide facilities to its current residents and this will be impeded if this proposed plan goes ahead in its current state. The idea that more schools and GPs will be provided is unlikely, similar developments in other local areas have not been able to attract GPs and the demand has continued on the existing surgeries (such as at West Malling) and that schools are not built for many years down the track, affecting current residents in the meantime.

This area is prone to flooding and the degree of flooding will only increase into East Peckham with the degree of building work that is proposed for East Capel. Given global warming will only increase wet weather and the prospect of flooding here, it is unacceptable to increase this risk to East Peckham by

building such a large development in at this site. We all understand the need for housing, but not at the expense of flooding downstream to other neighbours.

There will be increased travel to Paddock Wood for trains, GP and schooling in addition to the increase demands on Tonbridge. This is a small town, that is already seeing increased demand on facilities with its current in progress building works. This town is not resourced to have even thousands more families trying to access facilities. The pollution and congestion for local residents and small surrounding villages will be bad.

This plan will change the nature of the villages and towns in its vicinity by utterly changing Capel village to a town, Tudley hamlet to a town and soon enough linking Paddock Wood to Tonbridge and utterly changing this rural area into one large residential town.

Question 7

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Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:

Yes, I wish to be notified of future stages of the Local Plan

Comment

Consultee	Delwyn Kay [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] East Peckham [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Delwyn Kay [REDACTED]
Comment ID	PSLP_1267
Response Date	04/06/21 12:52
Consultation Point	Policy STR 6 Transport and Parking (View)
Status	Processed
Submission Type	Web
Version	0.3

Question 1

Respondent's Name and/or Organisation	Delwyn Kay
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Question 3

To which part of the Local Plan does this representation relate?	Policy
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Question 3a

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

STR -6 proposed closure of Hartlake Road

Question 4

Do you consider that the Local Plan:

Is legally compliant	Don't know
Is sound	No
Complies with the Duty to Cooperate	Don't know

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

- . It is not effective
- . It is not justified
- . It is not consistent with national policy

Question 5

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My family and I have lived in East Peckham for nearly 19 years and travel for work, school and social connection around the area.

Hartlake Road is the main route for our small village and a few surrounding hamlets into South Tonbridge and to the A21. To close this road would cause considerable inconvenience, travel, cost and pollution as we are diverted onto longer routes and thereby increasing delays for all travellers. The problem here is the proposed development of Tudley and Capel, not the needs of a few villagers to continue to use a necessary and local road to get to their nearest town. The main road route onto the A26 is fine for north Tonbridge or the high st but adds delay and congestion to our accessing south Tonbridge, where the girls schools are in particular.

Additionally it would prevent access to the Poacher restaurant and bar, this is local to East Peckham but would cease to be if Hartlake Road were to be closed. This would adversely affect their business by preventing access from one direction.

It would also affect our ease of accessing local river walks and historical sites, such as the river walks from Hartlake bridge or the famous Tudley church. It would be an effort to solve a potential problem of traffic on the road, but create more disturbance and restrictions for local residents seeking to explore their near outdoors. Preventing excessive housing developments in Tudley/East Capel would prevent excess traffic onto B2017 and traffic build upon the intersection with Hartlake Road, which is a much more sustainable and sensible solution than the proposed 'throw the baby out with the bathwater' solution of closing Hartlake Road.

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- . No, I do not wish to participate in examination hearing session(s)

Future Notifications

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- . Yes, I wish to be notified of future stages of the Local Plan

Comment

Consultee	Delwyn Kay [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] East Peckham [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Delwyn Kay [REDACTED]
Comment ID	PSLP_1252
Response Date	04/06/21 12:24
Consultation Point	Policy STR/SS 2 The Strategy for Paddock Wood Town Centre (View)
Status	Processed
Submission Type	Web
Version	0.3
Question 1	
Respondent's Name and/or Organisation	Delwyn Kay
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
STR 6, proposed closure of the B2160 at the railway bridge.	
Question 4	
Do you consider that the Local Plan:	
Is legally compliant	Don't know
Is sound	No
Complies with the Duty to Cooperate	Don't know

Question 4a

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My family and I have lived in East Peckham for nearly 19 years. We travel to Paddock Wood using this route each week to go to the supermarket, access our GP or to the vet for our ailing cat and when our daughter worked at Waitrose we travelled this route at antisocial hours several times a week.

The proposal to close the road would adversely affect East Peckham villagers from accessing their most local facilities for their GP surgery, vet, secondary school, supermarket and main street shops. It would funnel our local trips onto the B2017, in with all traffic heading to Colts Hill/Tunbridge Wells and Five Oak Green/A21 and Tonbridge and add 100% to travel time and distances. This only adds to congestion, pollution, travel costs and inconvenience for all travellers. It would adversely affect Paddock Wood shops as sales diverts to online or locals travel to other areas that are less inconvenient and offer more shops.

This proposal blocks local residents on the Hop Farm side of the bridge from accessing their own town and facilities without an excessvie diversion onto the B2017 or down small local lanes, meaning if they had mobility problems or needed to carry items such as supermarket shopping they would be unable to without excess car travel. The hourly 6/6A bus would not solve this problem as it does not serve the GP or Commercial St. It is likely that East Peckham residents would also resort to using small rural lanes as alternatives and thus this plan creates more problems than it solves.

With all the new development on the B2017 and around Church Rd it would be madness to turn those 2 roads into the main routes to access Paddock Wood, they are not able to handle that volume of traffic. The secondary school at the junction of the new houses and with the proposed development required at the school would only add to this congestion, queueing and pollution.

Additional plans to close Commercial Road to through traffic, in conjunction to the road closure proposal at the railway bridge, would make it quicker to go to a supermarket in Tonbridge than access Waitrose in Paddock Wood. How would their trucks access the store? What even is the route from East Peckham to Waitrose with these closures? B2017 past Putlands Gym and down Green Lane with its narrow road and speed reduction measures? Down small lanes to Queens St and Church Road? Down Lucks Lane and into Queens Street? Or funnel all the traffic, including the trucks, into Station Road that is single lane at points. It is clearly a nonsense proposal without understanding of how local traffic needs to access the area from the direction of East Peckham and overestimates the ability of people to carry out their business as a pedestrian. As a cyclist on the roads several times a week I can tell you now that this is not a possible way of completing my family weekly food shop!

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Comment

Consultee	Delwyn Kay [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] East Peckham [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Delwyn Kay [REDACTED]
Comment ID	PSLP_1231
Response Date	04/06/21 11:12
Consultation Point	Policy STR/SS 3 The Strategy for Tudeley Village (View)
Status	Processed
Submission Type	Web
Version	0.3
Question 1	
Respondent's Name and/or Organisation	Delwyn Kay
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
STR/SS 3 for Tudeley Village	
Question 4	
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Is legally compliant	Don't know
Is sound	No
Complies with the Duty to Cooperate	Don't know

Question 4a

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I am concerned about the prospect of this proposed massive development in East Capel and the demand that will place on our local services (GP, schools - esp secondary schools, roads, NHS). There is traffic congestion around this area now, esp at peak hours and even despite the covid restrictions currently in place. If this development goes ahead this will make it very difficult for villagers in East Peckham to travel to their work and schools as the congestions points will be on small lanes. Additionally the plan funnels traffic into certain limited routes that will make trip times and distances excessive for us here in East Peckham, easily doubling times and inconvenience and making it harder for us to travel locally into Paddock Wood, Tonbridge, Tunbridge Wells and to access the A21. There are plans to block the route for us to South Tonbridge and the A21, where the majority of secondary schools for our girls are. The congestion will add to local pollution and inconvenience for current residents. Might I suggest the proposal of blocking roads such as Hartlake to solve congestion for current residents is a poor and simplistic solution, compared to changing the housing plan to provide smaller sympathetic housing developments, in a wider range of places that can be integrated into villages and towns and not place undue demand on the local facilities of neighbouring councils, at the expense of local council tax paying residents of Tonbridge and Malling.

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Future Notifications

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Yes, I wish to be notified of future stages of the Local Plan

Comment

Consultee	Nicola Kearns [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] Tonbridge [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Nicola Kearns [REDACTED]
Comment ID	PSLP_1430
Response Date	04/06/21 16:50
Consultation Point	Policy STR/SS 2 The Strategy for Paddock Wood Town Centre (View)
Status	Processed
Submission Type	Email
Version	0.3
Data inputter to enter their initials here	KH
Question 1	
Respondent's Name and/or Organisation	Nicola Kearns
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy STR/SS 2 The Strategy for Paddock Wood Town Centre

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

Question 5

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I am writing to oppose your hidden scheme of trying to close Hart Lake.

I am sure many of you do not actually live in this area, however this is a well used road by the rural residents to enable them to get around the countryside. by closing this road as part of the local plan you are forcing us to use already heavily congested insufficient road schemes. by removing the use of HartLake you will be causing more pollution due to more traffic to be standing still because of the sheer weight.

TWBC appears to be very underhanded and not transparent with the information and is pushing all their issues on to Tonbridge. By closing this stretch of road you are clearly onside with Harry Teacher and what ever we say is not being taken into consideration.

Closing HartLake only will benefit one person and the local Plan!

You have increased the size of Paddock Wood tenfold and creeping into five oak green, you have not taken any responsibility in creating new roads or have proposed new schemes to enable the people who already live here and the people buying up the new housing stock that is currently being built.

if this is your answer to the issue by closing a road and also closing the bridge into paddock wood you are making everyones lives a further misery.

it is evident NONE of you live around here and your solution is childish and futile.

This idiocy MUST be STOPPED

Question 7

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If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

Supporting Information File Ref No: SI_62

Comment

Consultee	Charlie Keeling [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] Tonbridge [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Charlie Keeling [REDACTED]
Comment ID	PSLP_1044
Response Date	03/06/21 09:02
Consultation Point	Policy STR/SS 1 The Strategy for Paddock Wood, including land at east Capel (View)
Status	Processed
Submission Type	Email
Version	0.5
Files	PSLP_1044_C_Keeling_SI.docx
Data inputter to enter their initials here	AT
Question 1	
Respondent's Name and/or Organisation	Charlie Keeling
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy STR/SS 1 The Strategy for Paddock Wood, including land at east

[TWBC: This representation has been input against Policies STR/SS1 & STR/SS3 – see Comment Numbers PSLP_1044 and PSLP_1055]

[TWBC: Representation attached as supplementary information as tables used by respondent]

Question 4

Do you consider that the Local Plan:

Is legally compliant Don't know

Is sound No

Complies with the Duty to Cooperate No

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

- . It is not positively prepared
- . It is not effective
- . It is not justified
- . It is not consistent with national policy

Question 5

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Executive Summary

There is much detail laid out in this submission objecting to the development of the two so-called Strategic Sites at Tudeley Garden Village and East Capel, as part of Paddock Wood. To be helpful I have summarised the major points, against the listed Policies in the Plan:

- . **Policy STR2 – Place Shaping** - Forcing almost 50% of the Borough's Housing Needs on to 2% of the Borough's Population, who are represented by one, out of 48, Councillors. Little or no account taken of the severe Infrastructure impacts on the two neighbouring Councils Tonbridge & Malling (TMBC) and Maidstone (MDC).
- . **Policy STR3 – Brownfield** - an overly negative approach to the locations of the sites and their ability to be developed into sustainable housing developments, given their existing land use and infrastructure.
- . **Policy STR5 - Infrastructure and Connectivity** – I have focused on Schooling, Medical Facilities and Provision of (basic) Utilities. Transport Infrastructure comments are in STR6 – Transport and Parking
- . **Policy STR6 - Transport and Parking** – After setting the context I have set out the current road infrastructure status and issues, the proposed mitigations in the PSLP to deal with them, and finally, comments on the proposed mitigations.
- . **Policy STR9 - Green Belt** – A general statement regarding the Green Belt, with reference to the Site Allocations Plan in 2016, with comments from the Inspector who reviewed it
- . **Policy STR/SS1 - Strategy for Paddock Wood and East Capel** – I have put in two submissions one for STR/SS1 and one for STR/SS3
- . **Policy STR/SS3 - Strategy for Tudeley Village** - I have put in two submissions one for STR/SS1 and one for STR/SS3
- . **Policy TP1 - Transport Assessments etc** – for such important Strategic Sites the level of Transport Assessments is woefully inadequate. They are based on over-optimistic, i.e. too small a number, of trips, modal shifts are unrealistic, very little, if any, evidence of KCC's input, agreement or approval, and flagrant disregard of the impact of TMBC and MBC's own plans and how that factors into the Transport Assessments.

More Detailed Information

Policy STR2 – Place Shaping

The original Issues & Options SA identified 6 growth strategies (“GS”), none of which mentioned Tudeley/Capel specifically as a site for a potential garden town. GS5 was described as “New freestanding garden settlement. There is no location identified with this option. A new settlement could be located anywhere within the borough.”

The preferred option at this point was “the A21 Growth Corridor”, where large scale investment in Infrastructure, dualling the A21, had already taken place by KCC.

Then, just prior to the Regulation 18 Consultations GS5 was adopted by TWBC with Strategic Sites at Paddock Wood/East Capel, and Tudeley Garden Village, as the nominated sites. This was a real “rabbit out of the hat”!

Please see the table below as indicators of why the Place Shaping was, and remains, wrong.

Parish/Ward

% of Population of TWBC

% of Housing Allocation

Number of Councillors

Capel PC

2,400 – 2%

4,200 – 45%

1

Paddock Wood TC

4,100 – 21%

2,400 – 21%

3 (+1 absent)

Total for Strategic Sites

6,500 – 23%

6,600 – 66%

4

Rest of TWBC

112,250 – 77%

2,747 – 34%

Total for TWBC

118,750

9,347

48

I feel this Table represents a very unfair allocation of housing needs to one area of the Borough, and one that borders on Tonbridge & Malling Borough Council (TMBC). This analysis results in:

- . 45% of the housing need being imposed on 2% of the Borough's population.
- . 66% of the housing need being imposed on 21% of the Borough's population.
- . These wards are represented at the "Council Chamber" by 9% of the TWBC Councillors
- . The major impact of these proposed developments will be felt in Paddock Wood (part of TWBC) and TMBC as these are the two centres which attract residents and traffic for:
 - . Commuting
 - . Shopping
 - . Schools
 - . Medical Facilities
- . Paddock Wood already has a significant level of new housing developments in progress. They are already causing issues with Traffic Congestion, Flooding, Sewage etc. And they don't meet affordability targets.
- . Similarly, Tudeley and East Capel suffer from Traffic Congestion, Flooding and Sewage.
- . TMBC are having a massive infrastructure problem and cost dumped on their doorstep. TWBC get the Council Tax, TMBC get the hassle and cost!

Finally, the vast majority of the development proposed in for the two strategic sites is:

- . Metropolitan Green Belt – with good classification of the quality of the agricultural land. To build over this land would be a travesty, reducing the country's ability to produce fruit and other arable produce, and creating settlements which will have an adverse impact on the landscape and environmental aspects of this area of Kent.
- . Flooding – a lot of the proposed development areas for the two Strategic Sites are either officially on the Flood Plain or have been subject to severe flooding episodes over the relatively recent past. I would have thought it likely that Home Insurance providers could adopt an aggressive, or expensive, attitude to providing cover in these circumstances. As a result, potential developers will also react negatively to this challenge.

In summary, this Local Plan is so skewed to development in a currently tranquil, beautiful, and highly food-productive, area, in the Green Belt, subject to flooding, with massive infrastructure issues, and on the doorstep of the neighbouring Borough Council who will end up bearing the brunt of the issues this will cause.

Policy STR3 - Brownfield

The reviews that TWBC have carried out on Brownfield sites appear to have adopted an overly negative approach to the locations of the sites and their ability to be developed into sustainable housing developments, given their existing land use and infrastructure.

I am aware that Save Capel carried out an extensive analysis of potential Brownfield sites, ahead of the Regulation 18 Consultations, which demonstrated that the volume of houses being proposed in

Capel parish could be easily accommodated by Brownfield developments. Sadly, as with the majority of other Regulation 18 comments/challenges TWBC chose to ignore them.

Probably the main opportunity for a Brownfield development exists at the former Blantyre House Prison site. It is a large site, not in the AONB or Green Belt, with Infrastructure services already installed. It's rejection by TWBC on the basis of there only being minor roads, and therefore significant investment would be required for transport infrastructure, pale into insignificance compared to the transport infrastructure of the Tudeley and Paddock Wood/East Capel sites (see comments below on other Policies relating to this topic.

Whilst not a Brownfield development issue, one of particular relevance from an alternative site's perspective, is the Castle Hill Developments proposal to create 1,600+ homes which are in the favoured "A21 Corridor" option. Whilst the proposed development is in the AONB it has much better potential from sustainability and infrastructure perspectives. This was rejected "out of hand" with little or no analysis by TWBC.

Additionally, TWBC have recently approved a very large Commercial Development at Kingstanding, which was also in the same AONB area. This has great employment potential, but leads one to wonder why a Commercial Development is acceptable in the AONB but a respectful (to Sustainability) Housing Development isn't?

Policy STR5 - Infrastructure and Connectivity

Introduction

The proposed developments at Tudeley Village and East Capel (now, apparently part of Paddock Wood) will bring significant pressure and issues in other Infrastructure areas, especially:

- . Schooling
- . Medical Facilities
- . Provision of (basic) Utilities

Before considering each of these in turn, please review the following new population projections as context. These are based on an assumption of 2.26 people per household (a usual UK Metric) and using the metric of 0.285 children per household as part of that:

Projected Population Growth

Capel

Tudeley Village

Capel Parish

Adults

5,500

4,500

10,000

Children

2,200

1,800

4,000

Total
7,700
6,300
14,000

Projected Number of Extra Vehicles

3,500
2,500
6,000

This swamps the existing population of Capel Parish which was 2,400 at the previous census. So where will all these extra go for schooling, medical facilities and how and when will basic utilities be delivered to this staggering number of people.

Schooling

For the 1,800 children from Tudeley, the plans to meet the educational needs of 2,200 children from East Capel seem inadequate.

Proposals in the Plan, including Paddock Wood are:

- . New secondary school to serve Tudeley Village, potentially up to 1,000 pupils.
- . Expansion of Capel Primary School by 1FE.
- . Extension of Mascall's Academy by 1FE from 2021.
- . Two new Primary Schools in Paddock Wood, providing 4FE.

The Tudeley secondary school of perhaps 1,000 pupils and expansion of the small Capel primary school will be woefully inadequate, and particularly so if both development plans proceed. The new secondary school is not planned to be built until Phase 4, or after 1,900 houses have been built!

The remaining children totalling up to perhaps 2,000 will need to be driven or bussed daily to either Tonbridge or Tunbridge Wells (at least 50 or 60 buses twice or more each day). The planned provision for nurseries is similarly inadequate.

There is an incredibly strong, existing, demand for places in the good local schools in Tonbridge and Tunbridge Wells. It is naïve to think that some 2,000 pupils will somehow be absorbed in the existing schools in these two towns; in practice many pupils will have to be driven or bussed far away to Maidstone or Sevenoaks, all adding to traffic and congestion. In reality, another two or possibly three large schools will need to be built by KCC if both projects proceed. The key issue is when the schools will be built and ready to take pupils.

There will inevitably be children with special needs, the cost burden of which will fall on KCC and TWBC. In practice, TWBC will simply be imposing these education costs elsewhere, displacing the education of children in other Boroughs and creating congestion, particularly in Tonbridge and Tunbridge Wells.

The plans make no assessment of these education and congestion costs or whether KCC can or will agree to fund these new schools and so are unsound.

Medical Facilities

Regardless of whether one or other or both projects proceed, the number of new residents will necessitate new healthcare facilities, the plans envisage one new GP surgery which will be particularly busy and will require some 6 to 8 doctors plus support staff. If both proceed, there will be 14,000 new residents ultimately requiring these healthcare services.

There will also be considerable extra pressure and costs imposed on Pembury Hospital which is already strained. As stated in the plan, a significant number of the adults are likely to be over 65 and elderly, some with special needs and as they age, increasing demands will be made on local health services.

The same will apply to the up to 4,000 children. All of this will impose significant additional and increasing social services costs on TWBC and medical provision costs on the local Health Trust.

Additionally, there is little information in the Plan about the timing of the creation of the new medical facility. Until that is planned, approved, and developed, whatever proportion of the 14,000 new residents are living there before then will need to access medical facilities elsewhere. This will probably fall on to Tonbridge where medical facilities are already stretched. **Another example of TWBC passing their problem on to someone else, TMBC in this case.**

The plans do not properly address these issues nor quantify these costs so are unsound, inadequate and will impose potentially large contingent costs on TWBC.

Basic Utilities

Electricity, Gas and Communications

As no new houses can be connected to the gas grid from 2025, the two developments will need to be powered entirely by electricity. This will require extensive investment in major HV transmission lines and stepdown transformers, particularly as new EV charging infrastructure will be required eventually for some 6,000 cars given that petrol and diesel cars will be phased out after 2030. All the cables will need to be buried. This is a major engineering task in addition to road building, road widening, school building, GP surgery, sports facilities etc. The Tudeley plan budgets £11.5m and the Paddock Wood/Capel plan budgets £10.8m solely for electricity connections and diversions with no discussion about grid infrastructure or who pays for these or how construction will be phased. In the experience of experts, we have consulted, the cost of the grid infrastructure and substations will be many £millions and will not be installed for several years. FTTH broadband will be relatively more straight forward to install.

The plan is unclear on this important aspect and so is unsound as a result.

Waste Disposal

The disposal of waste from up to 6,250 new homes will require TWBC and KCC to invest in more waste disposal facilities. This will create yet more heavy vehicle movements on already congested roads and add to the waste already trucked away from North Farm. These additional costs do not seem to be factored into the plans and will be a charge on the annual rates which would rise slowly over time to a total of some £10m once all 6,250 homes had been built.

In Summary

The PSLP documentation is woefully inadequate on any of these topics. The views and agreement of KCC are absent from these Plans. There has been no visible Master Planning for Utilities for the Tudeley Village proposal, and what is there for Schooling and Medical Facilities falls very short of the mark of a justified, fully costed and risk-managed Plan. **For all of these reasons the Plan is unsound.**

Policy STR6 - Transport and Parking

Context

Capel Parish's geography and existing transport infrastructure heavily-constrains planning sustainable development for the future. This is recognised in many parts of the PSLP ('the Plan') and supporting evidence. The Plan and its 'key diagram' (Appendix A of the Plan) make it very clear.

- . The only Trunk Road in Capel Parish is the A21 through the west of the parish serving London/M25 to Hastings, running east of Tunbridge Wells through the Borough.
- . There are two other "A" class roads relative to Capel Parish: a) A26 Tonbridge to near Maidstone, borders Capel Parish at Tonbridge to the west & follows the river Medway valley north east partly bordering Capel. b) A228 (northwest/southeast through Capel Parish) links M2 & M20 London-Dover motorways & the North Medway towns to West Malling, Paddock Wood, A21 & Tunbridge Wells. A major highway traversing Capel.
- . There is only one railway line in the Parish, but no stations. The two nearest stations are Tonbridge serving London/Hastings, London/Dover/Ramsgate, Tonbridge/Redhill. Paddock Wood is on the London/Dover line with an irregular country line between Paddock Wood/Maidstone West.
- . Bus services are 'patchy and infrequent in rural areas' (and almost non-existent after 7pm).
- . The local road network has severe constraints; Much of the infrastructure is rural and narrow and therefore unsuitable for HGVs. The impact of large and many foreign HGVs, on communities in the area, presents a major, existing and continuing challenge.

- . New quarrying will create 120 HGV movements per day through the access point in Capel onto A228 and impact all roads in the area.
- . Capel Parish's only "B" road B2017 links Paddock Wood to Tonbridge via Five Oak Green & Tudeley. There are also a number of Kent County Council designated "country lanes" used as "rat runs" with HGV traffic, many foreign.
- . There are a number of industrial estates, haulage and distribution yards that have evolved on old farmsteads throughout the area using country lanes.
- . All "main" roads are heavily trafficked, especially in the morning and evening peak periods.
- . The A228 in Capel is now recorded as "the busiest road" in the whole of Tunbridge Wells Borough by the TWBC traffic consultants.

This is the context against which all new development put forward in the Plan should be considered. Save Capel (SC) has reviewed the large number of references to the subject of transport in the Plan and supporting documents and have appointed expert advisors to assist us. 'Mitigation' of the significant impacts, particularly of increased traffic, is offered by Tunbridge Wells Borough Council (TWBC) in the context of developing the Strategic Sites (SS) at Tudeley Village and East Capel/Paddock Wood.

SC's review shows that the treatment of transport in the Plan is inconsistent and the result is unsustainable making the Plan itself unsound.

Impact of the Plan on travel at peak periods on the existing transport and roads infrastructure

Motion Consulting have also submitted their report in the evidence base for Regulation 19. This is based on the Traffic Modelling in the Plan and also Motion's own knowledge base of similar proposed developments.

In summary, the impacts are as follows:

Class of Road

Including

Roads Detail

RAG

"A" Roads

A21

ALL flows will increase due to traffic joining/leaving at the Tonbridge (Vauxhall) Roundabout to/from the East. This road was dualled between Tonbridge & Pembury in 2018 but suffers severe bottlenecks at the southern end, Kippings Cross where the dualled A21 ends. Longer delays expected with increases in housing from Paddock Wood.

Yellow

Circle

A26

Unacceptable increases in traffic from the South/East at Somerhill A26/B2017 Roundabout and on to Vauxhall A21 Roundabout to the West and into the Tonbridge Industrial Estate to the East. Long delays.

Red

Circle

A228 Colts Hill

Very high increased traffic flows at all junctions joining the A228. A228 at Colts Hill has been the subject of discussions about a bypass for 40+ years. **The Alders Road/Crittenden Road junction is a notorious accident black spot.**

Red

Circle

A228 Beltring

B2160 roundabout junction

Queuing traffic most of the day at the 3-spur roundabout. Main junction to reach Paddock Wood industrial areas.

4th spur is access to The Hop Farm – huge park & events centre 000s of vehicles at some events.

Yellow

Circle

“B” Road

B2017,

Badsell Road/ Five Oak Green Road/ Tudeley Road

B2017 (cont)

A typical old “B” road. The only direct route west from Paddock Wood, at the junction of the B2160, to Tonbridge & A21. Running through East Capel to A228 then Five Oak Green, Tudeley & A26/A21 Tonbridge. Overloaded, no HGV restrictions or traffic calming at all. The B2017 is already very busy at peak times and has 3 accident black spots.

Due to long delays at A228/A264 Pembury, this is used as main route to Tonbridge & A21 heading Northwest. Commuter traffic uses this road to egress many other villages east of Paddock Wood & as far south as Hastings via other rat-runs to avoid delays on A21 south of Kippings Cross.

The B2017 cannot take any more traffic.

Red

Circle

Minor Road

Crittenden Road/ Alders Road

A very narrow, winding country lane used as a rat-run linking Matfield area & further east & south to B2017 at Crockhurst Street then on to Tonbridge & A21. Crosses A228 at Colts Hill. Used by traffic avoiding the A21 long delays at Kippings Cross especially during commuter times and weekends.

Red

Circle

Minor Road

Hartlake Road (part of which is TWBC, and part of which is TMBC)

In parts a narrow, winding road, used as a through route & rat run to avoid delays at Tonbridge and/or A228 which are severe at peak times. Often cars parked by the bridge over the Medway for fishermen and ramblers.

Red

Circle

Sherenden Road

A very narrow & twisting lane running from Hartlake Road near the very popular Poacher & Partridge pub/restaurant, past Bank Farm Stables and through to the B2017 Five Oak Green Road. Blind junction on B2017. This will form part of the proposed Tudeley Garden Village TGV.

Yellow

Circle

Sychem Lane

A country road, very narrow and winding, linking Five Oak Green to the hamlets of Redwood Park, old Capel & Alders Road. If the Five Oak Green bypass is built this road will be closed to through traffic.

Unacceptable to local residents.

Red

Circle

Whetsted Road

Branches off to the North East at centre of Five Oak Green to link up with the A228, midway between B2017 & B2160 roundabouts. Narrow and winding residential road, no pavements, a narrow bridge on a blind bend. Rat-run A228/ Tonbridge to avoid Colts Hill & Pembury delays and B2017/A228 roundabout delays. The reopening quarry traffic (est.120 vehicle movements per day) will egress the A228/Whetsted Road junction. **Already an accident black spot.**

Red

Circle

[TWBC: Respondent had used red and yellow circles in above table - TWBC has replaced these with words for formatting purposes]

Mitigations as per the PSLP

The PSLP contains a number of mitigations based on Traffic Modelling carried out by two Consultants, SCANTEC and SWECO. According to our own independent Traffic Consultants 'Motion' the scenarios, and bases of the modelling would be best described "very optimistic" in terms of both numbers of journeys and mode of transport. The detail is on the Motion Report which attached to this report.

As a result, Save Capel believes that there has been a significant under-assessment of the traffic implications of the PSLP as currently drafted.

Class of Road

Including

PSLP Proposals

“A” Roads

A21

Junction re-alignment at Kippings Cross. No other mitigations planned to relate to the PSLP. There are some changes proposed outside of the PSLP regarding the new Business Park bordering North Farm Industrial Estate. This development was approved by TWBC and KCC (March 2021) despite it being in the AONB.

A26

Proposals to improve traffic flows at the junction of the A26/B2017 just below the Somerhill Schools entrance, which is currently a major disruption during peak hours. A widening of the B2017 between this roundabout & new roundabout at TGV Hartlake Road. Two lanes each way + cycleways against the existing single carriageway each way.

A228 – Colts Hill northern section

Proposal to create an “offline by-pass” to alleviate the current accident black spot at junction of Alders Road/Crittenden Road with the A228. Details regarding the A228 are not clear enough due to issues with KCC funding and impact of Tudeley Garden Village. If TGV is built then Five Oak Green bypass will be included. The southern section of Colts Hill is excluded from PSLP.

A228 – Colts Hill

Roundabout to access proposed Five Oak Green bypass which is dependent upon TGV – see later..

A228 General

There are various small schemes along A228 to support the East Capel/Paddock Wood Garden Village. Crossing points for pedestrians and cyclists are not clearly defined and are of a safety concern.

A228/B2017 Junction

3 new estates under construction in Paddock Wood (approx. 1,650 homes) outside of the PSLP, have included £870k for junction improvements to include 3 traffic lanes on the whole roundabout.

“B” Road

B2017, including Five Oak Green Road/Tudeley Road/Badsell Road

There is a proposal to build a “Five Oak Green By-Pass” to relieve the volume of traffic on the B2017 through Five Oak Green. This would be a new road from the proposed northern section of A228 Colts Hill bypass (close to Alders Road) to a junction with B2017 by the existing Capel Primary school and proposed secondary schools.

B2017/A26

There is the previously mentioned road widening proposal at the junction of the B2017 and the A26 near to the Somerhill Schools

B2017/B2160

Paddock Wood

Improved B2017 Badsell Road/B2160 Maidstone Road signalised junction near to Paddock Wood – (already started).

Minor Roads

Hartlake Road (part of which is in TWBC, and part of which is in TMBC)

Create a roundabout at the Hartlake Road/B2017 junction for TGV. Furthermore, TWBC proposes Hartlake Road be closed to through traffic where the road crosses the River Medway. Currently the road continues on to Golden Green and then to Tonbridge and East Peckham. As a result of the proposed closure of Hartlake Road the current two-way traffic flow would terminate at the bridge over the River Medway.

Sherenden Road

No mitigations known. Will be part of Tudeley Garden Village & no plans announced yet.

Alders Road

The proposed Five Oak Green Bypass is to alleviate the traffic flows on Alders Road which are currently high and will become more significant even before the Local Plan proposals go ahead due to developments currently underway in Matfield, Horsmonden & Paddock Wood. However, the PSLP notes that the Five Oak Green bypass will not proceed without TGV and so there could be no relief for Alders Road/Crittenden Lane.

There are various proposals for the design of A228/Alders Road junction, but none has yet been agreed as KCC may sponsor the whole Colts Hill bypass if they can secure funding after 2025, although TWBC & then KCC have been saying this for the last 40yrs. Residents have no confidence this will be within the timescales suggested.

Sychem Lane

Will be closed to vehicular access if TGV and Five Oak Green bypass are built, but will allow pedestrians, cyclists, and horse riders to cross the new bypass, although no mention of how.

Whetsted Road, Five Oak Green

A228 Maidstone Road/old Whetsted junction improvements.

A228/B2160 Hop Farm roundabout

Improved A228 Whetsted Road/A228 Bransbridges Road/B2160 Maidstone Road roundabout

Comments on Mitigations

Class of Road

Including

Likely Impact & Comments

"A" Roads

A21

Kippings Cross improvement scheme

The main factor that will determine if this goes ahead is the proposed dualling of the Kippings Cross to Lamberhurst section of the A21 which has already been designed by Highways England and mentioned in parliament as a potential for the "next" round of major highways works by HE.

However, those proposals will not be decided until 2023/4.

This is the main arterial route south through part of Capel Parish and dualling of lower section of A21 to Lamberhurst & A262 may reduce some rat-running through B2017. However, roundabout junction improvements alone are unlikely to relieve rat-running in Capel as many are to avoid A21 queues north/south. New estates under construction in Paddock Wood and Matfield are likely to benefit.

A26/B2017

Roundabout

Significant remodelling of the whole roundabout and junction would be required with potential land grab. The disruption to traffic in the whole Tonbridge area and impact on Five Oak Green and Paddock Wood would be immense and this is not accounted for in the PSLP. There are no alternative routes in this area as they are already being overloaded. One alternate could have been Hartlake Road, but the PSLP is closing this to through traffic.

The impact on the very successful Schools at Somerhill will be significant, but as the Schools are effectively tenants of the Hadlow Estates Developer it is unlikely that they will raise objections.

A228

Colts Hill Bypass – after 40 years with no approved proposals what is KCC's views on the proposed mini-Bypass? It makes little sense to dig half a hole from both a cost and disruption basis!

Why build half a road and introduce more very difficult and dangerous junctions halfway up a hill and keep the narrow bends to the north of Alders Road used by hundreds of HGVs daily? It is just moving the accidents elsewhere; it does not solve the problems of Colts Hill. **Very Unsound.**

"B" Road

B2017, including Five Oak Green Road /Tudeley Road/Badsell Road

The proposed "Five Oak Green Bypass" has not been subject to any discussions between TWBC and the two current landowners who only found out about this proposal via social media. Neither landowner is interested in selling and therefore this proposal would need to go through a CPO process.

The bypass will cross through ancient woodland, close off Sychem Lane to traffic & isolate old Capel, Alders & Redwood Park from their village and amenities in Five Oak Green.

The Five Oak Green bypass junction with B2017 is outside of 2 schools (the existing Capel Primary School, and the proposed Tudeley Secondary School) with a potential of more than 2,000 attendees (staff & pupils).

The planners are supposed to be safety focused and I fail to see how a major new road with a junction outside 2 schools is considered a safe approach?

The new bypass will be loaded with HGVs egressing the M25/A21/Paddock Wood as it will be much quicker and use less fuel than travelling through the A21/A228 Colts Hill & Pembury to Paddock Wood & East Peckham industrial areas.

Pollution outside the schools is a major concern.

The consultant's Plans & Maps in the PSLP have incorrect speed limits shown on them for Five Oak Green and this demonstrates that this was a rushed desk top study and none of the planners actually visited Capel. One section shows Capel as being just Alders Road and it shows a picture of a "Capel" sign which is actually the hamlet of old Capel along Alders Road and **NOT** the parish sign at all.

This plan has not been thought through properly and the impact on the whole area not considered in its entirety. The attention to detail is abysmal and the whole project is **Unsafe & Unsound**.

B2017 Hartlake Road Tudeley

The proposal to create a new roundabout where the B2017 meets Hartlake Road in Tudeley also suffers from an inadequacy of space to create a roundabout.

The improvements here will depend on TGV being approved, but then we will have all this traffic hitting this roundabout whilst thousands of residents and children are commuting to work and schools.

Unsafe and Unsound.

B2017 from A26 to Hartlake Road

The previously mentioned road widening proposal from the junction of the B2017 and the A26 near to the schools at Somerhill and up to TGV will entice drivers to speed past the 3 schools' entrance at Somerhill and being on a hill drivers will take longer to stop potentially creating mayhem on the road.

A228/B2017 Roundabout

Improvements

The detail in a previously approved planning application regarding the proposed increased capacity at A228 Maidstone Road/B2017 Badsell Road (Colts Hill/Dampiers Corner) roundabout suggest 3 lanes will be used around the roundabout.

In practical terms, given we have hundreds of large and often foreign HGVs along this route daily, some pulling very large trailers, it is unlikely to improve the flow through the roundabout.

It should also be noted that the flow is from all 4 spurs and not just 1 or 2 interrupted occasionally by the others. New estates in the PSLP will create huge queues at all spurs most of the day here.

It is also of concern that the Grade II 16C Listed Mill House standing right by the roundabout will suffer serious pollution issues and the additional traffic will affect all properties next to the roundabout regarding health issues and noise pollution.

A228/B2160 Beltring

Little detail is provided regarding the proposed improvements to the B2017 Badsell Road/B2160 Maidstone Road signalised junction near to Paddock Wood but being "signalised" will create huge queues on all arms of this very busy junction.

Minor Roads

Hartlake Road (part of which is in TWBC, and part of which is in TMBC)

The proposal is to create a roundabout (as above) where Hartlake Road meets the B2017, however TWBC also propose that Hartlake Road be closed to through traffic, where the road crosses the River Medway. Currently the road continues on to Golden Green and then to Tonbridge or East Peckham. As a result of the proposed closure of Hartlake Road the current two-way traffic flow would terminate at the newly rebuilt bridge over the River Medway.

This is a rather badly thought through scheme. Planners **MUST** consider that we have a main railway line and major river running through the valley and crossings for either are very limited. By closing Hartlake road the traffic is forced to go through Tonbridge where another 6,400 homes are planned in the same period, as is a major development in Maidstone Borough Council, alongside 2,800 in Tudeley and 8,500 in Paddock Wood. **The roads are already clogged in Tonbridge due to the restricted crossing points and the whole idea of closing any crossing point is unsound.**

Sherenden Road

No mitigations proposed or plans revealed.

The Masterplanning is still unannounced.

Alders Road

The Five Oak Green Bypass is proposed to alleviate the traffic flows on this road (as well as B2017) which are currently high and will become more significant if the Local Plan proposals go ahead without inclusion of major road improvements in the area. See previous comments about the A228 Colts Hill Bypass

Sychem Lane

Closing Sychem Lane will isolate part of Capel Parish and the idea of horse riders, cyclists and pedestrians having to cross a fast bypass without a bridge is **Unsafe and Unsound.**

Whetsted Road

Improved A228 Maidstone Road/Whetsted Road priority junction. Currently, the quarrying operations here are suspended. When they re-open, as well as the increased traffic caused by the East Capel proposals, this junction will need to service 120 Quarry HGV movements per day. The junction is on a very fast bend and is already an accident black spot.

Conclusions

- 1 The impact of the sheer magnitude of additional traffic movements, as a result of building up to 5,000 new houses in Capel Parish, between Tudeley Village and East Capel, has been modelled

using very optimistic scenarios and assumptions with regard to volumes of traffic and modes of transport.

- 2 The assumptions take no account of the Local Plans being developed by neighbouring Boroughs where at least 12,000 new homes will be built. The impact of these new estates will affect the whole area.
- 3 None of the existing roads have the capacity or physical ability to absorb the increased traffic movements.
- 4 The mitigations proposed are either inadequate, unlikely to be deliverable or otherwise inappropriate, therefore they are **Unsafe and Unsound**.
- 5 The construction of any transport mitigations will in themselves be considerably disruptive, and from a timing perspective likely to be out of synchronisation with the house building programme.
- 6 Apart from minimal information about the views of KCC there are no agreed, even in outline, proposals that have been made available before the Regulation 19 Consultations.
- 7 For Tudeley Garden Village there is no evidence base that key Transport, Flooding, Other Infrastructure, Landscape or Biodiversity issues have been considered, or proposals made in the Masterplanning of TGV.

In summary, there are too many gaps in the information provided to take the PSLP to the next stage of the process. Unless these gaps can be adequately filled, through the Regulation 19 process, **we would suggest that PSLP is not sustainable and unsound.**

How will KCC/TWBC handle all of these highways works whilst the building of 8,500 homes on several sites is ongoing and the current residents are trying to go about their normal lives, without disruption.

There is a HIGH risk of ill health due to stress, air and noise pollution and the impact on the everyday lives of the existing population.

The PSLP is flawed beyond acceptability and does not take into account the health, safety and disturbance to existing residents and businesses.

Investment will not be attracted for many years due to the highways delays that are already proving a major challenge for all road users.

The direct impact upon the area for the next 20 years, whilst the new roads and 6,000+ homes are being built, is unacceptable.

The PSLP is therefore unsustainable and not sound.

Policy STR9 - Green Belt

Similar to neighbouring Borough Councils in Tonbridge & Malling and Sevenoaks, TWBC has a high proportion of the and within its boundaries which is either AONB or Green Belt. Given the housing targets "imposed" by Central Government, developing the required levels of housing, alongside the constraints of the AONB and Green Belt, provides a significant challenge to TWBC.

That said, if we look back at the Site Allocations proposals by TWBC of 2016 there are some interesting views expressed by the Inspector (Rynd Smith) who reviewed them and reported back to TWBC on 9th June 2016:

- . **Bullet point 22** – ".....On this basis, there is not a shortfall of allocated and deliverable land in Royal Tunbridge Wells and Southborough and the rural fringe. It follows I do not accept a need to allocate any land currently in the Green Belt."
- . **Bullet point 24** – "It follows that I agree the approach the SALP has taken to the Metropolitan Green Belt and I have not recommended that any land currently within the Green Belt should be allocated."
- . **Bullet point 79** – "The SALP has a number of deficiencies in relation to soundness, and, or legal compliance for the reasons set out above which means that I recommend non-adoption of it as submitted, These deficiencies have been explored in the main issues set out above."

A very different picture emerged at the Regulation 18 Consultation, perpetuated now in the PSLP, when the majority of the Metropolitan Green Belt in the "rural fringe" was put forward as Strategic Sites for Tudeley Village and East Capel/Paddock Wood. Additionally, comments expressed by the Inspector regarding drainage and flooding concerns at Bullet points 43, 60, 65 and 67.

As a result, the PSLP is therefore unsustainable and not sound.

Policy STR/SS1 - Strategy for Paddock Wood and East Capel

The format of the online submission tool means that one has to make two submissions, one for each of the Strategic Sites one objects to. The crossover between the two Strategic Sites, and the impacts on the community, are very similar. Therefore, there will be repetition between the two submissions.

I apologise to the Inspector for this duplication, and he/she having to read the same thing twice, but this is the nature of the beast that technology has created for this process, rather than the fault of any responders.

Policy STR/SS3 - Strategy for Tudeley Village

The format of the online submission tool means that one has to make two submissions, one for each of the Strategic Sites one objects to. The crossover between the two Strategic Sites, and the impacts on the community, are very similar. Therefore, there will be repetition between the two submissions.

I apologise to the Inspector for this duplication, and he/she having to read the same thing twice, but this is the nature of the beast that technology has created for this process, rather than the fault of any responders.

Policy TP1 - Transport Assessments etc

The Policy TP1 as written is good words and gestures. However, there are a number of issues with this, particularly in relation to the two Strategic Sites at Tudeley Village and East Capel. These include:

- . Little, or no evidence of KCC's involvement/agreement/approval of the Transport Assessments. For the two Strategic Sites the transport infrastructure issues are so large that KCC's views can not be left to a later stage in the process.
- . Independent Consultants (motion.co.uk) have been employed by Save Capel, and Friends of Tudeley (FoT) have employed another consultant (connect.co.uk) to review the Transport Assessments in the PSLP. Both consultancies are very experienced in this situation and both agree that:
 - . The modal shift within the plan is unachievable and therefore the traffic projections are very optimistic on the low side of the spectrum.
 - . The proposed mitigations are unrealistic in terms of physical and fiscal restrictions.
 - . The proposed Five Oak Green bypass, no discussions have been held with either of the two landowners about this proposal; both are adamant that they will not sell willingly.
 - . The impact of "closing" Hartlake Road, except to buses, has been totally underestimated.
 - . Linked to the point above, there appears to be little, or no, consultation with either TMBC or MBC about their own development plans on the border with TWBC, therefore, the projections are an "internal to TWBC" assessment rather than a more holistic approach involving their neighbouring Borough Councils.

As a result, the PSLP is therefore unsustainable and not sound and questions must be asked about the Duty to Co-operate with TMBC and MBC on the Transportation and Traffic Issues.

Question 6

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Question 5 above. (Please note that non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Quite frankly, the PSLP process needs to be suspended and TWBC need to start again from scratch. They should focus on:

- . Realistic assessment of housing needs rather than government-imposed targets and then with a 1,000-home buffer!

- . Spreading the Place Shaping across the Borough rather the present over-reliance on delivering the undeliverable of the two Strategic Sites at Tudeley and East Capel/Paddock Wood, on TMBC's doorstep.
- . A proper assessment of Infrastructure requirements, especially for transport, to reflect the needs of a revised Plan.
- . Much better liaison with neighbouring Councils, particularly TMBC and MBC, and the infrastructure requirements and impacts of their own Plans.

The current PSLP has been a rushed, botched and biased attempt, with 50% of the Borough's housing needs being forced onto 2% of the population who are represented by just 1 Councillor out of a total of 48.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

- . No, I do not wish to participate in examination hearing session(s)

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:

- Yes, I wish to be notified of future stages of the Local Plan

Supporting Information File Ref No: SI_62

Comment

Consultee	Charlie Keeling [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] Tonbridge [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Charlie Keeling [REDACTED]
Comment ID	PSLP_1055
Response Date	03/06/21 09:02
Consultation Point	Policy STR/SS 3 The Strategy for Tudeley Village (View)
Status	Processed
Submission Type	Email
Version	0.4
Files	PSLP_1044_C_Keeling_SI.docx

Data inputter to enter their initials here AT

Question 1

Respondent's Name and/or Organisation Charlie Keeling

Question 3

To which part of the Local Plan does this representation relate? Policy

Question 3a

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy STR/SS 3 The Strategy for Tudeley Village

[TWBC: This representation has been input against Policies STR/SS1 & STR/SS3 – see Comment Numbers PSLP_1044 and PSLP_1055]

[TWBC: Representation attached as supplementary information as tables used by respondent]

Question 4

Do you consider that the Local Plan:

Is legally compliant	Don't know
Is sound	No
Complies with the Duty to Cooperate	No

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:	. It is not positively prepared
	. It is not effective
	. It is not justified
	. It is not consistent with national policy

Question 5

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

Executive Summary

There is much detail laid out in this submission objecting to the development of the two so-called Strategic Sites at Tudeley Garden Village and East Capel, as part of Paddock Wood. To be helpful I have summarised the major points, against the listed Policies in the Plan:

- . **Policy STR2 – Place Shaping** - Forcing almost 50% of the Borough's Housing Needs on to 2% of the Borough's Population, who are represented by one, out of 48, Councillors. Little or no account taken of the severe Infrastructure impacts on the two neighbouring Councils Tonbridge & Malling (TMBC) and Maidstone (MDC).
- . **Policy STR3 – Brownfield** - an overly negative approach to the locations of the sites and their ability to be developed into sustainable housing developments, given their existing land use and infrastructure.
- . **Policy STR5 - Infrastructure and Connectivity** – I have focused on Schooling, Medical Facilities and Provision of (basic) Utilities. Transport Infrastructure comments are in STR6 – Transport and Parking
- . **Policy STR6 - Transport and Parking** – After setting the context I have set out the current road infrastructure status and issues, the proposed mitigations in the PSLP to deal with them, and finally, comments on the proposed mitigations.
- . **Policy STR9 - Green Belt** – A general statement regarding the Green Belt, with reference to the Site Allocations Plan in 2016, with comments from the Inspector who reviewed it
- . **Policy STR/SS1 - Strategy for Paddock Wood and East Capel** – I have put in two submissions one for STR/SS1 and one for STR/SS3
- . **Policy STR/SS3 - Strategy for Tudeley Village** - I have put in two submissions one for STR/SS1 and one for STR/SS3
- . **Policy TP1 - Transport Assessments etc** – for such important Strategic Sites the level of Transport Assessments is woefully inadequate. They are based on over-optimistic, i.e. too small a number, of trips, modal shifts are unrealistic, very little, if any, evidence of KCC's input,

agreement or approval, and flagrant disregard of the impact of TMBC and MBC's own plans and how that factors into the Transport Assessments.

More Detailed Information

Policy STR2 – Place Shaping

The original Issues & Options SA identified 6 growth strategies ("GS"), none of which mentioned Tudeley/Capel specifically as a site for a potential garden town. GS5 was described as "New freestanding garden settlement. There is no location identified with this option. A new settlement could be located anywhere within the borough."

The preferred option at this point was "the A21 Growth Corridor", where large scale investment in Infrastructure, dualling the A21, had already taken place by KCC.

Then, just prior to the Regulation 18 Consultations GS5 was adopted by TWBC with Strategic Sites at Paddock Wood/East Capel, and Tudeley Garden Village, as the nominated sites. This was a real "rabbit out of the hat"!

Please see the table below as indicators of why the Place Shaping was, and remains, wrong.

Parish/Ward

% of Population of TWBC

% of Housing Allocation

Number of Councillors

Capel PC

2,400 – 2%

4,200 – 45%

1

Paddock Wood TC

4,100 – 21%

2,400 – 21%

3 (+1 absent)

Total for Strategic Sites

6,500 – 23%

6,600 – 66%

4

Rest of TWBC

112,250 – 77%

2,747 – 34%

44

Total for TWBC

118,750

9,347

48

I feel this Table represents a very unfair allocation of housing needs to one area of the Borough, and one that borders on Tonbridge & Malling Borough Council (TMBC). This analysis results in:

- . 45% of the housing need being imposed on 2% of the Borough's population.
- . 66% of the housing need being imposed on 21% of the Borough's population.
- . These wards are represented at the "Council Chamber" by 9% of the TWBC Councillors
- . The major impact of these proposed developments will be felt in Paddock Wood (part of TWBC) and TMBC as these are the two centres which attract residents and traffic for:
 - . Commuting
 - . Shopping
 - . Schools
 - . Medical Facilities
- . Paddock Wood already has a significant level of new housing developments in progress. They are already causing issues with Traffic Congestion, Flooding, Sewage etc. And they don't meet affordability targets.
- . Similarly, Tudeley and East Capel suffer from Traffic Congestion, Flooding and Sewage.
- . TMBC are having a massive infrastructure problem and cost dumped on their doorstep. TWBC get the Council Tax, TMBC get the hassle and cost!

Finally, the vast majority of the development proposed in for the two strategic sites is:

- . Metropolitan Green Belt – with good classification of the quality of the agricultural land. To build over this land would be a travesty, reducing the country's ability to produce fruit and other arable produce, and creating settlements which will have an adverse impact on the landscape and environmental aspects of this area of Kent.
- . Flooding – a lot of the proposed development areas for the two Strategic Sites are either officially on the Flood Plain or have been subject to severe flooding episodes over the relatively recent past. I would have thought it likely that Home Insurance providers could adopt an aggressive, or expensive, attitude to providing cover in these circumstances. As a result, potential developers will also react negatively to this challenge.

In summary, this Local Plan is so skewed to development in a currently tranquil, beautiful, and highly food-productive, area, in the Green Belt, subject to flooding, with massive infrastructure issues, and on the doorstep of the neighbouring Borough Council who will end up bearing the brunt of the issues this will cause.

Policy STR3 - Brownfield

The reviews that TWBC have carried out on Brownfield sites appear to have adopted an overly negative approach to the locations of the sites and their ability to be developed into sustainable housing developments, given their existing land use and infrastructure.

I am aware that Save Capel carried out an extensive analysis of potential Brownfield sites, ahead of the Regulation 18 Consultations, which demonstrated that the volume of houses being proposed in Capel parish could be easily accommodated by Brownfield developments. Sadly, as with the majority of other Regulation 18 comments/challenges TWBC chose to ignore them.

Probably the main opportunity for a Brownfield development exists at the former Blantyre House Prison site. It is a large site, not in the AONB or Green Belt, with Infrastructure services already installed. It's rejection by TWBC on the basis of there only being minor roads, and therefore significant investment would be required for transport infrastructure, pale into insignificance compared to the transport infrastructure of the Tudeley and Paddock Wood/East Capel sites (see comments below on other Policies relating to this topic.

Whilst not a Brownfield development issue, one of particular relevance from an alternative site's perspective, is the Castle Hill Developments proposal to create 1,600+ homes which are in the favoured "A21 Corridor" option. Whilst the proposed development is in the AONB it has much better potential from sustainability and infrastructure perspectives. This was rejected "out of hand" with little or no analysis by TWBC.

Additionally, TWBC have recently approved a very large Commercial Development at Kingstanding, which was also in the same AONB area. This has great employment potential, but leads one to wonder why a Commercial Development is acceptable in the AONB but a respectful (to Sustainability) Housing Development isn't?

Policy STR5 - Infrastructure and Connectivity

Introduction

The proposed developments at Tudeley Village and East Capel (now, apparently part of Paddock Wood) will bring significant pressure and issues in other Infrastructure areas, especially:

- . Schooling
- . Medical Facilities
- . Provision of (basic) Utilities

Before considering each of these in turn, please review the following new population projections as context. These are based on an assumption of 2.26 people per household (a usual UK Metric) and using the metric of 0.285 children per household as part of that:

Projected Population Growth

Capel

Tudeley Village

Capel Parish

Adults

5,500

4,500

10,000

Children

2,200

1,800

4,000

Total

7,700

6,300

14,000

Projected Number of Extra Vehicles

3,500

2,500

6,000

This swamps the existing population of Capel Parish which was 2,400 at the previous census. So where will all these extra go for schooling, medical facilities and how and when will basic utilities be delivered to this staggering number of people.

Schooling

For the 1,800 children from Tudeley, the plans to meet the educational needs of 2,200 children from East Capel seem inadequate.

Proposals in the Plan, including Paddock Wood are:

- . New secondary school to serve Tudeley Village, potentially up to 1,000 pupils.
- . Expansion of Capel Primary School by 1FE.
- . Extension of Mascall's Academy by 1FE from 2021.
- . Two new Primary Schools in Paddock Wood, providing 4FE.

The Tudeley secondary school of perhaps 1,000 pupils and expansion of the small Capel primary school will be woefully inadequate, and particularly so if both development plans proceed. The new secondary school is not planned to be built until Phase 4, or after 1,900 houses have been built!

The remaining children totalling up to perhaps 2,000 will need to be driven or bussed daily to either Tonbridge or Tunbridge Wells (at least 50 or 60 buses twice or more each day). The planned provision for nurseries is similarly inadequate.

There is an incredibly strong, existing, demand for places in the good local schools in Tonbridge and Tunbridge Wells. It is naïve to think that some 2,000 pupils will somehow be absorbed in the existing schools in these two towns; in practice many pupils will have to be driven or bussed far away to Maidstone or Sevenoaks, all adding to traffic and congestion. In reality, another two or possibly three large schools will need to be built by KCC if both projects proceed. The key issue is when the schools will be built and ready to take pupils.

There will inevitably be children with special needs, the cost burden of which will fall on KCC and TWBC. In practice, TWBC will simply be imposing these education costs elsewhere, displacing the education of children in other Boroughs and creating congestion, particularly in Tonbridge and Tunbridge Wells.

The plans make no assessment of these education and congestion costs or whether KCC can or will agree to fund these new schools and so are unsound.

Medical Facilities

Regardless of whether one or other or both projects proceed, the number of new residents will necessitate new healthcare facilities, the plans envisage one new GP surgery which will be particularly busy and will require some 6 to 8 doctors plus support staff. If both proceed, there will be 14,000 new residents ultimately requiring these healthcare services.

There will also be considerable extra pressure and costs imposed on Pembury Hospital which is already strained. As stated in the plan, a significant number of the adults are likely to be over 65 and elderly, some with special needs and as they age, increasing demands will be made on local health services. The same will apply to the up to 4,000 children. All of this will impose significant additional and increasing social services costs on TWBC and medical provision costs on the local Health Trust.

Additionally, there is little information in the Plan about the timing of the creation of the new medical facility. Until that is planned, approved, and developed, whatever proportion of the 14,000 new residents are living there before then will need to access medical facilities elsewhere. This will probably fall on to Tonbridge where medical facilities are already stretched. **Another example of TWBC passing their problem on to someone else, TMBC in this case.**

The plans do not properly address these issues nor quantify these costs so are unsound, inadequate and will impose potentially large contingent costs on TWBC.

Basic Utilities

Electricity, Gas and Communications

As no new houses can be connected to the gas grid from 2025, the two developments will need to be powered entirely by electricity. This will require extensive investment in major HV transmission lines and stepdown transformers, particularly as new EV charging infrastructure will be required eventually for some 6,000 cars given that petrol and diesel cars will be phased out after 2030. All the cables will need to be buried. This is a major engineering task in addition to road building, road widening, school building, GP surgery, sports facilities etc. The Tudeley plan budgets £11.5m and the Paddock Wood/Capel plan budgets £10.8m solely for electricity connections and diversions with no discussion about grid infrastructure or who pays for these or how construction will be phased. In the experience of experts, we have consulted, the cost of the grid infrastructure and substations will be many £millions and will not be installed for several years. FTTH broadband will be relatively more straight forward to install.

The plan is unclear on this important aspect and so is unsound as a result.

Waste Disposal

The disposal of waste from up to 6,250 new homes will require TWBC and KCC to invest in more waste disposal facilities. This will create yet more heavy vehicle movements on already congested roads and add to the waste already trucked away from North Farm. These additional costs do not seem to be factored into the plans and will be a charge on the annual rates which would rise slowly over time to a total of some £10m once all 6,250 homes had been built.

In Summary

The PSLP documentation is woefully inadequate on any of these topics. The views and agreement of KCC are absent from these Plans. There has been no visible Master Planning for Utilities for the Tudeley Village proposal, and what is there for Schooling and Medical Facilities falls very short of the mark of a justified, fully costed and risk-managed Plan. **For all of these reasons the Plan is unsound.**

Policy STR6 - Transport and Parking

Context

Capel Parish's geography and existing transport infrastructure heavily-constrains planning sustainable development for the future. This is recognised in many parts of the PSLP ('the Plan') and supporting evidence. The Plan and its 'key diagram' (Appendix A of the Plan) make it very clear.

- . The only Trunk Road in Capel Parish is the A21 through the west of the parish serving London/M25 to Hastings, running east of Tunbridge Wells through the Borough.
- . There are two other "A" class roads relative to Capel Parish: a) A26 Tonbridge to near Maidstone, borders Capel Parish at Tonbridge to the west & follows the river Medway valley north east partly bordering Capel. b) A228 (northwest/southeast through Capel Parish) links M2 & M20 London-Dover motorways & the North Medway towns to West Malling, Paddock Wood, A21 & Tunbridge Wells. A major highway traversing Capel.
- . There is only one railway line in the Parish, but no stations. The two nearest stations are Tonbridge serving London/Hastings, London/Dover/Ramsgate, Tonbridge/Redhill. Paddock Wood is on the London/Dover line with an irregular country line between Paddock Wood/Maidstone West.
- . Bus services are 'patchy and infrequent in rural areas' (and almost non-existent after 7pm).

- . The local road network has severe constraints; Much of the infrastructure is rural and narrow and therefore unsuitable for HGVs. The impact of large and many foreign HGVs, on communities in the area, presents a major, existing and continuing challenge.
- . New quarrying will create 120 HGV movements per day through the access point in Capel onto A228 and impact all roads in the area.
- . Capel Parish's only "B" road B2017 links Paddock Wood to Tonbridge via Five Oak Green & Tudeley. There are also a number of Kent County Council designated "country lanes" used as "rat runs" with HGV traffic, many foreign.
- . There are a number of industrial estates, haulage and distribution yards that have evolved on old farmsteads throughout the area using country lanes.
- . All "main" roads are heavily trafficked, especially in the morning and evening peak periods.
- . The A228 in Capel is now recorded as "the busiest road" in the whole of Tunbridge Wells Borough by the TWBC traffic consultants.

This is the context against which all new development put forward in the Plan should be considered. Save Capel (SC) has reviewed the large number of references to the subject of transport in the Plan and supporting documents and have appointed expert advisors to assist us. 'Mitigation' of the significant impacts, particularly of increased traffic, is offered by Tunbridge Wells Borough Council (TWBC) in the context of developing the Strategic Sites (SS) at Tudeley Village and East Capel/Paddock Wood.

SC's review shows that the treatment of transport in the Plan is inconsistent and the result is unsustainable making the Plan itself unsound.

Impact of the Plan on travel at peak periods on the existing transport and roads infrastructure

Motion Consulting have also submitted their report in the evidence base for Regulation 19. This is based on the Traffic Modelling in the Plan and also Motion's own knowledge base of similar proposed developments.

In summary, the impacts are as follows:

Class of Road

Including

Roads Detail

RAG

"A" Roads

A21

ALL flows will increase due to traffic joining/leaving at the Tonbridge (Vauxhall) Roundabout to/from the East. This road was dualled between Tonbridge & Pembury in 2018 but suffers severe bottlenecks at the southern end, Kippings Cross where the dualled A21 ends. Longer delays expected with increases in housing from Paddock Wood.

Yellow

Circle

A26

Unacceptable increases in traffic from the South/East at Somerhill A26/B2017 Roundabout and on to Vauxhall A21 Roundabout to the West and into the Tonbridge Industrial Estate to the East. Long delays.

Red

Circle

A228 Colts Hill

Very high increased traffic flows at all junctions joining the A228. A228 at Colts Hill has been the subject of discussions about a bypass for 40+ years. **The Alders Road/Crittenden Road junction is a notorious accident black spot.**

Red

Circle

A228 Beltring

B2160 roundabout junction

Queuing traffic most of the day at the 3-spur roundabout. Main junction to reach Paddock Wood industrial areas.

4th spur is access to The Hop Farm – huge park & events centre 000s of vehicles at some events.

Yellow

Circle

“B” Road

B2017,

Badsell Road/ Five Oak Green Road/ Tudeley Road

B2017 (cont)

A typical old “B” road. The only direct route west from Paddock Wood, at the junction of the B2160, to Tonbridge & A21. Running through East Capel to A228 then Five Oak Green, Tudeley & A26/A21 Tonbridge. Overloaded, no HGV restrictions or traffic calming at all. The B2017 is already very busy at peak times and has 3 accident black spots.

Due to long delays at A228/A264 Pembury, this is used as main route to Tonbridge & A21 heading Northwest. Commuter traffic uses this road to egress many other villages east of Paddock Wood & as far south as Hastings via other rat-runs to avoid delays on A21 south of Kippings Cross.

The B2017 cannot take any more traffic.

Red

Circle

Minor Road

Crittenden Road/ Alders Road

A very narrow, winding country lane used as a rat-run linking Matfield area & further east & south to B2017 at Crockhurst Street then on to Tonbridge & A21. Crosses A228 at Colts Hill. Used by traffic avoiding the A21 long delays at Kippings Cross especially during commuter times and weekends.

Red

Circle

Minor Road

Hartlake Road (part of which is TWBC, and part of which is TMBC)

In parts a narrow, winding road, used as a through route & rat run to avoid delays at Tonbridge and/or A228 which are severe at peak times. Often cars parked by the bridge over the Medway for fishermen and ramblers.

Red

Circle

Sherenden Road

A very narrow & twisting lane running from Hartlake Road near the very popular Poacher & Partridge pub/restaurant, past Bank Farm Stables and through to the B2017 Five Oak Green Road. Blind junction on B2017. This will form part of the proposed Tudeley Garden Village TGV.

Yellow

Circle

Sychem Lane

A country road, very narrow and winding, linking Five Oak Green to the hamlets of Redwood Park, old Chapel & Alders Road. If the Five Oak Green bypass is built this road will be closed to through traffic. **Unacceptable to local residents.**

Red

Circle

Whetsted Road

Branches off to the North East at centre of Five Oak Green to link up with the A228, midway between B2017 & B2160 roundabouts. Narrow and winding residential road, no pavements, a narrow bridge on a blind bend. Rat-run A228/ Tonbridge to avoid Colts Hill & Pembury delays and B2017/A228 roundabout delays. The reopening quarry traffic (est.120 vehicle movements per day) will egress the A228/Whetsted Road junction. **Already an accident black spot.**

Red

Circle

[TWBC: Respondent had used red and yellow circles in above table - TWBC has replaced these with words for formatting purposes]

Mitigations as per the PSLP

The PSLP contains a number of mitigations based on Traffic Modelling carried out by two Consultants, SCANTEC and SWECO. According to our own independent Traffic Consultants 'Motion' the scenarios, and bases of the modelling would be best described "very optimistic" in terms of both numbers of journeys and mode of transport. The detail is on the Motion Report which attached to this report.

As a result, Save Capel believes that there has been a significant under-assessment of the traffic implications of the PSLP as currently drafted.

Class of Road

Including

PSLP Proposals

“A” Roads

A21

Junction re-alignment at Kippings Cross. No other mitigations planned to relate to the PSLP. There are some changes proposed outside of the PSLP regarding the new Business Park bordering North Farm Industrial Estate. This development was approved by TWBC and KCC (March 2021) despite it being in the AONB.

A26

Proposals to improve traffic flows at the junction of the A26/B2017 just below the Somerhill Schools entrance, which is currently a major disruption during peak hours. A widening of the B2017 between this roundabout & new roundabout at TGV Hartlake Road. Two lanes each way + cycleways against the existing single carriageway each way.

A228 – Colts Hill northern section

Proposal to create an “offline by-pass” to alleviate the current accident black spot at junction of Alders Road/Crittenden Road with the A228. Details regarding the A228 are not clear enough due to issues with KCC funding and impact of Tudeley Garden Village. If TGV is built then Five Oak Green bypass will be included. The southern section of Colts Hill is excluded from PSLP.

A228 – Colts Hill

Roundabout to access proposed Five Oak Green bypass which is dependent upon TGV – see later..

A228 General

There are various small schemes along A228 to support the East Capel/Paddock Wood Garden Village. Crossing points for pedestrians and cyclists are not clearly defined and are of a safety concern.

A228/B2017 Junction

3 new estates under construction in Paddock Wood (approx. 1,650 homes) outside of the PSLP, have included £870k for junction improvements to include 3 traffic lanes on the whole roundabout.

“B” Road

B2017, including Five Oak Green Road/Tudeley Road/Badsell Road

There is a proposal to build a “Five Oak Green By-Pass” to relieve the volume of traffic on the B2017 through Five Oak Green. This would be a new road from the proposed northern section of A228 Colts Hill bypass (close to Alders Road) to a junction with B2017 by the existing Capel Primary school and proposed secondary schools.

B2017/A26

There is the previously mentioned road widening proposal at the junction of the B2017 and the A26 near to the Somerhill Schools

B2017/B2160

Paddock Wood

Improved B2017 Badsell Road/B2160 Maidstone Road signalised junction near to Paddock Wood – (already started).

Minor Roads

Hartlake Road (part of which is in TWBC, and part of which is in TMBC)

Create a roundabout at the Hartlake Road/B2017 junction for TGV. Furthermore, TWBC proposes Hartlake Road be closed to through traffic where the road crosses the River Medway. Currently the road continues on to Golden Green and then to Tonbridge and East Peckham. As a result of the proposed closure of Hartlake Road the current two-way traffic flow would terminate at the bridge over the River Medway.

Sherenden Road

No mitigations known. Will be part of Tudeley Garden Village & no plans announced yet.

Alders Road

The proposed Five Oak Green Bypass is to alleviate the traffic flows on Alders Road which are currently high and will become more significant even before the Local Plan proposals go ahead due to developments currently underway in Matfield, Horsmonden & Paddock Wood. However, the PSLP notes that the Five Oak Green bypass will not proceed without TGV and so there could be no relief for Alders Road/Crittenden Lane.

There are various proposals for the design of A228/Alders Road junction, but none has yet been agreed as KCC may sponsor the whole Colts Hill bypass if they can secure funding after 2025, although TWBC & then KCC have been saying this for the last 40yrs. Residents have no confidence this will be within the timescales suggested.

Sychem Lane

Will be closed to vehicular access if TGV and Five Oak Green bypass are built, but will allow pedestrians, cyclists, and horse riders to cross the new bypass, although no mention of how.

Whetsted Road, Five Oak Green

A228 Maidstone Road/old Whetsted junction improvements.

A228/B2160 Hop Farm roundabout

Improved A228 Whetsted Road/A228 Bransbridges Road/B2160 Maidstone Road roundabout

Comments on Mitigations

Class of Road

Including

Likely Impact & Comments

"A" Roads

A21

Kippings Cross improvement scheme

The main factor that will determine if this goes ahead is the proposed dualling of the Kippings Cross to Lamberhurst section of the A21 which has already been designed by Highways England and mentioned in parliament as a potential for the "next" round of major highways works by HE.

However, those proposals will not be decided until 2023/4.

This is the main arterial route south through part of Capel Parish and dualling of lower section of A21 to Lamberhurst & A262 may reduce some rat-running through B2017. However, roundabout junction improvements alone are unlikely to relieve rat-running in Capel as many are to avoid A21 queues north/south. New estates under construction in Paddock Wood and Matfield are likely to benefit.

A26/B2017

Roundabout

Significant remodelling of the whole roundabout and junction would be required with potential land grab. The disruption to traffic in the whole Tonbridge area and impact on Five Oak Green and Paddock Wood would be immense and this is not accounted for in the PSLP. There are no alternative routes in this area as they are already being overloaded. One alternate could have been Hartlake Road, but the PSLP is closing this to through traffic.

The impact on the very successful Schools at Somerhill will be significant, but as the Schools are effectively tenants of the Hadlow Estates Developer it is unlikely that they will raise objections.

A228

Colts Hill Bypass – after 40 years with no approved proposals what is KCC's views on the proposed mini-Bypass? It makes little sense to dig half a hole from both a cost and disruption basis!

Why build half a road and introduce more very difficult and dangerous junctions halfway up a hill and keep the narrow bends to the north of Alders Road used by hundreds of HGVs daily? It is just moving the accidents elsewhere; it does not solve the problems of Colts Hill. **Very Unsound.**

"B" Road

B2017, including Five Oak Green Road /Tudeley Road/Badsell Road

The proposed "Five Oak Green Bypass" has not been subject to any discussions between TWBC and the two current landowners who only found out about this proposal via social media. Neither landowner is interested in selling and therefore this proposal would need to go through a CPO process.

The bypass will cross through ancient woodland, close off Sychem Lane to traffic & isolate old Capel, Alders & Redwood Park from their village and amenities in Five Oak Green.

The Five Oak Green bypass junction with B2017 is outside of 2 schools (the existing Capel Primary School, and the proposed Tudeley Secondary School) with a potential of more than 2,000 attendees (staff & pupils).

The planners are supposed to be safety focused and I fail to see how a major new road with a junction outside 2 schools is considered a safe approach?

The new bypass will be loaded with HGVs egressing the M25/A21/Paddock Wood as it will be much quicker and use less fuel than travelling through the A21/A228 Colts Hill & Pembury to Paddock Wood & East Peckham industrial areas.

Pollution outside the schools is a major concern.

The consultant's Plans & Maps in the PSLP have incorrect speed limits shown on them for Five Oak Green and this demonstrates that this was a rushed desk top study and none of the planners actually visited Capel. One section shows Capel as being just Alders Road and it shows a picture of a "Capel" sign which is actually the hamlet of old Capel along Alders Road and **NOT** the parish sign at all.

This plan has not been thought through properly and the impact on the whole area not considered in its entirety. The attention to detail is abysmal and the whole project is **Unsafe & Unsound**.

B2017 Hartlake Road Tudeley

The proposal to create a new roundabout where the B2017 meets Hartlake Road in Tudeley also suffers from an inadequacy of space to create a roundabout.

The improvements here will depend on TGV being approved, but then we will have all this traffic hitting this roundabout whilst thousands of residents and children are commuting to work and schools.

Unsafe and Unsound.

B2017 from A26 to Hartlake Road

The previously mentioned road widening proposal from the junction of the B2017 and the A26 near to the schools at Somerhill and up to TGV will entice drivers to speed past the 3 schools' entrance at Somerhill and being on a hill drivers will take longer to stop potentially creating mayhem on the road.

A228/B2017 Roundabout

Improvements

The detail in a previously approved planning application regarding the proposed increased capacity at A228 Maidstone Road/B2017 Badsell Road (Colts Hill/Dampiers Corner) roundabout suggest 3 lanes will be used around the roundabout.

In practical terms, given we have hundreds of large and often foreign HGVs along this route daily, some pulling very large trailers, it is unlikely to improve the flow through the roundabout.

It should also be noted that the flow is from all 4 spurs and not just 1 or 2 interrupted occasionally by the others. New estates in the PSLP will create huge queues at all spurs most of the day here.

It is also of concern that the Grade II 16C Listed Mill House standing right by the roundabout will suffer serious pollution issues and the additional traffic will affect all properties next to the roundabout regarding health issues and noise pollution.

A228/B2160 Beltring

Little detail is provided regarding the proposed improvements to the B2017 Badsell Road/B2160 Maidstone Road signalised junction near to Paddock Wood but being "signalised" will create huge queues on all arms of this very busy junction.

Minor Roads

Hartlake Road (part of which is in TWBC, and part of which is in TMBC)

The proposal is to create a roundabout (as above) where Hartlake Road meets the B2017, however TWBC also propose that Hartlake Road be closed to through traffic, where the road crosses the River Medway. Currently the road continues on to Golden Green and then to Tonbridge or East Peckham. As a result of the proposed closure of Hartlake Road the current two-way traffic flow would terminate at the newly rebuilt bridge over the River Medway.

This is a rather badly thought through scheme. Planners **MUST** consider that we have a main railway line and major river running through the valley and crossings for either are very limited. By closing Hartlake road the traffic is forced to go through Tonbridge where another 6,400 homes are planned in the same period, as is a major development in Maidstone Borough Council, alongside 2,800 in Tudeley and 8,500 in Paddock Wood. **The roads are already clogged in Tonbridge due to the restricted crossing points and the whole idea of closing any crossing point is unsound.**

Sherenden Road

No mitigations proposed or plans revealed.

The Masterplanning is still unannounced.

Alders Road

The Five Oak Green Bypass is proposed to alleviate the traffic flows on this road (as well as B2017) which are currently high and will become more significant if the Local Plan proposals go ahead without inclusion of major road improvements in the area. See previous comments about the A228 Colts Hill Bypass

Sychem Lane

Closing Sychem Lane will isolate part of Capel Parish and the idea of horse riders, cyclists and pedestrians having to cross a fast bypass without a bridge is **Unsafe and Unsound.**

Whetsted Road

Improved A228 Maidstone Road/Whetsted Road priority junction. Currently, the quarrying operations here are suspended. When they re-open, as well as the increased traffic caused by the East Capel proposals, this junction will need to service 120 Quarry HGV movements per day. The junction is on a very fast bend and is already an accident black spot.

Conclusions

- 1 The impact of the sheer magnitude of additional traffic movements, as a result of building up to 5,000 new houses in Capel Parish, between Tudeley Village and East Capel, has been modelled

using very optimistic scenarios and assumptions with regard to volumes of traffic and modes of transport.

- 2 The assumptions take no account of the Local Plans being developed by neighbouring Boroughs where at least 12,000 new homes will be built. The impact of these new estates will affect the whole area.
- 3 None of the existing roads have the capacity or physical ability to absorb the increased traffic movements.
- 4 The mitigations proposed are either inadequate, unlikely to be deliverable or otherwise inappropriate, therefore they are **Unsafe and Unsound**.
- 5 The construction of any transport mitigations will in themselves be considerably disruptive, and from a timing perspective likely to be out of synchronisation with the house building programme.
- 6 Apart from minimal information about the views of KCC there are no agreed, even in outline, proposals that have been made available before the Regulation 19 Consultations.
- 7 For Tudeley Garden Village there is no evidence base that key Transport, Flooding, Other Infrastructure, Landscape or Biodiversity issues have been considered, or proposals made in the Masterplanning of TGV.

In summary, there are too many gaps in the information provided to take the PSLP to the next stage of the process. Unless these gaps can be adequately filled, through the Regulation 19 process, **we would suggest that PSLP is not sustainable and unsound.**

How will KCC/TWBC handle all of these highways works whilst the building of 8,500 homes on several sites is ongoing and the current residents are trying to go about their normal lives, without disruption.

There is a HIGH risk of ill health due to stress, air and noise pollution and the impact on the everyday lives of the existing population.

The PSLP is flawed beyond acceptability and does not take into account the health, safety and disturbance to existing residents and businesses.

Investment will not be attracted for many years due to the highways delays that are already proving a major challenge for all road users.

The direct impact upon the area for the next 20 years, whilst the new roads and 6,000+ homes are being built, is unacceptable.

The PSLP is therefore unsustainable and not sound.

Policy STR9 - Green Belt

Similar to neighbouring Borough Councils in Tonbridge & Malling and Sevenoaks, TWBC has a high proportion of the and within its boundaries which is either AONB or Green Belt. Given the housing targets "imposed" by Central Government, developing the required levels of housing, alongside the constraints of the AONB and Green Belt, provides a significant challenge to TWBC.

That said, if we look back at the Site Allocations proposals by TWBC of 2016 there are some interesting views expressed by the Inspector (Rynd Smith) who reviewed them and reported back to TWBC on 9th June 2016:

- . **Bullet point 22** – ".....On this basis, there is not a shortfall of allocated and deliverable land in Royal Tunbridge Wells and Southborough and the rural fringe. It follows I do not accept a need to allocate any land currently in the Green Belt."
- . **Bullet point 24** – "It follows that I agree the approach the SALP has taken to the Metropolitan Green Belt and I have not recommended that any land currently within the Green Belt should be allocated."
- . **Bullet point 79** – "**The SALP has a number of deficiencies in relation to soundness, and, or legal compliance for the reasons set out above which means that I recommend non-adoption of it as submitted, These deficiencies have been explored in the main issues set out above.**"

A very different picture emerged at the Regulation 18 Consultation, perpetuated now in the PSLP, when the majority of the Metropolitan Green Belt in the "rural fringe" was put forward as Strategic Sites for Tudeley Village and East Capel/Paddock Wood. Additionally, comments expressed by the Inspector regarding drainage and flooding concerns at Bullet points 43, 60, 65 and 67.

As a result, the PSLP is therefore unsustainable and not sound.

Policy STR/SS1 - Strategy for Paddock Wood and East Capel

The format of the online submission tool means that one has to make two submissions, one for each of the Strategic Sites one objects to. The crossover between the two Strategic Sites, and the impacts on the community, are very similar. Therefore, there will be repetition between the two submissions.

I apologise to the Inspector for this duplication, and he/she having to read the same thing twice, but this is the nature of the beast that technology has created for this process, rather than the fault of any responders.

Policy STR/SS3 - Strategy for Tudeley Village

The format of the online submission tool means that one has to make two submissions, one for each of the Strategic Sites one objects to. The crossover between the two Strategic Sites, and the impacts on the community, are very similar. Therefore, there will be repetition between the two submissions.

I apologise to the Inspector for this duplication, and he/she having to read the same thing twice, but this is the nature of the beast that technology has created for this process, rather than the fault of any responders.

Policy TP1 - Transport Assessments etc

The Policy TP1 as written is good words and gestures. However, there are a number of issues with this, particularly in relation to the two Strategic Sites at Tudeley Village and East Capel. These include:

- . Little, or no evidence of KCC's involvement/agreement/approval of the Transport Assessments. For the two Strategic Sites the transport infrastructure issues are so large that KCC's views can not be left to a later stage in the process.
- . Independent Consultants (motion.co.uk) have been employed by Save Capel, and Friends of Tudeley (FoT) have employed another consultant (connect.co.uk) to review the Transport Assessments in the PSLP. Both consultancies are very experienced in this situation and both agree that:
 - . The modal shift within the plan is unachievable and therefore the traffic projections are very optimistic on the low side of the spectrum.
 - . The proposed mitigations are unrealistic in terms of physical and fiscal restrictions.
 - . The proposed Five Oak Green bypass, no discussions have been held with either of the two landowners about this proposal; both are adamant that they will not sell willingly.
 - . The impact of "closing" Hartlake Road, except to buses, has been totally underestimated.
 - . Linked to the point above, there appears to be little, or no, consultation with either TMBC or MBC about their own development plans on the border with TWBC, therefore, the projections are an "internal to TWBC" assessment rather than a more holistic approach involving their neighbouring Borough Councils.

As a result, the PSLP is therefore unsustainable and not sound and questions must be asked about the Duty to Co-operate with TMBC and MBC on the Transportation and Traffic Issues.

Question 6

Please note: *In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.*

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Question 5 above. (Please note that non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Quite frankly, the PSLP process needs to be suspended and TWBC need to start again from scratch. They should focus on:

- . Realistic assessment of housing needs rather than government-imposed targets and then with a 1,000-home buffer!
- . Spreading the Place Shaping across the Borough rather the present over-reliance on delivering the undeliverable of the two Strategic Sites at Tudeley and East Capel/Paddock Wood, on TMBC's doorstep.
- . A proper assessment of Infrastructure requirements, especially for transport, to reflect the needs of a revised Plan.
- . Much better liaison with neighbouring Councils, particularly TMBC and MBC, and the infrastructure requirements and impacts of their own Plans.

The current PSLP has been a rushed, botched and biased attempt, with 50% of the Borough's housing needs being forced onto 2% of the population who are represented by just 1 Councillor out of a total of 48.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

. No, I do not wish to participate in examination hearing session(s)

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:

Yes, I wish to be notified of future stages of the Local Plan

Comment

Consultee	Jonathan Kellett ([REDACTED])
Email Address	[REDACTED]
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Jonathan Kellett ([REDACTED])
Comment ID	PSLP_1337
Response Date	04/06/21 16:16
Consultation Point	Policy STR/SS 3 The Strategy for Tudeley Village (View)
Status	Processed
Submission Type	Web
Version	0.4
Question 1	
Respondent's Name and/or Organisation	Jonathan Kellett
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
STR/SS 3	
Question 4	
Do you consider that the Local Plan:	
Is legally compliant	Don't know
Is sound	No
Complies with the Duty to Cooperate	Don't know

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound . It is not justified because:

Question 5

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

I believe it is not justified for the reasons set out below.

Bullet points only.

- 1 The proposals require the destruction of many acres of green belt.
- 2 Under the Government proposals for "levelling up" to bring this size of development into Kent which is already one of the most densely populated rural areas in the country is contrary to that policy.
- 3 Unemployment in Tunbridge Wells and Tonbridge and Malling is currently around 4.5%, some of the lowest figures in the country. Any argument that the promotion of jobs by this scheme is beneficial is without foundation.
- 4 The disruption of the local communities by the massive and invasive building and infrastructure works for years involved are disastrous and cannot be contained. This is on top of the significant increase in proposed HGV traffic resulting from further gravel extraction in the area.
- 5 The geography of the area means that those who need transport into London or other centres (which will be many of them) will travel to Tonbridge which is already overcrowded and the topography means that from Tudeley to Tonbridge by foot or by bicycle is unrealistic unless you are young and fit. There will inevitable be a huge increase in cars - several thousand - which is entirely against government policy on reducing pollution. Anyone who believes that electric cars is the answer has not understood the science.
- 6 When I worked for the Citizens Advice Bureau for three years it became clear that the real need was for social housing in or close to towns where people could walk to work or to transport hubs. Unless they were disabled and had grant maintained cars, they had no funds for running private cars. Brownfield sites in and around towns or areas close to the towns/hubs are the answer not irrelevant "new towns" away from established centres/hubs.
- 7 Apparently the proposals include a suggestion that traffic problems could be reduced by closing Hartlake Road between Golden Green and Tudeley. I fully support banning totally HGVs from this road but it does provide an invaluable link for Golden Green to access Pembury Hospital, the A21 and Tunbridge Wells without passing through Tonbridge on the overcrowded A26 or going through Paddock Wood. What would help is to make Victoria Road one-way leaving Golden Green to stop the rat run of cars cutting from Hadlow through the village and onto Hartlake Road.

There are flooding issues upon which I am not qualified to comment but do not seem to have been adequately addressed.

In summary, I believe this whole development to be misconceived - in the wrong area and for the wrong reasons. To destroy a community needs a much more convincing argument than has been put forward than these developers.

Jonathan Kellett

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

No, I do not wish to participate in examination hearing session(s)

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:

Yes, I wish to be notified of future stages of the Local Plan

Comment

Consultee	Jean Kemp [REDACTED]
Email Address	[REDACTED]
Address	
Event Name	Pre-Submission Local Plan
Comment by	Jean Kemp [REDACTED]
Comment ID	PSLP_244
Response Date	21/05/21 13:01
Consultation Point	Policy AL/RTW 14 Land at Tunbridge Wells Garden Centre (View)
Status	Processed
Submission Type	Web
Version	0.2
Question 1	
Respondent's Name and/or Organisation	Jean Kemp
Question 2	
Agent's Name and Organisation (if applicable)	n/a
Question 3	
To which part of the Local Plan does this representation relate?	Paragraph(s)
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
5.91, 5.92, 5.93, 5.94	
Question 4	
Do you consider that the Local Plan:	
Is sound	No
Question 4a	

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound . It is not positively prepared because:

Question 5

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

5.91 Existing vehicular access to the site is directly from the A26 Eridge Road to the south east corner of the site, close to the bend in the Eridge Road. The Spa Valley Railway Line is located south of the site, including a bridge that crosses the Eridge Road just south of the site access. The existing access from the site onto the Eridge Road is already dangerous with a steep slope onto a busy bend with restricted visibility. The proposed development will add considerably to the traffic using this access road and so will represent a much greater risk of accident.

There is no pedestrian footpath on the garden centre side of the Eridge Road and so the pedestrians from the houses on the development going into town will need to cross a busy road on a dangerous bend.

Therefore:

1) Traffic Safety and Hazard: Vehicle access point on A26 Eridge Road. Road Traffic Safety compromised due to additional vehicle movement volumes; with a traffic hazard as there is restricted line of sight (ref. also 5.94) Note: Existing access is considered to be on apex of bend, not as defined above as 'close to the bend'. 2) Pedestrian Safety and hazard: No available pavement on the Common side of the A26 pedestrians will be crossing the A26 at a dangerous busy point

5.92 The site was released from the Green Belt, and the Development Strategy Topic Paper and Green Belt studies set out the exceptional circumstances and compensatory improvements to the remaining Green Belt to justify the changes to the boundary in this location. What to date have been the compensatory improvements to the remaining Green Belt?

The 2019 Plan describes the site as being part of a Biodiversity Opportunity Area where any development should demonstrate net gains for nature and biodiversity. Reference was also made to the DEFRA "MAGIC" website which described the area as suitable as woodpasture and parkland. Both these descriptions have been removed from the current plan.

5.93 It lies adjacent to the Royal Tunbridge Wells Conservation Area and to Tunbridge Wells Common, which is a designated Local Wildlife Site. Part of the site is also covered by the Environment Agency's Flood Zone 3.

River Grom flooding Report 2017 (Currently Correct /Relevant unless structural changes have been made)– Ref pages 7-9 Extracts:(page 7 – 2.3 para 4)To the south and east of The Pantiles, much of the area has separate surface water and foul water drainage. The surface water sewers generally discharge to watercourses which ultimately flow into the River Grom.(Page 9 – 2.4.1 para 3).... There is a Combined Sewer Overflow (CSO) from the public combined sewer in the culverted section of the River Grom that allows the combined sewer in the Pantiles area of Tunbridge Wells to discharge into it if its capacity is exceeded.

The development is in a river valley. Under present conditions High Rocks Lane regularly floods as the point where it meets Hungershall Park (and where it is presumed the proposed "emergency exit" will be for the development). As a result the road is always in a poor condition with potholes that

reappear quickly after frequent repairs. The road at this point is a blind bend with no footpath so pedestrians and cyclists often veer across the roadway to avoid the potholes and create a real danger of accidents to oncoming vehicles. This situation will only get worse once a large area of the valley floor is concreted over as a result of the development.

It was recently noticed by local residents that the site currently suffers from a sewage problem. A large manhole cover had been dislodged and was surrounded by household waste which had obviously been forced out. It is hoped that this would be resolved as part of the development, especially as the River Grom is in close proximity and there is a seasonal flooding issue in that area, as referred to above in the 2017 flooding report.

5.94 *Development would need to be sensitively designed to respect the location in proximity to the Common, the conservation area, and the topography of the site. However, it constitutes a sustainable site on the edge of the town centre and could accommodate a mix of uses, to include the retention/expansion of the existing garden centre business and the introduction of some residential development within the site. However, Kent County Council, as the local highways authority, considers that the scale of development on the site may be limited due to the current access constraints. 108 Tunbridge Wells Borough Local Plan Regulation 19 Consultation Pre-Submission Local Plan Map 14 Site Layout Plan*

Policy AL/RTW 14 Land at Tunbridge Wells Garden Centre This site, as defined on the Royal Tunbridge Wells Policies Map, is allocated for the expansion of the existing Use Class E (a) commercial use (garden centre) with an element of residential of approximately 25-30 residential dwellings, of which 30 percent shall be affordable housing. Development on the site shall accord with the following requirements:

- 1 *Means of access, including secondary and emergency means of access, to be informed by a transport statement; it is likely that the scale of any development may be limited by the quality of access arrangements that can be achieved within the confines of the site. An emergency access is likely to be required to the north;*

Planning consents often require provision of social/affordable housing under Section 106 Agreements, but invariably the developer comes back to the local authority later and pleads that it renders the scheme unviable. The 30% (eg) then falls away to 10% or less. The infrastructure requirements on this site will render development especially expensive. The contribution this site could make to meeting housing need is negligible.

Previous planning for access - Refused(89/02011/FUL | New vehicular access. New gate and 1.8m high chain link boundary fence | Wyevale Garden Centre Eridge Road Royal Tunbridge Wells Kent TN4 8HP (midkent.gov.uk) | Ref. No: 89/02011/FUL | Received: Tue 07 Nov 1989 | Validated: Thu 14 Jun 1990 | Status: Decided Council Letter 1990 - Extracts detailing the Refusal reasons:1 a) The proposed access would be likely to create unacceptable additional hazard to traffic.2 a) The sight lines are inadequate and would create unacceptable additional hazards to traffic3 a) The proposal would be undesirable in an area which is predominately rural in character, and would be detrimental both to the appearance and to the rural amenities of the locality.4 a) The proposal would be likely to be unacceptably detrimental to residential amenities of adjacent dwellings

The only change since 1990 is higher volumes of traffic on High Rocks Lane and Hungershall Park.

No known local precedents have been set for a requirement of a secondary and/or an emergency access. Example: The existing adjacent large estate has no secondary or emergency access.

Access: The suggested 'North' secondary and emergency access point will:

- . Destroy a Bio Diverse habitat, impacting the natural rural dynamic .
- . By default the access point becomes a tacit 'extra access' immediately opening onto High Rocks Lane with hazardous restricted/limited line of sight which is onto a speed de-restricted area and is a width constricted lane, plus opposite another lane entrance point; as highlighted in the council's planning permission access refusal 1990.
- . There is a high probability for this access to become a local shortcut

Proposing a Secondary and Emergency access appears to be a leverage argument to open up the site with another access point thereby ignoring the hazards identified, refer to previous valid refusal rational.

There is a high probability for dangerous additional 'on road parking' at the lower end of Hungershall Park/ corner of High Rocks lane/ Cabbage Stalk Lane. The proposed new developments at Spratsbrook

Farm and the old Plant & Tools Hire site by The West Station which is to have access directly on to Eridge Road, will both increase traffic flows along this busy stretch and force drivers to find alternative routes.

Newts and a variety of amphibian wildlife have been seen in the site North aspect / River Grom area of this location.

In traffic management terms an emergency exit would require either traffic light control, or a roundabout (taking up additional land) further eroding the natural character of the area.² *The provision of pedestrian and cycle access to the north and improved pedestrian and cycle access into the town;*

If the access point is allowed to the north, then the suggested access is onto a hazardous speed de-restricted and width restricted lane. This was one of the reasons the previous planning for access was refused.

This would also create a safety hazard for pedestrians as there is no pavement from the suggested access secondary/emergency point towards Cabbage Stalk Lane.

- 1 *Adequate servicing and parking to serve the expanded commercial use on the site;*
- 2 *Provision of a green route through the site from east to west connecting to existing Public Rights of Way on Tunbridge Wells Common and Cabbage Stalk Lane;* Site East West access – Cabbage Stalk Lane will cause additional volume of use. This poses the following problems: 1) Compromise to safety and hazard as now a designated cycle path. Several near misses have already occurred with current multi-use volumes; as the majority of cyclists appear to disregard this lane as being a shared facility with pedestrians, pedestrians and dog walkers, plus vehicular access traffic.
- 2) Cyclists coming out of the new development will generally turn right into Cabbage Stalk Lane, adding to the volumes of cyclists using that lane. Furthermore, this will surely add to the number of cyclists on the Common who increasingly seem to be ignoring the “no cycling” rule there.
- 3) For those who might turn left into High Rocks Lane, this would add to the number of cyclists on this narrow lane with blind corners and numerous potholes - adding yet further risk to themselves, pedestrians and cars.
- 4) This is likely to further increase the volume of cyclists coming down the hill in Hungershall Park and towards the proposed development. Residents are increasingly concerned about the number of cyclists coming around the corner at very high speed and oblivious to the blind entrance several drives. There have been near misses recently and including one cyclist who recently came off his bike near the entrance to the drive at no. 12 Hungershall.

- 1 *Development shall be located on the areas identified for mixed use on the site layout plan; Tunbridge Wells Borough Local Plan 109 Pre-Submission Local Plan Regulation 19 Consultation*
- 2 *Green infrastructure shall be provided on the areas shown indicatively in green on the site layout plan, and these shall be retained and enhanced. This shall include suitable buffering and enhancements to the River Grom corridor and to the setting of the adjacent Tunbridge Wells and Rusthall Common;* The plan shows a green space buffer running alongside Cabbage Stalk Lane. The current woodland buffer is substantial and therefore the developer is likely to bulldoze and excavate as much as is feasible subject to ground stability and the preservation of valuable and species trees etc. The trees provide cover and privacy for wildlife and seclusion for walkers and local residents but are not in themselves wonderful specimens but are nevertheless very important to the semi rural nature of the area. The retention of as much tree cover as possible is very important.

The River Grom flows along the Southern boundary of the plot alongside the railway line. The woodland and the river provide a habitat for deer and other wild animals. It would be desirable if the western end of the plot be preserved for wildlife, not be built upon and not used for vehicular access.⁷ *Regard will be given to existing hedgerows and mature trees on-site, with the layout and design of the development protecting those of most amenity value, as informed by an arboricultural survey and a landscape and visual impact assessment;*

The development will inevitably destroy and erode an established valuable bio-diverse habitat in a unique rural area.

Question 6

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Question 5 above. (Please note that non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Remove the proposed Garden Centre Developement from the Local Plan for the reasons detailed in question 5

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

No, I do not wish to participate in examination hearing session(s)

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:

Yes, I wish to be notified of future stages of the Local Plan

Comment

Consultee	Nicholas Kemp [REDACTED]
Email Address	[REDACTED]
Address	
Event Name	Pre-Submission Local Plan
Comment by	Nicholas Kemp [REDACTED]
Comment ID	PSLP_241
Response Date	21/05/21 12:20
Consultation Point	Map 14 Site Layout Plan (View)
Status	Processed
Submission Type	Web
Version	0.2

Question 1

Respondent's Name and/or Organisation N J Kemp

Question 3

To which part of the Local Plan does this representation relate? Paragraph(s)

Question 3a

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

5.91, 5.92, 5.93, 5.94

Question 4

Do you consider that the Local Plan:

Is sound No

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:	.	It is not positively prepared
	.	It is not consistent with national policy

Question 5

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The existing access from the site onto the Eridge Road is already dangerous with a steep slope onto a busy bend with restricted visibility. The proposed development will add considerably to the traffic using this access road and so will represent a much greater risk of accident. There is no pedestrian footpath on the garden centre side of the Eridge Road and so the pedestrians from the houses on the development going into town will need to cross a busy road on a dangerous bend. Therefore: 1) Traffic Safety and Hazard: Vehicle access point on A26 Eridge Road. Road Traffic Safety compromised due to additional vehicle movement volumes; with a traffic hazard as there is restricted line of sight (ref. also 5.94) Note: Existing access considered to be on apex of bend, not as defined above as 'close to the bend'. 2) Pedestrian Safety and hazard: No available pavement on the Common side of the A26 pedestrians will be crossing the A26 at a dangerous busy point

5.92 The site was released from the Green Belt, and the Development Strategy Topic Paper and Green Belt studies set out the exceptional circumstances and compensatory improvements to the remaining Green Belt to justify the changes to the boundary in this location.

What to date have been the compensatory improvements to the remaining Green Belt? The 2019 Plan describes the site as being part of a Biodiversity Opportunity Area where any development should demonstrate net gains for nature and biodiversity. Reference was also made to the DEFRA "MAGIC" website which described the area as suitable as woodpasture and parkland. Both these descriptions have been removed from the current plan.

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- 2) Cyclists coming out of the new development will generally turn right into Cabbage Stalk Lane, adding to the volumes of cyclists using that lane. Furthermore, this will surely add to the number of cyclists on the Common who increasingly seem to be ignoring the “no cycling” rule there.
- 3) For those who might turn left into High Rocks Lane, this would add to the number of cyclists on this narrow lane with blind corners and numerous potholes - adding yet further risk to themselves, pedestrians and cars.
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5. Development shall be located on the areas identified for mixed use on the site layout plan; Tunbridge Wells Borough Local Plan 109 Pre-Submission Local Plan Regulation 19 Consultation
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Question 7

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Comment

Consultee	Nicholas Kemp [REDACTED]
Email Address	[REDACTED]
Address	
Event Name	Pre-Submission Local Plan
Comment by	Nicholas Kemp [REDACTED]
Comment ID	PSLP_240
Response Date	21/05/21 12:40
Consultation Point	Policy AL/RTW 14 Land at Tunbridge Wells Garden Centre (View)
Status	Processed
Submission Type	Web
Version	0.2
Question 1	
Respondent's Name and/or Organisation	N J Kemp
Question 3	
To which part of the Local Plan does this representation relate?	Paragraph(s)
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

5.91, 5.92, 5.93, 5.94

Question 4

Do you consider that the Local Plan:

Is sound No

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because: . It is not positively prepared

Question 5

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Question 7

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Supporting Information File Ref No: SI_156

Comment

Consultee	Strategic Planning ([REDACTED])
Email Address	[REDACTED]
Company / Organisation	Kent County Council (Planning and Environment)
Address	Invicta House County Hall MAIDSTONE ME14 1XX
Event Name	Pre-Submission Local Plan
Comment by	Kent County Council (Planning and Environment) (Strategic Planning [REDACTED])
Comment ID	PSLP_2257
Response Date	04/06/21 16:56
Consultation Point	Pre-Submission Local Plan (View)
Status	Processed
Submission Type	Email
Version	0.3
Files	Kent County Council-full representation.pdf
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Kent County Council (Growth, Environment & Transport)
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Evidence Base (whole Plan)

[TWBC: see attached full representation, which has been input against the following: Section 1 (PSLP_2164), Section 2 (PSLP_2168), Section 3 (PSLP_2169), Policies STR1 (PSLP_2170), STR2 (PSLP_2171), STR4 (PSLP_2172), STR5 (PSLP_2174), STR7 (PSLP_2175), STR8 (PSLP_2176), Section 5 (PSLP_2177), Section 5: Royal Tunbridge Wells (PSLP_2178), Policies AL/RTW1 (PSLP_2180), AL/RTW5 (PSLP_2181), AL/RTW7 (PSLP_2183), AL/RTW14 (PSLP_2184), AL/RTW17 (PSLP_2185), AL/RTW21 (PSLP_2187), STR/SO1 (PSLP_2188), AL/SO1 (PSLP_2190), Strategic Sites (PSLP_2192), STR/SS1 (PSLP_2193), STR/SS2 (PSLP_2195), STR/SS3 (PSLP_2196), STR/PW1 (PSLP_2199), AL/PW1 (PSLP_2200), STR/CA1 (PSLP_2201), AL/CRS1 (PSLP_2202), AL/CRS2

(PSLP_2203), AL/CRS3 (PSLP_2204), AL/CRS4 (PSLP_2005), AL/CRS6 (PSLP_2206), AL/CRS7 (PSLP_2207), STR/HA1 (PSLP_2208), PSTR/BE1 (PSLP_2209), PSTR/BI 1 (PSLP_2210), PSTR/BM1 (PSLP_2211), PSTR/FR1 (PSLP_2212), PSTR/GO1 (PSLP_2213), PSTR/HO1 (PSLP_2214), AL/HO1 (PSLP_2215), PSTR/LA1 (PSLP_2216), AL/LA1 (PSLP_2217), PSTR/PE1 (PSLP_2218), AL/PE4 (PSLP_2219), PSTR/RU1 (PSLP_2220), PSTR/SA1 (PSLP_2221), AL/SA1 (PSLP_2222), PSTR/SP1 (PSLP_2223), EN1 (PSLP_2224), EN3 (PSLP_2225), EN4 (PSLP_2226), EN5 (PSLP_2227), EN8 (PSLP_2228), EN9 (PSLP_2229), EN10 (PSLP_2230), EN12 (PSLP_2231), EN13 (PSLP_2232), EN14 (PSLP_2233), EN18 (PSLP_2234), EN19 (PSLP_2235), EN20 (PSLP_2236), EN25 (PSLP_2237), EN26 (PSLP_2238), H1 (PSLP_2239), H3 (PSLP_2240), H7 (PSLP_2241), ED1 (PSLP_2242), ED2 (PSLP_2243), ED3 (PSLP_2244), ED4 (PSLP_2245), ED5 (PSLP_2246), ED6 (PSLP_2247), Town, Rural Service, Neighbourhood, and Village Centres (PSLP_2248), Policies TP1 (PSLP_2249), TP2 (PSLP_2250), TP3 (PSLP_2251), TP4 (PSLP_2252), TP5 (PSLP_2253), TP6 (PSLP_2254), OSSR1 (PSLP_2255), Appendix 4 (PSLP_2256) and Evidence Base (whole Plan) (PSLP_2257)

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

Question 5

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The County Council has set out its full response to the consultation in the attached Appendix. Comments are linked to relevant policies where appropriate.

Transport Strategy

References are made to an opportunity for a new railway station to be delivered for the Tudeley Village development. It is noted that the station is not anticipated for delivery during the plan period and has not been included in the Local Plan considerations but has been allowed for in the site Masterplan. KCC The Borough Council should be mindful of potential opposition to this proposal, as it would further increase the journey times for passengers travelling between Ashford and Tonbridge, as well as for those travelling between any of the smaller stations on that section of route and London. Therefore, if this proposal is to be progressed, KCC would recommend further consultation with stakeholders and the public.

The Borough Council should also be mindful that given the need for developer majority funding contribution for a new station, there would need to be significant contributions from the 2,800 dwelling development of Tudeley Village.

On balance, a dedicated, high quality, carbon neutral bus service between Tudeley Village and Tonbridge and/or Paddock Wood stations could more deliverable, unless a business case can be demonstrated showing there are net benefits to a rail station scheme and should potentially be explored. The County Council would draw the Borough Council's attention to the Kent Rail Strategy, as published in March 2021. The Kent Rail Strategy provides details of rail proposals for Tunbridge Wells – including power upgrades to enable the operation of consecutive 12-car trains in peak periods, and mainline service enhancements (depending on provision of paths to London termini, availability of rolling-stock and signalling upgrades on the Orpington – Sevenoaks corridor).

STRATEGIC FLOOD RISK ASSESSMENT

Sustainable Urban Drainage Systems

The County Council, as Lead Local Flood Authority, recommends that the Chapter 9.4 - Sources of SuDS Guidance of the updated Strategic Flood Risk Assessment should reference Kent's Drainage and Planning Policy, adopted in November 2019, as it provides guidance on how drainage strategies are assessed. With reference to paragraph 9.4.3 Kent Design Guide – Making it Happen, KCC recommends that the related footnote directs to the relevant design chapter C2.

INFRASTRUCTURE DELIVERY PLAN (IDP)

Provision of County Council Community Infrastructure and Services

Paragraph 2.40 - Funding from Development

The County Council supports and would strongly encourage the Borough Council to continue to support the delivery of infrastructure via section 106 development contributions, noting its relative sustainability to fund infrastructure.

Theme 3: Health

The County Council urges the need for the IDP to make reference to support accommodation facilities for both extra care and specialist care. The County Council current requests for development contributions to be secured through section 106 agreements for this type of health care provision. Therefore, KCC would urge support through the Local Plan and accompanying IDP.

There remains significant demand for residential and nursing care homes that can meet the needs of people with challenging and complex dementia. It should be noted that the County Council is currently seeking new residential care home providers to join the KCC Care Home Contract and to operate a mixed economy of both local authority funded and private funded residents.

Waste Management

The County Council, as Waste Disposal Authority, welcomes the update to the IDP following KCC's feedback to the earlier Regulation 18 consultations. The IDP now better reflects the position in regard to waste management.

Question 6

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Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Question 5 above. (Please note that non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

The County Council has set out its full response to the consultation in the attached Appendix. Comments are linked to relevant policies where appropriate.

Question 7

Please note *the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.*

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Question 7a

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Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:

Yes, I wish to be notified of future stages of the Local Plan

Supporting Information File Ref No: SI_156

Comment

Consultee	Strategic Planning ([REDACTED])
Email Address	[REDACTED]
Company / Organisation	Kent County Council (Planning and Environment)
Address	Invicta House County Hall MAIDSTONE ME14 1XX
Event Name	Pre-Submission Local Plan
Comment by	Kent County Council (Planning and Environment) (Strategic Planning - [REDACTED])
Comment ID	PSLP_2164
Response Date	04/06/21 16:56
Consultation Point	Section 1: Introduction (View)
Status	Processed
Submission Type	Email
Version	0.5
Files	Kent County Council-full representation.pdf
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Kent County Council (Growth, Environment & Transport)
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Section 1: Introduction

[TWBC: see attached full representation, which has been input against the following: Section 1 (PSLP_2164), Section 2 (PSLP_2168), Section 3 (PSLP_2169), Policies STR1 (PSLP_2170), STR2 (PSLP_2171), STR4 (PSLP_2172), STR5 (PSLP_2174), STR7 (PSLP_2175), STR8 (PSLP_2176), Section 5 (PSLP_2177), Section 5: Royal Tunbridge Wells (PSLP_2178), Policies AL/RTW1 (PSLP_2180), AL/RTW5 (PSLP_2181), AL/RTW7 (PSLP_2183), AL/RTW14 (PSLP_2184), AL/RTW17 (PSLP_2185), AL/RTW21 (PSLP_2187), STR/SO1 (PSLP_2188), AL/SO1 (PSLP_2190), Strategic Sites (PSLP_2192), STR/SS1 (PSLP_2193), STR/SS2 (PSLP_2195), STR/SS3 (PSLP_2196), STR/PW1 (PSLP_2199), AL/PW1 (PSLP_2200), STR/CA1 (PSLP_2201), AL/CRS1 (PSLP_2202), AL/CRS2

(PSLP_2203), AL/CRS3 (PSLP_2204), AL/CRS4 (PSLP_2005), AL/CRS6 (PSLP_2206), AL/CRS7 (PSLP_2207), STR/HA1 (PSLP_2208), PSTR/BE1 (PSLP_2209), PSTR/BI 1 (PSLP_2210), PSTR/BM1 (PSLP_2211), PSTR/FR1 (PSLP_2212), PSTR/GO1 (PSLP_2213), PSTR/HO1 (PSLP_2214), AL/HO1 (PSLP_2215), PSTR/LA1 (PSLP_2216), AL/LA1 (PSLP_2217), PSTR/PE1 (PSLP_2218), AL/PE4 (PSLP_2219), PSTR/RU1 (PSLP_2220), PSTR/SA1 (PSLP_2221), AL/SA1 (PSLP_2222), PSTR/SP1 (PSLP_2223), EN1 (PSLP_2224), EN3 (PSLP_2225), EN4 (PSLP_2226), EN5 (PSLP_2227), EN8 (PSLP_2228), EN9 (PSLP_2229), EN10 (PSLP_2230), EN12 (PSLP_2231), EN13 (PSLP_2232), EN14 (PSLP_2233), EN18 (PSLP_2234), EN19 (PSLP_2235), EN20 (PSLP_2236), EN25 (PSLP_2237), EN26 (PSLP_2238), H1 (PSLP_2239), H3 (PSLP_2240), H7 (PSLP_2241), ED1 (PSLP_2242), ED2 (PSLP_2243), ED3 (PSLP_2244), ED4 (PSLP_2245), ED5 (PSLP_2246), ED6 (PSLP_2247), Town, Rural Service, Neighbourhood, and Village Centres (PSLP_2248), Policies TP1 (PSLP_2249), TP2 (PSLP_2250), TP3 (PSLP_2251), TP4 (PSLP_2252), TP5 (PSLP_2253), TP6 (PSLP_2254), OSSR1 (PSLP_2255), Appendix 4 (PSLP_2256) and Evidence Base (whole Plan) (PSLP_2257)

Question 4a

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Question 5

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The County Council has set out its full response to the consultation in the attached Appendix. Comments are linked to relevant policies where appropriate.

The County Council recognises that the Tunbridge Wells Borough Local Plan looks to deliver a sustainable future, making effective use of brownfield land across the Borough and ensuring that the necessary infrastructure is available to support development.

The County Council, as a key infrastructure provider, welcomes the incorporation of strategic policies such as Policy STR5 "Infrastructure and Connectivity" which set out the role of infrastructure in the delivery of sustainable new communities. This will help ensure that planned residential and commercial growth will be of high quality and delivered in a way that will help to create the places where people want to live. The detailed consideration of the infrastructure requirements to support development in each of the proposed site allocations is acknowledged and welcomed. Taking an "Infrastructure First" approach to growth is advocated by the County Council and is also embedded in the Kent and Medway Infrastructure Proposition; a proposed deal with Government for new infrastructure investment that will enable accelerated housing delivery, focussed on building the right homes in the right places and providing the public services, transport infrastructure, jobs and homes that residents will need, now and in the future. It is crucial for an infrastructure first approach to be applied to planned growth in the Borough - commitment to close collaboration between key partners will be essential to ensure that good growth is planned, funded and delivered in a timely manner.

Within this response, the County Council provides detailed commentary on the proposed policies and supporting paragraphs. However, the County Council, in its role as Local Highway Authority, has not taken this approach on highways and transportation matters. This is because it is considered that further modelling is needed to inform the assessment of specific strategic and site policies.

During the pandemic, a significant proportion of the population shifted to radically different ways of working, which has revealed the potential for long term changes in where people live and work and how they use infrastructure. It is too early to draw conclusions about long-term behavioural trends that may emerge as a result of the pandemic. However, it will be important to consider scenarios of how people's behavioural trends (that could impact infrastructure use) might change. As Local Highway Authority, the County Council would want to agree the assumptions for such scenario testing.

The County Council, as Local Highway Authority, is concerned that whilst there are a number of welcomed policy proposals with regard to promoting sustainable access and development, the consultation requires further highway evidence to justify the Local Plan's growth strategy.

The County Council, as Local Highway Authority, has worked closely with the Borough Council over the past years on the emerging growth strategy. Nevertheless, its current position is that it requires further supporting evidence, to an agreed methodology, that accurately reflects the proposed growth before KCC can make a fully informed set of comments on the proposals presented in the Local Plan consultation document. The County Council has reviewed the Local Plan and supporting documents, including the Transport Assessment, and identifies the following key issues that require further work:

1 Reference case validity (and therefore future scenario validity) 2 The trip rates used 3 Ambiguity regarding forecast modal shift 4 Deliverability and viability of the mitigation package

Therefore, a full assessment in respect of the impact of the growth strategy on highways and transportation matters cannot currently be carried out and commentary on the Local Plan policies and proposed allocations can be provided once the outstanding information is received.

KCC will look to continue working with the Borough Council over the coming months on the provision of accurate modelling and commensurate and viable mitigation and will aim to update the position as work commences on the Statement of Common Ground.

Question 6

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Question 7

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Question 7a

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Supporting Information File Ref No: SI_156

Comment

Consultee	Strategic Planning ()
Email Address	
Company / Organisation	Kent County Council (Planning and Environment)
Address	Invicta House County Hall MAIDSTONE ME14 1XX
Event Name	Pre-Submission Local Plan
Comment by	Kent County Council (Planning and Environment) (Strategic Planning -)
Comment ID	PSLP_2168
Response Date	04/06/21 16:56
Consultation Point	Section 2: Setting the Scene (View)
Status	Processed
Submission Type	Email
Version	0.5
Files	Kent County Council-full representation.pdf
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Kent County Council (Growth, Environment & Transport)
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Section 2: Setting the Scene

General Commentary

[TWBC: see attached full representation, which has been input against the following: Section 1 (PSLP_2164), Section 2 (PSLP_2168), Section 3 (PSLP_2169), Policies STR1 (PSLP_2170), STR2 (PSLP_2171), STR4 (PSLP_2172), STR5 (PSLP_2174), STR7 (PSLP_2175), STR8 (PSLP_2176), Section 5 (PSLP_2177), Section 5: Royal Tunbridge Wells (PSLP_2178), Policies AL/RTW1 (PSLP_2180), AL/RTW5 (PSLP_2181), AL/RTW7 (PSLP_2183), AL/RTW14 (PSLP_2184), AL/RTW17 (PSLP_2185), AL/RTW21 (PSLP_2187), STR/SO1 (PSLP_2188), AL/SO1 (PSLP_2190), Strategic

Sites (PSLP_2192), STR/SS1 (PSLP_2193), STR/SS2 (PSLP_2195), STR/SS3 (PSLP_2196), STR/PW1 (PSLP_2199), AL/PW1 (PSLP_2200), STR/CA1 (PSLP_2201), AL/CRS1 (PSLP_2202), AL/CRS2 (PSLP_2203), AL/CRS3 (PSLP_2204), AL/CRS4 (PSLP_2205), AL/CRS6 (PSLP_2206), AL/CRS7 (PSLP_2207), STR/HA1 (PSLP_2208), PSTR/BE1 (PSLP_2209), PSTR/BI 1 (PSLP_2210), PSTR/BM1 (PSLP_2211), PSTR/FR1 (PSLP_2212), PSTR/GO1 (PSLP_2213), PSTR/HO1 (PSLP_2214), AL/HO1 (PSLP_2215), PSTR/LA1 (PSLP_2216), AL/LA1 (PSLP_2217), PSTR/PE1 (PSLP_2218), AL/PE4 (PSLP_2219), PSTR/RU1 (PSLP_2220), PSTR/SA1 (PSLP_2221), AL/SA1 (PSLP_2222), PSTR/SP1 (PSLP_2223), EN1 (PSLP_2224), EN3 (PSLP_2225), EN4 (PSLP_2226), EN5 (PSLP_2227), EN8 (PSLP_2228), EN9 (PSLP_2229), EN10 (PSLP_2230), EN12 (PSLP_2231), EN13 (PSLP_2232), EN14 (PSLP_2233), EN18 (PSLP_2234), EN19 (PSLP_2235), EN20 (PSLP_2236), EN25 (PSLP_2237), EN26 (PSLP_2238), H1 (PSLP_2239), H3 (PSLP_2240), H7 (PSLP_2241), ED1 (PSLP_2242), ED2 (PSLP_2243), ED3 (PSLP_2244), ED4 (PSLP_2245), ED5 (PSLP_2246), ED6 (PSLP_2247), Town, Rural Service, Neighbourhood, and Village Centres (PSLP_2248), Policies TP1 (PSLP_2249), TP2 (PSLP_2250), TP3 (PSLP_2251), TP4 (PSLP_2252), TP5 (PSLP_2253), TP6 (PSLP_2254), OSSR1 (PSLP_2255), Appendix 4 (PSLP_2256) and Evidence Base (whole Plan) (PSLP_2257)

Question 4a

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Question 5

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Waste Management

Paragraph 2.22

The County Council welcomes the inclusion of waste in the list of types of infrastructure that will need to be delivered alongside growth. KCC recommends that the sentence that states 'local waste collection, recycling and disposal, waste' is altered to facilities to support local waste collection, bulking, recycling and disposal.

Public Rights of Way

Paragraph 2.23 / 2.39

The County Council supports the reference to walking and cycling and the promotion of Active Travel within this chapter. However, KCC requests specific mention of the Public Rights of Way (PRoW) network and the opportunities for its enhancement through new development.

Question 6

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Supporting Information File Ref No: SI_156

Comment

Consultee	Strategic Planning ([REDACTED])
Email Address	[REDACTED]
Company / Organisation	Kent County Council (Planning and Environment)
Address	Invicta House County Hall MAIDSTONE ME14 1XX
Event Name	Pre-Submission Local Plan
Comment by	Kent County Council (Planning and Environment) (Strategic Planning - [REDACTED])
Comment ID	PSLP_2169
Response Date	04/06/21 16:56
Consultation Point	Section 3: Vision and Objectives (View)
Status	Processed
Submission Type	Email
Version	0.4
Files	Kent County Council-full representation.pdf
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Kent County Council (Growth, Environment & Transport)

Question 3a

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Section 3: Vision and Objectives

General Commentary

[TWBC: see attached full representation, which has been input against the following: Section 1 (PSLP_2164), Section 2 (PSLP_2168), Section 3 (PSLP_2169), Policies STR1 (PSLP_2170), STR2 (PSLP_2171), STR4 (PSLP_2172), STR5 (PSLP_2174), STR7 (PSLP_2175), STR8 (PSLP_2176), Section 5 (PSLP_2177), Section 5: Royal Tunbridge Wells (PSLP_2178), Policies AL/RTW1 (PSLP_2180), AL/RTW5 (PSLP_2181), AL/RTW7 (PSLP_2183), AL/RTW14 (PSLP_2184), AL/RTW17 (PSLP_2185), AL/RTW21 (PSLP_2187), STR/SO1 (PSLP_2188), AL/SO1 (PSLP_2190), Strategic

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Question 4a

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The County Council has set out its full response to the consultation in the attached Appendix. Comments are linked to relevant policies where appropriate.

Public Rights of Way

Tunbridge Wells has historical, attractive and well used routes that draw visitors to the area and as such these should be maintained and enhanced to a high-quality standard. The County Council requests specific mention of the 594km of PRoW within the Borough and the role of the County Council and its Rights of Way Improvement Plan within this section.

Question 6

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Comment

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Email Address	[REDACTED]
Company / Organisation	Kent County Council (Planning and Environment)
Address	Invicta House County Hall MAIDSTONE ME14 1XX
Event Name	Pre-Submission Local Plan
Comment by	Kent County Council (Planning and Environment) (Strategic Planning - [REDACTED])
Comment ID	PSLP_2170
Response Date	04/06/21 16:56
Consultation Point	Policy STR 1 The Development Strategy (View)
Status	Processed
Submission Type	Email
Version	0.4
Files	Kent County Council-full representation.pdf
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Kent County Council (Growth, Environment & Transport)
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

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Policy STR 1 The Development Strategy

[TWBC: see attached full representation, which has been input against the following: Section 1 (PSLP_2164), Section 2 (PSLP_2168), Section 3 (PSLP_2169), Policies STR1 (PSLP_2170), STR2

(PSLP_2171), STR4 (PSLP_2172), STR5 (PSLP_2174), STR7 (PSLP_2175), STR8 (PSLP_2176), Section 5 (PSLP_2177), Section 5: Royal Tunbridge Wells (PSLP_2178), Policies AL/RTW1 (PSLP_2180), AL/RTW5 (PSLP_2181), AL/RTW7 (PSLP_2183), AL/RTW14 (PSLP_2184), AL/RTW17 (PSLP_2185), AL/RTW21 (PSLP_2187), STR/SO1 (PSLP_2188), AL/SO1 (PSLP_2190), Strategic Sites (PSLP_2192), STR/SS1 (PSLP_2193), STR/SS2 (PSLP_2195), STR/SS3 (PSLP_2196), STR/PW1 (PSLP_2199), AL/PW1 (PSLP_2200), STR/CA1 (PSLP_2201), AL/CRS1 (PSLP_2202), AL/CRS2 (PSLP_2203), AL/CRS3 (PSLP_2204), AL/CRS4 (PSLP_2205), AL/CRS6 (PSLP_2206), AL/CRS7 (PSLP_2207), STR/HA1 (PSLP_2208), PSTR/BE1 (PSLP_2209), PSTR/BI 1 (PSLP_2210), PSTR/BM1 (PSLP_2211), PSTR/FR1 (PSLP_2212), PSTR/GO1 (PSLP_2213), PSTR/HO1 (PSLP_2214), AL/HO1 (PSLP_2215), PSTR/LA1 (PSLP_2216), AL/LA1 (PSLP_2217), PSTR/PE1 (PSLP_2218), AL/PE4 (PSLP_2219), PSTR/RU1 (PSLP_2220), PSTR/SA1 (PSLP_2221), AL/SA1 (PSLP_2222), PSTR/SP1 (PSLP_2223), EN1 (PSLP_2224), EN3 (PSLP_2225), EN4 (PSLP_2226), EN5 (PSLP_2227), EN8 (PSLP_2228), EN9 (PSLP_2229), EN10 (PSLP_2230), EN12 (PSLP_2231), EN13 (PSLP_2232), EN14 (PSLP_2233), EN18 (PSLP_2234), EN19 (PSLP_2235), EN20 (PSLP_2236), EN25 (PSLP_2237), EN26 (PSLP_2238), H1 (PSLP_2239), H3 (PSLP_2240), H7 (PSLP_2241), ED1 (PSLP_2242), ED2 (PSLP_2243), ED3 (PSLP_2244), ED4 (PSLP_2245), ED5 (PSLP_2246), ED6 (PSLP_2247), Town, Rural Service, Neighbourhood, and Village Centres (PSLP_2248), Policies TP1 (PSLP_2249), TP2 (PSLP_2250), TP3 (PSLP_2251), TP4 (PSLP_2252), TP5 (PSLP_2253), TP6 (PSLP_2254), OSSR1 (PSLP_2255), Appendix 4 (PSLP_2256) and Evidence Base (whole Plan) (PSLP_2257)

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The County Council has set out its full response to the consultation in the attached Appendix. Comments are linked to relevant policies where appropriate.

Notwithstanding its position in respect of highways and transportation set out above, in principle, the County Council is generally supportive of strategic scale development where it is able to provide necessary infrastructure alongside housing growth to support both new and existing communities. KCC will welcome a continued role in the master-planning processes of the strategic sites to ensure that the necessary infrastructure is planned for, is of high quality design, funded and delivered in a timely manner, ahead of housing growth where necessary.

The County Council advises that full consideration is given to assess the cumulative impacts of the dispersed growth to be delivered outside of the strategic developments across the Borough and the cumulative impact of these proposed development sites in respect of ensuring that necessary infrastructure is available to support new and existing communities.

There is evidence that the proximity of schools in Tunbridge Wells to the East Sussex border in particular can have an impact on county infrastructure – with East Sussex residents crossing the border to access Kent schools, libraries, youth services, social care and waste facilities. The County Council appreciates that this is likely to occur, particularly because East Sussex schools are not in such close proximity to those of Kent. KCC would look to Tunbridge Wells Borough Council to support the County Council in

its engagement with East Sussex County Council to mitigate and monitor the impacts that this has on the provision of county services.

The County Council supports the continued commitment to section 106 agreements to secure development contributions in the Borough. The County Council considers that there is an opportunity through this Local Plan to support the collection of developer contributions for sites of less than 10 dwellings on sites of 0.5 ha or more. This would enable developer contributions to be sought towards local infrastructure to support all development in the Borough.

Question 6

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Question 7

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Question 7a

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Future Notifications

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Yes, I wish to be notified of future stages of the Local Plan

Supporting Information File Ref No: SI_156

Comment

Consultee	Strategic Planning ([REDACTED])
Email Address	[REDACTED]
Company / Organisation	Kent County Council (Planning and Environment)
Address	Invicta House County Hall MAIDSTONE ME14 1XX
Event Name	Pre-Submission Local Plan
Comment by	Kent County Council (Planning and Environment) (Strategic Planning - [REDACTED])
Comment ID	PSLP_2171
Response Date	04/06/21 16:56
Consultation Point	Policy STR 2 Place Shaping and Design (View)
Status	Processed
Submission Type	Email
Version	0.4
Files	Kent County Council-full representation.pdf
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Kent County Council (Growth, Environment & Transport)
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

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Policy STR 2 Place Shaping and Design

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Question 4a

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Question 5

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The County Council welcomes reference to the Kent Design Guide in this section.

Public Health

In respect of its responsibilities concerning public health, the County Council is supportive of Policy STR 2, Policy STR 6 and Policy STR 7 which include considerations around active travel, air quality, climate change and a number of references to improving promoting healthy lifestyles. The County Council suggests that aligning the priorities and objectives from the Borough Council's Five Year Plan (2017-2022) could help strengthen the ability to address health inequalities in the Borough.

To ensure the robustness of any policies supporting improvements in population health, a greater use of the evidence base is recommended using data from the Kent Joint Strategic Needs Assessment (JSNA) and/or other sources of public health data from the Public Health Outcomes Framework (PHOF), including ward level data, in addition to referencing how these policies support the Kent Health and Wellbeing Strategy. Providing evidence of the health needs of the population is in line with the National Planning Policy Framework and will further justify planning policies regarding health and wellbeing.

Biodiversity

The County Council welcomes consideration that the biodiversity value of an area will be 'conserved and enhanced'. This fits in with national biodiversity policy (Natural Environment and Rural Communities Act 2006 and section 15 of the National Planning Policy Framework).

Question 6

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Question 7

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Question 7a

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Supporting Information File Ref No: SI_156

Comment

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Email Address	[REDACTED]
Company / Organisation	Kent County Council (Planning and Environment)
Address	Invicta House County Hall MAIDSTONE ME14 1XX
Event Name	Pre-Submission Local Plan
Comment by	Kent County Council (Planning and Environment) (Strategic Planning - [REDACTED])
Comment ID	PSLP_2172
Response Date	04/06/21 16:56
Consultation Point	Policy STR 4 Ensuring Comprehensive Development (View)
Status	Processed
Submission Type	Email
Version	0.4
Files	Kent County Council-full representation.pdf
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Kent County Council (Growth, Environment & Transport)
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	Policy STR 4 Ensuring Comprehensive Development

[TWBC: see attached full representation, which has been input against the following: Section 1 (PSLP_2164), Section 2 (PSLP_2168), Section 3 (PSLP_2169), Policies STR1 (PSLP_2170), STR2 (PSLP_2171), STR4 (PSLP_2172), STR5 (PSLP_2174), STR7 (PSLP_2175), STR8 (PSLP_2176), Section 5 (PSLP_2177), Section 5: Royal Tunbridge Wells (PSLP_2178), Policies AL/RTW1 (PSLP_2180), AL/RTW5 (PSLP_2181), AL/RTW7 (PSLP_2183), AL/RTW14 (PSLP_2184), AL/RTW17 (PSLP_2185), AL/RTW21 (PSLP_2187), STR/SO1 (PSLP_2188), AL/SO1 (PSLP_2190), Strategic Sites (PSLP_2192), STR/SS1 (PSLP_2193), STR/SS2 (PSLP_2195), STR/SS3 (PSLP_2196), STR/PW1 (PSLP_2199), AL/PW1 (PSLP_2200), STR/CA1 (PSLP_2201), AL/CRS1 (PSLP_2202), AL/CRS2 (PSLP_2203), AL/CRS3 (PSLP_2204), AL/CRS4 (PSLP_2205), AL/CRS6 (PSLP_2206), AL/CRS7 (PSLP_2207), STR/HA1 (PSLP_2208), PSTR/BE1 (PSLP_2209), PSTR/BI 1 (PSLP_2210), PSTR/BM1 (PSLP_2211), PSTR/FR1 (PSLP_2212), PSTR/GO1 (PSLP_2213), PSTR/HO1 (PSLP_2214), AL/HO1 (PSLP_2215), PSTR/LA1 (PSLP_2216), AL/LA1 (PSLP_2217), PSTR/PE1 (PSLP_2218), AL/PE4 (PSLP_2219), PSTR/RU1 (PSLP_2220), PSTR/SA1 (PSLP_2221), AL/SA1 (PSLP_2222), PSTR/SP1 (PSLP_2223), EN1 (PSLP_2224), EN3 (PSLP_2225), EN4 (PSLP_2226), EN5 (PSLP_2227), EN8 (PSLP_2228), EN9 (PSLP_2229), EN10 (PSLP_2230), EN12 (PSLP_2231), EN13 (PSLP_2232), EN14 (PSLP_2233), EN18 (PSLP_2234), EN19 (PSLP_2235), EN20 (PSLP_2236), EN25 (PSLP_2237), EN26 (PSLP_2238), H1 (PSLP_2239), H3 (PSLP_2240), H7 (PSLP_2241), ED1 (PSLP_2242), ED2 (PSLP_2243), ED3 (PSLP_2244), ED4 (PSLP_2245), ED5 (PSLP_2246), ED6 (PSLP_2247), Town, Rural Service, Neighbourhood, and Village Centres (PSLP_2248), Policies TP1 (PSLP_2249), TP2 (PSLP_2250), TP3 (PSLP_2251), TP4 (PSLP_2252), TP5 (PSLP_2253), TP6 (PSLP_2254), OSSR1 (PSLP_2255), Appendix 4 (PSLP_2256) and Evidence Base (whole Plan) (PSLP_2257)

Question 4a

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Question 5

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Provision and Delivery of County Council Community Services and Facilities

Paragraph 4.85

On large sites with multiple developers (perhaps where land may be in more than one ownership), the County Council would support the use of land equalisation agreements to avoid dispute and delays on the development of land for education or other community infrastructure requirements which could affect the delivery of sustainable residential growth. With the use of equalisation agreements, community infrastructure can be apportioned fairly and agreed early on in the process.

The County Council as key infrastructure provider would welcome continued engagement from the early stages of master-planning to ensure that infrastructure requirements are integrated within the design of new developments from the outset.

Question 6

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Comment

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Email Address	[REDACTED]
Company / Organisation	Kent County Council (Planning and Environment)
Address	Invicta House County Hall MAIDSTONE ME14 1XX
Event Name	Pre-Submission Local Plan
Comment by	Kent County Council (Planning and Environment) (Strategic Planning - [REDACTED])
Comment ID	PSLP_2174
Response Date	04/06/21 16:56
Consultation Point	Policy STR 5 Infrastructure and Connectivity (View)
Status	Processed
Submission Type	Email
Version	0.4
Files	Kent County Council-full representation.pdf
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Kent County Council (Growth, Environment & Transport)
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

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Policy STR 5 Infrastructure and Connectivity

[TWBC: see attached full representation, which has been input against the following: Section 1 (PSLP_2164), Section 2 (PSLP_2168), Section 3 (PSLP_2169), Policies STR1 (PSLP_2170), STR2

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Provision and Delivery of County Council Community Services and Facilities

There is need to ensure that all growth is delivered with an appropriate range of community facilities, including Early Years provision, Youth Services, Adult Social Care, Community Facilities and Social Services. As set out within the Kent County Council Education Commissioning Plan, assessing the childcare market and ensuring sufficiency and long-term viability of provision for early years is complex and presents a significant challenge for local authorities. The County Council (commissioned through The Education People) is required to work with providers in making available a sufficient range of flexible provision, in the right geographical areas, at the right times and offering the right sessions to fit with both standard and atypical working patterns. The County Council would welcome engagement with the Borough Council to ensure adequate early years provision is provided to support growth.

The County Council recommends that the Local Plan includes policy wording that requires community buildings to be designed and built to be inclusive to all users – this should include:

- Design that is dementia friendly with dementia friendly decoration and signage
- A catering area which is compliant with the Government's Access to and use of buildings: Approved Document M, including

adjustable height work surfaces, wash areas and cupboards• Toilets and changing facilities for the severely disabled in accordance with the Changing Places specification:
http://www.changing-places.org/the_campaign/what_are_changing_places_toilets_.aspx

KCC recommends that the Local Plan supports the delivery of specialist care accommodation through developer contributions secured through section 106 agreements. The Local Plan should ensure the delivery of specialised homes that support the diverse and evolving range of needs of the local community, including those with learning and physical disabilities and other vulnerable groups. KCC would welcome continued engagement with the Borough Council in ensuring that the necessary homes to support a sustainable community are delivered.

Waste Management

The County Council welcomes the additional detail provided within this Regulation 19 consultation in respect of waste management, following the comments provided within the KCC Regulation 18 consultation response. Pressures on the County Council waste disposal service continue to grow and KCC would recommend a number of amendments within the Local Plan to ensure that waste management needs are fully captured and considered.

The County Council, as Waste Disposal Authority, and the Borough Council, as Waste Collection Authority, have received feedback regarding delays to collection rounds which are caused by limited capacity - there is currently no capacity for contingency or resilience to change in the Borough. KCC is committed to close working with the Borough Council to ensure a sustainable future in respect of waste management. As set out in the Local Plan Regulation 19 consultation, KCC will require a new facility to be delivered in order to support the planned growth. The timescale for the delivery of the proposed new facility was set at five to ten years within the Infrastructure Delivery Plan, however, issues are beginning to arise with capacity now and so KCC has revised this timescale down to five years. KCC therefore requests that the Local Plan and evidence base are updated accordingly and will welcome further engagement to take this forward.

Libraries

The County Council is keen to continue the partnership working within the Borough including bringing more services under one roof at new or improved premises, for example at the Southborough Civic Centre, The Amelia and the planned new community centre at Cranbrook. Working in partnership is a way for library services to remain at the heart of communities and provide fit for purpose buildings to accommodate existing and new residents in the future.

Public Rights of Way

The Public Rights of Way network (PRoW) has an integral role in the delivery of sustainable growth. Growth in the Borough should seek to maintain and enhance the PRoW network to provide opportunities for active travel and outdoor recreation, improve connectivity to local services and boost the health and wellbeing of new and existing communities. To ensure that this consideration is factored into planning for growth at early stages of developments, the County Council would recommend that PRoW is included in the relevant place-shaping and development management policies throughout the Local Plan (including the following policies: Policy STR 2 - Place Shaping and Design, Policy STR 4 - Ensuring Comprehensive Development and STR 6 - Transport and Parking).

Question 6

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Comment

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Address	Invicta House County Hall MAIDSTONE ME14 1XX
Event Name	Pre-Submission Local Plan
Comment by	Kent County Council (Planning and Environment) (Strategic Planning - [REDACTED])
Comment ID	PSLP_2175
Response Date	04/06/21 16:56
Consultation Point	Policy STR 7 Climate Change (View)
Status	Processed
Submission Type	Email
Version	0.4
Files	Kent County Council-full representation.pdf
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Question 1	
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Policy STR 7 Climate Change

[TWBC: see attached full representation, which has been input against the following: Section 1 (PSLP_2164), Section 2 (PSLP_2168), Section 3 (PSLP_2169), Policies STR1 (PSLP_2170), STR2

(PSLP_2171), STR4 (PSLP_2172), STR5 (PSLP_2174), STR7 (PSLP_2175), STR8 (PSLP_2176), Section 5 (PSLP_2177), Section 5: Royal Tunbridge Wells (PSLP_2178), Policies AL/RTW1 (PSLP_2180), AL/RTW5 (PSLP_2181), AL/RTW7 (PSLP_2183), AL/RTW14 (PSLP_2184), AL/RTW17 (PSLP_2185), AL/RTW21 (PSLP_2187), STR/SO1 (PSLP_2188), AL/SO1 (PSLP_2190), Strategic Sites (PSLP_2192), STR/SS1 (PSLP_2193), STR/SS2 (PSLP_2195), STR/SS3 (PSLP_2196), STR/PW1 (PSLP_2199), AL/PW1 (PSLP_2200), STR/CA1 (PSLP_2201), AL/CRS1 (PSLP_2202), AL/CRS2 (PSLP_2203), AL/CRS3 (PSLP_2204), AL/CRS4 (PSLP_2205), AL/CRS6 (PSLP_2206), AL/CRS7 (PSLP_2207), STR/HA1 (PSLP_2208), PSTR/BE1 (PSLP_2209), PSTR/BI 1 (PSLP_2210), PSTR/BM1 (PSLP_2211), PSTR/FR1 (PSLP_2212), PSTR/GO1 (PSLP_2213), PSTR/HO1 (PSLP_2214), AL/HO1 (PSLP_2215), PSTR/LA1 (PSLP_2216), AL/LA1 (PSLP_2217), PSTR/PE1 (PSLP_2218), AL/PE4 (PSLP_2219), PSTR/RU1 (PSLP_2220), PSTR/SA1 (PSLP_2221), AL/SA1 (PSLP_2222), PSTR/SP1 (PSLP_2223), EN1 (PSLP_2224), EN3 (PSLP_2225), EN4 (PSLP_2226), EN5 (PSLP_2227), EN8 (PSLP_2228), EN9 (PSLP_2229), EN10 (PSLP_2230), EN12 (PSLP_2231), EN13 (PSLP_2232), EN14 (PSLP_2233), EN18 (PSLP_2234), EN19 (PSLP_2235), EN20 (PSLP_2236), EN25 (PSLP_2237), EN26 (PSLP_2238), H1 (PSLP_2239), H3 (PSLP_2240), H7 (PSLP_2241), ED1 (PSLP_2242), ED2 (PSLP_2243), ED3 (PSLP_2244), ED4 (PSLP_2245), ED5 (PSLP_2246), ED6 (PSLP_2247), Town, Rural Service, Neighbourhood, and Village Centres (PSLP_2248), Policies TP1 (PSLP_2249), TP2 (PSLP_2250), TP3 (PSLP_2251), TP4 (PSLP_2252), TP5 (PSLP_2253), TP6 (PSLP_2254), OSSR1 (PSLP_2255), Appendix 4 (PSLP_2256) and Evidence Base (whole Plan) (PSLP_2257)

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

Question 5

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Sustainable Business and Communities

The County Council supports the embedding of climate change, the environment and net zero throughout the Local Plan, and the sustainability policies within it. The County Council welcomes the requirement for developments to support Net Zero targets and for this to be stated as a strategic objective. Reference to the Kent and Medway Energy and Low Emissions Strategy, as well as the Borough Council's own targets, is also welcomed.

Rural Economy

The County Council recommends that there is reference within the Local Plan to address how climate change will impact farming and the need to adapt to new crops and farm practices. This could have an impact on the land characteristics of the area and the introduction of more reliant crops. Consideration should also be had to water irrigation/bore holes and reservoirs which may be required to support sustainable farm practices.

Question 6

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Question 7

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Future Notifications

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Supporting Information File Ref No: SI_156

Comment

Consultee	Strategic Planning ([REDACTED])
Email Address	[REDACTED]
Company / Organisation	Kent County Council (Planning and Environment)
Address	Invicta House County Hall MAIDSTONE ME14 1XX
Event Name	Pre-Submission Local Plan
Comment by	Kent County Council (Planning and Environment) (Strategic Planning - [REDACTED])
Comment ID	PSLP_2176
Response Date	04/06/21 16:56
Consultation Point	Policy STR 8 Conserving and Enhancing the Natural, Built, and Historic Environment (View)
Status	Processed
Submission Type	Email
Version	0.4
Files	Kent County Council-full representation.pdf
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Kent County Council (Growth, Environment & Transport)
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	Policy STR 8 Conserving and Enhancing the Natural, Built, and Historic Environment

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Biodiversity

The County Council is supportive of references to net gains for nature and green corridors within this policy. The objective to achieve net gains for nature and to protect and enhance sites of geological interest across the whole borough, and where possible, to secure the long-term management of sites, areas and features important for biodiversity and geodiversity is welcomed.

Public Rights of Way

The County Council recommends that the PRoW network is considered an asset within the Borough. Consideration should also be given to ensure that the character and value of rural views in wider environments of development sites should not be changed to a state that they become unattractive or out of context for users.

Question 6

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Question 7

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Question 7a

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Comment

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Email Address	[REDACTED]
Company / Organisation	Kent County Council (Planning and Environment)
Address	Invicta House County Hall MAIDSTONE ME14 1XX
Event Name	Pre-Submission Local Plan
Comment by	Kent County Council (Planning and Environment) (Strategic Planning - [REDACTED])
Comment ID	PSLP_2177
Response Date	04/06/21 16:56
Consultation Point	Section 5: Place Shaping Policies (View)
Status	Processed
Submission Type	Email
Version	0.4
Files	Kent County Council-full representation.pdf
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Kent County Council (Growth, Environment & Transport)
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Section 5: Place Shaping Policies

General Commentary

[TWBC: see attached full representation, which has been input against the following: Section 1 (PSLP_2164), Section 2 (PSLP_2168), Section 3 (PSLP_2169), Policies STR1 (PSLP_2170), STR2 (PSLP_2171), STR4 (PSLP_2172), STR5 (PSLP_2174), STR7 (PSLP_2175), STR8 (PSLP_2176), Section 5 (PSLP_2177), Section 5: Royal Tunbridge Wells (PSLP_2178), Policies AL/RTW1 (PSLP_2180), AL/RTW5 (PSLP_2181), AL/RTW7 (PSLP_2183), AL/RTW14 (PSLP_2184), AL/RTW17 (PSLP_2185), AL/RTW21 (PSLP_2187), STR/SO1 (PSLP_2188), AL/SO1 (PSLP_2190), Strategic

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Question 4a

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Minerals and Waste

The County Council, as Minerals and Waste Planning Authority, notes that paragraphs 1.6 and 1.7 of the Local Plan accurately set out the minerals and waste safeguarding policies of the Kent Minerals and Waste Local Plan 2013-30 and the main minerals and waste developments that exist in the Borough. However, the Plan does not detail how the proposed allocations have taken account of the safeguarded land-won minerals that are coincident with of these allocations (particularly for housing not within the defined urban areas within the Borough area where mineral safeguarding is exempted by the Kent Minerals and Waste Local Plan 2013-30 [Early Partial Review 2020]).

The approach currently taken within the Local Plan is to identify safeguarded minerals where they coincide with areas identified for major new development, in order to state that workable minerals should be extracted prior to development (Policy STR/SS 1, point 11; The Strategy for Paddock Wood, including land at East Capel). Within the Tudeley Village proposal, any economic minerals (such as Tunbridge Wells Sandstone) should be accompanied by a Minerals Assessment, which seeks to assess mineral safeguarding issues (Policy STR/SS 3, point 9; The Strategy for Tudeley Village).

The Local Plan's proposed allocations could be strengthened through the prior evaluation of the need to secure the long-term conservation of economic minerals - as set out by the National Planning Policy Framework (2019). A Mineral Assessment should be carried out to determine if an exemption to the presumption to safeguard could be applied for allocations where it may be a relevant issue.

A similar approach is taken with safeguarded waste management and minerals handling and transportation infrastructure. Where it has been identified as being either coincident or within 250 metres of an allocation, the delivery criteria indicate that it should be considered as a requirement of the development - "It must be demonstrated through any planning application that there will be no material adverse impact on the operation of safeguarded waste management facilities" (Policy AL/RTW 17 Land adjacent to Longfield Road and at Policy AL/RTW 18 Land at the former North Farm landfill site, North Farm Lane and land at North Farm Lane, North Farm Industrial Estate).

The County Council recommends that Minerals and/or Infrastructure Assessments (as appropriate) are carried out ahead of planning application stages to ensure due consideration of the Kent Minerals and Waste Local Plan and the deliverability of the proposed allocations.

Question 6

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Address	Invicta House County Hall MAIDSTONE ME14 1XX
Event Name	Pre-Submission Local Plan
Comment by	Kent County Council (Planning and Environment) (Strategic Planning - [REDACTED])
Comment ID	PSLP_2178
Response Date	04/06/21 16:56
Consultation Point	Royal Tunbridge Wells (View)
Status	Processed
Submission Type	Email
Version	0.4
Files	Kent County Council-full representation.pdf
Data inputter to enter their initials here	KJ
Question 1	
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Section 5: Place Shaping Policies: Royal Tunbridge Wells

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Public Rights of Way

The County Council requests reference to the PRoW network, the Rights of Way Improvement Plan (ROWIP) and the Local Cycling and Walking Infrastructure Plan (LCWIP) within this policy. These Improvement Plans have a significant role in the connectivity for employment and leisure travel between local facilities.

Question 6

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Consultation Point	Policy AL/RTW 1 Former Cinema Site, Mount Pleasant Road (View)
Status	Processed
Submission Type	Email
Version	0.4
Files	Kent County Council-full representation.pdf
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Kent County Council (Growth, Environment & Transport)
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	Policy AL/RTW 1 Former Cinema Site, Mount Pleasant Road

[TWBC: see attached full representation, which has been input against the following: Section 1 (PSLP_2164), Section 2 (PSLP_2168), Section 3 (PSLP_2169), Policies STR1 (PSLP_2170), STR2 (PSLP_2171), STR4 (PSLP_2172), STR5 (PSLP_2174), STR7 (PSLP_2175), STR8 (PSLP_2176), Section 5 (PSLP_2177), Section 5: Royal Tunbridge Wells (PSLP_2178), Policies AL/RTW1 (PSLP_2180), AL/RTW5 (PSLP_2181), AL/RTW7 (PSLP_2183), AL/RTW14 (PSLP_2184), AL/RTW17 (PSLP_2185), AL/RTW21 (PSLP_2187), STR/SO1 (PSLP_2188), AL/SO1 (PSLP_2190), Strategic Sites (PSLP_2192), STR/SS1 (PSLP_2193), STR/SS2 (PSLP_2195), STR/SS3 (PSLP_2196), STR/PW1 (PSLP_2199), AL/PW1 (PSLP_2200), STR/CA1 (PSLP_2201), AL/CRS1 (PSLP_2202), AL/CRS2 (PSLP_2203), AL/CRS3 (PSLP_2204), AL/CRS4 (PSLP_2205), AL/CRS6 (PSLP_2206), AL/CRS7 (PSLP_2207), STR/HA1 (PSLP_2208), PSTR/BE1 (PSLP_2209), PSTR/BI 1 (PSLP_2210), PSTR/BM1 (PSLP_2211), PSTR/FR1 (PSLP_2212), PSTR/GO1 (PSLP_2213), PSTR/HO1 (PSLP_2214), AL/HO1 (PSLP_2215), PSTR/LA1 (PSLP_2216), AL/LA1 (PSLP_2217), PSTR/PE1 (PSLP_2218), AL/PE4 (PSLP_2219), PSTR/RU1 (PSLP_2220), PSTR/SA1 (PSLP_2221), AL/SA1 (PSLP_2222), PSTR/SP1 (PSLP_2223), EN1 (PSLP_2224), EN3 (PSLP_2225), EN4 (PSLP_2226), EN5 (PSLP_2227), EN8 (PSLP_2228), EN9 (PSLP_2229), EN10 (PSLP_2230), EN12 (PSLP_2231), EN13 (PSLP_2232), EN14 (PSLP_2233), EN18 (PSLP_2234), EN19 (PSLP_2235), EN20 (PSLP_2236), EN25 (PSLP_2237), EN26 (PSLP_2238), H1 (PSLP_2239), H3 (PSLP_2240), H7 (PSLP_2241), ED1 (PSLP_2242), ED2 (PSLP_2243), ED3 (PSLP_2244), ED4 (PSLP_2245), ED5 (PSLP_2246), ED6 (PSLP_2247), Town, Rural Service, Neighbourhood, and Village Centres (PSLP_2248), Policies TP1 (PSLP_2249), TP2 (PSLP_2250), TP3 (PSLP_2251), TP4 (PSLP_2252), TP5 (PSLP_2253), TP6 (PSLP_2254), OSSR1 (PSLP_2255), Appendix 4 (PSLP_2256) and Evidence Base (whole Plan) (PSLP_2257)

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

Question 5

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

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Public Rights of Way

The County Council requests direct reference to Public Footpaths WBX17 and WBX18.

Question 6

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Question 7

***Please note** the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.*

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

Question 7a

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Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:

Yes, I wish to be notified of future stages of the Local Plan

Supporting Information File Ref No: SI_156

Comment

Consultee	Strategic Planning ([REDACTED])
Email Address	[REDACTED]
Company / Organisation	Kent County Council (Planning and Environment)
Address	Invicta House County Hall MAIDSTONE ME14 1XX
Event Name	Pre-Submission Local Plan
Comment by	Kent County Council (Planning and Environment) (Strategic Planning - [REDACTED])
Comment ID	PSLP_2181
Response Date	04/06/21 16:56
Consultation Point	Policy AL/RTW 5 Land to the south of Speldhurst Road and west of Reynolds Lane at Caenwood Farm, Speldhurst Road (View)
Status	Processed
Submission Type	Email
Version	0.4
Files	Kent County Council-full representation.pdf
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Kent County Council (Growth, Environment & Transport)
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
	Policy AL/RTW 5 Land to the south of Speldhurst Road and west of Reynolds Lane at Caenwood Farm, Speldhurst Road

[TWBC: see attached full representation, which has been input against the following: Section 1 (PSLP_2164), Section 2 (PSLP_2168), Section 3 (PSLP_2169), Policies STR1 (PSLP_2170), STR2 (PSLP_2171), STR4 (PSLP_2172), STR5 (PSLP_2174), STR7 (PSLP_2175), STR8 (PSLP_2176), Section 5 (PSLP_2177), Section 5: Royal Tunbridge Wells (PSLP_2178), Policies AL/RTW1 (PSLP_2180), AL/RTW5 (PSLP_2181), AL/RTW7 (PSLP_2183), AL/RTW14 (PSLP_2184), AL/RTW17 (PSLP_2185), AL/RTW21 (PSLP_2187), STR/SO1 (PSLP_2188), AL/SO1 (PSLP_2190), Strategic Sites (PSLP_2192), STR/SS1 (PSLP_2193), STR/SS2 (PSLP_2195), STR/SS3 (PSLP_2196), STR/PW1 (PSLP_2199), AL/PW1 (PSLP_2200), STR/CA1 (PSLP_2201), AL/CRS1 (PSLP_2202), AL/CRS2 (PSLP_2203), AL/CRS3 (PSLP_2204), AL/CRS4 (PSLP_2205), AL/CRS6 (PSLP_2206), AL/CRS7 (PSLP_2207), STR/HA1 (PSLP_2208), PSTR/BE1 (PSLP_2209), PSTR/BI 1 (PSLP_2210), PSTR/BM1 (PSLP_2211), PSTR/FR1 (PSLP_2212), PSTR/GO1 (PSLP_2213), PSTR/HO1 (PSLP_2214), AL/HO1 (PSLP_2215), PSTR/LA1 (PSLP_2216), AL/LA1 (PSLP_2217), PSTR/PE1 (PSLP_2218), AL/PE4 (PSLP_2219), PSTR/RU1 (PSLP_2220), PSTR/SA1 (PSLP_2221), AL/SA1 (PSLP_2222), PSTR/SP1 (PSLP_2223), EN1 (PSLP_2224), EN3 (PSLP_2225), EN4 (PSLP_2226), EN5 (PSLP_2227), EN8 (PSLP_2228), EN9 (PSLP_2229), EN10 (PSLP_2230), EN12 (PSLP_2231), EN13 (PSLP_2232), EN14 (PSLP_2233), EN18 (PSLP_2234), EN19 (PSLP_2235), EN20 (PSLP_2236), EN25 (PSLP_2237), EN26 (PSLP_2238), H1 (PSLP_2239), H3 (PSLP_2240), H7 (PSLP_2241), ED1 (PSLP_2242), ED2 (PSLP_2243), ED3 (PSLP_2244), ED4 (PSLP_2245), ED5 (PSLP_2246), ED6 (PSLP_2247), Town, Rural Service, Neighbourhood, and Village Centres (PSLP_2248), Policies TP1 (PSLP_2249), TP2 (PSLP_2250), TP3 (PSLP_2251), TP4 (PSLP_2252), TP5 (PSLP_2253), TP6 (PSLP_2254), OSSR1 (PSLP_2255), Appendix 4 (PSLP_2256) and Evidence Base (whole Plan) (PSLP_2257)

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

Question 5

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Public Rights of Way

The County Council requests direct reference to Public Footpath WB1 that can provide active travel opportunities.

Question 6

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Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

Question 7a

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Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:

Yes, I wish to be notified of future stages of the Local Plan

Supporting Information File Ref No: SI_156

Comment

Consultee	Strategic Planning ([REDACTED])
Email Address	[REDACTED]
Company / Organisation	Kent County Council (Planning and Environment)
Address	Invicta House County Hall MAIDSTONE ME14 1XX
Event Name	Pre-Submission Local Plan
Comment by	Kent County Council (Planning and Environment) (Strategic Planning - [REDACTED])
Comment ID	PSLP_2183
Response Date	04/06/21 16:56
Consultation Point	Policy AL/RTW 7 Land at former Gas Works, Sandhurst Road (View)
Status	Processed
Submission Type	Email
Version	0.4
Files	Kent County Council-full representation.pdf
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Kent County Council (Growth, Environment & Transport)
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy AL/RTW 7 Land at former Gas Works, Sandhurst Road

[TWBC: see attached full representation, which has been input against the following: Section 1 (PSLP_2164), Section 2 (PSLP_2168), Section 3 (PSLP_2169), Policies STR1 (PSLP_2170), STR2 (PSLP_2171), STR4 (PSLP_2172), STR5 (PSLP_2174), STR7 (PSLP_2175), STR8 (PSLP_2176), Section 5 (PSLP_2177), Section 5: Royal Tunbridge Wells (PSLP_2178), Policies AL/RTW1 (PSLP_2180), AL/RTW5 (PSLP_2181), AL/RTW7 (PSLP_2183), AL/RTW14 (PSLP_2184), AL/RTW17 (PSLP_2185), AL/RTW21 (PSLP_2187), STR/SO1 (PSLP_2188), AL/SO1 (PSLP_2190), Strategic Sites (PSLP_2192), STR/SS1 (PSLP_2193), STR/SS2 (PSLP_2195), STR/SS3 (PSLP_2196), STR/PW1 (PSLP_2199), AL/PW1 (PSLP_2200), STR/CA1 (PSLP_2201), AL/CRS1 (PSLP_2202), AL/CRS2 (PSLP_2203), AL/CRS3 (PSLP_2204), AL/CRS4 (PSLP_2205), AL/CRS6 (PSLP_2206), AL/CRS7 (PSLP_2207), STR/HA1 (PSLP_2208), PSTR/BE1 (PSLP_2209), PSTR/BI 1 (PSLP_2210), PSTR/BM1 (PSLP_2211), PSTR/FR1 (PSLP_2212), PSTR/GO1 (PSLP_2213), PSTR/HO1 (PSLP_2214), AL/HO1 (PSLP_2215), PSTR/LA1 (PSLP_2216), AL/LA1 (PSLP_2217), PSTR/PE1 (PSLP_2218), AL/PE4 (PSLP_2219), PSTR/RU1 (PSLP_2220), PSTR/SA1 (PSLP_2221), AL/SA1 (PSLP_2222), PSTR/SP1 (PSLP_2223), EN1 (PSLP_2224), EN3 (PSLP_2225), EN4 (PSLP_2226), EN5 (PSLP_2227), EN8 (PSLP_2228), EN9 (PSLP_2229), EN10 (PSLP_2230), EN12 (PSLP_2231), EN13 (PSLP_2232), EN14 (PSLP_2233), EN18 (PSLP_2234), EN19 (PSLP_2235), EN20 (PSLP_2236), EN25 (PSLP_2237), EN26 (PSLP_2238), H1 (PSLP_2239), H3 (PSLP_2240), H7 (PSLP_2241), ED1 (PSLP_2242), ED2 (PSLP_2243), ED3 (PSLP_2244), ED4 (PSLP_2245), ED5 (PSLP_2246), ED6 (PSLP_2247), Town, Rural Service, Neighbourhood, and Village Centres (PSLP_2248), Policies TP1 (PSLP_2249), TP2 (PSLP_2250), TP3 (PSLP_2251), TP4 (PSLP_2252), TP5 (PSLP_2253), TP6 (PSLP_2254), OSSR1 (PSLP_2255), Appendix 4 (PSLP_2256) and Evidence Base (whole Plan) (PSLP_2257)

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

Question 5

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Public Rights of Way

The County Council requests direct reference to Public Footpath WB10.

Question 6

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Question 7

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If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

Question 7a

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Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:

Yes, I wish to be notified of future stages of the Local Plan

Supporting Information File Ref No: SI_156

Comment

Consultee	Strategic Planning ([REDACTED])
Email Address	[REDACTED]
Company / Organisation	Kent County Council (Planning and Environment)
Address	Invicta House County Hall MAIDSTONE ME14 1XX
Event Name	Pre-Submission Local Plan
Comment by	Kent County Council (Planning and Environment) (Strategic Planning - [REDACTED])
Comment ID	PSLP_2184
Response Date	04/06/21 16:56
Consultation Point	Policy AL/RTW 14 Land at Tunbridge Wells Garden Centre (View)
Status	Processed
Submission Type	Email
Version	0.4
Files	Kent County Council-full representation.pdf
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Kent County Council (Growth, Environment & Transport)
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	Policy AL/RTW 14 Land at Tunbridge Wells Garden Centre

[TWBC: see attached full representation, which has been input against the following: Section 1 (PSLP_2164), Section 2 (PSLP_2168), Section 3 (PSLP_2169), Policies STR1 (PSLP_2170), STR2 (PSLP_2171), STR4 (PSLP_2172), STR5 (PSLP_2174), STR7 (PSLP_2175), STR8 (PSLP_2176), Section 5 (PSLP_2177), Section 5: Royal Tunbridge Wells (PSLP_2178), Policies AL/RTW1 (PSLP_2180), AL/RTW5 (PSLP_2181), AL/RTW7 (PSLP_2183), AL/RTW14 (PSLP_2184), AL/RTW17 (PSLP_2185), AL/RTW21 (PSLP_2187), STR/SO1 (PSLP_2188), AL/SO1 (PSLP_2190), Strategic Sites (PSLP_2192), STR/SS1 (PSLP_2193), STR/SS2 (PSLP_2195), STR/SS3 (PSLP_2196), STR/PW1 (PSLP_2199), AL/PW1 (PSLP_2200), STR/CA1 (PSLP_2201), AL/CRS1 (PSLP_2202), AL/CRS2 (PSLP_2203), AL/CRS3 (PSLP_2204), AL/CRS4 (PSLP_2205), AL/CRS6 (PSLP_2206), AL/CRS7 (PSLP_2207), STR/HA1 (PSLP_2208), PSTR/BE1 (PSLP_2209), PSTR/BI 1 (PSLP_2210), PSTR/BM1 (PSLP_2211), PSTR/FR1 (PSLP_2212), PSTR/GO1 (PSLP_2213), PSTR/HO1 (PSLP_2214), AL/HO1 (PSLP_2215), PSTR/LA1 (PSLP_2216), AL/LA1 (PSLP_2217), PSTR/PE1 (PSLP_2218), AL/PE4 (PSLP_2219), PSTR/RU1 (PSLP_2220), PSTR/SA1 (PSLP_2221), AL/SA1 (PSLP_2222), PSTR/SP1 (PSLP_2223), EN1 (PSLP_2224), EN3 (PSLP_2225), EN4 (PSLP_2226), EN5 (PSLP_2227), EN8 (PSLP_2228), EN9 (PSLP_2229), EN10 (PSLP_2230), EN12 (PSLP_2231), EN13 (PSLP_2232), EN14 (PSLP_2233), EN18 (PSLP_2234), EN19 (PSLP_2235), EN20 (PSLP_2236), EN25 (PSLP_2237), EN26 (PSLP_2238), H1 (PSLP_2239), H3 (PSLP_2240), H7 (PSLP_2241), ED1 (PSLP_2242), ED2 (PSLP_2243), ED3 (PSLP_2244), ED4 (PSLP_2245), ED5 (PSLP_2246), ED6 (PSLP_2247), Town, Rural Service, Neighbourhood, and Village Centres (PSLP_2248), Policies TP1 (PSLP_2249), TP2 (PSLP_2250), TP3 (PSLP_2251), TP4 (PSLP_2252), TP5 (PSLP_2253), TP6 (PSLP_2254), OSSR1 (PSLP_2255), Appendix 4 (PSLP_2256) and Evidence Base (whole Plan) (PSLP_2257)

Question 4a

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Question 5

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Public Rights of Way

The County Council requests direct reference to Restricted Byway WB28 and Public Footpath WB24. The site should provide opportunities to link with the wider network through improvements to the existing PRoW network.

Question 6

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Question 7

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Question 7a

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Supporting Information File Ref No: SI_156

Comment

Consultee	Strategic Planning ([REDACTED])
Email Address	[REDACTED]
Company / Organisation	Kent County Council (Planning and Environment)
Address	Invicta House County Hall MAIDSTONE ME14 1XX
Event Name	Pre-Submission Local Plan
Comment by	Kent County Council (Planning and Environment) (Strategic Planning - [REDACTED])
Comment ID	PSLP_2185
Response Date	04/06/21 16:56
Consultation Point	Policy AL/RTW 17 Land adjacent to Longfield Road (View)
Status	Processed
Submission Type	Email
Version	0.5
Files	Kent County Council-full representation.pdf
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Kent County Council (Growth, Environment & Transport)
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	Policy AL/RTW 17 Land adjacent to Longfield Road

[TWBC: see attached full representation, which has been input against the following: Section 1 (PSLP_2164), Section 2 (PSLP_2168), Section 3 (PSLP_2169), Policies STR1 (PSLP_2170), STR2 (PSLP_2171), STR4 (PSLP_2172), STR5 (PSLP_2174), STR7 (PSLP_2175), STR8 (PSLP_2176), Section 5 (PSLP_2177), Section 5: Royal Tunbridge Wells (PSLP_2178), Policies AL/RTW1 (PSLP_2180), AL/RTW5 (PSLP_2181), AL/RTW7 (PSLP_2183), AL/RTW14 (PSLP_2184), AL/RTW17 (PSLP_2185), AL/RTW21 (PSLP_2187), STR/SO1 (PSLP_2188), AL/SO1 (PSLP_2190), Strategic Sites (PSLP_2192), STR/SS1 (PSLP_2193), STR/SS2 (PSLP_2195), STR/SS3 (PSLP_2196), STR/PW1 (PSLP_2199), AL/PW1 (PSLP_2200), STR/CA1 (PSLP_2201), AL/CRS1 (PSLP_2202), AL/CRS2 (PSLP_2203), AL/CRS3 (PSLP_2204), AL/CRS4 (PSLP_2205), AL/CRS6 (PSLP_2206), AL/CRS7 (PSLP_2207), STR/HA1 (PSLP_2208), PSTR/BE1 (PSLP_2209), PSTR/BI 1 (PSLP_2210), PSTR/BM1 (PSLP_2211), PSTR/FR1 (PSLP_2212), PSTR/GO1 (PSLP_2213), PSTR/HO1 (PSLP_2214), AL/HO1 (PSLP_2215), PSTR/LA1 (PSLP_2216), AL/LA1 (PSLP_2217), PSTR/PE1 (PSLP_2218), AL/PE4 (PSLP_2219), PSTR/RU1 (PSLP_2220), PSTR/SA1 (PSLP_2221), AL/SA1 (PSLP_2222), PSTR/SP1 (PSLP_2223), EN1 (PSLP_2224), EN3 (PSLP_2225), EN4 (PSLP_2226), EN5 (PSLP_2227), EN8 (PSLP_2228), EN9 (PSLP_2229), EN10 (PSLP_2230), EN12 (PSLP_2231), EN13 (PSLP_2232), EN14 (PSLP_2233), EN18 (PSLP_2234), EN19 (PSLP_2235), EN20 (PSLP_2236), EN25 (PSLP_2237), EN26 (PSLP_2238), H1 (PSLP_2239), H3 (PSLP_2240), H7 (PSLP_2241), ED1 (PSLP_2242), ED2 (PSLP_2243), ED3 (PSLP_2244), ED4 (PSLP_2245), ED5 (PSLP_2246), ED6 (PSLP_2247), Town, Rural Service, Neighbourhood, and Village Centres (PSLP_2248), Policies TP1 (PSLP_2249), TP2 (PSLP_2250), TP3 (PSLP_2251), TP4 (PSLP_2252), TP5 (PSLP_2253), TP6 (PSLP_2254), OSSR1 (PSLP_2255), Appendix 4 (PSLP_2256) and Evidence Base (whole Plan) (PSLP_2257)

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

Question 5

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

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The County Council has set out its full response to the consultation in the attached Appendix. Comments are linked to relevant policies where appropriate.

Public Rights of Way

The County Council requests direct reference to Public Footpath WB11.

Question 6

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The County Council has set out its full response to the consultation in the attached Appendix. Comments are linked to relevant policies where appropriate.

Question 7

***Please note** the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.*

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

Question 7a

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If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

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Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:

Yes, I wish to be notified of future stages of the Local Plan

Supporting Information File Ref No: SI_156

Comment

Consultee	Strategic Planning ([REDACTED])
Email Address	[REDACTED]
Company / Organisation	Kent County Council (Planning and Environment)
Address	Invicta House County Hall MAIDSTONE ME14 1XX
Event Name	Pre-Submission Local Plan
Comment by	Kent County Council (Planning and Environment) (Strategic Planning - [REDACTED])
Comment ID	PSLP_2187
Response Date	04/06/21 16:56
Consultation Point	Policy AL/RTW 21 Land at Colebrook Sports Field, Liptraps Lane (View)
Status	Processed
Submission Type	Email
Version	0.4
Files	Kent County Council-full representation.pdf
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Kent County Council (Growth, Environment & Transport)
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	Policy AL/RTW 21 Land at Colebrook Sports Field, Liptraps Lane

[TWBC: see attached full representation, which has been input against the following: Section 1 (PSLP_2164), Section 2 (PSLP_2168), Section 3 (PSLP_2169), Policies STR1 (PSLP_2170), STR2 (PSLP_2171), STR4 (PSLP_2172), STR5 (PSLP_2174), STR7 (PSLP_2175), STR8 (PSLP_2176), Section 5 (PSLP_2177), Section 5: Royal Tunbridge Wells (PSLP_2178), Policies AL/RTW1 (PSLP_2180), AL/RTW5 (PSLP_2181), AL/RTW7 (PSLP_2183), AL/RTW14 (PSLP_2184), AL/RTW17 (PSLP_2185), AL/RTW21 (PSLP_2187), STR/SO1 (PSLP_2188), AL/SO1 (PSLP_2190), Strategic Sites (PSLP_2192), STR/SS1 (PSLP_2193), STR/SS2 (PSLP_2195), STR/SS3 (PSLP_2196), STR/PW1 (PSLP_2199), AL/PW1 (PSLP_2200), STR/CA1 (PSLP_2201), AL/CRS1 (PSLP_2202), AL/CRS2 (PSLP_2203), AL/CRS3 (PSLP_2204), AL/CRS4 (PSLP_2205), AL/CRS6 (PSLP_2206), AL/CRS7 (PSLP_2207), STR/HA1 (PSLP_2208), PSTR/BE1 (PSLP_2209), PSTR/BI 1 (PSLP_2210), PSTR/BM1 (PSLP_2211), PSTR/FR1 (PSLP_2212), PSTR/GO1 (PSLP_2213), PSTR/HO1 (PSLP_2214), AL/HO1 (PSLP_2215), PSTR/LA1 (PSLP_2216), AL/LA1 (PSLP_2217), PSTR/PE1 (PSLP_2218), AL/PE4 (PSLP_2219), PSTR/RU1 (PSLP_2220), PSTR/SA1 (PSLP_2221), AL/SA1 (PSLP_2222), PSTR/SP1 (PSLP_2223), EN1 (PSLP_2224), EN3 (PSLP_2225), EN4 (PSLP_2226), EN5 (PSLP_2227), EN8 (PSLP_2228), EN9 (PSLP_2229), EN10 (PSLP_2230), EN12 (PSLP_2231), EN13 (PSLP_2232), EN14 (PSLP_2233), EN18 (PSLP_2234), EN19 (PSLP_2235), EN20 (PSLP_2236), EN25 (PSLP_2237), EN26 (PSLP_2238), H1 (PSLP_2239), H3 (PSLP_2240), H7 (PSLP_2241), ED1 (PSLP_2242), ED2 (PSLP_2243), ED3 (PSLP_2244), ED4 (PSLP_2245), ED5 (PSLP_2246), ED6 (PSLP_2247), Town, Rural Service, Neighbourhood, and Village Centres (PSLP_2248), Policies TP1 (PSLP_2249), TP2 (PSLP_2250), TP3 (PSLP_2251), TP4 (PSLP_2252), TP5 (PSLP_2253), TP6 (PSLP_2254), OSSR1 (PSLP_2255), Appendix 4 (PSLP_2256) and Evidence Base (whole Plan) (PSLP_2257)

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

Question 5

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Public Rights of Way

The County Council requests direct reference to Public Footpath WB9. The site provides an opportunity to provide links across the wider PRoW network, alongside connections to the Tunbridge Wells Circular Walk.

Question 6

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Question 7

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If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

Question 7a

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Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:

Yes, I wish to be notified of future stages of the Local Plan

Supporting Information File Ref No: SI_156

Comment

Consultee	Strategic Planning ([REDACTED])
Email Address	[REDACTED]
Company / Organisation	Kent County Council (Planning and Environment)
Address	Invicta House County Hall MAIDSTONE ME14 1XX
Event Name	Pre-Submission Local Plan
Comment by	Kent County Council (Planning and Environment) (Strategic Planning - [REDACTED])
Comment ID	PSLP_2188
Response Date	04/06/21 16:56
Consultation Point	Policy STR/SO 1 The Strategy for Southborough (View)
Status	Processed
Submission Type	Email
Version	0.4
Files	Kent County Council-full representation.pdf
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Kent County Council (Growth, Environment & Transport)
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	Policy STR/SO 1 The Strategy for Southborough

[TWBC: see attached full representation, which has been input against the following: Section 1 (PSLP_2164), Section 2 (PSLP_2168), Section 3 (PSLP_2169), Policies STR1 (PSLP_2170), STR2 (PSLP_2171), STR4 (PSLP_2172), STR5 (PSLP_2174), STR7 (PSLP_2175), STR8 (PSLP_2176), Section 5 (PSLP_2177), Section 5: Royal Tunbridge Wells (PSLP_2178), Policies AL/RTW1 (PSLP_2180), AL/RTW5 (PSLP_2181), AL/RTW7 (PSLP_2183), AL/RTW14 (PSLP_2184), AL/RTW17 (PSLP_2185), AL/RTW21 (PSLP_2187), STR/SO1 (PSLP_2188), AL/SO1 (PSLP_2190), Strategic Sites (PSLP_2192), STR/SS1 (PSLP_2193), STR/SS2 (PSLP_2195), STR/SS3 (PSLP_2196), STR/PW1 (PSLP_2199), AL/PW1 (PSLP_2200), STR/CA1 (PSLP_2201), AL/CRS1 (PSLP_2202), AL/CRS2 (PSLP_2203), AL/CRS3 (PSLP_2204), AL/CRS4 (PSLP_2205), AL/CRS6 (PSLP_2206), AL/CRS7 (PSLP_2207), STR/HA1 (PSLP_2208), PSTR/BE1 (PSLP_2209), PSTR/BI 1 (PSLP_2210), PSTR/BM1 (PSLP_2211), PSTR/FR1 (PSLP_2212), PSTR/GO1 (PSLP_2213), PSTR/HO1 (PSLP_2214), AL/HO1 (PSLP_2215), PSTR/LA1 (PSLP_2216), AL/LA1 (PSLP_2217), PSTR/PE1 (PSLP_2218), AL/PE4 (PSLP_2219), PSTR/RU1 (PSLP_2220), PSTR/SA1 (PSLP_2221), AL/SA1 (PSLP_2222), PSTR/SP1 (PSLP_2223), EN1 (PSLP_2224), EN3 (PSLP_2225), EN4 (PSLP_2226), EN5 (PSLP_2227), EN8 (PSLP_2228), EN9 (PSLP_2229), EN10 (PSLP_2230), EN12 (PSLP_2231), EN13 (PSLP_2232), EN14 (PSLP_2233), EN18 (PSLP_2234), EN19 (PSLP_2235), EN20 (PSLP_2236), EN25 (PSLP_2237), EN26 (PSLP_2238), H1 (PSLP_2239), H3 (PSLP_2240), H7 (PSLP_2241), ED1 (PSLP_2242), ED2 (PSLP_2243), ED3 (PSLP_2244), ED4 (PSLP_2245), ED5 (PSLP_2246), ED6 (PSLP_2247), Town, Rural Service, Neighbourhood, and Village Centres (PSLP_2248), Policies TP1 (PSLP_2249), TP2 (PSLP_2250), TP3 (PSLP_2251), TP4 (PSLP_2252), TP5 (PSLP_2253), TP6 (PSLP_2254), OSSR1 (PSLP_2255), Appendix 4 (PSLP_2256) and Evidence Base (whole Plan) (PSLP_2257)

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

Question 5

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Public Rights of Way

The County Council requests that the policy includes reference to the need for development contributions to be made as appropriate towards improvements to the PRoW network to provide Active Travel opportunities in the area.

Question 6

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Question 7

***Please note** the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.*

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

Question 7a

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Future Notifications

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Yes, I wish to be notified of future stages of the Local Plan

Supporting Information File Ref No: SI_156

Comment

Consultee	Strategic Planning ([REDACTED])
Email Address	[REDACTED]
Company / Organisation	Kent County Council (Planning and Environment)
Address	Invicta House County Hall MAIDSTONE ME14 1XX
Event Name	Pre-Submission Local Plan
Comment by	Kent County Council (Planning and Environment) (Strategic Planning - [REDACTED])
Comment ID	PSLP_2190
Response Date	04/06/21 16:56
Consultation Point	Policy AL/SO 1 Speldhurst Road former allotments (land between Bright Ridge and Speldhurst Road) (View)
Status	Processed
Submission Type	Email
Version	0.4
Files	Kent County Council-full representation.pdf
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Kent County Council (Growth, Environment & Transport)
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy AL/SO 1 Speldhurst Road former allotments (land between Bright Ridge and Speldhurst Road)

[TWBC: see attached full representation, which has been input against the following: Section 1 (PSLP_2164), Section 2 (PSLP_2168), Section 3 (PSLP_2169), Policies STR1 (PSLP_2170), STR2 (PSLP_2171), STR4 (PSLP_2172), STR5 (PSLP_2174), STR7 (PSLP_2175), STR8 (PSLP_2176), Section 5 (PSLP_2177), Section 5: Royal Tunbridge Wells (PSLP_2178), Policies AL/RTW1 (PSLP_2180), AL/RTW5 (PSLP_2181), AL/RTW7 (PSLP_2183), AL/RTW14 (PSLP_2184), AL/RTW17 (PSLP_2185), AL/RTW21 (PSLP_2187), STR/SO1 (PSLP_2188), AL/SO1 (PSLP_2190), Strategic Sites (PSLP_2192), STR/SS1 (PSLP_2193), STR/SS2 (PSLP_2195), STR/SS3 (PSLP_2196), STR/PW1 (PSLP_2199), AL/PW1 (PSLP_2200), STR/CA1 (PSLP_2201), AL/CRS1 (PSLP_2202), AL/CRS2 (PSLP_2203), AL/CRS3 (PSLP_2204), AL/CRS4 (PSLP_2205), AL/CRS6 (PSLP_2206), AL/CRS7 (PSLP_2207), STR/HA1 (PSLP_2208), PSTR/BE1 (PSLP_2209), PSTR/BI 1 (PSLP_2210), PSTR/BM1 (PSLP_2211), PSTR/FR1 (PSLP_2212), PSTR/GO1 (PSLP_2213), PSTR/HO1 (PSLP_2214), AL/HO1 (PSLP_2215), PSTR/LA1 (PSLP_2216), AL/LA1 (PSLP_2217), PSTR/PE1 (PSLP_2218), AL/PE4 (PSLP_2219), PSTR/RU1 (PSLP_2220), PSTR/SA1 (PSLP_2221), AL/SA1 (PSLP_2222), PSTR/SP1 (PSLP_2223), EN1 (PSLP_2224), EN3 (PSLP_2225), EN4 (PSLP_2226), EN5 (PSLP_2227), EN8 (PSLP_2228), EN9 (PSLP_2229), EN10 (PSLP_2230), EN12 (PSLP_2231), EN13 (PSLP_2232), EN14 (PSLP_2233), EN18 (PSLP_2234), EN19 (PSLP_2235), EN20 (PSLP_2236), EN25 (PSLP_2237), EN26 (PSLP_2238), H1 (PSLP_2239), H3 (PSLP_2240), H7 (PSLP_2241), ED1 (PSLP_2242), ED2 (PSLP_2243), ED3 (PSLP_2244), ED4 (PSLP_2245), ED5 (PSLP_2246), ED6 (PSLP_2247), Town, Rural Service, Neighbourhood, and Village Centres (PSLP_2248), Policies TP1 (PSLP_2249), TP2 (PSLP_2250), TP3 (PSLP_2251), TP4 (PSLP_2252), TP5 (PSLP_2253), TP6 (PSLP_2254), OSSR1 (PSLP_2255), Appendix 4 (PSLP_2256) and Evidence Base (whole Plan) (PSLP_2257)

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

Question 5

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The County Council has set out its full response to the consultation in the attached Appendix. Comments are linked to relevant policies where appropriate.

Public Rights of Way

The County Council requests direct reference to Public Footpath WS19A and links to WS22. Improvements to these Footpaths would ensure urban connectivity in the area.

Question 6

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Question 7

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If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

Question 7a

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Supporting Information File Ref No: SI_156

Comment

Consultee	Strategic Planning ([REDACTED])
Email Address	[REDACTED]
Company / Organisation	Kent County Council (Planning and Environment)
Address	Invicta House County Hall MAIDSTONE ME14 1XX
Event Name	Pre-Submission Local Plan
Comment by	Kent County Council (Planning and Environment) (Strategic Planning - [REDACTED])
Comment ID	PSLP_2192
Response Date	04/06/21 16:56
Consultation Point	Strategic Sites: Tudeley Village and Paddock Wood, including land at east Capel (View)
Status	Processed
Submission Type	Email
Version	0.4
Files	Kent County Council-full representation.pdf
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Kent County Council (Growth, Environment & Transport)

Question 3a

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Strategic Sites: Tudeley Village and Paddock Wood, including land at east Capel

General Commentary

[TWBC: see attached full representation, which has been input against the following: Section 1 (PSLP_2164), Section 2 (PSLP_2168), Section 3 (PSLP_2169), Policies STR1 (PSLP_2170), STR2 (PSLP_2171), STR4 (PSLP_2172), STR5 (PSLP_2174), STR7 (PSLP_2175), STR8 (PSLP_2176), Section 5 (PSLP_2177), Section 5: Royal Tunbridge Wells (PSLP_2178), Policies AL/RTW1 (PSLP_2180), AL/RTW5 (PSLP_2181), AL/RTW7 (PSLP_2183), AL/RTW14 (PSLP_2184), AL/RTW17

(PSLP_2185), AL/RTW21 (PSLP_2187), STR/SO1 (PSLP_2188), AL/SO1 (PSLP_2190), Strategic Sites (PSLP_2192), STR/SS1 (PSLP_2193), STR/SS2 (PSLP_2195), STR/SS3 (PSLP_2196), STR/PW1 (PSLP_2199), AL/PW1 (PSLP_2200), STR/CA1 (PSLP_2201), AL/CRS1 (PSLP_2202), AL/CRS2 (PSLP_2203), AL/CRS3 (PSLP_2204), AL/CRS4 (PSLP_2205), AL/CRS6 (PSLP_2206), AL/CRS7 (PSLP_2207), STR/HA1 (PSLP_2208), PSTR/BE1 (PSLP_2209), PSTR/BI 1 (PSLP_2210), PSTR/BM1 (PSLP_2211), PSTR/FR1 (PSLP_2212), PSTR/GO1 (PSLP_2213), PSTR/HO1 (PSLP_2214), AL/HO1 (PSLP_2215), PSTR/LA1 (PSLP_2216), AL/LA1 (PSLP_2217), PSTR/PE1 (PSLP_2218), AL/PE4 (PSLP_2219), PSTR/RU1 (PSLP_2220), PSTR/SA1 (PSLP_2221), AL/SA1 (PSLP_2222), PSTR/SP1 (PSLP_2223), EN1 (PSLP_2224), EN3 (PSLP_2225), EN4 (PSLP_2226), EN5 (PSLP_2227), EN8 (PSLP_2228), EN9 (PSLP_2229), EN10 (PSLP_2230), EN12 (PSLP_2231), EN13 (PSLP_2232), EN14 (PSLP_2233), EN18 (PSLP_2234), EN19 (PSLP_2235), EN20 (PSLP_2236), EN25 (PSLP_2237), EN26 (PSLP_2238), H1 (PSLP_2239), H3 (PSLP_2240), H7 (PSLP_2241), ED1 (PSLP_2242), ED2 (PSLP_2243), ED3 (PSLP_2244), ED4 (PSLP_2245), ED5 (PSLP_2246), ED6 (PSLP_2247), Town, Rural Service, Neighbourhood, and Village Centres (PSLP_2248), Policies TP1 (PSLP_2249), TP2 (PSLP_2250), TP3 (PSLP_2251), TP4 (PSLP_2252), TP5 (PSLP_2253), TP6 (PSLP_2254), OSSR1 (PSLP_2255), Appendix 4 (PSLP_2256) and Evidence Base (whole Plan) (PSLP_2257)

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

Question 5

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The County Council has set out its full response to the consultation in the attached Appendix. Comments are linked to relevant policies where appropriate.

Given the scale of the strategic developments proposed within this Local Plan, the County Council would welcome continued engagement to ensure the funding and delivery of necessary infrastructure, within a timely manner, to support the creation of balanced and sustainable communities.

It will be critical to ensure that sites across the Borough are designed with an adequate supply of open space. Studies show the significant contribution that green spaces can provide in respect of health and well-being benefits for the public, but such spaces face increasing pressure from new development and population growth. Master-planning will need to ensure that necessary steps are put in place to protect, and provide sustainable access to, existing green spaces, and to also to ensure that new green spaces are an integral part of new development.

Waste Management

Additional development, especially within growth focussed at Paddock Wood and Tudeley Village, will place particular pressure on the waste transfer station in Tunbridge Wells. Contributions towards the expansion of essential waste infrastructure should be included within STR/SS1 under section 15 "developer contributions" and in Policy STR/SS 3, under section 12 "developer contributions".

Question 6

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Question 7

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If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

Question 7a

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Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:

Yes, I wish to be notified of future stages of the Local Plan

Supporting Information File Ref No: SI_156

Comment

Consultee	Strategic Planning ([REDACTED])
Email Address	[REDACTED]
Company / Organisation	Kent County Council (Planning and Environment)
Address	Invicta House County Hall MAIDSTONE ME14 1XX
Event Name	Pre-Submission Local Plan
Comment by	Kent County Council (Planning and Environment) (Strategic Planning - [REDACTED])
Comment ID	PSLP_2193
Response Date	04/06/21 16:56
Consultation Point	Policy STR/SS 1 The Strategy for Paddock Wood, including land at east Capel (View)
Status	Processed
Submission Type	Email
Version	0.4
Files	Kent County Council-full representation.pdf
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Kent County Council (Growth, Environment & Transport)
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy STR/SS 1 The Strategy for Paddock Wood, including land at east Capel

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Question 4a

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Question 5

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Education

The education provision outlined in the Local Plan incorporates the additional education provision required within the proposed allocations. It is important to note that the 2FE Primary School within the Mascalls Court Farm site that already has planning permission, is required in part to also support the total growth within this policy.

Provision and Delivery of County Council Community Services and Facilities

The County Council recommends that the provision of extra or specialist care goes beyond consideration of older people but also supports those with learning and physical disabilities and other vulnerable groups. KCC would welcome continued engagement with the Borough Council in ensuring that the necessary homes to support a sustainable community are delivered.

Sustainable Urban Drainage Systems

The County Council supports the requirement for a Drainage Strategy to be produced for development coming forward within the Paddock Wood and Capel area, which if based upon the assessment undertaken within the Strategic Flood Risk Assessment (SFRA), will ensure the management of surface water and flood risk within the locality.

KCC recommends that the policy promotes the integration of drainage measures within open space to provide for multi-functional benefits.

KCC also recommends that design codes or supplementary planning documents are developed for this strategic allocation to promote quality sustainable drainage design, which should include consideration of water quantity, quality, amenity and biodiversity. There must also be consideration of on-plot controls such as green roofs, rain gardens and swales. Any design code should also ensure that any existing watercourses are retained to the degree possible and have sufficient margins to enable maintenance.

Public Rights of Way

The PRow network should be specifically mentioned within this policy. The existing network of Footpaths, Bridleway and Restricted Byway in the area provides an opportunity for Active Travel connectivity across the Borough.

Question 6

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Question 7

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Question 7a

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Future Notifications

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Yes, I wish to be notified of future stages of the Local Plan

Supporting Information File Ref No: SI_156

Comment

Consultee	Strategic Planning ([REDACTED])
Email Address	[REDACTED]
Company / Organisation	Kent County Council (Planning and Environment)
Address	Invicta House County Hall MAIDSTONE ME14 1XX
Event Name	Pre-Submission Local Plan
Comment by	Kent County Council (Planning and Environment) (Strategic Planning - [REDACTED])
Comment ID	PSLP_2195
Response Date	04/06/21 16:56
Consultation Point	Policy STR/SS 2 The Strategy for Paddock Wood Town Centre (View)
Status	Processed
Submission Type	Email
Version	0.4
Files	Kent County Council-full representation.pdf
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Kent County Council (Growth, Environment & Transport)
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	Policy STR/SS 2 The Strategy for Paddock Wood Town Centre

[TWBC: see attached full representation, which has been input against the following: Section 1 (PSLP_2164), Section 2 (PSLP_2168), Section 3 (PSLP_2169), Policies STR1 (PSLP_2170), STR2 (PSLP_2171), STR4 (PSLP_2172), STR5 (PSLP_2174), STR7 (PSLP_2175), STR8 (PSLP_2176), Section 5 (PSLP_2177), Section 5: Royal Tunbridge Wells (PSLP_2178), Policies AL/RTW1 (PSLP_2180), AL/RTW5 (PSLP_2181), AL/RTW7 (PSLP_2183), AL/RTW14 (PSLP_2184), AL/RTW17 (PSLP_2185), AL/RTW21 (PSLP_2187), STR/SO1 (PSLP_2188), AL/SO1 (PSLP_2190), Strategic Sites (PSLP_2192), STR/SS1 (PSLP_2193), STR/SS2 (PSLP_2195), STR/SS3 (PSLP_2196), STR/PW1 (PSLP_2199), AL/PW1 (PSLP_2200), STR/CA1 (PSLP_2201), AL/CRS1 (PSLP_2202), AL/CRS2 (PSLP_2203), AL/CRS3 (PSLP_2204), AL/CRS4 (PSLP_2205), AL/CRS6 (PSLP_2206), AL/CRS7 (PSLP_2207), STR/HA1 (PSLP_2208), PSTR/BE1 (PSLP_2209), PSTR/BI 1 (PSLP_2210), PSTR/BM1 (PSLP_2211), PSTR/FR1 (PSLP_2212), PSTR/GO1 (PSLP_2213), PSTR/HO1 (PSLP_2214), AL/HO1 (PSLP_2215), PSTR/LA1 (PSLP_2216), AL/LA1 (PSLP_2217), PSTR/PE1 (PSLP_2218), AL/PE4 (PSLP_2219), PSTR/RU1 (PSLP_2220), PSTR/SA1 (PSLP_2221), AL/SA1 (PSLP_2222), PSTR/SP1 (PSLP_2223), EN1 (PSLP_2224), EN3 (PSLP_2225), EN4 (PSLP_2226), EN5 (PSLP_2227), EN8 (PSLP_2228), EN9 (PSLP_2229), EN10 (PSLP_2230), EN12 (PSLP_2231), EN13 (PSLP_2232), EN14 (PSLP_2233), EN18 (PSLP_2234), EN19 (PSLP_2235), EN20 (PSLP_2236), EN25 (PSLP_2237), EN26 (PSLP_2238), H1 (PSLP_2239), H3 (PSLP_2240), H7 (PSLP_2241), ED1 (PSLP_2242), ED2 (PSLP_2243), ED3 (PSLP_2244), ED4 (PSLP_2245), ED5 (PSLP_2246), ED6 (PSLP_2247), Town, Rural Service, Neighbourhood, and Village Centres (PSLP_2248), Policies TP1 (PSLP_2249), TP2 (PSLP_2250), TP3 (PSLP_2251), TP4 (PSLP_2252), TP5 (PSLP_2253), TP6 (PSLP_2254), OSSR1 (PSLP_2255), Appendix 4 (PSLP_2256) and Evidence Base (whole Plan) (PSLP_2257)

Question 4a

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Question 5

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Public Rights of Way

The County Council supports the references made to pedestrian and cycle environments but would draw attention to the need for connectivity between the network to local facilities and safe use of these sustainable transport opportunities.

Question 6

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Supporting Information File Ref No: SI_156

Comment

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Email Address	[REDACTED]
Company / Organisation	Kent County Council (Planning and Environment)
Address	Invicta House County Hall MAIDSTONE ME14 1XX
Event Name	Pre-Submission Local Plan
Comment by	Kent County Council (Planning and Environment) (Strategic Planning - [REDACTED])
Comment ID	PSLP_2196
Response Date	04/06/21 16:56
Consultation Point	Policy STR/SS 3 The Strategy for Tudeley Village (View)
Status	Processed
Submission Type	Email
Version	0.4
Files	Kent County Council-full representation.pdf
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Kent County Council (Growth, Environment & Transport)
Question 3	
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Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	Policy STR/SS 3 The Strategy for Tudeley Village

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Education

The County Council supports the proposal for a new three form entry primary school within the development. The County Council would request that additional land to support the expansion of Capel Primary School must be secured through this policy to enable the school to expand from one form entry to two form entry. The County Council notes the revised location of the secondary school, which from an education perspective, is a much more satisfactory solution.

The County Council notes that the necessary new secondary school required to meet the additional demand for secondary school places arising from Paddock Wood and Tudeley Garden Village is outlined in Policy STR/SS 3 2d as to the South East of the proposed Garden Village. The County Council considers this an appropriate location to meet the educational needs and does not hold concerns regarding the suitability of this site, subject to site inspections and investigations at a later date.

Sustainable Urban Drainage Systems

The County Council supports the requirement for a Drainage Strategy for development coming forward within the Tudeley and would reference commentary stated for Policy STR / SS1 as also applicable for this policy, stated for STR/SS1.

The County Council requests that clarity is provided regarding the development boundary on the northern border and the proximity to the areas of flood risk around Tudeley Hale. Surface water drainage measures to serve the proposed development must be outside of any areas of potential flood risk. This must be included within any design code for the development area.

Public Rights of Way

The County Council considers that this proposal offers significant opportunities for future sustainable transport and would therefore recommend specific mention of the PRoW network. Improvements and upgrades to the network will help create high quality connections both within the Garden Village and to the wider Borough. Mitigation will need to be sought to take account of the increased use of the network resulting from this growth proposal.

Question 6

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Supporting Information File Ref No: SI_156

Comment

Consultee	Strategic Planning ([REDACTED])
Email Address	[REDACTED]
Company / Organisation	Kent County Council (Planning and Environment)
Address	Invicta House County Hall MAIDSTONE ME14 1XX
Event Name	Pre-Submission Local Plan
Comment by	Kent County Council (Planning and Environment) (Strategic Planning - [REDACTED])
Comment ID	PSLP_2199
Response Date	04/06/21 16:56
Consultation Point	Policy STR/PW 1 The Strategy for Paddock Wood (View)
Status	Processed
Submission Type	Email
Version	0.4
Files	Kent County Council-full representation.pdf
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Kent County Council (Growth, Environment & Transport)
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	Policy STR/PW 1 The Strategy for Paddock Wood

[TWBC: see attached full representation, which has been input against the following: Section 1 (PSLP_2164), Section 2 (PSLP_2168), Section 3 (PSLP_2169), Policies STR1 (PSLP_2170), STR2 (PSLP_2171), STR4 (PSLP_2172), STR5 (PSLP_2174), STR7 (PSLP_2175), STR8 (PSLP_2176), Section 5 (PSLP_2177), Section 5: Royal Tunbridge Wells (PSLP_2178), Policies AL/RTW1 (PSLP_2180), AL/RTW5 (PSLP_2181), AL/RTW7 (PSLP_2183), AL/RTW14 (PSLP_2184), AL/RTW17 (PSLP_2185), AL/RTW21 (PSLP_2187), STR/SO1 (PSLP_2188), AL/SO1 (PSLP_2190), Strategic Sites (PSLP_2192), STR/SS1 (PSLP_2193), STR/SS2 (PSLP_2195), STR/SS3 (PSLP_2196), STR/PW1 (PSLP_2199), AL/PW1 (PSLP_2200), STR/CA1 (PSLP_2201), AL/CRS1 (PSLP_2202), AL/CRS2 (PSLP_2203), AL/CRS3 (PSLP_2204), AL/CRS4 (PSLP_2205), AL/CRS6 (PSLP_2206), AL/CRS7 (PSLP_2207), STR/HA1 (PSLP_2208), PSTR/BE1 (PSLP_2209), PSTR/BI 1 (PSLP_2210), PSTR/BM1 (PSLP_2211), PSTR/FR1 (PSLP_2212), PSTR/GO1 (PSLP_2213), PSTR/HO1 (PSLP_2214), AL/HO1 (PSLP_2215), PSTR/LA1 (PSLP_2216), AL/LA1 (PSLP_2217), PSTR/PE1 (PSLP_2218), AL/PE4 (PSLP_2219), PSTR/RU1 (PSLP_2220), PSTR/SA1 (PSLP_2221), AL/SA1 (PSLP_2222), PSTR/SP1 (PSLP_2223), EN1 (PSLP_2224), EN3 (PSLP_2225), EN4 (PSLP_2226), EN5 (PSLP_2227), EN8 (PSLP_2228), EN9 (PSLP_2229), EN10 (PSLP_2230), EN12 (PSLP_2231), EN13 (PSLP_2232), EN14 (PSLP_2233), EN18 (PSLP_2234), EN19 (PSLP_2235), EN20 (PSLP_2236), EN25 (PSLP_2237), EN26 (PSLP_2238), H1 (PSLP_2239), H3 (PSLP_2240), H7 (PSLP_2241), ED1 (PSLP_2242), ED2 (PSLP_2243), ED3 (PSLP_2244), ED4 (PSLP_2245), ED5 (PSLP_2246), ED6 (PSLP_2247), Town, Rural Service, Neighbourhood, and Village Centres (PSLP_2248), Policies TP1 (PSLP_2249), TP2 (PSLP_2250), TP3 (PSLP_2251), TP4 (PSLP_2252), TP5 (PSLP_2253), TP6 (PSLP_2254), OSSR1 (PSLP_2255), Appendix 4 (PSLP_2256) and Evidence Base (whole Plan) (PSLP_2257)

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

Question 5

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

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The County Council has set out its full response to the consultation in the attached Appendix. Comments are linked to relevant policies where appropriate.

Public Rights of Way

The County Council requests that the policy includes reference to the need for appropriate development contributions to be made towards improvements to the PRow network to provide Active Travel opportunities in the area.

Question 6

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Question 7

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Question 7a

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Future Notifications

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Supporting Information File Ref No: SI_156

Comment

Consultee	Strategic Planning ([REDACTED])
Email Address	[REDACTED]
Company / Organisation	Kent County Council (Planning and Environment)
Address	Invicta House County Hall MAIDSTONE ME14 1XX
Event Name	Pre-Submission Local Plan
Comment by	Kent County Council (Planning and Environment) (Strategic Planning - [REDACTED])
Comment ID	PSLP_2200
Response Date	04/06/21 16:56
Consultation Point	Policy AL/PW 1 Land at Mascalls Farm (View)
Status	Processed
Submission Type	Email
Version	0.4
Files	Kent County Council-full representation.pdf
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Kent County Council (Growth, Environment & Transport)
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy AL/PW 1 Land at Mascalls Farm

[TWBC: see attached full representation, which has been input against the following: Section 1 (PSLP_2164), Section 2 (PSLP_2168), Section 3 (PSLP_2169), Policies STR1 (PSLP_2170), STR2

(PSLP_2171), STR4 (PSLP_2172), STR5 (PSLP_2174), STR7 (PSLP_2175), STR8 (PSLP_2176), Section 5 (PSLP_2177), Section 5: Royal Tunbridge Wells (PSLP_2178), Policies AL/RTW1 (PSLP_2180), AL/RTW5 (PSLP_2181), AL/RTW7 (PSLP_2183), AL/RTW14 (PSLP_2184), AL/RTW17 (PSLP_2185), AL/RTW21 (PSLP_2187), STR/SO1 (PSLP_2188), AL/SO1 (PSLP_2190), Strategic Sites (PSLP_2192), STR/SS1 (PSLP_2193), STR/SS2 (PSLP_2195), STR/SS3 (PSLP_2196), STR/PW1 (PSLP_2199), AL/PW1 (PSLP_2200), STR/CA1 (PSLP_2201), AL/CRS1 (PSLP_2202), AL/CRS2 (PSLP_2203), AL/CRS3 (PSLP_2204), AL/CRS4 (PSLP_2205), AL/CRS6 (PSLP_2206), AL/CRS7 (PSLP_2207), STR/HA1 (PSLP_2208), PSTR/BE1 (PSLP_2209), PSTR/BI 1 (PSLP_2210), PSTR/BM1 (PSLP_2211), PSTR/FR1 (PSLP_2212), PSTR/GO1 (PSLP_2213), PSTR/HO1 (PSLP_2214), AL/HO1 (PSLP_2215), PSTR/LA1 (PSLP_2216), AL/LA1 (PSLP_2217), PSTR/PE1 (PSLP_2218), AL/PE4 (PSLP_2219), PSTR/RU1 (PSLP_2220), PSTR/SA1 (PSLP_2221), AL/SA1 (PSLP_2222), PSTR/SP1 (PSLP_2223), EN1 (PSLP_2224), EN3 (PSLP_2225), EN4 (PSLP_2226), EN5 (PSLP_2227), EN8 (PSLP_2228), EN9 (PSLP_2229), EN10 (PSLP_2230), EN12 (PSLP_2231), EN13 (PSLP_2232), EN14 (PSLP_2233), EN18 (PSLP_2234), EN19 (PSLP_2235), EN20 (PSLP_2236), EN25 (PSLP_2237), EN26 (PSLP_2238), H1 (PSLP_2239), H3 (PSLP_2240), H7 (PSLP_2241), ED1 (PSLP_2242), ED2 (PSLP_2243), ED3 (PSLP_2244), ED4 (PSLP_2245), ED5 (PSLP_2246), ED6 (PSLP_2247), Town, Rural Service, Neighbourhood, and Village Centres (PSLP_2248), Policies TP1 (PSLP_2249), TP2 (PSLP_2250), TP3 (PSLP_2251), TP4 (PSLP_2252), TP5 (PSLP_2253), TP6 (PSLP_2254), OSSR1 (PSLP_2255), Appendix 4 (PSLP_2256) and Evidence Base (whole Plan) (PSLP_2257)

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

Question 5

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Public Rights of Way

The County Council requests direct reference to Public Footpath WBT268.

Question 6

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Question 7

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Question 7a

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Future Notifications

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Yes, I wish to be notified of future stages of the Local Plan

Supporting Information File Ref No: SI_156

Comment

Consultee	Strategic Planning ([REDACTED])
Email Address	[REDACTED]
Company / Organisation	Kent County Council (Planning and Environment)
Address	Invicta House County Hall MAIDSTONE ME14 1XX
Event Name	Pre-Submission Local Plan
Comment by	Kent County Council (Planning and Environment) (Strategic Planning - [REDACTED])
Comment ID	PSLP_2201
Response Date	04/06/21 16:56
Consultation Point	Policy STR/CA 1 The Strategy for Capel parish (View)
Status	Processed
Submission Type	Email
Version	0.4
Files	Kent County Council-full representation.pdf
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Kent County Council (Growth, Environment & Transport)
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy STR/CA 1 The Strategy for Capel parish

[TWBC: see attached full representation, which has been input against the following: Section 1 (PSLP_2164), Section 2 (PSLP_2168), Section 3 (PSLP_2169), Policies STR1 (PSLP_2170), STR2

(PSLP_2171), STR4 (PSLP_2172), STR5 (PSLP_2174), STR7 (PSLP_2175), STR8 (PSLP_2176), Section 5 (PSLP_2177), Section 5: Royal Tunbridge Wells (PSLP_2178), Policies AL/RTW1 (PSLP_2180), AL/RTW5 (PSLP_2181), AL/RTW7 (PSLP_2183), AL/RTW14 (PSLP_2184), AL/RTW17 (PSLP_2185), AL/RTW21 (PSLP_2187), STR/SO1 (PSLP_2188), AL/SO1 (PSLP_2190), Strategic Sites (PSLP_2192), STR/SS1 (PSLP_2193), STR/SS2 (PSLP_2195), STR/SS3 (PSLP_2196), STR/PW1 (PSLP_2199), AL/PW1 (PSLP_2200), STR/CA1 (PSLP_2201), AL/CRS1 (PSLP_2202), AL/CRS2 (PSLP_2203), AL/CRS3 (PSLP_2204), AL/CRS4 (PSLP_2205), AL/CRS6 (PSLP_2206), AL/CRS7 (PSLP_2207), STR/HA1 (PSLP_2208), PSTR/BE1 (PSLP_2209), PSTR/BI 1 (PSLP_2210), PSTR/BM1 (PSLP_2211), PSTR/FR1 (PSLP_2212), PSTR/GO1 (PSLP_2213), PSTR/HO1 (PSLP_2214), AL/HO1 (PSLP_2215), PSTR/LA1 (PSLP_2216), AL/LA1 (PSLP_2217), PSTR/PE1 (PSLP_2218), AL/PE4 (PSLP_2219), PSTR/RU1 (PSLP_2220), PSTR/SA1 (PSLP_2221), AL/SA1 (PSLP_2222), PSTR/SP1 (PSLP_2223), EN1 (PSLP_2224), EN3 (PSLP_2225), EN4 (PSLP_2226), EN5 (PSLP_2227), EN8 (PSLP_2228), EN9 (PSLP_2229), EN10 (PSLP_2230), EN12 (PSLP_2231), EN13 (PSLP_2232), EN14 (PSLP_2233), EN18 (PSLP_2234), EN19 (PSLP_2235), EN20 (PSLP_2236), EN25 (PSLP_2237), EN26 (PSLP_2238), H1 (PSLP_2239), H3 (PSLP_2240), H7 (PSLP_2241), ED1 (PSLP_2242), ED2 (PSLP_2243), ED3 (PSLP_2244), ED4 (PSLP_2245), ED5 (PSLP_2246), ED6 (PSLP_2247), Town, Rural Service, Neighbourhood, and Village Centres (PSLP_2248), Policies TP1 (PSLP_2249), TP2 (PSLP_2250), TP3 (PSLP_2251), TP4 (PSLP_2252), TP5 (PSLP_2253), TP6 (PSLP_2254), OSSR1 (PSLP_2255), Appendix 4 (PSLP_2256) and Evidence Base (whole Plan) (PSLP_2257)

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

Question 5

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Public Rights of Way

The County Council requests that the policy includes reference to the need for appropriate development contributions to be made towards improvements to the PRow network to provide Active Travel opportunities in the area.

Question 6

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Question 7a

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Supporting Information File Ref No: SI_156

Comment

Consultee	Strategic Planning ([REDACTED])
Email Address	[REDACTED]
Company / Organisation	Kent County Council (Planning and Environment)
Address	Invicta House County Hall MAIDSTONE ME14 1XX
Event Name	Pre-Submission Local Plan
Comment by	Kent County Council (Planning and Environment) (Strategic Planning - [REDACTED])
Comment ID	PSLP_2202
Response Date	04/06/21 16:56
Consultation Point	Policy AL/CRS 1 Land at Brick Kiln Farm, Cranbrook Road (View)
Status	Processed
Submission Type	Email
Version	0.4
Files	Kent County Council-full representation.pdf
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Kent County Council (Growth, Environment & Transport)
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	Policy AL/CRS 1 Land at Brick Kiln Farm, Cranbrook Road

[TWBC: see attached full representation, which has been input against the following: Section 1 (PSLP_2164), Section 2 (PSLP_2168), Section 3 (PSLP_2169), Policies STR1 (PSLP_2170), STR2 (PSLP_2171), STR4 (PSLP_2172), STR5 (PSLP_2174), STR7 (PSLP_2175), STR8 (PSLP_2176), Section 5 (PSLP_2177), Section 5: Royal Tunbridge Wells (PSLP_2178), Policies AL/RTW1 (PSLP_2180), AL/RTW5 (PSLP_2181), AL/RTW7 (PSLP_2183), AL/RTW14 (PSLP_2184), AL/RTW17 (PSLP_2185), AL/RTW21 (PSLP_2187), STR/SO1 (PSLP_2188), AL/SO1 (PSLP_2190), Strategic Sites (PSLP_2192), STR/SS1 (PSLP_2193), STR/SS2 (PSLP_2195), STR/SS3 (PSLP_2196), STR/PW1 (PSLP_2199), AL/PW1 (PSLP_2200), STR/CA1 (PSLP_2201), AL/CRS1 (PSLP_2202), AL/CRS2 (PSLP_2203), AL/CRS3 (PSLP_2204), AL/CRS4 (PSLP_2205), AL/CRS6 (PSLP_2206), AL/CRS7 (PSLP_2207), STR/HA1 (PSLP_2208), PSTR/BE1 (PSLP_2209), PSTR/BI 1 (PSLP_2210), PSTR/BM1 (PSLP_2211), PSTR/FR1 (PSLP_2212), PSTR/GO1 (PSLP_2213), PSTR/HO1 (PSLP_2214), AL/HO1 (PSLP_2215), PSTR/LA1 (PSLP_2216), AL/LA1 (PSLP_2217), PSTR/PE1 (PSLP_2218), AL/PE4 (PSLP_2219), PSTR/RU1 (PSLP_2220), PSTR/SA1 (PSLP_2221), AL/SA1 (PSLP_2222), PSTR/SP1 (PSLP_2223), EN1 (PSLP_2224), EN3 (PSLP_2225), EN4 (PSLP_2226), EN5 (PSLP_2227), EN8 (PSLP_2228), EN9 (PSLP_2229), EN10 (PSLP_2230), EN12 (PSLP_2231), EN13 (PSLP_2232), EN14 (PSLP_2233), EN18 (PSLP_2234), EN19 (PSLP_2235), EN20 (PSLP_2236), EN25 (PSLP_2237), EN26 (PSLP_2238), H1 (PSLP_2239), H3 (PSLP_2240), H7 (PSLP_2241), ED1 (PSLP_2242), ED2 (PSLP_2243), ED3 (PSLP_2244), ED4 (PSLP_2245), ED5 (PSLP_2246), ED6 (PSLP_2247), Town, Rural Service, Neighbourhood, and Village Centres (PSLP_2248), Policies TP1 (PSLP_2249), TP2 (PSLP_2250), TP3 (PSLP_2251), TP4 (PSLP_2252), TP5 (PSLP_2253), TP6 (PSLP_2254), OSSR1 (PSLP_2255), Appendix 4 (PSLP_2256) and Evidence Base (whole Plan) (PSLP_2257)

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Public Rights of Way

The County Council requests direct reference to Public Footpaths WC94 and WC96 which cross the site, to ensure they provide suitable links to Cranbrook Centre.

Question 6

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Question 7a

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Supporting Information File Ref No: SI_156

Comment

Consultee	Strategic Planning ([REDACTED])
Email Address	[REDACTED]
Company / Organisation	Kent County Council (Planning and Environment)
Address	Invicta House County Hall MAIDSTONE ME14 1XX
Event Name	Pre-Submission Local Plan
Comment by	Kent County Council (Planning and Environment) (Strategic Planning - [REDACTED])
Comment ID	PSLP_2203
Response Date	04/06/21 16:56
Consultation Point	Policy AL/CRS 2 Land south of Corn Hall, Crane Valley, Cranbrook (View)
Status	Processed
Submission Type	Email
Version	0.4
Files	Kent County Council-full representation.pdf
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Kent County Council (Growth, Environment & Transport)
Question 3	
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Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy AL/CRS 2 Land south of Corn Hall, Crane Valley, Cranbrook

[TWBC: see attached full representation, which has been input against the following: Section 1 (PSLP_2164), Section 2 (PSLP_2168), Section 3 (PSLP_2169), Policies STR1 (PSLP_2170), STR2 (PSLP_2171), STR4 (PSLP_2172), STR5 (PSLP_2174), STR7 (PSLP_2175), STR8 (PSLP_2176), Section 5 (PSLP_2177), Section 5: Royal Tunbridge Wells (PSLP_2178), Policies AL/RTW1 (PSLP_2180), AL/RTW5 (PSLP_2181), AL/RTW7 (PSLP_2183), AL/RTW14 (PSLP_2184), AL/RTW17 (PSLP_2185), AL/RTW21 (PSLP_2187), STR/SO1 (PSLP_2188), AL/SO1 (PSLP_2190), Strategic Sites (PSLP_2192), STR/SS1 (PSLP_2193), STR/SS2 (PSLP_2195), STR/SS3 (PSLP_2196), STR/PW1 (PSLP_2199), AL/PW1 (PSLP_2200), STR/CA1 (PSLP_2201), AL/CRS1 (PSLP_2202), AL/CRS2 (PSLP_2203), AL/CRS3 (PSLP_2204), AL/CRS4 (PSLP_2205), AL/CRS6 (PSLP_2206), AL/CRS7 (PSLP_2207), STR/HA1 (PSLP_2208), PSTR/BE1 (PSLP_2209), PSTR/BI 1 (PSLP_2210), PSTR/BM1 (PSLP_2211), PSTR/FR1 (PSLP_2212), PSTR/GO1 (PSLP_2213), PSTR/HO1 (PSLP_2214), AL/HO1 (PSLP_2215), PSTR/LA1 (PSLP_2216), AL/LA1 (PSLP_2217), PSTR/PE1 (PSLP_2218), AL/PE4 (PSLP_2219), PSTR/RU1 (PSLP_2220), PSTR/SA1 (PSLP_2221), AL/SA1 (PSLP_2222), PSTR/SP1 (PSLP_2223), EN1 (PSLP_2224), EN3 (PSLP_2225), EN4 (PSLP_2226), EN5 (PSLP_2227), EN8 (PSLP_2228), EN9 (PSLP_2229), EN10 (PSLP_2230), EN12 (PSLP_2231), EN13 (PSLP_2232), EN14 (PSLP_2233), EN18 (PSLP_2234), EN19 (PSLP_2235), EN20 (PSLP_2236), EN25 (PSLP_2237), EN26 (PSLP_2238), H1 (PSLP_2239), H3 (PSLP_2240), H7 (PSLP_2241), ED1 (PSLP_2242), ED2 (PSLP_2243), ED3 (PSLP_2244), ED4 (PSLP_2245), ED5 (PSLP_2246), ED6 (PSLP_2247), Town, Rural Service, Neighbourhood, and Village Centres (PSLP_2248), Policies TP1 (PSLP_2249), TP2 (PSLP_2250), TP3 (PSLP_2251), TP4 (PSLP_2252), TP5 (PSLP_2253), TP6 (PSLP_2254), OSSR1 (PSLP_2255), Appendix 4 (PSLP_2256) and Evidence Base (whole Plan) (PSLP_2257)

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

Question 5

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

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The County Council has set out its full response to the consultation in the attached Appendix. Comments are linked to relevant policies where appropriate.

Public Rights of Way

The County Council requests direct reference to Public Footpaths WC96 and WC94 and surrounding WC95 and Restricted Byway WC118A to ensure wider connectivity of the site and potential for updates to cycle and equestrian use.

Question 6

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

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Question 7

***Please note** the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.*

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

Question 7a

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Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:

Yes, I wish to be notified of future stages of the Local Plan

Supporting Information File Ref No: SI_156

Comment

Consultee	Strategic Planning ([REDACTED])
Email Address	[REDACTED]
Company / Organisation	Kent County Council (Planning and Environment)
Address	Invicta House County Hall MAIDSTONE ME14 1XX
Event Name	Pre-Submission Local Plan
Comment by	Kent County Council (Planning and Environment) (Strategic Planning - [REDACTED])
Comment ID	PSLP_2204
Response Date	04/06/21 16:56
Consultation Point	Policy AL/CRS 3 Turnden Farm, Hartley Road, Cranbrook (View)
Status	Processed
Submission Type	Email
Version	0.4
Files	Kent County Council-full representation.pdf
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Kent County Council (Growth, Environment & Transport)
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	Policy AL/CRS 3 Turnden Farm, Hartley Road, Cranbrook

[TWBC: see attached full representation, which has been input against the following: Section 1 (PSLP_2164), Section 2 (PSLP_2168), Section 3 (PSLP_2169), Policies STR1 (PSLP_2170), STR2 (PSLP_2171), STR4 (PSLP_2172), STR5 (PSLP_2174), STR7 (PSLP_2175), STR8 (PSLP_2176), Section 5 (PSLP_2177), Section 5: Royal Tunbridge Wells (PSLP_2178), Policies AL/RTW1 (PSLP_2180), AL/RTW5 (PSLP_2181), AL/RTW7 (PSLP_2183), AL/RTW14 (PSLP_2184), AL/RTW17 (PSLP_2185), AL/RTW21 (PSLP_2187), STR/SO1 (PSLP_2188), AL/SO1 (PSLP_2190), Strategic Sites (PSLP_2192), STR/SS1 (PSLP_2193), STR/SS2 (PSLP_2195), STR/SS3 (PSLP_2196), STR/PW1 (PSLP_2199), AL/PW1 (PSLP_2200), STR/CA1 (PSLP_2201), AL/CRS1 (PSLP_2202), AL/CRS2 (PSLP_2203), AL/CRS3 (PSLP_2204), AL/CRS4 (PSLP_2205), AL/CRS6 (PSLP_2206), AL/CRS7 (PSLP_2207), STR/HA1 (PSLP_2208), PSTR/BE1 (PSLP_2209), PSTR/BI 1 (PSLP_2210), PSTR/BM1 (PSLP_2211), PSTR/FR1 (PSLP_2212), PSTR/GO1 (PSLP_2213), PSTR/HO1 (PSLP_2214), AL/HO1 (PSLP_2215), PSTR/LA1 (PSLP_2216), AL/LA1 (PSLP_2217), PSTR/PE1 (PSLP_2218), AL/PE4 (PSLP_2219), PSTR/RU1 (PSLP_2220), PSTR/SA1 (PSLP_2221), AL/SA1 (PSLP_2222), PSTR/SP1 (PSLP_2223), EN1 (PSLP_2224), EN3 (PSLP_2225), EN4 (PSLP_2226), EN5 (PSLP_2227), EN8 (PSLP_2228), EN9 (PSLP_2229), EN10 (PSLP_2230), EN12 (PSLP_2231), EN13 (PSLP_2232), EN14 (PSLP_2233), EN18 (PSLP_2234), EN19 (PSLP_2235), EN20 (PSLP_2236), EN25 (PSLP_2237), EN26 (PSLP_2238), H1 (PSLP_2239), H3 (PSLP_2240), H7 (PSLP_2241), ED1 (PSLP_2242), ED2 (PSLP_2243), ED3 (PSLP_2244), ED4 (PSLP_2245), ED5 (PSLP_2246), ED6 (PSLP_2247), Town, Rural Service, Neighbourhood, and Village Centres (PSLP_2248), Policies TP1 (PSLP_2249), TP2 (PSLP_2250), TP3 (PSLP_2251), TP4 (PSLP_2252), TP5 (PSLP_2253), TP6 (PSLP_2254), OSSR1 (PSLP_2255), Appendix 4 (PSLP_2256) and Evidence Base (whole Plan) (PSLP_2257)

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

Question 5

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The County Council has set out its full response to the consultation in the attached Appendix. Comments are linked to relevant policies where appropriate.

Public Rights of Way

The County Council requests direct reference to Public Footpath WC115 that connects Hartley Road to Swattenden and Swattenden Lane.

Question 6

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Question 7

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If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

Question 7a

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Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:

Yes, I wish to be notified of future stages of the Local Plan

Supporting Information File Ref No: SI_156

Comment

Consultee	Strategic Planning ([REDACTED])
Email Address	[REDACTED]
Company / Organisation	Kent County Council (Planning and Environment)
Address	Invicta House County Hall MAIDSTONE ME14 1XX
Event Name	Pre-Submission Local Plan
Comment by	Kent County Council (Planning and Environment) (Strategic Planning - [REDACTED])
Comment ID	PSLP_2205
Response Date	04/06/21 16:56
Consultation Point	Policy AL/CRS 4 Cranbrook School (View)
Status	Processed
Submission Type	Email
Version	0.4
Files	Kent County Council-full representation.pdf
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Kent County Council (Growth, Environment & Transport)
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy AL/CRS 4 Cranbrook School

[TWBC: see attached full representation, which has been input against the following: Section 1 (PSLP_2164), Section 2 (PSLP_2168), Section 3 (PSLP_2169), Policies STR1 (PSLP_2170), STR2

(PSLP_2171), STR4 (PSLP_2172), STR5 (PSLP_2174), STR7 (PSLP_2175), STR8 (PSLP_2176), Section 5 (PSLP_2177), Section 5: Royal Tunbridge Wells (PSLP_2178), Policies AL/RTW1 (PSLP_2180), AL/RTW5 (PSLP_2181), AL/RTW7 (PSLP_2183), AL/RTW14 (PSLP_2184), AL/RTW17 (PSLP_2185), AL/RTW21 (PSLP_2187), STR/SO1 (PSLP_2188), AL/SO1 (PSLP_2190), Strategic Sites (PSLP_2192), STR/SS1 (PSLP_2193), STR/SS2 (PSLP_2195), STR/SS3 (PSLP_2196), STR/PW1 (PSLP_2199), AL/PW1 (PSLP_2200), STR/CA1 (PSLP_2201), AL/CRS1 (PSLP_2202), AL/CRS2 (PSLP_2203), AL/CRS3 (PSLP_2204), AL/CRS4 (PSLP_2205), AL/CRS6 (PSLP_2206), AL/CRS7 (PSLP_2207), STR/HA1 (PSLP_2208), PSTR/BE1 (PSLP_2209), PSTR/BI 1 (PSLP_2210), PSTR/BM1 (PSLP_2211), PSTR/FR1 (PSLP_2212), PSTR/GO1 (PSLP_2213), PSTR/HO1 (PSLP_2214), AL/HO1 (PSLP_2215), PSTR/LA1 (PSLP_2216), AL/LA1 (PSLP_2217), PSTR/PE1 (PSLP_2218), AL/PE4 (PSLP_2219), PSTR/RU1 (PSLP_2220), PSTR/SA1 (PSLP_2221), AL/SA1 (PSLP_2222), PSTR/SP1 (PSLP_2223), EN1 (PSLP_2224), EN3 (PSLP_2225), EN4 (PSLP_2226), EN5 (PSLP_2227), EN8 (PSLP_2228), EN9 (PSLP_2229), EN10 (PSLP_2230), EN12 (PSLP_2231), EN13 (PSLP_2232), EN14 (PSLP_2233), EN18 (PSLP_2234), EN19 (PSLP_2235), EN20 (PSLP_2236), EN25 (PSLP_2237), EN26 (PSLP_2238), H1 (PSLP_2239), H3 (PSLP_2240), H7 (PSLP_2241), ED1 (PSLP_2242), ED2 (PSLP_2243), ED3 (PSLP_2244), ED4 (PSLP_2245), ED5 (PSLP_2246), ED6 (PSLP_2247), Town, Rural Service, Neighbourhood, and Village Centres (PSLP_2248), Policies TP1 (PSLP_2249), TP2 (PSLP_2250), TP3 (PSLP_2251), TP4 (PSLP_2252), TP5 (PSLP_2253), TP6 (PSLP_2254), OSSR1 (PSLP_2255), Appendix 4 (PSLP_2256) and Evidence Base (whole Plan) (PSLP_2257)

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

Question 5

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The County Council has set out its full response to the consultation in the attached Appendix. Comments are linked to relevant policies where appropriate.

Public Rights of Way

The County Council requests direct reference to Public Footpaths WC100, WC102, WC98, WC97, WC148 and connecting routes. The County Council considers that this site provides an opportunity to improve pedestrian connectivity across town. The County Council is seeking positive incorporation of all routes for active travel.

Question 6

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Question 7

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If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

Question 7a

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Future Notifications

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Supporting Information File Ref No: SI_156

Comment

Consultee	Strategic Planning ([REDACTED])
Email Address	[REDACTED]
Company / Organisation	Kent County Council (Planning and Environment)
Address	Invicta House County Hall MAIDSTONE ME14 1XX
Event Name	Pre-Submission Local Plan
Comment by	Kent County Council (Planning and Environment) (Strategic Planning - [REDACTED])
Comment ID	PSLP_2206
Response Date	04/06/21 16:56
Consultation Point	Policy AL/CRS 6 Land south of The Street, Sissinghurst (View)
Status	Processed
Submission Type	Email
Version	0.4
Files	Kent County Council-full representation.pdf
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Kent County Council (Growth, Environment & Transport)
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy AL/CRS 6 Land south of The Street, Sissinghurst

[TWBC: see attached full representation, which has been input against the following: Section 1 (PSLP_2164), Section 2 (PSLP_2168), Section 3 (PSLP_2169), Policies STR1 (PSLP_2170), STR2 (PSLP_2171), STR4 (PSLP_2172), STR5 (PSLP_2174), STR7 (PSLP_2175), STR8 (PSLP_2176), Section 5 (PSLP_2177), Section 5: Royal Tunbridge Wells (PSLP_2178), Policies AL/RTW1 (PSLP_2180), AL/RTW5 (PSLP_2181), AL/RTW7 (PSLP_2183), AL/RTW14 (PSLP_2184), AL/RTW17 (PSLP_2185), AL/RTW21 (PSLP_2187), STR/SO1 (PSLP_2188), AL/SO1 (PSLP_2190), Strategic Sites (PSLP_2192), STR/SS1 (PSLP_2193), STR/SS2 (PSLP_2195), STR/SS3 (PSLP_2196), STR/PW1 (PSLP_2199), AL/PW1 (PSLP_2200), STR/CA1 (PSLP_2201), AL/CRS1 (PSLP_2202), AL/CRS2 (PSLP_2203), AL/CRS3 (PSLP_2204), AL/CRS4 (PSLP_2205), AL/CRS6 (PSLP_2206), AL/CRS7 (PSLP_2207), STR/HA1 (PSLP_2208), PSTR/BE1 (PSLP_2209), PSTR/BI 1 (PSLP_2210), PSTR/BM1 (PSLP_2211), PSTR/FR1 (PSLP_2212), PSTR/GO1 (PSLP_2213), PSTR/HO1 (PSLP_2214), AL/HO1 (PSLP_2215), PSTR/LA1 (PSLP_2216), AL/LA1 (PSLP_2217), PSTR/PE1 (PSLP_2218), AL/PE4 (PSLP_2219), PSTR/RU1 (PSLP_2220), PSTR/SA1 (PSLP_2221), AL/SA1 (PSLP_2222), PSTR/SP1 (PSLP_2223), EN1 (PSLP_2224), EN3 (PSLP_2225), EN4 (PSLP_2226), EN5 (PSLP_2227), EN8 (PSLP_2228), EN9 (PSLP_2229), EN10 (PSLP_2230), EN12 (PSLP_2231), EN13 (PSLP_2232), EN14 (PSLP_2233), EN18 (PSLP_2234), EN19 (PSLP_2235), EN20 (PSLP_2236), EN25 (PSLP_2237), EN26 (PSLP_2238), H1 (PSLP_2239), H3 (PSLP_2240), H7 (PSLP_2241), ED1 (PSLP_2242), ED2 (PSLP_2243), ED3 (PSLP_2244), ED4 (PSLP_2245), ED5 (PSLP_2246), ED6 (PSLP_2247), Town, Rural Service, Neighbourhood, and Village Centres (PSLP_2248), Policies TP1 (PSLP_2249), TP2 (PSLP_2250), TP3 (PSLP_2251), TP4 (PSLP_2252), TP5 (PSLP_2253), TP6 (PSLP_2254), OSSR1 (PSLP_2255), Appendix 4 (PSLP_2256) and Evidence Base (whole Plan) (PSLP_2257)

Question 4a

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Do you consider that the Local Plan is not sound because:

Question 5

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Public Rights of Way

The County Council requests direct reference to Public Footpath WC104.

Question 6

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Question 7a

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Supporting Information File Ref No: SI_156

Comment

Consultee	Strategic Planning ([REDACTED])
Email Address	[REDACTED]
Company / Organisation	Kent County Council (Planning and Environment)
Address	Invicta House County Hall MAIDSTONE ME14 1XX
Event Name	Pre-Submission Local Plan
Comment by	Kent County Council (Planning and Environment) (Strategic Planning - [REDACTED])
Comment ID	PSLP_2207
Response Date	04/06/21 16:56
Consultation Point	Policy AL/CRS 7 Land at the corner of Frittenden Road and Common Road, Sissinghurst (View)
Status	Processed
Submission Type	Email
Version	0.4
Files	Kent County Council-full representation.pdf
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Kent County Council (Growth, Environment & Transport)
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy AL/CRS 7 Land at the corner of Frittenden Road and Common Road, Sissinghurst

[TWBC: see attached full representation, which has been input against the following: Section 1 (PSLP_2164), Section 2 (PSLP_2168), Section 3 (PSLP_2169), Policies STR1 (PSLP_2170), STR2 (PSLP_2171), STR4 (PSLP_2172), STR5 (PSLP_2174), STR7 (PSLP_2175), STR8 (PSLP_2176), Section 5 (PSLP_2177), Section 5: Royal Tunbridge Wells (PSLP_2178), Policies AL/RTW1 (PSLP_2180), AL/RTW5 (PSLP_2181), AL/RTW7 (PSLP_2183), AL/RTW14 (PSLP_2184), AL/RTW17 (PSLP_2185), AL/RTW21 (PSLP_2187), STR/SO1 (PSLP_2188), AL/SO1 (PSLP_2190), Strategic Sites (PSLP_2192), STR/SS1 (PSLP_2193), STR/SS2 (PSLP_2195), STR/SS3 (PSLP_2196), STR/PW1 (PSLP_2199), AL/PW1 (PSLP_2200), STR/CA1 (PSLP_2201), AL/CRS1 (PSLP_2202), AL/CRS2 (PSLP_2203), AL/CRS3 (PSLP_2204), AL/CRS4 (PSLP_2205), AL/CRS6 (PSLP_2206), AL/CRS7 (PSLP_2207), STR/HA1 (PSLP_2208), PSTR/BE1 (PSLP_2209), PSTR/BI 1 (PSLP_2210), PSTR/BM1 (PSLP_2211), PSTR/FR1 (PSLP_2212), PSTR/GO1 (PSLP_2213), PSTR/HO1 (PSLP_2214), AL/HO1 (PSLP_2215), PSTR/LA1 (PSLP_2216), AL/LA1 (PSLP_2217), PSTR/PE1 (PSLP_2218), AL/PE4 (PSLP_2219), PSTR/RU1 (PSLP_2220), PSTR/SA1 (PSLP_2221), AL/SA1 (PSLP_2222), PSTR/SP1 (PSLP_2223), EN1 (PSLP_2224), EN3 (PSLP_2225), EN4 (PSLP_2226), EN5 (PSLP_2227), EN8 (PSLP_2228), EN9 (PSLP_2229), EN10 (PSLP_2230), EN12 (PSLP_2231), EN13 (PSLP_2232), EN14 (PSLP_2233), EN18 (PSLP_2234), EN19 (PSLP_2235), EN20 (PSLP_2236), EN25 (PSLP_2237), EN26 (PSLP_2238), H1 (PSLP_2239), H3 (PSLP_2240), H7 (PSLP_2241), ED1 (PSLP_2242), ED2 (PSLP_2243), ED3 (PSLP_2244), ED4 (PSLP_2245), ED5 (PSLP_2246), ED6 (PSLP_2247), Town, Rural Service, Neighbourhood, and Village Centres (PSLP_2248), Policies TP1 (PSLP_2249), TP2 (PSLP_2250), TP3 (PSLP_2251), TP4 (PSLP_2252), TP5 (PSLP_2253), TP6 (PSLP_2254), OSSR1 (PSLP_2255), Appendix 4 (PSLP_2256) and Evidence Base (whole Plan) (PSLP_2257)

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

Question 5

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The County Council has set out its full response to the consultation in the attached Appendix. Comments are linked to relevant policies where appropriate.

Public Rights of Way

The County Council requests direct reference to Public Footpath WC75. Active travel links to the school from Sissinghurst junction must be provided with improvements to the length of the route to Common Road.

Question 6

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Question 7

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Question 7a

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Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:

Yes, I wish to be notified of future stages of the Local Plan

Supporting Information File Ref No: SI_156

Comment

Consultee	Strategic Planning ([REDACTED])
Email Address	[REDACTED]
Company / Organisation	Kent County Council (Planning and Environment)
Address	Invicta House County Hall MAIDSTONE ME14 1XX
Event Name	Pre-Submission Local Plan
Comment by	Kent County Council (Planning and Environment) (Strategic Planning - [REDACTED])
Comment ID	PSLP_2208
Response Date	04/06/21 16:56
Consultation Point	Policy STR/HA 1 The Strategy for Hawkhurst parish (View)
Status	Processed
Submission Type	Email
Version	0.4
Files	Kent County Council-full representation.pdf
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Kent County Council (Growth, Environment & Transport)
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	Policy STR/HA 1 The Strategy for Hawkhurst parish

[TWBC: see attached full representation, which has been input against the following: Section 1 (PSLP_2164), Section 2 (PSLP_2168), Section 3 (PSLP_2169), Policies STR1 (PSLP_2170), STR2 (PSLP_2171), STR4 (PSLP_2172), STR5 (PSLP_2174), STR7 (PSLP_2175), STR8 (PSLP_2176), Section 5 (PSLP_2177), Section 5: Royal Tunbridge Wells (PSLP_2178), Policies AL/RTW1 (PSLP_2180), AL/RTW5 (PSLP_2181), AL/RTW7 (PSLP_2183), AL/RTW14 (PSLP_2184), AL/RTW17 (PSLP_2185), AL/RTW21 (PSLP_2187), STR/SO1 (PSLP_2188), AL/SO1 (PSLP_2190), Strategic Sites (PSLP_2192), STR/SS1 (PSLP_2193), STR/SS2 (PSLP_2195), STR/SS3 (PSLP_2196), STR/PW1 (PSLP_2199), AL/PW1 (PSLP_2200), STR/CA1 (PSLP_2201), AL/CRS1 (PSLP_2202), AL/CRS2 (PSLP_2203), AL/CRS3 (PSLP_2204), AL/CRS4 (PSLP_2205), AL/CRS6 (PSLP_2206), AL/CRS7 (PSLP_2207), STR/HA1 (PSLP_2208), PSTR/BE1 (PSLP_2209), PSTR/BI 1 (PSLP_2210), PSTR/BM1 (PSLP_2211), PSTR/FR1 (PSLP_2212), PSTR/GO1 (PSLP_2213), PSTR/HO1 (PSLP_2214), AL/HO1 (PSLP_2215), PSTR/LA1 (PSLP_2216), AL/LA1 (PSLP_2217), PSTR/PE1 (PSLP_2218), AL/PE4 (PSLP_2219), PSTR/RU1 (PSLP_2220), PSTR/SA1 (PSLP_2221), AL/SA1 (PSLP_2222), PSTR/SP1 (PSLP_2223), EN1 (PSLP_2224), EN3 (PSLP_2225), EN4 (PSLP_2226), EN5 (PSLP_2227), EN8 (PSLP_2228), EN9 (PSLP_2229), EN10 (PSLP_2230), EN12 (PSLP_2231), EN13 (PSLP_2232), EN14 (PSLP_2233), EN18 (PSLP_2234), EN19 (PSLP_2235), EN20 (PSLP_2236), EN25 (PSLP_2237), EN26 (PSLP_2238), H1 (PSLP_2239), H3 (PSLP_2240), H7 (PSLP_2241), ED1 (PSLP_2242), ED2 (PSLP_2243), ED3 (PSLP_2244), ED4 (PSLP_2245), ED5 (PSLP_2246), ED6 (PSLP_2247), Town, Rural Service, Neighbourhood, and Village Centres (PSLP_2248), Policies TP1 (PSLP_2249), TP2 (PSLP_2250), TP3 (PSLP_2251), TP4 (PSLP_2252), TP5 (PSLP_2253), TP6 (PSLP_2254), OSSR1 (PSLP_2255), Appendix 4 (PSLP_2256) and Evidence Base (whole Plan) (PSLP_2257)

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

Question 5

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Public Rights of Way

The County Council supports this policy.

Question 6

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Question 7

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Question 7a

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Yes, I wish to be notified of future stages of the Local Plan

Supporting Information File Ref No: SI_156

Comment

Consultee	Strategic Planning ([REDACTED])
Email Address	[REDACTED]
Company / Organisation	Kent County Council (Planning and Environment)
Address	Invicta House County Hall MAIDSTONE ME14 1XX
Event Name	Pre-Submission Local Plan
Comment by	Kent County Council (Planning and Environment) (Strategic Planning - [REDACTED])
Comment ID	PSLP_2209
Response Date	04/06/21 16:56
Consultation Point	Policy PSTR/BE 1 The Strategy for Benenden parish (View)
Status	Processed
Submission Type	Email
Version	0.4
Files	Kent County Council-full representation.pdf
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Kent County Council (Growth, Environment & Transport)
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	Policy PSTR/BE 1 The Strategy for Benenden parish

[TWBC: see attached full representation, which has been input against the following: Section 1 (PSLP_2164), Section 2 (PSLP_2168), Section 3 (PSLP_2169), Policies STR1 (PSLP_2170), STR2 (PSLP_2171), STR4 (PSLP_2172), STR5 (PSLP_2174), STR7 (PSLP_2175), STR8 (PSLP_2176), Section 5 (PSLP_2177), Section 5: Royal Tunbridge Wells (PSLP_2178), Policies AL/RTW1 (PSLP_2180), AL/RTW5 (PSLP_2181), AL/RTW7 (PSLP_2183), AL/RTW14 (PSLP_2184), AL/RTW17 (PSLP_2185), AL/RTW21 (PSLP_2187), STR/SO1 (PSLP_2188), AL/SO1 (PSLP_2190), Strategic Sites (PSLP_2192), STR/SS1 (PSLP_2193), STR/SS2 (PSLP_2195), STR/SS3 (PSLP_2196), STR/PW1 (PSLP_2199), AL/PW1 (PSLP_2200), STR/CA1 (PSLP_2201), AL/CRS1 (PSLP_2202), AL/CRS2 (PSLP_2203), AL/CRS3 (PSLP_2204), AL/CRS4 (PSLP_2205), AL/CRS6 (PSLP_2206), AL/CRS7 (PSLP_2207), STR/HA1 (PSLP_2208), PSTR/BE1 (PSLP_2209), PSTR/BI 1 (PSLP_2210), PSTR/BM1 (PSLP_2211), PSTR/FR1 (PSLP_2212), PSTR/GO1 (PSLP_2213), PSTR/HO1 (PSLP_2214), AL/HO1 (PSLP_2215), PSTR/LA1 (PSLP_2216), AL/LA1 (PSLP_2217), PSTR/PE1 (PSLP_2218), AL/PE4 (PSLP_2219), PSTR/RU1 (PSLP_2220), PSTR/SA1 (PSLP_2221), AL/SA1 (PSLP_2222), PSTR/SP1 (PSLP_2223), EN1 (PSLP_2224), EN3 (PSLP_2225), EN4 (PSLP_2226), EN5 (PSLP_2227), EN8 (PSLP_2228), EN9 (PSLP_2229), EN10 (PSLP_2230), EN12 (PSLP_2231), EN13 (PSLP_2232), EN14 (PSLP_2233), EN18 (PSLP_2234), EN19 (PSLP_2235), EN20 (PSLP_2236), EN25 (PSLP_2237), EN26 (PSLP_2238), H1 (PSLP_2239), H3 (PSLP_2240), H7 (PSLP_2241), ED1 (PSLP_2242), ED2 (PSLP_2243), ED3 (PSLP_2244), ED4 (PSLP_2245), ED5 (PSLP_2246), ED6 (PSLP_2247), Town, Rural Service, Neighbourhood, and Village Centres (PSLP_2248), Policies TP1 (PSLP_2249), TP2 (PSLP_2250), TP3 (PSLP_2251), TP4 (PSLP_2252), TP5 (PSLP_2253), TP6 (PSLP_2254), OSSR1 (PSLP_2255), Appendix 4 (PSLP_2256) and Evidence Base (whole Plan) (PSLP_2257)

Question 4a

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Question 5

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The County Council has set out its full response to the consultation in the attached Appendix. Comments are linked to relevant policies where appropriate.

Public Rights of Way

The County Council requests that the policy includes reference to the need for appropriate development contributions to be made towards improvements to the PRoW network to provide Active Travel opportunities in the area. The local aim of improving and enhancing Public Footpaths WC326/325 to all weather routes, providing access to the school, should be referred to within this policy.

Question 6

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Question 7

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Question 7a

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Supporting Information File Ref No: SI_156

Comment

Consultee	Strategic Planning ()
Email Address	
Company / Organisation	Kent County Council (Planning and Environment)
Address	Invicta House County Hall MAIDSTONE ME14 1XX
Event Name	Pre-Submission Local Plan
Comment by	Kent County Council (Planning and Environment) (Strategic Planning -)
Comment ID	PSLP_2210
Response Date	04/06/21 16:56
Consultation Point	Policy PSTR/BI 1 The Strategy for Bidborough parish (View)
Status	Processed
Submission Type	Email
Version	0.4
Files	Kent County Council-full representation.pdf
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Kent County Council (Growth, Environment & Transport)
Question 3	
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Question 3a	
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Question 4a

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Public Rights of Way

The County Council requests that the policy includes reference to the need for appropriate development contributions to be made towards improvements to the PRow network to provide Active Travel opportunities in the area.

Question 6

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Question 7a

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Supporting Information File Ref No: SI_156

Comment

Consultee	Strategic Planning ([REDACTED])
Email Address	[REDACTED]
Company / Organisation	Kent County Council (Planning and Environment)
Address	Invicta House County Hall MAIDSTONE ME14 1XX
Event Name	Pre-Submission Local Plan
Comment by	Kent County Council (Planning and Environment) (Strategic Planning - [REDACTED])
Comment ID	PSLP_2211
Response Date	04/06/21 16:56
Consultation Point	Policy PSTR/BM 1 The Strategy for Brenchley and Matfield parish (View)
Status	Processed
Submission Type	Email
Version	0.4
Files	Kent County Council-full representation.pdf
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Kent County Council (Growth, Environment & Transport)
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy PSTR/BM 1 The Strategy for Brenchley and Matfield parish

[TWBC: see attached full representation, which has been input against the following: Section 1 (PSLP_2164), Section 2 (PSLP_2168), Section 3 (PSLP_2169), Policies STR1 (PSLP_2170), STR2 (PSLP_2171), STR4 (PSLP_2172), STR5 (PSLP_2174), STR7 (PSLP_2175), STR8 (PSLP_2176), Section 5 (PSLP_2177), Section 5: Royal Tunbridge Wells (PSLP_2178), Policies AL/RTW1 (PSLP_2180), AL/RTW5 (PSLP_2181), AL/RTW7 (PSLP_2183), AL/RTW14 (PSLP_2184), AL/RTW17 (PSLP_2185), AL/RTW21 (PSLP_2187), STR/SO1 (PSLP_2188), AL/SO1 (PSLP_2190), Strategic Sites (PSLP_2192), STR/SS1 (PSLP_2193), STR/SS2 (PSLP_2195), STR/SS3 (PSLP_2196), STR/PW1 (PSLP_2199), AL/PW1 (PSLP_2200), STR/CA1 (PSLP_2201), AL/CRS1 (PSLP_2202), AL/CRS2 (PSLP_2203), AL/CRS3 (PSLP_2204), AL/CRS4 (PSLP_2205), AL/CRS6 (PSLP_2206), AL/CRS7 (PSLP_2207), STR/HA1 (PSLP_2208), PSTR/BE1 (PSLP_2209), PSTR/BI 1 (PSLP_2210), PSTR/BM1 (PSLP_2211), PSTR/FR1 (PSLP_2212), PSTR/GO1 (PSLP_2213), PSTR/HO1 (PSLP_2214), AL/HO1 (PSLP_2215), PSTR/LA1 (PSLP_2216), AL/LA1 (PSLP_2217), PSTR/PE1 (PSLP_2218), AL/PE4 (PSLP_2219), PSTR/RU1 (PSLP_2220), PSTR/SA1 (PSLP_2221), AL/SA1 (PSLP_2222), PSTR/SP1 (PSLP_2223), EN1 (PSLP_2224), EN3 (PSLP_2225), EN4 (PSLP_2226), EN5 (PSLP_2227), EN8 (PSLP_2228), EN9 (PSLP_2229), EN10 (PSLP_2230), EN12 (PSLP_2231), EN13 (PSLP_2232), EN14 (PSLP_2233), EN18 (PSLP_2234), EN19 (PSLP_2235), EN20 (PSLP_2236), EN25 (PSLP_2237), EN26 (PSLP_2238), H1 (PSLP_2239), H3 (PSLP_2240), H7 (PSLP_2241), ED1 (PSLP_2242), ED2 (PSLP_2243), ED3 (PSLP_2244), ED4 (PSLP_2245), ED5 (PSLP_2246), ED6 (PSLP_2247), Town, Rural Service, Neighbourhood, and Village Centres (PSLP_2248), Policies TP1 (PSLP_2249), TP2 (PSLP_2250), TP3 (PSLP_2251), TP4 (PSLP_2252), TP5 (PSLP_2253), TP6 (PSLP_2254), OSSR1 (PSLP_2255), Appendix 4 (PSLP_2256) and Evidence Base (whole Plan) (PSLP_2257)

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

Question 5

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Public Rights of Way

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Future Notifications

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Yes, I wish to be notified of future stages of the Local Plan

Supporting Information File Ref No: SI_156

Comment

Consultee	Strategic Planning ([REDACTED])
Email Address	[REDACTED]
Company / Organisation	Kent County Council (Planning and Environment)
Address	Invicta House County Hall MAIDSTONE ME14 1XX
Event Name	Pre-Submission Local Plan
Comment by	Kent County Council (Planning and Environment) (Strategic Planning - [REDACTED])
Comment ID	PSLP_2212
Response Date	04/06/21 16:56
Consultation Point	Policy PSTR/FR 1 The Strategy for Frittenden parish (View)
Status	Processed
Submission Type	Email
Version	0.4
Files	Kent County Council-full representation.pdf
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Kent County Council (Growth, Environment & Transport)
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	Policy PSTR/FR 1 The Strategy for Frittenden parish

[TWBC: see attached full representation, which has been input against the following: Section 1 (PSLP_2164), Section 2 (PSLP_2168), Section 3 (PSLP_2169), Policies STR1 (PSLP_2170), STR2 (PSLP_2171), STR4 (PSLP_2172), STR5 (PSLP_2174), STR7 (PSLP_2175), STR8 (PSLP_2176), Section 5 (PSLP_2177), Section 5: Royal Tunbridge Wells (PSLP_2178), Policies AL/RTW1 (PSLP_2180), AL/RTW5 (PSLP_2181), AL/RTW7 (PSLP_2183), AL/RTW14 (PSLP_2184), AL/RTW17 (PSLP_2185), AL/RTW21 (PSLP_2187), STR/SO1 (PSLP_2188), AL/SO1 (PSLP_2190), Strategic Sites (PSLP_2192), STR/SS1 (PSLP_2193), STR/SS2 (PSLP_2195), STR/SS3 (PSLP_2196), STR/PW1 (PSLP_2199), AL/PW1 (PSLP_2200), STR/CA1 (PSLP_2201), AL/CRS1 (PSLP_2202), AL/CRS2 (PSLP_2203), AL/CRS3 (PSLP_2204), AL/CRS4 (PSLP_2205), AL/CRS6 (PSLP_2206), AL/CRS7 (PSLP_2207), STR/HA1 (PSLP_2208), PSTR/BE1 (PSLP_2209), PSTR/BI 1 (PSLP_2210), PSTR/BM1 (PSLP_2211), PSTR/FR1 (PSLP_2212), PSTR/GO1 (PSLP_2213), PSTR/HO1 (PSLP_2214), AL/HO1 (PSLP_2215), PSTR/LA1 (PSLP_2216), AL/LA1 (PSLP_2217), PSTR/PE1 (PSLP_2218), AL/PE4 (PSLP_2219), PSTR/RU1 (PSLP_2220), PSTR/SA1 (PSLP_2221), AL/SA1 (PSLP_2222), PSTR/SP1 (PSLP_2223), EN1 (PSLP_2224), EN3 (PSLP_2225), EN4 (PSLP_2226), EN5 (PSLP_2227), EN8 (PSLP_2228), EN9 (PSLP_2229), EN10 (PSLP_2230), EN12 (PSLP_2231), EN13 (PSLP_2232), EN14 (PSLP_2233), EN18 (PSLP_2234), EN19 (PSLP_2235), EN20 (PSLP_2236), EN25 (PSLP_2237), EN26 (PSLP_2238), H1 (PSLP_2239), H3 (PSLP_2240), H7 (PSLP_2241), ED1 (PSLP_2242), ED2 (PSLP_2243), ED3 (PSLP_2244), ED4 (PSLP_2245), ED5 (PSLP_2246), ED6 (PSLP_2247), Town, Rural Service, Neighbourhood, and Village Centres (PSLP_2248), Policies TP1 (PSLP_2249), TP2 (PSLP_2250), TP3 (PSLP_2251), TP4 (PSLP_2252), TP5 (PSLP_2253), TP6 (PSLP_2254), OSSR1 (PSLP_2255), Appendix 4 (PSLP_2256) and Evidence Base (whole Plan) (PSLP_2257)

Question 4a

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Question 5

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Question 6

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Question 7a

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Supporting Information File Ref No: SI_156

Comment

Consultee	Strategic Planning ([REDACTED])
Email Address	[REDACTED]
Company / Organisation	Kent County Council (Planning and Environment)
Address	Invicta House County Hall MAIDSTONE ME14 1XX
Event Name	Pre-Submission Local Plan
Comment by	Kent County Council (Planning and Environment) (Strategic Planning - [REDACTED])
Comment ID	PSLP_2213
Response Date	04/06/21 16:56
Consultation Point	Policy PSTR/GO 1 The Strategy for Goudhurst parish (View)
Status	Processed
Submission Type	Email
Version	0.4
Files	Kent County Council-full representation.pdf
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Kent County Council (Growth, Environment & Transport)
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	Policy PSTR/GO 1 The Strategy for Goudhurst parish

[TWBC: see attached full representation, which has been input against the following: Section 1 (PSLP_2164), Section 2 (PSLP_2168), Section 3 (PSLP_2169), Policies STR1 (PSLP_2170), STR2 (PSLP_2171), STR4 (PSLP_2172), STR5 (PSLP_2174), STR7 (PSLP_2175), STR8 (PSLP_2176), Section 5 (PSLP_2177), Section 5: Royal Tunbridge Wells (PSLP_2178), Policies AL/RTW1 (PSLP_2180), AL/RTW5 (PSLP_2181), AL/RTW7 (PSLP_2183), AL/RTW14 (PSLP_2184), AL/RTW17 (PSLP_2185), AL/RTW21 (PSLP_2187), STR/SO1 (PSLP_2188), AL/SO1 (PSLP_2190), Strategic Sites (PSLP_2192), STR/SS1 (PSLP_2193), STR/SS2 (PSLP_2195), STR/SS3 (PSLP_2196), STR/PW1 (PSLP_2199), AL/PW1 (PSLP_2200), STR/CA1 (PSLP_2201), AL/CRS1 (PSLP_2202), AL/CRS2 (PSLP_2203), AL/CRS3 (PSLP_2204), AL/CRS4 (PSLP_2205), AL/CRS6 (PSLP_2206), AL/CRS7 (PSLP_2207), STR/HA1 (PSLP_2208), PSTR/BE1 (PSLP_2209), PSTR/BI 1 (PSLP_2210), PSTR/BM1 (PSLP_2211), PSTR/FR1 (PSLP_2212), PSTR/GO1 (PSLP_2213), PSTR/HO1 (PSLP_2214), AL/HO1 (PSLP_2215), PSTR/LA1 (PSLP_2216), AL/LA1 (PSLP_2217), PSTR/PE1 (PSLP_2218), AL/PE4 (PSLP_2219), PSTR/RU1 (PSLP_2220), PSTR/SA1 (PSLP_2221), AL/SA1 (PSLP_2222), PSTR/SP1 (PSLP_2223), EN1 (PSLP_2224), EN3 (PSLP_2225), EN4 (PSLP_2226), EN5 (PSLP_2227), EN8 (PSLP_2228), EN9 (PSLP_2229), EN10 (PSLP_2230), EN12 (PSLP_2231), EN13 (PSLP_2232), EN14 (PSLP_2233), EN18 (PSLP_2234), EN19 (PSLP_2235), EN20 (PSLP_2236), EN25 (PSLP_2237), EN26 (PSLP_2238), H1 (PSLP_2239), H3 (PSLP_2240), H7 (PSLP_2241), ED1 (PSLP_2242), ED2 (PSLP_2243), ED3 (PSLP_2244), ED4 (PSLP_2245), ED5 (PSLP_2246), ED6 (PSLP_2247), Town, Rural Service, Neighbourhood, and Village Centres (PSLP_2248), Policies TP1 (PSLP_2249), TP2 (PSLP_2250), TP3 (PSLP_2251), TP4 (PSLP_2252), TP5 (PSLP_2253), TP6 (PSLP_2254), OSSR1 (PSLP_2255), Appendix 4 (PSLP_2256) and Evidence Base (whole Plan) (PSLP_2257)

Question 4a

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Address	Invicta House County Hall MAIDSTONE ME14 1XX
Event Name	Pre-Submission Local Plan
Comment by	Kent County Council (Planning and Environment) (Strategic Planning - [REDACTED])
Comment ID	PSLP_2214
Response Date	04/06/21 16:56
Consultation Point	Policy PSTR/HO 1 The Strategy for Horsmonden parish (View)
Status	Processed
Submission Type	Email
Version	0.4
Files	Kent County Council-full representation.pdf
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Kent County Council (Growth, Environment & Transport)
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Question 3a	

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Policy PSTR/HO 1 The Strategy for Horsmonden parish

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Comment

Consultee	Strategic Planning ([REDACTED])
Email Address	[REDACTED]
Company / Organisation	Kent County Council (Planning and Environment)
Address	Invicta House County Hall MAIDSTONE ME14 1XX
Event Name	Pre-Submission Local Plan
Comment by	Kent County Council (Planning and Environment) (Strategic Planning - [REDACTED])
Comment ID	PSLP_2215
Response Date	04/06/21 16:56
Consultation Point	Policy AL/HO 1 Land adjacent to Furnace Lane and Gibbet Lane (View)
Status	Processed
Submission Type	Email
Version	0.4
Files	Kent County Council-full representation.pdf
Data inputter to enter their initials here	KJ
Question 1	
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Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	Policy AL/HO 1 Land adjacent to Furnace Lane and Gibbet Lane

[TWBC: see attached full representation, which has been input against the following: Section 1 (PSLP_2164), Section 2 (PSLP_2168), Section 3 (PSLP_2169), Policies STR1 (PSLP_2170), STR2 (PSLP_2171), STR4 (PSLP_2172), STR5 (PSLP_2174), STR7 (PSLP_2175), STR8 (PSLP_2176), Section 5 (PSLP_2177), Section 5: Royal Tunbridge Wells (PSLP_2178), Policies AL/RTW1 (PSLP_2180), AL/RTW5 (PSLP_2181), AL/RTW7 (PSLP_2183), AL/RTW14 (PSLP_2184), AL/RTW17 (PSLP_2185), AL/RTW21 (PSLP_2187), STR/SO1 (PSLP_2188), AL/SO1 (PSLP_2190), Strategic Sites (PSLP_2192), STR/SS1 (PSLP_2193), STR/SS2 (PSLP_2195), STR/SS3 (PSLP_2196), STR/PW1 (PSLP_2199), AL/PW1 (PSLP_2200), STR/CA1 (PSLP_2201), AL/CRS1 (PSLP_2202), AL/CRS2 (PSLP_2203), AL/CRS3 (PSLP_2204), AL/CRS4 (PSLP_2205), AL/CRS6 (PSLP_2206), AL/CRS7 (PSLP_2207), STR/HA1 (PSLP_2208), PSTR/BE1 (PSLP_2209), PSTR/BI 1 (PSLP_2210), PSTR/BM1 (PSLP_2211), PSTR/FR1 (PSLP_2212), PSTR/GO1 (PSLP_2213), PSTR/HO1 (PSLP_2214), AL/HO1 (PSLP_2215), PSTR/LA1 (PSLP_2216), AL/LA1 (PSLP_2217), PSTR/PE1 (PSLP_2218), AL/PE4 (PSLP_2219), PSTR/RU1 (PSLP_2220), PSTR/SA1 (PSLP_2221), AL/SA1 (PSLP_2222), PSTR/SP1 (PSLP_2223), EN1 (PSLP_2224), EN3 (PSLP_2225), EN4 (PSLP_2226), EN5 (PSLP_2227), EN8 (PSLP_2228), EN9 (PSLP_2229), EN10 (PSLP_2230), EN12 (PSLP_2231), EN13 (PSLP_2232), EN14 (PSLP_2233), EN18 (PSLP_2234), EN19 (PSLP_2235), EN20 (PSLP_2236), EN25 (PSLP_2237), EN26 (PSLP_2238), H1 (PSLP_2239), H3 (PSLP_2240), H7 (PSLP_2241), ED1 (PSLP_2242), ED2 (PSLP_2243), ED3 (PSLP_2244), ED4 (PSLP_2245), ED5 (PSLP_2246), ED6 (PSLP_2247), Town, Rural Service, Neighbourhood, and Village Centres (PSLP_2248), Policies TP1 (PSLP_2249), TP2 (PSLP_2250), TP3 (PSLP_2251), TP4 (PSLP_2252), TP5 (PSLP_2253), TP6 (PSLP_2254), OSSR1 (PSLP_2255), Appendix 4 (PSLP_2256) and Evidence Base (whole Plan) (PSLP_2257)

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

Question 5

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

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The County Council has set out its full response to the consultation in the attached Appendix. Comments are linked to relevant policies where appropriate.

Public Rights of Way

The County Council requests direct reference to Restricted Byway WT340A and Public Footpath WT341. Reference should also be made within the policy to the need for wider network improvements to support connectivity.

Question 6

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Question 7

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Question 7a

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Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:

Yes, I wish to be notified of future stages of the Local Plan

Supporting Information File Ref No: SI_156

Comment

Consultee	Strategic Planning ([REDACTED])
Email Address	[REDACTED]
Company / Organisation	Kent County Council (Planning and Environment)
Address	Invicta House County Hall MAIDSTONE ME14 1XX
Event Name	Pre-Submission Local Plan
Comment by	Kent County Council (Planning and Environment) (Strategic Planning - [REDACTED])
Comment ID	PSLP_2216
Response Date	04/06/21 16:56
Consultation Point	Policy PSTR/LA 1 The Strategy for Lamberhurst parish (View)
Status	Processed
Submission Type	Email
Version	0.4
Files	Kent County Council-full representation.pdf
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Kent County Council (Growth, Environment & Transport)
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	Policy PSTR/LA 1 The Strategy for Lamberhurst parish

[TWBC: see attached full representation, which has been input against the following: Section 1 (PSLP_2164), Section 2 (PSLP_2168), Section 3 (PSLP_2169), Policies STR1 (PSLP_2170), STR2 (PSLP_2171), STR4 (PSLP_2172), STR5 (PSLP_2174), STR7 (PSLP_2175), STR8 (PSLP_2176), Section 5 (PSLP_2177), Section 5: Royal Tunbridge Wells (PSLP_2178), Policies AL/RTW1 (PSLP_2180), AL/RTW5 (PSLP_2181), AL/RTW7 (PSLP_2183), AL/RTW14 (PSLP_2184), AL/RTW17 (PSLP_2185), AL/RTW21 (PSLP_2187), STR/SO1 (PSLP_2188), AL/SO1 (PSLP_2190), Strategic Sites (PSLP_2192), STR/SS1 (PSLP_2193), STR/SS2 (PSLP_2195), STR/SS3 (PSLP_2196), STR/PW1 (PSLP_2199), AL/PW1 (PSLP_2200), STR/CA1 (PSLP_2201), AL/CRS1 (PSLP_2202), AL/CRS2 (PSLP_2203), AL/CRS3 (PSLP_2204), AL/CRS4 (PSLP_2205), AL/CRS6 (PSLP_2206), AL/CRS7 (PSLP_2207), STR/HA1 (PSLP_2208), PSTR/BE1 (PSLP_2209), PSTR/BI 1 (PSLP_2210), PSTR/BM1 (PSLP_2211), PSTR/FR1 (PSLP_2212), PSTR/GO1 (PSLP_2213), PSTR/HO1 (PSLP_2214), AL/HO1 (PSLP_2215), PSTR/LA1 (PSLP_2216), AL/LA1 (PSLP_2217), PSTR/PE1 (PSLP_2218), AL/PE4 (PSLP_2219), PSTR/RU1 (PSLP_2220), PSTR/SA1 (PSLP_2221), AL/SA1 (PSLP_2222), PSTR/SP1 (PSLP_2223), EN1 (PSLP_2224), EN3 (PSLP_2225), EN4 (PSLP_2226), EN5 (PSLP_2227), EN8 (PSLP_2228), EN9 (PSLP_2229), EN10 (PSLP_2230), EN12 (PSLP_2231), EN13 (PSLP_2232), EN14 (PSLP_2233), EN18 (PSLP_2234), EN19 (PSLP_2235), EN20 (PSLP_2236), EN25 (PSLP_2237), EN26 (PSLP_2238), H1 (PSLP_2239), H3 (PSLP_2240), H7 (PSLP_2241), ED1 (PSLP_2242), ED2 (PSLP_2243), ED3 (PSLP_2244), ED4 (PSLP_2245), ED5 (PSLP_2246), ED6 (PSLP_2247), Town, Rural Service, Neighbourhood, and Village Centres (PSLP_2248), Policies TP1 (PSLP_2249), TP2 (PSLP_2250), TP3 (PSLP_2251), TP4 (PSLP_2252), TP5 (PSLP_2253), TP6 (PSLP_2254), OSSR1 (PSLP_2255), Appendix 4 (PSLP_2256) and Evidence Base (whole Plan) (PSLP_2257)

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

Question 5

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Public Rights of Way

The County Council requests that the policy includes reference to the need for appropriate development contributions to be made towards improvements to the PRow network to provide Active Travel opportunities in the area.

Question 6

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Question 7

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If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

Question 7a

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Future Notifications

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Yes, I wish to be notified of future stages of the Local Plan

Supporting Information File Ref No: SI_156

Comment

Consultee	Strategic Planning ([REDACTED])
Email Address	[REDACTED]
Company / Organisation	Kent County Council (Planning and Environment)
Address	Invicta House County Hall MAIDSTONE ME14 1XX
Event Name	Pre-Submission Local Plan
Comment by	Kent County Council (Planning and Environment) (Strategic Planning - [REDACTED])
Comment ID	PSLP_2217
Response Date	04/06/21 16:56
Consultation Point	Policy AL/LA 1 Land to the west of Spray Hill (View)
Status	Processed
Submission Type	Email
Version	0.4
Files	Kent County Council-full representation.pdf
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Kent County Council (Growth, Environment & Transport)
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy AL/LA 1 Land to the west of Spray Hill

[TWBC: see attached full representation, which has been input against the following: Section 1 (PSLP_2164), Section 2 (PSLP_2168), Section 3 (PSLP_2169), Policies STR1 (PSLP_2170), STR2

(PSLP_2171), STR4 (PSLP_2172), STR5 (PSLP_2174), STR7 (PSLP_2175), STR8 (PSLP_2176), Section 5 (PSLP_2177), Section 5: Royal Tunbridge Wells (PSLP_2178), Policies AL/RTW1 (PSLP_2180), AL/RTW5 (PSLP_2181), AL/RTW7 (PSLP_2183), AL/RTW14 (PSLP_2184), AL/RTW17 (PSLP_2185), AL/RTW21 (PSLP_2187), STR/SO1 (PSLP_2188), AL/SO1 (PSLP_2190), Strategic Sites (PSLP_2192), STR/SS1 (PSLP_2193), STR/SS2 (PSLP_2195), STR/SS3 (PSLP_2196), STR/PW1 (PSLP_2199), AL/PW1 (PSLP_2200), STR/CA1 (PSLP_2201), AL/CRS1 (PSLP_2202), AL/CRS2 (PSLP_2203), AL/CRS3 (PSLP_2204), AL/CRS4 (PSLP_2205), AL/CRS6 (PSLP_2206), AL/CRS7 (PSLP_2207), STR/HA1 (PSLP_2208), PSTR/BE1 (PSLP_2209), PSTR/BI 1 (PSLP_2210), PSTR/BM1 (PSLP_2211), PSTR/FR1 (PSLP_2212), PSTR/GO1 (PSLP_2213), PSTR/HO1 (PSLP_2214), AL/HO1 (PSLP_2215), PSTR/LA1 (PSLP_2216), AL/LA1 (PSLP_2217), PSTR/PE1 (PSLP_2218), AL/PE4 (PSLP_2219), PSTR/RU1 (PSLP_2220), PSTR/SA1 (PSLP_2221), AL/SA1 (PSLP_2222), PSTR/SP1 (PSLP_2223), EN1 (PSLP_2224), EN3 (PSLP_2225), EN4 (PSLP_2226), EN5 (PSLP_2227), EN8 (PSLP_2228), EN9 (PSLP_2229), EN10 (PSLP_2230), EN12 (PSLP_2231), EN13 (PSLP_2232), EN14 (PSLP_2233), EN18 (PSLP_2234), EN19 (PSLP_2235), EN20 (PSLP_2236), EN25 (PSLP_2237), EN26 (PSLP_2238), H1 (PSLP_2239), H3 (PSLP_2240), H7 (PSLP_2241), ED1 (PSLP_2242), ED2 (PSLP_2243), ED3 (PSLP_2244), ED4 (PSLP_2245), ED5 (PSLP_2246), ED6 (PSLP_2247), Town, Rural Service, Neighbourhood, and Village Centres (PSLP_2248), Policies TP1 (PSLP_2249), TP2 (PSLP_2250), TP3 (PSLP_2251), TP4 (PSLP_2252), TP5 (PSLP_2253), TP6 (PSLP_2254), OSSR1 (PSLP_2255), Appendix 4 (PSLP_2256) and Evidence Base (whole Plan) (PSLP_2257)

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

Question 5

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Public Rights of Way

The County Council requests direct reference to Public Footpath WT388.

Question 6

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Question 7

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Question 7a

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Supporting Information File Ref No: SI_156

Comment

Consultee	Strategic Planning ([REDACTED])
Email Address	[REDACTED]
Company / Organisation	Kent County Council (Planning and Environment)
Address	Invicta House County Hall MAIDSTONE ME14 1XX
Event Name	Pre-Submission Local Plan
Comment by	Kent County Council (Planning and Environment) (Strategic Planning - [REDACTED])
Comment ID	PSLP_2218
Response Date	04/06/21 16:56
Consultation Point	Policy PSTR/PE 1 The Strategy for Pembury parish (View)
Status	Processed
Submission Type	Email
Version	0.4
Files	Kent County Council-full representation.pdf
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Kent County Council (Growth, Environment & Transport)
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	Policy PSTR/PE 1 The Strategy for Pembury parish

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Question 4a

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Public Rights of Way

The County Council requests reference is made to the local PRoW opportunities that exist to ensure connectivity in the area and opportunities active travel.

Question 6

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Question 7a

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Supporting Information File Ref No: SI_156

Comment

Consultee	Strategic Planning ([REDACTED])
Email Address	[REDACTED]
Company / Organisation	Kent County Council (Planning and Environment)
Address	Invicta House County Hall MAIDSTONE ME14 1XX
Event Name	Pre-Submission Local Plan
Comment by	Kent County Council (Planning and Environment) (Strategic Planning - [REDACTED])
Comment ID	PSLP_2219
Response Date	04/06/21 16:56
Consultation Point	Policy AL/PE 4 Land at Downingbury Farm, Maidstone Road (View)
Status	Processed
Submission Type	Email
Version	0.4
Files	Kent County Council-full representation.pdf
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Kent County Council (Growth, Environment & Transport)
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy AL/PE 4 Land at Downingbury Farm, Maidstone Road

[TWBC: see attached full representation, which has been input against the following: Section 1 (PSLP_2164), Section 2 (PSLP_2168), Section 3 (PSLP_2169), Policies STR1 (PSLP_2170), STR2 (PSLP_2171), STR4 (PSLP_2172), STR5 (PSLP_2174), STR7 (PSLP_2175), STR8 (PSLP_2176), Section 5 (PSLP_2177), Section 5: Royal Tunbridge Wells (PSLP_2178), Policies AL/RTW1 (PSLP_2180), AL/RTW5 (PSLP_2181), AL/RTW7 (PSLP_2183), AL/RTW14 (PSLP_2184), AL/RTW17 (PSLP_2185), AL/RTW21 (PSLP_2187), STR/SO1 (PSLP_2188), AL/SO1 (PSLP_2190), Strategic Sites (PSLP_2192), STR/SS1 (PSLP_2193), STR/SS2 (PSLP_2195), STR/SS3 (PSLP_2196), STR/PW1 (PSLP_2199), AL/PW1 (PSLP_2200), STR/CA1 (PSLP_2201), AL/CRS1 (PSLP_2202), AL/CRS2 (PSLP_2203), AL/CRS3 (PSLP_2204), AL/CRS4 (PSLP_2205), AL/CRS6 (PSLP_2206), AL/CRS7 (PSLP_2207), STR/HA1 (PSLP_2208), PSTR/BE1 (PSLP_2209), PSTR/BI 1 (PSLP_2210), PSTR/BM1 (PSLP_2211), PSTR/FR1 (PSLP_2212), PSTR/GO1 (PSLP_2213), PSTR/HO1 (PSLP_2214), AL/HO1 (PSLP_2215), PSTR/LA1 (PSLP_2216), AL/LA1 (PSLP_2217), PSTR/PE1 (PSLP_2218), AL/PE4 (PSLP_2219), PSTR/RU1 (PSLP_2220), PSTR/SA1 (PSLP_2221), AL/SA1 (PSLP_2222), PSTR/SP1 (PSLP_2223), EN1 (PSLP_2224), EN3 (PSLP_2225), EN4 (PSLP_2226), EN5 (PSLP_2227), EN8 (PSLP_2228), EN9 (PSLP_2229), EN10 (PSLP_2230), EN12 (PSLP_2231), EN13 (PSLP_2232), EN14 (PSLP_2233), EN18 (PSLP_2234), EN19 (PSLP_2235), EN20 (PSLP_2236), EN25 (PSLP_2237), EN26 (PSLP_2238), H1 (PSLP_2239), H3 (PSLP_2240), H7 (PSLP_2241), ED1 (PSLP_2242), ED2 (PSLP_2243), ED3 (PSLP_2244), ED4 (PSLP_2245), ED5 (PSLP_2246), ED6 (PSLP_2247), Town, Rural Service, Neighbourhood, and Village Centres (PSLP_2248), Policies TP1 (PSLP_2249), TP2 (PSLP_2250), TP3 (PSLP_2251), TP4 (PSLP_2252), TP5 (PSLP_2253), TP6 (PSLP_2254), OSSR1 (PSLP_2255), Appendix 4 (PSLP_2256) and Evidence Base (whole Plan) (PSLP_2257)

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

Question 5

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

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The County Council has set out its full response to the consultation in the attached Appendix. Comments are linked to relevant policies where appropriate.

Public Rights of Way

The County Council requests direct reference to Public Footpaths WT218 and WT 217B.

Question 6

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Question 7

***Please note** the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.*

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

Question 7a

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Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:

Yes, I wish to be notified of future stages of the Local Plan

Supporting Information File Ref No: SI_156

Comment

Consultee	Strategic Planning ([REDACTED])
Email Address	[REDACTED]
Company / Organisation	Kent County Council (Planning and Environment)
Address	Invicta House County Hall MAIDSTONE ME14 1XX
Event Name	Pre-Submission Local Plan
Comment by	Kent County Council (Planning and Environment) (Strategic Planning - [REDACTED])
Comment ID	PSLP_2220
Response Date	04/06/21 16:56
Consultation Point	Policy PSTR/RU 1 The Strategy for Rusthall parish (View)
Status	Processed
Submission Type	Email
Version	0.4
Files	Kent County Council-full representation.pdf
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Kent County Council (Growth, Environment & Transport)
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	Policy PSTR/RU 1 The Strategy for Rusthall parish

[TWBC: see attached full representation, which has been input against the following: Section 1 (PSLP_2164), Section 2 (PSLP_2168), Section 3 (PSLP_2169), Policies STR1 (PSLP_2170), STR2 (PSLP_2171), STR4 (PSLP_2172), STR5 (PSLP_2174), STR7 (PSLP_2175), STR8 (PSLP_2176), Section 5 (PSLP_2177), Section 5: Royal Tunbridge Wells (PSLP_2178), Policies AL/RTW1 (PSLP_2180), AL/RTW5 (PSLP_2181), AL/RTW7 (PSLP_2183), AL/RTW14 (PSLP_2184), AL/RTW17 (PSLP_2185), AL/RTW21 (PSLP_2187), STR/SO1 (PSLP_2188), AL/SO1 (PSLP_2190), Strategic Sites (PSLP_2192), STR/SS1 (PSLP_2193), STR/SS2 (PSLP_2195), STR/SS3 (PSLP_2196), STR/PW1 (PSLP_2199), AL/PW1 (PSLP_2200), STR/CA1 (PSLP_2201), AL/CRS1 (PSLP_2202), AL/CRS2 (PSLP_2203), AL/CRS3 (PSLP_2204), AL/CRS4 (PSLP_2205), AL/CRS6 (PSLP_2206), AL/CRS7 (PSLP_2207), STR/HA1 (PSLP_2208), PSTR/BE1 (PSLP_2209), PSTR/BI 1 (PSLP_2210), PSTR/BM1 (PSLP_2211), PSTR/FR1 (PSLP_2212), PSTR/GO1 (PSLP_2213), PSTR/HO1 (PSLP_2214), AL/HO1 (PSLP_2215), PSTR/LA1 (PSLP_2216), AL/LA1 (PSLP_2217), PSTR/PE1 (PSLP_2218), AL/PE4 (PSLP_2219), PSTR/RU1 (PSLP_2220), PSTR/SA1 (PSLP_2221), AL/SA1 (PSLP_2222), PSTR/SP1 (PSLP_2223), EN1 (PSLP_2224), EN3 (PSLP_2225), EN4 (PSLP_2226), EN5 (PSLP_2227), EN8 (PSLP_2228), EN9 (PSLP_2229), EN10 (PSLP_2230), EN12 (PSLP_2231), EN13 (PSLP_2232), EN14 (PSLP_2233), EN18 (PSLP_2234), EN19 (PSLP_2235), EN20 (PSLP_2236), EN25 (PSLP_2237), EN26 (PSLP_2238), H1 (PSLP_2239), H3 (PSLP_2240), H7 (PSLP_2241), ED1 (PSLP_2242), ED2 (PSLP_2243), ED3 (PSLP_2244), ED4 (PSLP_2245), ED5 (PSLP_2246), ED6 (PSLP_2247), Town, Rural Service, Neighbourhood, and Village Centres (PSLP_2248), Policies TP1 (PSLP_2249), TP2 (PSLP_2250), TP3 (PSLP_2251), TP4 (PSLP_2252), TP5 (PSLP_2253), TP6 (PSLP_2254), OSSR1 (PSLP_2255), Appendix 4 (PSLP_2256) and Evidence Base (whole Plan) (PSLP_2257)

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

Question 5

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Public Rights of Way

The County Council requests that the policy includes reference to the need for appropriate development contributions to be made towards improvements to the PRow network to provide Active Travel opportunities in the area.

Question 6

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Question 7a

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Yes, I wish to be notified of future stages of the Local Plan

Supporting Information File Ref No: SI_156

Comment

Consultee	Strategic Planning ([REDACTED])
Email Address	[REDACTED]
Company / Organisation	Kent County Council (Planning and Environment)
Address	Invicta House County Hall MAIDSTONE ME14 1XX
Event Name	Pre-Submission Local Plan
Comment by	Kent County Council (Planning and Environment) (Strategic Planning - [REDACTED])
Comment ID	PSLP_2221
Response Date	04/06/21 16:56
Consultation Point	Policy PSTR/SA 1 The Strategy for Sandhurst parish (View)
Status	Processed
Submission Type	Email
Version	0.4
Files	Kent County Council-full representation.pdf
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Kent County Council (Growth, Environment & Transport)
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	Policy PSTR/SA 1 The Strategy for Sandhurst parish

[TWBC: see attached full representation, which has been input against the following: Section 1 (PSLP_2164), Section 2 (PSLP_2168), Section 3 (PSLP_2169), Policies STR1 (PSLP_2170), STR2 (PSLP_2171), STR4 (PSLP_2172), STR5 (PSLP_2174), STR7 (PSLP_2175), STR8 (PSLP_2176), Section 5 (PSLP_2177), Section 5: Royal Tunbridge Wells (PSLP_2178), Policies AL/RTW1 (PSLP_2180), AL/RTW5 (PSLP_2181), AL/RTW7 (PSLP_2183), AL/RTW14 (PSLP_2184), AL/RTW17 (PSLP_2185), AL/RTW21 (PSLP_2187), STR/SO1 (PSLP_2188), AL/SO1 (PSLP_2190), Strategic Sites (PSLP_2192), STR/SS1 (PSLP_2193), STR/SS2 (PSLP_2195), STR/SS3 (PSLP_2196), STR/PW1 (PSLP_2199), AL/PW1 (PSLP_2200), STR/CA1 (PSLP_2201), AL/CRS1 (PSLP_2202), AL/CRS2 (PSLP_2203), AL/CRS3 (PSLP_2204), AL/CRS4 (PSLP_2205), AL/CRS6 (PSLP_2206), AL/CRS7 (PSLP_2207), STR/HA1 (PSLP_2208), PSTR/BE1 (PSLP_2209), PSTR/BI 1 (PSLP_2210), PSTR/BM1 (PSLP_2211), PSTR/FR1 (PSLP_2212), PSTR/GO1 (PSLP_2213), PSTR/HO1 (PSLP_2214), AL/HO1 (PSLP_2215), PSTR/LA1 (PSLP_2216), AL/LA1 (PSLP_2217), PSTR/PE1 (PSLP_2218), AL/PE4 (PSLP_2219), PSTR/RU1 (PSLP_2220), PSTR/SA1 (PSLP_2221), AL/SA1 (PSLP_2222), PSTR/SP1 (PSLP_2223), EN1 (PSLP_2224), EN3 (PSLP_2225), EN4 (PSLP_2226), EN5 (PSLP_2227), EN8 (PSLP_2228), EN9 (PSLP_2229), EN10 (PSLP_2230), EN12 (PSLP_2231), EN13 (PSLP_2232), EN14 (PSLP_2233), EN18 (PSLP_2234), EN19 (PSLP_2235), EN20 (PSLP_2236), EN25 (PSLP_2237), EN26 (PSLP_2238), H1 (PSLP_2239), H3 (PSLP_2240), H7 (PSLP_2241), ED1 (PSLP_2242), ED2 (PSLP_2243), ED3 (PSLP_2244), ED4 (PSLP_2245), ED5 (PSLP_2246), ED6 (PSLP_2247), Town, Rural Service, Neighbourhood, and Village Centres (PSLP_2248), Policies TP1 (PSLP_2249), TP2 (PSLP_2250), TP3 (PSLP_2251), TP4 (PSLP_2252), TP5 (PSLP_2253), TP6 (PSLP_2254), OSSR1 (PSLP_2255), Appendix 4 (PSLP_2256) and Evidence Base (whole Plan) (PSLP_2257)

Question 4a

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Question 5

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Public Rights of Way

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Question 6

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Question 7

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Question 7a

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Supporting Information File Ref No: SI_156

Comment

Consultee	Strategic Planning ([REDACTED])
Email Address	[REDACTED]
Company / Organisation	Kent County Council (Planning and Environment)
Address	Invicta House County Hall MAIDSTONE ME14 1XX
Event Name	Pre-Submission Local Plan
Comment by	Kent County Council (Planning and Environment) (Strategic Planning - [REDACTED])
Comment ID	PSLP_2222
Response Date	04/06/21 16:56
Consultation Point	Policy AL/SA 1 Land on the south side of Sayville, Rye Road and west of Marsh Quarter Lane, Sandhurst (View)
Status	Processed
Submission Type	Email
Version	0.4
Files	Kent County Council-full representation.pdf
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Kent County Council (Growth, Environment & Transport)
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	Policy AL/SA 1 Land on the south side of Sayville, Rye Road and west of Marsh Quarter Lane, Sandhurst

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Question 4a

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Public Rights of Way

The County Council requests direct reference to Public Footpath WC295 that runs through site and the need for improvements to link to the wider network. Improvements are required to Public Footpath WC297 to provide an active travel link to local facilities.

Question 6

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Question 7a

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Comment by	Kent County Council (Planning and Environment) (Strategic Planning - [REDACTED])
Comment ID	PSLP_2223
Response Date	04/06/21 16:56
Consultation Point	Policy PSTR/SP 1 The Strategy for Speldhurst parish (View)
Status	Processed
Submission Type	Email
Version	0.4
Files	Kent County Council-full representation.pdf
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Question 1	
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Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	Policy PSTR/SP 1 The Strategy for Speldhurst parish

[TWBC: see attached full representation, which has been input against the following: Section 1 (PSLP_2164), Section 2 (PSLP_2168), Section 3 (PSLP_2169), Policies STR1 (PSLP_2170), STR2 (PSLP_2171), STR4 (PSLP_2172), STR5 (PSLP_2174), STR7 (PSLP_2175), STR8 (PSLP_2176), Section 5 (PSLP_2177), Section 5: Royal Tunbridge Wells (PSLP_2178), Policies AL/RTW1 (PSLP_2180), AL/RTW5 (PSLP_2181), AL/RTW7 (PSLP_2183), AL/RTW14 (PSLP_2184), AL/RTW17 (PSLP_2185), AL/RTW21 (PSLP_2187), STR/SO1 (PSLP_2188), AL/SO1 (PSLP_2190), Strategic Sites (PSLP_2192), STR/SS1 (PSLP_2193), STR/SS2 (PSLP_2195), STR/SS3 (PSLP_2196), STR/PW1 (PSLP_2199), AL/PW1 (PSLP_2200), STR/CA1 (PSLP_2201), AL/CRS1 (PSLP_2202), AL/CRS2 (PSLP_2203), AL/CRS3 (PSLP_2204), AL/CRS4 (PSLP_2205), AL/CRS6 (PSLP_2206), AL/CRS7 (PSLP_2207), STR/HA1 (PSLP_2208), PSTR/BE1 (PSLP_2209), PSTR/BI 1 (PSLP_2210), PSTR/BM1 (PSLP_2211), PSTR/FR1 (PSLP_2212), PSTR/GO1 (PSLP_2213), PSTR/HO1 (PSLP_2214), AL/HO1 (PSLP_2215), PSTR/LA1 (PSLP_2216), AL/LA1 (PSLP_2217), PSTR/PE1 (PSLP_2218), AL/PE4 (PSLP_2219), PSTR/RU1 (PSLP_2220), PSTR/SA1 (PSLP_2221), AL/SA1 (PSLP_2222), PSTR/SP1 (PSLP_2223), EN1 (PSLP_2224), EN3 (PSLP_2225), EN4 (PSLP_2226), EN5 (PSLP_2227), EN8 (PSLP_2228), EN9 (PSLP_2229), EN10 (PSLP_2230), EN12 (PSLP_2231), EN13 (PSLP_2232), EN14 (PSLP_2233), EN18 (PSLP_2234), EN19 (PSLP_2235), EN20 (PSLP_2236), EN25 (PSLP_2237), EN26 (PSLP_2238), H1 (PSLP_2239), H3 (PSLP_2240), H7 (PSLP_2241), ED1 (PSLP_2242), ED2 (PSLP_2243), ED3 (PSLP_2244), ED4 (PSLP_2245), ED5 (PSLP_2246), ED6 (PSLP_2247), Town, Rural Service, Neighbourhood, and Village Centres (PSLP_2248), Policies TP1 (PSLP_2249), TP2 (PSLP_2250), TP3 (PSLP_2251), TP4 (PSLP_2252), TP5 (PSLP_2253), TP6 (PSLP_2254), OSSR1 (PSLP_2255), Appendix 4 (PSLP_2256) and Evidence Base (whole Plan) (PSLP_2257)

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

Question 5

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Public Rights of Way

The County Council requests that the policy includes reference to the need for appropriate development contributions to be made towards improvements to the PRow network to provide Active Travel opportunities in the area.

Question 6

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Question 7

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Question 7a

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Yes, I wish to be notified of future stages of the Local Plan

Supporting Information File Ref No: SI_156

Comment

Consultee	Strategic Planning ([REDACTED])
Email Address	[REDACTED]
Company / Organisation	Kent County Council (Planning and Environment)
Address	Invicta House County Hall MAIDSTONE ME14 1XX
Event Name	Pre-Submission Local Plan
Comment by	Kent County Council (Planning and Environment) (Strategic Planning - [REDACTED])
Comment ID	PSLP_2224
Response Date	04/06/21 16:56
Consultation Point	Policy EN 1 Sustainable Design (View)
Status	Processed
Submission Type	Email
Version	0.4
Files	Kent County Council-full representation.pdf
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Kent County Council (Growth, Environment & Transport)
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

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Policy EN 1 Sustainable Design

[TWBC: see attached full representation, which has been input against the following: Section 1 (PSLP_2164), Section 2 (PSLP_2168), Section 3 (PSLP_2169), Policies STR1 (PSLP_2170), STR2

(PSLP_2171), STR4 (PSLP_2172), STR5 (PSLP_2174), STR7 (PSLP_2175), STR8 (PSLP_2176), Section 5 (PSLP_2177), Section 5: Royal Tunbridge Wells (PSLP_2178), Policies AL/RTW1 (PSLP_2180), AL/RTW5 (PSLP_2181), AL/RTW7 (PSLP_2183), AL/RTW14 (PSLP_2184), AL/RTW17 (PSLP_2185), AL/RTW21 (PSLP_2187), STR/SO1 (PSLP_2188), AL/SO1 (PSLP_2190), Strategic Sites (PSLP_2192), STR/SS1 (PSLP_2193), STR/SS2 (PSLP_2195), STR/SS3 (PSLP_2196), STR/PW1 (PSLP_2199), AL/PW1 (PSLP_2200), STR/CA1 (PSLP_2201), AL/CRS1 (PSLP_2202), AL/CRS2 (PSLP_2203), AL/CRS3 (PSLP_2204), AL/CRS4 (PSLP_2205), AL/CRS6 (PSLP_2206), AL/CRS7 (PSLP_2207), STR/HA1 (PSLP_2208), PSTR/BE1 (PSLP_2209), PSTR/BI 1 (PSLP_2210), PSTR/BM1 (PSLP_2211), PSTR/FR1 (PSLP_2212), PSTR/GO1 (PSLP_2213), PSTR/HO1 (PSLP_2214), AL/HO1 (PSLP_2215), PSTR/LA1 (PSLP_2216), AL/LA1 (PSLP_2217), PSTR/PE1 (PSLP_2218), AL/PE4 (PSLP_2219), PSTR/RU1 (PSLP_2220), PSTR/SA1 (PSLP_2221), AL/SA1 (PSLP_2222), PSTR/SP1 (PSLP_2223), EN1 (PSLP_2224), EN3 (PSLP_2225), EN4 (PSLP_2226), EN5 (PSLP_2227), EN8 (PSLP_2228), EN9 (PSLP_2229), EN10 (PSLP_2230), EN12 (PSLP_2231), EN13 (PSLP_2232), EN14 (PSLP_2233), EN18 (PSLP_2234), EN19 (PSLP_2235), EN20 (PSLP_2236), EN25 (PSLP_2237), EN26 (PSLP_2238), H1 (PSLP_2239), H3 (PSLP_2240), H7 (PSLP_2241), ED1 (PSLP_2242), ED2 (PSLP_2243), ED3 (PSLP_2244), ED4 (PSLP_2245), ED5 (PSLP_2246), ED6 (PSLP_2247), Town, Rural Service, Neighbourhood, and Village Centres (PSLP_2248), Policies TP1 (PSLP_2249), TP2 (PSLP_2250), TP3 (PSLP_2251), TP4 (PSLP_2252), TP5 (PSLP_2253), TP6 (PSLP_2254), OSSR1 (PSLP_2255), Appendix 4 (PSLP_2256) and Evidence Base (whole Plan) (PSLP_2257)

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Sustainable Business and Communities

The County Council supports the sustainable design criteria outlined within this policy. KCC requests consideration of whether there would be ground to consider if it would be viable and reasonable for the requirement for a Construction Environmental Management Plan to be extended to all developments - not just those over 20 units or 2,000sqm floorspace.

Furthermore, the County Council would encourage the inclusion of policy/guidance on the use of carbon offset, and to state whether or not developers can use offsetting to deliver emission reduction targets.

1. Design, character and site context

Broadband

The County Council supports the need for proposals to include infrastructure that meets the need of modern communication and technology.

4. Landscape, trees, and amenity / 5. Biodiversity and geodiversity

Biodiversity

The County Council requests consideration of native species planting. In an ecological context, one of the most positive landscape contributions of any development is to include native plant species only. Many native insects (c.10,000 species) will require native species in which to complete their lifecycle (with non-natives unable to provide this function).

Section 5 also states “Proposals should identify and not undermine the value of ecosystem services that the site provides”. The County Council is supportive of this in principle, though KCC would question how development proposals can practically and definitively assess a site’s capacity to provide various ecosystem services.

6. Residential Amenity

Given the anticipated impact from COVID-19 of increased home working as a permanent adjustment to people’s working lives, the County Council recommends consideration of how to ensure safe and reasonable home working areas. Ensuring that suitable spaces for home working are designed into new development will have positive benefits by boosting the resilience in this area of the local workforce and their ability to continue working and to learn.

High quality design should also be accessible, taking into account the varying needs of the evolving community, which includes providing diverse housing types, such as extra care housing, that is flexible and responsive to changing needs. The County Council recommends that this should include consideration of dementia friendly design within the Local Plan. Small design changes to housing and infrastructure can help someone living with dementia to be more independent by providing a home and environment that is clearly defined, easy to navigate, and feels safe.

Sustainable Urban Drainage Systems

The County Council notes that the Local Plan makes reference to many design elements that will provide multiple benefits and makes note specifically of green roofs. Green roofs are drainage measures that can control runoff from roof areas for small storm events, which comprise the majority of UK’s rainfall. Unfortunately, as a design element and part of the building fabric, it is difficult for Kent as Lead Local Flood Authority to influence planning at early stages for their inclusion, so they must be considered as part of the design code for an area.

The County Council would encourage the promotion of green roofs in planning guidance for appropriate developments and recommends that they are included in design codes or supplementary planning documents for strategic sites, especially in relation to large commercial buildings, logistic hubs and public buildings. This policy also includes the requirements for preparation of a Construction Environmental Management Plan (CEMP). Recently, KCC has experienced a number of queries from concerned residents in relation to the control of erosion and silt deposition from construction sites. KCC would recommend that the importance of erosion and silt control is also included in the detail of a site’s CEMP.

Question 6

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Question 7a

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Supporting Information File Ref No: SI_156

Comment

Consultee	Strategic Planning ([REDACTED])
Email Address	[REDACTED]
Company / Organisation	Kent County Council (Planning and Environment)
Address	Invicta House County Hall MAIDSTONE ME14 1XX
Event Name	Pre-Submission Local Plan
Comment by	Kent County Council (Planning and Environment) (Strategic Planning - [REDACTED])
Comment ID	PSLP_2225
Response Date	04/06/21 16:56
Consultation Point	Policy EN 3 Climate Change Mitigation and Adaptation (View)
Status	Processed
Submission Type	Email
Version	0.4
Files	Kent County Council-full representation.pdf
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Kent County Council (Growth, Environment & Transport)
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
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Question 4a

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Sustainable Business and Communities

This policy includes a section on energy reduction in new buildings, calling for a "A 'fabric first' approach in which all development comprising the construction of new buildings is required to reduce operational CO2 emissions by at least 10% below the Target Emission Rate (TER), as set out in Building Regulations Part L (2013)". The Future Buildings Standards, due to come into force in 2021, will introduce an uplift to Part L of 31%, which will mean Policy EN3 will be superseded.

This policy also includes requirements to address climate change adaptation. KCC welcomes this inclusion and would recommend that the policy references the Kent Climate Change Risk and Impact Assessment, which will help ensure developments understand more localised future risks from climate change.

Question 6

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Address	Invicta House County Hall MAIDSTONE ME14 1XX
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Comment by	Kent County Council (Planning and Environment) (Strategic Planning - [REDACTED])
Comment ID	PSLP_2226
Response Date	04/06/21 16:56
Consultation Point	Policy EN 4 Historic Environment (View)
Status	Processed
Submission Type	Email
Version	0.4
Files	Kent County Council-full representation.pdf
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Kent County Council (Growth, Environment & Transport)
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

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Policy EN 4 Historic Environment

[TWBC: see attached full representation, which has been input against the following: Section 1 (PSLP_2164), Section 2 (PSLP_2168), Section 3 (PSLP_2169), Policies STR1 (PSLP_2170), STR2

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Heritage Conservation

The County Council is supportive of these policies. The Borough Council has held extensive discussions with KCC during the development of the historic environment policies and have included commentary in the revised policy proposals and supporting text. The policies also build on a Heritage Strategy and relevant Supplementary Planning Documents (SPD) (Local List of Heritage Assets and Historic Farmsteads).

Question 6

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Supporting Information File Ref No: SI_156

Comment

Consultee	Strategic Planning ([REDACTED])
Email Address	[REDACTED]
Company / Organisation	Kent County Council (Planning and Environment)
Address	Invicta House County Hall MAIDSTONE ME14 1XX
Event Name	Pre-Submission Local Plan
Comment by	Kent County Council (Planning and Environment) (Strategic Planning - [REDACTED])
Comment ID	PSLP_2227
Response Date	04/06/21 16:56
Consultation Point	Policy EN 5 Heritage Assets (View)
Status	Processed
Submission Type	Email
Version	0.4
Files	Kent County Council-full representation.pdf
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Kent County Council (Growth, Environment & Transport)
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy EN 5 Heritage Assets

[TWBC: see attached full representation, which has been input against the following: Section 1 (PSLP_2164), Section 2 (PSLP_2168), Section 3 (PSLP_2169), Policies STR1 (PSLP_2170), STR2

(PSLP_2171), STR4 (PSLP_2172), STR5 (PSLP_2174), STR7 (PSLP_2175), STR8 (PSLP_2176), Section 5 (PSLP_2177), Section 5: Royal Tunbridge Wells (PSLP_2178), Policies AL/RTW1 (PSLP_2180), AL/RTW5 (PSLP_2181), AL/RTW7 (PSLP_2183), AL/RTW14 (PSLP_2184), AL/RTW17 (PSLP_2185), AL/RTW21 (PSLP_2187), STR/SO1 (PSLP_2188), AL/SO1 (PSLP_2190), Strategic Sites (PSLP_2192), STR/SS1 (PSLP_2193), STR/SS2 (PSLP_2195), STR/SS3 (PSLP_2196), STR/PW1 (PSLP_2199), AL/PW1 (PSLP_2200), STR/CA1 (PSLP_2201), AL/CRS1 (PSLP_2202), AL/CRS2 (PSLP_2203), AL/CRS3 (PSLP_2204), AL/CRS4 (PSLP_2205), AL/CRS6 (PSLP_2206), AL/CRS7 (PSLP_2207), STR/HA1 (PSLP_2208), PSTR/BE1 (PSLP_2209), PSTR/BI 1 (PSLP_2210), PSTR/BM1 (PSLP_2211), PSTR/FR1 (PSLP_2212), PSTR/GO1 (PSLP_2213), PSTR/HO1 (PSLP_2214), AL/HO1 (PSLP_2215), PSTR/LA1 (PSLP_2216), AL/LA1 (PSLP_2217), PSTR/PE1 (PSLP_2218), AL/PE4 (PSLP_2219), PSTR/RU1 (PSLP_2220), PSTR/SA1 (PSLP_2221), AL/SA1 (PSLP_2222), PSTR/SP1 (PSLP_2223), EN1 (PSLP_2224), EN3 (PSLP_2225), EN4 (PSLP_2226), EN5 (PSLP_2227), EN8 (PSLP_2228), EN9 (PSLP_2229), EN10 (PSLP_2230), EN12 (PSLP_2231), EN13 (PSLP_2232), EN14 (PSLP_2233), EN18 (PSLP_2234), EN19 (PSLP_2235), EN20 (PSLP_2236), EN25 (PSLP_2237), EN26 (PSLP_2238), H1 (PSLP_2239), H3 (PSLP_2240), H7 (PSLP_2241), ED1 (PSLP_2242), ED2 (PSLP_2243), ED3 (PSLP_2244), ED4 (PSLP_2245), ED5 (PSLP_2246), ED6 (PSLP_2247), Town, Rural Service, Neighbourhood, and Village Centres (PSLP_2248), Policies TP1 (PSLP_2249), TP2 (PSLP_2250), TP3 (PSLP_2251), TP4 (PSLP_2252), TP5 (PSLP_2253), TP6 (PSLP_2254), OSSR1 (PSLP_2255), Appendix 4 (PSLP_2256) and Evidence Base (whole Plan) (PSLP_2257)

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

Question 5

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Heritage Conservation

The County Council is supportive of these policies. The Borough Council has held extensive discussions with KCC during the development of the historic environment policies and have included commentary in the revised policy proposals and supporting text. The policies also build on a Heritage Strategy and relevant Supplementary Planning Documents (SPD) (Local List of Heritage Assets and Historic Farmsteads).

Question 6

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Question 7

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Event Name	Pre-Submission Local Plan
Comment by	Kent County Council (Planning and Environment) (Strategic Planning - [REDACTED])
Comment ID	PSLP_2228
Response Date	04/06/21 16:56
Consultation Point	Policy EN 8 Outdoor Lighting and Dark Skies (View)
Status	Processed
Submission Type	Email
Version	0.5
Files	Kent County Council-full representation.pdf
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Kent County Council (Growth, Environment & Transport)
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

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Policy EN 8 Outdoor Lighting and Dark Skies

[TWBC: see attached full representation, which has been input against the following: Section 1 (PSLP_2164), Section 2 (PSLP_2168), Section 3 (PSLP_2169), Policies STR1 (PSLP_2170), STR2

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Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

Question 5

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Biodiversity

The County Council is supportive of the references to dark skies/light pollution in relation to wildlife within this policy.

Question 6

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Question 7

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Question 7a

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Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:

Yes, I wish to be notified of future stages of the Local Plan

Supporting Information File Ref No: SI_156

Comment

Consultee	Strategic Planning ([REDACTED])
Email Address	[REDACTED]
Company / Organisation	Kent County Council (Planning and Environment)
Address	Invicta House County Hall MAIDSTONE ME14 1XX
Event Name	Pre-Submission Local Plan
Comment by	Kent County Council (Planning and Environment) (Strategic Planning - [REDACTED])
Comment ID	PSLP_2229
Response Date	04/06/21 16:56
Consultation Point	Policy EN 9 Biodiversity Net Gain (View)
Status	Processed
Submission Type	Email
Version	0.4
Files	Kent County Council-full representation.pdf
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Kent County Council (Growth, Environment & Transport)
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy EN 9 Biodiversity Net Gain

[TWBC: see attached full representation, which has been input against the following: Section 1 (PSLP_2164), Section 2 (PSLP_2168), Section 3 (PSLP_2169), Policies STR1 (PSLP_2170), STR2

(PSLP_2171), STR4 (PSLP_2172), STR5 (PSLP_2174), STR7 (PSLP_2175), STR8 (PSLP_2176), Section 5 (PSLP_2177), Section 5: Royal Tunbridge Wells (PSLP_2178), Policies AL/RTW1 (PSLP_2180), AL/RTW5 (PSLP_2181), AL/RTW7 (PSLP_2183), AL/RTW14 (PSLP_2184), AL/RTW17 (PSLP_2185), AL/RTW21 (PSLP_2187), STR/SO1 (PSLP_2188), AL/SO1 (PSLP_2190), Strategic Sites (PSLP_2192), STR/SS1 (PSLP_2193), STR/SS2 (PSLP_2195), STR/SS3 (PSLP_2196), STR/PW1 (PSLP_2199), AL/PW1 (PSLP_2200), STR/CA1 (PSLP_2201), AL/CRS1 (PSLP_2202), AL/CRS2 (PSLP_2203), AL/CRS3 (PSLP_2204), AL/CRS4 (PSLP_2205), AL/CRS6 (PSLP_2206), AL/CRS7 (PSLP_2207), STR/HA1 (PSLP_2208), PSTR/BE1 (PSLP_2209), PSTR/BI 1 (PSLP_2210), PSTR/BM1 (PSLP_2211), PSTR/FR1 (PSLP_2212), PSTR/GO1 (PSLP_2213), PSTR/HO1 (PSLP_2214), AL/HO1 (PSLP_2215), PSTR/LA1 (PSLP_2216), AL/LA1 (PSLP_2217), PSTR/PE1 (PSLP_2218), AL/PE4 (PSLP_2219), PSTR/RU1 (PSLP_2220), PSTR/SA1 (PSLP_2221), AL/SA1 (PSLP_2222), PSTR/SP1 (PSLP_2223), EN1 (PSLP_2224), EN3 (PSLP_2225), EN4 (PSLP_2226), EN5 (PSLP_2227), EN8 (PSLP_2228), EN9 (PSLP_2229), EN10 (PSLP_2230), EN12 (PSLP_2231), EN13 (PSLP_2232), EN14 (PSLP_2233), EN18 (PSLP_2234), EN19 (PSLP_2235), EN20 (PSLP_2236), EN25 (PSLP_2237), EN26 (PSLP_2238), H1 (PSLP_2239), H3 (PSLP_2240), H7 (PSLP_2241), ED1 (PSLP_2242), ED2 (PSLP_2243), ED3 (PSLP_2244), ED4 (PSLP_2245), ED5 (PSLP_2246), ED6 (PSLP_2247), Town, Rural Service, Neighbourhood, and Village Centres (PSLP_2248), Policies TP1 (PSLP_2249), TP2 (PSLP_2250), TP3 (PSLP_2251), TP4 (PSLP_2252), TP5 (PSLP_2253), TP6 (PSLP_2254), OSSR1 (PSLP_2255), Appendix 4 (PSLP_2256) and Evidence Base (whole Plan) (PSLP_2257)

Question 4a

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Biodiversity

The County Council considers that this policy is of vital importance for biodiversity/and ecology, denoting that applications must demonstrate a net-gain in biodiversity can be achieved. The policy includes all the necessary information linked to achieving and maintaining, biodiversity net-gain.

Importantly, all the site-specific policies caveat that Policy EN 9 must be referred to, ensuring an ecological baseline is undertaken and demonstrable net-gain proposals are provided.

The County Council recommends reference to Kent's Plan Bee, a pollinator action plan developed by the County Council that seeks to improve the food sources and general habitat for pollinators.

Question 6

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Question 7a

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Address	Invicta House County Hall MAIDSTONE ME14 1XX
Event Name	Pre-Submission Local Plan
Comment by	Kent County Council (Planning and Environment) (Strategic Planning - [REDACTED])
Comment ID	PSLP_2230
Response Date	04/06/21 16:56
Consultation Point	Policy EN 10 Protection of designated sites and Habitats (View)
Status	Processed
Submission Type	Email
Version	0.4
Files	Kent County Council-full representation.pdf
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Kent County Council (Growth, Environment & Transport)
Question 3	
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Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	Policy EN 10 Protection of designated sites and Habitats

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Question 4a

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Biodiversity

The wording of this policy adequately accounts for all statutory and non-statutory designated sites. These sites have been defined and identified within the Local Plan. The County Council is therefore supportive of this policy.

Question 6

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Address	Invicta House County Hall MAIDSTONE ME14 1XX
Event Name	Pre-Submission Local Plan
Comment by	Kent County Council (Planning and Environment) (Strategic Planning - [REDACTED])
Comment ID	PSLP_2231
Response Date	04/06/21 16:56
Consultation Point	Policy EN 12 Trees, Woodland, Hedges, and Development (View)
Status	Processed
Submission Type	Email
Version	0.4
Files	Kent County Council-full representation.pdf
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Kent County Council (Growth, Environment & Transport)
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	Policy EN 12 Trees, Woodland, Hedges, and Development

[TWBC: see attached full representation, which has been input against the following: Section 1 (PSLP_2164), Section 2 (PSLP_2168), Section 3 (PSLP_2169), Policies STR1 (PSLP_2170), STR2 (PSLP_2171), STR4 (PSLP_2172), STR5 (PSLP_2174), STR7 (PSLP_2175), STR8 (PSLP_2176), Section 5 (PSLP_2177), Section 5: Royal Tunbridge Wells (PSLP_2178), Policies AL/RTW1 (PSLP_2180), AL/RTW5 (PSLP_2181), AL/RTW7 (PSLP_2183), AL/RTW14 (PSLP_2184), AL/RTW17 (PSLP_2185), AL/RTW21 (PSLP_2187), STR/SO1 (PSLP_2188), AL/SO1 (PSLP_2190), Strategic Sites (PSLP_2192), STR/SS1 (PSLP_2193), STR/SS2 (PSLP_2195), STR/SS3 (PSLP_2196), STR/PW1 (PSLP_2199), AL/PW1 (PSLP_2200), STR/CA1 (PSLP_2201), AL/CRS1 (PSLP_2202), AL/CRS2 (PSLP_2203), AL/CRS3 (PSLP_2204), AL/CRS4 (PSLP_2205), AL/CRS6 (PSLP_2206), AL/CRS7 (PSLP_2207), STR/HA1 (PSLP_2208), PSTR/BE1 (PSLP_2209), PSTR/BI 1 (PSLP_2210), PSTR/BM1 (PSLP_2211), PSTR/FR1 (PSLP_2212), PSTR/GO1 (PSLP_2213), PSTR/HO1 (PSLP_2214), AL/HO1 (PSLP_2215), PSTR/LA1 (PSLP_2216), AL/LA1 (PSLP_2217), PSTR/PE1 (PSLP_2218), AL/PE4 (PSLP_2219), PSTR/RU1 (PSLP_2220), PSTR/SA1 (PSLP_2221), AL/SA1 (PSLP_2222), PSTR/SP1 (PSLP_2223), EN1 (PSLP_2224), EN3 (PSLP_2225), EN4 (PSLP_2226), EN5 (PSLP_2227), EN8 (PSLP_2228), EN9 (PSLP_2229), EN10 (PSLP_2230), EN12 (PSLP_2231), EN13 (PSLP_2232), EN14 (PSLP_2233), EN18 (PSLP_2234), EN19 (PSLP_2235), EN20 (PSLP_2236), EN25 (PSLP_2237), EN26 (PSLP_2238), H1 (PSLP_2239), H3 (PSLP_2240), H7 (PSLP_2241), ED1 (PSLP_2242), ED2 (PSLP_2243), ED3 (PSLP_2244), ED4 (PSLP_2245), ED5 (PSLP_2246), ED6 (PSLP_2247), Town, Rural Service, Neighbourhood, and Village Centres (PSLP_2248), Policies TP1 (PSLP_2249), TP2 (PSLP_2250), TP3 (PSLP_2251), TP4 (PSLP_2252), TP5 (PSLP_2253), TP6 (PSLP_2254), OSSR1 (PSLP_2255), Appendix 4 (PSLP_2256) and Evidence Base (whole Plan) (PSLP_2257)

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

Question 5

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

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The County Council has set out its full response to the consultation in the attached Appendix. Comments are linked to relevant policies where appropriate.

Biodiversity

The County Council is supportive of these policies and the wording adequately accounts for trees, woodland and hedges.

Question 6

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Question 7

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Question 7a

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Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:

Yes, I wish to be notified of future stages of the Local Plan

Supporting Information File Ref No: SI_156

Comment

Consultee	Strategic Planning ([REDACTED])
Email Address	[REDACTED]
Company / Organisation	Kent County Council (Planning and Environment)
Address	Invicta House County Hall MAIDSTONE ME14 1XX
Event Name	Pre-Submission Local Plan
Comment by	Kent County Council (Planning and Environment) (Strategic Planning - [REDACTED])
Comment ID	PSLP_2232
Response Date	04/06/21 16:56
Consultation Point	Policy EN 13 Ancient Woodland and Veteran Trees (View)
Status	Processed
Submission Type	Email
Version	0.4
Files	Kent County Council-full representation.pdf
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Kent County Council (Growth, Environment & Transport)
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	Policy EN 13 Ancient Woodland and Veteran Trees

[TWBC: see attached full representation, which has been input against the following: Section 1 (PSLP_2164), Section 2 (PSLP_2168), Section 3 (PSLP_2169), Policies STR1 (PSLP_2170), STR2 (PSLP_2171), STR4 (PSLP_2172), STR5 (PSLP_2174), STR7 (PSLP_2175), STR8 (PSLP_2176), Section 5 (PSLP_2177), Section 5: Royal Tunbridge Wells (PSLP_2178), Policies AL/RTW1 (PSLP_2180), AL/RTW5 (PSLP_2181), AL/RTW7 (PSLP_2183), AL/RTW14 (PSLP_2184), AL/RTW17 (PSLP_2185), AL/RTW21 (PSLP_2187), STR/SO1 (PSLP_2188), AL/SO1 (PSLP_2190), Strategic Sites (PSLP_2192), STR/SS1 (PSLP_2193), STR/SS2 (PSLP_2195), STR/SS3 (PSLP_2196), STR/PW1 (PSLP_2199), AL/PW1 (PSLP_2200), STR/CA1 (PSLP_2201), AL/CRS1 (PSLP_2202), AL/CRS2 (PSLP_2203), AL/CRS3 (PSLP_2204), AL/CRS4 (PSLP_2205), AL/CRS6 (PSLP_2206), AL/CRS7 (PSLP_2207), STR/HA1 (PSLP_2208), PSTR/BE1 (PSLP_2209), PSTR/BI 1 (PSLP_2210), PSTR/BM1 (PSLP_2211), PSTR/FR1 (PSLP_2212), PSTR/GO1 (PSLP_2213), PSTR/HO1 (PSLP_2214), AL/HO1 (PSLP_2215), PSTR/LA1 (PSLP_2216), AL/LA1 (PSLP_2217), PSTR/PE1 (PSLP_2218), AL/PE4 (PSLP_2219), PSTR/RU1 (PSLP_2220), PSTR/SA1 (PSLP_2221), AL/SA1 (PSLP_2222), PSTR/SP1 (PSLP_2223), EN1 (PSLP_2224), EN3 (PSLP_2225), EN4 (PSLP_2226), EN5 (PSLP_2227), EN8 (PSLP_2228), EN9 (PSLP_2229), EN10 (PSLP_2230), EN12 (PSLP_2231), EN13 (PSLP_2232), EN14 (PSLP_2233), EN18 (PSLP_2234), EN19 (PSLP_2235), EN20 (PSLP_2236), EN25 (PSLP_2237), EN26 (PSLP_2238), H1 (PSLP_2239), H3 (PSLP_2240), H7 (PSLP_2241), ED1 (PSLP_2242), ED2 (PSLP_2243), ED3 (PSLP_2244), ED4 (PSLP_2245), ED5 (PSLP_2246), ED6 (PSLP_2247), Town, Rural Service, Neighbourhood, and Village Centres (PSLP_2248), Policies TP1 (PSLP_2249), TP2 (PSLP_2250), TP3 (PSLP_2251), TP4 (PSLP_2252), TP5 (PSLP_2253), TP6 (PSLP_2254), OSSR1 (PSLP_2255), Appendix 4 (PSLP_2256) and Evidence Base (whole Plan) (PSLP_2257)

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

Question 5

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Biodiversity

The County Council is supportive of these policies and the wording adequately accounts for trees, woodland and hedges.

Question 6

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Question 7a

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Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:

Yes, I wish to be notified of future stages of the Local Plan

Supporting Information File Ref No: SI_156

Comment

Consultee	Strategic Planning ([REDACTED])
Email Address	[REDACTED]
Company / Organisation	Kent County Council (Planning and Environment)
Address	Invicta House County Hall MAIDSTONE ME14 1XX
Event Name	Pre-Submission Local Plan
Comment by	Kent County Council (Planning and Environment) (Strategic Planning - [REDACTED])
Comment ID	PSLP_2233
Response Date	04/06/21 16:56
Consultation Point	Policy EN 14 Green, Grey, and Blue Infrastructure (View)
Status	Processed
Submission Type	Email
Version	0.4
Files	Kent County Council-full representation.pdf
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Kent County Council (Growth, Environment & Transport)
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	Policy EN 14 Green, Grey, and Blue Infrastructure

[TWBC: see attached full representation, which has been input against the following: Section 1 (PSLP_2164), Section 2 (PSLP_2168), Section 3 (PSLP_2169), Policies STR1 (PSLP_2170), STR2 (PSLP_2171), STR4 (PSLP_2172), STR5 (PSLP_2174), STR7 (PSLP_2175), STR8 (PSLP_2176), Section 5 (PSLP_2177), Section 5: Royal Tunbridge Wells (PSLP_2178), Policies AL/RTW1 (PSLP_2180), AL/RTW5 (PSLP_2181), AL/RTW7 (PSLP_2183), AL/RTW14 (PSLP_2184), AL/RTW17 (PSLP_2185), AL/RTW21 (PSLP_2187), STR/SO1 (PSLP_2188), AL/SO1 (PSLP_2190), Strategic Sites (PSLP_2192), STR/SS1 (PSLP_2193), STR/SS2 (PSLP_2195), STR/SS3 (PSLP_2196), STR/PW1 (PSLP_2199), AL/PW1 (PSLP_2200), STR/CA1 (PSLP_2201), AL/CRS1 (PSLP_2202), AL/CRS2 (PSLP_2203), AL/CRS3 (PSLP_2204), AL/CRS4 (PSLP_2205), AL/CRS6 (PSLP_2206), AL/CRS7 (PSLP_2207), STR/HA1 (PSLP_2208), PSTR/BE1 (PSLP_2209), PSTR/BI 1 (PSLP_2210), PSTR/BM1 (PSLP_2211), PSTR/FR1 (PSLP_2212), PSTR/GO1 (PSLP_2213), PSTR/HO1 (PSLP_2214), AL/HO1 (PSLP_2215), PSTR/LA1 (PSLP_2216), AL/LA1 (PSLP_2217), PSTR/PE1 (PSLP_2218), AL/PE4 (PSLP_2219), PSTR/RU1 (PSLP_2220), PSTR/SA1 (PSLP_2221), AL/SA1 (PSLP_2222), PSTR/SP1 (PSLP_2223), EN1 (PSLP_2224), EN3 (PSLP_2225), EN4 (PSLP_2226), EN5 (PSLP_2227), EN8 (PSLP_2228), EN9 (PSLP_2229), EN10 (PSLP_2230), EN12 (PSLP_2231), EN13 (PSLP_2232), EN14 (PSLP_2233), EN18 (PSLP_2234), EN19 (PSLP_2235), EN20 (PSLP_2236), EN25 (PSLP_2237), EN26 (PSLP_2238), H1 (PSLP_2239), H3 (PSLP_2240), H7 (PSLP_2241), ED1 (PSLP_2242), ED2 (PSLP_2243), ED3 (PSLP_2244), ED4 (PSLP_2245), ED5 (PSLP_2246), ED6 (PSLP_2247), Town, Rural Service, Neighbourhood, and Village Centres (PSLP_2248), Policies TP1 (PSLP_2249), TP2 (PSLP_2250), TP3 (PSLP_2251), TP4 (PSLP_2252), TP5 (PSLP_2253), TP6 (PSLP_2254), OSSR1 (PSLP_2255), Appendix 4 (PSLP_2256) and Evidence Base (whole Plan) (PSLP_2257)

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

Question 5

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Biodiversity

The County Council is supportive of these policies and the wording adequately accounts for trees, woodland and hedges.

Question 6

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Question 7

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If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

Question 7a

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Future Notifications

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Supporting Information File Ref No: SI_156

Comment

Consultee	Strategic Planning ([REDACTED])
Email Address	[REDACTED]
Company / Organisation	Kent County Council (Planning and Environment)
Address	Invicta House County Hall MAIDSTONE ME14 1XX
Event Name	Pre-Submission Local Plan
Comment by	Kent County Council (Planning and Environment) (Strategic Planning - [REDACTED])
Comment ID	PSLP_2234
Response Date	04/06/21 16:56
Consultation Point	Policy EN 18 Rural Landscape (View)
Status	Processed
Submission Type	Email
Version	0.4
Files	Kent County Council-full representation.pdf
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Kent County Council (Growth, Environment & Transport)
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy EN 18 Rural Landscape

[TWBC: see attached full representation, which has been input against the following: Section 1 (PSLP_2164), Section 2 (PSLP_2168), Section 3 (PSLP_2169), Policies STR1 (PSLP_2170), STR2

(PSLP_2171), STR4 (PSLP_2172), STR5 (PSLP_2174), STR7 (PSLP_2175), STR8 (PSLP_2176), Section 5 (PSLP_2177), Section 5: Royal Tunbridge Wells (PSLP_2178), Policies AL/RTW1 (PSLP_2180), AL/RTW5 (PSLP_2181), AL/RTW7 (PSLP_2183), AL/RTW14 (PSLP_2184), AL/RTW17 (PSLP_2185), AL/RTW21 (PSLP_2187), STR/SO1 (PSLP_2188), AL/SO1 (PSLP_2190), Strategic Sites (PSLP_2192), STR/SS1 (PSLP_2193), STR/SS2 (PSLP_2195), STR/SS3 (PSLP_2196), STR/PW1 (PSLP_2199), AL/PW1 (PSLP_2200), STR/CA1 (PSLP_2201), AL/CRS1 (PSLP_2202), AL/CRS2 (PSLP_2203), AL/CRS3 (PSLP_2204), AL/CRS4 (PSLP_2205), AL/CRS6 (PSLP_2206), AL/CRS7 (PSLP_2207), STR/HA1 (PSLP_2208), PSTR/BE1 (PSLP_2209), PSTR/BI 1 (PSLP_2210), PSTR/BM1 (PSLP_2211), PSTR/FR1 (PSLP_2212), PSTR/GO1 (PSLP_2213), PSTR/HO1 (PSLP_2214), AL/HO1 (PSLP_2215), PSTR/LA1 (PSLP_2216), AL/LA1 (PSLP_2217), PSTR/PE1 (PSLP_2218), AL/PE4 (PSLP_2219), PSTR/RU1 (PSLP_2220), PSTR/SA1 (PSLP_2221), AL/SA1 (PSLP_2222), PSTR/SP1 (PSLP_2223), EN1 (PSLP_2224), EN3 (PSLP_2225), EN4 (PSLP_2226), EN5 (PSLP_2227), EN8 (PSLP_2228), EN9 (PSLP_2229), EN10 (PSLP_2230), EN12 (PSLP_2231), EN13 (PSLP_2232), EN14 (PSLP_2233), EN18 (PSLP_2234), EN19 (PSLP_2235), EN20 (PSLP_2236), EN25 (PSLP_2237), EN26 (PSLP_2238), H1 (PSLP_2239), H3 (PSLP_2240), H7 (PSLP_2241), ED1 (PSLP_2242), ED2 (PSLP_2243), ED3 (PSLP_2244), ED4 (PSLP_2245), ED5 (PSLP_2246), ED6 (PSLP_2247), Town, Rural Service, Neighbourhood, and Village Centres (PSLP_2248), Policies TP1 (PSLP_2249), TP2 (PSLP_2250), TP3 (PSLP_2251), TP4 (PSLP_2252), TP5 (PSLP_2253), TP6 (PSLP_2254), OSSR1 (PSLP_2255), Appendix 4 (PSLP_2256) and Evidence Base (whole Plan) (PSLP_2257)

Question 4a

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Biodiversity

The County Council is broadly supportive of these policies which fairly comprehensively cover rural issues.

Question 6

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Question 7a

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Supporting Information File Ref No: SI_156

Comment

Consultee	Strategic Planning ([REDACTED])
Email Address	[REDACTED]
Company / Organisation	Kent County Council (Planning and Environment)
Address	Invicta House County Hall MAIDSTONE ME14 1XX
Event Name	Pre-Submission Local Plan
Comment by	Kent County Council (Planning and Environment) (Strategic Planning - [REDACTED])
Comment ID	PSLP_2235
Response Date	04/06/21 16:56
Consultation Point	Policy EN 19 The High Weald Area of Outstanding Natural Beauty (View)
Status	Processed
Submission Type	Email
Version	0.4
Files	Kent County Council-full representation.pdf
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Kent County Council (Growth, Environment & Transport)
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To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	Policy EN 19 The High Weald Area of Outstanding Natural Beauty

[TWBC: see attached full representation, which has been input against the following: Section 1 (PSLP_2164), Section 2 (PSLP_2168), Section 3 (PSLP_2169), Policies STR1 (PSLP_2170), STR2 (PSLP_2171), STR4 (PSLP_2172), STR5 (PSLP_2174), STR7 (PSLP_2175), STR8 (PSLP_2176), Section 5 (PSLP_2177), Section 5: Royal Tunbridge Wells (PSLP_2178), Policies AL/RTW1 (PSLP_2180), AL/RTW5 (PSLP_2181), AL/RTW7 (PSLP_2183), AL/RTW14 (PSLP_2184), AL/RTW17 (PSLP_2185), AL/RTW21 (PSLP_2187), STR/SO1 (PSLP_2188), AL/SO1 (PSLP_2190), Strategic Sites (PSLP_2192), STR/SS1 (PSLP_2193), STR/SS2 (PSLP_2195), STR/SS3 (PSLP_2196), STR/PW1 (PSLP_2199), AL/PW1 (PSLP_2200), STR/CA1 (PSLP_2201), AL/CRS1 (PSLP_2202), AL/CRS2 (PSLP_2203), AL/CRS3 (PSLP_2204), AL/CRS4 (PSLP_2205), AL/CRS6 (PSLP_2206), AL/CRS7 (PSLP_2207), STR/HA1 (PSLP_2208), PSTR/BE1 (PSLP_2209), PSTR/BI 1 (PSLP_2210), PSTR/BM1 (PSLP_2211), PSTR/FR1 (PSLP_2212), PSTR/GO1 (PSLP_2213), PSTR/HO1 (PSLP_2214), AL/HO1 (PSLP_2215), PSTR/LA1 (PSLP_2216), AL/LA1 (PSLP_2217), PSTR/PE1 (PSLP_2218), AL/PE4 (PSLP_2219), PSTR/RU1 (PSLP_2220), PSTR/SA1 (PSLP_2221), AL/SA1 (PSLP_2222), PSTR/SP1 (PSLP_2223), EN1 (PSLP_2224), EN3 (PSLP_2225), EN4 (PSLP_2226), EN5 (PSLP_2227), EN8 (PSLP_2228), EN9 (PSLP_2229), EN10 (PSLP_2230), EN12 (PSLP_2231), EN13 (PSLP_2232), EN14 (PSLP_2233), EN18 (PSLP_2234), EN19 (PSLP_2235), EN20 (PSLP_2236), EN25 (PSLP_2237), EN26 (PSLP_2238), H1 (PSLP_2239), H3 (PSLP_2240), H7 (PSLP_2241), ED1 (PSLP_2242), ED2 (PSLP_2243), ED3 (PSLP_2244), ED4 (PSLP_2245), ED5 (PSLP_2246), ED6 (PSLP_2247), Town, Rural Service, Neighbourhood, and Village Centres (PSLP_2248), Policies TP1 (PSLP_2249), TP2 (PSLP_2250), TP3 (PSLP_2251), TP4 (PSLP_2252), TP5 (PSLP_2253), TP6 (PSLP_2254), OSSR1 (PSLP_2255), Appendix 4 (PSLP_2256) and Evidence Base (whole Plan) (PSLP_2257)

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

Question 5

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Biodiversity

The County Council is broadly supportive of these policies which fairly comprehensively cover rural issues.

Question 6

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Question 7

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Question 7a

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Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:

Yes, I wish to be notified of future stages of the Local Plan

Supporting Information File Ref No: SI_156

Comment

Consultee	Strategic Planning ([REDACTED])
Email Address	[REDACTED]
Company / Organisation	Kent County Council (Planning and Environment)
Address	Invicta House County Hall MAIDSTONE ME14 1XX
Event Name	Pre-Submission Local Plan
Comment by	Kent County Council (Planning and Environment) (Strategic Planning - [REDACTED])
Comment ID	PSLP_2236
Response Date	04/06/21 16:56
Consultation Point	Policy EN 20 Agricultural Land (View)
Status	Processed
Submission Type	Email
Version	0.4
Files	Kent County Council-full representation.pdf
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Kent County Council (Growth, Environment & Transport)
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy EN 20 Agricultural Land

[TWBC: see attached full representation, which has been input against the following: Section 1 (PSLP_2164), Section 2 (PSLP_2168), Section 3 (PSLP_2169), Policies STR1 (PSLP_2170), STR2

(PSLP_2171), STR4 (PSLP_2172), STR5 (PSLP_2174), STR7 (PSLP_2175), STR8 (PSLP_2176), Section 5 (PSLP_2177), Section 5: Royal Tunbridge Wells (PSLP_2178), Policies AL/RTW1 (PSLP_2180), AL/RTW5 (PSLP_2181), AL/RTW7 (PSLP_2183), AL/RTW14 (PSLP_2184), AL/RTW17 (PSLP_2185), AL/RTW21 (PSLP_2187), STR/SO1 (PSLP_2188), AL/SO1 (PSLP_2190), Strategic Sites (PSLP_2192), STR/SS1 (PSLP_2193), STR/SS2 (PSLP_2195), STR/SS3 (PSLP_2196), STR/PW1 (PSLP_2199), AL/PW1 (PSLP_2200), STR/CA1 (PSLP_2201), AL/CRS1 (PSLP_2202), AL/CRS2 (PSLP_2203), AL/CRS3 (PSLP_2204), AL/CRS4 (PSLP_2205), AL/CRS6 (PSLP_2206), AL/CRS7 (PSLP_2207), STR/HA1 (PSLP_2208), PSTR/BE1 (PSLP_2209), PSTR/BI 1 (PSLP_2210), PSTR/BM1 (PSLP_2211), PSTR/FR1 (PSLP_2212), PSTR/GO1 (PSLP_2213), PSTR/HO1 (PSLP_2214), AL/HO1 (PSLP_2215), PSTR/LA1 (PSLP_2216), AL/LA1 (PSLP_2217), PSTR/PE1 (PSLP_2218), AL/PE4 (PSLP_2219), PSTR/RU1 (PSLP_2220), PSTR/SA1 (PSLP_2221), AL/SA1 (PSLP_2222), PSTR/SP1 (PSLP_2223), EN1 (PSLP_2224), EN3 (PSLP_2225), EN4 (PSLP_2226), EN5 (PSLP_2227), EN8 (PSLP_2228), EN9 (PSLP_2229), EN10 (PSLP_2230), EN12 (PSLP_2231), EN13 (PSLP_2232), EN14 (PSLP_2233), EN18 (PSLP_2234), EN19 (PSLP_2235), EN20 (PSLP_2236), EN25 (PSLP_2237), EN26 (PSLP_2238), H1 (PSLP_2239), H3 (PSLP_2240), H7 (PSLP_2241), ED1 (PSLP_2242), ED2 (PSLP_2243), ED3 (PSLP_2244), ED4 (PSLP_2245), ED5 (PSLP_2246), ED6 (PSLP_2247), Town, Rural Service, Neighbourhood, and Village Centres (PSLP_2248), Policies TP1 (PSLP_2249), TP2 (PSLP_2250), TP3 (PSLP_2251), TP4 (PSLP_2252), TP5 (PSLP_2253), TP6 (PSLP_2254), OSSR1 (PSLP_2255), Appendix 4 (PSLP_2256) and Evidence Base (whole Plan) (PSLP_2257)

Question 4a

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Question 7a

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Supporting Information File Ref No: SI_156

Comment

Consultee	Strategic Planning ([REDACTED])
Email Address	[REDACTED]
Company / Organisation	Kent County Council (Planning and Environment)
Address	Invicta House County Hall MAIDSTONE ME14 1XX
Event Name	Pre-Submission Local Plan
Comment by	Kent County Council (Planning and Environment) (Strategic Planning - [REDACTED])
Comment ID	PSLP_2237
Response Date	04/06/21 16:56
Consultation Point	Policy EN 25 Flood Risk (View)
Status	Processed
Submission Type	Email
Version	0.4
Files	Kent County Council-full representation.pdf
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Kent County Council (Growth, Environment & Transport)
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

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Policy EN 25 Flood Risk

[TWBC: see attached full representation, which has been input against the following: Section 1 (PSLP_2164), Section 2 (PSLP_2168), Section 3 (PSLP_2169), Policies STR1 (PSLP_2170), STR2

(PSLP_2171), STR4 (PSLP_2172), STR5 (PSLP_2174), STR7 (PSLP_2175), STR8 (PSLP_2176), Section 5 (PSLP_2177), Section 5: Royal Tunbridge Wells (PSLP_2178), Policies AL/RTW1 (PSLP_2180), AL/RTW5 (PSLP_2181), AL/RTW7 (PSLP_2183), AL/RTW14 (PSLP_2184), AL/RTW17 (PSLP_2185), AL/RTW21 (PSLP_2187), STR/SO1 (PSLP_2188), AL/SO1 (PSLP_2190), Strategic Sites (PSLP_2192), STR/SS1 (PSLP_2193), STR/SS2 (PSLP_2195), STR/SS3 (PSLP_2196), STR/PW1 (PSLP_2199), AL/PW1 (PSLP_2200), STR/CA1 (PSLP_2201), AL/CRS1 (PSLP_2202), AL/CRS2 (PSLP_2203), AL/CRS3 (PSLP_2204), AL/CRS4 (PSLP_2205), AL/CRS6 (PSLP_2206), AL/CRS7 (PSLP_2207), STR/HA1 (PSLP_2208), PSTR/BE1 (PSLP_2209), PSTR/BI 1 (PSLP_2210), PSTR/BM1 (PSLP_2211), PSTR/FR1 (PSLP_2212), PSTR/GO1 (PSLP_2213), PSTR/HO1 (PSLP_2214), AL/HO1 (PSLP_2215), PSTR/LA1 (PSLP_2216), AL/LA1 (PSLP_2217), PSTR/PE1 (PSLP_2218), AL/PE4 (PSLP_2219), PSTR/RU1 (PSLP_2220), PSTR/SA1 (PSLP_2221), AL/SA1 (PSLP_2222), PSTR/SP1 (PSLP_2223), EN1 (PSLP_2224), EN3 (PSLP_2225), EN4 (PSLP_2226), EN5 (PSLP_2227), EN8 (PSLP_2228), EN9 (PSLP_2229), EN10 (PSLP_2230), EN12 (PSLP_2231), EN13 (PSLP_2232), EN14 (PSLP_2233), EN18 (PSLP_2234), EN19 (PSLP_2235), EN20 (PSLP_2236), EN25 (PSLP_2237), EN26 (PSLP_2238), H1 (PSLP_2239), H3 (PSLP_2240), H7 (PSLP_2241), ED1 (PSLP_2242), ED2 (PSLP_2243), ED3 (PSLP_2244), ED4 (PSLP_2245), ED5 (PSLP_2246), ED6 (PSLP_2247), Town, Rural Service, Neighbourhood, and Village Centres (PSLP_2248), Policies TP1 (PSLP_2249), TP2 (PSLP_2250), TP3 (PSLP_2251), TP4 (PSLP_2252), TP5 (PSLP_2253), TP6 (PSLP_2254), OSSR1 (PSLP_2255), Appendix 4 (PSLP_2256) and Evidence Base (whole Plan) (PSLP_2257)

Question 4a

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Question 5

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Sustainable Urban Drainage Systems

The County Council, as Lead Local Flood Authority, is supportive of the flood risk considerations within strategies for areas which are known to have flood risk issues, including Paddock Wood. KCC was consulted during the development of the Strategic Flood Risk Assessment Level 2 and was engaged with consideration of the proposed policies. Policy EN 25 "Flood Risk" requires that new development contributes to overall flood risk reduction. These policies will help address the constraints that occur within at-risk areas.

Kent County Council, as a statutory consultee within the planning process, is required to provide consultation responses on major development applications which have a wider application than those sites over 1 ha. The County Council notes that this policy requires that all developments over 1 ha are required to have a Flood Risk Assessment, as well as those with other sources of flood risk. The County Council, as Lead Local Flood Authority, requests clarity of the meaning of "development proposals". For example, a multi-residential/commercial development with a parking area may have a site area less than 1 ha but may have a significant contribution of impermeable area that is required to be managed. Therefore, restricting the requirements for flood risk submissions, means that some development proposals will not be required to submit sufficient information to be assessed appropriately.

As KCC is the Lead Local Flood Authority for major development, insufficient information to assess the creation or impact on flood risk would lead to an objection. Therefore, KCC would recommend that a flood risk assessment and/or drainage strategy is required for “all major development” within Flood Zone 1.

The NPPF specifically references the consideration of cumulative impacts. This has been undertaken on a strategic level for the Paddock Wood area under the new Strategic flood Risk Assessment (SFRA) Level 2. That is greatly appreciated for the size of development in that area – however, it must also be acknowledged that infrastructure capacity issues may also mean that surface water contributions from smaller development (including minor development) may also need to be controlled to reflect the capacity of the receiving drainage system. A site-specific Flood Risk Assessment (FRA) may be required in those instances.

KCC notes that EN3 Climate Change does not make reference to provisions for the climate change allowance, which is usually applied to flood risk assessments with respect to river levels or rainfall statistics. Climate change is referenced within the policy statement for EN25 but for completeness, it is recommended that reference is included within this policy.

Question 6

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Question 7

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Question 7a

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Supporting Information File Ref No: SI_156

Comment

Consultee	Strategic Planning ([REDACTED])
Email Address	[REDACTED]
Company / Organisation	Kent County Council (Planning and Environment)
Address	Invicta House County Hall MAIDSTONE ME14 1XX
Event Name	Pre-Submission Local Plan
Comment by	Kent County Council (Planning and Environment) (Strategic Planning - [REDACTED])
Comment ID	PSLP_2238
Response Date	04/06/21 16:56
Consultation Point	Policy EN 26 Sustainable Drainage (View)
Status	Processed
Submission Type	Email
Version	0.4
Files	Kent County Council-full representation.pdf
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Kent County Council (Growth, Environment & Transport)
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

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Policy EN 26 Sustainable Drainage

[TWBC: see attached full representation, which has been input against the following: Section 1 (PSLP_2164), Section 2 (PSLP_2168), Section 3 (PSLP_2169), Policies STR1 (PSLP_2170), STR2

(PSLP_2171), STR4 (PSLP_2172), STR5 (PSLP_2174), STR7 (PSLP_2175), STR8 (PSLP_2176), Section 5 (PSLP_2177), Section 5: Royal Tunbridge Wells (PSLP_2178), Policies AL/RTW1 (PSLP_2180), AL/RTW5 (PSLP_2181), AL/RTW7 (PSLP_2183), AL/RTW14 (PSLP_2184), AL/RTW17 (PSLP_2185), AL/RTW21 (PSLP_2187), STR/SO1 (PSLP_2188), AL/SO1 (PSLP_2190), Strategic Sites (PSLP_2192), STR/SS1 (PSLP_2193), STR/SS2 (PSLP_2195), STR/SS3 (PSLP_2196), STR/PW1 (PSLP_2199), AL/PW1 (PSLP_2200), STR/CA1 (PSLP_2201), AL/CRS1 (PSLP_2202), AL/CRS2 (PSLP_2203), AL/CRS3 (PSLP_2204), AL/CRS4 (PSLP_2205), AL/CRS6 (PSLP_2206), AL/CRS7 (PSLP_2207), STR/HA1 (PSLP_2208), PSTR/BE1 (PSLP_2209), PSTR/BI 1 (PSLP_2210), PSTR/BM1 (PSLP_2211), PSTR/FR1 (PSLP_2212), PSTR/GO1 (PSLP_2213), PSTR/HO1 (PSLP_2214), AL/HO1 (PSLP_2215), PSTR/LA1 (PSLP_2216), AL/LA1 (PSLP_2217), PSTR/PE1 (PSLP_2218), AL/PE4 (PSLP_2219), PSTR/RU1 (PSLP_2220), PSTR/SA1 (PSLP_2221), AL/SA1 (PSLP_2222), PSTR/SP1 (PSLP_2223), EN1 (PSLP_2224), EN3 (PSLP_2225), EN4 (PSLP_2226), EN5 (PSLP_2227), EN8 (PSLP_2228), EN9 (PSLP_2229), EN10 (PSLP_2230), EN12 (PSLP_2231), EN13 (PSLP_2232), EN14 (PSLP_2233), EN18 (PSLP_2234), EN19 (PSLP_2235), EN20 (PSLP_2236), EN25 (PSLP_2237), EN26 (PSLP_2238), H1 (PSLP_2239), H3 (PSLP_2240), H7 (PSLP_2241), ED1 (PSLP_2242), ED2 (PSLP_2243), ED3 (PSLP_2244), ED4 (PSLP_2245), ED5 (PSLP_2246), ED6 (PSLP_2247), Town, Rural Service, Neighbourhood, and Village Centres (PSLP_2248), Policies TP1 (PSLP_2249), TP2 (PSLP_2250), TP3 (PSLP_2251), TP4 (PSLP_2252), TP5 (PSLP_2253), TP6 (PSLP_2254), OSSR1 (PSLP_2255), Appendix 4 (PSLP_2256) and Evidence Base (whole Plan) (PSLP_2257)

Question 4a

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Question 5

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Sustainable Urban Drainage Systems

This policy states that all development applications include adequate drainage provision. KCC requests clarity as to whether there is any expectation by the Borough Council as to how this will be demonstrated - whether through the submission of a drainage strategy (for all major development) or building plans for minor development. KCC would recommend that the text is revised as follows - "All development applications should include adequate drainage provision so that flood risk is managed appropriately, both within the site and off-site."

The County Council welcomes the reference to the requirements for the promotion of multi-functional sustainable drainage systems.

Question 6

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Comment

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Company / Organisation	Kent County Council (Planning and Environment)
Address	Invicta House County Hall MAIDSTONE ME14 1XX
Event Name	Pre-Submission Local Plan
Comment by	Kent County Council (Planning and Environment) (Strategic Planning - [REDACTED])
Comment ID	PSLP_2239
Response Date	04/06/21 16:56
Consultation Point	Policy H 1 Housing Mix (View)
Status	Processed
Submission Type	Email
Version	0.4
Files	Kent County Council-full representation.pdf
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Kent County Council (Growth, Environment & Transport)
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Policy H 1 Housing Mix

[TWBC: see attached full representation, which has been input against the following: Section 1 (PSLP_2164), Section 2 (PSLP_2168), Section 3 (PSLP_2169), Policies STR1 (PSLP_2170), STR2

(PSLP_2171), STR4 (PSLP_2172), STR5 (PSLP_2174), STR7 (PSLP_2175), STR8 (PSLP_2176), Section 5 (PSLP_2177), Section 5: Royal Tunbridge Wells (PSLP_2178), Policies AL/RTW1 (PSLP_2180), AL/RTW5 (PSLP_2181), AL/RTW7 (PSLP_2183), AL/RTW14 (PSLP_2184), AL/RTW17 (PSLP_2185), AL/RTW21 (PSLP_2187), STR/SO1 (PSLP_2188), AL/SO1 (PSLP_2190), Strategic Sites (PSLP_2192), STR/SS1 (PSLP_2193), STR/SS2 (PSLP_2195), STR/SS3 (PSLP_2196), STR/PW1 (PSLP_2199), AL/PW1 (PSLP_2200), STR/CA1 (PSLP_2201), AL/CRS1 (PSLP_2202), AL/CRS2 (PSLP_2203), AL/CRS3 (PSLP_2204), AL/CRS4 (PSLP_2205), AL/CRS6 (PSLP_2206), AL/CRS7 (PSLP_2207), STR/HA1 (PSLP_2208), PSTR/BE1 (PSLP_2209), PSTR/BI 1 (PSLP_2210), PSTR/BM1 (PSLP_2211), PSTR/FR1 (PSLP_2212), PSTR/GO1 (PSLP_2213), PSTR/HO1 (PSLP_2214), AL/HO1 (PSLP_2215), PSTR/LA1 (PSLP_2216), AL/LA1 (PSLP_2217), PSTR/PE1 (PSLP_2218), AL/PE4 (PSLP_2219), PSTR/RU1 (PSLP_2220), PSTR/SA1 (PSLP_2221), AL/SA1 (PSLP_2222), PSTR/SP1 (PSLP_2223), EN1 (PSLP_2224), EN3 (PSLP_2225), EN4 (PSLP_2226), EN5 (PSLP_2227), EN8 (PSLP_2228), EN9 (PSLP_2229), EN10 (PSLP_2230), EN12 (PSLP_2231), EN13 (PSLP_2232), EN14 (PSLP_2233), EN18 (PSLP_2234), EN19 (PSLP_2235), EN20 (PSLP_2236), EN25 (PSLP_2237), EN26 (PSLP_2238), H1 (PSLP_2239), H3 (PSLP_2240), H7 (PSLP_2241), ED1 (PSLP_2242), ED2 (PSLP_2243), ED3 (PSLP_2244), ED4 (PSLP_2245), ED5 (PSLP_2246), ED6 (PSLP_2247), Town, Rural Service, Neighbourhood, and Village Centres (PSLP_2248), Policies TP1 (PSLP_2249), TP2 (PSLP_2250), TP3 (PSLP_2251), TP4 (PSLP_2252), TP5 (PSLP_2253), TP6 (PSLP_2254), OSSR1 (PSLP_2255), Appendix 4 (PSLP_2256) and Evidence Base (whole Plan) (PSLP_2257)

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

Question 5

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The County Council has set out its full response to the consultation in the attached Appendix. Comments are linked to relevant policies where appropriate.

The County Council is supportive of this policy. Developments should seek to provide a diverse range of housing to take into account the varying needs of the evolving local community by providing diverse housing types, such as extra care housing, that is flexible and responsive to changing needs.

Question 6

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Question 7

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If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

Question 7a

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Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:

Yes, I wish to be notified of future stages of the Local Plan

Supporting Information File Ref No: SI_156

Comment

Consultee	Strategic Planning ([REDACTED])
Email Address	[REDACTED]
Company / Organisation	Kent County Council (Planning and Environment)
Address	Invicta House County Hall MAIDSTONE ME14 1XX
Event Name	Pre-Submission Local Plan
Comment by	Kent County Council (Planning and Environment) (Strategic Planning - [REDACTED])
Comment ID	PSLP_2240
Response Date	04/06/21 16:56
Consultation Point	Policy H 3 Affordable Housing (View)
Status	Processed
Submission Type	Email
Version	0.5
Files	Kent County Council-full representation.pdf
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Kent County Council (Growth, Environment & Transport)
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy H 3 Affordable Housing

[TWBC: see attached full representation, which has been input against the following: Section 1 (PSLP_2164), Section 2 (PSLP_2168), Section 3 (PSLP_2169), Policies STR1 (PSLP_2170), STR2

(PSLP_2171), STR4 (PSLP_2172), STR5 (PSLP_2174), STR7 (PSLP_2175), STR8 (PSLP_2176), Section 5 (PSLP_2177), Section 5: Royal Tunbridge Wells (PSLP_2178), Policies AL/RTW1 (PSLP_2180), AL/RTW5 (PSLP_2181), AL/RTW7 (PSLP_2183), AL/RTW14 (PSLP_2184), AL/RTW17 (PSLP_2185), AL/RTW21 (PSLP_2187), STR/SO1 (PSLP_2188), AL/SO1 (PSLP_2190), Strategic Sites (PSLP_2192), STR/SS1 (PSLP_2193), STR/SS2 (PSLP_2195), STR/SS3 (PSLP_2196), STR/PW1 (PSLP_2199), AL/PW1 (PSLP_2200), STR/CA1 (PSLP_2201), AL/CRS1 (PSLP_2202), AL/CRS2 (PSLP_2203), AL/CRS3 (PSLP_2204), AL/CRS4 (PSLP_2205), AL/CRS6 (PSLP_2206), AL/CRS7 (PSLP_2207), STR/HA1 (PSLP_2208), PSTR/BE1 (PSLP_2209), PSTR/BI 1 (PSLP_2210), PSTR/BM1 (PSLP_2211), PSTR/FR1 (PSLP_2212), PSTR/GO1 (PSLP_2213), PSTR/HO1 (PSLP_2214), AL/HO1 (PSLP_2215), PSTR/LA1 (PSLP_2216), AL/LA1 (PSLP_2217), PSTR/PE1 (PSLP_2218), AL/PE4 (PSLP_2219), PSTR/RU1 (PSLP_2220), PSTR/SA1 (PSLP_2221), AL/SA1 (PSLP_2222), PSTR/SP1 (PSLP_2223), EN1 (PSLP_2224), EN3 (PSLP_2225), EN4 (PSLP_2226), EN5 (PSLP_2227), EN8 (PSLP_2228), EN9 (PSLP_2229), EN10 (PSLP_2230), EN12 (PSLP_2231), EN13 (PSLP_2232), EN14 (PSLP_2233), EN18 (PSLP_2234), EN19 (PSLP_2235), EN20 (PSLP_2236), EN25 (PSLP_2237), EN26 (PSLP_2238), H1 (PSLP_2239), H3 (PSLP_2240), H7 (PSLP_2241), ED1 (PSLP_2242), ED2 (PSLP_2243), ED3 (PSLP_2244), ED4 (PSLP_2245), ED5 (PSLP_2246), ED6 (PSLP_2247), Town, Rural Service, Neighbourhood, and Village Centres (PSLP_2248), Policies TP1 (PSLP_2249), TP2 (PSLP_2250), TP3 (PSLP_2251), TP4 (PSLP_2252), TP5 (PSLP_2253), TP6 (PSLP_2254), OSSR1 (PSLP_2255), Appendix 4 (PSLP_2256) and Evidence Base (whole Plan) (PSLP_2257)

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

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The County Council set up an Affordable Housing Select Committee in 2019 to determine whether KCC can play a greater role in maximising the development of affordable housing in Kent. The Select Committee report sets out a range of recommendations, many of which are for KCC to consider, and which would go some way to support the development of genuinely affordable housing for the people of Kent. The County Council will welcome continued engagement with key stakeholders, including the Borough Council, in the delivery of affordable housing. Affordable housing will need to be of high quality, in the right location and with the infrastructure to support residents to have a good quality of life, with a range of types and tenures delivered to meet the needs of the community.

The County Council notes that Building Regulation Standard Part M4(2) and Part M4(3) are only referenced in relation to affordable housing within the Pre-Submission Local Plan. The County Council would urge consideration of the adoption of these standards across all housing development types. The County Council's current development contributions requests that all homes should be built to these standards.

Question 6

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Question 7

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If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

Question 7a

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Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:

Yes, I wish to be notified of future stages of the Local Plan

Supporting Information File Ref No: SI_156

Comment

Consultee	Strategic Planning ([REDACTED])
Email Address	[REDACTED]
Company / Organisation	Kent County Council (Planning and Environment)
Address	Invicta House County Hall MAIDSTONE ME14 1XX
Event Name	Pre-Submission Local Plan
Comment by	Kent County Council (Planning and Environment) (Strategic Planning - [REDACTED])
Comment ID	PSLP_2241
Response Date	04/06/21 16:56
Consultation Point	Policy H 7 Rural Workers' Dwellings (View)
Status	Processed
Submission Type	Email
Version	0.4
Files	Kent County Council-full representation.pdf
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Kent County Council (Growth, Environment & Transport)
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy H 7 Rural Workers' Dwellings

[TWBC: see attached full representation, which has been input against the following: Section 1 (PSLP_2164), Section 2 (PSLP_2168), Section 3 (PSLP_2169), Policies STR1 (PSLP_2170), STR2

(PSLP_2171), STR4 (PSLP_2172), STR5 (PSLP_2174), STR7 (PSLP_2175), STR8 (PSLP_2176), Section 5 (PSLP_2177), Section 5: Royal Tunbridge Wells (PSLP_2178), Policies AL/RTW1 (PSLP_2180), AL/RTW5 (PSLP_2181), AL/RTW7 (PSLP_2183), AL/RTW14 (PSLP_2184), AL/RTW17 (PSLP_2185), AL/RTW21 (PSLP_2187), STR/SO1 (PSLP_2188), AL/SO1 (PSLP_2190), Strategic Sites (PSLP_2192), STR/SS1 (PSLP_2193), STR/SS2 (PSLP_2195), STR/SS3 (PSLP_2196), STR/PW1 (PSLP_2199), AL/PW1 (PSLP_2200), STR/CA1 (PSLP_2201), AL/CRS1 (PSLP_2202), AL/CRS2 (PSLP_2203), AL/CRS3 (PSLP_2204), AL/CRS4 (PSLP_2205), AL/CRS6 (PSLP_2206), AL/CRS7 (PSLP_2207), STR/HA1 (PSLP_2208), PSTR/BE1 (PSLP_2209), PSTR/BI 1 (PSLP_2210), PSTR/BM1 (PSLP_2211), PSTR/FR1 (PSLP_2212), PSTR/GO1 (PSLP_2213), PSTR/HO1 (PSLP_2214), AL/HO1 (PSLP_2215), PSTR/LA1 (PSLP_2216), AL/LA1 (PSLP_2217), PSTR/PE1 (PSLP_2218), AL/PE4 (PSLP_2219), PSTR/RU1 (PSLP_2220), PSTR/SA1 (PSLP_2221), AL/SA1 (PSLP_2222), PSTR/SP1 (PSLP_2223), EN1 (PSLP_2224), EN3 (PSLP_2225), EN4 (PSLP_2226), EN5 (PSLP_2227), EN8 (PSLP_2228), EN9 (PSLP_2229), EN10 (PSLP_2230), EN12 (PSLP_2231), EN13 (PSLP_2232), EN14 (PSLP_2233), EN18 (PSLP_2234), EN19 (PSLP_2235), EN20 (PSLP_2236), EN25 (PSLP_2237), EN26 (PSLP_2238), H1 (PSLP_2239), H3 (PSLP_2240), H7 (PSLP_2241), ED1 (PSLP_2242), ED2 (PSLP_2243), ED3 (PSLP_2244), ED4 (PSLP_2245), ED5 (PSLP_2246), ED6 (PSLP_2247), Town, Rural Service, Neighbourhood, and Village Centres (PSLP_2248), Policies TP1 (PSLP_2249), TP2 (PSLP_2250), TP3 (PSLP_2251), TP4 (PSLP_2252), TP5 (PSLP_2253), TP6 (PSLP_2254), OSSR1 (PSLP_2255), Appendix 4 (PSLP_2256) and Evidence Base (whole Plan) (PSLP_2257)

Question 4a

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Question 5

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Rural Economy

The County Council is broadly supportive of this policy.

Question 6

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Question 7

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Supporting Information File Ref No: SI_156

Comment

Consultee	Strategic Planning ([REDACTED])
Email Address	[REDACTED]
Company / Organisation	Kent County Council (Planning and Environment)
Address	Invicta House County Hall MAIDSTONE ME14 1XX
Event Name	Pre-Submission Local Plan
Comment by	Kent County Council (Planning and Environment) (Strategic Planning - [REDACTED])
Comment ID	PSLP_2242
Response Date	04/06/21 16:56
Consultation Point	Policy ED 1 The Key Employment Areas (View)
Status	Processed
Submission Type	Email
Version	0.4
Files	Kent County Council-full representation.pdf
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Kent County Council (Growth, Environment & Transport)
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

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Policy ED 1 The Key Employment Areas

[TWBC: see attached full representation, which has been input against the following: Section 1 (PSLP_2164), Section 2 (PSLP_2168), Section 3 (PSLP_2169), Policies STR1 (PSLP_2170), STR2

(PSLP_2171), STR4 (PSLP_2172), STR5 (PSLP_2174), STR7 (PSLP_2175), STR8 (PSLP_2176), Section 5 (PSLP_2177), Section 5: Royal Tunbridge Wells (PSLP_2178), Policies AL/RTW1 (PSLP_2180), AL/RTW5 (PSLP_2181), AL/RTW7 (PSLP_2183), AL/RTW14 (PSLP_2184), AL/RTW17 (PSLP_2185), AL/RTW21 (PSLP_2187), STR/SO1 (PSLP_2188), AL/SO1 (PSLP_2190), Strategic Sites (PSLP_2192), STR/SS1 (PSLP_2193), STR/SS2 (PSLP_2195), STR/SS3 (PSLP_2196), STR/PW1 (PSLP_2199), AL/PW1 (PSLP_2200), STR/CA1 (PSLP_2201), AL/CRS1 (PSLP_2202), AL/CRS2 (PSLP_2203), AL/CRS3 (PSLP_2204), AL/CRS4 (PSLP_2205), AL/CRS6 (PSLP_2206), AL/CRS7 (PSLP_2207), STR/HA1 (PSLP_2208), PSTR/BE1 (PSLP_2209), PSTR/BI 1 (PSLP_2210), PSTR/BM1 (PSLP_2211), PSTR/FR1 (PSLP_2212), PSTR/GO1 (PSLP_2213), PSTR/HO1 (PSLP_2214), AL/HO1 (PSLP_2215), PSTR/LA1 (PSLP_2216), AL/LA1 (PSLP_2217), PSTR/PE1 (PSLP_2218), AL/PE4 (PSLP_2219), PSTR/RU1 (PSLP_2220), PSTR/SA1 (PSLP_2221), AL/SA1 (PSLP_2222), PSTR/SP1 (PSLP_2223), EN1 (PSLP_2224), EN3 (PSLP_2225), EN4 (PSLP_2226), EN5 (PSLP_2227), EN8 (PSLP_2228), EN9 (PSLP_2229), EN10 (PSLP_2230), EN12 (PSLP_2231), EN13 (PSLP_2232), EN14 (PSLP_2233), EN18 (PSLP_2234), EN19 (PSLP_2235), EN20 (PSLP_2236), EN25 (PSLP_2237), EN26 (PSLP_2238), H1 (PSLP_2239), H3 (PSLP_2240), H7 (PSLP_2241), ED1 (PSLP_2242), ED2 (PSLP_2243), ED3 (PSLP_2244), ED4 (PSLP_2245), ED5 (PSLP_2246), ED6 (PSLP_2247), Town, Rural Service, Neighbourhood, and Village Centres (PSLP_2248), Policies TP1 (PSLP_2249), TP2 (PSLP_2250), TP3 (PSLP_2251), TP4 (PSLP_2252), TP5 (PSLP_2253), TP6 (PSLP_2254), OSSR1 (PSLP_2255), Appendix 4 (PSLP_2256) and Evidence Base (whole Plan) (PSLP_2257)

Question 4a

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The County Council has set out its full response to the consultation in the attached Appendix. Comments are linked to relevant policies where appropriate.

The County Council supports the overarching principle of these policies to ensure that suitable employment spaces are retained and developed in the Borough to ensure there remains adequate employment opportunities available to support growth. The COVID 19 pandemic has had a considerable impact on the way communities live and work and the long-term impacts of this pandemic are still evolving. The Local Plan will have to be flexible and resilient to adapt to the changing needs of employers as the full impacts of the COVID-19 pandemic and its impact on the local workforce become apparent. There are likely to be changes in future working patterns as a result of COVID-19 and this will need to be considered alongside changing demands for employment space. Although the long-term impacts are unclear, there may be a shift in the demand for office spaces which could potentially be replaced with demand for shared workspaces and meeting spaces for Small to Medium Enterprises (SMEs), with further demands from entrepreneurs and potentially businesses relocating out of London in particular, in response to post-COVID ways of working. Shared workspaces and accessible employment locations have the added benefit of reducing the level of commuting out of the local area. The Local Plan should be adaptable to accommodate these changing trends in work patterns, as the long-term influence of COVID-19 becomes apparent and KCC welcomes the Local Plan's recognition of the potential impacts of COVID-19.

Question 6

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Supporting Information File Ref No: SI_156

Comment

Consultee	Strategic Planning ()
Email Address	
Company / Organisation	Kent County Council (Planning and Environment)
Address	Invicta House County Hall MAIDSTONE ME14 1XX
Event Name	Pre-Submission Local Plan
Comment by	Kent County Council (Planning and Environment) (Strategic Planning -)
Comment ID	PSLP_2243
Response Date	04/06/21 16:56
Consultation Point	Policy ED 2 Retention of Existing Employment Sites and Buildings (View)
Status	Processed
Submission Type	Email
Version	0.4
Files	Kent County Council-full representation.pdf
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Kent County Council (Growth, Environment & Transport)
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy ED 2 Retention of Existing Employment Sites and Buildings

[TWBC: see attached full representation, which has been input against the following: Section 1 (PSLP_2164), Section 2 (PSLP_2168), Section 3 (PSLP_2169), Policies STR1 (PSLP_2170), STR2 (PSLP_2171), STR4 (PSLP_2172), STR5 (PSLP_2174), STR7 (PSLP_2175), STR8 (PSLP_2176), Section 5 (PSLP_2177), Section 5: Royal Tunbridge Wells (PSLP_2178), Policies AL/RTW1 (PSLP_2180), AL/RTW5 (PSLP_2181), AL/RTW7 (PSLP_2183), AL/RTW14 (PSLP_2184), AL/RTW17 (PSLP_2185), AL/RTW21 (PSLP_2187), STR/SO1 (PSLP_2188), AL/SO1 (PSLP_2190), Strategic Sites (PSLP_2192), STR/SS1 (PSLP_2193), STR/SS2 (PSLP_2195), STR/SS3 (PSLP_2196), STR/PW1 (PSLP_2199), AL/PW1 (PSLP_2200), STR/CA1 (PSLP_2201), AL/CRS1 (PSLP_2202), AL/CRS2 (PSLP_2203), AL/CRS3 (PSLP_2204), AL/CRS4 (PSLP_2205), AL/CRS6 (PSLP_2206), AL/CRS7 (PSLP_2207), STR/HA1 (PSLP_2208), PSTR/BE1 (PSLP_2209), PSTR/BI 1 (PSLP_2210), PSTR/BM1 (PSLP_2211), PSTR/FR1 (PSLP_2212), PSTR/GO1 (PSLP_2213), PSTR/HO1 (PSLP_2214), AL/HO1 (PSLP_2215), PSTR/LA1 (PSLP_2216), AL/LA1 (PSLP_2217), PSTR/PE1 (PSLP_2218), AL/PE4 (PSLP_2219), PSTR/RU1 (PSLP_2220), PSTR/SA1 (PSLP_2221), AL/SA1 (PSLP_2222), PSTR/SP1 (PSLP_2223), EN1 (PSLP_2224), EN3 (PSLP_2225), EN4 (PSLP_2226), EN5 (PSLP_2227), EN8 (PSLP_2228), EN9 (PSLP_2229), EN10 (PSLP_2230), EN12 (PSLP_2231), EN13 (PSLP_2232), EN14 (PSLP_2233), EN18 (PSLP_2234), EN19 (PSLP_2235), EN20 (PSLP_2236), EN25 (PSLP_2237), EN26 (PSLP_2238), H1 (PSLP_2239), H3 (PSLP_2240), H7 (PSLP_2241), ED1 (PSLP_2242), ED2 (PSLP_2243), ED3 (PSLP_2244), ED4 (PSLP_2245), ED5 (PSLP_2246), ED6 (PSLP_2247), Town, Rural Service, Neighbourhood, and Village Centres (PSLP_2248), Policies TP1 (PSLP_2249), TP2 (PSLP_2250), TP3 (PSLP_2251), TP4 (PSLP_2252), TP5 (PSLP_2253), TP6 (PSLP_2254), OSSR1 (PSLP_2255), Appendix 4 (PSLP_2256) and Evidence Base (whole Plan) (PSLP_2257)

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

Question 5

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The County Council supports the overarching principle of these policies to ensure that suitable employment spaces are retained and developed in the Borough to ensure there remains adequate employment opportunities available to support growth. The COVID 19 pandemic has had a considerable impact on the way communities live and work and the long-term impacts of this pandemic are still evolving. The Local Plan will have to be flexible and resilient to adapt to the changing needs of employers as the full impacts of the COVID-19 pandemic and its impact on the local workforce become apparent. There are likely to be changes in future working patterns as a result of COVID-19 and this will need to be considered alongside changing demands for employment space. Although the long-term impacts are unclear, there may be a shift in the demand for office spaces which could potentially be replaced with demand for shared workspaces and meeting spaces for Small to Medium Enterprises (SMEs), with further demands from entrepreneurs and potentially businesses relocating out of London in particular, in response to post-COVID ways of working. Shared workspaces and accessible employment locations have the added benefit of reducing the level of commuting out of the local area. The Local Plan should be adaptable to accommodate these changing trends in work patterns, as the

long-term influence of COVID-19 becomes apparent and KCC welcomes the Local Plan's recognition of the potential impacts of COVID-19.

Question 6

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Question 7

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Question 7a

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Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:

Yes, I wish to be notified of future stages of the Local Plan

Supporting Information File Ref No: SI_156

Comment

Consultee	Strategic Planning ([REDACTED])
Email Address	[REDACTED]
Company / Organisation	Kent County Council (Planning and Environment)
Address	Invicta House County Hall MAIDSTONE ME14 1XX
Event Name	Pre-Submission Local Plan
Comment by	Kent County Council (Planning and Environment) (Strategic Planning - [REDACTED])
Comment ID	PSLP_2244
Response Date	04/06/21 16:56
Consultation Point	Policy ED 3 Digital Communications and Fibre to the Premises (FTTP) (View)
Status	Processed
Submission Type	Email
Version	0.4
Files	Kent County Council-full representation.pdf
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Kent County Council (Growth, Environment & Transport)
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	Policy ED 3 Digital Communications and Fibre to the Premises (FTTP)

[TWBC: see attached full representation, which has been input against the following: Section 1 (PSLP_2164), Section 2 (PSLP_2168), Section 3 (PSLP_2169), Policies STR1 (PSLP_2170), STR2 (PSLP_2171), STR4 (PSLP_2172), STR5 (PSLP_2174), STR7 (PSLP_2175), STR8 (PSLP_2176), Section 5 (PSLP_2177), Section 5: Royal Tunbridge Wells (PSLP_2178), Policies AL/RTW1 (PSLP_2180), AL/RTW5 (PSLP_2181), AL/RTW7 (PSLP_2183), AL/RTW14 (PSLP_2184), AL/RTW17 (PSLP_2185), AL/RTW21 (PSLP_2187), STR/SO1 (PSLP_2188), AL/SO1 (PSLP_2190), Strategic Sites (PSLP_2192), STR/SS1 (PSLP_2193), STR/SS2 (PSLP_2195), STR/SS3 (PSLP_2196), STR/PW1 (PSLP_2199), AL/PW1 (PSLP_2200), STR/CA1 (PSLP_2201), AL/CRS1 (PSLP_2202), AL/CRS2 (PSLP_2203), AL/CRS3 (PSLP_2204), AL/CRS4 (PSLP_2205), AL/CRS6 (PSLP_2206), AL/CRS7 (PSLP_2207), STR/HA1 (PSLP_2208), PSTR/BE1 (PSLP_2209), PSTR/BI 1 (PSLP_2210), PSTR/BM1 (PSLP_2211), PSTR/FR1 (PSLP_2212), PSTR/GO1 (PSLP_2213), PSTR/HO1 (PSLP_2214), AL/HO1 (PSLP_2215), PSTR/LA1 (PSLP_2216), AL/LA1 (PSLP_2217), PSTR/PE1 (PSLP_2218), AL/PE4 (PSLP_2219), PSTR/RU1 (PSLP_2220), PSTR/SA1 (PSLP_2221), AL/SA1 (PSLP_2222), PSTR/SP1 (PSLP_2223), EN1 (PSLP_2224), EN3 (PSLP_2225), EN4 (PSLP_2226), EN5 (PSLP_2227), EN8 (PSLP_2228), EN9 (PSLP_2229), EN10 (PSLP_2230), EN12 (PSLP_2231), EN13 (PSLP_2232), EN14 (PSLP_2233), EN18 (PSLP_2234), EN19 (PSLP_2235), EN20 (PSLP_2236), EN25 (PSLP_2237), EN26 (PSLP_2238), H1 (PSLP_2239), H3 (PSLP_2240), H7 (PSLP_2241), ED1 (PSLP_2242), ED2 (PSLP_2243), ED3 (PSLP_2244), ED4 (PSLP_2245), ED5 (PSLP_2246), ED6 (PSLP_2247), Town, Rural Service, Neighbourhood, and Village Centres (PSLP_2248), Policies TP1 (PSLP_2249), TP2 (PSLP_2250), TP3 (PSLP_2251), TP4 (PSLP_2252), TP5 (PSLP_2253), TP6 (PSLP_2254), OSSR1 (PSLP_2255), Appendix 4 (PSLP_2256) and Evidence Base (whole Plan) (PSLP_2257)

Question 4a

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Question 5

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Broadband

Paragraph 6.454-6.464

The County Council recommends that reference to 24mbps should be amended to 30mbps, as this is definition increasingly used by Government to define superfast broadband.

The wording of paragraph 6.459 should be reviewed to ensure it is clear.

Policy ED 3 Digital Communications and Fibre to the Premises (FTTP)

The County Council requests clarity as to why wireless is being allowed in areas which are within the limits of built development, as they should be close to a point of presence. Wireless should only be considered if FTTP cannot be offered. The County Council recommends that there should at least be reference gigabit-capable technologies within in the policy as 'wireless' can offer a range of speed options so there is value in being specific and clear.

Question 6

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Question 7

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Question 7a

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Future Notifications

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Yes, I wish to be notified of future stages of the Local Plan

Supporting Information File Ref No: SI_156

Comment

Consultee	Strategic Planning ([REDACTED])
Email Address	[REDACTED]
Company / Organisation	Kent County Council (Planning and Environment)
Address	Invicta House County Hall MAIDSTONE ME14 1XX
Event Name	Pre-Submission Local Plan
Comment by	Kent County Council (Planning and Environment) (Strategic Planning - [REDACTED])
Comment ID	PSLP_2245
Response Date	04/06/21 16:56
Consultation Point	Policy ED 4 Rural Diversification (View)
Status	Processed
Submission Type	Email
Version	0.4
Files	Kent County Council-full representation.pdf
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Kent County Council (Growth, Environment & Transport)
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy ED 4 Rural Diversification

[TWBC: see attached full representation, which has been input against the following: Section 1 (PSLP_2164), Section 2 (PSLP_2168), Section 3 (PSLP_2169), Policies STR1 (PSLP_2170), STR2

(PSLP_2171), STR4 (PSLP_2172), STR5 (PSLP_2174), STR7 (PSLP_2175), STR8 (PSLP_2176), Section 5 (PSLP_2177), Section 5: Royal Tunbridge Wells (PSLP_2178), Policies AL/RTW1 (PSLP_2180), AL/RTW5 (PSLP_2181), AL/RTW7 (PSLP_2183), AL/RTW14 (PSLP_2184), AL/RTW17 (PSLP_2185), AL/RTW21 (PSLP_2187), STR/SO1 (PSLP_2188), AL/SO1 (PSLP_2190), Strategic Sites (PSLP_2192), STR/SS1 (PSLP_2193), STR/SS2 (PSLP_2195), STR/SS3 (PSLP_2196), STR/PW1 (PSLP_2199), AL/PW1 (PSLP_2200), STR/CA1 (PSLP_2201), AL/CRS1 (PSLP_2202), AL/CRS2 (PSLP_2203), AL/CRS3 (PSLP_2204), AL/CRS4 (PSLP_2205), AL/CRS6 (PSLP_2206), AL/CRS7 (PSLP_2207), STR/HA1 (PSLP_2208), PSTR/BE1 (PSLP_2209), PSTR/BI 1 (PSLP_2210), PSTR/BM1 (PSLP_2211), PSTR/FR1 (PSLP_2212), PSTR/GO1 (PSLP_2213), PSTR/HO1 (PSLP_2214), AL/HO1 (PSLP_2215), PSTR/LA1 (PSLP_2216), AL/LA1 (PSLP_2217), PSTR/PE1 (PSLP_2218), AL/PE4 (PSLP_2219), PSTR/RU1 (PSLP_2220), PSTR/SA1 (PSLP_2221), AL/SA1 (PSLP_2222), PSTR/SP1 (PSLP_2223), EN1 (PSLP_2224), EN3 (PSLP_2225), EN4 (PSLP_2226), EN5 (PSLP_2227), EN8 (PSLP_2228), EN9 (PSLP_2229), EN10 (PSLP_2230), EN12 (PSLP_2231), EN13 (PSLP_2232), EN14 (PSLP_2233), EN18 (PSLP_2234), EN19 (PSLP_2235), EN20 (PSLP_2236), EN25 (PSLP_2237), EN26 (PSLP_2238), H1 (PSLP_2239), H3 (PSLP_2240), H7 (PSLP_2241), ED1 (PSLP_2242), ED2 (PSLP_2243), ED3 (PSLP_2244), ED4 (PSLP_2245), ED5 (PSLP_2246), ED6 (PSLP_2247), Town, Rural Service, Neighbourhood, and Village Centres (PSLP_2248), Policies TP1 (PSLP_2249), TP2 (PSLP_2250), TP3 (PSLP_2251), TP4 (PSLP_2252), TP5 (PSLP_2253), TP6 (PSLP_2254), OSSR1 (PSLP_2255), Appendix 4 (PSLP_2256) and Evidence Base (whole Plan) (PSLP_2257)

Question 4a

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Question 5

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Rural Economy

The County Council considers that rural economic development is covered appropriately within these policies.

Question 6

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Supporting Information File Ref No: SI_156

Comment

Consultee	Strategic Planning ([REDACTED])
Email Address	[REDACTED]
Company / Organisation	Kent County Council (Planning and Environment)
Address	Invicta House County Hall MAIDSTONE ME14 1XX
Event Name	Pre-Submission Local Plan
Comment by	Kent County Council (Planning and Environment) (Strategic Planning - [REDACTED])
Comment ID	PSLP_2246
Response Date	04/06/21 16:56
Consultation Point	Policy ED 5 Conversion of Rural Buildings outside the Limits to Built Development (View)
Status	Processed
Submission Type	Email
Version	0.4
Files	Kent County Council-full representation.pdf
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Kent County Council (Growth, Environment & Transport)
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	Policy ED 5 Conversion of Rural Buildings outside the Limits to Built Development

[TWBC: see attached full representation, which has been input against the following: Section 1 (PSLP_2164), Section 2 (PSLP_2168), Section 3 (PSLP_2169), Policies STR1 (PSLP_2170), STR2 (PSLP_2171), STR4 (PSLP_2172), STR5 (PSLP_2174), STR7 (PSLP_2175), STR8 (PSLP_2176), Section 5 (PSLP_2177), Section 5: Royal Tunbridge Wells (PSLP_2178), Policies AL/RTW1 (PSLP_2180), AL/RTW5 (PSLP_2181), AL/RTW7 (PSLP_2183), AL/RTW14 (PSLP_2184), AL/RTW17 (PSLP_2185), AL/RTW21 (PSLP_2187), STR/SO1 (PSLP_2188), AL/SO1 (PSLP_2190), Strategic Sites (PSLP_2192), STR/SS1 (PSLP_2193), STR/SS2 (PSLP_2195), STR/SS3 (PSLP_2196), STR/PW1 (PSLP_2199), AL/PW1 (PSLP_2200), STR/CA1 (PSLP_2201), AL/CRS1 (PSLP_2202), AL/CRS2 (PSLP_2203), AL/CRS3 (PSLP_2204), AL/CRS4 (PSLP_2205), AL/CRS6 (PSLP_2206), AL/CRS7 (PSLP_2207), STR/HA1 (PSLP_2208), PSTR/BE1 (PSLP_2209), PSTR/BI 1 (PSLP_2210), PSTR/BM1 (PSLP_2211), PSTR/FR1 (PSLP_2212), PSTR/GO1 (PSLP_2213), PSTR/HO1 (PSLP_2214), AL/HO1 (PSLP_2215), PSTR/LA1 (PSLP_2216), AL/LA1 (PSLP_2217), PSTR/PE1 (PSLP_2218), AL/PE4 (PSLP_2219), PSTR/RU1 (PSLP_2220), PSTR/SA1 (PSLP_2221), AL/SA1 (PSLP_2222), PSTR/SP1 (PSLP_2223), EN1 (PSLP_2224), EN3 (PSLP_2225), EN4 (PSLP_2226), EN5 (PSLP_2227), EN8 (PSLP_2228), EN9 (PSLP_2229), EN10 (PSLP_2230), EN12 (PSLP_2231), EN13 (PSLP_2232), EN14 (PSLP_2233), EN18 (PSLP_2234), EN19 (PSLP_2235), EN20 (PSLP_2236), EN25 (PSLP_2237), EN26 (PSLP_2238), H1 (PSLP_2239), H3 (PSLP_2240), H7 (PSLP_2241), ED1 (PSLP_2242), ED2 (PSLP_2243), ED3 (PSLP_2244), ED4 (PSLP_2245), ED5 (PSLP_2246), ED6 (PSLP_2247), Town, Rural Service, Neighbourhood, and Village Centres (PSLP_2248), Policies TP1 (PSLP_2249), TP2 (PSLP_2250), TP3 (PSLP_2251), TP4 (PSLP_2252), TP5 (PSLP_2253), TP6 (PSLP_2254), OSSR1 (PSLP_2255), Appendix 4 (PSLP_2256) and Evidence Base (whole Plan) (PSLP_2257)

Question 4a

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Supporting Information File Ref No: SI_156

Comment

Consultee	Strategic Planning ([REDACTED])
Email Address	[REDACTED]
Company / Organisation	Kent County Council (Planning and Environment)
Address	Invicta House County Hall MAIDSTONE ME14 1XX
Event Name	Pre-Submission Local Plan
Comment by	Kent County Council (Planning and Environment) (Strategic Planning - [REDACTED])
Comment ID	PSLP_2247
Response Date	04/06/21 16:56
Consultation Point	Policy ED 6 Commercial and Private Recreational (including equestrian) Uses in the Countryside (View)
Status	Processed
Submission Type	Email
Version	0.4
Files	Kent County Council-full representation.pdf
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Kent County Council (Growth, Environment & Transport)
Question 3	
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Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	Policy ED 6 Commercial and Private Recreational (including equestrian) Uses in the Countryside

[TWBC: see attached full representation, which has been input against the following: Section 1 (PSLP_2164), Section 2 (PSLP_2168), Section 3 (PSLP_2169), Policies STR1 (PSLP_2170), STR2 (PSLP_2171), STR4 (PSLP_2172), STR5 (PSLP_2174), STR7 (PSLP_2175), STR8 (PSLP_2176), Section 5 (PSLP_2177), Section 5: Royal Tunbridge Wells (PSLP_2178), Policies AL/RTW1 (PSLP_2180), AL/RTW5 (PSLP_2181), AL/RTW7 (PSLP_2183), AL/RTW14 (PSLP_2184), AL/RTW17 (PSLP_2185), AL/RTW21 (PSLP_2187), STR/SO1 (PSLP_2188), AL/SO1 (PSLP_2190), Strategic Sites (PSLP_2192), STR/SS1 (PSLP_2193), STR/SS2 (PSLP_2195), STR/SS3 (PSLP_2196), STR/PW1 (PSLP_2199), AL/PW1 (PSLP_2200), STR/CA1 (PSLP_2201), AL/CRS1 (PSLP_2202), AL/CRS2 (PSLP_2203), AL/CRS3 (PSLP_2204), AL/CRS4 (PSLP_2205), AL/CRS6 (PSLP_2206), AL/CRS7 (PSLP_2207), STR/HA1 (PSLP_2208), PSTR/BE1 (PSLP_2209), PSTR/BI 1 (PSLP_2210), PSTR/BM1 (PSLP_2211), PSTR/FR1 (PSLP_2212), PSTR/GO1 (PSLP_2213), PSTR/HO1 (PSLP_2214), AL/HO1 (PSLP_2215), PSTR/LA1 (PSLP_2216), AL/LA1 (PSLP_2217), PSTR/PE1 (PSLP_2218), AL/PE4 (PSLP_2219), PSTR/RU1 (PSLP_2220), PSTR/SA1 (PSLP_2221), AL/SA1 (PSLP_2222), PSTR/SP1 (PSLP_2223), EN1 (PSLP_2224), EN3 (PSLP_2225), EN4 (PSLP_2226), EN5 (PSLP_2227), EN8 (PSLP_2228), EN9 (PSLP_2229), EN10 (PSLP_2230), EN12 (PSLP_2231), EN13 (PSLP_2232), EN14 (PSLP_2233), EN18 (PSLP_2234), EN19 (PSLP_2235), EN20 (PSLP_2236), EN25 (PSLP_2237), EN26 (PSLP_2238), H1 (PSLP_2239), H3 (PSLP_2240), H7 (PSLP_2241), ED1 (PSLP_2242), ED2 (PSLP_2243), ED3 (PSLP_2244), ED4 (PSLP_2245), ED5 (PSLP_2246), ED6 (PSLP_2247), Town, Rural Service, Neighbourhood, and Village Centres (PSLP_2248), Policies TP1 (PSLP_2249), TP2 (PSLP_2250), TP3 (PSLP_2251), TP4 (PSLP_2252), TP5 (PSLP_2253), TP6 (PSLP_2254), OSSR1 (PSLP_2255), Appendix 4 (PSLP_2256) and Evidence Base (whole Plan) (PSLP_2257)

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

Question 5

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Rural Economy

The County Council considers that rural economic development is covered appropriately within these policies.

Question 6

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Question 7

***Please note** the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.*

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Question 7a

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Yes, I wish to be notified of future stages of the Local Plan

Supporting Information File Ref No: SI_156

Comment

Consultee	Strategic Planning ([REDACTED])
Email Address	[REDACTED]
Company / Organisation	Kent County Council (Planning and Environment)
Address	Invicta House County Hall MAIDSTONE ME14 1XX
Event Name	Pre-Submission Local Plan
Comment by	Kent County Council (Planning and Environment) (Strategic Planning - [REDACTED])
Comment ID	PSLP_2248
Response Date	04/06/21 16:56
Consultation Point	Town, Rural Service and Neighbourhood Centres, and Village Settlements (View)
Status	Processed
Submission Type	Email
Version	0.4
Files	Kent County Council-full representation.pdf
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Kent County Council (Growth, Environment & Transport)

Question 3a

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Town, Rural Service and Neighbourhood Centres, and Village Settlements

General Commentary

[TWBC: see attached full representation, which has been input against the following: Section 1 (PSLP_2164), Section 2 (PSLP_2168), Section 3 (PSLP_2169), Policies STR1 (PSLP_2170), STR2 (PSLP_2171), STR4 (PSLP_2172), STR5 (PSLP_2174), STR7 (PSLP_2175), STR8 (PSLP_2176), Section 5 (PSLP_2177), Section 5: Royal Tunbridge Wells (PSLP_2178), Policies AL/RTW1 (PSLP_2180), AL/RTW5 (PSLP_2181), AL/RTW7 (PSLP_2183), AL/RTW14 (PSLP_2184), AL/RTW17

(PSLP_2185), AL/RTW21 (PSLP_2187), STR/SO1 (PSLP_2188), AL/SO1 (PSLP_2190), Strategic Sites (PSLP_2192), STR/SS1 (PSLP_2193), STR/SS2 (PSLP_2195), STR/SS3 (PSLP_2196), STR/PW1 (PSLP_2199), AL/PW1 (PSLP_2200), STR/CA1 (PSLP_2201), AL/CRS1 (PSLP_2202), AL/CRS2 (PSLP_2203), AL/CRS3 (PSLP_2204), AL/CRS4 (PSLP_2205), AL/CRS6 (PSLP_2206), AL/CRS7 (PSLP_2207), STR/HA1 (PSLP_2208), PSTR/BE1 (PSLP_2209), PSTR/BI 1 (PSLP_2210), PSTR/BM1 (PSLP_2211), PSTR/FR1 (PSLP_2212), PSTR/GO1 (PSLP_2213), PSTR/HO1 (PSLP_2214), AL/HO1 (PSLP_2215), PSTR/LA1 (PSLP_2216), AL/LA1 (PSLP_2217), PSTR/PE1 (PSLP_2218), AL/PE4 (PSLP_2219), PSTR/RU1 (PSLP_2220), PSTR/SA1 (PSLP_2221), AL/SA1 (PSLP_2222), PSTR/SP1 (PSLP_2223), EN1 (PSLP_2224), EN3 (PSLP_2225), EN4 (PSLP_2226), EN5 (PSLP_2227), EN8 (PSLP_2228), EN9 (PSLP_2229), EN10 (PSLP_2230), EN12 (PSLP_2231), EN13 (PSLP_2232), EN14 (PSLP_2233), EN18 (PSLP_2234), EN19 (PSLP_2235), EN20 (PSLP_2236), EN25 (PSLP_2237), EN26 (PSLP_2238), H1 (PSLP_2239), H3 (PSLP_2240), H7 (PSLP_2241), ED1 (PSLP_2242), ED2 (PSLP_2243), ED3 (PSLP_2244), ED4 (PSLP_2245), ED5 (PSLP_2246), ED6 (PSLP_2247), Town, Rural Service, Neighbourhood, and Village Centres (PSLP_2248), Policies TP1 (PSLP_2249), TP2 (PSLP_2250), TP3 (PSLP_2251), TP4 (PSLP_2252), TP5 (PSLP_2253), TP6 (PSLP_2254), OSSR1 (PSLP_2255), Appendix 4 (PSLP_2256) and Evidence Base (whole Plan) (PSLP_2257)

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

Question 5

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The County Council is supportive of the flexible approach set out within the Local Plan to ensure the “provision of retail and complementary uses and makes mixed use allocations within the defined centres to broadly meet the needs and provide a range of sites to meet future needs”. Adaptability of the high street will help secure the resilience of these spaces. The County Council would draw attention to the role of community facilities and services within the high street to ensure these spaces are easily accessible for both new and existing communities.

Cultural infrastructure is also an essential feature within a town centre to create a vibrant mix of uses. It can be delivered as multifunctional spaces that offer opportunities for community services and affordable creative workspaces to support small businesses and freelancers, alongside cultural offerings. The cultural sector also provides local employment opportunities, with the role of higher and further education facilities developing skills in the cultural and creative industries. The Local Plan should therefore consider the delivery of necessary cultural infrastructure, as mentioned in Policy STR 5, to support sustainable development in the Borough. The County Council encourages the use of art in design to create a sense of place and identity in both new and existing communities.

Question 6

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Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

Question 7a

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Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:

Yes, I wish to be notified of future stages of the Local Plan

Supporting Information File Ref No: SI_156

Comment

Consultee	Strategic Planning ([REDACTED])
Email Address	[REDACTED]
Company / Organisation	Kent County Council (Planning and Environment)
Address	Invicta House County Hall MAIDSTONE ME14 1XX
Event Name	Pre-Submission Local Plan
Comment by	Kent County Council (Planning and Environment) (Strategic Planning - [REDACTED])
Comment ID	PSLP_2249
Response Date	04/06/21 16:56
Consultation Point	Policy TP 1 Transport Assessments/Statements, Travel Plans, and Mitigation (View)
Status	Processed
Submission Type	Email
Version	0.4
Files	Kent County Council-full representation.pdf
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Kent County Council (Growth, Environment & Transport)
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	Policy TP 1 Transport Assessments/Statements, Travel Plans, and Mitigation

[TWBC: see attached full representation, which has been input against the following: Section 1 (PSLP_2164), Section 2 (PSLP_2168), Section 3 (PSLP_2169), Policies STR1 (PSLP_2170), STR2 (PSLP_2171), STR4 (PSLP_2172), STR5 (PSLP_2174), STR7 (PSLP_2175), STR8 (PSLP_2176), Section 5 (PSLP_2177), Section 5: Royal Tunbridge Wells (PSLP_2178), Policies AL/RTW1 (PSLP_2180), AL/RTW5 (PSLP_2181), AL/RTW7 (PSLP_2183), AL/RTW14 (PSLP_2184), AL/RTW17 (PSLP_2185), AL/RTW21 (PSLP_2187), STR/SO1 (PSLP_2188), AL/SO1 (PSLP_2190), Strategic Sites (PSLP_2192), STR/SS1 (PSLP_2193), STR/SS2 (PSLP_2195), STR/SS3 (PSLP_2196), STR/PW1 (PSLP_2199), AL/PW1 (PSLP_2200), STR/CA1 (PSLP_2201), AL/CRS1 (PSLP_2202), AL/CRS2 (PSLP_2203), AL/CRS3 (PSLP_2204), AL/CRS4 (PSLP_2205), AL/CRS6 (PSLP_2206), AL/CRS7 (PSLP_2207), STR/HA1 (PSLP_2208), PSTR/BE1 (PSLP_2209), PSTR/BI 1 (PSLP_2210), PSTR/BM1 (PSLP_2211), PSTR/FR1 (PSLP_2212), PSTR/GO1 (PSLP_2213), PSTR/HO1 (PSLP_2214), AL/HO1 (PSLP_2215), PSTR/LA1 (PSLP_2216), AL/LA1 (PSLP_2217), PSTR/PE1 (PSLP_2218), AL/PE4 (PSLP_2219), PSTR/RU1 (PSLP_2220), PSTR/SA1 (PSLP_2221), AL/SA1 (PSLP_2222), PSTR/SP1 (PSLP_2223), EN1 (PSLP_2224), EN3 (PSLP_2225), EN4 (PSLP_2226), EN5 (PSLP_2227), EN8 (PSLP_2228), EN9 (PSLP_2229), EN10 (PSLP_2230), EN12 (PSLP_2231), EN13 (PSLP_2232), EN14 (PSLP_2233), EN18 (PSLP_2234), EN19 (PSLP_2235), EN20 (PSLP_2236), EN25 (PSLP_2237), EN26 (PSLP_2238), H1 (PSLP_2239), H3 (PSLP_2240), H7 (PSLP_2241), ED1 (PSLP_2242), ED2 (PSLP_2243), ED3 (PSLP_2244), ED4 (PSLP_2245), ED5 (PSLP_2246), ED6 (PSLP_2247), Town, Rural Service, Neighbourhood, and Village Centres (PSLP_2248), Policies TP1 (PSLP_2249), TP2 (PSLP_2250), TP3 (PSLP_2251), TP4 (PSLP_2252), TP5 (PSLP_2253), TP6 (PSLP_2254), OSSR1 (PSLP_2255), Appendix 4 (PSLP_2256) and Evidence Base (whole Plan) (PSLP_2257)

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

Question 5

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The County Council has set out its full response to the consultation in the attached Appendix. Comments are linked to relevant policies where appropriate.

The County Council considers this policy to be acceptable.

Question 6

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Supporting Information File Ref No: SI_156

Comment

Consultee	Strategic Planning ([REDACTED])
Email Address	[REDACTED]
Company / Organisation	Kent County Council (Planning and Environment)
Address	Invicta House County Hall MAIDSTONE ME14 1XX
Event Name	Pre-Submission Local Plan
Comment by	Kent County Council (Planning and Environment) (Strategic Planning [REDACTED])
Comment ID	PSLP_2250
Response Date	04/06/21 16:56
Consultation Point	Policy TP 2 Transport Design and Accessibility (View)
Status	Processed
Submission Type	Email
Version	0.4
Files	Kent County Council-full representation.pdf
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Kent County Council (Growth, Environment & Transport)
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

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Policy TP 2 Transport Design and Accessibility

[TWBC: see attached full representation, which has been input against the following: Section 1 (PSLP_2164), Section 2 (PSLP_2168), Section 3 (PSLP_2169), Policies STR1 (PSLP_2170), STR2

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Question 4a

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The County Council considers this policy to be acceptable, subject to the following alterations:

In the preamble to this policy, para 6.550 should say Local Cycling and Walking Infrastructure Plan, rather than Local Cycling and Walking Infrastructure Fund.

The final paragraph of the policy ('Shared space schemes...') does not make sense and so the County Council recommends its removal, as proposed shared space schemes should be assessed by the County Council as highway authority, as part of the Transport Assessment (there is no need to highlight in a separate paragraph).

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Supporting Information File Ref No: SI_156

Comment

Consultee	Strategic Planning ([REDACTED])
Email Address	[REDACTED]
Company / Organisation	Kent County Council (Planning and Environment)
Address	Invicta House County Hall MAIDSTONE ME14 1XX
Event Name	Pre-Submission Local Plan
Comment by	Kent County Council (Planning and Environment) (Strategic Planning [REDACTED])
Comment ID	PSLP_2251
Response Date	04/06/21 16:56
Consultation Point	Policy TP 3 Parking Standards (View)
Status	Processed
Submission Type	Email
Version	0.4
Files	Kent County Council-full representation.pdf
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Kent County Council (Growth, Environment & Transport)
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

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Policy TP 3 Parking Standards

[TWBC: see attached full representation, which has been input against the following: Section 1 (PSLP_2164), Section 2 (PSLP_2168), Section 3 (PSLP_2169), Policies STR1 (PSLP_2170), STR2

(PSLP_2171), STR4 (PSLP_2172), STR5 (PSLP_2174), STR7 (PSLP_2175), STR8 (PSLP_2176), Section 5 (PSLP_2177), Section 5: Royal Tunbridge Wells (PSLP_2178), Policies AL/RTW1 (PSLP_2180), AL/RTW5 (PSLP_2181), AL/RTW7 (PSLP_2183), AL/RTW14 (PSLP_2184), AL/RTW17 (PSLP_2185), AL/RTW21 (PSLP_2187), STR/SO1 (PSLP_2188), AL/SO1 (PSLP_2190), Strategic Sites (PSLP_2192), STR/SS1 (PSLP_2193), STR/SS2 (PSLP_2195), STR/SS3 (PSLP_2196), STR/PW1 (PSLP_2199), AL/PW1 (PSLP_2200), STR/CA1 (PSLP_2201), AL/CRS1 (PSLP_2202), AL/CRS2 (PSLP_2203), AL/CRS3 (PSLP_2204), AL/CRS4 (PSLP_2205), AL/CRS6 (PSLP_2206), AL/CRS7 (PSLP_2207), STR/HA1 (PSLP_2208), PSTR/BE1 (PSLP_2209), PSTR/BI 1 (PSLP_2210), PSTR/BM1 (PSLP_2211), PSTR/FR1 (PSLP_2212), PSTR/GO1 (PSLP_2213), PSTR/HO1 (PSLP_2214), AL/HO1 (PSLP_2215), PSTR/LA1 (PSLP_2216), AL/LA1 (PSLP_2217), PSTR/PE1 (PSLP_2218), AL/PE4 (PSLP_2219), PSTR/RU1 (PSLP_2220), PSTR/SA1 (PSLP_2221), AL/SA1 (PSLP_2222), PSTR/SP1 (PSLP_2223), EN1 (PSLP_2224), EN3 (PSLP_2225), EN4 (PSLP_2226), EN5 (PSLP_2227), EN8 (PSLP_2228), EN9 (PSLP_2229), EN10 (PSLP_2230), EN12 (PSLP_2231), EN13 (PSLP_2232), EN14 (PSLP_2233), EN18 (PSLP_2234), EN19 (PSLP_2235), EN20 (PSLP_2236), EN25 (PSLP_2237), EN26 (PSLP_2238), H1 (PSLP_2239), H3 (PSLP_2240), H7 (PSLP_2241), ED1 (PSLP_2242), ED2 (PSLP_2243), ED3 (PSLP_2244), ED4 (PSLP_2245), ED5 (PSLP_2246), ED6 (PSLP_2247), Town, Rural Service, Neighbourhood, and Village Centres (PSLP_2248), Policies TP1 (PSLP_2249), TP2 (PSLP_2250), TP3 (PSLP_2251), TP4 (PSLP_2252), TP5 (PSLP_2253), TP6 (PSLP_2254), OSSR1 (PSLP_2255), Appendix 4 (PSLP_2256) and Evidence Base (whole Plan) (PSLP_2257)

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

Question 5

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

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The County Council considers this policy to be acceptable.

Question 6

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Question 7

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If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

Question 7a

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Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:

Yes, I wish to be notified of future stages of the Local Plan

Supporting Information File Ref No: SI_156

Comment

Consultee	Strategic Planning ([REDACTED])
Email Address	[REDACTED]
Company / Organisation	Kent County Council (Planning and Environment)
Address	Invicta House County Hall MAIDSTONE ME14 1XX
Event Name	Pre-Submission Local Plan
Comment by	Kent County Council (Planning and Environment) (Strategic Planning - [REDACTED])
Comment ID	PSLP_2252
Response Date	04/06/21 16:56
Consultation Point	Policy TP 4 Public Car Parks (View)
Status	Processed
Submission Type	Email
Version	0.4
Files	Kent County Council-full representation.pdf
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Kent County Council (Growth, Environment & Transport)
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy TP 4 Public Car Parks

[TWBC: see attached full representation, which has been input against the following: Section 1 (PSLP_2164), Section 2 (PSLP_2168), Section 3 (PSLP_2169), Policies STR1 (PSLP_2170), STR2

(PSLP_2171), STR4 (PSLP_2172), STR5 (PSLP_2174), STR7 (PSLP_2175), STR8 (PSLP_2176), Section 5 (PSLP_2177), Section 5: Royal Tunbridge Wells (PSLP_2178), Policies AL/RTW1 (PSLP_2180), AL/RTW5 (PSLP_2181), AL/RTW7 (PSLP_2183), AL/RTW14 (PSLP_2184), AL/RTW17 (PSLP_2185), AL/RTW21 (PSLP_2187), STR/SO1 (PSLP_2188), AL/SO1 (PSLP_2190), Strategic Sites (PSLP_2192), STR/SS1 (PSLP_2193), STR/SS2 (PSLP_2195), STR/SS3 (PSLP_2196), STR/PW1 (PSLP_2199), AL/PW1 (PSLP_2200), STR/CA1 (PSLP_2201), AL/CRS1 (PSLP_2202), AL/CRS2 (PSLP_2203), AL/CRS3 (PSLP_2204), AL/CRS4 (PSLP_2205), AL/CRS6 (PSLP_2206), AL/CRS7 (PSLP_2207), STR/HA1 (PSLP_2208), PSTR/BE1 (PSLP_2209), PSTR/BI 1 (PSLP_2210), PSTR/BM1 (PSLP_2211), PSTR/FR1 (PSLP_2212), PSTR/GO1 (PSLP_2213), PSTR/HO1 (PSLP_2214), AL/HO1 (PSLP_2215), PSTR/LA1 (PSLP_2216), AL/LA1 (PSLP_2217), PSTR/PE1 (PSLP_2218), AL/PE4 (PSLP_2219), PSTR/RU1 (PSLP_2220), PSTR/SA1 (PSLP_2221), AL/SA1 (PSLP_2222), PSTR/SP1 (PSLP_2223), EN1 (PSLP_2224), EN3 (PSLP_2225), EN4 (PSLP_2226), EN5 (PSLP_2227), EN8 (PSLP_2228), EN9 (PSLP_2229), EN10 (PSLP_2230), EN12 (PSLP_2231), EN13 (PSLP_2232), EN14 (PSLP_2233), EN18 (PSLP_2234), EN19 (PSLP_2235), EN20 (PSLP_2236), EN25 (PSLP_2237), EN26 (PSLP_2238), H1 (PSLP_2239), H3 (PSLP_2240), H7 (PSLP_2241), ED1 (PSLP_2242), ED2 (PSLP_2243), ED3 (PSLP_2244), ED4 (PSLP_2245), ED5 (PSLP_2246), ED6 (PSLP_2247), Town, Rural Service, Neighbourhood, and Village Centres (PSLP_2248), Policies TP1 (PSLP_2249), TP2 (PSLP_2250), TP3 (PSLP_2251), TP4 (PSLP_2252), TP5 (PSLP_2253), TP6 (PSLP_2254), OSSR1 (PSLP_2255), Appendix 4 (PSLP_2256) and Evidence Base (whole Plan) (PSLP_2257)

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

Question 5

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The County Council considers this policy to be acceptable.

Question 6

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Question 7

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Question 7a

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Future Notifications

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Supporting Information File Ref No: SI_156

Comment

Consultee	Strategic Planning ([REDACTED])
Email Address	[REDACTED]
Company / Organisation	Kent County Council (Planning and Environment)
Address	Invicta House County Hall MAIDSTONE ME14 1XX
Event Name	Pre-Submission Local Plan
Comment by	Kent County Council (Planning and Environment) (Strategic Planning - [REDACTED])
Comment ID	PSLP_2253
Response Date	04/06/21 16:56
Consultation Point	Policy TP 5 Safeguarding Railway Land (View)
Status	Processed
Submission Type	Email
Version	0.4
Files	Kent County Council-full representation.pdf
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Kent County Council (Growth, Environment & Transport)
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy TP 5 Safeguarding Railway Land

[TWBC: see attached full representation, which has been input against the following: Section 1 (PSLP_2164), Section 2 (PSLP_2168), Section 3 (PSLP_2169), Policies STR1 (PSLP_2170), STR2

(PSLP_2171), STR4 (PSLP_2172), STR5 (PSLP_2174), STR7 (PSLP_2175), STR8 (PSLP_2176), Section 5 (PSLP_2177), Section 5: Royal Tunbridge Wells (PSLP_2178), Policies AL/RTW1 (PSLP_2180), AL/RTW5 (PSLP_2181), AL/RTW7 (PSLP_2183), AL/RTW14 (PSLP_2184), AL/RTW17 (PSLP_2185), AL/RTW21 (PSLP_2187), STR/SO1 (PSLP_2188), AL/SO1 (PSLP_2190), Strategic Sites (PSLP_2192), STR/SS1 (PSLP_2193), STR/SS2 (PSLP_2195), STR/SS3 (PSLP_2196), STR/PW1 (PSLP_2199), AL/PW1 (PSLP_2200), STR/CA1 (PSLP_2201), AL/CRS1 (PSLP_2202), AL/CRS2 (PSLP_2203), AL/CRS3 (PSLP_2204), AL/CRS4 (PSLP_2205), AL/CRS6 (PSLP_2206), AL/CRS7 (PSLP_2207), STR/HA1 (PSLP_2208), PSTR/BE1 (PSLP_2209), PSTR/BI 1 (PSLP_2210), PSTR/BM1 (PSLP_2211), PSTR/FR1 (PSLP_2212), PSTR/GO1 (PSLP_2213), PSTR/HO1 (PSLP_2214), AL/HO1 (PSLP_2215), PSTR/LA1 (PSLP_2216), AL/LA1 (PSLP_2217), PSTR/PE1 (PSLP_2218), AL/PE4 (PSLP_2219), PSTR/RU1 (PSLP_2220), PSTR/SA1 (PSLP_2221), AL/SA1 (PSLP_2222), PSTR/SP1 (PSLP_2223), EN1 (PSLP_2224), EN3 (PSLP_2225), EN4 (PSLP_2226), EN5 (PSLP_2227), EN8 (PSLP_2228), EN9 (PSLP_2229), EN10 (PSLP_2230), EN12 (PSLP_2231), EN13 (PSLP_2232), EN14 (PSLP_2233), EN18 (PSLP_2234), EN19 (PSLP_2235), EN20 (PSLP_2236), EN25 (PSLP_2237), EN26 (PSLP_2238), H1 (PSLP_2239), H3 (PSLP_2240), H7 (PSLP_2241), ED1 (PSLP_2242), ED2 (PSLP_2243), ED3 (PSLP_2244), ED4 (PSLP_2245), ED5 (PSLP_2246), ED6 (PSLP_2247), Town, Rural Service, Neighbourhood, and Village Centres (PSLP_2248), Policies TP1 (PSLP_2249), TP2 (PSLP_2250), TP3 (PSLP_2251), TP4 (PSLP_2252), TP5 (PSLP_2253), TP6 (PSLP_2254), OSSR1 (PSLP_2255), Appendix 4 (PSLP_2256) and Evidence Base (whole Plan) (PSLP_2257)

Question 4a

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Question 7a

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Supporting Information File Ref No: SI_156

Comment

Consultee	Strategic Planning ([REDACTED])
Email Address	[REDACTED]
Company / Organisation	Kent County Council (Planning and Environment)
Address	Invicta House County Hall MAIDSTONE ME14 1XX
Event Name	Pre-Submission Local Plan
Comment by	Kent County Council (Planning and Environment) (Strategic Planning [REDACTED])
Comment ID	PSLP_2254
Response Date	04/06/21 16:56
Consultation Point	Policy TP 6 Safeguarding Roads (View)
Status	Processed
Submission Type	Email
Version	0.4
Files	Kent County Council-full representation.pdf
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Kent County Council (Growth, Environment & Transport)
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

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Policy TP 6 Safeguarding Roads

[TWBC: see attached full representation, which has been input against the following: Section 1 (PSLP_2164), Section 2 (PSLP_2168), Section 3 (PSLP_2169), Policies STR1 (PSLP_2170), STR2

(PSLP_2171), STR4 (PSLP_2172), STR5 (PSLP_2174), STR7 (PSLP_2175), STR8 (PSLP_2176), Section 5 (PSLP_2177), Section 5: Royal Tunbridge Wells (PSLP_2178), Policies AL/RTW1 (PSLP_2180), AL/RTW5 (PSLP_2181), AL/RTW7 (PSLP_2183), AL/RTW14 (PSLP_2184), AL/RTW17 (PSLP_2185), AL/RTW21 (PSLP_2187), STR/SO1 (PSLP_2188), AL/SO1 (PSLP_2190), Strategic Sites (PSLP_2192), STR/SS1 (PSLP_2193), STR/SS2 (PSLP_2195), STR/SS3 (PSLP_2196), STR/PW1 (PSLP_2199), AL/PW1 (PSLP_2200), STR/CA1 (PSLP_2201), AL/CRS1 (PSLP_2202), AL/CRS2 (PSLP_2203), AL/CRS3 (PSLP_2204), AL/CRS4 (PSLP_2205), AL/CRS6 (PSLP_2206), AL/CRS7 (PSLP_2207), STR/HA1 (PSLP_2208), PSTR/BE1 (PSLP_2209), PSTR/BI 1 (PSLP_2210), PSTR/BM1 (PSLP_2211), PSTR/FR1 (PSLP_2212), PSTR/GO1 (PSLP_2213), PSTR/HO1 (PSLP_2214), AL/HO1 (PSLP_2215), PSTR/LA1 (PSLP_2216), AL/LA1 (PSLP_2217), PSTR/PE1 (PSLP_2218), AL/PE4 (PSLP_2219), PSTR/RU1 (PSLP_2220), PSTR/SA1 (PSLP_2221), AL/SA1 (PSLP_2222), PSTR/SP1 (PSLP_2223), EN1 (PSLP_2224), EN3 (PSLP_2225), EN4 (PSLP_2226), EN5 (PSLP_2227), EN8 (PSLP_2228), EN9 (PSLP_2229), EN10 (PSLP_2230), EN12 (PSLP_2231), EN13 (PSLP_2232), EN14 (PSLP_2233), EN18 (PSLP_2234), EN19 (PSLP_2235), EN20 (PSLP_2236), EN25 (PSLP_2237), EN26 (PSLP_2238), H1 (PSLP_2239), H3 (PSLP_2240), H7 (PSLP_2241), ED1 (PSLP_2242), ED2 (PSLP_2243), ED3 (PSLP_2244), ED4 (PSLP_2245), ED5 (PSLP_2246), ED6 (PSLP_2247), Town, Rural Service, Neighbourhood, and Village Centres (PSLP_2248), Policies TP1 (PSLP_2249), TP2 (PSLP_2250), TP3 (PSLP_2251), TP4 (PSLP_2252), TP5 (PSLP_2253), TP6 (PSLP_2254), OSSR1 (PSLP_2255), Appendix 4 (PSLP_2256) and Evidence Base (whole Plan) (PSLP_2257)

Question 4a

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Question 7a

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Supporting Information File Ref No: SI_156

Comment

Consultee	Strategic Planning ([REDACTED])
Email Address	[REDACTED]
Company / Organisation	Kent County Council (Planning and Environment)
Address	Invicta House County Hall MAIDSTONE ME14 1XX
Event Name	Pre-Submission Local Plan
Comment by	Kent County Council (Planning and Environment) (Strategic Planning ([REDACTED]))
Comment ID	PSLP_2255
Response Date	04/06/21 16:56
Consultation Point	Policy OSSR 1 Retention of Open Space (View)
Status	Processed
Submission Type	Email
Version	0.4
Files	Kent County Council-full representation.pdf
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Kent County Council (Growth, Environment & Transport)
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

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Policy OSSR 1 Retention of Open Space

[TWBC: see attached full representation, which has been input against the following: Section 1 (PSLP_2164), Section 2 (PSLP_2168), Section 3 (PSLP_2169), Policies STR1 (PSLP_2170), STR2

(PSLP_2171), STR4 (PSLP_2172), STR5 (PSLP_2174), STR7 (PSLP_2175), STR8 (PSLP_2176), Section 5 (PSLP_2177), Section 5: Royal Tunbridge Wells (PSLP_2178), Policies AL/RTW1 (PSLP_2180), AL/RTW5 (PSLP_2181), AL/RTW7 (PSLP_2183), AL/RTW14 (PSLP_2184), AL/RTW17 (PSLP_2185), AL/RTW21 (PSLP_2187), STR/SO1 (PSLP_2188), AL/SO1 (PSLP_2190), Strategic Sites (PSLP_2192), STR/SS1 (PSLP_2193), STR/SS2 (PSLP_2195), STR/SS3 (PSLP_2196), STR/PW1 (PSLP_2199), AL/PW1 (PSLP_2200), STR/CA1 (PSLP_2201), AL/CRS1 (PSLP_2202), AL/CRS2 (PSLP_2203), AL/CRS3 (PSLP_2204), AL/CRS4 (PSLP_2205), AL/CRS6 (PSLP_2206), AL/CRS7 (PSLP_2207), STR/HA1 (PSLP_2208), PSTR/BE1 (PSLP_2209), PSTR/BI 1 (PSLP_2210), PSTR/BM1 (PSLP_2211), PSTR/FR1 (PSLP_2212), PSTR/GO1 (PSLP_2213), PSTR/HO1 (PSLP_2214), AL/HO1 (PSLP_2215), PSTR/LA1 (PSLP_2216), AL/LA1 (PSLP_2217), PSTR/PE1 (PSLP_2218), AL/PE4 (PSLP_2219), PSTR/RU1 (PSLP_2220), PSTR/SA1 (PSLP_2221), AL/SA1 (PSLP_2222), PSTR/SP1 (PSLP_2223), EN1 (PSLP_2224), EN3 (PSLP_2225), EN4 (PSLP_2226), EN5 (PSLP_2227), EN8 (PSLP_2228), EN9 (PSLP_2229), EN10 (PSLP_2230), EN12 (PSLP_2231), EN13 (PSLP_2232), EN14 (PSLP_2233), EN18 (PSLP_2234), EN19 (PSLP_2235), EN20 (PSLP_2236), EN25 (PSLP_2237), EN26 (PSLP_2238), H1 (PSLP_2239), H3 (PSLP_2240), H7 (PSLP_2241), ED1 (PSLP_2242), ED2 (PSLP_2243), ED3 (PSLP_2244), ED4 (PSLP_2245), ED5 (PSLP_2246), ED6 (PSLP_2247), Town, Rural Service, Neighbourhood, and Village Centres (PSLP_2248), Policies TP1 (PSLP_2249), TP2 (PSLP_2250), TP3 (PSLP_2251), TP4 (PSLP_2252), TP5 (PSLP_2253), TP6 (PSLP_2254), OSSR1 (PSLP_2255), Appendix 4 (PSLP_2256) and Evidence Base (whole Plan) (PSLP_2257)

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

Question 5

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

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The County Council has set out its full response to the consultation in the attached Appendix. Comments are linked to relevant policies where appropriate.

Sports and Recreation

The County Council welcomes the approvals sought from Sport England and is keen for further engagement to assess how KCC can further support to increase sport and physical activity provision and participation in the Borough.

Attention is also drawn to the latest Active Lives data which considers the impact of Coronavirus on activity levels within the Borough - The impact of coronavirus on activity levels revealed | Sport England

Question 6

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

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Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Question 5 above. (Please note that non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

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Question 7

***Please note** the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.*

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

Question 7a

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Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:

Yes, I wish to be notified of future stages of the Local Plan

Supporting Information File Ref No: SI_156

Comment

Consultee	Strategic Planning ()
Email Address	
Company / Organisation	Kent County Council (Planning and Environment)
Address	Invicta House County Hall MAIDSTONE ME14 1XX
Event Name	Pre-Submission Local Plan
Comment by	Kent County Council (Planning and Environment) (Strategic Planning ())
Comment ID	PSLP_2256
Response Date	04/06/21 16:56
Consultation Point	Appendix 4: Glossary (View)
Status	Processed
Submission Type	Email
Version	0.4
Files	Kent County Council-full representation.pdf
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Kent County Council (Growth, Environment & Transport)
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Appendix 4: Glossary

[TWBC: see attached full representation, which has been input against the following: Section 1 (PSLP_2164), Section 2 (PSLP_2168), Section 3 (PSLP_2169), Policies STR1 (PSLP_2170), STR2 (PSLP_2171), STR4 (PSLP_2172), STR5 (PSLP_2174), STR7 (PSLP_2175), STR8 (PSLP_2176), Section 5 (PSLP_2177), Section 5: Royal Tunbridge Wells (PSLP_2178), Policies AL/RTW1 (PSLP_2180), AL/RTW5 (PSLP_2181), AL/RTW7 (PSLP_2183), AL/RTW14 (PSLP_2184), AL/RTW17 (PSLP_2185), AL/RTW21 (PSLP_2187), STR/SO1 (PSLP_2188), AL/SO1 (PSLP_2190), Strategic Sites (PSLP_2192), STR/SS1 (PSLP_2193), STR/SS2 (PSLP_2195), STR/SS3 (PSLP_2196), STR/PW1 (PSLP_2199), AL/PW1 (PSLP_2200), STR/CA1 (PSLP_2201), AL/CRS1 (PSLP_2202), AL/CRS2

(PSLP_2203), AL/CRS3 (PSLP_2204), AL/CRS4 (PSLP_2005), AL/CRS6 (PSLP_2206), AL/CRS7 (PSLP_2207), STR/HA1 (PSLP_2208), PSTR/BE1 (PSLP_2209), PSTR/BI 1 (PSLP_2210), PSTR/BM1 (PSLP_2211), PSTR/FR1 (PSLP_2212), PSTR/GO1 (PSLP_2213), PSTR/HO1 (PSLP_2214), AL/HO1 (PSLP_2215), PSTR/LA1 (PSLP_2216), AL/LA1 (PSLP_2217), PSTR/PE1 (PSLP_2218), AL/PE4 (PSLP_2219), PSTR/RU1 (PSLP_2220), PSTR/SA1 (PSLP_2221), AL/SA1 (PSLP_2222), PSTR/SP1 (PSLP_2223), EN1 (PSLP_2224), EN3 (PSLP_2225), EN4 (PSLP_2226), EN5 (PSLP_2227), EN8 (PSLP_2228), EN9 (PSLP_2229), EN10 (PSLP_2230), EN12 (PSLP_2231), EN13 (PSLP_2232), EN14 (PSLP_2233), EN18 (PSLP_2234), EN19 (PSLP_2235), EN20 (PSLP_2236), EN25 (PSLP_2237), EN26 (PSLP_2238), H1 (PSLP_2239), H3 (PSLP_2240), H7 (PSLP_2241), ED1 (PSLP_2242), ED2 (PSLP_2243), ED3 (PSLP_2244), ED4 (PSLP_2245), ED5 (PSLP_2246), ED6 (PSLP_2247), Town, Rural Service, Neighbourhood, and Village Centres (PSLP_2248), Policies TP1 (PSLP_2249), TP2 (PSLP_2250), TP3 (PSLP_2251), TP4 (PSLP_2252), TP5 (PSLP_2253), TP6 (PSLP_2254), OSSR1 (PSLP_2255), Appendix 4 (PSLP_2256) and Evidence Base (whole Plan) (PSLP_2257)

Question 4a

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Question 5

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The County Council has set out its full response to the consultation in the attached Appendix. Comments are linked to relevant policies where appropriate.

Public Rights of Way

The inclusion of a Public Right of Way definition is requested. For the avoidance of doubt, the abbreviation 'PRoW' should also be added to the text so that it reads:

Public Right of Way (PRoW) – A way over which the public have a right to pass and repass, including Public Footpaths, Public Bridleways, Restricted Byways and Byways Open to All Traffic.

Rights of Way Improvement Plan – the KCC statutory policy must be included.

Question 6

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Question 7

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Question 7a

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Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:

	Yes, I wish to be notified of future stages of the Local Plan
--	---

Comment

Consultee	[REDACTED]
Email Address	[REDACTED]
Company / Organisation	Kent Nature Partnership
Address	c/o Kent County Council Flood Risk & Natural Environment Unit MAIDSTONE ME14 1XX
Event Name	Pre-Submission Local Plan
Comment by	Kent Nature Partnership [REDACTED]
Comment ID	PSLP_1083
Response Date	02/06/21 17:17
Consultation Point	Policy EN 9 Biodiversity Net Gain (View)
Status	Processed
Submission Type	Email
Version	0.5

Data inputter to enter their initials here KH

Question 1

Respondent's Name and/or Organisation Kent Nature Partnership

Question 3

To which part of the Local Plan does this representation relate? Policy

Question 3a

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy EN 9 Biodiversity Net Gain

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

Question 5

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I am writing in response to the Tunbridge Wells Borough Council Pre-submission Local Plan, with particular reference to the biodiversity elements of the plan. Our response is provided in consideration of two key documents of the Kent Nature Partnership:

- Kent Biodiversity Net Gain Strategy – Statement of Principles February 2020
- Kent Biodiversity Strategy

The Partnership welcomes the reference to our Kent Biodiversity Strategy and the need to use this to inform biodiversity and landscaping.

The Kent Nature Partnership is pleased to see that the Plan recognises the need to halt the loss of biodiversity and the importance of the natural environment to people's health and wellbeing. And the Partnership especially welcomes that Tunbridge Wells will be addressing this decline in biodiversity with a requirement for all development to contribute towards delivering net gains for biodiversity, with the effect that biodiversity across the Borough as a whole will be improved by the end of the plan period.

The Plan's policy of expecting all biodiversity net gain to be delivered on site is in accordance with the emerging national approach however the Partnership asks the Borough Council to consider how these gains will be connected to ensure the gain is meaningful and serves to deliver improvements for our fragmented habitats and its associated biodiversity. In this regard, we welcome the statement that offsite proposals will be considered when in the interests of biodiversity.

The Partnership welcomes the policy that development must deliver a minimum of 10% and recognise that this may be increased, with this increase provided for by supplementary planning guidance.

We would strongly advocate that Tunbridge Wells looks to move towards a 20% biodiversity net gain, a target we as a Partnership are promoting with all of the county's local planning authorities. Kent's biodiversity faces some exceptional pressures – whilst we have a rich and varied biodiversity, we have seen some major losses of wildlife over the last century, with our landscape fragmented by continuous growth and development. We therefore consider that an enhanced target for biodiversity net gain of 20% is a proportionate response and one that illustrates the county's commitment to tackling the ecological crisis that faces Kent. Furthermore, the scale of previous biodiversity losses requires aspirational levels of gain to make up for them.

The Partnership is working with the county's LPAs to provide the evidence required to support the 20% target for biodiversity net gain and we hope to publish an independent and professional assessment of viability impacts from net gain later this year in relation to this.

The Partnership welcomes that the provision of biodiversity net gain is in general accordance with the Kent Nature Partnership's biodiversity net gain principles, in that it requires the gain to be secured for the lifetime of the development or a minimum of 30 years, when offsite. We would ask that where net gain is delivered offsite, the sites should be in protective ownership; such an approach would likely see high quality and meaningful net gains for biodiversity, that would be provided for in perpetuity.

In respect of the future development of Supplementary Planning Document for biodiversity net gain, we look forward to working with Tunbridge Wells in the development of this.

And one final note of accuracy – the Plan makes reference to the Kent Nature Partnership Biodiversity Action Plan; this should be replaced with Kent Biodiversity Strategy.

Question 7

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If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

For office use only

If responder hasn't ticked an option on this box, data inputter to tick 'not stated' box. Not Stated

Supporting Information File Ref No: SI_103

Comment

Agent	Mr Andrew Wilford [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Esquire Developments
Address	[REDACTED] [REDACTED] Longfield [REDACTED]
Consultee	[REDACTED]
Company / Organisation	Kent SME Developers Network
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Kent SME Developers Network [REDACTED]
Comment ID	PSLP_1793
Response Date	04/06/21 15:15
Consultation Point	Policy STR 1 The Development Strategy (View)
Status	Processed
Submission Type	Email
Version	0.4
Files	PSLP_1793 Esquire Developments for Kent SME SI Representation with Appendices.pdf
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Kent SME Developers Network
Question 2	
Agent's Name and Organisation (if applicable)	Esquire Developments
Question 3	

To which part of the Local Plan does this representation relate?

Policy

Question 3a

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy STR 1 The Development Strategy

Question 4

Do you consider that the Local Plan:

Is sound

No

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

- . It is not positively prepared
- . It is not effective
- . It is not justified
- . It is not consistent with national policy

Question 5

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See attached representations

[TWBC: for full representation with appendices, please see supporting documents]

APPENDICES

APPENDIX 1 – Extracts from Housing Supply and Trajectory Topic Paper

APPENDIX 2 - From Start to Finish' 2nd Edition (February 2020)

APPENDIX 3 - North Essex Authorities EIP

APPENDIX 4 - Uttlesford EIP

APPENDIX 5 - The Role of SMEs

APPENDIX 6 – Schedule of sites under 1ha

APPENDIX 7 – Schedule of sites under 60 dwellings

APPENDIX 8 - Draft Small Sites Policy

APPENDIX 9 – Effect of Rounding Up of Affordable Housing

1.0 INTRODUCTION

i) About the Kent SME Developers Network

1.1 These representations have been prepared by the Kent SME Developer Network (the Network) – a consortium of Small and Medium (SME) Developers who are located in or operate within Kent and Medway. The Group is currently chaired by Paul Henry, Managing Director of Esquire Developments, an SME Housebuilder based in Longfield near Dartford, Kent.

1.2 The Network was formed in November 2019 and presently comprises approximately 30 participants including SME Housebuilders and Developers (of varying size and scale) and Registered Providers. In addition, the Network includes representatives of Local Planning Authorities including Medway Council, Swale Borough Council, Tonbridge and Malling Borough Council, Tunbridge Wells Borough Council and Maidstone Borough Council. It is the intention that the Network grows over time to cover all of Kent including additional SME Developers and Local Planning Authorities throughout Kent.

1.3 The Network was set up to provide a platform for SMEs to discuss relevant planning and delivery issues associated with bringing forward smaller developments and to positively and proactively engage with Local Planning Authorities at the plan making and decision taking stages.

1.4 Central Government has recognised the need to support existing SMEs and encourage more into the market in order to diversify the housing market from the volume housebuilders and generate choice and improve quality of homes being built. The Government has described SMEs as being of ‘National Importance’. According to figures, 90% of all home constructed in the past decade have been delivered by large corporations

1.5 The Network meets on a quarterly basis to discuss and explore relevant SME related issues, including working through planning related matters. Notable attendees at past meetings including Steve Quartermain (prior to his retirement as Chief Planner at MHCLG), Homes England and the new Chief Planner at MHCLG Joanna Averly is due to attend a future meeting.

1.6 In addition to the meetings acting as a discussion platform, the SME Network is also designed to act as a support and mentoring network, where land opportunities can be shared, or knowledge/experiences drawn from in-house teams in order to help each other and strengthen the SMEs. The Network can also act as a collective voice in the preparation of Local Plans or other consultations - such as this.

1.7 The Network comprises the following:

SME Housebuilders and Developers

- . Esquire Developments
- . Fernham Homes
- . Wealden Homes
- . Fernfield Homes
- . Meridian Construction
- . McCulloch Homes
- . Aile Homes
- . King and Johnstone
- . Clarkmores
- . Clarendon Homes
- . Gillcrest Group
- . A&E Property Ltd
- . Country House Homes
- . Classicus Estates
- . Woodcroft Developments
- . Provectus Developments
- . Penenden Heath Developments
- . Grandera Homes
- . Windmill Construction
- . Jarvis Homes
- . Aspire Designer Homes
- . Kentish Projects
- . Woolbro Homes
- . Cooper and Cole
- . Hillstone Homes
- . RJC New Homes
- . Wedgewood Homes

- . TG Designer Homes
- . Endeavour Construction Limited
- . Unique Land

Registered Providers

- . Hyde Housing
- . MHS

Local Planning Authorities

- . Medway Council
- . Maidstone Borough Council
- . Swale Borough Council
- . Tunbridge Wells Borough Council
- . Tonbridge and Malling Borough Council
- . Dover District Council

Agents

- . Tetlow King Planning
- . David Hicken Associates
- . Barton Willmore

1.8 The Network welcomes ongoing engagement with TWBC and any other interested party.

1.9 For clarity, the representation contained in this response relate to the Members of the Network that are SME Housebuilders and Developers and not the Registered Providers, LPAs or Agents.

ii) Content of Representations

1.10 These representations have been prepared by the Network which seek to address strategic matters. Any site-specific matters will be addressed by individual SMEs within their own representations.

1.11 The representations are structured as follows:

Section 2.0: Response to the Spatial Strategy.

Section 3.0: Response to lack of SME Sites and Support.

Section 4.0 Summary.

1.12 In summary the headline points are as follows:

- . We are wholly disappointed that the Council is failing to recognise the role of SMEs in its Pre-Submission Plan. This is evident on the basis that the Local Plan is wholly silent with reference to SMEs.
- . The plan fails to allocate 10% of its housing numbers on sites of 1ha or less as required by NPPF Paragraph 68.
- . The plan fails to provide a sufficient evidence base, namely demonstrating a quantitative and qualitative approach to supporting SME sites.
- . The plan is over-reliant on the anticipated delivery of its strategic large-scale sites in which the largest comprises an oligopoly of National Volume Housebuilders and the other has no developer yet on board;
- . The Plan fails to provide for a robust housing trajectory and requires the identification of smaller sites to provide for a more effective plan.
- . We consider the Plan should include a small sites policy for up to 60 dwellings. This is considered to be a proactive and effective way to support SME growth in policy and assist in delivering high quality bespoke developments.
- . Accordingly, the plan is considered **unsound** as it is:
 - o Not Positively Prepared as it does not fulfil paragraph 68 (a) of the NPPF regarding 10% provision of small sites ;
 - o Not justified as the appropriate evidence base is lacking, particularly relating to housing delivery and NPPF Paragraph 72 (d).
 - o Not effective as the reliance on larger sites reduces the opportunity to diversify the housing market and will not deliver the required housing within the plan period.
 - o Is not consistent with National Policy as it does not conform to Paragraph 68.

2.0 RESPONSE TO THE SPATIAL STRATEGY

i) Spatial Strategy

2.1 **Policy STR1: The Development Strategy** sets out the Council's broad development strategy. It indicates that between 2020 – 2038, a minimum of 12,204 dwellings and 14 hectares of employment land are developed.

2.2 This figure reflects the Standard Method for housing being 678 dwellings per annum (12,200 dwellings in 2020-2038). Table 3 of the Pre-Submission Local Plan identifies that taking into account the extant supply of planning permissions and taking into account windfall developments on small and large sites, there is a minimum requirement to identify 7,221 dwellings as new allocations.

2.3 Table 4 of the Local Plan sets out the proposed distribution of housing allocations and identifies a total of between 8,076 – 8,461 new allocations; suggesting a combined total (with the extant supply) of 13,059-13,444 dwellings. The Council considers that taking the mid-point of this estimate, this equates to an oversupply of 1,000 dwellings over and above the 12,200 housing needs requirement

2.4 Excluding planning permissions, Table 4 of the Local Plan identifies a sub total of 8,996 dwellings to be delivered in the plan period. Of this supply, the Urban Expansion of Paddock Wood and East Capel (3,490 – 3,590 dwellings) and the new settlement at Tudeley Village (2,100 dwellings in the plan period and 2,800 in total), equate to a total of **5,590 – 5,690 dwellings** to be delivered in the plan period. This represents approximately **62%** of the Council's total new allocations/supply that is reliant on just two strategic locations, which are also geographically located in close proximity to each other.

2.5 We consider that there is an over reliance on these 2 schemes, and a failure to deliver either one or both of these sites at the scale or trajectory envisaged undermines the robustness and effectiveness of the of the Local Plan and is **unsound** in this respect.

2.6 Notwithstanding their individual impacts on the AONB and Green Belt, a review of the Council's Evidence Base, namely the Strategic Sites Topic Paper (March 2021) identifies that:

- For Paddock Wood and East Capel *'There are currently four housebuilders who are promoting four separate parcels of land within this allocation: Crest Nicholson and Dandara (the western parcel); and Redrow and Persimmon (the eastern parcel)* (para 2.11); and
- And for, Tudeley *'The site falls into one single ownership: The Hadlow Estate'* (para 2.20) and *'The Hadlow Estate commissioned its own Masterplanning Study, as detailed in the Tudeley Village Delivery Strategy'* (para 3.13)

2.7 In respect of Paddock Wood and East Capel, whilst it is recognised that these developers are indeed experienced National Housebuilders, we do not consider that this automatically means success for the delivery of the urban extension as advocated within the Evidence Base (paras 7.19-7.22). It is noted that there is still a significant amount of development (in terms of volume) to take place and associated infrastructure impacts and upgrades to address as the site is 'scaled up'. Whilst collaboration and engagement with the developers is stated as being present, the Evidence Base still identifies significant issues to address and overcome, including crucially how each development will deliver and/or contribute in a holistic and coordinated manner re. upgrading services or delivering key items of infrastructure. These are complex matters and take time to resolve.

2.8 In addition, the Network does not consider that the 4 No. named developers reflect sufficient diversification/choice in the market, in both product and design to deliver 3,500 dwellings. Indeed, the 4No. developers represent an oligopoly market in Paddock Wood and East Capel, thus resulting in control over the timing, supply, market forces and delivery of infrastructure. It is further unclear how the Volume Housebuilders will deliver variation in design away from their standard house types, or how this aligns with the Government's agenda for Building Better Building Beautiful. Given the scale of development, the sensitivities in respect of its Green Belt and other environmental designations, it is unclear how 4No. Volume Housebuilders will deliver the quality of design expected from an Urban Extension of this nature.

2.9 In respect of Tudeley, it is noted that there is at present no developers partnered/identified to promote or deliver dwellings. Whilst this in itself is not an unacceptable position and there are clear commitments to delivery and quality (that favour SME partners), the lack of a development partner at this point does raise additional concerns over the ability for the Council to rely on the delivery rates and pace of delivery set out in the Evidence Base.

2.10 The Housing Supply and Trajectory Topic Paper confirms (see **Appendix 1** of this statement for extracts), that both Paddock Wood and Tudeley are estimated to begin delivering completed dwellings in 2025/26, at a rate of 300 dwellings and 150 dwellings respectively.

2.11 Based on the Council's own trajectory methodology, super—size sites (2,000 plus dwellings) are suggested as either delivering units within 3 years of an Outline permission, or, where they are an allocated site but with no planning permission, years 6 or 7 onwards.

2.12 To rely on **any** completions in 2025/26 (let alone at a rate of 300 dwellings and 150 dwellings), represents delivery in year 4 of the 5-year period. In order for this to be achievable, both strategic growth areas need to have obtained outline planning permission by 2022 i.e. approximately 1 year's time.

2.13 This is not a realistic assessment of likely delivery rates and fails to comply with Paragraph 72 part d.

2.14 Given that all of Tudeley and the western growth expansion of Paddock Wood lie within the Green Belt, and realistically planning consent will not be granted until such time that these areas are released from the Green Belt (upon the adoption of the Local Plan – late 2022 as a best-case scenario), it is wholly unrealistic to expect or rely on completed dwellings from the strategic sites (amounting to 450 dwellings combined) in 2025/26. Based on the methodology as it stands today, 'allocated sites with planning activity and no planning activity', should be considered as years 6 and 7 in the timeline i.e. 26/27 and 27/28 respectively.

2.15 On the basis the Local Plan will not be adopted until Autumn 2022 (assuming it is found sound) and assuming a planning application is submitted at that time - given the length of time a grant of planning permission may take; it is considered that the Council's own Evidence Base does not support the identified trajectory. The Evidence Base is therefore fundamentally flawed.

2.16 Indeed, up-to-date research prepared by Lichfield's titled 'From Start to Finish' 2nd Edition (February 2020) (**Appendix 2**), updates the document relied on in the Council's evidence within its Housing Trajectory Topic Paper which references an earlier report by Lichfield's (the 1st edition). The Lichfield's 2nd edition demonstrates that it takes on average **8.4yrs** from the validation of the first planning application to the first dwelling being completed on schemes of 2,000+ dwellings.

2.17 This means that even if applications were submitted now (June 2021), 2026 is an unrealistic date to be relying on completed dwellings – with an Autumn 2029 date being an average indicator. If an application was approved at the earliest in Autumn 2022, a Summer 2030 date is more realistic – as an average.

2.18 The report further identifies that on average, the completions per outlet drop to circa 145 dwellings per annum on sites with 3 outlets or more suggesting that a capacity of 145dpa (assuming 3 outlets) would only be achieved per strategic site. The Council's Evidence Base suggests Paddock Wood and Capel will deliver 300 dwellings from 4 No. Developers. We suggest this is an over optimistic delivery rate.

2.19 Furthermore, the trajectory also assumes the start on site at the time envisaged will deliver their anticipated maximum completions from Day 1 Year 1. This is simply unrealistic - especially in the light there are no developers or strategic promoters promoting Tudeley. The significant matter of viability and commerciality of the proposals has not yet been proven and therefore the delivery of up to 150dpa from year 1 of completions is highly unlikely. From experience within the Network, any new large scale site is likely to run on a single outlet for the first 12 months, which will realistically take 2-3 yrs to deliver up to 50 dwellings per annum. At its peak, Finberry Park, a Crest Nicholson Development in Ashford completed only 120dpa, which included 3 outlets including HA.

2.20 Given the over reliance on these strategic sites, it is critical that the Local Plan is confident of the number of dwellings anticipated to be delivered in the Local Plan. We have set out how we are concerned that these two sites represent a significant proportion of the total dwellings (62% of the total supply) and in the case of Paddock Wood, controlled by an oligopoly of National Housebuilders.

2.21 The Local Plan is reliant on these two strategic locations delivering at least 5,590 dwellings in the Local Plan time period, with completions beginning in 4 years time. The complications that arise with large scale growth of this nature and given the Council acknowledge that it has never delivered growth of this scale/type before (para 4.34 of the Housing Supply and Trajectory Evidence Base), we

do not consider that the strategic sites will deliver when the Council anticipate, nor to the level the Council anticipate.

2.22 Accordingly, we consider that an over reliance has been placed on the delivery rates of the strategic sites and that this figure should be revised to a more realistic figure of approximately **2,450 dwellings in the plan period**. This reflects the long lead in times for 2000+ settlements (as evidenced in the Lichfield Report) and reflects a more realistic 'gearing up' of the site delivery in respect of number of completions per annum as more outlets come online.

2.23 Taking a more realistic approach as required by NPPF Paragraph 72, it is likely that the following table is a more appropriate trajectory:

[TWBC: for table, please see full representation attached as a supporting document]

2.24 In addition to the above, there has been no commercial led involvement to date for procurement/delivery of Tudeley, let alone negotiations to purchase land. The Network has extensive experience in this field (a number of Members have worked at Volume PLC Housebuilders), and there could easily be at least 5 years of land negotiations and/or Compulsory Purchase Orders, due diligence and application preparation work (which would be extensive).

2.25 Even if the above land acquisition is achieved, local evidence within the County supports the likelihood that there will be delay. Mountfield Park, Canterbury - a development of 4,000 dwellings, was heard at Planning Committee in 2015 and is still no further forward with the issue of a Planning Permission.

2.26 Recent Examinations of the North Essex Authorities EIP (**Appendix 3**) and Uttlesford EIP (**Appendix 4**) both of which consider the deliverability of new settlements. Both Inspectors concluded that insufficient evidence had been submitted in respect of the deliverability of the garden settlements and the plans found unsound – highlighting the difficulties with regard to their delivery in particular in relation to ensuring the necessary infrastructure is in place to support new settlements. Such Evidence Base is presently lacking.

2.27 Accordingly, we consider that an over reliance has been placed on the delivery rates of the Strategic locations and that this figure should be revised to a more realistic figure of approximately 2,450 dwellings in the plan period, some 3,140 dwellings difference. Taking into account the over supply of 1,000 dwellings (as set out above), we consider **approximately 2,140 dwellings** need to be identified on smaller more deliverable sites in order to meet the identified needs within the plan period up to 2038.

3.0 RESPONSE TO LACK OF SME SITES AND SUPPORT

3.1 We are wholly disappointed that the Local Plan fails to support or indeed recognise the role of SMEs in the plan. This is evident by the simple fact that the term 'SME' is not even referenced within the document.

3.2 The importance of the role SME's play in the housing market has been fully recognised by Central Government. Most recently, the consultation on the proposed changes to the current planning system, referred to SMEs as being of 'National Importance'. **Appendix 5** sets out a timeline of the narrative surrounding SME housebuilders and the recognition of the issues facing SMEs, the dominance of volume Housebuilders and the attempts to reverse the decline in the number of SME housebuilders through the Plan-Led system.

3.3 It is recognised that SMEs deliver high quality homes and can diversify the housing market. SMEs tend to bring forward bespoke products that reflect the characteristics of a local area either through size, tenure and design. Importantly, SMEs deliver quickly, support local trade suppliers and local job growth and are flexible in their approach. Unlike Volume Housebuilders, SMEs do not tend to take long term strategic options on land. However, this means that SMEs are disadvantaged at the Plan Making stage, as they neither have the land itself to promote, cannot invest the time, risk or expense of promoting a site through the Local Plan process (which is lengthy and competitive) or the available land is at lower tier settlements due to Volume Housebuilders taking long term land options in higher tier settlements and thus SME site typology is marginalised.

3.4 SME site typology for the Kent SME Network tends to be located in rural fringe locations due to the availability of land, lack of brownfield opportunities and that Volume PLC housebuilders or Strategic Promoters have already secured long term land options in urban fringe locations.

3.5 As a consequence, SMEs are pushed to the margins in respect of land availability and suitability, and it is often found that SMEs need to work harder to justify a site's sustainability credentials. Whilst a rural fringe location may result in increased car trips, these car trips are short in length on uncongested roads. The automatic assumption is often therefore that the reliance on the car, results in increased emissions and an application is refused or a site promoted in the Local Plan is not progressed.

3.6 However, this is a one-dimensional approach and sustainability is more nuanced and holistic. By way of example, the emissions derived from short car trips (from a low number of dwellings) can actually be offset (in carbon footprint) by the environmental quality of the buildings themselves through the adoption of green technologies. Furthermore, coupled with the behavioural changes relating to online shopping and working from home (even pre COVID-19) reducing day to day trips, alongside the increasing uptake in electric vehicles (which do not release emissions), the notion of sustainable development or unsustainable development is changing fast.

3.7 This is a specific matter has been tested by members of the SME Network and are subject to separate representations demonstrating how a case study scheme of 50 dwellings in a rural fringe location can offset carbon emissions generated by additional vehicle trips and result in an overall net reduction in emissions than a standard volume housebuilder approach in an urban area. Furthermore, the report assesses behavioural changes including the take up of electric vehicles and decline in fossil fuel sales and increased on-line behaviour, home deliveries and home working.

3.8 We consider LPAs (including Tunbridge Wells) need to be forward thinking and not looking backwards on this issue, particularly if Climate Change is to be taken seriously. SMEs can really assist and can bring forward developments that are bespoke and respond to the Climate Change challenge more swiftly than Volume PLCs. At present, the Local Plan fails to achieve this.

3.9 Central Government recognises the problem of bringing SMEs into the market and has sought to 'level the playing field' in the context of supporting small and medium sized sites at the plan making stage. Crucially, the NPPF 2019 confirms in paragraph 68 that:

1 Small and medium sized sites can make an important contribution to meeting the housing requirement of an area and are often built-out relatively quickly. To promote the development of a good mix of sites local planning authorities should:

a) identify, through the development plan and brownfield registers, land to accommodate at least 10% of their housing requirement on sites no larger than one hectare; unless it can be shown, through the preparation of relevant plan policies, that there are strong reasons why this 10% target cannot be achieved;

b) use tools such as area-wide design assessments and Local Development Orders to help bring small and medium sized sites forward;

c) support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes; and

d) work with developers to encourage the sub-division of large sites where this could help to speed up the delivery of homes.

3.10 The NPPF provides for a clear direction to LPAs, that it must identify land to accommodate **at least** 10% of their housing requirement that are 1ha or less. For Tunbridge Wells, this means that 1,220 dwellings need to be identified on small sites.

3.11 Officers of TWBC met with the Network to discuss the emerging Local Plan and the approach taken to meeting the 10% target and a small sites policy.

3.12 In respect of the 10% target, **Appendix 6** contains a table which was issued to the network by TWBC confirming those sites which have been identified in the Local Plan and are below 1ha in size.

3.13 The Councils Evidence Base confirms that only 290 dwellings across 9 sites are identified in the Local Plan that are yet to obtain a Planning Permission. This represents less than 3% and some 930 dwellings short of the expected NPPF requirements. Even if the total No. of sites (including those with a Planning Permission) are taken into account, this still amounts to only 641 dwellings across 17 sites - representing only 5.2% of the 10% target.

3.14 There is no Evidence Base to justify why the 10% target has not been met and no clarity/explanation as to why paragraph 68 of the NPPF is not being met.

3.15 The Council is therefore clearly failing to meet NPPF Para 68 part a) and has not set out any evidence as to why this figure cannot be achieved. The Plan has not been positively prepared and is not consistent with national policy as a result. **It is therefore unsound.**

3.16 Furthermore, the 10% allocation requirement is simply more than a mathematical exercise or a quantitative 'tick box'. Indeed, the purpose of NPPF Para 68 is to assist SMEs in coming forward with development within the Plan Led system. Crucially, it is important to understand that when allocating sites of this nature, that these sites are first and foremost being promoted by an SME. This is the most efficient and best way to ensure that SMEs deliver sites and diversify the market. It is therefore necessary for TWBC to undertake a qualitative approach of available sites and factor this into its decision making when allocating sites.

3.17 By way of example (and linked to the small sites policy below), the Council has also identified sites which have a capacity of up to 60 dwellings to reflect that SME developers of the network can build out larger sites than 1ha (**Appendix 7**). The evidence further reinforces the lack of available opportunities for SMEs in the Local Plan, identifying a total of 785 dwellings - which reduces to 495 dwellings once sites of 1ha or less are removed from this schedule (i.e. **Appendix 6 sites**).

3.18 The Local Plan is therefore woefully falling short of supporting SME developers and encouraging diversification in the market as required by Paragraph 68.

3.19 It is noted that a number of SME sites may have been promoted in the SHLAA or identified in the Regulation 18 Local Plan consultation, but not brought through in the Plan for allocation or indeed discounted in the SHLAA as being unsuitable. It is considered these sites should be reviewed to ascertain the availability of sites being promoted by SME developers and to assess if the need to allocate sufficient sites would alter the conclusions of the SHLAA assessments.

3.20 If there are still insufficient small and medium sized sites identified, part d) of para 68 confirms that the LPA should work with developers to encourage the subdivision of large sites where this could help to speed up the delivery of homes.

3.21 Whilst the Network does not object to this approach in principle, it should be noted that this approach can be a very difficult to achieve on sites that are already being promoted by a volume housebuilder for a number of reasons, namely:

Legal complexities associated with:

- . land transfer including potential clauses within option agreements about sub-sales;
- . where best value is required to be achieved (noting an SME will always tend to be outbid by a volume housebuilder) ;

Commercial complexities associated with:

- . potentially competing products;
- . expectation of land values ;
- . competing financial models and potential price caps/ceilings placed on the SME by the parent developer to achieve sales rates;
- . dilution of identity/products for both parent housebuilder and SME either through contract requirements or wider design codes;
- . Finding an appropriate SME partner within the limited pool of SMEs available;
- . The timing/capacity of an available SME at any given time that meets their business objectives;
- . The need to deliver sales rates at a specific rate to address cash flows and therefore pricing ;

Practical complexities associated with:

- . accessing the site for construction;
- . ability to take deliveries;
- . health and safety responsibilities and separate sales outlets;
- . HA delivery and parcelling up on smaller sites and gaining interest/appetite ;
- . Location of the SME parcel, potentially being in a later phase 'at the back';
- . Differences in coordination of build programme and occupation strategies (relating to sales rates and build rates);
- . Responsibility of servicing sites in respect of all site infrastructure and certain capacity/S106 triggers.

3.22 It is highlighted that paragraph 68 part d) advises that LPAs should 'work with developers to encourage subdivision of large sites where this will speed up the delivery of homes'. The NPPF does not state that LPAs should impose, through Policy, that large allocations are sub-divided in order to

achieve a 10% target. The NPPF makes clear that part d) seeks only 'encouragement' in order to 'speed up delivery'. Part d) is not to be used to use large sites to be subdivided, but to speed up delivery by increasing the number of outlets. The two parts (part a and part d) are seeking to achieve different objectives and should not be linked.

3.23 It is therefore considered that if the Council is required to find additional parcels of land, then identifying smaller pockets on larger parcels should be considered as a matter of 'last resort' and, in that instance, should be directed in the first instance towards 'legacy land', i.e. public sector land or land which is yet to be put under option (which traditionally is easier to release to SMEs as there is less commercial and legal sensitivity in public sector land).

SME Small Sites Policy

3.24 We are concerned that the current Local Plan does not facilitate or support SMEs to bring forward housing in the Borough, particularly in rural areas, which in Tunbridge Wells is often covered by AONB. This is especially in the light that 1,310 dwellings and 360 dwellings (14% of the housing requirement 2020-2038) are expected to derive from windfall small sites and large urban sites respectively.

3.25 This issue is further compounded by the fact that the rural locations are designated as Green Belt, particularly meaning that development of any scale can only be secured by reviewing Green Belt boundaries within the Local Plan.

3.26 As part of the Network's objective, it has sought to introduce a policy into emerging Local Plans that seeks to support small and medium sized developments that builds on the 1ha site requirement but expands this into a policy framework that can allow SMEs to successfully operate within the policy framework of a Local Plan where there are limited opportunities through the allocations in which the Council has made (i.e. on larger sites).

3.27 In this respect, there is often a large windfall figure required to be met, or LPAs find themselves in a position where the presumption in favour of sustainable development is applicable. The SME policy set out below is a policy in which the Network considers would provide the opportunity for SME sites to come forward, whilst offering the LPA an enhanced development coming forward that is typically delivered by an SME – i.e. in respect of design quality or for instance carbon efficiencies.

3.28 Whilst the ideal scenario would be for the same policy to be adopted by each Council (and therefore apply a level of consistency in understanding and application of the policy), we also recognise that each LPA has a specific set of circumstances that may require the policy wording to be tweaked. This maybe the case in Tunbridge Wells in respect of Green Belt and AONB designation, and the Network would welcome further discussions as to how such a policy could be introduced into the Plan.

3.29 The policy extract is set out below and the full supporting text is contained in **Appendix 8**.

[TWBC: for the policy extract, please see full representation attached as a supporting document]

3.30 A Small Sites policy will allow for SMEs to operate within the Plan Led system and will allow both Small **and** Medium sites to come forward (i.e. sites above 1ha and up to 60 dwellings). Such a policy will allow an SME to come forward with a planning application that meets locally defined specific criteria, such as high-quality design, low carbon footprint, reduced time limits for implementation etc and a flexible approach to the delivery of Affordable Housing. On the other side of the coin, the Council will receive higher quality developments being submitted that are in character with more rural fringe locations (remembering the SME site typology), but that those Rural Fringe locations can be supported with an appropriate amount of growth that will assist in preventing, slowing or reversing their cycle of decline.

3.31 Such a policy would provide for additional weight to be afforded to an SME application, and thus allow greater weight to be applied to the application in the overall planning balance. This would reduce risk to an SME and increase certainty at the planning stages, as the SME can tailor their scheme to meet the specific criteria. The LPA also recognises that it would result in a development that meets Building Better Building Beautiful objectives and potentially addressing Climate Change issues.

3.32 Crucially, the policy is designed to deliver up to 60 dwellings (and thus meet the M of SME as much as the S) but is worded in a way that seeks to ensure the development coming forward in any given location is consistent and respectful to the area that it is in i.e. a scheme of 60 dwellings may not be appropriate for a small village, but 20 maybe, and therefore a policy that refers up to a figure of 60 dwellings is deemed acceptable ? i.e. the policy is fully flexible.

3.33 In addition, the 60 dwelling threshold is very much seen as the scale of developments where larger SME's start to compete with Volume housebuilders on sites. A volume housebuilder will tend not to drop below 60 dwellings and thus the Policy is designed to really assist SME delivery and support the delivery of bespoke high-quality development, but also directly respond to certain SME challenges, such as how to deliver small numbers of Affordable Housing on any given site.

3.34 The Network recognises that other Kent LPAs are seeking to introduce a Small Sites Policy¹ and a key aim for the policy is that there is a level of consistency in the wording across a number of LPAs, in order that the interpretation and understanding of the policy is also consistent on a cross boundary level – again seeking to reduce the risk at the planning stages to an SME.

3.35 In addition to the Policy itself, we also consider that an SME protocol should be prepared which provides guidance and clarity for SMEs at the pre-application and post-submission stages. The protocol would recognise the need to engage with SMEs and understand that a flexible approach is needed to certain issues (such as site typology/affordable housing provision).

3.36 The protocol could include a standard PPA timeframe and fixed cost to ensure that sufficient officer time is allocated to an SME application. Whilst SME applications tend to be on the smaller scale (when compared to larger volume housebuilder submissions), those applications are critical to the SME themselves, and accordingly the Network often discusses the frustration at the lack of engagement from LPAs on their applications – often perceived by SMEs in the Network as being at the bottom of the pile.

3.37 This position is especially so at the pre-application stage, where often paid pre-application advice is sought, but either never received or delayed, in some cases up to 9 months. Whilst this is a matter that may extend beyond Tunbridge Wells, this is a 'real life' significant issue as a pre-application response is so important to an SME to determine the extent of risk that a site may carry.

3.38 The importance of a planning consent is vital to the success of an SME, no matter how small (or large) that scheme is, and greater engagement is always encouraged. This works both ways and greater engagement can improve the submission material of an SME and thus also reducing risk.

3.39 A further burden on SME's, and a point that the above policy is seeking to assist with is delivery of Affordable Housing. This is a wider matter than TWBC, but it is well recognised that Registered Providers are rarely interested in sites unless the number of affordable homes being offered equates to at least 20 affordable dwellings. For TWBC, this means that any site that falls under a 50-dwelling threshold will likely struggle to gain interest in a registered provider (at 40% AH requirement). The policy seeks a flexible approach to how Affordable Housing can be delivered by an SME in instances where it is the RP that is not interested, not that the SME does not wish to provide affordable homes.

3.40 On a related point, it is also noted that TWBC adopt a rounding up approach to affordable housing. This again has a greater impact on smaller sites as the net effect/impact is more severe the fewer number of homes being delivered on any one site. This is best shown in **Appendix 9** of this statement which demonstrates how the increasing total number of affordable homes being delivered has a proportional improvement on the net effect of rounding up. In essence, the larger sites can both generate interest from an RP and can carry the rounding up approach. Smaller sites cannot and the Council should recognise this position and take a flexible approach in this respect.

4.0 SUMMARY

4.1 These representations have been prepared by the Kent SME Developer Network - a consortium of SME Developers who are located in or operate within Kent and Medway. The Network was recently formed in November 2019 and presently comprises approximately 30 participants including SME Housebuilders and Developers of varying size and scale and registered providers.

4.2 The Network welcomes ongoing engagement with TWBC and any other interested party.

4.3 In summary the headline points are as follows:

- . We are wholly disappointed that the Council is failing to recognise the role of SMEs in its Pre-Submission Plan. This is evident on the basis that the Local Plan is wholly silent with reference to support for SMEs.
- . The plan fails to allocate 10% of its housing numbers on sites of 1ha or less as required by NPPF Paragraph 68.
- . The plan fails to provide a sufficient evidence base, namely demonstrating a quantitative and qualitative approach to supporting SME sites.

- . The plan is over-reliant on the anticipated delivery of its strategic sites large scale sites which the largest comprises an oligopoly of National Volume Housebuilders;
- . The Plan fails to provide for a robust housing trajectory and requires the identification of smaller sites to provide for a more effective plan.
- . We consider the Plan should include a small sites policy for up to 60 dwellings. This is considered to be a proactive and effective way to support SME growth in policy and assist in delivering high quality bespoke developments.
- . Accordingly, the plan is considered **unsound** as it is:
 - o Not Positively Prepared as it does not fulfil paragraph 68 of the NPPF regarding 10% provision of small sites;
 - o Not justified as the appropriate evidence base is lacking, particularly relating to housing delivery and Paragraph 72 part d.
 - o Not effective as the reliance on larger sites reduces the opportunity to diversify the housing market and will not deliver the required housing within the plan period.
 - o Is not consistent with National Policy as it does not conform to Paragraph 68.

Question 6

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Question 5 above. (Please note that non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

See attached representations

[TWBC: the paragraphs below are relevant extracts from the full representation, which is attached as a supporting document]

- . We consider the Plan should include a small sites policy for up to 60 dwellings. This is considered to be a proactive and effective way to support SME growth in policy and assist in delivering high quality bespoke developments.

2.27 Accordingly, we consider that an over reliance has been placed on the delivery rates of the Strategic locations and that this figure should be revised to a more realistic figure of approximately 2,450 dwellings in the plan period, some 3,140 dwellings difference. Taking into account the over supply of 1,000 dwellings (as set out above), we consider **approximately 2,140 dwellings** need to be identified on smaller more deliverable sites in order to meet the identified needs within the plan period up to 2038.

3.23 It is therefore considered that if the Council is required to find additional parcels of land, then identifying smaller pockets on larger parcels should be considered as a matter of 'last resort' and, in that instance, should be directed in the first instance towards 'legacy land', i.e. public sector land or land which is yet to be put under option (which traditionally is easier to release to SMEs as there is less commercial and legal sensitivity in public sector land).

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3.25 This issue is further compounded by the fact that the rural locations are designated as Green Belt, particularly meaning that development of any scale can only be secured by reviewing Green Belt boundaries within the Local Plan.

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3.35 In addition to the Policy itself, we also consider that an SME protocol should be prepared which provides guidance and clarity for SMEs at the pre-application and post-submission stages. The protocol would recognise the need to engage with SMEs and understand that a flexible approach is needed to certain issues (such as site typology/affordable housing provision).

3.36 The protocol could include a standard PPA timeframe and fixed cost to ensure that sufficient officer time is allocated to an SME application. Whilst SME applications tend to be on the smaller scale

(when compared to larger volume housebuilder submissions), those applications are critical to the SME themselves, and accordingly the Network often discusses the frustration at the lack of engagement from LPAs on their applications – often perceived by SMEs in the Network as being at the bottom of the pile.

3.37 This position is especially so at the pre-application stage, where often paid pre-application advice is sought, but either never received or delayed, in some cases up to 9 months. Whilst this is a matter than may extend beyond Tunbridge Wells, this is a 'real life' significant issue as a pre-application response is so important to an SME to determine the extent of risk that a site may carry.

3.38 The importance of a planning consent is vital to the success of an SME, no matter how small (or large) that scheme is, and greater engagement is always encouraged. This works both ways and greater engagement can improve the submission material of an SME and thus also reducing risk.

3.39 A further burden on SME's, and a point that the above policy is seeking to assist with is delivery of Affordable Housing. This is a wider matter than TWBC, but it is well recognised that Registered Providers are rarely interested in sites unless the number of affordable homes being offered equates to at least 20 affordable dwellings. For TWBC, this means that any site that falls under a 50-dwelling threshold will likely struggle to gain interest in a registered provider (at 40% AH requirement). The policy seeks a flexible approach to how Affordable Housing can be delivered by an SME in instances where it is the RP that is not interested, not that the SME does not wish to provide affordable homes.

3.40 On a related point, it is also noted that TWBC adopt a rounding up approach to affordable housing. This again has a greater impact on smaller sites as the net effect/impact is more severe the fewer number of homes being delivered on any one site. This is best shown in **Appendix 9** of this statement which demonstrates how the increasing total number of affordable homes being delivered has a proportional improvement on the net effect of rounding up. In essence, the larger sites can both generate interest from an RP and can carry the rounding up approach. Smaller sites cannot and the Council should recognise this position and take a flexible approach in this respect.

Question 7

***Please note** the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.*

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)? Yes, I wish to participate in hearing session(s)

Question 7a

***Please note** the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.*

If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

Due to the number of SME developers this network presents and the content and extent of the representations require verbal exploration with the Inspector.

If you would like to attach a file in support of your comments, please upload it here. [PSLP 1793 Esquire Developments for Kent SME SI Representation with Appendices.pdf](#)

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box: Yes, I wish to be notified of future stages of the Local Plan

Comment

Consultee	Nicky Britton-Williams [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Kent Wildlife Trust
Address	[REDACTED] [REDACTED] Maidstone [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Kent Wildlife Trust [REDACTED] [REDACTED]
Comment ID	PSLP_1399
Response Date	03/06/21 16:55
Consultation Point	Policy EN 9 Biodiversity Net Gain (View)
Status	Processed
Submission Type	Email
Version	0.3
Data inputter to enter their initials here	AT
Question 1	
Respondent's Name and/or Organisation	Kent Wildlife Trust
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy EN 9 Biodiversity Net Gain

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

Question 5

Please note: *In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.*

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

On the basis that KWTs comments on the pre-submission Local Plan are relatively brief and broad I hope you will accept these via email as opposed to using the consultation portal.

Policy EN 9 – Biodiversity Net Gain

Kent Wildlife Trust continues to be fully in support of TWBCs commitment to provide net gains for nature, now Policy EN 9. We look forward to the publication of a Supplementary Planning Document (SPD) and our recommendations for this continue to apply. Within the supporting text for Policy EN 9 we query if the inclusion of “*This may simply be the provision of bird and bat boxes on a building [...]*” in paragraph 6.133 may cause confusion regarding what is considered to constitute a net gain for biodiversity, as will be required by the upcoming Environment Bill. We would recommend providing clarity that whilst features such as bat and bird boxes are regarded as enhancements for biodiversity (as per Policy EN 19) they will not contribute to the achievement of biodiversity net gain using the Defra metric. In addition, we are supportive of the evidence requirements for Biodiversity Gain Plans, specified in 6.135.

Development between North East Tunbridge Wells and Paddock Wood

In our comments to the Tunbridge Wells Draft Local Plan Regulation 18 Consultation we raised concerns regarding the potential cumulative impact on biodiversity as a result of the high concentrations of development proposed between North East Tunbridge Wells and Paddock Wood. This area contains large areas of woodland, as well as pockets of acid grassland, lowland heath and traditional orchard, all of which are protected as priority habitats under s. 41 of the NERC Act (2006). Much of this area is also covered under a number of Ancient Woodland and Local Wildlife Site designations, as well as forming part of the High Weald Biodiversity Opportunity Area.

Question 7

Please note *the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.*

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

Comment

Consultee	Nicky Britton-Williams [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Kent Wildlife Trust
Address	[REDACTED] [REDACTED] Maidstone [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Kent Wildlife Trust [REDACTED] [REDACTED]
Comment ID	PSLP_1400
Response Date	03/06/21 16:55
Consultation Point	Policy TP 6 Safeguarding Roads (View)
Status	Processed
Submission Type	Email
Version	0.3
Data inputter to enter their initials here	AT
Question 1	
Respondent's Name and/or Organisation	Kent Wildlife Trust
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy TP 6 Safeguarding Roads

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

Question 5

Please note: *In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.*

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

On the basis that KWTs comments on the pre-submission Local Plan are relatively brief and broad I hope you will accept these via email as opposed to using the consultation portal.

It is noted that the supporting text for 'TP6 safeguarded route for Colts Hill by-pass' states that this off-line route is not required to support growth brought forwards by the Plan. However, it is noted that the offline scheme continues to be prioritised by KCC and will therefore continue to be safeguarded by the Plan. On this basis our previous comments regarding the destruction of habitats protected as priority habitats under S.41 of the NERC Act (2006) still stand. Whilst we are not making a formal objection to these proposals at this stage, but reserve the right to do so pending further details, we are of the opinion that 'Option 1 – KCC bypass' would not meet the test of "wholly exceptional reasons" for destroying ancient woodland as set out the NPPF and in policy EN13 of the Draft Local Plan. We continue to be concerned about potential impacts to traditional orchard priority habitat located along the A228 which is not scoped into the assessment of environmental impacts of the three options. A plan which promotes schemes causing the loss of traditional orchard habitat would not be in accordance with paragraph 174b of the NPPF which states that "*plans should promote the conservation, restoration and enhancement of priority habitats*". Without this information it is difficult to fully establish the environmental impacts of Options 2 and 3 and their impacts on wildlife receptors specified within paragraph 174 of the NPPF.

Question 7

Please note *the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.*

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

Supporting Information File Ref No: SI_21a-d

Comment

Agent	Mr William Hall [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Broadlands Planning Ltd
Address	[REDACTED] ROYAL TUNBRIDGE WELLS [REDACTED]
Consultee	Mr Peter Dunlop [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Kent Woodward Ltd
Address	[REDACTED] [REDACTED] [REDACTED] Hawkhurst [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Kent Woodward Ltd (Mr Peter Dunlop - [REDACTED])
Comment ID	PSLP_352
Response Date	24/05/21 10:58
Consultation Point	Policy AL/HA 7 Hawkhurst Station Business Park (View)
Status	Processed
Submission Type	Email
Version	0.9
Files	PSLP_352_Broadlands Planning for Kent Woodward SI-2 Site Location Plan.pdf PSLP_352_Broadlands Planning for Kent Woodward SI-3 Planning Statement.pdf PSLP_352_Broadlands Planning for Kent Woodward SI-1 Supporting Letter Redacted.pdf PSLP_352_Broadlands Planning for Kent Woodward SI-4 Landscape
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Kent Woodward Ltd.

Question 2

Agent's Name and Organisation (if applicable) Broadlands Planning Ltd.

Question 3

To which part of the Local Plan does this representation relate? Policy

Question 3a

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy AL/HA 7 Hawkhurst Station Business Park

Proposals Map 49

[TWBC: This representation has been put against Policies ED 1 and AL/HA7 - see Comment Numbers PSLP_337 and PSLP_352]

Question 4

Do you consider that the Local Plan:

Is legally compliant Yes

Is sound No

Complies with the Duty to Cooperate Yes

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

- . It is not positively prepared
- . It is not effective
- . It is not justified

Question 5

Please note: *In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.*

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

[TWBC: the following wording is contained in the email sent submitting the representations dated 21 May 2021]:

Please find attached submissions and supporting documentation to the Pre Submission Local Plan, made on behalf of Kent Woodware Ltd, which Company owns and operates the Hawkhurst Station Business Park, and owns the land to the south of the Business Park, and March's Field to the north of the Business Park.

The representations comprise the following;

- 1 **Support**; for the proposal in **Policy AL/HA7** for the proposed allocation of land to the south of the Station Business Park for employment uses (E/B2/B8).
- 1 **An Objection**; to the limited extent of the Proposed Employment Area under the terms of **Key Employment Area Policy ED1**, as shown on Inset Map 16; Gills Green and the Red lined Allocation Plan Map 49 Site Layout Plan for Policy AL/HA7, which we consider to be not justified. This designation for employment use should be **extended** to incorporate all the land shown on Inset Map 16 and the Red lined Allocation Plan Map 49 Site Layout Plan for Policy AL/HA7, and shown as blue for employment land, and as proposed previously under the terms of Regulation 18 Draft Local Plan Policy AL/HA8 and Policy ED1, and in respect of land shown on the attached site location plan.
- 1 **An objection**; to the area shown in green as an *'open space and landscape buffer'* on Inset Map 16; Gills Green and Map 49 Site Layout Plan, along with the requirement for a *'landscape buffer'* on Policy AL/HA7 (5), which we consider is not justified, and should be deleted.

This submission is supported by the following documentation;

- 1 A completed Representation Form.
- 2 Broadlands Planning Ltd supporting letter.
- 3 Red lined Site Location Plan 07-PR-004.
- 4 Broadlands Planning Ltd supporting Planning Statement setting out full representations.
- 5 Lloyd Bore Ltd; Landscape and Ecology prepared a Landscape and Visual Appraisal

The Inspector is requested to;

- 1 **Retain Policy AL/HA7** for the application of the **red lined site Allocation Boundary** area south of Station Business Park for employment uses (E/B2/B8), with **requirements for a Landscape and Visual Impact Assessment and Landscape Management Scheme**.
- 2 **Extend the Proposed Employment Area under the terms of Policy ED1 as shown on Inset Map 16; Gills Green and Proposals Map 49** to incorporate all of the land shown as red lined as Allocation Boundary, and to be **shown blue for Employment Use**.
- 3 **Remove the area shown in green as an *'open space and landscape buffer'* on Inset Map 16; Gills Green and Map 49 Site Layout Plan.**
- 4 **Delete the reference in Draft Policy AL/HA7 (5) for.. *a landscape buffer to be provided within the southern area of the site.***

I trust the above are in order.

However, if you have any queries or require any further information please do not hesitate to contact me.

[TWBC: the following is taken from the representation form submitted on 21 May 2021]:

Please see full written representations and objections in attached site location plan and Broadlands Planning Statement, with references to; Pre Submission Local Plan Written Statement. Policies ED1 and AL/HA7, including (3) and (5) Inset Map 16; Gills Green Map 49; Site Layout Plan Regulation 18 Draft Local Plan Call for Sites 2016 Adopted Site Allocation Local Plan 2016 2016 Sevenoaks and Tunbridge Wells Economic Needs Study HAD Site Visual Impact Assessment Lloyd Bore Ltd Landscape and Ecology; Landscape and Visual Appraisal 2016

[TWBC: the following text is taken from the Planning Statement attached as a supporting document - see full Statement to view images and maps]:

INTRODUCTION

- 1 This submission and representations are made on behalf write on behalf of Kent Woodware Ltd, which Company owns and operates the Hawkhurst Station Business Park, and owns the land to the south of the Business Park, and March's Field to the north of the Business Park, as shown on the site location plan attached to these representations.

SUMMARY OF REPRESENTATIONS

- 1 The representations comprise the following;
 - a. **Support**; for the proposal in **Policy AL/HA7** for the proposed allocation of land to the south of the Station Business Park for employment uses (E/B2/B8).
 - b. **Objection**; to the limited extent of the Proposed Employment Area under the terms of **Key Employment Area Policy ED1**, as shown on Inset Map 16; Gills Green and Allocation Plan Map 49

Site Layout Plan. This designation for employment use should be **extended** to incorporate all the land shown on Inset Map 16 and the red lined Allocation Plan Map 49 Site Layout Plan for Policy AL/HA7, and shown as blue for employment land, and as proposed previously under the terms of Regulation 18 Draft Local Plan Policy AL/HA8 and Policy ED1 as shown below.

c. An objection; to the area shown in green as an 'open space and landscape buffer' on Inset Map 16; Gills Green and Map 49 Site Layout Plan, which should be deleted, along with the requirement for a 'landscape buffer' on Policy AL/HA7 (5).

1 The relevant plans are shown below.

2019 Regulation 18 Consultation Draft Local Plan Allocation Site AL/HA8 and Inset Map 15 showing ED1 boundary [TWBC: For maps see full Planning Statement attached as a supporting document]

2021 Pre Submission Local Plan inset Map 16; Gills Green extract Policies AL/HA7 and ED1 and Pre Submission Map 49 Site Layout Plan [TWBC: For maps see full Planning Statement attached as a supporting document]

1 The considerations in support of the above representations are set out below.

THE HISTORY OF THE DEVELOPMENT HAWKHURST STATION BUSINESS PARK

- 1 Hawkhurst Station Business Park is recognised as a successful and busy Business Park, which is occupied by a range of companies in the production and distribution of building and trade materials, and food.
- 1 Prior to the development of the business park on the former railway station land, the site was occupied by The Kent Woodware Company Ltd from 1911, which subsequently expanded to take in the railway land to the south on the closure of the Hawkhurst branch line in 1963, and by the purchase in the mid 1980's from an adjacent area of former pasture land from Mr John Santer.
- 1 The Kent Woodware Company manufactured wooden components for the brush and furniture trades. However, in time cheap imports from Eastern Europe and the Far East led to the decline of and closure of the wood turning business.
- 1 The following aerial photographs shows Kent Woodware in operation viewed from the southwest, with open pasture land to the south, and viewed from the north, showing extent of works and storage areas, with stacked timbers, and former Santer's land with timber storage runs and access drives.

[TWBC: For extract images see full Planning Statement attached as a supporting document]

- 1 Development of the present Business Park commenced in 1989 with the construction of a warehouse unit fronting the A229 Cranbrook Road. Further development took place in 1998 with the construction of a cold store, in 2006 an additional cold store in 2006, two warehouse units in 2007 and 2011/12, three further warehouse units in 2011 and 2012, and in 2015/16 a production unit on the final area of developable land.
- 1 Together with three existing buildings on the site, the total floor area provided at Hawkhurst Station Business Park is some 7600 square metres floorspace occupied by a mix of users; by Raven Roofing, Hurstway Construction, Nortrade (Seafoods), Howden Joinery, Rhokett Foods, Maws Fine Foods, and Kent Woodware Ltd.

THE DEVELOPMENT PLAN

Tunbridge Wells Borough Council's Call for Sites 2016

- 1 In support of a submission in **2016** to the **Tunbridge Wells Borough Council's Call for Sites, in respect of the potential for development for employment purposes of the land south of Hawkhurst Station Business Park**, we advised that;

In total, the Companies within the Business Park currently employ 131 personnel, plus seasonal workers, of which 14.5% live within 5 miles travel to work, 45.8% between 5 and 10 miles and 39.7% over 10 miles.

Of the companies at Hawkhurst Station Business Park, four have indicated that they will be looking to employ additional staff within the next two years and two anticipate that they will have a requirement to take additional space or relocate to larger premises and due to the location of the business park, its good access and road network and the quality of the units, their preference would be to remain on the Hawkhurst Station Business Park.

It can be seen that the Hawkhurst Station Business Park is a successful enterprise, that accommodates the needs of a range of production and warehousing companies, which operate successfully, in modern

purpose built accommodation with good access and servicing arrangements, provide much locally based employment, and have a stated need to expand their premises here, but cannot at present as no land for expansion is available.

Lloyd Bore Ltd; Landscape and Ecology; Landscape and Visual Appraisal 2016

1 We advise that, for the purposes of support to the submission made on behalf of Kent Woodware Ltd to the Council's 2016 Call for Sites **Lloyd Bore Ltd; Landscape and Ecology prepared a Landscape and Visual Appraisal**, to assess the susceptibility of the landscape surrounding the site and the Area of Natural Beauty to harm from the development of the site. This Appraisal is attached to this submission.

1 This Appraisal concluded as follows;

NATURE OF POTENTIAL EFFECTS

Visual Amenity

6.1 *The assessment concludes that the site has very limited scope to cause changes to general visual amenity, as the site is visually contained, with the longest views available from one direction only (westerly).*

6.2 *There is the potential for some limited local scale adverse impacts, but these are limited to two private residential properties located close to the site, to the south and east.*

6.3 *Overall the visual landscape is assessed to have a **Low** susceptibility to the proposed development. The development would be visible from a restricted, localised area within 500m of the site and typically only from locations where development is already an existing feature of the view, or is within the vicinity of the view origin. The proposed development would share characteristics with existing development nearby.*

6.4 *Publicly accessible views of the site would be gained from a short section of Slip Mill Road immediately to the west of the site. From here, the new development would be partially visible, appearing through and above existing and proposed vegetation, to the western boundary of the site.*

6.5 *There would be no adverse impact upon views from any of the public rights of way within the study area.*

6.6 *Views from one public right of way have been identified to the west of the site. These are gained from public footpath WC132 within 500m of the site.*

6.7 *From this public footpath the extent of new development visible would be either so small and / or viewed from such a distance that it would form only minor background within part of the view and would have no significant impact upon their composition, nature or quality. The introduction of the proposed development would have no adverse effect on the amenity value of views from these locations.*

6.8 *The proposed development does have the potential to cause minor adverse impacts upon views from two residential properties located adjacent to and overlooking the site from the south and east. These impacts would be partly due to the nature of the development (industrial in character), and the impact this has on the views currently experienced from the properties.*

6.9 *The development itself would not be uncharacteristic of the surrounding industrial character generated by the adjacent business park.*

6.10 *These adverse impacts should be considered temporary in nature, being experienced only by current occupiers. Future occupiers with no prior knowledge of existing views would not experience adverse impacts, or deem the site uncharacteristic of its setting and surroundings.*

6.11 *The proposed layout plan includes specific measures to minimise visual impacts experienced by these properties, as primary mitigation. This includes:*

Retention and reinforcement of existing vegetation along the eastern, southern and western boundaries to ensure screening of the new buildings.

Where feasible, proposed buildings would be orientated with short elevations facing public views, and the layout should be designed so that buildings screen buildings.

The colours of the proposed buildings would be chosen to ensure they recede into the view.

The height of the development would be limited to ensure it does not exceed the height of existing buildings within the business park.

Any changes in ground level can be gauged to minimise as far as is reasonable visual impact on adjacent properties.

Landscape Resource

6.12 The likely impacts and effects that may arise from the proposed development relate to a change in land use and vegetation cover, with an increase in built development.

6.13 The proposed development would not be uncharacteristic of its setting and would not be of a scale, massing, location or nature that would result in any notable impacts upon the landscape resources that combine to create the prevailing landscape character at a local, or regional scale.

6.14 Although the development would fundamentally change the appearance of the site, this would not cause a significant change in terms of landscape character. This is largely due to the fact that the site location is equally influenced by the adjacent developed landscape as the undeveloped rural landscape. The site occupies part of the urban / rural fringe rather than being part of the wider agricultural landscape.

ABILITY TO ACCOMMODATE DEVELOPMENT

Visual Resource

6.15 It is assessed that the site, its immediate surroundings and the wider landscape has the capacity to accommodate the proposed development.

6.16 The site is visually contained and would be seen from a small number of publicly accessible locations. From these locations it has been assessed that the development would have no significant effect upon the general visual character of the wider landscape.

6.17 Adverse impacts would affect only a small number of private residential properties immediately adjacent to the site boundary, as a result of a partial loss of views towards and through the site. These effects would be experienced by the current occupiers of the properties only, and would not affect future occupants or the wider population.

6.18 The development would not result in the loss of any significant cultural or historically important views. Future owners of the affected properties are unlikely to consider the proposed development as uncharacteristic of the setting.

Landscape Resource

6.19 It is concluded that the site, its immediate surroundings and its wider landscape context has the capacity to accommodate the development without experiencing adverse impacts upon key landscape resources or overall landscape character.

6.20 The development would not result in the loss of, or damage to, key landscape resources or features and would not introduce uncharacteristic or detracting features into the landscape.

Adopted Site Allocations Local Plan 2016

1 The Borough Councils **Adopted Site Allocations Local Plan 2016** confirmed as follows;
Gill's Green

7.15 Currently, an area of around two hectares at Gill's Green is identified in the 2006 Local Plan, under Policy ED4, for economic development uses. This Policy states that the site is suitable for business (B1), general industrial (B2) or storage or distribution (B8) uses, subject to development causing no significant harm to the amenities or character of the area. The Policy seeks to improve highways, bus and pedestrian access to the site and ensure a high quality of development with substantial screening in the form of hedgerow and tree planting.

7.16 Gill's Green is identified in Core Policy 7: Employment Provision as one of the Borough's Key Employment Areas, where the retention of existing floorspace and intensification or redevelopment for employment uses will be encouraged. The Policy adds that, if more employment land is required, it will be directed to the broad location of, or extensions to, the Key Employment Areas defined in the Policy.

2016 Sevenoaks and Tunbridge Wells Economic Needs Study

1 The **2016 Sevenoaks and Tunbridge Wells Economic Needs Study** advised as follows;

Land at the former Hawkhurst Railway Station, Gills Green Key Employment Area

9.35 The Gill Green KEA is characterised by a mix of B2 and B8 uses. Existing occupiers include Howdens, Nortrade Seafood Specialist and Raven Roofing Supplies. The buildings on site are of steel frame construction and good quality. There is also evidence of new single storey buildings being constructed to provide additional accommodation.

9.36 The KEA is accessed from the A229 and is highly visible. There are bus stops at c.60m and 150m to the south of the site. However, the area is around 18 miles from the M25 therefore connections to the strategic motorway network are somewhat limited. Notwithstanding this, the site is well occupied and there is also evidence of recent take up, with the construction of a new unit to the west of the site being pre let.

9.37 Colliers' view is that this is a good rural employment site. It is considered there is potential to extend the site to the south west to accommodate further B2 and B8 uses. Although not currently allocated, it is understood a further c.3 acres of land is potentially available to facilitate this expansion and there is potential demand from existing occupiers.

9.38 It should be noted, however, that any future development would need to be sensitive to the landscape character of the area and compatible with the residential properties which would border the potential expansion site; for example a buffer zone would most likely be required to screen any potential development. This area, and possible allocation, would also need to be tested through the Local Plan process.

Regulation 18 Tunbridge Borough Council Draft Local Plan 2019

1 In response to the **Regulation 18 Borough Council's Draft Local Plan of 2019** Kent Woodware **supported** the proposed allocation of the land for employment uses (B1, B2, B8) under the terms of Policy AL/HA 8; Hawkhurst Station Business Park (SHELAA reference: Site 102); and the proposed extension of The Key Employment Area under Policy ED1, the boundaries for which are shown on Inset Map 15; Gills Green and Site Layout Map 68 below. The latter ED1 boundary overlapped with the proposed allocation area for land to the south under Draft Policy HA9.

[TWBC: For maps see full Planning Statement attached as a supporting document]

- 1 These Draft Local Plan proposals were somewhat complicated in that;
 - . The proposed extension to the Station Business Park under Policy ED1 incorporated land belonging to Kent Woodware as shown in the red lined allocation Site Layout Map 68 above.
 - . However, the proposed employment area on land to the south, in separate ownership, was also proposed for development under the terms of Policy AL/HA9, as shown on the Map 69, the Allocation Plan below, with access through the Hawkhurst Station Business Park.

[TWBC: For map see full Planning Statement attached as a supporting document]

1 Policy AL/HA9 and Map 68 show the proposed development as comprising;
Northern part of site (north of the buffer) as defined on the allocation plan: employment uses B1/B2/B8 uses;

Southern part of site (south of the buffer) as defined on the allocation plan: residential development (C3) providing approximately 38 dwellings;

A landscape buffer to be provided between the two separate areas of development as defined on the allocation plan.

- 1 Policy AL/HA 8 incorporated 2 requirements for a landscape and visual impact assessment and a landscape management scheme, to ensure that development would not harm materially the character and appearance of the surroundings of the site and the Area of Outstanding Natural Beauty, or any residential neighbours, as set out below;

5. A landscape and visual impact assessment that informs the height and massing of development proposals, to include the height and colour of roofs, and reflects the elevated rural location of the site that can be viewed from parts of the surrounding areas (see Policy EN 1: Design and other development management criteria and Landscape Policies EN 20 and EN 21).

8. Provision of a landscape management scheme to ensure any impact of development upon the surrounding rural area is minimised in perpetuity (see criterion 3 of Policy EN 1: Design and other development management criteria).

- 1 Policy HA9 also required;

6. A landscape and visual impact assessment that informs the height and massing of development proposals, to include the height and colour of roofs, and reflects the elevated rural location of the site that can be viewed from parts of the surrounding areas (See Policy EN 1: Design and other development management criteria and Landscape Policies EN 20 and EN 21);

8. Layout of development should take account of AONB components (see Policy EN 21: High Weald Area of Outstanding Natural Beauty (AONB));

9. Provision of a landscape management scheme to ensure any impact of development upon the surrounding rural area is minimised in perpetuity (see criterion 3 of Policy EN 1: Design and other development management criteria and Landscape Policies EN 20 and EN 21);

1 The **Regulation 19 Pre Submission Local Plan has deleted Regulation 18 Draft Local Plan Policy AL/HA9.**

RECENT PRESSURE FOR ADDITIONAL COMMERCIAL FLOORSPACE

1 Over recent years there have been pressures for increased building floorspace from existing Companies within the Business Park, in particular from Maws Fine Foods which occupies Unit 7, and Rhokett which occupies units 5, 6, 8, 9, 10 and 12.

Maws Fine Foods

- 1 Maws Fine Foods, which occupies Unit 7, is a local family owned Company, established in 1989, which is one of the leading food wholesale and distributors of catering supplies, including ambient, frozen chilled and non-food wholesale goods supplying distributing to a wide range of businesses in London and South-East England, including Michelin star restaurants, exclusive hotels, bistros, bars and cafes, their very particular day to day staple foods and goods, and sourcing speciality items. Unit 7 is a modern purpose-built warehouse, with temperature controlled and monitored and recorded chiller-units. Goods are delivered via a fleet of tracker-monitored, dual temperature-controlled vehicles to ensure timely, efficient, and optimum delivery.
- 1 Kent Woodware obtained a planning consent TW/18/1520/FULL, with subsequent discharge of planning conditions, for a new building to provide for additional floorspace for Maws Fine Food to expand its business, being the '*construction of a commercial building of 400 square metres, for B1 light industrial, B2 general industrial, and B8 storage and distribution uses, on land immediately to the south of the Hawkhurst Station Business Park, with access, parking and drainage*'. This development, as shown below, was permitted on land outside the defined limits of the current allocated employment site, in support of Maws Fine Foods' commercial needs, and being development which did not impact materially on its surroundings or the landscape of the Area of Outstanding Natural Beauty.

[TWBC: For map see full Planning Statement attached as a supporting document]

- 1 The consented development incorporates a drainage pond accommodating the run off drainage from a large part of the Business Park, which already drains onto the open land to the south, and the consented development. The open landscaped drain from the consented development will run alongside the eastern boundary of Kent Woodware's land to an open attenuated drainage pond on its southern boundary.
- 1 This development now has the benefit of a Lawful Development Certificate (Existing): Development involving the digging of a trench and the construction of a sub-surface French drain as part of the implementation of planning application TW/18/01520/FULL prior to its expiry, under reference TW/20/03242/LDCEX.

Rhokett.

- 1 Rhokett are a locally based Company, established in 2002 with support from Michelin star Chef Gary Rhodes, OBE. Rhokett produces a range of exceptional high standard hand finished luxury desserts that include its iconic cheesecakes, tarts, mousses, cakes and many more, supplied to a range of clients, including supermarkets, airlines and 5 star hotels. Rhokett, with its original high grade production units still located at Courtlands Farm, Turnden Road, Cranbrook, also occupy buildings at the Hawkhurst Station Business Park, being building units 5, 6, 8, 9, 10, and 12, being for production, material storage, packing accommodation, waste treatment and production offices. Rhokett employs circa 200 staff.
- 1 In order to meet its pressing need for additional cold and pallet storage space, without recourse to a major planning application, Rhokett has obtained the following temporary 5 year consents;

- . TW/20/00355; consent (retrospective) for the siting of 8 mobile cold store units and a car park with 35 spaces on the open land to the south to replace the spaces lost on site. The rectangular refrigeration units are sited within the curtilages of 5/6, 10, and 12.
- . TW/20/03472; consent (retrospective) for the siting of 3 x 9 x 9 metres single storey temporary marquees for bad weather pallet storage, for 5 years during the months of September to December inclusive, and parking on the open land to the south. The marquees, shown in blue below, are sited within the curtilages of units 5 and 10.
- 1 Both consents reduce the area for onsite parking within the premises, which shortfalls are balanced by the construction of a temporary 35 space car park on land to the south, as shown on the consented scheme below.

[TWBC: For map see full Planning Statement attached as a supporting document]

30. However, this temporary car park runs over the site of the development of a new commercial building consented under TW/18/01520/FULL and Lawful Development (Existing) Certificate and TW/20/03242/LDCEX. The latter Certificate was granted on the basis that any above ground development would require the car park to be removed, with consequent implications for the loss of replacement car parking for Rhokett under the terms of planning consents TW/20/00355 and TW/20/03472 set out above.

31. The effect of this is to either impede the final construction and occupation of the 'implemented' new building, or to remove this temporary car park. The latter will require Rhokett to either remove its temporary consented freezer units and marquees and to reinstate on site car parking, or prepare and submit another planning application for a temporary car park on adjacent land to allow the retention of the freezer units and marquees. The overlap is shown on the drawing below.

[TWBC: For map see full Planning Statement attached as a supporting document]

BREXIT AND COVID-19 PANDEMIC RESTRICTIONS

- 1 Kent Woodware and its Planning and Commercial Agents have discussed the expansion requirements with the above Companies and others both on and off the Station Business park.
- 1 Whilst the impact of Brexit and Covid-19 restrictions has, understandably, been to stall the submission of planning applications to support further building construction to meet Company requirements Companies are now actively preparing for the predicted market recovery.

POTENTIAL DEVELOPMENT TO MEET COMPANY REQUIREMENTS

- 1 The latest discussions with Companies on their requirements for expansion have taken place in respect of the prospects of development on the land and the area proposed to be allocated under the terms of **Regulation 18 Borough Council's Draft Local plan of 2019 Policy AL/HA 8 for employment uses (B1, B2, B8), the red lined allocation boundary for which is shown on Map 68 above.**

Draft sketch scheme for site development

- 1 We have prepared a sketch scheme for development which would, in the view of Kent Woodware, meet a good measure of Company requirements for additional floorspace, on this area of land, as shown below.

[TWBC: For map see full Planning Statement attached as a supporting document]

- 1 This scheme shows;
 - . A range of commercial buildings capable of accommodating Use Class E, B2 and B8 occupiers.
 - . Access taken from the implemented scheme under TW/18/01520/FULL and Lawful Development (Existing) Certificate and TW/20/03242/LDCEX, into a pair of service yards and parking areas, for a run of buildings parallel to Slip Mill Road but set back with a wide intervening and significantly enhanced landscape screen. Building heights can be determined as part of a Landscape Visual Assessment.
 - . A significant setback of new building from the boundaries with Station Cottages to the north-west, being some 24 metres to their boundary fencing and 41 metres to the flank wall of the terrace. The intervening land is mounded and would be suitably landscaped.
 - . Enhanced planting to the site boundary and the building line with Slip Mill Lane of up to 19 metres depth.
 - . An enhanced landscaped boundary to the east, running alongside the car park, which accommodates the drainage run to the southern attenuation lagoon, some 11-15 metres wide, with a detailed scheme to realise the ecological potential of the drain and supplemented native planting.

- . A significant open strip of land along the southern boundary of some 32-41 metres, accommodating the landscaped site drainage lagoon.
- 1 This initial sketch scheme illustrates the manner in which this area of land has the potential to meet a good measure of local business needs for additional commercial floorspace in a manner that meets technical design requirements and highways standards, and with significant landscaping to mitigate any potential impact on its immediate surroundings and the Area of Outstanding Natural Beauty, in accordance with the terms of Draft Local Plan Policy AL/HA8.

HANKINSON DUCKETT ASSOCIATES SITE VISUAL IMPACT ASSESSMENT

- 1 The **Tunbridge Wells Borough Council Economic Development Topic Paper of March 2021** confirms the reasoning behind the reduction in the area proposed for development within the allocated area in new Policy AL/HA7, as follows.

4.32 The Gill's Green Key Employment Area lies to the north of Hawkhurst on Cranbrook Road and serves this rural part of the borough. This area has been popular for businesses to locate and expand and therefore an area of undeveloped land is identified and allocated under Policy AL/HA7, to the south of the existing KEA for further employment generating uses within use class E/B2 and B8.

*4.32 This area differs somewhat from the Draft Local Plan which sought to allocate a larger area to the south of the existing KEA; however, **following the outcomes of further landscape assessment work, this area has been reduced to the site now proposed in the Local Plan.***

- 1 The **'further landscape assessment work'** is found in the **Document Tunbridge Wells-Landscape and Visual Impact Assessment of Proposed Allocation Sites within the High Weald AONB** of November 2020 prepared by Hankinson Duckett Associates, Section 6.7: Hawkhurst.
- 1 HAD, on behalf of Tunbridge Wells Borough Council, have carried out a **Landscape Visual Assessment of the proposed Draft Allocations within the High Weald Area of Outstanding Natural Beauty proposed in the Regulation 18 Draft Local Plan.**
- 1 This included Draft Policy AL/HA 8 outlined above, along with a simple red lined allocation boundary, and written policy requirements for a landscape and visual impact assessment (5) and landscape management scheme (8) with references to other policies in respect of design, development management and landscape.
- 1 HAD considered that;
 - a. The site is a disturbed, degraded, unkempt, neglected and unkempt field 'in pasture', with scattered piles of rubble and a shipping container forming detracting features within the site. It and has few characteristic features and is heavily influenced by the industrial estate to the north.
 - b. The site is generally well contained from the surrounding landscape, being enclosed by mature vegetation including tree belts and hedgerows, where the incongruous landscape features are less noticeable. Landscape features are associated with field boundaries and are generally intact. There are opportunities to replace some features with more characteristic boundary treatments.
 - c. Views of the site are limited to receptors adjacent to the site boundary and long distance glimpsed views from the high ground to the north-west, west and south-west. There are infrequent glimpsed winter views of the site through the boundary vegetation on Slip Mill Lane, adjacent to the western site boundary. The site boundary trees are visible within the views, which screen the ground within the site. There are glimpsed views into the site from nearby residential properties, though seen in the context of the existing industrial estate.
 - d. Visual receptors (public views) to be considered (ordered from higher to lower sensitivity) include; walkers on the footpath to the north-west of the site, walkers and motorists using Slip Mill Road, and people at the south-western edge of the industrial estate, to the north of the site.
 - e. The site is relatively simple, but lacks coherence. This is largely due to the variety of boundary features, some of which are characteristic of the local landscape, while others are less typical.

43. HAD's Assessment concludes as follows;

The site consists of a disturbed and unkempt field in pasture, which is heavily influenced by the industrial estate to the north. The site is enclosed by mature vegetation including tree belts and hedgerows, some of which comprise native species, while others are less typical of the local landscape. A Leylandii hedge on a bund forms the north-western boundary, which forms an anomaly in the character of the adjacent Slip Mill Lane, which is mapped as a historic routeway. The site is well contained from the

wider landscape, however the introduction of tall buildings within the site is likely to change this assessment of visibility.

The site is a relatively small part of the assessment area considered by LUC within the sensitivity study. The whole area was assessed as having a high sensitivity, as it is representative of the AONB landscape. The more developed areas at Gills Green were noted as being less sensitive to change.

Any development should be designed to minimise visibility and subsequently the effects of the development on the wider AONB. **Providing that existing structural landscape features within the site and at the site boundaries can be retained and enhanced with new planting, it would be possible to include sensitively designed development within the site, without causing significant adverse effects on the character and appearance of the AONB. The suitability of the site for development is largely dependent on the employment need and the detailed design of the proposals.**

The site is degraded, has few characteristic features and would benefit from landscape improvements and long-term management. Key landscape features within the site could be retained and there is sufficient space within the proposed open space to the south and west of the site, to introduce characteristic new features, which could contribute to the screening of the site. The proposed pedestrian and cycle link to Gill's Green would provide some recreational benefits.

Hawkhurst has a made Neighbourhood Plan and policies within this should be considered as part of any development of the site.

By following the proposed GI strategy and policy measures outlined above, it would be possible to mitigate for development within the site and provide some on-site enhancements that would contribute positively to the character and appreciation of the AONB.

Policy recommendations for the Regulation 19 version of the Draft Local Plan include:

Photomontages to be provided from a selected number of key viewpoints as part of the prescribed LVIA.

Include wording to protect boundary features within the site.

THE BASIS FOR THE OBJECTION

- 1 The basis for the objection to proposed Policy AL/HA7, Inset Map 16; Gills Green, and Proposals Layout Map 49 shown above lies in the **extent of the proposed area of green open space alongside the southern boundary of the site, which limits the potential for the site to accommodate clear and expressed local business requirements for development land on which to meet their needs for buildings, with a consequent failure to incorporate all the Kent Woodware land within the Key Employment Area Policy ED1.**

45. Kent Woodware accepts the reasonable requirements for site development to retain and enhance existing structural and boundary landscaping.

46. Such requirements could have been met under the terms of Parts 5 and 8 of Regulation 18 Consultation Draft Policy AL/HA8 which were drafted as follows;

5. A landscape and visual impact assessment that informs the height and massing of development proposals, to include the height and colour of roofs, and reflects the elevated rural location of the site that can be viewed from parts of the surrounding areas (see Policy EN1: Design and other development management criteria and Landscape Policies EN21 and EN21).

8. Provision of a landscape management scheme to ensure any impact upon the surrounding rural area is minimised in perpetuity (see criterion 3 of Policy EN1: Design and other rural management criteria).

47. This can and should be achieved now by the application of Proposed Pre Submission Policy AL/HA8 requirements;

For a Landscape and Visual Impact Assessment and Landscape Management Scheme supplemental as set out under part 3 of the Policy.

For a detailed landscape submission and management scheme under the terms part 5 the Policy, with updated cross references to relevant Pre Submission Draft Local Plan Policies (now such as EN1: Sustainable design, EN12: Trees, woodland, hedges and development, EN16: Landscape within the

built development, EN18: Rural landscape, and EN19: The High Weald Area of Outstanding Natural Beauty).

Within the terms of and negotiated by way of a detailed planning application to accord with the above.

48. Kent Woodware cannot accept the impact of the extensive area of 0.677 hectares of proposed open space in Policy AL/HA7 and Shown on Inset Map 16; Gills Green and Policy Map 49, which amounts to 33% of the proposed red lined allocation land.

49. Accordingly, the terms.. A landscape buffer to be provided within the southern part of the site... should be deleted from Pre Submission Draft Policy AL/HA7(5).

50. The prescription for a landscaped open space and buffer zone within the southern edge of the Policy AL/HA7 land arises from the terms of the HAD's Visual Impact Assessment, which assessed the terms of previous Regulation 18 Draft Policy AL/HA8 with its more expensive proposed extension of the Business Park to the south, and draft Policy AL/HA9 alongside to the south with its 'landscaped buffer zone' to buffer the extended employment land and a residential allocation. Consequently, it then recommended the adjusted Proposals Map below, shows existing Green Infrastructure retained, proposed open space, landscape buffer and landscape feature protection, but on the basis of a smaller extension to the Business Park and extension of employment land or residential allocation to the south.

[TWBC: For map see full Planning Statement attached as a supporting document]

1 There is **no substantive or justified reasoning** for this large area of proposed open space within the Kent Woodware land, which takes up **33% of the red lined proposed allocation land**, which we consider to be **arbitrary, unjustified and excessive**.

1 HAD comment, on Regulation 18 Draft Local Plan Policy AL/HA8, that;

There is no proposed open space requirement within the allocation plan and no requirement for feature retention within the draft policy. There is the potential that this would result in the loss of boundary features, which could have significant adverse effects on landscape character.

The effects on recreation within the site may be positive and are unlikely to be negative.

Landscape and recreational opportunities:

Provision of open space to the west and south of the site allows existing boundary features to be retained and enhanced with new planting. The provision of open space to the south would maintain the separation between the industrial estate and the residential part of Gill's Green. There are opportunities to create new and complementary habitats within the open space. The draft policy anticipates a north-south link through the site, which will improve pedestrian and cycle connectivity with Gill's Green.

The inclusion of the eastern and southern parts of the site within open space would protect existing landscape features and would limit the potential for new development to affect the character of the wider rural landscape.

The open space has the potential to include the enhancement of existing features and new complementary habitats, which could link existing habitats within and around the site. The space would maintain the rural edge to the site and the retention of existing trees and woodland would filter and screen views of the proposed development.

The inclusion of an appropriate new landscape buffer to the western site boundary would assist in protecting the significance of adjacent heritage assets.

The proposed allocation would be consistent with the existing settlement pattern to the south of Hawkhurst.

It would provide opportunities to create new recreational routes and facilities for existing and new residents.

The introduction of a long term management plan for the site would maintain the quality and condition of the AONB landscape within the site.

These measures would reduce predicted effects on internal landscape features, local views and the character of the site and wider landscape.

1 We consider that there is a distinction between the terms of 'open space' and landscaping as used by HAD in their considerations and advice.

1 We consider that;

a. With the removal now of the previously proposed extension to the Station Business Park in Draft Policy AK/HA8 beyond the Kent Woodware land, the previously draft proposed allocation of residential land north of Gills Green, and the proposed landscaped buffer between the two land uses, there appears to be no material need for a for 'landscaped buffer' to separate Gills Green from a Business Park extension, in view of the extensive area of retained and protected open land at this edge of the settlement.

b. Under the changed circumstances, this proposed open space to the south of the allocated land is not justified as there will be more than adequate retained open separation between an extended industrial estate and the residential part of Gill's Green, and a suitably landscaped southern boundary within any new development will screen any potential visual impact.

c. There cannot and will not be public open space, recreation, or pedestrian or cycle links into or through this privately owned land which will be an extension to the Station Business Park. Station Business Park is a private commercial enterprise, with no general public rights of way. It is occupied by busy commercial operators, and serviced by large commercial vehicles, including large articulated and refrigerated lorries and trucks, delivery vans, fork lift trucks, staff and visitor parking. This restriction of public access is applied in the interests of the health and safety, and highways safety, of staff and visitors. Such restrictions must apply to any built extension.

d. Proposed Pre Submission Policy AL/HA7 does not propose a north-south link through the site to improve pedestrian and cycle connectivity with Gill's Green, as shown in Draft Policy AL/HA8, as the Draft Local Plan proposed a further extension to the Business Park on its immediate southern boundary served by an access through the Business Park, with an open space beyond leading to a residential allocation north of Gills Green, which are not carried into the Pre-Submission Plan. The land proposed under AL/HA7 now backs onto an open field with a hedgerow boundary.

e. There is no need for such an extensive designated public open space or recreation within the new development. There is no need for an open space for staff, and any such space would not be open to the general public. It is also not needed to maintain the separation between the industrial estate and the residential part of Gill's Green, as claimed by HAD above, as there is sufficient open distance between these 2 parts on the north and western boundary of Gills Green in the open fields to the south of this land.

f. Open landscaped space can be accommodated within the development. The sketch scheme described above shows an area of land on the southern boundary of the site which would need to accommodate the attenuated drainage lagoon for a large part of the Business park and any extension, up to 41 metres depth, which would be landscaped and used as casual open space by staff working alongside, which will be a material and acceptable enhancement to the proposed development.

g. The need for substantive landscaping on this land, as a screen to the development and to maintain characteristic boundary features and the enhancement of the site with characteristic wildlife boundary planting, and naturalistic surface water features and drainage systems and storage on the eastern and southern boundaries, can be secured by way of ;

additions to Proposed Policy AL/HA7 (5) in draft Policy AL/HA7 outlined above.

the application of Policies EN1; Sustainable design, character, site context, landscape, trees and amenity, biodiversity and geodiversity, EN12; Trees, woodland, hedges and development), EN18; Rural landscape), EN19 :The High Weald Area of Outstanding Natural Beauty in the formulation of a detailed development scheme, with full assessments, documentation, and justification in a planning application submitted for determination by the Local Planning Authority in the light of planning policy and Supplemental Guidance.

CONCLUSIONS

- 1 Kent Woodware Ltd supports the proposed allocation of its open land south of the Station Business Park for employment uses in proposed Local Plan Policy AL/HA7, and as shown within the proposed red lined area on the Proposals Maps.
- 2 This Policy, in principle, follows the success of Station Business Park since its formal designation as an employment area in 2006, and the benefits it brings for business and employment in the eastern rural part of Tunbridge Wells Borough.
- 1 The proposed allocation for an extension to the Business Park follows successive advice since 2006 in the Council's Call For Sites, its Development Plan formulations in its Adopted Allocations

- Local Plan 2016, its 2016 Economic Needs Study, and the proposed allocation under AL/HA8 in its Regulation 18 Consultation Draft Local Plan which Kent Woodware supported.
- 1 The Council has since supported Kent Woodware in obtaining planning consent, now implemented, for a new building to serve the existing needs or an adjacent Business, on the open land within the proposed new allocation and without material harm to its surroundings, its wider neighbours, or the surrounding landscape.
 - 1 It is clear to Kent Woodware and its closely advising commercial and planning Agents that there are a clear and pressing needs of local Businesses on the Business Park, and beyond, for additional land to serve their needs for additional building floorspace which can be met on the proposed allocation land.
 - 1 Whilst Brexit and Covid 19 restrictions have stalled new developments, and the cost of formulating detailed planning applications during these times, businesses are now looking to expansion in the light of prospective economic recovery. Development on the allocated land will assist in that recovery and secure business prosperity, employment retention and creation.
 - 1 However, we are firm in our advice to the Inspector for the Local Plan Examination that the retention of the proposed area of green 'open space' shown within the proposed allocation, amounting to 33% of the red lined allocation, would act against the need of local business to expand, to meet their development needs, and local employment.
 - 1 The commissioned Landscape and Site Visual Assessments carried out by Lloyd Bore on behalf of Kent Woodware and Hankinson Duckett Associates on behalf of the Local Planning Authority essentially arrive at the same conclusions; that the proposed allocated land, as former Station and pasture land, and serving the needs of the Former Kent Woodware wood turning business for many years, is now degraded, but is essentially reasonably contained within the surrounding landscape with only limited views towards its boundary landscaping, which can be enhanced to screen the site. New development, and particularly its building heights, design, materials and colour, must be guided by the findings and recommendations of landscape and visual impact appraisals and sensitive landscape proposals. This can be achieved.
 - 1 However, we consider both the principle and extent of the green proposed open space recommended by Hankinson Duckett Associates and shown on the Proposed Allocation Maps to be arbitrary, excessive and unfounded. HAD's assessment shows no detail as to how the extent of the green open spaces has been determined.
 - 1 We consider that HSD's assessment will work against the needs of local businesses and their retention and creation of employment.
 - 1 Kent Woodware accepts the need and requirements for any new development on this land to pay the utmost regard to the retention of the existing boundary landscaping and its enhancement with characteristic wildlife boundary planting, and naturalistic surface water features and drainage systems.
 - 1 These requirements can be achieved by additions to Policy AL/HA7, set out previously as (3) and (5) in Regulation 18 Draft Policy AL/HA8 outlined above, and the application of Policies for sustainable design, character, site context, landscape, trees and amenity, biodiversity in the formulation of a detailed development scheme, with full assessments, documentation, and justification in a planning application submitted for determination by the Local Planning Authority in the light of planning policy and Supplemental Guidance.
 - 1 The Inspector is therefore requested to;
 - a. Retain Policy AL/HA7 for the application of the red lined site Allocation Boundary area south of Station Business Park for employment uses (E/B2/B8), with requirements for a Landscape and Visual Impact Assessment and Landscape Management Scheme.
 - (b) Extend the Proposed Employment Area under the terms of Policy ED1 as shown on Inset Map 16; Gills Green and Proposals Map 49 to incorporate all of the land shown as red lined as Allocation Boundary, and to be shown blue for Employment Use.
 - (c) Remove the area shown in green as an 'open space and landscape buffer' on Inset Map 16; Gills Green and Map 49 Site Layout Plan.
 - (d) Delete the reference in Draft Policy AL/HA7 (5) for.. a landscape buffer to be provided within the southern area of the site..

Question 6

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Question 5 above. (Please note that non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Delete area shown in green as an 'open space and landscape buffer' on Inset Map 16; Gills Green and Map 49 Site Layout Plan, along with the requirement for a 'landscape buffer to be provided within the southern boundary of the site' on Policy AL/HA7 (5).

Extend Key Employment Area Policy ED1, as shown on Inset Map 16; Gills Green and the Red lined Allocation Plan Map 49 Site Layout Plan for Policy AL/HA7 to cover all of red lined allocated site and to be shown as blue for employment land.

See attached full representations. [TWBC: See representations attached as supporting documents]

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

No, I do not wish to participate in examination hearing session(s)

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:

Yes, I wish to be notified of future stages of the Local Plan

Supporting Information File Ref No: SI_24

Comment

Agent	Mr William Hall [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Broadlands Planning Ltd
Address	[REDACTED] ROYAL TUNBRIDGE WELLS [REDACTED]
Consultee	Mr Peter Dunlop [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Kent Woodward Ltd
Address	Unit 16 Hawkhurst Station Business Park Hawkhurst TN18 5BD
Event Name	Pre-Submission Local Plan
Comment by	Kent Woodward Ltd (Mr Peter Dunlop [REDACTED])
Comment ID	PSLP_428
Response Date	26/05/21 11:05
Consultation Point	Policy AL/HA 8 Site at Limes Grove (March's Field) (View)
Status	Processed
Submission Type	Email
Version	0.6
Files	PSLP_428_Broadlands Planning for Kent Woodward SI-1 Inset Map 16.pdf
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Kent Woodward Ltd.
Question 2	
Agent's Name and Organisation (if applicable)	Broadlands Planning Ltd.

Question 3

To which part of the Local Plan does this representation relate? Policy

Question 3a

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy AL/HA 8 Site at Limes Grove (March's Field)

Paragraph Numbers: 5.351/2, 5.408

Inset Map 16; Gill Green.

Proposals Map 50 Site Layout Plan

Question 4

Do you consider that the Local Plan:

Is legally compliant Yes

Is sound Yes

Complies with the Duty to Cooperate Yes

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

Question 5

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

Kent Woodware Ltd, as land owner, **SUPPORTS** the contingent approach to the allocation of land at March's Field, Limes Grove, for employment purposes, subject to monitoring and demonstrable evidence of the need for further employment provision, or potentially at the five- year review of the Local Plan, as set out in Policy AL/HA8; Site at Limes Grove(March's Field) and Written Statement para 5.408, and shown on Inset Map 16 [TWBC: Please see supporting documents]; Gills Green and Proposals Map 50, with the land safeguarded for employment use in the long term to serve the eastern part of the Borough.

This approach will assist Kent Woodware Ltd to continue to assist local companies to provide employment in this part of the eastern sector of Tunbridge Wells Borough.

Kent Woodware Ltd is fully aware of the need for the stated requirements for the design and layout of any development to be based on the findings of the requisite supporting appraisals, and the site's location in the Area of Natural Beauty and adjacent to Listed Buildings and an historic farmstead.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

No, I do not wish to participate in examination hearing session(s)

If you would like to attach a file in support of your comments, please upload it here.

[PSLP_428_Broadlands Planning for Kent Woodware_SI-1_Inset Map 16.pdf](#)

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:

Yes, I wish to be notified of future stages of the Local Plan

Supporting Information File Ref No: SI_21a-d

Comment

Agent	Mr William Hall [REDACTED]
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Consultee	Mr Peter Dunlop [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Kent Woodware Ltd
Address	[REDACTED] [REDACTED] Hawkhurst [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Kent Woodware Ltd (Mr Peter Dunlop - [REDACTED])
Comment ID	PSLP_337
Response Date	24/05/21 10:58
Consultation Point	Policy ED 1 The Key Employment Areas (View)
Status	Processed
Submission Type	Email
Version	0.10
Files	PSLP_337_Broadlands_Planning_for_Kent_Woodware_SI-4_Landscape PSLP_337_Broadlands_Planning_for_Kent_Woodware_SI-1_Supporting_Letter_Redacted.pdf PSLP_337_Broadlands_Planning_for_Kent_Woodware_SI-3_Planning_Statement.pdf PSLP_337_Broadlands_Planning_for_Kent_Woodware_SI-2_Site_Location_Plan.pdf
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Kent Woodware Ltd.

Question 2

Agent's Name and Organisation (if applicable) Broadlands Planning Ltd.

Question 3

To which part of the Local Plan does this representation relate? Policy

Question 3a

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy ED 1 The Key Employment Areas

Inset Map 16

[TWBC: This representation has been put against Policies ED 1 and AL/HA7 - see Comment Numbers PSLP_337 and PSLP_352]

Question 4

Do you consider that the Local Plan:

Is legally compliant Yes

Is sound No

Complies with the Duty to Cooperate Yes

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

- . It is not positively prepared
- . It is not effective
- . It is not justified

Question 5

Please note: *In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.*

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

[TWBC: the following wording is contained in the email sent submitting the representations dated 21 May 2021]:

Please find attached submissions and supporting documentation to the Pre Submission Local Plan, made on behalf of Kent Woodware Ltd, which Company owns and operates the Hawkhurst Station Business Park, and owns the land to the south of the Business Park, and March's Field to the north of the Business Park.

The representations comprise the following;

- 1 **Support**; for the proposal in **Policy AL/HA7** for the proposed allocation of land to the south of the Station Business Park for employment uses (E/B2/B8).
- 1 **An Objection**; to the limited extent of the Proposed Employment Area under the terms of **Key Employment Area Policy ED1**, as shown on Inset Map 16; Gills Green and the Red lined Allocation Plan Map 49 Site Layout Plan for Policy AL/HA7, which we consider to be not justified. This designation for employment use should be **extended** to incorporate all the land shown on Inset Map 16 and the Red lined Allocation Plan Map 49 Site Layout Plan for Policy AL/HA7, and shown as blue for employment land, and as proposed previously under the terms of Regulation 18 Draft Local Plan Policy AL/HA8 and Policy ED1, and in respect of land shown on the attached site location plan.
- 1 **An objection**; to the area shown in green as an '*open space and landscape buffer*' on Inset Map 16; Gills Green and Map 49 Site Layout Plan, along with the requirement for a 'landscape buffer' on Policy AL/HA7 (5), which we consider is not justified, and should be deleted.

This submission is supported by the following documentation;

- 1 A completed Representation Form.
- 2 Broadlands Planning Ltd supporting letter.
- 3 Red lined Site Location Plan 07-PR-004.
- 4 Broadlands Planning Ltd supporting Planning Statement setting out full representations.
- 5 Lloyd Bore Ltd; Landscape and Ecology prepared a Landscape and Visual Appraisal

The Inspector is requested to;

- 1 **Retain Policy AL/HA7** for the application of the **red lined site Allocation Boundary** area south of Station Business Park for employment uses (E/B2/B8), with **requirements for a Landscape and Visual Impact Assessment and Landscape Management Scheme**.
- 2 **Extend the Proposed Employment Area under the terms of Policy ED1 as shown on Inset Map 16; Gills Green and Proposals Map 49** to incorporate all of the land shown as red lined as Allocation Boundary, and to be **shown blue for Employment Use**.
- 3 **Remove the area shown in green as an '*open space and landscape buffer*'** on Inset Map 16; Gills Green and Map 49 Site Layout Plan.
- 4 **Delete the reference in Draft Policy AL/HA7 (5) for.. a landscape buffer to be provided within the southern area of the site..**

I trust the above are in order.

However, if you have any queries or require any further information please do not hesitate to contact me.

[TWBC: the following is taken from the representation form submitted on 21 May 2021]:

Please see full written representations and objections in attached site location plan and Broadlands Planning Statement, with references to; Pre Submission Local Plan Written Statement. Policies ED1 and AL/HA7, including (3) and (5) Inset Map 16; Gills Green Map 49; Site Layout Plan Regulation 18 Draft Local Plan Call for Sites 2016 Adopted Site Allocation Local Plan 2016 2016 Sevenoaks and Tunbridge Wells Economic Needs Study HAD Site Visual Impact Assessment Lloyd Bore Ltd Landscape and Ecology; Landscape and Visual Appraisal 2016

[TWBC: the following text is taken from the Planning Statement attached as a supporting document - see full Statement to view images and maps]:

INTRODUCTION

- 1 This submission and representations are made on behalf write on behalf of Kent Woodware Ltd, which Company owns and operates the Hawkhurst Station Business Park, and owns the land to the south of the Business Park, and March's Field to the north of the Business Park, as shown on the site location plan attached to these representations.

SUMMARY OF REPRESENTATIONS

- 1 The representations comprise the following;
 - a. **Support**; for the proposal in **Policy AL/HA7** for the proposed allocation of land to the south of the Station Business Park for employment uses (E/B2/B8).
 - b. **Objection**; to the limited extent of the Proposed Employment Area under the terms of **Key Employment Area Policy ED1**, as shown on Inset Map 16; Gills Green and Allocation Plan Map 49

Site Layout Plan. This designation for employment use should be **extended** to incorporate all the land shown on Inset Map 16 and the red lined Allocation Plan Map 49 Site Layout Plan for Policy AL/HA7, and shown as blue for employment land, and as proposed previously under the terms of Regulation 18 Draft Local Plan Policy AL/HA8 and Policy ED1 as shown below.

c. An objection; to the area shown in green as an 'open space and landscape buffer' on Inset Map 16; Gills Green and Map 49 Site Layout Plan, which should be deleted, along with the requirement for a 'landscape buffer' on Policy AL/HA7 (5).

1 The relevant plans are shown below.

2019 Regulation 18 Consultation Draft Local Plan Allocation Site AL/HA8 and Inset Map 15 showing ED1 boundary [TWBC: For maps see full Planning Statement attached as a supporting document]

2021 Pre Submission Local Plan inset Map 16; Gills Green extract Policies AL/HA7 and ED1 and Pre Submission Map 49 Site Layout Plan [TWBC: For maps see full Planning Statement attached as a supporting document]

1 The considerations in support of the above representations are set out below.

THE HISTORY OF THE DEVELOPMENT HAWKHURST STATION BUSINESS PARK

- 1 Hawkhurst Station Business Park is recognised as a successful and busy Business Park, which is occupied by a range of companies in the production and distribution of building and trade materials, and food.
- 1 Prior to the development of the business park on the former railway station land, the site was occupied by The Kent Woodware Company Ltd from 1911, which subsequently expanded to take in the railway land to the south on the closure of the Hawkhurst branch line in 1963, and by the purchase in the mid 1980's from an adjacent area of former pasture land from Mr John Santer.
- 1 The Kent Woodware Company manufactured wooden components for the brush and furniture trades. However, in time cheap imports from Eastern Europe and the Far East led to the decline of and closure of the wood turning business.
- 1 The following aerial photographs shows Kent Woodware in operation viewed from the southwest, with open pasture land to the south, and viewed from the north, showing extent of works and storage areas, with stacked timbers, and former Santer's land with timber storage runs and access drives.

[TWBC: For extract images see full Planning Statement attached as a supporting document]

- 1 Development of the present Business Park commenced in 1989 with the construction of a warehouse unit fronting the A229 Cranbrook Road. Further development took place in 1998 with the construction of a cold store, in 2006 an additional cold store in 2006, two warehouse units in 2007 and 2011/12, three further warehouse units in 2011 and 2012, and in 2015/16 a production unit on the final area of developable land.
- 1 Together with three existing buildings on the site, the total floor area provided at Hawkhurst Station Business Park is some 7600 square metres floorspace occupied by a mix of users; by Raven Roofing, Hurstway Construction, Nortrade (Seafoods), Howden Joinery, Rhokett Foods, Maws Fine Foods, and Kent Woodware Ltd.

THE DEVELOPMENT PLAN

Tunbridge Wells Borough Council's Call for Sites 2016

- 1 In support of a submission in **2016** to the **Tunbridge Wells Borough Council's Call for Sites, in respect of the potential for development for employment purposes of the land south of Hawkhurst Station Business Park**, we advised that;

In total, the Companies within the Business Park currently employ 131 personnel, plus seasonal workers, of which 14.5% live within 5 miles travel to work, 45.8% between 5 and 10 miles and 39.7% over 10 miles.

Of the companies at Hawkhurst Station Business Park, four have indicated that they will be looking to employ additional staff within the next two years and two anticipate that they will have a requirement to take additional space or relocate to larger premises and due to the location of the business park, its good access and road network and the quality of the units, their preference would be to remain on the Hawkhurst Station Business Park.

It can be seen that the Hawkhurst Station Business Park is a successful enterprise, that accommodates the needs of a range of production and warehousing companies, which operate successfully, in modern

purpose built accommodation with good access and servicing arrangements, provide much locally based employment, and have a stated need to expand their premises here, but cannot at present as no land for expansion is available.

Lloyd Bore Ltd; Landscape and Ecology; Landscape and Visual Appraisal 2016

1 We advise that, for the purposes of support to the submission made on behalf of Kent Woodware Ltd to the Council's 2016 Call for Sites **Lloyd Bore Ltd; Landscape and Ecology prepared a Landscape and Visual Appraisal**, to assess the susceptibility of the landscape surrounding the site and the Area of Natural Beauty to harm from the development of the site. This Appraisal is attached to this submission.

1 This Appraisal concluded as follows;

NATURE OF POTENTIAL EFFECTS

Visual Amenity

6.1 *The assessment concludes that the site has very limited scope to cause changes to general visual amenity, as the site is visually contained, with the longest views available from one direction only (westerly).*

6.2 *There is the potential for some limited local scale adverse impacts, but these are limited to two private residential properties located close to the site, to the south and east.*

6.3 *Overall the visual landscape is assessed to have a **Low** susceptibility to the proposed development. The development would be visible from a restricted, localised area within 500m of the site and typically only from locations where development is already an existing feature of the view, or is within the vicinity of the view origin. The proposed development would share characteristics with existing development nearby.*

6.4 *Publicly accessible views of the site would be gained from a short section of Slip Mill Road immediately to the west of the site. From here, the new development would be partially visible, appearing through and above existing and proposed vegetation, to the western boundary of the site.*

6.5 *There would be no adverse impact upon views from any of the public rights of way within the study area.*

6.6 *Views from one public right of way have been identified to the west of the site. These are gained from public footpath WC132 within 500m of the site.*

6.7 *From this public footpath the extent of new development visible would be either so small and / or viewed from such a distance that it would form only minor background within part of the view and would have no significant impact upon their composition, nature or quality. The introduction of the proposed development would have no adverse effect on the amenity value of views from these locations.*

6.8 *The proposed development does have the potential to cause minor adverse impacts upon views from two residential properties located adjacent to and overlooking the site from the south and east. These impacts would be partly due to the nature of the development (industrial in character), and the impact this has on the views currently experienced from the properties.*

6.9 *The development itself would not be uncharacteristic of the surrounding industrial character generated by the adjacent business park.*

6.10 *These adverse impacts should be considered temporary in nature, being experienced only by current occupiers. Future occupiers with no prior knowledge of existing views would not experience adverse impacts, or deem the site uncharacteristic of its setting and surroundings.*

6.11 *The proposed layout plan includes specific measures to minimise visual impacts experienced by these properties, as primary mitigation. This includes:*

Retention and reinforcement of existing vegetation along the eastern, southern and western boundaries to ensure screening of the new buildings.

Where feasible, proposed buildings would be orientated with short elevations facing public views, and the layout should be designed so that buildings screen buildings.

The colours of the proposed buildings would be chosen to ensure they recede into the view.

The height of the development would be limited to ensure it does not exceed the height of existing buildings within the business park.

Any changes in ground level can be gauged to minimise as far as is reasonable visual impact on adjacent properties.

Landscape Resource

6.12 The likely impacts and effects that may arise from the proposed development relate to a change in land use and vegetation cover, with an increase in built development.

6.13 The proposed development would not be uncharacteristic of its setting and would not be of a scale, massing, location or nature that would result in any notable impacts upon the landscape resources that combine to create the prevailing landscape character at a local, or regional scale.

6.14 Although the development would fundamentally change the appearance of the site, this would not cause a significant change in terms of landscape character. This is largely due to the fact that the site location is equally influenced by the adjacent developed landscape as the undeveloped rural landscape. The site occupies part of the urban / rural fringe rather than being part of the wider agricultural landscape.

ABILITY TO ACCOMMODATE DEVELOPMENT

Visual Resource

6.15 It is assessed that the site, its immediate surroundings and the wider landscape has the capacity to accommodate the proposed development.

6.16 The site is visually contained and would be seen from a small number of publicly accessible locations. From these locations it has been assessed that the development would have no significant effect upon the general visual character of the wider landscape.

6.17 Adverse impacts would affect only a small number of private residential properties immediately adjacent to the site boundary, as a result of a partial loss of views towards and through the site. These effects would be experienced by the current occupiers of the properties only, and would not affect future occupants or the wider population.

6.18 The development would not result in the loss of any significant cultural or historically important views. Future owners of the affected properties are unlikely to consider the proposed development as uncharacteristic of the setting.

Landscape Resource

6.19 It is concluded that the site, its immediate surroundings and its wider landscape context has the capacity to accommodate the development without experiencing adverse impacts upon key landscape resources or overall landscape character.

6.20 The development would not result in the loss of, or damage to, key landscape resources or features and would not introduce uncharacteristic or detracting features into the landscape.

Adopted Site Allocations Local Plan 2016

1 The Borough Councils **Adopted Site Allocations Local Plan 2016** confirmed as follows;
Gill's Green

7.15 Currently, an area of around two hectares at Gill's Green is identified in the 2006 Local Plan, under Policy ED4, for economic development uses. This Policy states that the site is suitable for business (B1), general industrial (B2) or storage or distribution (B8) uses, subject to development causing no significant harm to the amenities or character of the area. The Policy seeks to improve highways, bus and pedestrian access to the site and ensure a high quality of development with substantial screening in the form of hedgerow and tree planting.

7.16 Gill's Green is identified in Core Policy 7: Employment Provision as one of the Borough's Key Employment Areas, where the retention of existing floorspace and intensification or redevelopment for employment uses will be encouraged. The Policy adds that, if more employment land is required, it will be directed to the broad location of, or extensions to, the Key Employment Areas defined in the Policy.

2016 Sevenoaks and Tunbridge Wells Economic Needs Study

1 The **2016 Sevenoaks and Tunbridge Wells Economic Needs Study** advised as follows;
Land at the former Hawkhurst Railway Station, Gills Green Key Employment Area

9.35 The Gill Green KEA is characterised by a mix of B2 and B8 uses. Existing occupiers include Howdens, Nortrade Seafood Specialist and Raven Roofing Supplies. The buildings on site are of steel frame construction and good quality. There is also evidence of new single storey buildings being constructed to provide additional accommodation.

9.36 The KEA is accessed from the A229 and is highly visible. There are bus stops at c.60m and 150m to the south of the site. However, the area is around 18 miles from the M25 therefore connections to the strategic motorway network are somewhat limited. Notwithstanding this, the site is well occupied and there is also evidence of recent take up, with the construction of a new unit to the west of the site being pre let.

9.37 Colliers' view is that this is a good rural employment site. It is considered there is potential to extend the site to the south west to accommodate further B2 and B8 uses. Although not currently allocated, it is understood a further c.3 acres of land is potentially available to facilitate this expansion and there is potential demand from existing occupiers.

9.38 It should be noted, however, that any future development would need to be sensitive to the landscape character of the area and compatible with the residential properties which would border the potential expansion site; for example a buffer zone would most likely be required to screen any potential development. This area, and possible allocation, would also need to be tested through the Local Plan process.

Regulation 18 Tunbridge Borough Council Draft Local Plan 2019

- 1 In response to the **Regulation 18 Borough Council's Draft Local Plan of 2019** Kent Woodware **supported** the proposed allocation of the land for employment uses (B1, B2, B8) under the terms of Policy AL/HA 8; Hawkhurst Station Business Park (SHELAA reference: Site 102); and the proposed extension of The Key Employment Area under Policy ED1, the boundaries for which are shown on Inset Map 15; Gills Green and Site Layout Map 68 below. The latter ED1 boundary overlapped with the proposed allocation area for land to the south under Draft Policy HA9.

[TWBC: For maps see full Planning Statement attached as a supporting document]

- 1 These Draft Local Plan proposals were somewhat complicated in that;
 - . The proposed extension to the Station Business Park under Policy ED1 incorporated land belonging to Kent Woodware as shown in the red lined allocation Site Layout Map 68 above.
 - . However, the proposed employment area on land to the south, in separate ownership, was also proposed for development under the terms of Policy AL/HA9, as shown on the Map 69, the Allocation Plan below, with access through the Hawkhurst Station Business Park.

[TWBC: For map see full Planning Statement attached as a supporting document]

- 1 Policy AL/HA9 and Map 68 show the proposed development as comprising;
Northern part of site (north of the buffer) as defined on the allocation plan: employment uses
B1/B2/B8 uses;

Southern part of site (south of the buffer) as defined on the allocation plan: residential development (C3) providing approximately 38 dwellings;

A landscape buffer to be provided between the two separate areas of development as defined on the allocation plan.

- 1 Policy AL/HA 8 incorporated 2 requirements for a landscape and visual impact assessment and a landscape management scheme, to ensure that development would not harm materially the character and appearance of the surroundings of the site and the Area of Outstanding Natural Beauty, or any residential neighbours, as set out below;
5. A **landscape and visual impact assessment** that informs the height and massing of development proposals, to include the height and colour of roofs, and reflects the elevated rural location of the site that can be viewed from parts of the surrounding areas (see Policy EN 1: Design and other development management criteria and Landscape Policies EN 20 and EN 21).
8. Provision of a **landscape management scheme** to ensure any impact of development upon the surrounding rural area is minimised in perpetuity (see criterion 3 of Policy EN 1: Design and other development management criteria).

- 1 Policy HA9 also required;

6. A landscape and visual impact assessment that informs the height and massing of development proposals, to include the height and colour of roofs, and reflects the elevated rural location of the site that can be viewed from parts of the surrounding areas (See Policy EN 1: Design and other development management criteria and Landscape Policies EN 20 and EN 21);

8. Layout of development should take account of AONB components (see Policy EN 21: High Weald Area of Outstanding Natural Beauty (AONB));

9. Provision of a landscape management scheme to ensure any impact of development upon the surrounding rural area is minimised in perpetuity (see criterion 3 of Policy EN 1: Design and other development management criteria and Landscape Policies EN 20 and EN 21);

1 The **Regulation 19 Pre Submission Local Plan has deleted Regulation 18 Draft Local Plan Policy AL/HA9.**

RECENT PRESSURE FOR ADDITIONAL COMMERCIAL FLOORSPACE

1 Over recent years there have been pressures for increased building floorspace from existing Companies within the Business Park, in particular from Maws Fine Foods which occupies Unit 7, and Rhokett which occupies units 5 6, 8, 9, 10 and 12.

Maws Fine Foods

- 1 Maws Fine Foods, which occupies Unit 7, is a local family owned Company, established in 1989, which is one of the leading food wholesale and distributors of catering supplies, including ambient, frozen chilled and non-food wholesale goods supplying distributing to a wide range of businesses in London and South-East England, including Michelin star restaurants, exclusive hotels, bistros, bars and cafes, their very particular day to day staple foods and goods, and sourcing speciality items. Unit 7 is a modern purpose-built warehouse, with temperature controlled and monitored and recorded chiller-units. Goods are delivered via a fleet of tracker-monitored, dual temperature-controlled vehicles to ensure timely, efficient, and optimum delivery.
- 1 Kent Woodware obtained a planning consent TW/18/1520/FULL, with subsequent discharge of planning conditions, for a new building to provide for additional floorspace for Maws Fine Food to expand its business, being the '*construction of a commercial building of 400 square metres, for B1 light industrial, B2 general industrial, and B8 storage and distribution uses, on land immediately to the south of the Hawkhurst Station Business Park, with access, parking and drainage*'. This development, as shown below, was permitted on land outside the defined limits of the current allocated employment site, in support of Maws Fine Foods' commercial needs, and being development which did not impact materially on its surroundings or the landscape of the Area of Outstanding Natural Beauty.

[TWBC: For map see full Planning Statement attached as a supporting document]

- 1 The consented development incorporates a drainage pond accommodating the run off drainage from a large part of the Business Park, which already drains onto the open land to the south, and the consented development. The open landscaped drain from the consented development will run alongside the eastern boundary of Kent Woodware's land to an open attenuated drainage pond on its southern boundary.
- 1 This development now has the benefit of a Lawful Development Certificate (Existing): Development involving the digging of a trench and the construction of a sub-surface French drain as part of the implementation of planning application TW/18/01520/FULL prior to its expiry, under reference TW/20/03242/LDCEX.

Rhokett.

- 1 Rhokett are a locally based Company, established in 2002 with support from Michelin star Chef Gary Rhodes, OBE. Rhokett produces a range of exceptional high standard hand finished luxury desserts that include its iconic cheesecakes, tarts, mousses, cakes and many more, supplied to a range of clients, including supermarkets, airlines and 5 star hotels. Rhokett, with its original high grade production units still located at Courtlands Farm, Turnden Road, Cranbrook, also occupy buildings at the Hawkhurst Station Business Park, being building units 5, 6, 8, 9, 10, and 12, being for production, material storage, packing accommodation, waste treatment and production offices. Rhokett employs circa 200 staff.
- 1 In order to meet its pressing need for additional cold and pallet storage space, without recourse to a major planning application, Rhokett has obtained the following temporary 5 year consents;

- . TW/20/00355; consent (retrospective) for the siting of 8 mobile cold store units and a car park with 35 spaces on the open land to the south to replace the spaces lost on site. The rectangular refrigeration units are sited within the curtilages of 5/6, 10, and 12.
- . TW/20/03472; consent (retrospective) for the siting of 3 x 9 x 9 metres single storey temporary marquees for bad weather pallet storage, for 5 years during the months of September to December inclusive, and parking on the open land to the south. The marquees, shown in blue below, are sited within the curtilages of units 5 and 10.
- 1 Both consents reduce the area for onsite parking within the premises, which shortfalls are balanced by the construction of a temporary 35 space car park on land to the south, as shown on the consented scheme below.

[TWBC: For map see full Planning Statement attached as a supporting document]

30. However, this temporary car park runs over the site of the development of a new commercial building consented under TW/18/01520/FULL and Lawful Development (Existing) Certificate and TW/20/03242/LDCEX. The latter Certificate was granted on the basis that any above ground development would require the car park to be removed, with consequent implications for the loss of replacement car parking for Rhokett under the terms of planning consents TW/20/00355 and TW/20/03472 set out above.

31. The effect of this is to either impede the final construction and occupation of the 'implemented' new building, or to remove this temporary car park. The latter will require Rhokett to either remove its temporary consented freezer units and marquees and to reinstate on site car parking, or prepare and submit another planning application for a temporary car park on adjacent land to allow the retention of the freezer units and marquees. The overlap is shown on the drawing below.

[TWBC: For map see full Planning Statement attached as a supporting document]

BREXIT AND COVID-19 PANDEMIC RESTRICTIONS

- 1 Kent Woodware and its Planning and Commercial Agents have discussed the expansion requirements with the above Companies and others both on and off the Station Business park.
- 1 Whilst the impact of Brexit and Covid-19 restrictions has, understandably, been to stall the submission of planning applications to support further building construction to meet Company requirements Companies are now actively preparing for the predicted market recovery.

POTENTIAL DEVELOPMENT TO MEET COMPANY REQUIREMENTS

- 1 The latest discussions with Companies on their requirements for expansion have taken place in respect of the prospects of development on the land and the area proposed to be allocated under the terms of **Regulation 18 Borough Council's Draft Local plan of 2019 Policy AL/HA 8 for employment uses (B1, B2, B8), the red lined allocation boundary for which is shown on Map 68 above.**

Draft sketch scheme for site development

- 1 We have prepared a sketch scheme for development which would, in the view of Kent Woodware, meet a good measure of Company requirements for additional floorspace, on this area of land, as shown below.

[TWBC: For map see full Planning Statement attached as a supporting document]

- 1 This scheme shows;
 - . A range of commercial buildings capable of accommodating Use Class E, B2 and B8 occupiers.
 - . Access taken from the implemented scheme under TW/18/01520/FULL and Lawful Development (Existing) Certificate and TW/20/03242/LDCEX, into a pair of service yards and parking areas, for a run of buildings parallel to Slip Mill Road but set back with a wide intervening and significantly enhanced landscape screen. Building heights can be determined as part of a Landscape Visual Assessment.
 - . A significant setback of new building from the boundaries with Station Cottages to the north-west, being some 24 metres to their boundary fencing and 41 metres to the flank wall of the terrace. The intervening land is mounded and would be suitably landscaped.
 - . Enhanced planting to the site boundary and the building line with Slip Mill Lane of up to 19 metres depth.
 - . An enhanced landscaped boundary to the east, running alongside the car park, which accommodates the drainage run to the southern attenuation lagoon, some 11-15 metres wide, with a detailed scheme to realise the ecological potential of the drain and supplemented native planting.

- . A significant open strip of land along the southern boundary of some 32-41 metres, accommodating the landscaped site drainage lagoon.
- 1 This initial sketch scheme illustrates the manner in which this area of land has the potential to meet a good measure of local business needs for additional commercial floorspace in a manner that meets technical design requirements and highways standards, and with significant landscaping to mitigate any potential impact on its immediate surroundings and the Area of Outstanding Natural Beauty, in accordance with the terms of Draft Local Plan Policy AL/HA8.

HANKINSON DUCKETT ASSOCIATES SITE VISUAL IMPACT ASSESSMENT

- 1 The **Tunbridge Wells Borough Council Economic Development Topic Paper of March 2021** confirms the reasoning behind the reduction in the area proposed for development within the allocated area in new Policy AL/HA7, as follows.
 - 4.32 *The Gill's Green Key Employment Area lies to the north of Hawkhurst on Cranbrook Road and serves this rural part of the borough. This area has been popular for businesses to locate and expand and therefore an area of undeveloped land is identified and allocated under Policy AL/HA7, to the south of the existing KEA for further employment generating uses within use class E/B2 and B8.*
 - 4.32 *This area differs somewhat from the Draft Local Plan which sought to allocate a larger area to the south of the existing KEA; however, **following the outcomes of further landscape assessment work, this area has been reduced to the site now proposed in the Local Plan.***
- 1 The **'further landscape assessment work'** is found in the **Document Tunbridge Wells-Landscape and Visual Impact Assessment of Proposed Allocation Sites within the High Weald AONB** of November 2020 prepared by Hankinson Duckett Associates, Section 6.7: Hawkhurst.
- 1 HAD, on behalf of Tunbridge Wells Borough Council, have carried out a **Landscape Visual Assessment of the proposed Draft Allocations within the High Weald Area of Outstanding Natural Beauty proposed in the Regulation 18 Draft Local Plan.**
- 1 This included Draft Policy AL/HA 8 outlined above, along with a simple red lined allocation boundary, and written policy requirements for a landscape and visual impact assessment (5) and landscape management scheme (8) with references to other policies in respect of design, development management and landscape.
- 1 HAD considered that;
 - a. The site is a disturbed, degraded, unkempt, neglected and unkempt field 'in pasture', with scattered piles of rubble and a shipping container forming detracting features within the site. It and has few characteristic features and is heavily influenced by the industrial estate to the north.
 - b. The site is generally well contained from the surrounding landscape, being enclosed by mature vegetation including tree belts and hedgerows, where the incongruous landscape features are less noticeable. Landscape features are associated with field boundaries and are generally intact. There are opportunities to replace some features with more characteristic boundary treatments.
 - c. Views of the site are limited to receptors adjacent to the site boundary and long distance glimpsed views from the high ground to the north-west, west and south-west. There are infrequent glimpsed winter views of the site through the boundary vegetation on Slip Mill Lane, adjacent to the western site boundary. The site boundary trees are visible within the views, which screen the ground within the site. There are glimpsed views into the site from nearby residential properties, though seen in the context of the existing industrial estate.
 - d. Visual receptors (public views) to be considered (ordered from higher to lower sensitivity) include; walkers on the footpath to the north-west of the site, walkers and motorists using Slip Mill Road, and people at the south-western edge of the industrial estate, to the north of the site.
 - e. The site is relatively simple, but lacks coherence. This is largely due to the variety of boundary features, some of which are characteristic of the local landscape, while others are less typical.
- 43. HAD's Assessment concludes as follows;

The site consists of a disturbed and unkempt field in pasture, which is heavily influenced by the industrial estate to the north. The site is enclosed by mature vegetation including tree belts and hedgerows, some of which comprise native species, while others are less typical of the local landscape. A Leylandii hedge on a bund forms the north-western boundary, which forms an anomaly in the character of the adjacent Slip Mill Lane, which is mapped as a historic routeway. The site is well contained from the

wider landscape, however the introduction of tall buildings within the site is likely to change this assessment of visibility.

The site is a relatively small part of the assessment area considered by LUC within the sensitivity study. The whole area was assessed as having a high sensitivity, as it is representative of the AONB landscape. The more developed areas at Gills Green were noted as being less sensitive to change.

Any development should be designed to minimise visibility and subsequently the effects of the development on the wider AONB. **Providing that existing structural landscape features within the site and at the site boundaries can be retained and enhanced with new planting, it would be possible to include sensitively designed development within the site, without causing significant adverse effects on the character and appearance of the AONB. The suitability of the site for development is largely dependent on the employment need and the detailed design of the proposals.**

The site is degraded, has few characteristic features and would benefit from landscape improvements and long-term management. Key landscape features within the site could be retained and there is sufficient space within the proposed open space to the south and west of the site, to introduce characteristic new features, which could contribute to the screening of the site. The proposed pedestrian and cycle link to Gill's Green would provide some recreational benefits.

Hawkhurst has a made Neighbourhood Plan and policies within this should be considered as part of any development of the site.

By following the proposed GI strategy and policy measures outlined above, it would be possible to mitigate for development within the site and provide some on-site enhancements that would contribute positively to the character and appreciation of the AONB.

Policy recommendations for the Regulation 19 version of the Draft Local Plan include:

Photomontages to be provided from a selected number of key viewpoints as part of the prescribed LVIA.

Include wording to protect boundary features within the site.

THE BASIS FOR THE OBJECTION

- 1 The basis for the objection to proposed Policy AL/HA7, Inset Map 16; Gills Green, and Proposals Layout Map 49 shown above lies in the **extent of the proposed area of green open space alongside the southern boundary of the site, which limits the potential for the site to accommodate clear and expressed local business requirements for development land on which to meet their needs for buildings, with a consequent failure to incorporate all the Kent Woodware land within the Key Employment Area Policy ED1.**

45. Kent Woodware accepts the reasonable requirements for site development to retain and enhance existing structural and boundary landscaping.

46. Such requirements could have been met under the terms of Parts 5 and 8 of Regulation 18 Consultation Draft Policy AL/HA8 which were drafted as follows;

5. A landscape and visual impact assessment that informs the height and massing of development proposals, to include the height and colour of roofs, and reflects the elevated rural location of the site that can be viewed from parts of the surrounding areas (see Policy EN1: Design and other development management criteria and Landscape Policies EN21 and EN21).

8. Provision of a landscape management scheme to ensure any impact upon the surrounding rural area is minimised in perpetuity (see criterion 3 of Policy EN1: Design and other rural management criteria).

47. This can and should be achieved now by the application of Proposed Pre Submission Policy AL/HA8 requirements;

For a Landscape and Visual Impact Assessment and Landscape Management Scheme supplemental as set out under part 3 of the Policy.

For a detailed landscape submission and management scheme under the terms part 5 the Policy, with updated cross references to relevant Pre Submission Draft Local Plan Policies (now such as EN1: Sustainable design, EN12: Trees, woodland, hedges and development, EN16: Landscape within the

built development, EN18: Rural landscape, and EN19: The High Weald Area of Outstanding Natural Beauty).

Within the terms of and negotiated by way of a detailed planning application to accord with the above.

48. Kent Woodware cannot accept the impact of the extensive area of 0.677 hectares of proposed open space in Policy AL/HA7 and Shown on Inset Map 16; Gills Green and Policy Map 49, which amounts to 33% of the proposed red lined allocation land.

49. Accordingly, the terms.. A landscape buffer to be provided within the southern part of the site... should be deleted from Pre Submission Draft Policy AL/HA7(5).

50. The prescription for a landscaped open space and buffer zone within the southern edge of the Policy AL/HA7 land arises from the terms of the HAD's Visual Impact Assessment, which assessed the terms of previous Regulation 18 Draft Policy AL/HA8 with its more expensive proposed extension of the Business Park to the south, and draft Policy AL/HA9 alongside to the south with its 'landscaped buffer zone' to buffer the extended employment land and a residential allocation. Consequently, it then recommended the adjusted Proposals Map below, shows existing Green Infrastructure retained, proposed open space, landscape buffer and landscape feature protection, but on the basis of a smaller extension to the Business Park and extension of employment land or residential allocation to the south.

[TWBC: For map see full Planning Statement attached as a supporting document]

1 There is **no substantive or justified reasoning** for this large area of proposed open space within the Kent Woodware land, which takes up **33% of the red lined proposed allocation land**, which we consider to be **arbitrary, unjustified and excessive**.

1 HAD comment, on Regulation 18 Draft Local Plan Policy AL/HA8, that;

There is no proposed open space requirement within the allocation plan and no requirement for feature retention within the draft policy. There is the potential that this would result in the loss of boundary features, which could have significant adverse effects on landscape character.

The effects on recreation within the site may be positive and are unlikely to be negative.

Landscape and recreational opportunities:

Provision of open space to the west and south of the site allows existing boundary features to be retained and enhanced with new planting. The provision of open space to the south would maintain the separation between the industrial estate and the residential part of Gill's Green. There are opportunities to create new and complementary habitats within the open space. The draft policy anticipates a north-south link through the site, which will improve pedestrian and cycle connectivity with Gill's Green.

The inclusion of the eastern and southern parts of the site within open space would protect existing landscape features and would limit the potential for new development to affect the character of the wider rural landscape.

The open space has the potential to include the enhancement of existing features and new complementary habitats, which could link existing habitats within and around the site. The space would maintain the rural edge to the site and the retention of existing trees and woodland would filter and screen views of the proposed development.

The inclusion of an appropriate new landscape buffer to the western site boundary would assist in protecting the significance of adjacent heritage assets.

The proposed allocation would be consistent with the existing settlement pattern to the south of Hawkhurst.

It would provide opportunities to create new recreational routes and facilities for existing and new residents.

The introduction of a long term management plan for the site would maintain the quality and condition of the AONB landscape within the site.

These measures would reduce predicted effects on internal landscape features, local views and the character of the site and wider landscape.

1 We consider that there is a distinction between the terms of 'open space' and landscaping as used by HAD in their considerations and advice.

1 We consider that;

a. With the removal now of the previously proposed extension to the Station Business Park in Draft Policy AK/HA8 beyond the Kent Woodware land, the previously draft proposed allocation of residential land north of Gills Green, and the proposed landscaped buffer between the two land uses, there appears to be no material need for a for 'landscaped buffer' to separate Gills Green from a Business Park extension, in view of the extensive area of retained and protected open land at this edge of the settlement.

b. Under the changed circumstances, this proposed open space to the south of the allocated land is not justified as there will be more than adequate retained open separation between an extended industrial estate and the residential part of Gill's Green, and a suitably landscaped southern boundary within any new development will screen any potential visual impact.

c. There cannot and will not be public open space, recreation, or pedestrian or cycle links into or through this privately owned land which will be an extension to the Station Business Park. Station Business Park is a private commercial enterprise, with no general public rights of way. It is occupied by busy commercial operators, and serviced by large commercial vehicles, including large articulated and refrigerated lorries and trucks, delivery vans, fork lift trucks, staff and visitor parking. This restriction of public access is applied in the interests of the health and safety, and highways safety, of staff and visitors. Such restrictions must apply to any built extension.

d. Proposed Pre Submission Policy AL/HA7 does not propose a north-south link through the site to improve pedestrian and cycle connectivity with Gill's Green, as shown in Draft Policy AL/HA8, as the Draft Local Plan proposed a further extension to the Business Park on its immediate southern boundary served by an access through the Business Park, with an open space beyond leading to a residential allocation north of Gills Green, which are not carried into the Pre-Submission Plan. The land proposed under AL/HA7 now backs onto an open field with a hedgerow boundary.

e. There is no need for such an extensive designated public open space or recreation within the new development. There is no need for an open space for staff, and any such space would not be open to the general public. It is also not needed to maintain the separation between the industrial estate and the residential part of Gill's Green, as claimed by HAD above, as there is sufficient open distance between these 2 parts on the north and western boundary of Gills Green in the open fields to the south of this land.

f. Open landscaped space can be accommodated within the development. The sketch scheme described above shows an area of land on the southern boundary of the site which would need to accommodate the attenuated drainage lagoon for a large part of the Business park and any extension, up to 41 metres depth, which would be landscaped and used as casual open space by staff working alongside, which will be a material and acceptable enhancement to the proposed development.

g. The need for substantive landscaping on this land, as a screen to the development and to maintain characteristic boundary features and the enhancement of the site with characteristic wildlife boundary planting, and naturalistic surface water features and drainage systems and storage on the eastern and southern boundaries, can be secured by way of ;

additions to Proposed Policy AL/HA7 (5) in draft Policy AL/HA7 outlined above.

the application of Policies EN1; Sustainable design, character, site context, landscape, trees and amenity, biodiversity and geodiversity, EN12; Trees, woodland, hedges and development), EN18; Rural landscape), EN19 :The High Weald Area of Outstanding Natural Beauty in the formulation of a detailed development scheme, with full assessments, documentation, and justification in a planning application submitted for determination by the Local Planning Authority in the light of planning policy and Supplemental Guidance.

CONCLUSIONS

- 1 Kent Woodware Ltd supports the proposed allocation of its open land south of the Station Business Park for employment uses in proposed Local Plan Policy AL/HA7, and as shown within the proposed red lined area on the Proposals Maps.
- 2 This Policy, in principle, follows the success of Station Business Park since its formal designation as an employment area in 2006, and the benefits it brings for business and employment in the eastern rural part of Tunbridge Wells Borough.
- 1 The proposed allocation for an extension to the Business Park follows successive advice since 2006 in the Council's Call For Sites, its Development Plan formulations in its Adopted Allocations

- Local Plan 2016, its 2016 Economic Needs Study, and the proposed allocation under AL/HA8 in its Regulation 18 Consultation Draft Local Plan which Kent Woodware supported.
- 1 The Council has since supported Kent Woodware in obtaining planning consent, now implemented, for a new building to serve the existing needs or an adjacent Business, on the open land within the proposed new allocation and without material harm to its surroundings, its wider neighbours, or the surrounding landscape.
 - 1 It is clear to Kent Woodware and its closely advising commercial and planning Agents that there are a clear and pressing needs of local Businesses on the Business Park, and beyond, for additional land to serve their needs for additional building floorspace which can be met on the proposed allocation land.
 - 1 Whilst Brexit and Covid 19 restrictions have stalled new developments, and the cost of formulating detailed planning applications during these times, businesses are now looking to expansion in the light of prospective economic recovery. Development on the allocated land will assist in that recovery and secure business prosperity, employment retention and creation.
 - 1 However, we are firm in our advice to the Inspector for the Local Plan Examination that the retention of the proposed area of green 'open space' shown within the proposed allocation, amounting to 33% of the red lined allocation, would act against the need of local business to expand, to meet their development needs, and local employment.
 - 1 The commissioned Landscape and Site Visual Assessments carried out by Lloyd Bore on behalf of Kent Woodware and Hankinson Duckett Associates on behalf of the Local Planning Authority essentially arrive at the same conclusions; that the proposed allocated land, as former Station and pasture land, and serving the needs of the Former Kent Woodware wood turning business for many years, is now degraded, but is essentially reasonably contained within the surrounding landscape with only limited views towards its boundary landscaping, which can be enhanced to screen the site. New development, and particularly its building heights, design, materials and colour, must be guided by the findings and recommendations of landscape and visual impact appraisals and sensitive landscape proposals. This can be achieved.
 - 1 However, we consider both the principle and extent of the green proposed open space recommended by Hankinson Duckett Associates and shown on the Proposed Allocation Maps to be arbitrary, excessive and unfounded. HAD's assessment shows no detail as to how the extent of the green open spaces has been determined.
 - 1 We consider that HSD's assessment will work against the needs of local businesses and their retention and creation of employment.
 - 1 Kent Woodware accepts the need and requirements for any new development on this land to pay the utmost regard to the retention of the existing boundary landscaping and its enhancement with characteristic wildlife boundary planting, and naturalistic surface water features and drainage systems.
 - 1 These requirements can be achieved by additions to Policy AL/HA7, set out previously as (3) and (5) in Regulation 18 Draft Policy AL/HA8 outlined above, and the application of Policies for sustainable design, character, site context, landscape, trees and amenity, biodiversity in the formulation of a detailed development scheme, with full assessments, documentation, and justification in a planning application submitted for determination by the Local Planning Authority in the light of planning policy and Supplemental Guidance.
 - 1 The Inspector is therefore requested to;
 - a. Retain Policy AL/HA7 for the application of the red lined site Allocation Boundary area south of Station Business Park for employment uses (E/B2/B8), with requirements for a Landscape and Visual Impact Assessment and Landscape Management Scheme.
 - (b) Extend the Proposed Employment Area under the terms of Policy ED1 as shown on Inset Map 16; Gills Green and Proposals Map 49 to incorporate all of the land shown as red lined as Allocation Boundary, and to be shown blue for Employment Use.
 - (c) Remove the area shown in green as an 'open space and landscape buffer' on Inset Map 16; Gills Green and Map 49 Site Layout Plan.
 - (d) Delete the reference in Draft Policy AL/HA7 (5) for.. a landscape buffer to be provided within the southern area of the site..

Question 6

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Question 5 above. (Please note that non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Delete area shown in green as an 'open space and landscape buffer' on Inset Map 16; Gills Green and Map 49 Site Layout Plan, along with the requirement for a 'landscape buffer to be provided within the southern boundary of the site' on Policy AL/HA7 (5).

Extend Key Employment Area Policy ED1, as shown on Inset Map 16; Gills Green and the Red lined Allocation Plan Map 49 Site Layout Plan for Policy AL/HA7 to cover all of red lined allocated site and to be shown as blue for employment land.

See attached full representations. [TWBC: Please see representations attached as supporting documents]

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

No, I do not wish to participate in examination hearing session(s)

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:

Yes, I wish to be notified of future stages of the Local Plan

Supporting Information File Ref No: SI_64

Comment

Agent	Mr Nick Brandreth [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Lambert & Foster LLP
Address	House of Portmeirion Commercial Road TONBRIDGE TN12 6DS
Consultee	[REDACTED]
Company / Organisation	Keylands
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Keylands [REDACTED]
Comment ID	PSLP_1109
Response Date	02/06/21 12:49
Consultation Point	Policy STR/SS 1 The Strategy for Paddock Wood, including land at east Capel (View)
Status	Processed
Submission Type	Email
Version	0.5
Files	<u>PSLP_1109_Lambert and Foster for Keylands_SI_Representation_Redacted</u>
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Keylands
Question 2	
Agent's Name and Organisation (if applicable)	Lambert & Foster LLP
Question 3	

To which part of the Local Plan does this representation relate?

Policy

Question 3a

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy STR/SS 1 The Strategy for Paddock Wood, including land at east Capel

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

Question 5

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

LOCAL PLAN CONSULTATION

KEYLANDS SALEFIELD, LUCKS LANE, PADDOCK WOOD (SITE NO 340)

With regard to the Consultation to the Tunbridge Wells Borough Pre-Submission Local Plan, we submit a response related to employment land in the north-east parcel of the proposed Paddock Wood Draft Masterplan. We refer specifically to Site PW1_5 identified on Map 28 related to Policy STR/SS1 identified on Map 27 (Masterplan areas) and Map 28 which refers to the Keylands Salefield.

This policy relates to employment uses involving two adjacent sites within separate ownership. We seek to confirm that for both sites there are a range of positive enquiries for development. This range of enquiries extends from established businesses within the town, particularly several of the more aged properties to the north side of the railway station relocating to a more appropriate purpose built facility. In addition, we have received enquiries from food outlets, supermarkets, building materials depots, agricultural and builders' plant machinery outlets and a developer specialising in small business units to be sold for freehold owner occupation. At this stage, particularly with the Keylands Salefield, it has been decided to await the outcome of the Local Plan Consultation. This note is to confirm there is positive interest and it is for us to progress with addressing the technical solutions required to deliver the site upon clarification that the Local Plan is progressing through its various stages to adoption.

With regard to the overarching policies set out within this Local Plan Consultation, we would also draw your attention to three other linked policies. We fully support the proposals set out in Policy EDN9 with regard to Biodiversity Net Gain. There is scope within these sites to accommodate the requirements of this policy without venturing into third party land. We further support Policy ED1 identifying the key employment areas. However we would ask for appropriate flexibility to be considered within Policy ED2 which relates to the retention of existing employment areas, particularly within Paddock Wood. To the north of the railway station, there is aged commercial property which would benefit from an appropriate flexibility within the strategy for Paddock Wood including land at East Capel to allow appropriate viable redevelopment which in itself can facilitate relocation potentially within the identified key employment areas for new facilities to take the businesses forward for the future.

This note is to confirm a positive as to the potential for these draft allocations which we look forward to the Local Authority supporting through the remainder of the Local Plan process through to adoption.

[TWBC: for representation, please see supporting documents]

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

For office use only

If responder hasn't ticked an option on this box, data inputter to tick 'not stated' box. Not Stated

If you would like to attach a file in support of your comments, please upload it here. PSLP 1109 Lambert and Foster for Keylands SI Representation Redacted

Comment

Consultee	Anthony Kieran [REDACTED]
Email Address	[REDACTED]
Address	
Event Name	Pre-Submission Local Plan
Comment by	Anthony Kieran [REDACTED]
Comment ID	PSLP_879
Response Date	02/06/21 11:21
Consultation Point	Policy AL/RTW 5 Land to the south of Speldhurst Road and west of Reynolds Lane at Caenwood Farm, Speldhurst Road (View)
Status	Processed
Submission Type	Web
Version	0.1
Question 1	
Respondent's Name and/or Organisation	Anthony Kieran
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
Policy AL/RTW 5Land to the south of Speldhurst Road and west of Reynolds Lane at Caenwood Farm, Speldhurst Road	
Question 4	
Do you consider that the Local Plan:	
Is legally compliant	Don't know
Is sound	No
Complies with the Duty to Cooperate	Don't know

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound . It is not justified because:

Question 5

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

As a resident on Reynolds Lane adjacent to the proposed site for development, my representation on AL/RTW 5 is based on my family's experience today - specifically how current problems will be exacerbated and how the proposed development will introduce negative impacts on the quality of life for our family and other residents.

Traffic, pollution and road safety

The introduction of more traffic from those resident on the new development is, quite frankly, distressing. I would assume an estimate of 150-200 would not be an unreasonable expected total of additional vehicles that the development would bring. This is a significant contribution to the flow of traffic on the Speldhurst Road-St Johns Road junction - a major problem for vehicle and pedestrian traffic.

On a daily basis, during school term, our morning and afternoon drive to our children's school that is located 2.5 miles from our home on Reynolds Lane takes 20-25 mins. This should be a 10 minute drive in free-flowing traffic. In fact, on a very regular basis that journey takes significantly longer due to roadworks, parked delivery trucks and sheer weight of traffic. It has become a rather sad on-going joke when slow/heavy traffic on St Johns Road is not mentioned on the KMFM radio traffic updates for Kent - as you might expect, it is frustratingly not often enough!

It is a major bane to our lives in lost time and late arrival to school/ work. The pollution in the area is also a real concern and could only deteriorate - as cars clog up that junction back down Speldhurst Road and all along St Johns Road.

We also have real concerns on pedestrian safety - particularly as parents of young children. Worryingly, we have witnessed for ourselves on multiple occasions when motorists - presumably impatient from sitting in traffic - have jumped lights, accelerated hard to move into space, dangerously at speed u-turn at the Speldhurst Rd-Reynolds Lane junction as they are not willing to wait any further as the junction is jammed because of a block on St Johns Road. This is a concern of course whilst we accompany our young children, but at a time in the future they will not be accompanied and like many children we see crossing that junction today - it is a major risk to their safety and accidents are inevitable.

It is, frankly, incredible that a decision would be made to exacerbate these problems. That the current residents' quality of life is already impinged and that a decision could be made to add to that problem suggests a detachment from the realities of residents today and a disregard of concerns raised many times over years to our local councillors. Truly unfathomable.

What is also a concern is the addition to demand on Doctors' surgeries, Dentists and Schools in the area. Our own recent experience would suggest that demand well out-strips supply in these areas.

Impact on the Natural Environment

For me, the removal of a recently confirmed Green Belt status is mystifying. As a citizen it truly creates a feeling of distrust and doubt over elected officials and a planning process that seems fickle and damagingly influenced by commercial interests. A truly sad transformation in my opinion.

What the impact of removing this Green Belt status means is that the semi-rural property we purchased in 2009 would be no more. That it would be swallowed up by an expanding sprawl. For us, it means that the green view we enjoy today would be permanently lost to future generations.

The parcel of land within the proposed development hosts badgers that we see cross in to our gardens, we see pipistrelle bats that inhabit the field and fly over and around house, we have seen owls and heard woodpeckers - all from the trees surrounding that field. It would be a travesty to risk that habit - and shame on us as today's custodians to not pass that on to future generations.

I can share on a personal basis that the green view and walks on the public path cutting through the area to Speldhurst Road have had a positive impact on mental health and a restorative effect for all the family during COVID lockdown. To suggest that the developers would "enhance the Ancient Woodland" is an anathema to a natural environment - natural environments are clearly put at risk when they are encroached on by development.

I hope my small representation has some effect on what is wholly questionable and perverse theft of green belt land from today's residents and future generations.

Question 6

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Question 5 above. (Please note that non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

My modification would be reinstatement of green belt status and a complete halt to any development in that space.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?	No, I do not wish to participate in examination hearing session(s)
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Question 7a

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

N/a

Question 8

If you have any separate comments you wish to make on the accompanying Sustainability Appraisal, please make them here.

N/a

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:

Yes, I wish to be notified of future stages of the Local Plan

Comment

Consultee	steven KING [REDACTED]
Email Address	[REDACTED]
Address	
Event Name	Pre-Submission Local Plan
Comment by	steven KING [REDACTED]
Comment ID	PSLP_292
Response Date	24/05/21 11:14
Consultation Point	Map 14 Site Layout Plan (View)
Status	Processed
Submission Type	Web
Version	0.2

Question 1

Respondent's Name and/or Organisation	Steven John King
---------------------------------------	------------------

Question 3

To which part of the Local Plan does this representation relate?	Paragraph(s)
--	--------------

Question 3a

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

5.91,5.92,5.93,5.94

Question 4

Do you consider that the Local Plan:

Is legally compliant	Don't know
Is sound	No
Complies with the Duty to Cooperate	Don't know

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound . It is not justified because:

Question 5

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

Additional housing in the garden center area will add to traffic creating hazards and is a real issue to safety of pedestrians and cyclists owing to the location being on a low visibility high speed corner.

The original access to the garden centre is already on a very dangerous road and there are no pavements along that stretch of road which would obviously be used heavily by pedestrians walking into town rather than just visiting the garden center in their cars as it is now.

5.92. With areas of greenbelt possibly being destroyed to make way for building then the mature nature and biodiversity will be decimated as will the areas of outstanding natural beauty.

5.93. Flooding in the area is a real concern as surface water from the lower end of Hungershall Park, High Rocks Lane and Cabbage Stalk Lane freezes during winter and is a deathtrap with black ice everywhere creating numerous accidents. Any proposed interference of natural drainage will only make matters worse due to change in water course.

5.94. The idea that a secondary and emergency access road to be put in from the north is directly in the area of already mass flooding, ice and a 90 degree bend. I live at the bottom of Hungershall Park and am very aware of the numerous accidents or near misses that happen on the bend including many times as I have been driving into or out of my gates so any more traffic of any sort will only lead to certain fatalities. Parking at the bottom of Hungershall Park and the corner of Cabbage Stalk Lane is already a problem which will only get worse if another access into a new housing development were to be granted. The area of possible access here would be completely not in keeping with the surrounding heavily wooded tranquil environment that remains home to a large amount of biodiversity many of which are protected. (bats, newts, snakes, badgers, deers amongst others)

I note that the previous planning application 89/02011/FUL Received 09/11/1989 was refused on many of the above comments and since then the only change has been more traffic off all sorts using Hungershall Park/Cabbage Stalk Lane and High Rocks Lane so any U-turn to approve this dangerous application will sadly only lead to death on or around the bend.

Question 6

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After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Question 5 above. (Please note that non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

The only option for the proposal on the grounds of safety is to not go ahead with the plan and save lives or put a traffic light system at the entrance to the now garden center ,but this again is only going to create even more traffic problems into Tunbridge Wells.

Question 7

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If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

No, I do not wish to participate in examination hearing session(s)

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:

Yes, I wish to be notified of future stages of the Local Plan

Comment

Consultee	Cynthia Kirk [REDACTED]
Email Address	[REDACTED]
Address	
Event Name	Pre-Submission Local Plan
Comment by	Cynthia Kirk [REDACTED]
Comment ID	PSLP_1172
Response Date	04/06/21 08:27
Consultation Point	Section 4: The Development Strategy and Strategic Policies (View)
Status	Processed
Submission Type	Web
Version	0.8
Question 1	
Respondent's Name and/or Organisation	Cynthia Kirk
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy PSTR/HO 1 The Strategy for Horsmonden Parish

Question 4

Do you consider that the Local Plan:

Is legally compliant	Don't know
Is sound	No
Complies with the Duty to Cooperate	Don't know

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

- . It is not positively prepared
- . It is not effective
- . It is not justified
- . It is not consistent with national policy

Question 5

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

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I am not against some expansion of house building, but the Government's National Planning policy allows for "limited infilling in villages" which I would not oppose (although the proposed development across the area is not fairly distributed.) However, I am strongly opposed to the scale of the proposed developments in Horsmonden which would increase the number of houses potentially by 320 and would completely alter the character of our village and make the traffic problems much more severe. As Horsmonden already has a notable danger spot at the crossroads in its centre (with many near misses as outlined on the SE News) the substantial increase in traffic necessitated by the huge influx in residents living in the proposed housing developments could cause significant health and safety issues.

The infrastructure is not suitable to support the proposed increase of properties. The roads leading from the centre of Horsmonden village are minor roads, which are narrow and have many dangerous bends with poor sight lines. E.g. Access onto the Goudhurst Road by potential residents and school traffic at the site HO3 would be problematical. The inadequate roads simply cannot safely sustain the amount of traffic which would be generated if all these houses were built. Further health and safety issues would be caused by the lack of continuous footpaths (especially on blind bends) along the roads out of Horsmonden village to the proposed new developments at HO2 and HO3 with little availability to develop these.

The proposed developments at HO2 and HO3 would involve a significant loss of trees with HO3 in particular having a significant number of established and mature trees. The natural open countryside views in these sites would be lost forever to the detriment of us and our future generations.

Both of these developments are mostly planned to be built on good quality agricultural land. HO2 is next to Sprivers which is an area of natural beauty designated for the local people ~ providing them with essential recreational opportunities and is an important habitat for wildlife. It would be greatly affected by the development of the significant number of houses proposed to be built adjacent to it.

The plan to ensure that 40% of the new houses would be affordable housing is meaningless if recent developments are anything to go by. The Foundry was a recent development in Maidstone road and comprised mostly of detached houses with a few semi-detached houses. The average house price in this development is £458,166 and the semi-detached houses are selling between £374,500 and £430,000 which are not affordable for ordinary people especially young people who have been born and brought up in the local area and who have to move away in order to rent or buy cheaper properties.

Question 6

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Proposals for building at HO2 and HO3 need to be reconsidered in the light of the difficulties outlined above.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)? . No, I do not wish to participate in examination hearing session(s)

Question 8

If you have any separate comments you wish to make on the accompanying Sustainability Appraisal, please make them here.

The issue that Horsmonden does not have an adequate public transport system has to be considered. This with limited employment opportunities mean that any additional residents living in the new developments would be dependent on traveling anywhere by car which is unacceptable in so many ways, especially environmentally.

The bulk of the housing development in the plan will not contribute to Horsmonden's economic growth as people will have to work away from the village. The proposal of building a new primary school at the eastern edge of the village to cope with the increased number of children does not appear to have fully examined other options for the better use of the existing site.

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box: Yes, I wish to be notified of future stages of the Local Plan

Comment

Consultee	Cynthia Kirk [REDACTED]
Email Address	[REDACTED]
Address	
Event Name	Pre-Submission Local Plan
Comment by	Cynthia Kirk [REDACTED]
Comment ID	PSLP_1180
Response Date	04/06/21 10:10
Consultation Point	Policy PSTR/HO 1 The Strategy for Horsmonden parish (View)
Status	Processed
Submission Type	Web
Version	0.3
Question 3	

To which part of the Local Plan does this representation relate? Policy

Question 3a

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy PSTR/HO 1 The Strategy for Horsmonden Parish

Question 4

Do you consider that the Local Plan:

Is legally compliant	No
Is sound	No
Complies with the Duty to Cooperate	Don't know

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:	. It is not positively prepared
	. It is not effective

- . It is not justified
- . It is not consistent with national policy

Question 5

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I am not against some expansion of house building. The Government's National Planning policy allows for "limited infilling in villages" which I would not oppose, although the proposed development across the area is not fairly distributed. However, I am strongly opposed to the scale of the proposed developments in Horsmonden which would increase the number of houses potentially by 320 and would completely alter the character of our village and make the traffic problems much more severe. As Horsmonden already has a notable danger spot at the crossroads in its centre (with many near misses as outlined on the SE News) the substantial increase in traffic necessitated by the huge influx in residents living in the proposed housing developments could cause significant health and safety issues.

The infrastructure is not suitable to support the proposed increase of properties. The roads leading from the centre of Horsmonden village are minor roads, which are narrow and have many dangerous bends with poor sight lines. E.g. Access onto the Goudhurst Road by potential residents and school traffic at the site HO3 would be problematical. The inadequate roads simply cannot safely sustain the amount of traffic which would be generated if all these houses were built. Further health and safety issues would be caused by the lack of continuous footpaths (especially on blind bends) along the roads out of Horsmonden village to the proposed new developments at HO2 and HO3 with little availability to develop these.

The proposed developments at HO2 and HO3 would involve a significant loss of trees with HO3 in particular having a significant number of established and mature trees. The natural open countryside views in these sites would be lost forever to the detriment of us and our future generations.

Both of these developments are mostly planned to be built on good quality agricultural land. HO2 is next to Sprivers which is an area of natural beauty designated for the local people providing them with essential recreational opportunities and is an important habitat for wildlife. It would be greatly affected by the development of the significant number of houses proposed to be built adjacent to it.

Question 6

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Plans to develop on sites HO2 and HO3 need to be reconsidered in light of the above.

Question 7

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If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)? . No, I do not wish to participate in examination hearing session(s)

Question 8

If you have any separate comments you wish to make on the accompanying Sustainability Appraisal, please make them here.

There is also the issue that Horsmonden does not have an adequate public transport system and employment opportunities are limited so any additional residents living in the new developments would be dependent on traveling anywhere by car which is unacceptable in so many ways, especially environmentally. The bulk of the housing development in the plan will not contribute to Horsmonden's economic growth as people will have to work away from the village. The proposal of building a new primary school at the eastern edge of the village to cope with the increased number of children does not appear to have fully examined other options for the better use of the existing site.

Comment

Consultee	Ian Kirkham [REDACTED]
Email Address	[REDACTED]
Address	
Event Name	Pre-Submission Local Plan
Comment by	Ian Kirkham [REDACTED]
Comment ID	PSLP_792
Response Date	01/06/21 11:30
Consultation Point	Policy AL/RTW 19 Land to the north of Hawkenbury Recreation Ground (View)
Status	Processed
Submission Type	Web
Version	0.3
Question 1	
Respondent's Name and/or Organisation	Ian Kirkham
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
Policy AL/RTW 19	
Question 4	
Do you consider that the Local Plan:	
Is legally compliant	Don't know
Is sound	No
Complies with the Duty to Cooperate	Don't know
Question 4a	

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound . It is not justified because:

Question 5

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See Question 6 comments

Question 6

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We oppose the sports hub/football stadia/centre of excellence scheme proposed for Hawkenbury as part of the Draft Local Plan. Many residents are unaware of the scale of the development and decisions taken by those living far away from the impact of the scheme on Hawkenbury. It is notable that TWBC failed to include the relocation of TWFC as part of the recent change of land use application, while the Local Plan says "Development is dependent on the football stadium relocating from the current Culverden Stadium subject to allocation Policy AL/RTW 20" which seems like a strategic release of information designed to mislead the public and especially residents directly affected.

The demand for pitches is lower than claimed by TWBC. With many pitches historically being underused across the town, why the need for another six in Hawkenbury?

Noise and foul language from the existing pitches in Hawkenbury Rec can be heard on High Woods Lane now, so it is reasonable to expect this will worsen as the new site is much closer. The relocation of TWFC will be even worse.

The likely introduction of floodlighting for evening sports will have a detrimental effect on residents and wildlife and while being subject to further planning, it is without doubt that this will be granted and yet was missing from the recent application.

The Kent FA assesses the likely delivery of the scheme as 3 out of 4 on their website despite local consultation still not having been concluded. Their site displays that a partnership with TWBC exists. This has not been disclosed fully.

The eventual widening of High Woods Lane alluded to in the planning report will mean a significant change in outlook for those living closest. The revised statistics suggest increased traffic at 80 cars/190

trips, far in excess of what the present infrastructure can tolerate. We oppose the associated destruction of ancient hedgerows.

Closing playing fields over the wider Tunbridge Wells area to facilitate development at those locations by relocating sports provision to a single quiet location in close proximity to predominantly older residents, in a semi-rural area with poor traffic links, is wrong when more suitable sites are available.

TWBC consider this strategy will protect this land from development by Bellway homes and suggest that the threat of government intervention to allow such development can only be avoided if the land is turned over for sports provision. The truth of the matter is that threat of development to meet the housing targets set by government will be for those not-so-affordable homes aimed at commuters and foreign investors (the YouTube channels already uploaded by developers support this claim) and not for the local community need. The supposed threat is born of greed and not local need for housing. The land should be protected and retained for agricultural use. The proposition is to enable TWBC to develop existing green space elsewhere in the Borough for financial gain and will ruin an AONB currently being farmed by a leaseholder with a running 10-year contract. To lose this open space would be a bad outcome for Hawkenbury.

Question 7

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If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)? . No, I do not wish to participate in examination hearing session(s)

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box: Yes, I wish to be notified of future stages of the Local Plan

Comment

Consultee	Deirdre Lacey [REDACTED]
Email Address	[REDACTED]
Address	
Event Name	Pre-Submission Local Plan
Comment by	Deirdre Lacey [REDACTED]
Comment ID	PSLP_301
Response Date	24/05/21 10:40
Consultation Point	Policy AL/RTW 14 Land at Tunbridge Wells Garden Centre (View)
Status	Processed
Submission Type	Web
Version	0.2
Question 1	
Respondent's Name and/or Organisation	Deirdre Lacey
Question 3	
To which part of the Local Plan does this representation relate?	Paragraph(s)
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

"5.91, 5.92, 5.93, 5.94"

Question 4

Do you consider that the Local Plan:

Is sound No

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because: . It is not effective

Question 5

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5.91 Existing vehicular access to the site is directly from the A26 Eridge Road to the south east corner of the site, close to the bend in the Eridge Road. The Spa Valley Railway Line is located south of the site, including a bridge that crosses the Eridge Road just south of the site access. The existing access from the site onto the Eridge Road is already dangerous with a steep slope onto a busy bend with restricted visibility. The proposed development will add considerably to the traffic using this access road and so will represent a much greater risk of accident.

There is no pedestrian footpath on the garden centre side of the Eridge Road and so the pedestrians from the houses on the development going into town will need to cross a busy road on a dangerous bend.

Therefore:

1) Traffic Safety and Hazard: Vehicle access point on A26 Eridge Road. Road Traffic Safety compromised due to additional vehicle movement volumes; with a traffic hazard as there is restricted line of sight (ref. also 5.94) Note: Existing access considered to be on apex of bend, not as defined above as 'close to the bend'. 2) Pedestrian Safety and hazard: No available pavement on the Common side of the A26 pedestrians will be crossing the A26 at a dangerous busy point

5.92 The site was released from the Green Belt, and the Development Strategy Topic Paper and Green Belt studies set out the exceptional circumstances and compensatory improvements to the remaining Green Belt to justify the changes to the boundary in this location. What to date have been the compensatory improvements to the remaining Green Belt?

The 2019 Plan describes the site as being part of a Biodiversity Opportunity Area where any development should demonstrate net gains for nature and biodiversity. Reference was also made to the DEFRA "MAGIC" website which described the area as suitable as woodpasture and parkland. Both these descriptions have been removed from the current plan.

5.93 It lies adjacent to the Royal Tunbridge Wells Conservation Area and to Tunbridge Wells Common, which is a designated Local Wildlife Site. Part of the site is also covered by the Environment Agency's Flood Zone 3.

River Grom flooding Report 2017 (Currently Correct /Relevant unless structural changes have been made)– Ref pages 7-9 Extracts:(page 7 – 2.3 para 4)To the south and east of The Pantiles, much of the area has separate surface water and foul water drainage. The surface water sewers generally discharge to watercourses which ultimately flow into the River Grom.(Page 9 – 2.4.1 para 3).... There is a Combined Sewer Overflow (CSO) from the public combined sewer in the culverted section of the River Grom that allows the combined sewer in the Pantiles area of Tunbridge Wells to discharge into it if its capacity is exceeded.

The development is in a river valley. Under present conditions High Rocks Lane regularly floods as the point where it meets Hungershall Park (and where it is presumed the proposed "emergency exit" will be for the development). As a result the road is always in a poor condition with potholes that reappear quickly after frequent repairs. The road at this point is a blind bend with no footpath so pedestrians and cyclists often veer across the roadway to avoid the potholes and create a real danger

of accidents to oncoming vehicles. This situation will only get worse once a large area of the valley floor is concreted over as a result of the development.

It was recently noticed by local residents that the site currently suffers from a sewage problem. A large manhole cover had been dislodged and was surrounded by household waste which had obviously been forced out. It is hoped that this would be resolved as part of the development, especially as the River Grom is in close proximity and there is a seasonal flooding issue in that area, as referred to above in the 2017 flooding report.

5.94 *Development would need to be sensitively designed to respect the location in proximity to the Common, the conservation area, and the topography of the site. However, it constitutes a sustainable site on the edge of the town centre and could accommodate a mix of uses, to include the retention/expansion of the existing garden centre business and the introduction of some residential development within the site. However, Kent County Council, as the local highways authority, considers that the scale of development on the site may be limited due to the current access constraints. 108 Tunbridge Wells Borough Local Plan Regulation 19 Consultation Pre-Submission Local Plan Map 14 Site Layout Plan*

Policy AL/RTW 14 Land at Tunbridge Wells Garden Centre This site, as defined on the Royal Tunbridge Wells Policies Map, is allocated for the expansion of the existing Use Class E (a) commercial use (garden centre) with an element of residential of approximately 25-30 residential dwellings, of which 30 percent shall be affordable housing. Development on the site shall accord with the following requirements:

- 1 *Means of access, including secondary and emergency means of access, to be informed by a transport statement; it is likely that the scale of any development may be limited by the quality of access arrangements that can be achieved within the confines of the site. An emergency access is likely to be required to the north;*

Planning consents often require provision of social/affordable housing under Section 106 Agreements, but invariably the developer comes back to the local authority later and pleads that it renders the scheme unviable. The 30% (eg) then falls away to 10% or less. The infrastructure requirements on this site will render development especially expensive. The contribution this site could make to meeting housing need is negligible.

Previous planning for access - Refused(89/02011/FUL | New vehicular access. New gate and 1.8m high chain link boundary fence | Wyevale Garden Centre Eridge Road Royal Tunbridge Wells Kent TN4 8HP (midkent.gov.uk)) Ref. No: 89/02011/FUL | Received: Tue 07 Nov 1989 | Validated: Thu 14 Jun 1990 | Status: Decided Council Letter 1990 - Extracts detailing the Refusal reasons:1 a) The proposed access would be likely to create unacceptable additional hazard to traffic.2 a) The sight lines are inadequate and would create unacceptable additional hazards to traffic3 a) The proposal would be undesirable in an area which is predominately rural in character, and would be detrimental both to the appearance and to the rural amenities of the locality.4 a) The proposal would be likely to be unacceptably detrimental to residential amenities of adjacent dwellings

The only change since 1990 is higher volumes of traffic on High Rocks Lane and Hungershall Park.

No known local precedents have been set for a requirement of a secondary and/or an emergency access. Example: The existing adjacent large estate has no secondary or emergency access.

Access: The suggested 'North' secondary and emergency access point will:

- . Destroy a Bio Diverse habitat, impacting the natural rural dynamic .
- . By default the access point becomes a tacit 'extra access' immediately opening onto High Rocks Lane with hazardous restricted/limited line of sight which is onto a speed de-restricted area and is a width constricted lane, plus opposite another lane entrance point; as highlighted in the council's planning permission access refusal 1990.
- . There is a high probability for this access to become a local shortcut

Proposing a Secondary and Emergency access appears to be a leverage argument to open up the site with another access point thereby ignoring the hazards identified, refer to previous valid refusal rational.

There is a high probability for dangerous additional 'on road parking' at the lower end of Hungershall Park/ corner of High Rocks lane/ Cabbage Stalk Lane. The proposed new developments at Spratsbrook Farm and the old Plant & Tools Hire site by The West Station which is to have access directly on to

Eridge Road, will both increase traffic flows along this busy stretch and force drivers to find alternative routes.

Newts and a variety of amphibian wildlife have been seen in the site North aspect / River Grom area of this location.

In traffic management terms an emergency exit would require either traffic light control, or a roundabout (taking up additional land) further eroding the natural character of the area.² *The provision of pedestrian and cycle access to the north and improved pedestrian and cycle access into the town;*

If the access point is allowed to the north, then the suggested access is onto a hazardous speed de-restricted and width restricted lane. This was one of the reasons the previous planning for access was refused.

This would also create a safety hazard for pedestrians as there is no pavement from the suggested access secondary/emergency point towards Cabbage Stalk Lane.

- 1 *Adequate servicing and parking to serve the expanded commercial use on the site;*
- 2 *Provision of a green route through the site from east to west connecting to existing Public Rights of Way on Tunbridge Wells Common and Cabbage Stalk Lane; Site East West access – Cabbage Stalk Lane will cause additional volume of use. This poses the following problems:*
 - 1) *Compromise to safety and hazard as now a designated cycle path. Several near misses have already occurred with current multi-use volumes; as the majority of cyclists appear to disregard this lane as being a shared facility with pedestrians, pedestrians and dog walkers, plus vehicular access traffic.*
 - 2) *Cyclists coming out of the new development will generally turn right into Cabbage Stalk Lane, adding to the volumes of cyclists using that lane. Furthermore, this will surely add to the number of cyclists on the Common who increasingly seem to be ignoring the “no cycling” rule there.*
 - 3) *For those who might turn left into High Rocks Lane, this would add to the number of cyclists on this narrow lane with blind corners and numerous potholes - adding yet further risk to themselves, pedestrians and cars.*
 - 4) *This is likely to further increase the volume of cyclists coming down the hill in Hungershall Park and towards the proposed development. Residents are increasingly concerned about the number of cyclists coming around the corner at very high speed and oblivious to the blind entrance several drives. There have been near misses recently and including one cyclist who recently came off his bike near the entrance to the drive at no. 12 Hungershall.*

- 1 *Development shall be located on the areas identified for mixed use on the site layout plan; Tunbridge Wells Borough Local Plan 109 Pre-Submission Local Plan Regulation 19 Consultation*
- 2 *Green infrastructure shall be provided on the areas shown indicatively in green on the site layout plan, and these shall be retained and enhanced. This shall include suitable buffering and enhancements to the River Grom corridor and to the setting of the adjacent Tunbridge Wells and Rusthall Common; The plan shows a green space buffer running alongside Cabbage Stalk Lane. The current woodland buffer is substantial and therefore the developer is likely to bulldoze and excavate as much as is feasible subject to ground stability and the preservation of valuable and species trees etc. The trees provide cover and privacy for wildlife and seclusion for walkers and local residents but are not in themselves wonderful specimens but are nevertheless very important to the semi rural nature of the area. The retention of as much tree cover as possible is very important.*

The River Grom flows along the Southern boundary of the plot alongside the railway line. The woodland and the river provide a habitat for deer and other wild animals. It would be desirable if the western end of the plot be preserved for wildlife, not be built upon and not used for vehicular access.⁷ *Regard will be given to existing hedgerows and mature trees on-site, with the layout and design of the development protecting those of most amenity value, as informed by an arboricultural survey and a landscape and visual impact assessment;*

The development will inevitably destroy and erode an established valuable bio-diverse habitat in a unique rural area.

Question 7

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Future Notifications

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Comment

Consultee	Stephen Lacey [REDACTED]
Email Address	[REDACTED]
Address	
Event Name	Pre-Submission Local Plan
Comment by	Stephen Lacey [REDACTED]
Comment ID	PSLP_293
Response Date	24/05/21 09:53
Consultation Point	Map 14 Site Layout Plan (View)
Status	Processed
Submission Type	Web
Version	0.2

Question 1

Respondent's Name and/or Organisation	Stephen Lacey
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Question 3

To which part of the Local Plan does this representation relate?	Paragraph(s)
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Question 3a

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

"5.91, 5.92, 5.93, 5.94"

Question 4

Do you consider that the Local Plan:

Is sound	No
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Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because: . It is not effective

Question 5

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There is no pedestrian footpath on the garden centre side of the Eridge Road and so the pedestrians from the houses on the development going into town will need to cross a busy road on a dangerous bend.

Therefore:

1) Traffic Safety and Hazard: Vehicle access point on A26 Eridge Road. Road Traffic Safety compromised due to additional vehicle movement volumes; with a traffic hazard as there is restricted line of sight (ref. also 5.94) Note: Existing access considered to be on apex of bend, not as defined above as 'close to the bend'. 2) Pedestrian Safety and hazard: No available pavement on the Common side of the A26 pedestrians will be crossing the A26 at a dangerous busy point

5.92 The site was released from the Green Belt, and the Development Strategy Topic Paper and Green Belt studies set out the exceptional circumstances and compensatory improvements to the remaining Green Belt to justify the changes to the boundary in this location. What to date have been the compensatory improvements to the remaining Green Belt?

The 2019 Plan describes the site as being part of a Biodiversity Opportunity Area where any development should demonstrate net gains for nature and biodiversity. Reference was also made to the DEFRA "MAGIC" website which described the area as suitable as woodpasture and parkland. Both these descriptions have been removed from the current plan.

5.93 It lies adjacent to the Royal Tunbridge Wells Conservation Area and to Tunbridge Wells Common, which is a designated Local Wildlife Site. Part of the site is also covered by the Environment Agency's Flood Zone 3.

River Grom flooding Report 2017 (Currently Correct /Relevant unless structural changes have been made)– Ref pages 7-9 Extracts:(page 7 – 2.3 para 4)To the south and east of The Pantiles, much of the area has separate surface water and foul water drainage. The surface water sewers generally discharge to watercourses which ultimately flow into the River Grom.(Page 9 – 2.4.1 para 3).... There is a Combined Sewer Overflow (CSO) from the public combined sewer in the culverted section of the River Grom that allows the combined sewer in the Pantiles area of Tunbridge Wells to discharge into it if its capacity is exceeded.

The development is in a river valley. Under present conditions High Rocks Lane regularly floods as the point where it meets Hungershall Park (and where it is presumed the proposed "emergency exit" will be for the development). As a result the road is always in a poor condition with potholes that reappear quickly after frequent repairs. The road at this point is a blind bend with no footpath so pedestrians and cyclists often veer across the roadway to avoid the potholes and create a real danger of accidents to oncoming vehicles. This situation will only get worse once a large area of the valley floor is concreted over as a result of the development.

It was recently noticed by local residents that the site currently suffers from a sewage problem. A large manhole cover had been dislodged and was surrounded by household waste which had obviously been forced out. It is hoped that this would be resolved as part of the development, especially as the River Grom is in close proximity and there is a seasonal flooding issue in that area, as referred to above in the 2017 flooding report.

5.94 *Development would need to be sensitively designed to respect the location in proximity to the Common, the conservation area, and the topography of the site. However, it constitutes a sustainable site on the edge of the town centre and could accommodate a mix of uses, to include the retention/expansion of the existing garden centre business and the introduction of some residential development within the site. However, Kent County Council, as the local highways authority, considers that the scale of development on the site may be limited due to the current access constraints. 108 Tunbridge Wells Borough Local Plan Regulation 19 Consultation Pre-Submission Local Plan Map 14 Site Layout Plan*

Policy AL/RTW 14 Land at Tunbridge Wells Garden Centre This site, as defined on the Royal Tunbridge Wells Policies Map, is allocated for the expansion of the existing Use Class E (a) commercial use (garden centre) with an element of residential of approximately 25-30 residential dwellings, of which 30 percent shall be affordable housing. Development on the site shall accord with the following requirements:

- 1 *Means of access, including secondary and emergency means of access, to be informed by a transport statement; it is likely that the scale of any development may be limited by the quality of access arrangements that can be achieved within the confines of the site. An emergency access is likely to be required to the north;*

Planning consents often require provision of social/affordable housing under Section 106 Agreements, but invariably the developer comes back to the local authority later and pleads that it renders the scheme unviable. The 30% (eg) then falls away to 10% or less. The infrastructure requirements on this site will render development especially expensive. The contribution this site could make to meeting housing need is negligible.

Previous planning for access - Refused(89/02011/FUL | New vehicular access. New gate and 1.8m high chain link boundary fence | Wyevale Garden Centre Eridge Road Royal Tunbridge Wells Kent TN4 8HP (midkent.gov.uk)) Ref. No: 89/02011/FUL | Received: Tue 07 Nov 1989 | Validated: Thu 14 Jun 1990 | Status: Decided Council Letter 1990 - Extracts detailing the Refusal reasons:1 a) The proposed access would be likely to create unacceptable additional hazard to traffic.2 a) The sight lines are inadequate and would create unacceptable additional hazards to traffic3 a) The proposal would be undesirable in an area which is predominately rural in character, and would be detrimental both to the appearance and to the rural amenities of the locality.4 a) The proposal would be likely to be unacceptably detrimental to residential amenities of adjacent dwellings

The only change since 1990 is higher volumes of traffic on High Rocks Lane and Hungershall Park.

No known local precedents have been set for a requirement of a secondary and/or an emergency access. Example: The existing adjacent large estate has no secondary or emergency access.

Access: The suggested 'North' secondary and emergency access point will:

- . Destroy a Bio Diverse habitat, impacting the natural rural dynamic .
- . By default the access point becomes a tacit 'extra access' immediately opening onto High Rocks Lane with hazardous restricted/limited line of sight which is onto a speed de-restricted area and is a width constricted lane, plus opposite another lane entrance point; as highlighted in the council's planning permission access refusal 1990.
- . There is a high probability for this access to become a local shortcut

Proposing a Secondary and Emergency access appears to be a leverage argument to open up the site with another access point thereby ignoring the hazards identified, refer to previous valid refusal rational.

There is a high probability for dangerous additional 'on road parking' at the lower end of Hungershall Park/ corner of High Rocks lane/ Cabbage Stalk Lane. The proposed new developments at Spratsbrook Farm and the old Plant & Tools Hire site by The West Station which is to have access directly on to Eridge Road, will both increase traffic flows along this busy stretch and force drivers to find alternative routes.

Newts and a variety of amphibian wildlife have been seen in the site North aspect / River Grom area of this location.

In traffic management terms an emergency exit would require either traffic light control, or a roundabout (taking up additional land) further eroding the natural character of the area.*2. The provision of pedestrian and cycle access to the north and improved pedestrian and cycle access into the town;*

If the access point is allowed to the north, then the suggested access is onto a hazardous speed de-restricted and width restricted lane. This was one of the reasons the previous planning for access was refused.

This would also create a safety hazard for pedestrians as there is no pavement from the suggested access secondary/emergency point towards Cabbage Stalk Lane.

- 1 *Adequate servicing and parking to serve the expanded commercial use on the site;*
- 2 *Provision of a green route through the site from east to west connecting to existing Public Rights of Way on Tunbridge Wells Common and Cabbage Stalk Lane;* Site East West access – Cabbage Stalk Lane will cause additional volume of use. This poses the following problems:
 - 1) Compromise to safety and hazard as now a designated cycle path. Several near misses have already occurred with current multi-use volumes; as the majority of cyclists appear to disregard this lane as being a shared facility with pedestrians, pedestrians and dog walkers, plus vehicular access traffic.
 - 2) Cyclists coming out of the new development will generally turn right into Cabbage Stalk Lane, adding to the volumes of cyclists using that lane. Furthermore, this will surely add to the number of cyclists on the Common who increasingly seem to be ignoring the “no cycling” rule there.
 - 3) For those who might turn left into High Rocks Lane, this would add to the number of cyclists on this narrow lane with blind corners and numerous potholes - adding yet further risk to themselves, pedestrians and cars.
 - 4) This is likely to further increase the volume of cyclists coming down the hill in Hungershall Park and towards the proposed development. Residents are increasingly concerned about the number of cyclists coming around the corner at very high speed and oblivious to the blind entrance several drives. There have been near misses recently and including one cyclist who recently came off his bike near the entrance to the drive at no. 12 Hungershall.

- 1 *Development shall be located on the areas identified for mixed use on the site layout plan; Tunbridge Wells Borough Local Plan 109 Pre-Submission Local Plan Regulation 19 Consultation*
- 2 *Green infrastructure shall be provided on the areas shown indicatively in green on the site layout plan, and these shall be retained and enhanced. This shall include suitable buffering and enhancements to the River Grom corridor and to the setting of the adjacent Tunbridge Wells and Rusthall Common;* The plan shows a green space buffer running alongside Cabbage Stalk Lane. The current woodland buffer is substantial and therefore the developer is likely to bulldoze and excavate as much as is feasible subject to ground stability and the preservation of valuable and species trees etc. The trees provide cover and privacy for wildlife and seclusion for walkers and local residents but are not in themselves wonderful specimens but are nevertheless very important to the semi rural nature of the area. The retention of as much tree cover as possible is very important.

The River Grom flows along the Southern boundary of the plot alongside the railway line. The woodland and the river provide a habitat for deer and other wild animals. It would be desirable if the western end of the plot be preserved for wildlife, not be built upon and not used for vehicular access.*7. Regard will be given to existing hedgerows and mature trees on-site, with the layout and design of the development protecting those of most amenity value, as informed by an arboricultural survey and a landscape and visual impact assessment;*

The development will inevitably destroy and erode an established valuable bio-diverse habitat in a unique rural area.

Question 6

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The development is not suitable in the area designated

Question 7

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Address	[REDACTED] [REDACTED] CRANBROOK [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Mr Keith Lagden [REDACTED]
Comment ID	PSLP_438
Response Date	26/05/21 12:26
Consultation Point	Policy STR/CRS 1 The Strategy for Cranbrook and Sissinghurst parish (View)
Status	Processed
Submission Type	Email
Version	0.3
Data inputter to enter their initials here	AT
Question 1	
Respondent's Name and/or Organisation	Keith Lagden
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy STR/CRS 1 The Strategy for Cranbrook and Sissinghurst parish

[TWBC: this representation has been input against Policies AL/HA1, AL/HA2, AL/HA3, AL/HA4, STR/CRS1, AL/CRS1 and AL/CRS4 – see Comment Numbers PSLP_431, PSLP_435-440]

Question 4

Do you consider that the Local Plan:

Is legally compliant	Yes
Is sound	No
Complies with the Duty to Cooperate	Yes

Question 4a

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Do you consider that the Local Plan is not sound because: . It is not justified
. It is not consistent with national policy

Question 5

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- . I fully support the removal of Hawkhurst Golf Club coupled with the significant reduction in housing allocation numbers within Hawkhurst resulting in less damage to the AONB.
- . I am concerned that the remaining numbers set out in HA1, the allocation in HA4 and CRS1 & CRS4, are acceptable, as no assessment has been undertaken on the cumulative impact of these allocations on either the Flimwell junction or the Hawkhurst village crossroads.
- . In my opinion HA1, HA3 plus CRS1 & CRS4 do not embody National Policy, as they do not focus development in locations which are sustainable and in no way limit the need to rely on private car trips (NPPF paras 103 & 104)
- . The policies neither help to preserve or enhance the AONB (which is contrary to NPPF para 172)

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- . Remove CRS3
- . Adjust CRS1 to show reduced overall housing numbers in Cranbrook due to removal of CRS3
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Event Name	Pre-Submission Local Plan
Comment by	Mr Keith Lagden [REDACTED]
Comment ID	PSLP_439
Response Date	26/05/21 12:26
Consultation Point	Policy AL/CRS 1 Land at Brick Kiln Farm, Cranbrook Road (View)
Status	Processed
Submission Type	Email
Version	0.3
Data inputter to enter their initials here	AT
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Policy AL/CRS 1 Land at Brick Kiln Farm, Cranbrook Road

[TWBC: this representation has been input against Policies AL/HA1, AL/HA2, AL/HA3, AL/HA4, STR/CRS1, AL/CRS1 and AL/CRS4 – see Comment Numbers PSLP_431, PSLP_435-440]

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Comment ID	PSLP_440
Response Date	26/05/21 12:26
Consultation Point	Policy AL/CRS 4 Cranbrook School (View)
Status	Processed
Submission Type	Email
Version	0.3

Data inputter to enter their initials here AT

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Respondent's Name and/or Organisation Keith Lagden

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Policy AL/CRS 4 Cranbrook School

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Event Name	Pre-Submission Local Plan
Comment by	Mr Keith Lagden [REDACTED]
Comment ID	PSLP_431
Response Date	26/05/21 12:26
Consultation Point	Policy AL/HA 1 Land at the White House, Highgate Hill (View)
Status	Processed
Submission Type	Email
Version	0.3
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Event Name	Pre-Submission Local Plan
Comment by	Mr Keith Lagden [REDACTED]
Comment ID	PSLP_435
Response Date	26/05/21 12:26
Consultation Point	Policy AL/HA 2 Brook House, Cranbrook Road (View)
Status	Processed
Submission Type	Email
Version	0.3
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- . I am concerned that the remaining numbers set out in HA1, the allocation in HA4 and CRS1 & CRS4, are acceptable, as no assessment has been undertaken on the cumulative impact of these allocations on either the Flimwell junction or the Hawkhurst village crossroads.
- . In my opinion HA1, HA3 plus CRS1 & CRS4 do not embody National Policy, as they do not focus development in locations which are sustainable and in no way limit the need to rely on private car trips (NPPF paras 103 & 104)
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Question 6

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I would like to see the following modifications:-

- . Remove HA4
- . Adjust HA1 to show reduced overall housing numbers in Hawkhurst due to HA4 removal.
- . Remove CRS3
- . Adjust CRS1 to show reduced overall housing numbers in Cranbrook due to removal of CRS3
- . Adjust HA1 to clarify that no development outside of the Limits of Build Development will be permitted (unless in the specific exceptions shown elsewhere in the plan)

Question 7

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Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:

Yes, I wish to be notified of future stages of the Local Plan

Comment

Consultee	Mr Keith Lagden [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] CRANBROOK [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Mr Keith Lagden [REDACTED]
Comment ID	PSLP_436
Response Date	26/05/21 12:26
Consultation Point	Policy AL/HA 3 Former site of Springfield Nurseries, Cranbrook Road, Hawkhurst (View)
Status	Processed
Submission Type	Email
Version	0.3
Data inputter to enter their initials here	AT
Question 1	
Respondent's Name and/or Organisation	Keith Lagden
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy AL/HA 3 Former site of Springfield Nurseries, Cranbrook Road, Hawkhurst

[TWBC: this representation has been input against Policies AL/HA1, AL/HA2, AL/HA3, AL/HA4, STR/CRS1, AL/CRS1 and AL/CRS4 – see Comment Numbers PSLP_431, PSLP_435-440]

Question 4

Do you consider that the Local Plan:

Is legally compliant	Yes
Is sound	No
Complies with the Duty to Cooperate	Yes

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

- . It is not justified
- . It is not consistent with national policy

Question 5

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Comment

Consultee	Mr Keith Lagden [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] CRANBROOK [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Mr Keith Lagden [REDACTED]
Comment ID	PSLP_437
Response Date	26/05/21 12:26
Consultation Point	Policy AL/HA 4 Land off Copthall Avenue and Highgate Hill (View)
Status	Processed
Submission Type	Email
Version	0.3
Data inputter to enter their initials here	AT
Question 1	
Respondent's Name and/or Organisation	Keith Lagden
Question 3	
To which part of the Local Plan does this representation relate?	Policy

Question 3a

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy AL/HA 4 Land off Copthall Avenue and Highgate Hill

[TWBC: this representation has been input against Policies AL/HA1, AL/HA2, AL/HA3, AL/HA4, STR/CRS1, AL/CRS1 and AL/CRS4 – see Comment Numbers PSLP_431, PSLP_435-440]

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Is legally compliant	Yes
Is sound	No
Complies with the Duty to Cooperate	Yes

Question 4a

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Comment

Consultee	Mrs Jane EM Lamb [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Lamb Park Homes
Address	[REDACTED] [REDACTED] Paddock Wood [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Lamb Park Homes (Mrs Jane EM Lamb - [REDACTED])
Comment ID	PSLP_409
Response Date	25/05/21 17:21
Consultation Point	Policy STR/PW 1 The Strategy for Paddock Wood (View)
Status	Processed
Submission Type	Email
Version	0.3
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Mrs Jane EM Lamb, Lamb Park Homes
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy STR/PW 1 The Strategy for Paddock Wood

Question 4a

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Do you consider that the Local Plan is not sound because:

Question 5

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I am in receipt of the email below and have read your comments to David Marriott, my neighbour. [TWBC: Mr Marriott's email referred to above contained reference to his representation number PSLP_328]. My husband, Steve and I live close to Mr Marriott and run Lamb's Mobile Home Park – a residential caravan park for the over 50s in the corner of Maidstone Road and Transfesa Road. It has been a caravan park since the 1950s and in our ownership since 1980. I was born in PW in 1964, my mother was local school teacher and Steve and I run local businesses.

I believe the Council planners are trying to overrun the area with housing without providing local amenities (shops, schools, GPs, dentists, parking etc). It's all very well trying to pedestrianize everywhere but our tenants are not all mobile, cannot walk the 900 m in to Paddock Wood and are not strong enough to carry their shopping home should a bus service not match their travel requirements, let alone try to balance a week's worth of shopping on a bike. The stupid idea about the railway bridge is beyond belief. How are those of us north of the railway meant to get into Paddock Wood? Add to that the plan last year to close Commercial Road to through traffic near the war memorial, meant that a trip to the bank, or Waitrose in Paddock Wood would result in me driving down Lucks Lane/Wagon Lane or down the A228 and along Badsell Road using Warrington Road or Church Road to get access, all options adding MILES to my journey. So much for cutting down car usage! In addition, we are land owners at Old Hay, access for which will be difficult with these proposals. I also own horses kept near Mascalls School. Again getting there would be disrupted were the bridge to be closed. I have to exercise my driving horses on the road and am often seen driving them around Paddock Wood. Closure to thru traffic in Commercial Road would limit some of my circular routes and detract from my enjoyment of my sport/hobby. It is not as though carriage driving rates highly in the local plans to get horses off the highway!

Finally, do any of the people making decisions about Paddock Wood, Capel or Tudeley actually live in the area? I suspect not. I am not a NIMBY (Not in my back yard) and accept the need for more housing, but surely filling Commercial Road with more retirement flats and a funeral directors is not reviving the local high street! Maybe the rationale, was for a one stop shop: old people in local flats are easily moved into the funeral director's when they die! Is the cemetery on the current outskirts of Paddock Wood going to be able to cope with the huge influx of people already expected, let alone when you build houses across the gap between Tonbridge and Paddock Wood? Locals, want good shops, not necessarily big named chain stores, adequate parking, not outsiders telling us how to exist in Paddock Wood and ignoring brown field sites or having to lose our countryside to provide houses for non-locals.

In the bigger picture with the proposal to merge Paddock Wood, Capel/Five Oak Green/Tudeley with Tonbridge for some garden city development, where are all the cars going to fit? The station car parks at both Paddock Wood and Tonbridge would not cope with possibly 4000 more cars and commuters and certainly the local road network and bus services cannot service these people either. My existing GP at Woodlands Health Centre, ignoring current COVID issues is so full, I have to book FOUR WEEKS in advance to see my GP. Add more housing and plus if the railway bridge is closed to cars, I will have to do 4 miles to get there! (I have had both knees replaced and am still recuperating so cannot walk/stand for great lengths of time yet).

In summary I do not think TWBC planner are representing me or the residents of Paddock Wood.

Question 7

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Comment

Consultee	Gwendoline Lamb [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] Tonbridge [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Gwendoline Lamb [REDACTED]
Comment ID	PSLP_295
Response Date	21/05/21 09:52
Consultation Point	Policy STR/SS 1 The Strategy for Paddock Wood, including land at east Capel (View)
Status	Processed
Submission Type	Letter
Version	0.2
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Mrs Gwendoline Lamb
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy STR/SS 1 The Strategy for Paddock Wood, including land at east Capel

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

Question 5

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I am a resident of Five Oak Green where I have lived since 1986. It is a lovely friendly village where people watch out for one another.

Wheat I have seen of the building going on in and around Paddock Wood is absolutely horrific particularly as it is on green belt land and areas that are liable to flooding.

If the proposed building in Capel goes ahead there will be no villages just a massive town extending from Tonbridge to the far reaches of Paddock Wood.

Where will all the new doctors surgeries be built and how do you intend to employ more GPs when it is difficult to recruit any now. Obviously, another hospital will need to be built as the one in Tun Wells/Pembury would not be able to cope with thousands more patients and where would they all park.

Are the rail companies going to put on many trains for commuters travelling to London and elsewhere. This is just the start of the infrastructure that will need to be put in place.

My house was flooded at the start of 2020 with a foot of water indoors. Work is still ongoing due to the damage done.

If this application should go through and it would increase the risk of flooding.

Who had the bright idea of putting such a massive building site on a flood plain.

I hope and pray this application will not be passed and spoil so many peoples lives.

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Comment

Consultee	Mrs Tracie Dodd [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Lamberhurst Parish Council
Address	[REDACTED] [REDACTED] ROYAL TUNBRIDGE WELLS [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Lamberhurst Parish Council [REDACTED] [REDACTED]
Comment ID	PSLP_1305
Response Date	03/06/21 14:08
Consultation Point	Policy PSTR/LA 1 The Strategy for Lamberhurst parish (View)
Status	Processed
Submission Type	Email
Version	0.2
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Lamberhurst Parish Council
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy PSTR/LA 1 The Strategy for Lamberhurst parish

Question 4a

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Thank you for the opportunity to comment on the Regulation 19 Local Plan we appreciate the detailed work and planning involved in producing a document that covers the diverse settles within the Tunbridge Wells Borough. We have restricted our comments mainly to the content concerning Lamberhurst however we note that the proposed major developments in Hawkhurst and Cranbrook will have a major impact on the surrounding infrastructure. Notably, commuting to and from Tunbridge Wells, Tonbridge and London will put further congestion on the A21 through Lamberhurst Quarter and the B2169 which is popular link between the A21 and the Bayham Road for access to Frant Station and Tunbridge Wells. More generally, the scale of development detailed in the plan will put further pressure on already over-stretched public services.

Changes to Limits to Build Topic Paper

Page 14. Point 3.1(d) The term "The settlement at the Down" referring to the new discreet LBD which includes the proposed site AL/LA 1 causes confusion and is not one that would be recognised locally. A better description would be "existing development South East of the Down (The Slade) and East of the Down (Sand Road/B2169 and Down Avenue)".

Reg 19 Pre-Submission Local Plan

5.613 The term "fairly regular" referring to local bus services is misleading; the timetables are very restrictive and only operate on certain days of the week. Local people are unable to rely upon bus services for commuting locally or attending Schools outside of the Parish. A better description would be "infrequent". **5.615** There is one local shop in the village not "several". **5.617** The term "The Down" needs clarification, see above. **5.618** Other local services may also wish to benefit from developer contributions as well as the Doctor's Surgery. In Particular, The Lamberhurst Neighbourhood Development Plan outlines a Community Action Plan for a number of projects that could benefit from developer contributions. However, we accept that a broader candidate list is contained in policy PSTR/LA 1.

5.619 The term "Spray Hill Park" is not recognised. The undeveloped part of site AL/LA1 would maybe be better kept as woodland with connecting PROWs to the existing network. Policy PSTA/LA1 point 3. The Car Park on the Broadway is not a public car park but one that belongs to The Chequers Inn. Point 4(b), as with 5.619. No mention is made of the Public Car Park adjacent to The Brown Trout that is owned by the Parish Council.

5.622 The term "The Down" needs better clarification, see above. The Building is no longer used as a commercial cattery. **5.626.** The term "The Down" needs clarification see above. **5.628** The term "The Down" needs better clarification. Policy AL/LA1 point 2. Vehicular access via Spray Hill would be a better option than access via Sand Road (B2169). The latter is a busy short cut connecting the A21 with Tunbridge Wells (via the Bayham Road) and Wadhurst (via the B2100) whereas Spray Hill is a very quiet road. Possible developments at Hawkhurst and Cranbrook, mentioned above, would only make Sand Road busier still. The site does have two current vehicular access points on Spray Hill which have been used by contractors.

ON BEHALF OF LAMBERHURST PARISH COUNCIL

Question 7

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Comment

Consultee	Mrs Tracie Dodd [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Lamberhurst Parish Council
Address	[REDACTED] The Broadway ROYAL TUNBRIDGE WELLS [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Lamberhurst Parish Council [REDACTED] [REDACTED]
Comment ID	PSLP_1432
Response Date	03/06/21 14:08
Consultation Point	Policy AL/LA 1 Land to the west of Spray Hill (View)
Status	Processed
Submission Type	Email
Version	0.2
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Lamberhurst Parish Council
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy AL/LA 1 Land to the west of Spray Hill

Question 4a

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Comment

Consultee	Mr Nigel Lambert [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] Tudeley [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Mr Nigel Lambert ([REDACTED])
Comment ID	PSLP_228
Response Date	20/05/21 10:37
Consultation Point	Policy STR/SS 3 The Strategy for Tudeley Village (View)
Status	Processed
Submission Type	Email
Version	0.4
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Nigel Lambert
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
Policy STR/SS 3 The Strategy for Tudeley Village	
Question 4	
Do you consider that the Local Plan:	
Is legally compliant	Don't know

Is sound

No

Complies with the Duty to Cooperate

Don't know

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

- . It is not effective
- . It is not justified
- . It is not consistent with national policy

Question 5

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

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Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

Reg 19

Site of Tudeley Garden Village proposal :

Policy STR/SS3

I have objections to the Tudeley Village proposal.

I have lived with my Wife and Daughter at xxxx [TWBC: full address redacted] Brampton Bank, Five Oak Green Road, Tudeley since 2008.

I have concerns regarding the size of the new development and the impact on the surrounding area and effect on the local community.

The proposed site for the village would be directly at the foot of our lovely garden.

Flooding and subsequent drainage is a major concern, which happens frequently in the surrounding area.

Detrimental affect on the established woodlands and wildlife.

Building on the 'Green Belt' rather than Brown Field sites that are available such as the Blantyre Prison site Sustainability Proposal page 86 which includes fields and is around 80 Hectares in size. The Tudeley proposal is on 94.7 Hectares of land.

Noise, Light, Dust and Sound pollution during and after building.

There are seven road/junction accesses between Church lane and the Vale Road roundabout on the B2017 which is a winding road with many blindspots. The volume of traffic is already high and used as a route between Tonbridge, Paddock Wood and Pembury if the A21 is blocked for any reason such as an accident. The current speed is 30mph through Five Oak Green until just after Capel Primary School. It then increases to 40mph and then to 50mph approaching Tonbridge. Church lane and the B0217 are very busy with parked cars during school drop-off and pick-up times.

Infrastructure and road maintenance of the B2017.

Communication and conflicts between Tunbridge Wells Borough Council and Tonbridge and Malling Borough councils. Impact on Tonbridge.

Castle Hill proposal adjacent to the A21:

Capel Sustainability Proposal page 86.

There is a lot of infrastructure already in place.

It has close proximity to North Farm Industrial estate, which provides Supermarkets, DIY outlets, Electrical outlets, Gyms, Car Sales rooms, Tyre outlets, Pet stores, a Cinema, Bowling Alley and various eat in or take away food outlets.

The proximity to Tunbridge Wells is close and could be easily accessible by footpath, bus and a cycle lane if put in place. It is also possible to walk in to Tunbridge Wells. There is a rail station which provides services between London and Hastings.

Although the land has AONB, a similar impact if not worse would happen if the proposed Tudeley Village was approved.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

For office use only

If responder hasn't ticked an option on this box, data inputter to tick 'not stated' box. Not Stated

Question 8

If you have any separate comments you wish to make on the accompanying Sustainability Appraisal, please make them here.

Sustainability Proposal page 86.

There are other options available rather than the extensive building proposal of Tudeley Village.

Blantyre Prison site and Castle Hill.

There would especially be less impact and a better infrastructure to build at Castle Hill with its proximity to the A21, Hospital and North Farm Retail and Industrial site.

I do not believe Tunbridge Wells Borough Council have taken in to account of the options available than the Tudeley Village site.

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box: Yes, I wish to be notified of future stages of the Local Plan

Comment

Consultee	Petrina Lambert [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] Tudeley [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Petrina Lambert [REDACTED]
Comment ID	PSLP_224
Response Date	19/05/21 16:53
Consultation Point	Policy STR/SS 3 The Strategy for Tudeley Village (View)
Status	Processed
Submission Type	Email
Version	0.4
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Petrina Lambert
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
Policy STR/SS 3 The Strategy for Tudeley Village	
Question 4	
Do you consider that the Local Plan:	
Is legally compliant	Don't know
Is sound	No

Complies with the Duty to Cooperate

Don't know

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

- . It is not effective
- . It is not justified
- . It is not consistent with national policy

Question 5

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Reg 19

Site of Tudeley Garden Village

Policy STR/SS 3

I have lived at Brampton Bank in Tudeley since 2008 and know the area very well and will be directly affected by the proposal. I have many concerns about the development and its lasting impact on the area.

It concerns me that the new garden village will be 3 times bigger than the existing combined villages in the area. With this development and that at Paddock Wood it will cause coalescence joining the two towns of Tonbridge and Paddock wood with very little green space between the 2 towns. It will remove a large piece of the Green Belt. This will affect the air quality and increase the light pollution in this area. It will increase the light pollution and air quality to the adjoining AONB. Tonbridge already has an air pollution problem and has reduced the whole town to 20mph to help to deal with this. The proposed green spaces to be included in the development are no compensation for the loss of wildlife (hawks, owls, pheasant and amphibians, some of which are protected species), green belt, biodiversity and good agricultural land. I believe it will be an environmental disaster for the area.

Supporting documents for reg 19, see site assessment sheets for Capel, page 10. It states 'not considered suitable' after listing all the effects of the development on this area.

Flooding in this area and the village of Five Oak Green is a real problem, putting a few extra ponds in and under water storage won't solve the problem of surface water flooding if you are going to increase the problem with hard surface areas and reduce the capacity of the land to soak away the water naturally. According to a consulting report by JBA Consulting, page 97 in the supporting documents it states that 75% of this area is already subject to ground water flooding and will only increase over the years. Insurance companies already claim extra insurance because of the risk.

We live directly on the B2017, in the mornings this road is almost impossible to drive on to safely. There are frequent accidents and one fatality in 2019. The road has many blind bends and people rarely adhere to the 40mph speed limit. Despite being sign posted as not suitable for HGVs the lorries still use it as the quickest route to Paddock wood and Maidstone from Tonbridge. The increase in traffic will only make this road more dangerous. This is evident by the number of visual display mirrors along the road already. On page 8 of the Capel Site assessment there is no mention of the B2017 as this will be the main road for all the traffic from the new development I think that this is a serious omission. There, as far as I can find out, have been no surveys on traffic movement along this road. Most people here travel to Tonbridge, Maidstone and Paddock Wood and not Tunbridge Wells. The proposal of a new road to by pass Five Oak Green and join at the existing primary school will not ease

the traffic or help us that live further along the road. There is a serious bottle neck at the school at pick up and drop off times when the road becomes a single lane, with parents parking along Church Lane at the junction and along the main road. I can not see that adding an extra road to the junction will help anyone.

Duty to cooperate. I don't believe that this has been fully met with the people who live in the area who are mostly affected. They displayed the proposals miles away in Tunbridge wells with no direct public transport links or parking. We have 2 village halls, why did they not use them? The plans were in discussion for several years before they were made public. Other options were not seriously considered. After the options and Issue documents were produced, 60% people thought that building along the A21 was the best option and the suggestion of a new garden village had lower support but there was no mention of where it would be built either. There are better places in the borough that are not good agricultural land or subject to flooding or green belt and have better infrastructure in place. Sustainability proposal page 86, Blantyre prison site. This site includes surrounding fields and is about 80 hectares in total, the development area at Tudeley is 94.7 hectares. The reasons for not developing it can be applied to the site at Tudeley for accessibility etc and location should not be a reason for refusing development as they propose a new road to service the Tudeley Development anyway. Castle Hill falls in the industrial estate at Tunbridge wells, it already has infrastructure and road network in place. It is AONB but will still cause less disruption and damage to the environment, it has a station nearby and supermarkets in place.

In conclusion I believe that this is an unsustainable development and will cause lasting damage to the environment and great loss to the area.

Question 7

***Please note** the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.*

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

For office use only

If responder hasn't ticked an option on this box, data inputter to tick 'not stated' box. Not Stated

Question 8

If you have any separate comments you wish to make on the accompanying Sustainability Appraisal, please make them here.

Sustainability proposal page 86, Blantyre prison site. This site includes surrounding fields and is about 80 hectares in total, the development area at Tudeley is 94.7 hectares. The reasons for not developing it can be applied to the site at Tudeley for accessibility etc and location should not be a reason for refusing development as they propose a new road to service the Tudeley Development anyway. Castle Hill falls in the industrial estate at Tunbridge wells, it already has infrastructure and road network in place. It is AONB but will still cause less disruption and damage to the environment, it has a station nearby and supermarkets in place.

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box: No, I do not wish to be notified of future stages of the Local Plan

Comment

Consultee	Lisa Landreau [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] Paddock Wood [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Lisa Landreau [REDACTED]
Comment ID	PSLP_1324
Response Date	04/06/21 16:54
Consultation Point	Policy STR/SS 2 The Strategy for Paddock Wood Town Centre (View)
Status	Processed
Submission Type	Web
Version	0.3
Question 1	
Respondent's Name and/or Organisation	Lisa Landreau
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
STR SS1 Paddock Wood	
Question 4	
Do you consider that the Local Plan:	
Is legally compliant	Don't know
Is sound	No
Complies with the Duty to Cooperate	Don't know

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

- . It is not positively prepared
- . It is not effective
- . It is not justified

Question 5

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

S4 Reference – Strategic.47, 4.50. Planning and Infrastructure Paper – Paddock Wood transport infrastructure. Sections 4.14, 4.24, 4.42, 4.43, 4.

Closing the Paddock Wood Maistone Road Railway bridge to incoming traffic will cause untold increase of emissions and is not a viable solution to the calming of traffic in the town. The plan has not taken into account the additional 1000 new houses (an average house now owns 2 cars) and the toll it will take on the environment. As the plan indicates, 80% of the traffic leaves PW and the traffic jams at Badsell road and Whetstead Road at peak times are long. As the majority of Paddock Wood live the Waitrose side, the Southbound train journey commuters who utilise the car park will drive an increased mileage of 4.6 miles to park. This is unrealistic and causes increased CO2. Residents who lives on the other side of the bridge will have to take this journey every time they need to get into Paddock Wood - it does not make any type of common sense.

Question 6

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

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Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Question 5 above. (Please note that non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

To ensure this plan is to the benefit of the town why not make Commercial road a one way system, the car park entrance at Church road and the other in Old Kent road negating the need for through traffic. The bridge must stay open to all traffic - 99% of the town is built south of the bridge so this would not negate traffic.

Question 7

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If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

- ☐ No, I do not wish to participate in examination hearing session(s)
- ☐ Yes, I wish to participate in hearing session(s)

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:

- ☐ Yes, I wish to be notified of future stages of the Local Plan

Comment

Consultee	Mr Richard Larkin [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] Speldhurst [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Mr Richard Larkin [REDACTED]
Comment ID	PSLP_24
Response Date	06/04/21 11:51
Consultation Point	Policy PSTR/SP 1 The Strategy for Speldhurst parish (View)
Status	Processed
Submission Type	Web
Version	0.4
Question 1	
Respondent's Name and/or Organisation	Richard Larkin
Question 3	
To which part of the Local Plan does this representation relate?	Paragraph(s)
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy PSTR/SP1

Paragraph 5.800

Paragraph 5.801

Paragraphs 5.802 & 5.806

Paragraph 5.803

Paragraph 5.804

Paragraphs 5.789 / 5.792 / 5.795

Question 4

Do you consider that the Local Plan:

Is legally compliant

Don't know

Is sound

No

Complies with the Duty to Cooperate

No

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

- . It is not positively prepared
- . It is not effective
- . It is not justified

Question 5

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

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PSTR/SP1

5.800 - TPO are there for a reason so the wording of "expected to retain" is totally unacceptable. THEY HAVE TO REMAIN.

5.801 - The current speed restrictions to 20mph has caused more traffic/speed issues than the previous 30mph, as cars now overtake, often causing issue when turning into Ferbies

5.802 & 5.806 - when the land development proposal was previously submitted, one reason for the rejection was that Kent Highways found insufficient visibility splays when adjoining the Langton Road. These splays have since reduced further with the TPO approvals.

5.803 - the initial view of the historical village will be damaged the upon arrival at the village entrance you will be met with new housing.

5.804 - there are protected plants in the field - photos shared with TWBC and Speldhurst Parish Council - Wild Orchids and Yellow rattle (visible in Spring only). The inspection of land was conducted in late Autumn when the land looks bland.

There needs to village amenities supported. Checking last week the school and Dr are over capacity even without new housing.

5.789 / 5.792 / 5.795 - proposal is not in the village or even the parish. It is Rutshall. How are kids supposed to get there to play. It is not even a short cycle journey. Totally inadequate proposal which shows a lack of the local structure.

[TWBC: comments made on paragraphs 5.789/5.792/5.795 have been duplicated against Policy AL/SP 2: Land at Rusthall Recreation Ground as these comments particular related to this policy - see Comment Number PSLP_58].

A few years back the development of the land was originally proposed and thankfully rejected due to the Highways issues and other reasoning.

Following this decision TWBC advised SPC to draw up a Local Plan. SPC agree to fund the 'Parish Vision' at a significant expense to the budget. It address multiple topics including development.

One of the strongest opinions across the parish, but in particular Speldhurst, was that there should be no development on any Green Belt land, and definitely none on AONB.

Why did TWBC steer the SPC down this route at the expense of us all, only to blatantly ignore the findings.

In addition as stated above the Kent Highways rejected the proposal on road safety issues, which have only increased since with weight of traffic etc.

There are existing parking issues in the village which will be increased with a further 10-12 dwellings probably requiring 2/3 spaces each, but due to development regulations will probably be granted only 12-15. Where are the surplus vehicles to park. On the already very dangerous Langton Road, reducing the exit splay even further?

During WWII, the site was a military camp (visited by Montgomery), so any development I hope will be sensitive to what items may be unearthed.

Question 7

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If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

Comment

Consultee	Mr Richard Larkin [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] Speldhurst -
Event Name	Pre-Submission Local Plan
Comment by	Mr Richard Larkin [REDACTED]
Comment ID	PSLP_93
Response Date	06/04/21 11:51
Consultation Point	Policy AL/SP 1 Land to the west of Langton Road and south of Ferbies (View)
Status	Processed
Submission Type	Web
Version	0.2
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Richard Larkin
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
Policy AL/SP 1: Land to the west of Langton Road and south of Ferbies	
Question 4	
Do you consider that the Local Plan:	
Is legally compliant	Don't know
Is sound	No

Complies with the Duty to Cooperate

No

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

- . It is not positively prepared
- . It is not effective
- . It is not justified

Question 5

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[TWBC: the following paragraph has been duplicated from Comment Number PSLP_24 set against Policy STR/SP 1 as this comment also relates to this policy.]

5.789 / 5.792 / 5.795 - proposal is not in the village or even the parish. It is Rutshall. How are kids supposed to get there to play. It is not even a short cycle journey. Totally inadequate proposal which shows a lack of the local structure.

Question 7

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If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

Comment

Consultee	Mr Richard Larkin [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] Speldhurst [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Mr Richard Larkin [REDACTED]
Comment ID	PSLP_58
Response Date	06/04/21 11:51
Consultation Point	Policy AL/SP 2 Land at and adjacent to Rusthall Recreation Ground, Southwood Road (View)
Status	Processed
Submission Type	Web
Version	0.7
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Richard Larkin
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
Policy AL/SP 2: Land at and adjacent to Rusthall Recreation Ground	
Question 4	
Do you consider that the Local Plan:	
Is legally compliant	Don't know
Is sound	No

Complies with the Duty to Cooperate

No

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

- . It is not positively prepared
- . It is not effective
- . It is not justified

Question 5

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Question 7

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If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

Comment

Consultee	Mrs Angie Larkin [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] Tunbridge Wells [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Mrs Angie Larkin [REDACTED]
Comment ID	PSLP_195
Response Date	18/05/21 11:37
Consultation Point	Policy AL/SP 1 Land to the west of Langton Road and south of Ferbies (View)
Status	Processed
Submission Type	Email
Version	0.4
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Angie Larkin
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy AL/SP 1 Land to the west of Langton Road and south of Ferbies

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

Question 5

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Please find below my objections to the TWBC Local Plan - site in Speldhurst AL SP1.

The proposed site for at least 12 houses in Speldhurst has long been objected to by the village residents since it was first raised 10 years ago. The reasoning remains the same and was validated in our recent Parish Vision.

Unbelievably our own representative SPC now cowardly remain 'neutral' so as to take 'a hit' so that the TWBC have their unnecessary allocation of build.

This should not be an excuse to build on land that, at present, is AONB/Greenbelt. Is a designated conservation area with many listed buildings. (TP1457). This development will become an eyesore - the new Gateway to an historic village. Pushing the boundaries and increasing the size of the village year on year.

This site- an organic meadow with varying protected plant life - which mysteriously has been dug up - is home to badgers and foxes, birdlife/owls, et al. A wondrous eco system.

The site is situated on a precarious section of the Speldhurst road - a sure future black spot if development goes ahead. The Kent Highway has historically deemed the splay too dangerous (5.796). The reduction of speed limit to 20mph has already proven to be detrimental - causing a huge increase in speeding and dangerous driving. (5.796) Speedwatch can confirm this. Therefore the proposed reduction from 40-30/20 will in fact make the road worse.

The village does not need this development. Unaffordable 'Affordable' housing is a conundrum in a aspirational village.

Local children live too far out to benefit from the improved/provision of Rusthall playing field (5.792). The building of the Langton Green Village Hall has already taken away the local Football field and the increase of its school will do nothing to improve the situation (5.795).

Please do not allow this proposal to go ahead. I commiserate with all our villages that are coming under assault - I know Capel has huge issues, a large group of campaigners with a huge budget.

As a Speldhurst resident I don't have such resources to shout out against this pocket build- but that doesn't mean our voice should be swept aside and ignored. Just because a greenfield, bought by developers who have no connection to the village and bought for profit, is made available doesn't mean it should be built in. But we live in hope.

Question 7

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If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

For office use only

If responder hasn't ticked an option on this box, data inputter to tick 'not stated' box. Not Stated

Comment

Consultee	Paul Latham [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] Five Oak Green Tonbridge [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Paul Latham [REDACTED]
Comment ID	PSLP_917
Response Date	02/06/21 10:05
Consultation Point	Policy STR/CA 1 The Strategy for Capel parish (View)
Status	Processed
Submission Type	Email
Version	0.5
Data inputter to enter their initials here	KH
Question 1	
Respondent's Name and/or Organisation	Paul Latham
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy STR/CA 1 The Strategy for Capel parish

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

Question 5

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

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Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

Further to my email below dated 17th October 2017 please take further note of my submission to object to 'The strategy for Capel Parish' (policy STR/CA1).

A lot of excellent work has been carried out by 'Save Capel' and Capel Parish Council, and many concerned others, since my earlier submission, much of it in line with the details in my earlier submission. Most nearly everyone locally is against this proposed development, reflected in the Reg 18 Consultation in which 97% opposed the Plan and also reflected in the unanimous support given to our local councillor in the recent by-elections whose strong views against this plan gained him a great deal of support.

The views expressed by many concerned local residents, and I imagine many Tonbridge residents, are based on sound principles which need to be seriously taken into account if this development is to receive a fair and unbiased assessment. TWBC would be perfectly able to meet its housing commitment over the years with other far more suitable areas for development, some of which have been highlighted by others, it's a matter of not going for the 'easier' option of doing it all in one totally disruptive development but by representing all residents of Tunbridge Wells with a detailed, considered approach, assessing all other options that exist.

Email dated 17 October 2019:

Subject: My Comments on the Local Plan

I am a resident of Five Oak Green, having lived in the area for 48 years. Over those years the roads and infrastructure have been over-stressed with large increases in population, with all that entails, and they are only just able to cope these days. Very little appears to have been done by the Authorities over the years to alleviate the pressures on the roads and infrastructure and I have little confidence in those same Authorities being capable of improving matters for the present population, let alone the enormous increase in population that would ensue with the addition of tens of thousands more. I assume that the local roads and infrastructure would need to be upgraded/rebuilt, but at enormous cost and with great suffering to all during the build process.

Adding a 'garden settlement' to the present housing stock in the area will cause immense pressure on all aspects of life in the immediate Parish of Capel and, indeed, to Tonbridge and Paddock Wood.. All comments below are very relevant to my concerns and **I am writing to object to 'The Strategy for Capel Parish' (Policy STR/CA1)**

Please add my contact details to your consultation database so that I can be kept informed of all future consultations on Planning Policy documents. I understand that my comments will be published by the Borough Council, including on its website.

Creating a garden settlement at Tudeley of 2,800 dwellings will cause immense harm to residents of the Parish of Capel and to residents of Tonbridge. There will be a significant increase in traffic in to Tonbridge from the B2017, exacerbating the extreme traffic congestion that exists on this road every morning. The already unacceptable levels of traffic between 7.45am to 9am on Woodgate Way, Vale Road and Pembury Road coincide with the site of a proposed new 6 form entry senior school. This proposed school will be on the border with Tonbridge, split by a main line railway and alongside a heavily used road. This appears to be a terrible site for a school, surrounded by heavy traffic and requiring children to cross a busy train line to access both sides of the site.

People living in Tudeley will use Tonbridge Station for commuting and Tonbridge town services that will need more parking. The increase in traffic will be more than Tonbridge can cope with. Its roads are already full at peak times and can't be made wider in most places. The increased numbers of

passengers on already packed commuter trains from Tonbridge Station will be unsustainable. Parking in and around Tonbridge Station will be even more difficult. Network Rail have confirmed that a station at Tudeley is not viable at present and so will not be built in this plan period. Most people living in the new garden settlements will drive privately owned cars, despite initiatives to encourage bus and bicycle use. The costs of infrastructure on the Tonbridge & Malling side of the boundary will have to be carried by Tonbridge & Malling residents whilst Tunbridge Wells will receive council tax from the residents in the new dwellings. The cost to Tonbridge based businesses due to traffic issues may drive businesses from the area. There will be an increase in pressure on Tonbridge health services, amenities and car parking as residents from the new garden settlement at Tudeley will use Tonbridge as their local town, not Tunbridge Wells, because Tonbridge is much closer.

Large parts of the developments will occur on the Medway floodplain with flood risk assessments based on old data that does not fully consider the impact of climate change. Flood mitigation measures may help, but I believe that flood risks will increase. Covering farmed fields with houses and roads will make the Medway flood more often and cause increased flood risk not only in Tudeley but in Golden Green, East Peckham, Tonbridge and Yalding. There will be an increase in air, light and noise pollution that will spread across the boundary in to Tonbridge & Malling and create a visual scar across the landscape. Views from Tonbridge to the Low and High Weald will be impaired, including the setting of historic assets like All Saint's Church in Tudeley and the Hadlow Tower. The church at Tudeley may end up being surrounded by houses, bus lanes and sit next to a busy road in sight of a big roundabout. That will cause great harm to its value as a heritage asset of world renown (due to the complete set of Marc Chagall windows).

The garden settlement at Tudeley can never be one settlement as it is divided by a railway line that has very narrow, weak crossings. Putting in larger crossings at frequent points across the railway may be possible but it won't tie the two halves of the settlement together enough to make it one settlement, so it will never satisfy garden settlement principles.

Creating so much housing in Capel Parish will require the destruction of woodland, hedgerows, meadows, and farmland that is Green Belt land and should be protected. It will spoil the landscape and kill wildlife that is very special to the area, including rare species. This area should remain rural with agricultural land that can be used to provide food.

I believe that housing need calculated by the government can be reduced if it requires development of Green Belt land unless "exceptional circumstances" exist. I would like to see TWBC use this argument to remove the garden settlement at Tudeley from this plan. TWBC is already providing more than their housing need figure in the draft Local Plan. TWBC has taken the housing need figure of 13,560 given to them by government and upscaled it to 14,776 despite having strong grounds to lower it due to the large amount of Green Belt and AONB land in the borough. Taking 1,216 (the upscale) from the 2,800 planned for Tudeley and then asking the government to allow the housing need to fall by 1,584 to factor in the lack of "exceptional circumstances" for building on Green Belt land, would be a much better approach. Recent ONS figures show that population growth in the borough is slowing, making this proposed approach honest and relevant.

The plan preparation process didn't include Tudeley (sites CA1 and CA2) until after the Issues and Options Process in 2017. This means that the largest housing area in the plan didn't go through most of the plan preparation process. There is no detailed Green Belt Study for these sites, no Landscape Assessment, no Biodiversity Assessment. I think that this version of the draft Local Plan isn't complete enough to be ready for public consultation when the land for such a big proportion of the housing hasn't had the same level of assessment as the rest of the plan. The Issues and Options process led to most people (60%) wanting a growth corridor led approach. Less than half wanted a garden settlement and that was when they didn't know the garden settlement would involve destruction of Green Belt. Protecting Green Belt was a key priority for people who participated in the Issues and Options consultation. I think that the plan should be re-written to implement a growth corridor led approach and to protect Green Belt land within the borough.

Earlier in the plan (in 4.40) you refer to Tudeley Village securing a long term option for the borough to deliver the needs of future generations. It is clear from this statement that you intend to add more and more housing to this "garden settlement" in each five year review of future Local Plans. I think that TWBC want to fill Tudeley and East Capel with housing until they coalesce with Tonbridge to the West and Paddock Wood to the East, ultimately creating a massive conurbation that will dwarf Tunbridge Wells town centre. TWBC is using Capel to dump their housing needs on green fields and meadows, polluting a rural area rather than spreading development across the borough on brownfield sites or

placing the garden settlement in the middle of the borough, to make it accessible north and south. The developments in Tudeley and East Capel are unsustainable and place huge pressure on Tonbridge.

I object to the inclusion of land in East Capel in “The Strategy for Paddock Wood” (Policy STR/PW1).

This land is Green Belt land and should only be built upon if an “exceptional circumstance” exists. TWBC’s own assessments in their Sustainability Appraisal show that Paddock Wood can expand and meet most of the plan’s aims without using the Green Belt land at East Capel. The comment above about coalescence and the creation of a conurbation from Paddock Wood right across to Tonbridge is very relevant here, as is the land’s use as a flood plain. Building here, even with flood risk mitigation and “betterment” could have disastrous consequences for all, as the measures being looked at are based on old data that does not fully consider the impact of climate change.

Question 7

***Please note** the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.*

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

For office use only

If responder hasn't ticked an option on this box, data inputter to tick 'not stated' box. Not Stated

Comment

Consultee	Christine Latter ([REDACTED])
Email Address	[REDACTED]
Address	
Event Name	Pre-Submission Local Plan
Comment by	Christine Latter ([REDACTED])
Comment ID	PSLP_1301
Response Date	04/06/21 16:15
Consultation Point	Section 4: The Development Strategy and Strategic Policies (View)
Status	Processed
Submission Type	Web
Version	0.3
Question 1	
Respondent's Name and/or Organisation	Christine Latter
Question 3	
To which part of the Local Plan does this representation relate?	Paragraph(s)
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
Section 4 – Pre Submission Local Plan	
Question 4	
Do you consider that the Local Plan:	
Is legally compliant	Don't know
Is sound	No
Complies with the Duty to Cooperate	No
Question 4a	

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

- . It is not positively prepared
- . It is not effective
- . It is not justified
- . It is not consistent with national policy

Question 5

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After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

Housing development is already taking place on three sites surrounding Paddock Wood, at least one of which (Church Road) is known to flood in periods of high rainfall.

With these three current new developments the population of Paddock Wood is likely to rise by more than 40%. The existing infrastructure is inadequate to deal with this increase in population, let alone the further increase generated by the proposed development of areas on the fringes of the town.

Maidstone's Borough Council's proposals to develop sites in the Beltring area will also impact heavily on Paddock Wood, it being the nearest town to the developments (consultation with neighbouring authorities?).

The Capel development will have huge implications for Tonbridge and Malling Borough Council (consultation with neighbouring authorities?) and will put further strain on infrastructure throughout the geographical region. The road network is not suitable for increased volumes of traffic. The health services are already under strain.

A number of retail premises in Commercial Road, Paddock Wood have been forced to close to make way for the new Churchill retirement apartment complex. The former police station has just been demolished and police presence in the area is negligible.

The proposal under consideration to close the road over Paddock Wood railway bridge to all traffic except buses will generate longer journeys and increase air pollution in surrounding areas. The traffic reduction proposal at the station end of Commercial Road is unworkable because of the configuration of surrounding roads.

The proposed cycle path network between outlying new developments and Paddock Wood town centre are unworkable, particularly in areas used by schoolchildren. Footpaths which are redesignated shared use cycle tracks but which don't have any markings to differentiate between the pedestrian lane and the cycle lane (because they're not wide enough to accommodate two lanes) are potentially dangerous to users. Example: Green Lane, TN12 6BF

New schools will not be built until the numbers justify it. What happens in the meantime to those who can't find school places locally?

Where are all these new residents going to work? If there are no local jobs this will put further strain on transport infrastructure.

How will TWBC cope with increased demand for local services: refuse collection, parking, road maintenance.

Will targets for affordable housing be strictly enforced on new developments?

In non Covid times parking facilities in Paddock Wood are just about adequate. Residents of Mascalls Grange and Foalhurst Green are likely to travel into town by car, particularly if planning a supermarket

weekly shop. Will new parking places be created? And which route will traffic take if Commercial Road is closed at the northern end?

A bus service was promised when the Hunters Chase development was built, but didn't happen. Will history repeat itself?

Question 6

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After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Question 5 above. (Please note that non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Development should be spread more evenly across the TWBC region. At the moment far too much is concentrated in the North West corner, putting too much strain on the infrastructure and changing the nature of the area from semi-rural to urban. Whilst some of these changes may be beneficial in terms of improved and updated services, some are potentially harmful in terms of the environment and public safety, as in the case of flooding and high traffic volumes. Smaller areas of development spread across TWBC would be more easily assimilated, would put less strain on existing resources and would be cheaper and less disruptive. They would also make developments more attractive to potential purchasers.

Question 7

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If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

No, I do not wish to participate in examination hearing session(s)

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:

Yes, I wish to be notified of future stages of the Local Plan

Comment

Consultee	Mrs Gillian Latter [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] Biddenden [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Mrs Gillian Latter [REDACTED]
Comment ID	PSLP_121
Response Date	07/05/21 09:42
Consultation Point	Policy PSTR/BE 1 The Strategy for Benenden parish (View)
Status	Processed
Submission Type	Email
Version	0.4
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Mrs Gillian Latter
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Paragraphs 5.410 to 5.470

Policy PSTR/BE 1: The Strategy for Benenden parish

Inset Maps 17 & 18

[TWBC: this representation has been input against Policies PSTR/BE 1, AL/BE 3 and AL/BE 3 – see Comment Numbers PSLP_121, PSLP_122 and PSLP_123]

Question 4

Do you consider that the Local Plan:

Is legally compliant	No
Is sound	No
Complies with the Duty to Cooperate	No

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:	. It is not positively prepared
	. It is not effective
	. It is not justified
	. It is not consistent with national policy

Question 5

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(a) in writing, or

(b) by way of electronic communications".

These options are not stated to be available on the website, except by using the Representation Form. The process of getting to download and complete this response form is unnecessarily convoluted, which has the effect, if not the intention, of making it difficult for the ordinary citizen without special IT skills. For example, we are asked to log in to an organisation to which this process has no doubt been outsourced, complete a separate form for each representation which we wish to make, and limit ourselves to specific areas of comment. This is unnecessarily laborious and does not meet the requirements of Regulation 3(2).

- 1 Paragraphs 5.421 and 5.422 state that in the event that the Benenden Neighbourhood Plan is adopted all the policies relating to Benenden AL/BE 1 to 4 will be omitted and the Neighbourhood Plan will be used instead. It is submitted that this is unlawful. Nowhere in the Act or in the Regulations is the Local Planning Authority given the power to delegate its statutory duty to another authority. Regulation 5 does not have this effect. Section 15 of the Planning and Compulsory Purchase Act 2004, as amended, requires the Local Planning Authority to prepare and maintain a local development scheme which must specify development plan documents. Section 19 (2) sets out the matters to which it must have regard. Nowhere is it given power to pass the duty over to a parish council. This is important because the *merits* of a Local Plan must undergo an independent examination (see Section 20) whereas the merits of a Neighbourhood Plan do not. They are subject to independent scrutiny to see whether they comply with the rules, thus a Neighbourhood Plan may be adopted without any consideration of its merits. This amounts to a breach of the rules of Natural Justice (*delegatus non potest delegare*).
- 2 Under the Town and Country Planning (Local Planning) (England) Regulations 2012 as amended, regulation 18 (3), the Local Planning Authority *must* take into account any representation made in response to a representation made under Regulation 18 (1). The Local Authority has been told in the clearest terms in my previous submission of 30 October 2019 and that of many others

at the same time, that there is no shop nor pre-school nursery at the East End. Yet paragraph 5.413 of the Plan perpetuates the myth that there is a shop in the hospital and nursery/pre-school facilities at the East End. This statement appears in the original versions of the Local Plan, to which its attention was drawn in many other earlier objections. There are no public amenities at the East End, there is an in-house café at the hospital, reserved for patients and staff, not open to the public. The Planning Authority should know this. This affects the sustainability of the proposals at AL/BE 3 and AL/BE 4.

- 3 Policy PSTR/BE1 item 3b and c requires that developers who acquire land in Benenden village will have to make contributions which will be used towards the provision of the expansion of Hawkhurst primary school (which does not serve Benenden since it has its own primary school) and library provision, adult learning and social care at a new Cranbrook Community Hub, which has nothing to do with Benenden. These items do not appear in the Benenden Neighbourhood Plan for obvious reasons. They cannot properly amount to proposals for Benenden.

4 **Soundness, consistency and correct evidence**

The Local Plan (LP) sets out a vision and strategies which are undermined by its allocations, particularly by its allocations to the East End of Benenden at the two hospital sites, AL/BE3 & 4, sites which are roughly 3 miles equidistant from both Benenden and Biddenden (but just in the parish of Benenden). The LP is not sound nor are its strategies consistent with its policies in relation to AL/BE 3 & 4.

1 **Vision**

Vision Objective 1: “to improve access to suitable, especially affordable housing, including for local young people and older households.”

- . Para 5.467 states of AL/BE3 “it is likely that residents of development in this location will rely heavily on private cars”. The same is said for AL/BE4.
- . The plan allocates affordable housing to an area with intrinsically higher living costs instead of to sites (such as 158 and 222 in the village centre or LS8 in Iden Green) which lie on bus routes or are within walking distance of the village centre
- . While the LP asks for 30% affordable housing, the Benenden Health Society (BHS) is asking, in its comments on the TWLP draft plan, to have this figure reduced
- . The sites will not be suitable for the elderly who will be unable to walk to shops or amenities, yet the LP states that the over 65s are an increasingly important part of the population. They are expected to increase, as a percentage of the total population, by 40% during the period of this plan.

The viability of the two sites depends almost entirely on the plan’s attempt to mitigate the problem of unsustainability. The mitigation proposals are unsound.

1 **Transport:**

- . The proposal is for public transport connections and active travel links, but the BHS in its response to the TW draft LP states (DLP_4956.3) that it not a transport provider and will not run a daily service into Benenden, nor a regular service to Tenterden. All it offers is some financial contribution towards such services. Who will bear financial and organisational responsibility for them? This proposal is based on conjecture and wishful thinking.
- . The LP does not map out any active travel links with the village because there are none. Establishing such links would require land purchase. Who will purchase the land and set up the links? The proposal is based on conjecture and wishful thinking. Even if such a link in the form of a cycle path is provided, it would only be used for leisure cycling, not for shopping or taking the children to school.

1 **Amenities:**

The SHELAA acknowledges that the hospital sites are unsustainable. It states they are “remote from a settlement centre”. The unsustainable nature of site AL/BE4 is demonstrated in Table 58 of the Sustainability Appraisal (page 163). AL/BE4 scores as being “very negative” to “negative” on the sustainability topic of Services and Facilities, and as being “negative” on the sustainability topic of Travel. The same is true of AL/BE3. Sites 158 in the village, and LS8 in Iden Green, on the other hand, have no very negative scores, appendix L page 331.

The amenity problem is to be partly overcome, according to the LP, by establishing public access to the hospital shop and to its café, but this mitigation measure is wholly unsound because:

- . There is no hospital shop at present

- . The BHS states in its response to the TW draft LP that its facilities, including the café, have been designed solely for hospital use so even if there were a shop, it would not be available to the public.
- . The land at AL/BE 3 is currently up for sale. Once it has been sold, the BHS could not be bound by any planning conditions, which run with the land.

1 Strategies

The LP's policies on AL/BE 3 & 4 undermine the following Strategic Policies

Policy STR1, which calls for a focus on new development within LBDs and for a limit to development in the countryside.

Sites AL/BE 3 & 4 are almost three miles outside the LBD and in the countryside, midway between the villages of Benenden and Biddenden.

Policy STR 2

“The Council requires the use of master planning, including the use of design codes and sustainable design standards where appropriate, for strategic and larger-scale developments..”

This is undermined since no master plan has been produced for sites AL/BE 3 & 4

Policy STR 3 Calls for the use of brownfield sites “within settlements” and in “sustainable locations.”

AL/BE 3 & 4 are neither.

AL/BE 3 consists of disused medical buildings and 2 Local Wildlife Sites (LWS), one of them containing fine specimen trees and another an important collection of waxcap fungi. BHS plans for the site show houses built over the LWS and beyond the footprint of existing buildings.

There is no such plan for AL/BE 4 which is currently home to a large LWS and is the site of 18 habitable dwellings, almost all of the them currently in use and available to let. The proposal allows for these to be demolished and another 25 dwellings added to the site. The size of the area to be developed varies between the LP and the BNP, with the LP potentially including the LWS in the area to be developed. The BHS in its response to the LP has stated that its proposals for an additional 25 houses is based on the land allocated it in the LP, and not on the land allocated in the BNP. This implies that the BNP does not offer them sufficient hectarage. It is unsound to proceed with a plan when the developer's plans and the land that they are expecting to develop are not clearly stated, especially when an LWS is at stake. It is unsound to accept a proposal 'on trust'. The Benenden Neighbourhood Plan cannot be used as a substitute for AL/BE 3 or 4 when it is at variance with it.

Policy STR 5 states that “New residential ... development will be supported if sufficient infrastructure capacity is either available or can be provided in time to serve the development.”

Developers themselves would have to provide the infrastructure at AL/BE 3&4, since no one else would. The LP proposes to take on trust suggestions that the BHS will avoid building on the LWS and will provide play-grounds, sports facilities and tennis courts. BHS suggests, in its response to the earlier draft LP (DLP_4956.3 3.14) that it may encroach on the LWS and it is unlikely to provide play-grounds, sports facilities and tennis courts. Since BHS has put part of the site up for sale, it is clear that, if it sells, it will no longer be bound by any planning conditions, and the purchaser will have no power to make use of facilities in the hospital itself. There is no provision in the published layout for any such facilities on site. The LP's approach is therefore unsound.

Policy STR 6

The LP proposes to “Deliver future development in accessible locations, normally within or in close proximity to existing towns and villages across the borough.”

In the case of the two isolated hospital sites, the LP contradicts its own strategic policy and fails to offer choices in transport and to prioritise active travel and public transport. The Benenden hospital sites have no active travel link with the village, no existing daily bus route and neither the LP nor the BHS provide credible information on how these links are to be provided. As for the proposal to create links suitable for electrical personal vehicles, such as mobility scooters (as suggested under STR 6) it is difficult to see, when the only link with the village is a single-track lane, how it can be used by personal electric vehicles.

Policy STR 7

The LP proposes in dealing with TWBC's legally binding commitment to manage climate change, that all development in the borough will support the Council's target to achieve net zero emissions by 2030.

It is unsound with such a goal, to propose a major development on the parish periphery, 3 miles equidistant from two villages, where it is accepted that all journeys will be by motor car.

Policy STR 8

The LP states that development should contribute to and enhance ... rural landscapes with particular regard to the HW AONB and developers will have to demonstrate that they do this. The LP promotes nature conservation. Its biodiversity objective is to achieve net gains and where possible secure long-term managements of sites for biodiversity. The proposals for a suburban-style estate of 92 houses, plus a further 6 at Cleveland's Farm, if passed, produces the very opposite effect. No commercially viable scheme can produce net gains in a rural setting such as this. Sites AL/BE 3 and 4 are surrounded by the AONB, although this is not shown on the Inset map 18, in distinction to map 17, which does show it for the rest of the village. The sites are plainly land which affects the AONB, for the purposes of section 85(1) of the Countryside and Rights of Way Act 2000, which says: "In exercising or performing any functions in relation to, *or so as to affect*, land in an area of outstanding natural beauty, a relevant authority shall have regard to the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty." (my italics)

1 Irrelevant and misguided supporting document

Part of the LP's conclusions are based on supporting document *AONB Settings Study, Plans and Photos of Benenden Hospital*, by *Hankinson & Duckett*. This report is on the entire hospital site and not on sites AL/BE 3 & 4 on their own. Their conclusions that the north western car park might look better with houses on it may or may not be true, but since this area is not part of the site under consideration, the conclusion is irrelevant.

Its review of Green Lane to the south is relevant to AL/BE3 but the conclusions fail to impress. Green Lane is a rural lane which, according to TWBC's *Rural Lanes: Supplementary Planning Guidance*, scores very highly in terms of its landscape, recreational value, natural beauty and history. As such it is designated part of National Route 18, a 42-mile cycle ride between Ashford and Tunbridge Wells, running largely through unspoilt country lanes with wide grass verges and undisturbed rural scenery. AL/BE 3 proposes two major entrances onto this lane for a housing estate of up to 49 houses. Such a development would almost certainly entail a widening of the lane itself and the abolition of its grass verges which would be a contravention of Kent Structure Plan Policy ENV13: *Rural lanes which are of landscape, amenity, nature conservation, historic or archaeological importance will be protected from changes which would damage their character, and enhanced.*

1 Local Wildlife Sites (LWS)

There are 60 LWS in the entire borough and of these, 4 are situated in Benenden hospital grounds, with 3 in the grounds proposed for almost 100 new houses. One of these is in the northern site of AL/BE4 and two are in AL/BE3. A letter from Keith Nicholson, former Planning and Conservation officer for the Kent Wildlife Trust, dated 4 March 2013, to TWBC Development Control Officer, Ellen Gilbert states that the hospital LWS are of national importance, mainly for the large number of different varieties of waxcaps. He states that they could well have been designated SSSI.

The LP purports to protect the LWS but Para 3.21 of the BHS submission on the LP shows plans to remove one of the LWS.

"3.21. The Society supports the requirement for long-term management of the core areas of LWS associated with the hospital land. This includes all but the modest area within the SEQ adjoining Peek Lodge which is too constraining on the South East Quadrant redevelopment proposals. Accordingly, the soils in the area will be translocated to a nearby receptor site to try to ensure that the rare fungi can continue to thrive in this local area." This is ecologically illiterate. Moving a LWS by digging it up and putting the earth somewhere else is unlikely to protect the rare waxcap fungi which are of national importance. Indeed, the LP now speaks of the LWS in AL/BE3 in the singular, (para 5.451) as if one of the sites had already been removed.

High value environmental area

Comment DLP_3458 from the High Weald AONB Unit states that the Benenden Hospital site *"includes rare and vulnerable acid grassland which should form a core area for unimproved grassland as part of a High Weald nature recovery network."*

No respect for LWS

Although the LP claims building will only be within existing footprints, the developers, with whom the BNP Steering Committee is working closely, do not appear to reflect the same standards. Plans for 47 new houses in the SE Quadrant, presented to the village on 17th February 2020 by the hospital architects, show the buildings are not to be built within the footprint of previous buildings nor to respect LWS. The TW Local Plan has allocated sites originally allocated by the BNP (the only parish in the borough to allocate its own sites) and the hospital sites are the major target for all building in the parish.

Long-term Management plans

Long-term management plans of green spaces within housing estates are, unfortunately, no substitute for natural wild spaces of the kind you find in field hedgerows and shaws. A 'managed' and regularly mown green space set between tarmacked streets, lit housing estates and pavements is less likely to promote biodiversity and less likely to conserve wildlife than an 'unmanaged' green space of the kind you currently find along our country lanes. Net biodiversity gain from the construction of a housing estate in the countryside is a contradiction in terms.

1 The AONB

The LP claims that the hospital development "has the potential to improve the setting of the HW AONB through the delivery of a more sensitive redevelopment of existing buildings" (para 5.454) but the claim is not supported by the evidence (*Hankinson & Duckett*) and differs from the HW AONB unit's own assessment of the plans.

See the comment on TW Draft Plan **DLP_3458 High Weald AONB Unit**: "...In our view the development at Benenden Hospital will have a significant effect on the setting of the AONB and the purposes of its designation, and this issue has not been properly considered by the Plan."

1 Failure to hold consultations with stakeholders or to hold them in a timely fashion.

- . The BNP, on which the LP's allocations are based, allocated sites in its first draft in February 2019. These are the same sites that appear today in the LP.
- . These sites were allocated before writing to the SEA requesting a review of sites.
- . The BNP steering committee did not ask the High Weald AONB Unit to review the hospital sites, although it asked them to review the other sites.
- . Heritage England was, we believe not invited to review the plan and was only able to make comments on publication of the draft TW LP

Question 6

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Question 5 above. (Please note that non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

The modifications needed are included in the submissions set out above. In summary, development on site AL/BE 3 should be limited to the existing, so far unused, planning permission for 24 houses, preferably by adapting the Garland Wing, which is a building of historic value, either to a wellness centre, in accordance with its original intention, or to a row of up to 10 terraced houses. Site AL/BE 4 already has 18 semi-detached houses on it, and cannot support any more. It should therefore be excluded. Housing should be allocated to sites (such as 158 and 222 in the village centre or LS8 in Iden Green) which lie on bus routes or are within walking distance of the village centre and school.

Paragraphs 5.421 and 5.422 should be omitted.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)? . Yes, I wish to participate in hearing session(s)

Question 7a

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

In order to put over my case, and to answer those with vested interests who may seek to put forward arguments against it.

Question 8

If you have any separate comments you wish to make on the accompanying Sustainability Appraisal, please make them here.

In so far as Benenden is concerned, the sites were allocated before any sustainability appraisal was commissioned. It is not therefore a relevant factor in the allocation of sites for housing.

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box: Yes, I wish to be notified of future stages of the Local Plan

Comment

Consultee	Mrs Gillian Latter ([REDACTED])
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] Biddenden TN27 [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Mrs Gillian Latter ([REDACTED])
Comment ID	PSLP_2097
Response Date	04/06/21 08:53
Consultation Point	Policy PSTR/BE 1 The Strategy for Benenden parish (View)
Status	Processed
Submission Type	Email
Version	0.3
Data inputter to enter their initials here	AT
Question 1	
Respondent's Name and/or Organisation	Gillian Latter
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy PSTR/BE 1 The Strategy for Benenden parish

[TWBC: this representation has been input against Policies PSTR/BE 1, AL/BE 3 and AL/BE 3 – see Comment Numbers PSLP_2097, PSLP_2109 and PSLP_2110]

Question 4

Do you consider that the Local Plan:

Is legally compliant	No
Is sound	No
Complies with the Duty to Cooperate	No

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

- . It is not positively prepared
- . It is not effective
- . It is not justified
- . It is not consistent with national policy

Question 5

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

This submission concerns the parish of Benenden, the only parish in the borough to have made its own allocations. The Benenden Neighbourhood Plan (BNP) has been developed in close consultation with TWBC, with the BNP in the lead. The BNP announced its allocations in February 2019, before inviting AECOM to produce its Strategic Environmental Assessment. Pre-Submission Local Plan, para 5.420 reads "The BNP was submitted to TWBC in October 2020 and was consulted on between 30 October and 11 December 2020." But the allocations had been made and published in February 2019. Further, Para 5.420 states "The BNP proposes to include site allocation policies that follow the approach of the site allocation policies for Benenden in this Local Plan." BNP allocations were first published in February 2019 i.e. before LP site allocation policies.

Allocations made by the LP, when it took up the BNP's baton, are therefore inevitably linked to BNP's weaknesses. Yet if the BNP passes a referendum before acceptance of the LP, it is said that it will take precedence over the LP (see para 5.421), with the exception of its plans for the northern site at Benenden hospital, which will be overruled by the plans advanced in the LP (see Benenden Parish Council April 2021 response to Independent Examiner queries on the BNP). This is in contravention of para 5.422 which talks of making "modifications to the LP" so that it matches the BNP.

1. Community involvement. EN1: this requirement has not been respected.

- . In Benenden, almost all new housing is slated for the East End, yet the Friends of the East End (FEE), were never asked to meet with the BNP steering group.
- . See EN1 para 9 requiring the effective engagement of the local community, neighbours of sites and others. The FEE submitted three petitions, two to the BNP and one in relation to the LP. A FEE submission with 127 signatures was submitted on April 4th 2019 in response the Informal Draft NP (published on February 23, 2019), in which the allocations later adopted by the LP were first set out. A FEE submission with 164 signatures was submitted in October 2019 objecting to the first draft of the LP, and in the same month, a FEE submission with 167 signatures was submitted in relation to the Reg 16 draft BNP. See the FEE's current online petition with more than 450 signatures <https://www.change.org/EastEndFriends>
- . Instead of being consulted, the FEE were ignored and belittled. They were informed on 11th March 2019 by the editor of the Parish Magazine (PM), husband of the Chair of the Parish Council, that "I'm of the view that much of the uncertainty has passed since the presentation of the plan to the village - to a highly favourable reception. At least we no longer have to give polite credence

to *uninformed views* that fly in the face of TWBC policy and advocate direct and *pointless confrontation* with TWBC, thereby running the risk of having the entire BNDP thrown back in our faces. *The ensuing chaos hardly bears thinking about.* At least it seems the opinions now being afforded most weight are those of *people who have worked hard for two years to understand the issues* and come up with a coherent way forward."

- . One of the regular articles on the BNP submitted by the chair of the BNP Steering Group appeared in January 2020. It dismisses FEE opposition suggesting only "31 residents from the East End" sent in comments.
- . The core group behind the BNP has consistently tried to persuade those who support the FEE to desist. The chair of the Parish Council and the chair of the BNP Steering Group have twice asked to meet a Tunbridge Wells Alliance (TWA) Borough Councillor for the parish, once together with a TWA borough council candidate, in efforts to persuade them to adhere to the BNP's approach and not to listen to the FEE.
- . The organiser of the FEE was a member of the Steering Committee 2017/2018 as chair of the Environmental Group. She expressed strong disagreement with a Borough Councillor who lives in the village (on occasion, he deputises as chair of the Steering Group) about his wish to step up allocations in the East End and suppress TWBC's wish to build 174 houses on site 158. As a result, the Steering Group chair (using his own word), "sacked" her. This is contrary to EN1 para 9, encouraging early, proactive and effective engagements and the requirement that views expressed should be properly considered.
- . Consultation also failed in relation to the neighbouring parish of Biddenden. The Clerk of Biddenden Council has repeatedly responded to BPC in the course of the BNP consultation process, but received only acknowledgments. A Kent County Councillor and Ashford Borough Councillor wrote an article about BNP's mismanagement of the parish of Biddenden in the Biddenden Parish Magazine, February 2021.
- . The LP is based on the BNP and BNP allocations were made before consultations with stakeholders such as the AONB. This is not consulting in a timely fashion. Further, the LP requires surveys of the hospital sites *after* the designation of the sites for development, for example, archaeological surveys (see AL/BE 3&4). Historic England (HE) asks for the surveys to be carried out *before*. See HE's comments on the first draft LP (DLP_4556) - "we would expect the allocation of sites following on from this Strategy policy (STR1) to be subject to appropriately robust and detailed heritage impact assessment *prior to the allocations being adopted.*"

2. The PSLP is not based on sound evidence

- . Throughout the LP process, misstatements have been made about amenities in Benenden's East End. These may be traced back to a submission made by traffic and highways consultants, Transport Planning Associates (TPA) to Benenden Healthcare Society Ltd. (BHS). This submission was recently disclosed in BHS's response to the Independent Examiner's queries in relation to the BNP. TPA's information is sometimes inaccurate and sometimes misleading and we consider it here in detail because it is difficult otherwise, to understand how the LP was able to continue, iteration after iteration, to relate false information about the hospital site.
- . In October 2019, TPA reported (para 2.6) that there was a footpath along the southern edge of Goddards Green Road (GGR) and the PSLP, para 5.452 states "There is an intermittent pavement along GGR". The GGR is a long road running from New Pond Road to Castleton's Oak crossroads, and was formerly a lane. The pavement is limited to the short section immediately outside the hospital buildings. To say that there is an intermittent pavement along GGR is misleading.
- . The TPA refers to the East End as a village, which it is not. The East End runs from the junction of GGR and Walkhurst Road, along the GGR to the border with Tenterden, then turns south to reach close to Hole Park in Rolvenden, then east back to Walkhurst Road at the site of the stream, then along Walkhurst Road back to GGR (see the old Electoral Roll for 2004 when the East End had its own polling station). It is a large, totally rural area of several square miles, which was why it was chosen as the site for an isolation hospital in 1906. Today it contains only 76 houses scattered across the entire area. The PSLP consistently refers to the East End as a hamlet. It is not, which is why BPC is able to advertise itself on its website as "Serving the people of Benenden and Iden Green" without any reference to the East End.
- . The TPA says that "a day nursery is located immediately to the north of the Site within 400m." There is incorrect, yet this error is repeated in para 5.413 of the PSLP "There are also nursery/pre-school facilities at Iden Green and East End." An accurate account would mention Iden Green only.

- The TPA states that there are daily bus services along GGR provided by bus nos. 24 and 299, and twice a day service provided by the Hopper bus. This information is incorrect. The 2019 Hopper bus, operated by the Tenterden social services hub on an experimental basis, failed in only a matter of months. While the 24 and the 299 buses pass along GGR, they do so on only one day a week. The 24 on Tuesdays and the 299 on Wednesdays. The East End has almost no public transport.
- The TPA makes several statements in relation to traffic which have fed misinformation into the system to be reflected in AL/BA3&4. This misinformation was only recently revealed when documents were provided by BHS following April 2021 queries raised by the Independent Examiner on the BNP. These documents include a TPA 'Scoping Note' on road and traffic conditions at the site and a letter written in response to this Note from KCC Highways, dated 13 Nov. 2019. The TPA states that the GGR is 7m wide at the hospital site which detracts from the fact that it is actually a winding rural lane, now called a road, and varies considerably in width. It may at some point be 7m wide, but at others, it is so narrow that two lorries have difficulty passing each other. The TPA claims that there is no need for a road safety review because there have been "no personal injury accidents" recorded within 1,000m. Castleton's Oak crossroads lie 1.5 km from the site and accidents there are frequent, largely due to increasing traffic at the hospital. The hospital has turned itself into an almost exclusively out-patient centre and almost all its 300 employees drive in to work from outside the parish (formerly, they were housed on site in hospital staff buildings). Kent County Council (KCC) Highways make constant and repeated attempts to lower the risk of injury at the crossroads. Works there are ongoing at this time. The TPA claims that no traffic surveys are necessary which is a point queried in the KCC Highways' email. The email talks of the "heavy car dependency" of residents in any housing in this location and says this was one of its concerns, even at the time of the original application asking for only 24 houses. The email states that BHS's plans (and therefore AL/BE 3&4) are contrary to the NPPF and to KCC's own policy objectives, and points out that the hospital has not co-operated over the idea of a minibus to provide transport from the site to Benenden. The letter calls for: traffic counts along the GGR; a wider crash analysis; and expresses concern over the proposed access points to the SE Quadrant - 2 on Green Lane and 2 on GGR. Lastly, on trip generation, the TPA projects that 47 houses at the site will produce only 106 trips a day, though the consultants admit that they have difficulty in basing their estimate on comparable sites because there are none. These trip generation figures ignore existing traffic from local residents, from patients, from hospital staff and from the newly (January 2021) proposed housing estate at Cleveland. The AL/BE 3&4 fails to provide a traffic count, fails to ask for a road safety review and fails to acknowledge frequent traffic accidents near the sites.
- Pre-submission supporting documents also produce inaccurate and sometimes irrelevant evidence. The hospital sites are within the setting of an AONB and even overlap into it, yet *Inset Map 18* (Benenden Hospital), unlike other maps attached, makes no reference to the AONB boundary. The BNP claims that the hospital is outside the AONB and on this basis, since the rest of the village is wholly within the AONB, largely justifies placing most of Benenden's housing in the East End. This is misleading, since the AONB boundary wraps tightly round AL/BE3, which actually overlaps into the AONB in the southwest corner. In any event both sites affect land in the AONB. The relationship of the AONB boundary to the hospital sites is important yet it is ignored on the map. This looks like prejudice.
- Hankinson Duckett Associates's *AONB Setting Analysis Report* (a supporting document for the PSLP, referred to as an evidence base) is, in its analysis of AL/BE3&4, unsound. The analysis argues that development at these sites will enhance the setting of the AONB. It illustrates the argument with photos of the hospital chapel and its carpark. Neither the chapel nor car park are in the area up for development.

3. Policies AL/BE3&4 are not consistent with the PSLP's Vision objectives nor with its strategies, nor with KCC's policies, nor with the NPPF.

- The PSLP's Vision Objective 1 is : "to improve access to suitable, especially affordable housing, including for local young people and older households." But this is inconsistent with allocations AL/BE 3 &4. BHS is asking in its comments on the LP first draft, for a lower number of affordable homes because of the high cost of brownfield development. Living isolated in the countryside, families will need at least two cars. Old and young will be unable to walk to schools, shops or any other amenities. This is not a suitable site for a borough which (see para 2.16) expects the population over the age of 65 + to increase by around 40% between 2020 and 2038. The PSLP's Vision Objective 2 is to ensure sustainable development which allocations at AL/BE 3&4 do not

achieve. On the contrary, the KCC warns that even with the existing permission for 24 houses on AL/BE3, the highway authority had concerns. This is an isolated location, deep in the countryside (see KCC Highways email 13 Nov 2019). More than 24 houses in this location is not sustainable.

- . **Policy PSTR/BE1**, LBD 5.416 states “the LBD around Benenden village sets the extent of existing and planned development ..” This conflicts with the recommendation that major development be instated three miles beyond the LBD, on the border with Biddenden.
- . **Policy STR 2** “The Council requires the use of masterplanning, including the use of design codes and sustainable design standards where appropriate, for strategic and larger-scale developments..” This is undermined by AL/BE 3&4 which calls for a masterplan for an area not included in the PSLP and not presented. Para 1a of Policy AL/BE3 states that there is a need to “show indicatively how the other areas included within Policies AL/BE3 and AL/BE 4 can be developed to meet the overall policy requirements as set out within each of these policies, and *how the future needs for Benenden Hospital will be met on areas to the north west and south west that currently comprise the hospital buildings and associated ancillary uses and is previously developed land.*” It is not sound to proceed with an LP where the land to be developed is not clearly indicated from the start.
- . **A masterplan is essential to avoid current inconsistencies on the size of areas to be developed:** AL/BE3 excludes one of the 2 Local Wildlife Sites (LWS) at the site, yet the BNP includes both. Para 5.458 states “Both this policy and BNP draft Policy SSP3 broadly follow the same approach towards the potential for developing this site for a residential development..” They do not. The PSLP states that in the event of a successful referendum, the BNP’s proposals will prevail. If this is so, are we supposed to assume that AL/BE3 map is inaccurate?
- . A similar problem arises at the northern site (AL/BE4) here there are currently 18 dwellings. The proposal allows for these to be demolished and another 25 dwellings added to the site. The size of the area to be developed varies between the LP and the BNP. The LP includes the LWS in the area to be developed but the BNP includes only a small section, but says in the event of a successful referendum the BNP plan will be over-ruled by the LP plan (see the BPC response April 2021 to the Independent Examiner’s queries). This is the reverse of 5.421 & 2. It is unsound to proceed with a plan when the NP and the LP are at odds with each other.
- . **The PSLP claims building will only be within existing footprints**, an approach which is at odds with that of the BHS. Plans for 47 new houses in AL/BE3, presented to the village on 17th February 2020 by the hospital architects, show the buildings are not to be built within the footprint of previous buildings nor to respect LWS.
- . **Policy STR 3** calls for the use of brownfield sites “within settlements” and in “sustainable locations.” AL/BE 3 consists of disused medical buildings and 2 LWS with parkland and veteran trees (depending on whether this second LWS is included or not). 5.448 is therefore incorrect. The site should be described not as brownfield but as partly brownfield. It is not on the Brownfield Register. Because of its remote location and its valuable LWS sites, it is not free from constraints which could be mitigated. As such, Policy AL/BE3 does not meet the criteria needed under the NPPF, Section 11, para 117 for development in “a way that makes as much use as possible of previously-developed or ‘brownfield’ land.” AL/BE 4 contains in-use residential housing and an LWS and therefore is not entirely brownfield.
- . **Policy STR 5** states that “New residential ... development will be supported if sufficient infrastructure capacity is either available or can be provided in time to serve the development.” Will this happen at AL/BE3&4? Developers themselves are to provide the infrastructure at AL/BE 3&4. The LP proposes to take on trust suggestions that the BHS will avoid building on the LWS and will provide play-grounds, sports facilities and tennis courts. We know from submissions following the first draft LP, that BHS is actually planning to remove one LWS entirely and that its plans include building on the LWS and beyond the foot print of previous buildings. BHS suggests, in its response to the first draft LP (DLP_4956) that it is unlikely to provide play-grounds, sports facilities and tennis courts. The PSLP’s approach does not take comments to the first draft LP into account.
- . **Policy STR 6** proposes to “Deliver future development in accessible locations, normally within or in close proximity to existing towns and villages across the borough.” In the case of the two isolated hospital sites, the PSLP contradicts its own strategic policy and fails to offer choices in transport or to prioritise active travel and public transport. The Benenden hospital sites have no daily bus service and no active travel link to the village, and neither the PSLP nor the BHS provide credible information on how these links are to be provided. The KCC email of Nov 13 suggests

that the hospital is uncooperative on the proposal to organise a minibus service and the SHELAA says of AL/BE3 that it is “Remote from a settlement centre,” (unlike sites 158, 222 and LS8); that residents will rely heavily on private cars and thus air quality and travel objectives score negatively; and that, “although promoted by the policy, shared transport and active travel options are unlikely to take precedence over private vehicle use thus air quality and climate change score negatively.” This is crucial. For all the talk of mitigating the remoteness of the hospital sites with a minibus link and cycle routes, nobody actually believes that any of these measures will succeed. As for the proposal to create links suitable for electric personal vehicles, such as mobility scooters (as suggested under STR 6), it is difficult to see, when the closest link with the village is a single-track lane (Walkhurst Road), how any personal electric vehicle could make that journey. The PSLP is creating, through its policies AL/BE3&4, a car dependent community. This thereby negates the sense of the LP’s supporting document, *Transport Strategy Review Sept 2019* which urges reducing the need to travel.

- AL/BE3&4 also undermine TWBC’s Full Council motion of July 2019 to reduce CO2 emissions. “The dominance of the car as a mode of transport can lead to congestion, more road accidents, air and noise pollution. In addition it contributes to climate change, reduces social cohesion and leads to less healthy lifestyles” (para 44 *Transport Review*). According to TW’s own SA from 2006, if social cohesion, reduction in air pollutants, and public health were indeed the borough’s priorities, site 158 would have been among those chosen for Benenden, as originally intended.
- PSLP paras 5.453 and 5.467** state that “residents of development in this location will rely heavily on private cars.” These plans runs counter to STR6 policy on the environment see paras 6.8, 6.9, 6.10, 6.11 and 6.13. It also contravenes KCC policies on climate change and the NPPF (see KCC’s Nov 13, 2019 letter on this subject).
- Para 5.414** “The parish provides two relatively large sources of employment: at Benenden Hospital and at Benenden School.” The inference is that the employment opportunities are linked somehow to the population of Benenden. There is in fact little connection. The 300 plus staff at the hospital drive into the parish along GGR to work and, since the hospital is isolated from the village, their contribution to the local economy is negligible.
- Policy STR 6** The LP proposes to “**Deliver future development in accessible locations, normally within or in close proximity to existing towns and villages across the borough.**” In the case of the two isolated hospital sites, the LP contradicts its own strategic policy and fails to offer choices in transport or to prioritise active travel and public transport.
- Cycle routes:** The PSLP’s standards on the public benefits of cycling and walking are based on the *Cycle Strategy Supporting Document*, but these standards are undermined by site allocation in Benenden. The Cycle document states that: “When more people cycle or walk the health of the population improves and our roads become safer and less congested.” Its objectives 4 and 5 are to improve safety for cyclists and air quality for all, but AL/BE 3 & 4 will create a community, deep in the countryside, entirely dependent on the car and will contribute to poorer air quality for all. The allocation of these sites, as opposed to sites such as 158, is difficult to understand.
- The *Cycle Strategy* states that fear of traffic is possibly the main factor discouraging people from cycling. National Cycle Route 18 runs from the Rolvenden Road, down Stepneyford Lane, to Green Lane, before joining the Benenden Road near the hospital, turning right and leading to Castleton’s Oak Cross roads and Gribblebridge Lane. This route is a largely on-road ride travelling through the High Weald, using narrow, picturesque country lanes as much as possible. Green Lane/Stepneyford Lane is mentioned in TWBC’s *Rural Lanes: Supplementary Planning Guidance*. It is particularly high scoring in terms of its landscape, its recreational value, its natural beauty and its history. For these reasons, it is part of National Route 18. Rather than encouraging cycling, AL/BE3, which proposes two exits for this major development on GGR and two on Green Lane (where a second housing estate, at Cleveland Farm is already leading to Kent Highways calling for road widening and the elimination of grass verges - see building application 20/03267/FULL) will cause an increase in those factors, identified in *TW Cycle Strategy*, as discouraging cyclists, namely, traffic and the loss of unspoilt country lanes. Policy AL/BE3 also contravenes Kent Structure Plan Policy ENV13: “Rural lanes which are of landscape, amenity, nature conservation, historic or archaeological importance will be protected from changes which would damage their character, and enhanced.” In any event, the cycle route is purely recreational and will not enhance the sustainability of these sites.
- Policy STR 7** proposes, in dealing with TWBC’s 2019 legally binding commitment to manage climate change, that all development in the borough will support the Council’s target to achieve net zero emissions by 2030. It is unsound, with such a goal, to propose a major development on

the parish periphery, 3 miles equidistant from two villages where there is no shop (in spite of the PLSP's statement AL/BE 3&4) and no café (BHS says its café was built for its own use not for the use of the public - see comments on the first draft of the LP). Residents will need their cars for almost everything.

- . **Policy STR1** promotes the effective use of previously developed land, having due regard to relevant Plan policies, but in promoting AL/BE3&4, the PSLP disregards STR6 (environmental goals) & STR7 (transport goals). Under the NPPF, sustainability is the priority, as the PSLP acknowledges in STR3, 4.65 "A presumption of sustainability lies at the heart of the NPPF", but in allocating AL/BE 3&4, the PSLP fails to respect its own and the NPPF's strategic priorities.
- . **Policy STR 8** states that development should contribute to and enhance rural landscapes with particular regard to the High Weald (HW) AONB. The PSLP promotes nature conservation. Its biodiversity objective is to achieve net gains and, where possible, secure long-term management of sites for biodiversity. AL/BE3 runs counter to this strategy since the BHS has produced plans showing houses built over the LWS. It has, furthermore, produced a document requiring that one of the two LWS be dug up and removed to another unspecified location, thereby nullifying the terms of the existing Landscape and Ecology Management Plan (LEMP) for that site. Para 3.21 of the BHS submission on the first draft LP states: *"The Society supports the requirement for long-term management of the core areas of LWS associated with the hospital land. This includes all but the modest area within the SEQ adjoining Peak Lodge which is too constraining on the South East Quadrant redevelopment proposals. Accordingly, the soils in the area will be translocated to a nearby receptor site to try to ensure that the rare fungi can continue to thrive in this local area."* This is a particularly significant site for biodiversity. A letter from Keith Nicholson, former Planning and Conservation officer for the Kent Wildlife Trust, dated 4 March 2013, to TWBC Development Control Officer, Ellen Gilbert states that the hospital LWS are of national importance, mainly for the large number of different varieties of waxcaps. He states that they could well have been designated SSSI. Both in terms of waxcaps and in terms of valuable acid grassland, the hospital sites have high environmental value, see Comment DLP_3458 on the first draft of the LP, from the High Weald AONB Unit. The Benenden Hospital site *"includes rare and vulnerable acid grassland which should form a core area for unimproved grassland as part of a High Weald nature recovery network."* AL/BE3&4 threaten the biodiversity of significant species in the LWS at the hospital sites, contrary to EN1.
- . The LWS to the south of AL/BE3 is included in the BNP and BPC argues that this has been done in order to protect it (see their response to the Independent Examiner April 2021). It is difficult to follow this logic. The inclusion of the site in the area to be developed suggests that it too could be under threat. There is no plan showing the placement of houses on AL/BE 4, which is currently home to a large LWS and is the site of 18 habitable dwellings, almost all of the them currently in use and let. The proposal allows for these to be demolished and another 25 dwellings added to the site. The PSLP includes the LWS in the area to be developed and the BNP excludes most of it. Benenden Parish Council (BPC), in its April 2021 response to the Independent Examiner, has said that, in the case of a successful referendum, the PSLP's plan (which includes the LWS), will prevail. In other words, of the 3 LWS in AL/BE 3&4, one is slated for removal, one will be built over if the PSLP prevails and one may be built over if the BNP prevails. This undermines STR8.
- . The PSLP claims that the hospital development "has the potential to improve the setting of the HW AONB through the delivery of a more sensitive redevelopment of existing buildings" (para 5.454), but the claim is not supported by evidence produced by *Hankinson & Duckett* (see above) while the HW AONB unit's own view is the opposite. See TW first Draft LP, **DLP_3458 High Weald AONB Unit** (which objects to the Plan) : *"...In our view the development at Benenden Hospital will have a significant effect on the setting of the AONB and the purposes of its designation, and this issue has not been properly considered by the Plan."*
- . The NPPF section 2 para 11 states: *"Plans and decisions should apply a presumption in favour of sustainable development... (b) strategic policies should provide for objectively assessed needs for housing ...that cannot be met within neighbouring areas unless ... (i) the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area."* And see Footnote 6: the policies referred to are those in the Framework ... relating to habitat sites (and those sites listed in para 176) and /or designated as SSSI, AONBs
- . NPPF para 177 states: *"The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in*

combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site."

PSLP EN1 para 5. Biodiversity and geodiversity.

AL/BE 3&4 run counter to this policy as stated above in relation to the LWS.

The Environment

STR8 sets high environmental standards but these are undermined in the site allocations. This is particularly startling in the light of the July 2019 Full Council motion to recognise the climate and biodiversity emergency, in fact, the Benenden allocations put into question whether the motion was passed in good faith.

EN1 para 5 (Biodiversity and geodiversity) says that proposals should maximise opportunities to increase biodiversity. This goal may make sense in an urban setting, but development in the countryside, as is proposed in AL/BE 3 & 4, cannot hope to ever mitigate biodiversity loss. The destruction of trees and wild spaces, the introduction of lighting, kerbs, driveways, wider roads and narrower verges, the use of concrete, tarmac, bricks and mortar in a deeply rural setting cannot "increase biodiversity".

EN1 provides for Long-term Management plans which would be satisfactory within an urban context. In a rural location like the East End, such plans are no substitute for natural wild spaces. A 'managed' green space set among streets is less likely to promote biodiversity and less likely to conserve wildlife than 'unmanaged' green space. Further, the three LWS in AL/BE3 & 4 are all already part of an existing LEMP agreement, and since one or all would be removed in the case of development as outlined by BHS under AL/BE3&4, instead of creating a long-term management plan, AL/BE3 & 4 would all but terminate an existing one. The sentiments expressed in EN1 are mocked by AL/BE3 & 4.

4. Site policies

AL/BE3 excludes one of the 2 LWS at the site, and the BNP includes both, yet para 5.458 states "Both this policy and BNP draft Policy SSP3 broadly follow the same approach towards the potential for developing this site for a residential development.." This does not appear to be the case. Further, the SHELAA treats this site twice, once including the southern LWS (and excluding Windmill Cottage) and once excluding the LWS and including Windmill Cottage (SHELAA pages 1-3 and pages 18-19). In the second instance, the suggestion is for 67-73 houses, presumably building over the LWS. The first plan is the one adopted in the PSLP and appears to be the more accurate of the two in that it describes the site as "mostly PDL". The second ignores all greenfield aspects and is almost identical to the plan in the BNP, a plan which BNP claims will prevail if it wins a referendum. Is AL/BE3 presenting us with the wrong plan?

AL/BE3 and AL/BE4 provide for a phased timetable for development of the two sites at different time intervals without calling for a comprehensive masterplan for the hospital site as a whole i.e. for the entire built up area. This is inconsistent with STR2, which requires a masterplan for large developments. The full extent of the area to be developed must be clear. See para 1a of Policy AL/BE3 which states that there is a need to "show indicatively how the other areas included within Policies AL/BE3 and AL/BE 4 can be developed to meet the overall policy requirements as set out within each of these policies, and *how the future needs for Benenden Hospital will be met on areas to the north west and south west that currently comprise the hospital buildings and associated ancillary uses and is previously developed land.*" It is not sound to proceed with an LP where the land to be developed is not indicated from the start.

AL/BE3&4 both call for an active travel link between the site and Benenden village. This proposal has been costed (see BPC's April 2021 reply to the Independent Examiner) at between £180,000 and £220,000 for a 3m wide tarmacked surface, plus costs to upgrade it to a bridleway, plus the costs associated with obtaining landowners' consent or, failing that, of starting compulsory purchase proceedings which TWBC expresses reluctance to undertake because of the significant compensation costs and legal costs which would be involved. No steps have been taken either by the BNP or TWBC to ascertain the willingness of landowners to give up their land although the major landowner involved wrote to BNP on 11th Sept. 2019 objecting to the plan. It is understood that he was not contacted for subsequent discussion.

AL/BE3&4 calls for the repurposing of the existing tennis courts for the use of local residents, which BHS denies it will offer for public use; for the public use of the hospital's café; for the creation of a hospital shop (5.413); for a minibus service linking the hospital to the village ("The Society is not a transport provider" is BHS' response); for green space, a playground and provision of a community

hall - most of these policies are refuted in Savills' comments on behalf of BHS, in the first draft of the LP, DLP_ 4956 paras 3.14, 3.18, 3.19, 3.20, 3.46 and 3.47. Rather than agreeing to such policies, the hospital is calling on TWBC to introduce a more flexible funding system to allow a *reduction* of developer costs. BHS argues these will be high because they wish to demolish existing buildings. It is unsound to propose policies which cannot be implemented. Once the sites are sold, no relevant conditions to this effect could be imposed.

5. The PSLP is unsound because of inconsistencies in the treatment of different sites.

(i) **Uphill, AL/BE1** is described as having archaeological potential (para 5.428) requiring possible mitigation measures. This is not because of historical finds on the site, but because they *might* be found. A listed manor house lies on the other side of New Pond Road and, according to AL/BE1, "the site lies within, or very close to the relevant impact risk zone for Parsonage Wood", a SSSI which is, in fact, several miles away. The archaeological significance of AL/BE 3&4 is far more certain and substantial. The hospital sites are where a bronze age palstaff was found (see the National Monument Register - SMR Number /Hob UID)) and the sites lie close to two ancient routeways. A Roman Road runs west-east (on BHS farmland) a few yards to the south of AL/BE3 and a medieval drove road (GGR), runs west-east between the two sites. Further, two Grade II Listed Buildings are sited here, also on BHS land. The Lister building stands a few yards to the west of AL/BE3 and Cleveland Farm house (the farmyard of which BHS is trying to develop separately and simultaneously as if a minor planning project) lies a few yards to the south. Instead of mentioning these facts, AL/BE3&4 reads (5.456 and 5.468) "Kent County Council states that the site includes significant archaeology, which could be dealt with through suitable conditions on a planning approval." The imbalance in the treatment of the two sites is substantial and suggests confirmatory bias or prejudice.

(ii) The SHELAA assessment of site 158 suggests a potential yield of 50-65 houses, but then concludes that only the Uphill part of the site is suitable (20 houses). It states that "the remainder of the site is sensitive in landscaping terms and there is concern regarding scale and impact on the character of the landscape and settlement pattern". This is contrary to the views of TW's 2006 SA; to the TW 2018 document proposing 174 houses; and to the first draft of the LP. The dismissal of 158 as a suitable site is not supported by the evidence and suggests prejudice.

(iii) Site 222, west of the cross roads, was also considered in 2006, as a possible site for the new village school, though it was not one of the top two sites put to a referendum. The SHELAA suggests 222 has a potential for 76 houses. The site is considered unsuitable partly because the new LBD, if adopted, will exclude all houses west of the cross roads, when the village actually extends a considerable length along this road to the west. There is no mention of the fact that the owners of this site are offering the pond at the south west corner of the crossroads as village green space. The dismissal of 222 is not supported by the evidence and suggests prejudice.

(iv) The SHELAA suggests a capacity of 26 houses at Site LS8 in Iden Green, stating that it lies adjacent to the recreation ground and a children's nursery and that there is a pavement on both sides of Iden Green's main road. It fails to mention that the easternmost side of this pavement connects the village to the village primary school. The SHELAA dismisses the site as unsuitable saying that it is located in a remote location relative to services, facilities and public transport, but this site is far less remote than sites AL/BE 3&4. The dismissal of site LS8 is not supported by the evidence and suggests prejudice.

(v) The proposed new LBD has been constructed so as to include the new site at Uphill and to exclude 222, when in fact, the actual built development extends westwards from the crossroads and includes site 222. The LBD is ignored in respect of AL/BE3&4. Manipulation of the LBD to suit allocated sites is inappropriate.

As a general comment, I have found the process unnecessarily difficult to navigate. In fact, from the point of view of the ordinary lay-man, I would term the process 'hostile'. The interactive on-line site was unmanageable. Question 4a is very badly worded. The PSLP's prose entirely suited the opacity of the procedure. Here is one example from the SA (page 163) "However, the education objective does not deteriorate when considering cumulative effects as the schools in Tenterden will be a viable option for residents in East End and thus are likely to take the pressure off Benenden Primary School." What does that mean?

Question 6

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Question 5 above. (Please note that non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

The modifications needed are included in the submissions set out above. In summary, development on site AL/BE 3 should be limited to the existing, so far unused, planning permission for 24 houses, preferably by adapting the Garland Wing, which is a building of historic value, either to a wellness centre, in accordance with its original intention, or to a row of up to 10 terraced houses. Site AL/BE 4 already has 18 semi-detached houses on it, and cannot support any more. It should therefore be excluded. Housing should be allocated to sites (such as 158 and 222 in the village centre or LS8 in Iden Green) which lie on bus routes or are within walking distance of the village centre and school.

Paragraphs 5.421 and 5.422 should be omitted.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)? . Yes, I wish to participate in hearing session(s)

Question 7a

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

In order to put over my case, and to answer those with vested interests who may seek to put forward arguments against it.

Question 8

If you have any separate comments you wish to make on the accompanying Sustainability Appraisal, please make them here.

1. The Sustainability Appraisal (SA) is misleading. Table 58 on page 163 states that all Benenden sites "lack services, facilities and travel options". This belies the fact that AL/BE2 (Feoffee almshouses) is close to the Street as is AL/BE1 (Uphill). Both sites are within walking distance of the bus stop for daily bus services, the post office, village shop, the primary school, the village green, the butchers, pub, community hall, church, recreation ground and children's playground. AL/BE 3 & 4 are three miles north east of the village with no daily bus service and no amenities whatsoever.
2. The commentary on Table 58, (page 163 of the SA), states that East End sites score badly on Climate Change and Travel, yet these are the sites promoted for most houses.
3. The SA argues on page 163 that East End residents will send their children to schools in Tenterden

instead of to the village primary school, and that this will lessen the otherwise seriously negative effects of the two hospital sites. This is pure conjecture and possibly wishful thinking. The school has a good reputation and currently between 70 and 75% of children there come from outside the parish. East End children will have precedence over these, since intake depends on the distance of a child's residence from the school. Pressure on Benenden Primary School will increase, not decrease. Further, the use of a car, whether it drives to Tenterden (5-6 miles) or to Benenden (3 miles), pollutes and deprives residents of the health-giving pleasure of walking to school. The AL/BE 3&4 are contrary to STR2, to the NPPF and to KCC policy on climate change.

4. Appendix L (pp331-2) shows Scores for Reasonable Sites in Benenden. Here we see scores for 158 and 222, two sites close to the village centre. Of 158, we read "A site that scores several neutrals with some positives, let down by its land use and landscape score impacted by a loss of a greenfield site in the AONB and lack of services and facilities including public transport at the settlement." This SA report compares poorly with the SA which TWBC carried out on site 158 in 2006. 158 is parallel to and just north of the Street with its exit onto New Pond Road. In 2006 site 158 was chosen in a village referendum as the site for a new C of E primary school. It was the preferred site out of a choice of two, both of which were greenfield. TWBC's 2006 SA on 158 decided (see page 18 of the Sustainability Appraisal Benenden Church of England Primary School Land Allocation DPD - Issues and Options report), that 158 was one of two top sites. "Situated adjacent to an area of ancient woodland, the site provides the potential for habitat linkages and wildlife corridors. The site is not adjacent to the CA [Conservation Area] and does not form a significant role in its setting. There are no Listed Buildings on or adjacent to the site. The site is consistent with the surrounding landscape character. There are limited views into the site and no public rights of way over the site." On page 38, we read, "This site is anticipated to have a major beneficial effect on improving educational standards and travel choice/traffic levels". In spite of the referendum result, the school was eventually built at the less preferred site and, since then, TWBC had been in consultation with 158's owners to build houses there.

5. In April 2018, BNP Steering Committee Deputy Chair, a borough councillor, showed the committee a piece of paper from TWBC saying that TWBC wishes to build 174 houses on site 158. He committed himself to seeing these numbers reduced and the numbers at the East End raised. After a meeting between representatives from the BNP group and TW planners on June 19th, 2018, the minutes reported that "At times the workshop was emotive ..." Following that meeting TW planners put site 158 on temporary hold, limiting development there to a future Local Plan by asking, in the first draft of the LP on page 270, that the Uphill site on New Pond Road, adjacent to 158 and allocated at that time as AL/BE3, should, under Clause 8, provide for vehicular access through Uphill to the site behind (158) "which may be allocated for development as part of a future Local Plan." In the PSLP, this wording for Clause 8 has disappeared. Where is the evidence-base for such wording to be included in the first draft and excluded in the second? Why is the site considered suitable in 2006, in 2018, and in the first draft, but not suitable in the PSLP?

6. Site 222, like 158 is described in Appendix L of the PSLP's SA as suffering from "a lack of services and facilities including public transport at the settlement." This is inaccurate. There is a daily bus service along Benenden Street and site 222 is within easy walking distance of the bus stop, shops, pub, community hall, primary school and all other amenities.

7. Site LS8, in the heart of Iden Green is, along with site 158 and 222, a site which on-the-ground evidence suggests is eminently suitable for development, but which the SA fails to allocate. Appendix L of the SA gives LS8 virtually the same scores as Uphill (LS16 of AL/BE1) yet the latter is included for development and the former is not. The commentary states of LS8 "A number of scores are negative however, reflecting the remote location of the site from services and facilities and public transport. It scores negatively in heritage terms as the site is a relatively sizeable piece of the Iden Green Conservation Area." This site is far less remote than sites AL/BE 3 & 4. It is one mile from the village and connected to it by a paved footpath running past a Roadside Conservation Area and then (still paved) through a field to the church and primary school. It is on a bus route and the bus stop is next to LS8. Iden Green has a community hall, tennis courts, a children's playground and pub/restaurant. The SA information is unreliable and the PSLP's use of it for site allocation is unwise.

8. In so far as Benenden is concerned, the sites were allocated before any sustainability appraisal was commissioned. It is not therefore a relevant factor in the allocation of sites for housing.

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:

Yes, I wish to be notified of future stages of the Local Plan

Comment

Consultee	Mrs Gillian Latter ([REDACTED])
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] Biddenden TN27 [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Mrs Gillian Latter ([REDACTED])
Comment ID	PSLP_2115
Response Date	04/06/21 08:53
Consultation Point	Policy PSTR/BE 1 The Strategy for Benenden parish (View)
Status	Processed
Submission Type	Email
Version	0.4
Data inputter to enter their initials here	AT
Question 1	
Respondent's Name and/or Organisation	Gillian Latter
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy PSTR/BE 1 The Strategy for Benenden parish

[TWBC: this representation has been input against Policies PSTR/BE 1, AL/BE 3 and AL/BE 3 – see Comment Numbers PSLP_2115, PSLP_2125 and PSLP_2126]

Question 4

Do you consider that the Local Plan:

Is legally compliant	No
Is sound	No
Complies with the Duty to Cooperate	No

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

- . It is not positively prepared
- . It is not effective
- . It is not justified
- . It is not consistent with national policy

Question 5

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

This representation relates to the Pre-submission Local Plan(PSLP) and its handling of the parish of Benenden

1. The plan is unsound because of inadequacies in the consultation process.

(i) Poor consultation between TWBC and other Borough Councils

A Statement of Common Ground (SoCG) between Maidstone and Tunbridge Wells Borough Councils (TWBC) is published, but nothing is apparently published in relation to Ashford Borough Council or Tonbridge and Malling Borough Council.

(ii) Poor consultation between TWBC, the parish of Benenden and the Benenden Healthcare Society (BHS), the single landowner of those sites in the East End of Benenden where most of Benenden's houses are allocated.

(iii) There is no Statement of Common Ground between TWBC and the Benenden Neighbourhood Plan (BNP) although a SoCG was listed as a supporting document to the BNP Reg 14. This is significant *because the two plans show different areas for development at the East End and both plans differ from the view of BHS.* BHS's position is presented to the public through its comments on the first draft of the Local Plan (TWFDLP Comments) (see web link)

- . Looking at the issue in terms of its hectarage:
 - . according to the PSLP the northern site (AL/BE4) is 3.72 ha and the South East Quadrant (SEQ or AL/BE3) is 3.07 ha;
 - . according to the Benenden Neighbourhood Plan (BNP), the northern site (called LS41 in the BNP, see para 2.9.4.2.) is 1.9 ha and SEQ (called 424 plus LS40b, see para 2.9.3.2) is 4.24 ha.
 - . according to BHS, the northern site is 3.7 ha and the southern site is 4.2 ha (see TW First Draft Local Plan comments (TWFDLP comments), Savill for BHS: DLP_4956)

The hectarage varies largely according to whether Local Wildlife Sites (LWS) are included in the development area. There are four LWS at the hospital. One of these lies in the northern area (AL/BE4) and two lie in the southern area (AL/BE3). The fourth is in an area not up for development.

- . For AL/BE3, the PSLP excludes the second and the most southerly of its two Local Wildlife Sites (LWS), while the BNP *includes* both LWS. *Currently, Strutt and Parker are advertising to*

developers the larger, BNP version of the site for sale, together with Cleveland Farm. The PSLP states that in the event of the BNP passing a referendum, its own plans for Benenden will be superseded by the BNP (see para 5.421). Which means the plan presented in the PSLP for AL/BE3 is incorrect.

- . For AL/BE4, the PSLP *includes* all the LWS at the site, while the BNP includes only a small southerly section of it. The PSLP states that in the event of the BNP passing a referendum, its own plans for Benenden will be superseded by the BNP (see para 5.421). Which means the plan presented in the PSLP for AL/BE4 is incorrect.
- . For AL/BE4, Savills' comments on behalf of the BHS on the draft Local Plan (LP), propose 43 dwellings for the site which will include the LWS (see TWFDLP Comments, item DLP_4956 para 3.6), "Unlike the BNP, the TWLP is broader in the site area by providing a boundary encompassing the entire hospital site, yet aside from the discrepancy addressed previously in this representation the two allocations align in terms of proposed numbers. The Society intends to bring forward the development on the two sites identified through the BNP and *within the boundary identified in the TWLP*. The Society welcomes the consistent approach to unit numbers, and the allocation of both parcels of land through the draft BNP and the TWLP."

In terms of boundaries:

- . BHS understands (see DLP_4956, para 2.8 in TWFDLP Comments) "The North East Quadrant occupies the North East of the site, bordered to the North and East by Mockbeggar Lane, to the south by Goddards Green Lane / Benenden Road and the West by existing hospital buildings." *In other words, it includes the entire LWS in its area.*
- . To the south, BHS understands (see DLP_4956, para 2.9 in TWFDLP comments), "The South East Quadrant occupies the South East of the site, bordered to the north by Goddards Green Lane / Benenden Road, to the West by Green Lane and to the South and East by agricultural land and the High Weald AONB boundary." *In other words, it includes the whole of the more southerly of the two LWS at the site.*

This means that PSLP's AL/BE3 is inaccurate because the larger BNP plan will likely prevail, while the PSLP's AL/BE4 could be challenged by the BNP (if successful in a referendum) (see PSLP para 5.421) and substantially reduced in size. The PSLP's plans for the two hospital plans are therefore both potentially inaccurate.

A failure to coordinate and effectively consult has produced unsound documents.

(iv) Poor consultation with stakeholders, the local community and the neighbouring parish

(possibly even more affected by the plans than Benenden), have either not been consulted, or consulted after the fact or consulted but not engaged with.

- . **The Friends of the East End (FEE)** are more affected by the plans than most in the parish but they were not consulted over the development of the BNP on which the PSLP is based. The FEE are mainly residents of the East End which covers about one third of the parish and is a wholly rural location of 76 scattered households. Because it is isolated, it was chosen as the site for an isolation hospital. This now makes up a small enclave close to the border with the neighbouring parish of Biddenden.
 - . The BNP Steering Committee is the only one in the borough to have made its own site allocations and these allocations were published in an Informal Draft Plan (IDP) in February 2019, before consultations with the High Weald -AONB and before inviting AECOM to produce a Strategic Environmental Assessment (SEA). (N.B. Even when the HW-AONB were invited to assess sites they were NOT asked to assess the hospital sites).
 - . The FEE object strongly to the proposal to site almost all the new housing in the East End, but the BNP Steering Committee never asked to meet the FEE nor engaged with them (See EN1 para 9 requiring the effective engagement of the local community, neighbours of sites and others).
 - . The FEE submitted three petitions, two to the BNP and one in relation to the LP. A FEE submission with 127 signatures was submitted on April 4th 2019 in response the IDP (published on February 23, 2019), in which the allocations, later adopted by the PSLP were first set out. A second FEE submission with 164 signatures was submitted in October 2019 objecting to the TWFDLP, and in the same month, a third FEE submission with 167 signatures was submitted in relation to the Reg 16 draft BNP. Instead of acknowledging the strength of these views and the number of people who held them, the chair of the BNP Steering Group, who wrote a regular column in the Parish Magazine about the BNP process,

wrote in January 2020, that only “31 residents from the East End” had sent in “comments”. For the strength of today’s opposition to the BNP, see the FEE’s current online petition with over 450 signatures <https://www.change.org/EastEndFriends> .

Instead of being consulted, the FEE were ignored and belittled. They were informed on 11th March 2019 by the editor of the Parish Magazine (PM), husband of the Chair of the Parish Council, that “I’m of the view that much of the uncertainty has passed since the presentation of the plan to the village - to a highly favourable reception. At least we no longer have to give polite credence to *uninformed views* that fly in the face of TWBC policy and advocate direct and *pointless confrontation* with TWBC, thereby running the risk of having the entire BNDP thrown back in our faces. *The ensuing chaos hardly bears thinking about.* At least it seems the opinions now being afforded most weight are those of *people who have worked hard for two years to understand the issues* and come up with a coherent way forward.”

Consultation also failed in relation to the neighbouring **parish of Biddenden**. The Clerk of Biddenden Council has repeatedly responded to Benenden Parish Council in the course of the BNP consultation process, but received only acknowledgments. A Kent County Councillor and Ashford Borough Councillor wrote an article about BNP’s mismanagement of consultations with the parish of Biddenden in the Biddenden Parish Magazine, February 2021.

2. The plan is unsound because of the untimely publication of site allocations

Pre-Submission Local Plan, para 5.420 reads “The BNP was submitted to TWBC in October 2020 and was consulted on between 30 October and 11 December 2020.” But the allocations had already been made and published by the BNP in February 2019 in its so called “Informal Draft Plan”. The 2019 February allocations are virtually identical to the PSLP 2021 allocations. Para 5.420 states “The BNP proposes to include site allocation policies that follow the approach of the site allocation policies for Benenden in this Local Plan.” How can the BNP follow the PSLP’s approach when its sites were already allocated?

The LP is based on the BNP and BNP allocations were made before **consultations with stakeholders**. This is not consulting in a timely fashion. For example, the PSLP requires archaeological surveys of the hospital sites *after* the designation of the sites for development. Historic England (HE) asks for the surveys to be carried out *before* allocation (see TWFDLP Comments DLP_4556 - “we would expect the allocation of sites following on from this Strategy policy (STR1) to be subject to appropriately robust and detailed heritage impact assessment *prior to the allocations being adopted.*”

3. The plan is unsound because the evidence on which it is based is inaccurate or irrelevant as seen in Supporting Documents

AONB Setting Analysis report: Main Report and AONB Study Plans and Photographs Benenden Hospital/Hankinson Duckett Associates. November 2020.

See para 4.4.2, the description of the hospital site is for the *entire built up-hospital area*, minus the southerly LWS in the SEQ. It is therefore a *report on an area not submitted in the PSLP*. As a result, it draws its conclusions from areas not included in the PSLP. The conclusions are therefore unsound.

The report:

- is concerned with adding 66-72 additional dwellings in addition to the 18 already extant on the northern site and presumably in addition to the 24 for which planning permission has been granted. That is between 108 and 114 new houses. The PSLP is talking about planning 43 houses for the northern site and 49 for the south. A total of 92 new houses. The report muddies the waters, leaving no clarity.
- fails to note items of critical importance in any attempt to evaluate the landscape and historic importance of the site e.g.
- the east-west Roman Road running over Benenden Healthcare Society (BHS) land a few yards to the south of the site, and the medieval drove road (Goddards Green Road - GGR) which divides the northern site from the southern one;
- the National Monument Register which lists a Bronze Age palstaff (SMR Number/Hob UID) found at the hospital site, (though, oddly, the report does note Scheduled Monuments in the village);
- that the site is on an east-west ridge giving it a dominant position in relation to the AONB;

- that the SEQ development proposes two entrances on to Green Lane and two on to GGR, see Transport Planning Associates (tpa)- October 2019 Scoping note for BHS, 1907-038 under the section headed 'Access', para 4.4 "The consented vehicle access arrangements will be retained. Therefore, vehicle access to the Site will be taken from two access points along Goddards Green Road and two on Green Lane." (This and other documents were revealed to the FEE in May 2021 as a result of the BNP Independent Examiner's queries. In spite of the Examiner's request that all such material be published on-line, this document and the KCC Highways 13 Nov 2019 "Pre-App Response" have been not been published); and
- offers photos (B5&6) which are irrelevant to the site in question. These photos look south towards an area not up for development, and are taken from a point also not up for development.

These omissions undermine the report's conclusion.

- Inset Map 18 (Benenden Hospital)***, unlike other maps attached as supporting documents to the PSLP, Inset Map 18 makes no reference to the AONB boundary. This is a significant omission because both the PSLP and the BNP claim that the hospital is outside the AONB and on this basis, largely justify placing most of Benenden's housing in the East End. Because AL/BE3&4 lie on a high ridge to the north of the parish and because the AONB boundary wraps tightly round the site which bulges, like a balloon, into the AONB, development at the East End significantly affects the AONB. While TWBC acknowledges this by requesting the Hankinson Duckett Report, by publishing Inset Map 18, which omits the AONB boundary, TWBC loses a critical opportunity to show the true relevance of AL/BE 3&4 to the AONB. It could even be said that by leaving out the boundary, there is an implication that the hospital sites are genuinely 'outside' the protected area.
- Previous Stages, Draft Local Plan, Benenden Overview***, p263, provides a basis for the PSLP but contains inaccuracies.
 - There is no "pre-school/nursery" as stated in the Overview
 - There is no "Small shop at hospital" as stated in the Overview
 - The statement that there are tennis courts and a café at the site is misleading. In TWFDLP Comments, Savills requests (see DLP_4956 para 3.14) that "the requirement to incorporate the tennis courts and retain the sports pavilion is removed". As for the café, BHS states in its comments on the LP that the café is for hospital use only.

Question 6

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Question 5 above. (Please note that non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Many of the PSLP's problems are associated with failure in the duty to co-operate and can therefore not be remedied.

Many are due to poor evidence or poor interpretation of evidence. This too cannot be remedied.

In summary, development on site AL/BE3 should be limited to the existing, so far unused, planning permission for 24 houses, preferably by adapting the Garland Wing, which is a building of historic value, either to a wellness centre, in accordance with its original intention, or to a row of up to 10 terraced houses. Site AL/BE4 already has 18 semi-detached houses on it, and cannot support any more. It should therefore be excluded. Housing should be allocated to sites such as 158 and 222 in the village centre, or to LS8 in Iden Green. These sites all lie within walking distance of shops, other amenities and the primary school. Paragraphs 5.421 and 5.422 should be omitted.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)? . Yes, I wish to participate in hearing session(s)

Question 7a

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

In order to present my case and to answer those with vested interests who may seek to put forward arguments against it.

Question 8

If you have any separate comments you wish to make on the accompanying Sustainability Appraisal, please make them here.

Sustainability Appraisal

As far as the East End of Benenden is concerned, the plan is unsound because the Sustainability Appraisal, which is the heart of the planning process, provides evidence that is often incorrect, sometimes inadequate, but always untimely because the evidence on which site allocation should depend, follows, instead of precedes, site allocation. This was first published February 2019 in the BNP's Informal Draft Plan. The allocations then made are identical (save for a few additional houses) to those now made in the PSLP. Site allocation cannot be supported in retrospect.

An examination of SA Table 58 pp 161-163 Sites AL/BE 3&4 and Appendix L pp 331-332 shows faults in the SA's evidence base.

Climate Change: AL/BE3&4 are not scored for climate change, nor are sites 158 & 222, yet, inexplicably, climate change is scored for AL/BE1&2 (Uphill and Feoffee) and for LS8. Where is the explanation for the failure to assess all sites, especially when sites 158, 222, AL/BE1&2 are all close to each other? The issue is particularly concerning in that sites AL/BE3&4 are both 3 miles distant from the village and without any amenities. Residents at these sites will be heavily car dependent and this was of concern even when only 24 houses were proposed for the site. "You will see from KCC's comments on the hybrid application (12/03130) that in consideration of this earlier application for 24 dwellings, the highways authority raised concern that all residents will be very heavily car dependent, which is contrary to a number of policy objectives, including the NPPF." (see KCC Pre-App Response, 13 Nov 2019, revealed in response to the BNP's Independent Examiner's queries and still not in the public arena).

Biodiversity: AL/BE3 is considered to be less at risk in terms of biodiversity than AL/BE4 though AL/BE 3 has two Local Wildlife Sites (LWS) while AL/BE 4 has only one. Where is the evidence to support the idea that the one is less important for biodiversity than the other?

The SA's scoring is not supported by evidence in a letter from Keith Nicholson of the Kent Wildlife Trust, former Planning and Conservation officer for the Kent Wildlife Trust, dated 4 March 2013, to TWBC Development Control Officer, Ellen Gilbert in which he states, "The 2012 survey has demonstrated that Benenden hospital LWS is more valuable than previously believed. The applicant's consultant is now more firmly of the belief that the Site would fulfil the criteria for it to be considered a Site of Special Scientific Interest (paragraph 4.3.6.). The waxcap community is of national importance when judged against both the Reid classification (para 4.3.4.) and the JNCC Guidelines (para 4.3.5.)." Nor is it supported by the view of the HW-AONB as stated in TWFDLP Comments (see DLP_3458) that the hospital LWS "includes rare and vulnerable acid grassland which should form a core area for

unimproved grassland as part of a High Weald nature recovery network.” Neither the KWT nor the HW-AONB offer any indication that one or other of the LWS at the hospital is of less value than the rest. Further, we now know from

(see web link),

Regulation 18 Representation made by Benenden Healthcare Society, November 2019 that BHS intends to abolish one of the two LWS in AL/BE3, see para 3.21. that “The Society supports the requirement for long-term management of the core areas of the LWS associated with the hospital land. This includes all but the modest area within the SEQ adjoining Peek Lodge which is too constraining on the South East Quadrant redevelopment proposals. Accordingly, the soils in the area will be translocated to a nearby receptor site to try to ensure that the rare fungi can continue to thrive in this local area.”

In other words, far from supporting biodiversity, the BHS plan is to reduce it in AL/BE3 and the same is true of AL/BE3 see (in the same document) para 3.17. “In addition, as highlighted in paragraph 3.13 above, the Society do not intend to use the area in which the garage block is located as an extension to the Local Wildlife Site (LWS) or for additional sports provision. As such, the Society request that the requirement to specifically use the land occupied by the existing garage block and manage it in the long term for the benefit of the LWS and / or sports provision is removed from the policy requirement.” Given this, biodiversity scoring in Table 58 of sites AL/BE3&4 is substantially overrated. Biodiversity at both sites is under threat.

Business Growth: AL/BE3&4 are scored as if they were more favourable to business growth than AL/BE1&2 and sites 158 and 222, but all four of these last-mentioned sites are in the heart of the village where residents will have ready access to local businesses as well as to daily bus services and other services and facilities. Residents at the East End, on the other hand, will have no access to local businesses except by car.

Education: All sites in this SA are scored equally for education, except for site 158 which scores less well. This SA report compares poorly with the SA which TWBC carried out on site 158 in 2006. 158 is parallel to and just north of the Street with its exit onto New Pond Road. In 2006 site 158 was chosen in a village referendum as the site for a new C of E primary school. It was the preferred site out of a choice of two, both of which were greenfield. TWBC’s 2006 SA on 158 decided (see page 18 of the Sustainability Appraisal Benenden Church of England Primary School Land Allocation DPD - Issues and Options report), that 158 was one of two top sites. “Situated adjacent to an area of ancient woodland, the site provides the potential for habitat linkages and wildlife corridors. The site is not adjacent to the CA [Conservation Area] and does not form a significant role in its setting. There are no Listed Buildings on or adjacent to the site. The site is consistent with the surrounding landscape character. There are limited views into the site and no public rights of way over the site.” On page 38, we read, “This site is anticipated to have a major beneficial effect on improving educational standards and travel choice/traffic levels”. In spite of the referendum result, the school was eventually built at the less preferred site and, since then, TWBC had been in consultation with 158’s owners to build houses there. If, in 2006, the SA offered site 158 as one of two top sites in the village for building the new primary school where is the evidence that it’s appropriateness has somehow massively declined since then? Where is the evidence site 158 is less favourable to education than all the other sites mentioned, especially given that the hospital sites, so favoured for development, are three miles distant from the village school?

Table 58 states that “the education objective does not deteriorate when considering the cumulative effects as the schools in Tenterden will be a viable option for residents in East End.” Children from the East End will have priority over the between 70 and 75% of existing pupil at the school who come from outside the parish. On what basis is the assumption made that East End parents will prefer to drive their children 6 miles into Tenterden rather than drive to the primary school in their own village?

Heritage: AL/BE 3 scores slightly less well in terms of its heritage value than AL/BE4 without supporting evidence. How were heritage issues assessed when there is no apparent knowledge of the historic importance of the site, for example: the PSLP makes no mention of the Roman road a few yards south of AL/BE3; the medieval droveway (GGR), which runs through the site and along the ridge; and the Bronze Age palstaff found at the hospital site (National Monument Register - SMR Number/Hob UID). How can a site be scored or evaluated without at least some knowledge of the sites historic significance? This is available at <https://www.benendenvillage.org.uk/History/benweb2006.pdf> and advertised on the Benenden village website.

Services and Facilities: How can sites which are in the heart of the village such as 158 and 222, score the same as sites which are 3 miles distant and isolated in the country? The village has a daily bus service, continuous pavements on both sides of the street, several shops, including a post office, a general store, a butcher and a florist, as well as a pub/restaurant, village green, recreation ground, children's playground, church, memorial hall, village hall and a primary school. In spite of this sites 158 and 222, both as close to the centre as AL/BE1&2, are described as lacking services and facilities including public transport (Appendix L pp 331-332) while the sites chosen for most houses are 3 miles out of the village where there are no amenities whatsoever. LS8 is also described as being remote, but it is only one mile from the village and connected to it by a paved footpath. It is close to a bus stop, a playground, tennis courts and a community hall and it is within walking distance of a pub/restaurant. How can its Services and Facilities be offered the same score as AL/BE3&4? These assessments are not understandable except if the sites were chosen before the SA (as is the case) and the SA had to be manipulated to support those original choices.

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:

<input type="checkbox"/>	Yes, I wish to be notified of future stages of the Local Plan
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Comment

Consultee	Mrs Gillian Latter [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] Biddenden [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Mrs Gillian Latter [REDACTED]
Comment ID	PSLP_122
Response Date	07/05/21 09:42
Consultation Point	Policy AL/BE 3 Land at Benenden Hospital (south of Goddards Green Road), East End (View)
Status	Processed
Submission Type	Email
Version	0.4
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Mrs Gillian Latter
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Paragraphs 5.410 to 5.470

Policy PSTR/BE 1: The Strategy for Benenden parish

Inset Maps 17 & 18

[TWBC: this representation has been input against Policies PSTR/BE 1, AL/BE 3 and AL/BE 3 – see Comment Numbers PSLP_121, PSLP_122 and PSLP_123]

Question 4

Do you consider that the Local Plan:

Is legally compliant	No
Is sound	No
Complies with the Duty to Cooperate	No

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:	. It is not positively prepared
	. It is not effective
	. It is not justified
	. It is not consistent with national policy

Question 5

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

(a) in writing, or

(b) by way of electronic communications".

These options are not stated to be available on the website, except by using the Representation Form. The process of getting to download and complete this response form is unnecessarily convoluted, which has the effect, if not the intention, of making it difficult for the ordinary citizen without special IT skills. For example, we are asked to log in to an organisation to which this process has no doubt been outsourced, complete a separate form for each representation which we wish to make, and limit ourselves to specific areas of comment. This is unnecessarily laborious and does not meet the requirements of Regulation 3(2).

- 1 Paragraphs 5.421 and 5.422 state that in the event that the Benenden Neighbourhood Plan is adopted all the policies relating to Benenden AL/BE 1 to 4 will be omitted and the Neighbourhood Plan will be used instead. It is submitted that this is unlawful. Nowhere in the Act or in the Regulations is the Local Planning Authority given the power to delegate its statutory duty to another authority. Regulation 5 does not have this effect. Section 15 of the Planning and Compulsory Purchase Act 2004, as amended, requires the Local Planning Authority to prepare and maintain a local development scheme which must specify development plan documents. Section 19 (2) sets out the matters to which it must have regard. Nowhere is it given power to pass the duty over to a parish council. This is important because the *merits* of a Local Plan must undergo an independent examination (see Section 20) whereas the merits of a Neighbourhood Plan do not. They are subject to independent scrutiny to see whether they comply with the rules, thus a Neighbourhood Plan may be adopted without any consideration of its merits. This amounts to a breach of the rules of Natural Justice (*delegatus non potest delegare*).
- 2 Under the Town and Country Planning (Local Planning) (England) Regulations 2012 as amended, regulation 18 (3), the Local Planning Authority *must* take into account any representation made in response to a representation made under Regulation 18 (1). The Local Authority has been told in the clearest terms in my previous submission of 30 October 2019 and that of many others

at the same time, that there is no shop nor pre-school nursery at the East End. Yet paragraph 5.413 of the Plan perpetuates the myth that there is a shop in the hospital and nursery/pre-school facilities at the East End. This statement appears in the original versions of the Local Plan, to which its attention was drawn in many other earlier objections. There are no public amenities at the East End, there is an in-house café at the hospital, reserved for patients and staff, not open to the public. The Planning Authority should know this. This affects the sustainability of the proposals at AL/BE 3 and AL/BE 4.

- 3 Policy PSTR/BE1 item 3b and c requires that developers who acquire land in Benenden village will have to make contributions which will be used towards the provision of the expansion of Hawkhurst primary school (which does not serve Benenden since it has its own primary school) and library provision, adult learning and social care at a new Cranbrook Community Hub, which has nothing to do with Benenden. These items do not appear in the Benenden Neighbourhood Plan for obvious reasons. They cannot properly amount to proposals for Benenden.

4 **Soundness, consistency and correct evidence**

The Local Plan (LP) sets out a vision and strategies which are undermined by its allocations, particularly by its allocations to the East End of Benenden at the two hospital sites, AL/BE3 & 4, sites which are roughly 3 miles equidistant from both Benenden and Biddenden (but just in the parish of Benenden). The LP is not sound nor are its strategies consistent with its policies in relation to AL/BE 3 & 4.

1 **Vision**

Vision Objective 1: “to improve access to suitable, especially affordable housing, including for local young people and older households.”

- . Para 5.467 states of AL/BE3 “it is likely that residents of development in this location will rely heavily on private cars”. The same is said for AL/BE4.
- . The plan allocates affordable housing to an area with intrinsically higher living costs instead of to sites (such as 158 and 222 in the village centre or LS8 in Iden Green) which lie on bus routes or are within walking distance of the village centre
- . While the LP asks for 30% affordable housing, the Benenden Health Society (BHS) is asking, in its comments on the TWLP draft plan, to have this figure reduced
- . The sites will not be suitable for the elderly who will be unable to walk to shops or amenities, yet the LP states that the over 65s are an increasingly important part of the population. They are expected to increase, as a percentage of the total population, by 40% during the period of this plan.

The viability of the two sites depends almost entirely on the plan’s attempt to mitigate the problem of unsustainability. The mitigation proposals are unsound.

1 **Transport:**

- . The proposal is for public transport connections and active travel links, but the BHS in its response to the TW draft LP states (DLP_4956.3) that it not a transport provider and will not run a daily service into Benenden, nor a regular service to Tenterden. All it offers is some financial contribution towards such services. Who will bear financial and organisational responsibility for them? This proposal is based on conjecture and wishful thinking.
- . The LP does not map out any active travel links with the village because there are none. Establishing such links would require land purchase. Who will purchase the land and set up the links? The proposal is based on conjecture and wishful thinking. Even if such a link in the form of a cycle path is provided, it would only be used for leisure cycling, not for shopping or taking the children to school.

1 **Amenities:**

The SHELAA acknowledges that the hospital sites are unsustainable. It states they are “remote from a settlement centre”. The unsustainable nature of site AL/BE4 is demonstrated in Table 58 of the Sustainability Appraisal (page 163). AL/BE4 scores as being “very negative” to “negative” on the sustainability topic of Services and Facilities, and as being “negative” on the sustainability topic of Travel. The same is true of AL/BE3. Sites 158 in the village, and LS8 in Iden Green, on the other hand, have no very negative scores, appendix L page 331.

The amenity problem is to be partly overcome, according to the LP, by establishing public access to the hospital shop and to its café, but this mitigation measure is wholly unsound because:

- . There is no hospital shop at present

- . The BHS states in its response to the TW draft LP that its facilities, including the café, have been designed solely for hospital use so even if there were a shop, it would not be available to the public.
- . The land at AL/BE 3 is currently up for sale. Once it has been sold, the BHS could not be bound by any planning conditions, which run with the land.

1 Strategies

The LP's policies on AL/BE 3 & 4 undermine the following Strategic Policies

Policy STR1, which calls for a focus on new development within LBDs and for a limit to development in the countryside.

Sites AL/BE 3 & 4 are almost three miles outside the LBD and in the countryside, midway between the villages of Benenden and Biddenden.

Policy STR 2

"The Council requires the use of master planning, including the use of design codes and sustainable design standards where appropriate, for strategic and larger-scale developments.."

This is undermined since no master plan has been produced for sites AL/BE 3 & 4

Policy STR 3 Calls for the use of brownfield sites "within settlements" and in "sustainable locations."

AL/BE 3 & 4 are neither.

AL/BE 3 consists of disused medical buildings and 2 Local Wildlife Sites (LWS), one of them containing fine specimen trees and another an important collection of waxcap fungi. BHS plans for the site show houses built over the LWS and beyond the footprint of existing buildings.

There is no such plan for AL/BE 4 which is currently home to a large LWS and is the site of 18 habitable dwellings, almost all of the them currently in use and available to let. The proposal allows for these to be demolished and another 25 dwellings added to the site. The size of the area to be developed varies between the LP and the BNP, with the LP potentially including the LWS in the area to be developed. The BHS in its response to the LP has stated that its proposals for an additional 25 houses is based on the land allocated it in the LP, and not on the land allocated in the BNP. This implies that the BNP does not offer them sufficient hectarage. It is unsound to proceed with a plan when the developer's plans and the land that they are expecting to develop are not clearly stated, especially when an LWS is at stake. It is unsound to accept a proposal 'on trust'. The Benenden Neighbourhood Plan cannot be used as a substitute for AL/BE 3 or 4 when it is at variance with it.

Policy STR 5 states that "New residential ... development will be supported if sufficient infrastructure capacity is either available or can be provided in time to serve the development."

Developers themselves would have to provide the infrastructure at AL/BE 3&4, since no one else would. The LP proposes to take on trust suggestions that the BHS will avoid building on the LWS and will provide play-grounds, sports facilities and tennis courts. BHS suggests, in its response to the earlier draft LP (DLP_4956.3 3.14) that it may encroach on the LWS and it is unlikely to provide play-grounds, sports facilities and tennis courts. Since BHS has put part of the site up for sale, it is clear that, if it sells, it will no longer be bound by any planning conditions, and the purchaser will have no power to make use of facilities in the hospital itself. There is no provision in the published layout for any such facilities on site. The LP's approach is therefore unsound.

Policy STR 6

The LP proposes to "Deliver future development in accessible locations, normally within or in close proximity to existing towns and villages across the borough."

In the case of the two isolated hospital sites, the LP contradicts its own strategic policy and fails to offer choices in transport and to prioritise active travel and public transport. The Benenden hospital sites have no active travel link with the village, no existing daily bus route and neither the LP nor the BHS provide credible information on how these links are to be provided. As for the proposal to create links suitable for electrical personal vehicles, such as mobility scooters (as suggested under STR 6) it is difficult to see, when the only link with the village is a single-track lane, how it can be used by personal electric vehicles.

Policy STR 7

The LP proposes in dealing with TWBC's legally binding commitment to manage climate change, that all development in the borough will support the Council's target to achieve net zero emissions by 2030.

It is unsound with such a goal, to propose a major development on the parish periphery, 3 miles equidistant from two villages, where it is accepted that all journeys will be by motor car.

Policy STR 8

The LP states that development should contribute to and enhance ... rural landscapes with particular regard to the HW AONB and developers will have to demonstrate that they do this. The LP promotes nature conservation. Its biodiversity objective is to achieve net gains and where possible secure long-term managements of sites for biodiversity. The proposals for a suburban-style estate of 92 houses, plus a further 6 at Cleveland's Farm, if passed, produces the very opposite effect. No commercially viable scheme can produce net gains in a rural setting such as this. Sites AL/BE 3 and 4 are surrounded by the AONB, although this is not shown on the Inset map 18, in distinction to map 17, which does show it for the rest of the village. The sites are plainly land which affects the AONB, for the purposes of section 85(1) of the Countryside and Rights of Way Act 2000, which says: "In exercising or performing any functions in relation to, *or so as to affect*, land in an area of outstanding natural beauty, a relevant authority shall have regard to the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty." (my italics)

1 Irrelevant and misguided supporting document

Part of the LP's conclusions are based on supporting document *AONB Settings Study, Plans and Photos of Benenden Hospital*, by *Hankinson & Duckett*. This report is on the entire hospital site and not on sites AL/BE 3 & 4 on their own. Their conclusions that the north western car park might look better with houses on it may or may not be true, but since this area is not part of the site under consideration, the conclusion is irrelevant.

Its review of Green Lane to the south is relevant to AL/BE3 but the conclusions fail to impress. Green Lane is a rural lane which, according to TWBC's *Rural Lanes: Supplementary Planning Guidance*, scores very highly in terms of its landscape, recreational value, natural beauty and history. As such it is designated part of National Route 18, a 42-mile cycle ride between Ashford and Tunbridge Wells, running largely through unspoilt country lanes with wide grass verges and undisturbed rural scenery. AL/BE 3 proposes two major entrances onto this lane for a housing estate of up to 49 houses. Such a development would almost certainly entail a widening of the lane itself and the abolition of its grass verges which would be a contravention of Kent Structure Plan Policy ENV13: *Rural lanes which are of landscape, amenity, nature conservation, historic or archaeological importance will be protected from changes which would damage their character, and enhanced.*

1 Local Wildlife Sites (LWS)

There are 60 LWS in the entire borough and of these, 4 are situated in Benenden hospital grounds, with 3 in the grounds proposed for almost 100 new houses. One of these is in the northern site of AL/BE4 and two are in AL/BE3. A letter from Keith Nicholson, former Planning and Conservation officer for the Kent Wildlife Trust, dated 4 March 2013, to TWBC Development Control Officer, Ellen Gilbert states that the hospital LWS are of national importance, mainly for the large number of different varieties of waxcaps. He states that they could well have been designated SSSI.

The LP purports to protect the LWS but Para 3.21 of the BHS submission on the LP shows plans to remove one of the LWS.

"3.21. The Society supports the requirement for long-term management of the core areas of LWS associated with the hospital land. This includes all but the modest area within the SEQ adjoining Peek Lodge which is too constraining on the South East Quadrant redevelopment proposals. Accordingly, the soils in the area will be translocated to a nearby receptor site to try to ensure that the rare fungi can continue to thrive in this local area." This is ecologically illiterate. Moving a LWS by digging it up and putting the earth somewhere else is unlikely to protect the rare waxcap fungi which are of national importance. Indeed, the LP now speaks of the LWS in AL/BE3 in the singular, (para 5.451) as if one of the sites had already been removed.

High value environmental area

Comment DLP_3458 from the High Weald AONB Unit states that the Benenden Hospital site *"includes rare and vulnerable acid grassland which should form a core area for unimproved grassland as part of a High Weald nature recovery network."*

No respect for LWS

Although the LP claims building will only be within existing footprints, the developers, with whom the BNP Steering Committee is working closely, do not appear to reflect the same standards. Plans for 47 new houses in the SE Quadrant, presented to the village on 17th February 2020 by the hospital architects, show the buildings are not to be built within the footprint of previous buildings nor to respect LWS. The TW Local Plan has allocated sites originally allocated by the BNP (the only parish in the borough to allocate its own sites) and the hospital sites are the major target for all building in the parish.

Long-term Management plans

Long-term management plans of green spaces within housing estates are, unfortunately, no substitute for natural wild spaces of the kind you find in field hedgerows and shaws. A 'managed' and regularly mown green space set between tarmacked streets, lit housing estates and pavements is less likely to promote biodiversity and less likely to conserve wildlife than an 'unmanaged' green space of the kind you currently find along our country lanes. Net biodiversity gain from the construction of a housing estate in the countryside is a contradiction in terms.

1 The AONB

The LP claims that the hospital development "has the potential to improve the setting of the HW AONB through the delivery of a more sensitive redevelopment of existing buildings" (para 5.454) but the claim is not supported by the evidence (*Hankinson & Duckett*) and differs from the HW AONB unit's own assessment of the plans.

See the comment on TW Draft Plan **DLP_3458 High Weald AONB Unit**: "...In our view the development at Benenden Hospital will have a significant effect on the setting of the AONB and the purposes of its designation, and this issue has not been properly considered by the Plan."

1 Failure to hold consultations with stakeholders or to hold them in a timely fashion.

- . The BNP, on which the LP's allocations are based, allocated sites in its first draft in February 2019. These are the same sites that appear today in the LP.
- . These sites were allocated before writing to the SEA requesting a review of sites.
- . The BNP steering committee did not ask the High Weald AONB Unit to review the hospital sites, although it asked them to review the other sites.
- . Heritage England was, we believe not invited to review the plan and was only able to make comments on publication of the draft TW LP

Question 6

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Question 5 above. (Please note that non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

The modifications needed are included in the submissions set out above. In summary, development on site AL/BE 3 should be limited to the existing, so far unused, planning permission for 24 houses, preferably by adapting the Garland Wing, which is a building of historic value, either to a wellness centre, in accordance with its original intention, or to a row of up to 10 terraced houses. Site AL/BE 4 already has 18 semi-detached houses on it, and cannot support any more. It should therefore be excluded. Housing should be allocated to sites (such as 158 and 222 in the village centre or LS8 in Iden Green) which lie on bus routes or are within walking distance of the village centre and school.

Paragraphs 5.421 and 5.422 should be omitted.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)? . Yes, I wish to participate in hearing session(s)

Question 7a

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

In order to put over my case, and to answer those with vested interests who may seek to put forward arguments against it.

Question 8

If you have any separate comments you wish to make on the accompanying Sustainability Appraisal, please make them here.

In so far as Benenden is concerned, the sites were allocated before any sustainability appraisal was commissioned. It is not therefore a relevant factor in the allocation of sites for housing.

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box: Yes, I wish to be notified of future stages of the Local Plan

Comment

Consultee	Mrs Gillian Latter ([REDACTED])
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] Biddenden TN27 [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Mrs Gillian Latter ([REDACTED])
Comment ID	PSLP_2109
Response Date	04/06/21 08:53
Consultation Point	Policy AL/BE 3 Land at Benenden Hospital (south of Goddards Green Road), East End (View)
Status	Processed
Submission Type	Email
Version	0.3
Data inputter to enter their initials here	AT
Question 1	
Respondent's Name and/or Organisation	Gillian Latter
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy AL/BE 3 Land at Benenden Hospital (south of Goddards Green Road), East End

[TWBC: this representation has been input against Policies PSTR/BE 1, AL/BE 3 and AL/BE 3 – see Comment Numbers PSLP_2097, PSLP_2109 and PSLP_2110]

Question 4

Do you consider that the Local Plan:

Is legally compliant	No
Is sound	No
Complies with the Duty to Cooperate	No

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

- Do you consider that the Local Plan is not sound because:
- . It is not positively prepared
 - . It is not effective
 - . It is not justified
 - . It is not consistent with national policy

Question 5

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

This submission concerns the parish of Benenden, the only parish in the borough to have made its own allocations. The Benenden Neighbourhood Plan (BNP) has been developed in close consultation with TWBC, with the BNP in the lead. The BNP announced its allocations in February 2019, before inviting AECOM to produce its Strategic Environmental Assessment. Pre-Submission Local Plan, para 5.420 reads "The BNP was submitted to TWBC in October 2020 and was consulted on between 30 October and 11 December 2020." But the allocations had been made and published in February 2019. Further, Para 5.420 states "The BNP proposes to include site allocation policies that follow the approach of the site allocation policies for Benenden in this Local Plan." BNP allocations were first published in February 2019 i.e. before LP site allocation policies.

Allocations made by the LP, when it took up the BNP's baton, are therefore inevitably linked to BNP's weaknesses. Yet if the BNP passes a referendum before acceptance of the LP, it is said that it will take precedence over the LP (see para 5.421), with the exception of its plans for the northern site at Benenden hospital, which will be overruled by the plans advanced in the LP (see Benenden Parish Council April 2021 response to Independent Examiner queries on the BNP). This is in contravention of para 5.422 which talks of making "modifications to the LP" so that it matches the BNP.

1. Community involvement. EN1: this requirement has not been respected.

- . In Benenden, almost all new housing is slated for the East End, yet the Friends of the East End (FEE), were never asked to meet with the BNP steering group.
- . See EN1 para 9 requiring the effective engagement of the local community, neighbours of sites and others. The FEE submitted three petitions, two to the BNP and one in relation to the LP. A FEE submission with 127 signatures was submitted on April 4th 2019 in response the Informal Draft NP (published on February 23, 2019), in which the allocations later adopted by the LP were first set out. A FEE submission with 164 signatures was submitted in October 2019 objecting to the first draft of the LP, and in the same month, a FEE submission with 167 signatures was submitted in relation to the Reg 16 draft BNP. See the FEE's current online petition with more than 450 signatures <https://www.change.org/EastEndFriends>
- . Instead of being consulted, the FEE were ignored and belittled. They were informed on 11th March 2019 by the editor of the Parish Magazine (PM), husband of the Chair of the Parish Council, that "I'm of the view that much of the uncertainty has passed since the presentation of the plan to the village - to a highly favourable reception. At least we no longer have to give polite credence

to *uninformed views* that fly in the face of TWBC policy and advocate direct and *pointless confrontation* with TWBC, thereby running the risk of having the entire BNDP thrown back in our faces. *The ensuing chaos hardly bears thinking about.* At least it seems the opinions now being afforded most weight are those of *people who have worked hard for two years to understand the issues* and come up with a coherent way forward."

- . One of the regular articles on the BNP submitted by the chair of the BNP Steering Group appeared in January 2020. It dismisses FEE opposition suggesting only "31 residents from the East End" sent in comments.
- . The core group behind the BNP has consistently tried to persuade those who support the FEE to desist. The chair of the Parish Council and the chair of the BNP Steering Group have twice asked to meet a Tunbridge Wells Alliance (TWA) Borough Councillor for the parish, once together with a TWA borough council candidate, in efforts to persuade them to adhere to the BNP's approach and not to listen to the FEE.
- . The organiser of the FEE was a member of the Steering Committee 2017/2018 as chair of the Environmental Group. She expressed strong disagreement with a Borough Councillor who lives in the village (on occasion, he deputises as chair of the Steering Group) about his wish to step up allocations in the East End and suppress TWBC's wish to build 174 houses on site 158. As a result, the Steering Group chair (using his own word), "sacked" her. This is contrary to EN1 para 9, encouraging early, proactive and effective engagements and the requirement that views expressed should be properly considered.
- . Consultation also failed in relation to the neighbouring parish of Biddenden. The Clerk of Biddenden Council has repeatedly responded to BPC in the course of the BNP consultation process, but received only acknowledgments. A Kent County Councillor and Ashford Borough Councillor wrote an article about BNP's mismanagement of the parish of Biddenden in the Biddenden Parish Magazine, February 2021.
- . The LP is based on the BNP and BNP allocations were made before consultations with stakeholders such as the AONB. This is not consulting in a timely fashion. Further, the LP requires surveys of the hospital sites *after* the designation of the sites for development, for example, archaeological surveys (see AL/BE 3&4). Historic England (HE) asks for the surveys to be carried out *before*. See HE's comments on the first draft LP (DLP_4556) - "we would expect the allocation of sites following on from this Strategy policy (STR1) to be subject to appropriately robust and detailed heritage impact assessment *prior to the allocations being adopted*."

2. The PSLP is not based on sound evidence

- . Throughout the LP process, misstatements have been made about amenities in Benenden's East End. These may be traced back to a submission made by traffic and highways consultants, Transport Planning Associates (TPA) to Benenden Healthcare Society Ltd. (BHS). This submission was recently disclosed in BHS's response to the Independent Examiner's queries in relation to the BNP. TPA's information is sometimes inaccurate and sometimes misleading and we consider it here in detail because it is difficult otherwise, to understand how the LP was able to continue, iteration after iteration, to relate false information about the hospital site.
- . In October 2019, TPA reported (para 2.6) that there was a footpath along the southern edge of Goddards Green Road (GGR) and the PSLP, para 5.452 states "There is an intermittent pavement along GGR". The GGR is a long road running from New Pond Road to Castleton's Oak crossroads, and was formerly a lane. The pavement is limited to the short section immediately outside the hospital buildings. To say that there is an intermittent pavement along GGR is misleading.
- . The TPA refers to the East End as a village, which it is not. The East End runs from the junction of GGR and Walkhurst Road, along the GGR to the border with Tenterden, then turns south to reach close to Hole Park in Rolvenden, then east back to Walkhurst Road at the site of the stream, then along Walkhurst Road back to GGR (see the old Electoral Roll for 2004 when the East End had its own polling station). It is a large, totally rural area of several square miles, which was why it was chosen as the site for an isolation hospital in 1906. Today it contains only 76 houses scattered across the entire area. The PSLP consistently refers to the East End as a hamlet. It is not, which is why BPC is able to advertise itself on its website as "Serving the people of Benenden and Iden Green" without any reference to the East End.
- . The TPA says that "a day nursery is located immediately to the north of the Site within 400m." There is incorrect, yet this error is repeated in para 5.413 of the PSLP "There are also nursery/pre-school facilities at Iden Green and East End." An accurate account would mention Iden Green only.

- The TPA states that there are daily bus services along GGR provided by bus nos. 24 and 299, and twice a day service provided by the Hopper bus. This information is incorrect. The 2019 Hopper bus, operated by the Tenterden social services hub on an experimental basis, failed in only a matter of months. While the 24 and the 299 buses pass along GGR, they do so on only one day a week. The 24 on Tuesdays and the 299 on Wednesdays. The East End has almost no public transport.
- The TPA makes several statements in relation to traffic which have fed misinformation into the system to be reflected in AL/BA3&4. This misinformation was only recently revealed when documents were provided by BHS following April 2021 queries raised by the Independent Examiner on the BNP. These documents include a TPA 'Scoping Note' on road and traffic conditions at the site and a letter written in response to this Note from KCC Highways, dated 13 Nov. 2019. The TPA states that the GGR is 7m wide at the hospital site which detracts from the fact that it is actually a winding rural lane, now called a road, and varies considerably in width. It may at some point be 7m wide, but at others, it is so narrow that two lorries have difficulty passing each other. The TPA claims that there is no need for a road safety review because there have been "no personal injury accidents" recorded within 1,000m. Castleton's Oak crossroads lie 1.5 km from the site and accidents there are frequent, largely due to increasing traffic at the hospital. The hospital has turned itself into an almost exclusively out-patient centre and almost all its 300 employees drive in to work from outside the parish (formerly, they were housed on site in hospital staff buildings). Kent County Council (KCC) Highways make constant and repeated attempts to lower the risk of injury at the crossroads. Works there are ongoing at this time. The TPA claims that no traffic surveys are necessary which is a point queried in the KCC Highways' email. The email talks of the "heavy car dependency" of residents in any housing in this location and says this was one of its concerns, even at the time of the original application asking for only 24 houses. The email states that BHS's plans (and therefore AL/BE 3&4) are contrary to the NPPF and to KCC's own policy objectives, and points out that the hospital has not co-operated over the idea of a minibus to provide transport from the site to Benenden. The letter calls for: traffic counts along the GGR; a wider crash analysis; and expresses concern over the proposed access points to the SE Quadrant - 2 on Green Lane and 2 on GGR. Lastly, on trip generation, the TPA projects that 47 houses at the site will produce only 106 trips a day, though the consultants admit that they have difficulty in basing their estimate on comparable sites because there are none. These trip generation figures ignore existing traffic from local residents, from patients, from hospital staff and from the newly (January 2021) proposed housing estate at Cleveland. The AL/BE 3&4 fails to provide a traffic count, fails to ask for a road safety review and fails to acknowledge frequent traffic accidents near the sites.
- Pre-submission supporting documents also produce inaccurate and sometimes irrelevant evidence. The hospital sites are within the setting of an AONB and even overlap into it, yet *Inset Map 18* (Benenden Hospital), unlike other maps attached, makes no reference to the AONB boundary. The BNP claims that the hospital is outside the AONB and on this basis, since the rest of the village is wholly within the AONB, largely justifies placing most of Benenden's housing in the East End. This is misleading, since the AONB boundary wraps tightly round AL/BE3, which actually overlaps into the AONB in the southwest corner. In any event both sites affect land in the AONB. The relationship of the AONB boundary to the hospital sites is important yet it is ignored on the map. This looks like prejudice.
- Hankinson Duckett Associates's *AONB Setting Analysis Report* (a supporting document for the PSLP, referred to as an evidence base) is, in its analysis of AL/BE3&4, unsound. The analysis argues that development at these sites will enhance the setting of the AONB. It illustrates the argument with photos of the hospital chapel and its carpark. Neither the chapel nor car park are in the area up for development.

3. Policies AL/BE3&4 are not consistent with the PSLP's Vision objectives nor with its strategies, nor with KCC's policies, nor with the NPPF.

- The PSLP's Vision Objective 1 is : "to improve access to suitable, especially affordable housing, including for local young people and older households." But this is inconsistent with allocations AL/BE 3 &4. BHS is asking in its comments on the LP first draft, for a lower number of affordable homes because of the high cost of brownfield development. Living isolated in the countryside, families will need at least two cars. Old and young will be unable to walk to schools, shops or any other amenities. This is not a suitable site for a borough which (see para 2.16) expects the population over the age of 65 + to increase by around 40% between 2020 and 2038. The PSLP's Vision Objective 2 is to ensure sustainable development which allocations at AL/BE 3&4 do not

achieve. On the contrary, the KCC warns that even with the existing permission for 24 houses on AL/BE3, the highway authority had concerns. This is an isolated location, deep in the countryside (see KCC Highways email 13 Nov 2019). More than 24 houses in this location is not sustainable.

- . **Policy PSTR/BE1**, LBD 5.416 states “the LBD around Benenden village sets the extent of existing and planned development ..” This conflicts with the recommendation that major development be instated three miles beyond the LBD, on the border with Biddenden.
- . **Policy STR 2** “The Council requires the use of masterplanning, including the use of design codes and sustainable design standards where appropriate, for strategic and larger-scale developments..” This is undermined by AL/BE 3&4 which calls for a masterplan for an area not included in the PSLP and not presented. Para 1a of Policy AL/BE3 states that there is a need to “show indicatively how the other areas included within Policies AL/BE3 and AL/BE 4 can be developed to meet the overall policy requirements as set out within each of these policies, and *how the future needs for Benenden Hospital will be met on areas to the north west and south west that currently comprise the hospital buildings and associated ancillary uses and is previously developed land.*” It is not sound to proceed with an LP where the land to be developed is not clearly indicated from the start.
- . **A masterplan is essential to avoid current inconsistencies on the size of areas to be developed:** AL/BE3 excludes one of the 2 Local Wildlife Sites (LWS) at the site, yet the BNP includes both. Para 5.458 states “Both this policy and BNP draft Policy SSP3 broadly follow the same approach towards the potential for developing this site for a residential development..” They do not. The PSLP states that in the event of a successful referendum, the BNP’s proposals will prevail. If this is so, are we supposed to assume that AL/BE3 map is inaccurate?
- . A similar problem arises at the northern site (AL/BE4) here there are currently 18 dwellings. The proposal allows for these to be demolished and another 25 dwellings added to the site. The size of the area to be developed varies between the LP and the BNP. The LP includes the LWS in the area to be developed but the BNP includes only a small section, but says in the event of a successful referendum the BNP plan will be over-ruled by the LP plan (see the BPC response April 2021 to the Independent Examiner’s queries). This is the reverse of 5.421 & 2. It is unsound to proceed with a plan when the NP and the LP are at odds with each other.
- . **The PSLP claims building will only be within existing footprints**, an approach which is at odds with that of the BHS. Plans for 47 new houses in AL/BE3, presented to the village on 17th February 2020 by the hospital architects, show the buildings are not to be built within the footprint of previous buildings nor to respect LWS.
- . **Policy STR 3** calls for the use of brownfield sites “within settlements” and in “sustainable locations.” AL/BE 3 consists of disused medical buildings and 2 LWS with parkland and veteran trees (depending on whether this second LWS is included or not). 5.448 is therefore incorrect. The site should be described not as brownfield but as partly brownfield. It is not on the Brownfield Register. Because of its remote location and its valuable LWS sites, it is not free from constraints which could be mitigated. As such, Policy AL/BE3 does not meet the criteria needed under the NPPF, Section 11, para 117 for development in “a way that makes as much use as possible of previously-developed or ‘brownfield’ land.” AL/BE 4 contains in-use residential housing and an LWS and therefore is not entirely brownfield.
- . **Policy STR 5** states that “New residential ... development will be supported if sufficient infrastructure capacity is either available or can be provided in time to serve the development.” Will this happen at AL/BE3&4? Developers themselves are to provide the infrastructure at AL/BE 3&4. The LP proposes to take on trust suggestions that the BHS will avoid building on the LWS and will provide play-grounds, sports facilities and tennis courts. We know from submissions following the first draft LP, that BHS is actually planning to remove one LWS entirely and that its plans include building on the LWS and beyond the foot print of previous buildings. BHS suggests, in its response to the first draft LP (DLP_4956) that it is unlikely to provide play-grounds, sports facilities and tennis courts. The PSLP’s approach does not take comments to the first draft LP into account.
- . **Policy STR 6** proposes to “Deliver future development in accessible locations, normally within or in close proximity to existing towns and villages across the borough.” In the case of the two isolated hospital sites, the PSLP contradicts its own strategic policy and fails to offer choices in transport or to prioritise active travel and public transport. The Benenden hospital sites have no daily bus service and no active travel link to the village, and neither the PSLP nor the BHS provide credible information on how these links are to be provided. The KCC email of Nov 13 suggests

that the hospital is uncooperative on the proposal to organise a minibus service and the SHELAA says of AL/BE3 that it is “Remote from a settlement centre,” (unlike sites 158, 222 and LS8); that residents will rely heavily on private cars and thus air quality and travel objectives score negatively; and that, “although promoted by the policy, shared transport and active travel options are unlikely to take precedence over private vehicle use thus air quality and climate change score negatively.” This is crucial. For all the talk of mitigating the remoteness of the hospital sites with a minibus link and cycle routes, nobody actually believes that any of these measures will succeed. As for the proposal to create links suitable for electric personal vehicles, such as mobility scooters (as suggested under STR 6), it is difficult to see, when the closest link with the village is a single-track lane (Walkhurst Road), how any personal electric vehicle could make that journey. The PSLP is creating, through its policies AL/BE3&4, a car dependent community. This thereby negates the sense of the LP’s supporting document, *Transport Strategy Review Sept 2019* which urges reducing the need to travel.

- AL/BE3&4 also undermine TWBC’s Full Council motion of July 2019 to reduce CO2 emissions. “The dominance of the car as a mode of transport can lead to congestion, more road accidents, air and noise pollution. In addition it contributes to climate change, reduces social cohesion and leads to less healthy lifestyles” (para 44 *Transport Review*). According to TW’s own SA from 2006, if social cohesion, reduction in air pollutants, and public health were indeed the borough’s priorities, site 158 would have been among those chosen for Benenden, as originally intended.
- PSLP paras 5.453 and 5.467** state that “residents of development in this location will rely heavily on private cars.” These plans runs counter to STR6 policy on the environment see paras 6.8, 6.9, 6.10, 6.11 and 6.13. It also contravenes KCC policies on climate change and the NPPF (see KCC’s Nov 13, 2019 letter on this subject).
- Para 5.414** “The parish provides two relatively large sources of employment: at Benenden Hospital and at Benenden School.” The inference is that the employment opportunities are linked somehow to the population of Benenden. There is in fact little connection. The 300 plus staff at the hospital drive into the parish along GGR to work and, since the hospital is isolated from the village, their contribution to the local economy is negligible.
- Policy STR 6** The LP proposes to “**Deliver future development in accessible locations, normally within or in close proximity to existing towns and villages across the borough.**” In the case of the two isolated hospital sites, the LP contradicts its own strategic policy and fails to offer choices in transport or to prioritise active travel and public transport.
- Cycle routes:** The PSLP’s standards on the public benefits of cycling and walking are based on the *Cycle Strategy Supporting Document*, but these standards are undermined by site allocation in Benenden. The Cycle document states that: “When more people cycle or walk the health of the population improves and our roads become safer and less congested.” Its objectives 4 and 5 are to improve safety for cyclists and air quality for all, but AL/BE 3 & 4 will create a community, deep in the countryside, entirely dependent on the car and will contribute to poorer air quality for all. The allocation of these sites, as opposed to sites such as 158, is difficult to understand.
- The *Cycle Strategy* states that fear of traffic is possibly the main factor discouraging people from cycling. National Cycle Route 18 runs from the Rolvenden Road, down Stepneyford Lane, to Green Lane, before joining the Benenden Road near the hospital, turning right and leading to Castleton’s Oak Cross roads and Gribblebridge Lane. This route is a largely on-road ride travelling through the High Weald, using narrow, picturesque country lanes as much as possible. Green Lane/Stepneyford Lane is mentioned in TWBC’s *Rural Lanes: Supplementary Planning Guidance*. It is particularly high scoring in terms of its landscape, its recreational value, its natural beauty and its history. For these reasons, it is part of National Route 18. Rather than encouraging cycling, AL/BE3, which proposes two exits for this major development on GGR and two on Green Lane (where a second housing estate, at Cleveland Farm is already leading to Kent Highways calling for road widening and the elimination of grass verges - see building application 20/03267/FULL) will cause an increase in those factors, identified in *TW Cycle Strategy*, as discouraging cyclists, namely, traffic and the loss of unspoilt country lanes. Policy AL/BE3 also contravenes Kent Structure Plan Policy ENV13: “Rural lanes which are of landscape, amenity, nature conservation, historic or archaeological importance will be protected from changes which would damage their character, and enhanced.” In any event, the cycle route is purely recreational and will not enhance the sustainability of these sites.
- Policy STR 7** proposes, in dealing with TWBC’s 2019 legally binding commitment to manage climate change, that all development in the borough will support the Council’s target to achieve net zero emissions by 2030. It is unsound, with such a goal, to propose a major development on

the parish periphery, 3 miles equidistant from two villages where there is no shop (in spite of the PLSP's statement AL/BE 3&4) and no café (BHS says its café was built for its own use not for the use of the public - see comments on the first draft of the LP). Residents will need their cars for almost everything.

- . **Policy STR1** promotes the effective use of previously developed land, having due regard to relevant Plan policies, but in promoting AL/BE3&4, the PSLP disregards STR6 (environmental goals) & STR7 (transport goals). Under the NPPF, sustainability is the priority, as the PSLP acknowledges in STR3, 4.65 "A presumption of sustainability lies at the heart of the NPPF", but in allocating AL/BE 3&4, the PSLP fails to respect its own and the NPPF's strategic priorities.
- . **Policy STR 8** states that development should contribute to and enhance rural landscapes with particular regard to the High Weald (HW) AONB. The PSLP promotes nature conservation. Its biodiversity objective is to achieve net gains and, where possible, secure long-term management of sites for biodiversity. AL/BE3 runs counter to this strategy since the BHS has produced plans showing houses built over the LWS. It has, furthermore, produced a document requiring that one of the two LWS be dug up and removed to another unspecified location, thereby nullifying the terms of the existing Landscape and Ecology Management Plan (LEMP) for that site. Para 3.21 of the BHS submission on the first draft LP states: *"The Society supports the requirement for long-term management of the core areas of LWS associated with the hospital land. This includes all but the modest area within the SEQ adjoining Peak Lodge which is too constraining on the South East Quadrant redevelopment proposals. Accordingly, the soils in the area will be translocated to a nearby receptor site to try to ensure that the rare fungi can continue to thrive in this local area."* This is a particularly significant site for biodiversity. A letter from Keith Nicholson, former Planning and Conservation officer for the Kent Wildlife Trust, dated 4 March 2013, to TWBC Development Control Officer, Ellen Gilbert states that the hospital LWS are of national importance, mainly for the large number of different varieties of waxcaps. He states that they could well have been designated SSSI. Both in terms of waxcaps and in terms of valuable acid grassland, the hospital sites have high environmental value, see Comment DLP_3458 on the first draft of the LP, from the High Weald AONB Unit. The Benenden Hospital site *"includes rare and vulnerable acid grassland which should form a core area for unimproved grassland as part of a High Weald nature recovery network."* AL/BE3&4 threaten the biodiversity of significant species in the LWS at the hospital sites, contrary to EN1.
- . The LWS to the south of AL/BE3 is included in the BNP and BPC argues that this has been done in order to protect it (see their response to the Independent Examiner April 2021). It is difficult to follow this logic. The inclusion of the site in the area to be developed suggests that it too could be under threat. There is no plan showing the placement of houses on AL/BE 4, which is currently home to a large LWS and is the site of 18 habitable dwellings, almost all of the them currently in use and let. The proposal allows for these to be demolished and another 25 dwellings added to the site. The PSLP includes the LWS in the area to be developed and the BNP excludes most of it. Benenden Parish Council (BPC), in its April 2021 response to the Independent Examiner, has said that, in the case of a successful referendum, the PSLP's plan (which includes the LWS), will prevail. In other words, of the 3 LWS in AL/BE 3&4, one is slated for removal, one will be built over if the PSLP prevails and one may be built over if the BNP prevails. This undermines STR8.
- . The PSLP claims that the hospital development "has the potential to improve the setting of the HW AONB through the delivery of a more sensitive redevelopment of existing buildings" (para 5.454), but the claim is not supported by evidence produced by *Hankinson & Duckett* (see above) while the HW AONB unit's own view is the opposite. See TW first Draft LP, **DLP_3458 High Weald AONB Unit** (which objects to the Plan) : *"...In our view the development at Benenden Hospital will have a significant effect on the setting of the AONB and the purposes of its designation, and this issue has not been properly considered by the Plan."*
- . The NPPF section 2 para 11 states: *"Plans and decisions should apply a presumption in favour of sustainable development... ..(b) strategic policies should provide for objectively assessed needs for housing ...that cannot be met within neighbouring areas unless ... (i) the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area."* And see Footnote 6: the policies referred to are those in the Framework ... relating to habitat sites (and those sites listed in para 176) and /or designated as SSSI, AONBs
- . NPPF para 177 states: *"The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in*

combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site."

PSLP EN1 para 5. Biodiversity and geodiversity.

AL/BE 3&4 run counter to this policy as stated above in relation to the LWS.

The Environment

STR8 sets high environmental standards but these are undermined in the site allocations. This is particularly startling in the light of the July 2019 Full Council motion to recognise the climate and biodiversity emergency, in fact, the Benenden allocations put into question whether the motion was passed in good faith.

EN1 para 5 (Biodiversity and geodiversity) says that proposals should maximise opportunities to increase biodiversity. This goal may make sense in an urban setting, but development in the countryside, as is proposed in AL/BE 3 & 4, cannot hope to ever mitigate biodiversity loss. The destruction of trees and wild spaces, the introduction of lighting, kerbs, driveways, wider roads and narrower verges, the use of concrete, tarmac, bricks and mortar in a deeply rural setting cannot "increase biodiversity".

EN1 provides for Long-term Management plans which would be satisfactory within an urban context. In a rural location like the East End, such plans are no substitute for natural wild spaces. A 'managed' green space set among streets is less likely to promote biodiversity and less likely to conserve wildlife than 'unmanaged' green space. Further, the three LWS in AL/BE3 & 4 are all already part of an existing LEMP agreement, and since one or all would be removed in the case of development as outlined by BHS under AL/BE3&4, instead of creating a long-term management plan, AL/BE3 & 4 would all but terminate an existing one. The sentiments expressed in EN1 are mocked by AL/BE3 & 4.

4. Site policies

AL/BE3 excludes one of the 2 LWS at the site, and the BNP includes both, yet para 5.458 states "Both this policy and BNP draft Policy SSP3 broadly follow the same approach towards the potential for developing this site for a residential development.." This does not appear to be the case. Further, the SHELAA treats this site twice, once including the southern LWS (and excluding Windmill Cottage) and once excluding the LWS and including Windmill Cottage (SHELAA pages 1-3 and pages 18-19). In the second instance, the suggestion is for 67-73 houses, presumably building over the LWS. The first plan is the one adopted in the PSLP and appears to be the more accurate of the two in that it describes the site as "mostly PDL". The second ignores all greenfield aspects and is almost identical to the plan in the BNP, a plan which BNP claims will prevail if it wins a referendum. Is AL/BE3 presenting us with the wrong plan?

AL/BE3 and AL/BE4 provide for a phased timetable for development of the two sites at different time intervals without calling for a comprehensive masterplan for the hospital site as a whole i.e. for the entire built up area. This is inconsistent with STR2, which requires a masterplan for large developments. The full extent of the area to be developed must be clear. See para 1a of Policy AL/BE3 which states that there is a need to "show indicatively how the other areas included within Policies AL/BE3 and AL/BE 4 can be developed to meet the overall policy requirements as set out within each of these policies, and *how the future needs for Benenden Hospital will be met on areas to the north west and south west that currently comprise the hospital buildings and associated ancillary uses and is previously developed land.*" It is not sound to proceed with an LP where the land to be developed is not indicated from the start.

AL/BE3&4 both call for an active travel link between the site and Benenden village. This proposal has been costed (see BPC's April 2021 reply to the Independent Examiner) at between £180,000 and £220,000 for a 3m wide tarmacked surface, plus costs to upgrade it to a bridleway, plus the costs associated with obtaining landowners' consent or, failing that, of starting compulsory purchase proceedings which TWBC expresses reluctance to undertake because of the significant compensation costs and legal costs which would be involved. No steps have been taken either by the BNP or TWBC to ascertain the willingness of landowners to give up their land although the major landowner involved wrote to BNP on 11th Sept. 2019 objecting to the plan. It is understood that he was not contacted for subsequent discussion.

AL/BE3&4 calls for the repurposing of the existing tennis courts for the use of local residents, which BHS denies it will offer for public use; for the public use of the hospital's café; for the creation of a hospital shop (5.413); for a minibus service linking the hospital to the village ("The Society is not a transport provider" is BHS' response); for green space, a playground and provision of a community

hall - most of these policies are refuted in Savills' comments on behalf of BHS, in the first draft of the LP, DLP_ 4956 paras 3.14, 3.18, 3.19, 3.20, 3.46 and 3.47. Rather than agreeing to such policies, the hospital is calling on TWBC to introduce a more flexible funding system to allow a *reduction* of developer costs. BHS argues these will be high because they wish to demolish existing buildings. It is unsound to propose policies which cannot be implemented. Once the sites are sold, no relevant conditions to this effect could be imposed.

5. The PSLP is unsound because of inconsistencies in the treatment of different sites.

(i) **Uphill, AL/BE1** is described as having archaeological potential (para 5.428) requiring possible mitigation measures. This is not because of historical finds on the site, but because they *might* be found. A listed manor house lies on the other side of New Pond Road and, according to AL/BE1, "the site lies within, or very close to the relevant impact risk zone for Parsonage Wood", a SSSI which is, in fact, several miles away. The archaeological significance of AL/BE 3&4 is far more certain and substantial. The hospital sites are where a bronze age palstaff was found (see the National Monument Register - SMR Number /Hob UID)) and the sites lie close to two ancient routeways. A Roman Road runs west-east (on BHS farmland) a few yards to the south of AL/BE3 and a medieval drove road (GGR), runs west-east between the two sites. Further, two Grade II Listed Buildings are sited here, also on BHS land. The Lister building stands a few yards to the west of AL/BE3 and Cleveland Farm house (the farmyard of which BHS is trying to develop separately and simultaneously as if a minor planning project) lies a few yards to the south. Instead of mentioning these facts, AL/BE3&4 reads (5.456 and 5.468) "Kent County Council states that the site includes significant archaeology, which could be dealt with through suitable conditions on a planning approval." The imbalance in the treatment of the two sites is substantial and suggests confirmatory bias or prejudice.

(ii) The SHELAA assessment of site 158 suggests a potential yield of 50-65 houses, but then concludes that only the Uphill part of the site is suitable (20 houses). It states that "the remainder of the site is sensitive in landscaping terms and there is concern regarding scale and impact on the character of the landscape and settlement pattern". This is contrary to the views of TW's 2006 SA; to the TW 2018 document proposing 174 houses; and to the first draft of the LP. The dismissal of 158 as a suitable site is not supported by the evidence and suggests prejudice.

(iii) Site 222, west of the cross roads, was also considered in 2006, as a possible site for the new village school, though it was not one of the top two sites put to a referendum. The SHELAA suggests 222 has a potential for 76 houses. The site is considered unsuitable partly because the new LBD, if adopted, will exclude all houses west of the cross roads, when the village actually extends a considerable length along this road to the west. There is no mention of the fact that the owners of this site are offering the pond at the south west corner of the crossroads as village green space. The dismissal of 222 is not supported by the evidence and suggests prejudice.

(iv) The SHELAA suggests a capacity of 26 houses at Site LS8 in Iden Green, stating that it lies adjacent to the recreation ground and a children's nursery and that there is a pavement on both sides of Iden Green's main road. It fails to mention that the easternmost side of this pavement connects the village to the village primary school. The SHELAA dismisses the site as unsuitable saying that it is located in a remote location relative to services, facilities and public transport, but this site is far less remote than sites AL/BE 3&4. The dismissal of site LS8 is not supported by the evidence and suggests prejudice.

(v) The proposed new LBD has been constructed so as to include the new site at Uphill and to exclude 222, when in fact, the actual built development extends westwards from the crossroads and includes site 222. The LBD is ignored in respect of AL/BE3&4. Manipulation of the LBD to suit allocated sites is inappropriate.

As a general comment, I have found the process unnecessarily difficult to navigate. In fact, from the point of view of the ordinary lay-man, I would term the process 'hostile'. The interactive on-line site was unmanageable. Question 4a is very badly worded. The PSLP's prose entirely suited the opacity of the procedure. Here is one example from the SA (page 163) "However, the education objective does not deteriorate when considering cumulative effects as the schools in Tenterden will be a viable option for residents in East End and thus are likely to take the pressure off Benenden Primary School." What does that mean?

Question 6

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Question 5 above. (Please note that non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

The modifications needed are included in the submissions set out above. In summary, development on site AL/BE 3 should be limited to the existing, so far unused, planning permission for 24 houses, preferably by adapting the Garland Wing, which is a building of historic value, either to a wellness centre, in accordance with its original intention, or to a row of up to 10 terraced houses. Site AL/BE 4 already has 18 semi-detached houses on it, and cannot support any more. It should therefore be excluded. Housing should be allocated to sites (such as 158 and 222 in the village centre or LS8 in Iden Green) which lie on bus routes or are within walking distance of the village centre and school.

Paragraphs 5.421 and 5.422 should be omitted.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)? Yes, I wish to participate in hearing session(s)

Question 7a

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

In order to put over my case, and to answer those with vested interests who may seek to put forward arguments against it.

Question 8

If you have any separate comments you wish to make on the accompanying Sustainability Appraisal, please make them here.

1. The Sustainability Appraisal (SA) is misleading. Table 58 on page 163 states that all Benenden sites "lack services, facilities and travel options". This belies the fact that AL/BE2 (Feoffee almshouses) is close to the Street as is AL/BE1 (Uphill). Both sites are within walking distance of the bus stop for daily bus services, the post office, village shop, the primary school, the village green, the butchers, pub, community hall, church, recreation ground and children's playground. AL/BE 3 & 4 are three miles north east of the village with no daily bus service and no amenities whatsoever.
2. The commentary on Table 58, (page 163 of the SA), states that East End sites score badly on Climate Change and Travel, yet these are the sites promoted for most houses.
3. The SA argues on page 163 that East End residents will send their children to schools in Tenterden

instead of to the village primary school, and that this will lessen the otherwise seriously negative effects of the two hospital sites. This is pure conjecture and possibly wishful thinking. The school has a good reputation and currently between 70 and 75% of children there come from outside the parish. East End children will have precedence over these, since intake depends on the distance of a child's residence from the school. Pressure on Benenden Primary School will increase, not decrease. Further, the use of a car, whether it drives to Tenterden (5-6 miles) or to Benenden (3 miles), pollutes and deprives residents of the health-giving pleasure of walking to school. The AL/BE 3&4 are contrary to STR2, to the NPPF and to KCC policy on climate change.

4. Appendix L (pp331-2) shows Scores for Reasonable Sites in Benenden. Here we see scores for 158 and 222, two sites close to the village centre. Of 158, we read "A site that scores several neutrals with some positives, let down by its land use and landscape score impacted by a loss of a greenfield site in the AONB and lack of services and facilities including public transport at the settlement." This SA report compares poorly with the SA which TWBC carried out on site 158 in 2006. 158 is parallel to and just north of the Street with its exit onto New Pond Road. In 2006 site 158 was chosen in a village referendum as the site for a new C of E primary school. It was the preferred site out of a choice of two, both of which were greenfield. TWBC's 2006 SA on 158 decided (see page 18 of the Sustainability Appraisal Benenden Church of England Primary School Land Allocation DPD - Issues and Options report), that 158 was one of two top sites. "Situated adjacent to an area of ancient woodland, the site provides the potential for habitat linkages and wildlife corridors. The site is not adjacent to the CA [Conservation Area] and does not form a significant role in its setting. There are no Listed Buildings on or adjacent to the site. The site is consistent with the surrounding landscape character. There are limited views into the site and no public rights of way over the site." On page 38, we read, "This site is anticipated to have a major beneficial effect on improving educational standards and travel choice/traffic levels". In spite of the referendum result, the school was eventually built at the less preferred site and, since then, TWBC had been in consultation with 158's owners to build houses there.

5. In April 2018, BNP Steering Committee Deputy Chair, a borough councillor, showed the committee a piece of paper from TWBC saying that TWBC wishes to build 174 houses on site 158. He committed himself to seeing these numbers reduced and the numbers at the East End raised. After a meeting between representatives from the BNP group and TW planners on June 19th, 2018, the minutes reported that "At times the workshop was emotive ..." Following that meeting TW planners put site 158 on temporary hold, limiting development there to a future Local Plan by asking, in the first draft of the LP on page 270, that the Uphill site on New Pond Road, adjacent to 158 and allocated at that time as AL/BE3, should, under Clause 8, provide for vehicular access through Uphill to the site behind (158) "which may be allocated for development as part of a future Local Plan." In the PSLP, this wording for Clause 8 has disappeared. Where is the evidence-base for such wording to be included in the first draft and excluded in the second? Why is the site considered suitable in 2006, in 2018, and in the first draft, but not suitable in the PSLP?

6. Site 222, like 158 is described in Appendix L of the PSLP's SA as suffering from "a lack of services and facilities including public transport at the settlement." This is inaccurate. There is a daily bus service along Benenden Street and site 222 is within easy walking distance of the bus stop, shops, pub, community hall, primary school and all other amenities.

7. Site LS8, in the heart of Iden Green is, along with site 158 and 222, a site which on-the-ground evidence suggests is eminently suitable for development, but which the SA fails to allocate. Appendix L of the SA gives LS8 virtually the same scores as Uphill (LS16 of AL/BE1) yet the latter is included for development and the former is not. The commentary states of LS8 "A number of scores are negative however, reflecting the remote location of the site from services and facilities and public transport. It scores negatively in heritage terms as the site is a relatively sizeable piece of the Iden Green Conservation Area." This site is far less remote than sites AL/BE 3 & 4. It is one mile from the village and connected to it by a paved footpath running past a Roadside Conservation Area and then (still paved) through a field to the church and primary school. It is on a bus route and the bus stop is next to LS8. Iden Green has a community hall, tennis courts, a children's playground and pub/restaurant. The SA information is unreliable and the PSLP's use of it for site allocation is unwise.

8. In so far as Benenden is concerned, the sites were allocated before any sustainability appraisal was commissioned. It is not therefore a relevant factor in the allocation of sites for housing.

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:

Yes, I wish to be notified of future stages of the Local Plan

Comment

Consultee	Mrs Gillian Latter ([REDACTED])
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] Biddenden TN27 [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Mrs Gillian Latter ([REDACTED])
Comment ID	PSLP_2125
Response Date	04/06/21 08:53
Consultation Point	Policy AL/BE 3 Land at Benenden Hospital (south of Goddards Green Road), East End (View)
Status	Processed
Submission Type	Email
Version	0.4
Data inputter to enter their initials here	AT
Question 1	
Respondent's Name and/or Organisation	Gillian Latter
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy AL/BE 3 Land at Benenden Hospital (south of Goddards Green Road), East End

[TWBC: this representation has been input against Policies PSTR/BE 1, AL/BE 3 and AL/BE 3 – see Comment Numbers PSLP_2115, PSLP_2125 and PSLP_2126]

Question 4

Do you consider that the Local Plan:

Is legally compliant	No
Is sound	No
Complies with the Duty to Cooperate	No

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

- . It is not positively prepared
- . It is not effective
- . It is not justified
- . It is not consistent with national policy

Question 5

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

This representation relates to the Pre-submission Local Plan(PSLP) and its handling of the parish of Benenden

1. The plan is unsound because of inadequacies in the consultation process.

(i) Poor consultation between TWBC and other Borough Councils

A Statement of Common Ground (SoCG) between Maidstone and Tunbridge Wells Borough Councils (TWBC) is published, but nothing is apparently published in relation to Ashford Borough Council or Tonbridge and Malling Borough Council.

(ii) Poor consultation between TWBC, the parish of Benenden and the Benenden Healthcare Society (BHS), the single landowner of those sites in the East End of Benenden where most of Benenden's houses are allocated.

(iii) There is no Statement of Common Ground between TWBC and the Benenden Neighbourhood Plan (BNP) although a SoCG was listed as a supporting document to the BNP Reg 14. This is significant *because the two plans show different areas for development at the East End and both plans differ from the view of BHS.* BHS's position is presented to the public through its comments on the first draft of the Local Plan (TWFDLP Comments) (see web link)

- . Looking at the issue in terms of its hectarage:
 - . according to the PSLP the northern site (AL/BE4) is 3.72 ha and the South East Quadrant (SEQ or AL/BE3) is 3.07 ha;
 - . according to the Benenden Neighbourhood Plan (BNP), the northern site (called LS41 in the BNP, see para 2.9.4.2.) is 1.9 ha and SEQ (called 424 plus LS40b, see para 2.9.3.2) is 4.24 ha.
 - . according to BHS, the northern site is 3.7 ha and the southern site is 4.2 ha (see TW First Draft Local Plan comments (TWFDLP comments), Savill for BHS: DLP_4956)

The hectarage varies largely according to whether Local Wildlife Sites (LWS) are included in the development area. There are four LWS at the hospital. One of these lies in the northern area (AL/BE4) and two lie in the southern area (AL/BE3). The fourth is in an area not up for development.

- . For AL/BE3, the PSLP excludes the second and the most southerly of its two Local Wildlife Sites (LWS), while the BNP *includes* both LWS. *Currently, Strutt and Parker are advertising to*

developers the larger, BNP version of the site for sale, together with Cleveland Farm. The PSLP states that in the event of the BNP passing a referendum, its own plans for Benenden will be superseded by the BNP (see para 5.421). Which means the plan presented in the PSLP for AL/BE3 is incorrect.

- . For AL/BE4, the PSLP *includes* all the LWS at the site, while the BNP includes only a small southerly section of it. The PSLP states that in the event of the BNP passing a referendum, its own plans for Benenden will be superseded by the BNP (see para 5.421). Which means the plan presented in the PSLP for AL/BE4 is incorrect.
- . For AL/BE4, Savills' comments on behalf of the BHS on the draft Local Plan (LP), propose 43 dwellings for the site which will include the LWS (see TWFDLP Comments, item DLP_4956 para 3.6), "Unlike the BNP, the TWLP is broader in the site area by providing a boundary encompassing the entire hospital site, yet aside from the discrepancy addressed previously in this representation the two allocations align in terms of proposed numbers. The Society intends to bring forward the development on the two sites identified through the BNP and *within the boundary identified in the TWLP*. The Society welcomes the consistent approach to unit numbers, and the allocation of both parcels of land through the draft BNP and the TWLP."

In terms of boundaries:

- . BHS understands (see DLP_4956, para 2.8 in TWFDLP Comments) "The North East Quadrant occupies the North East of the site, bordered to the North and East by Mockbeggar Lane, to the south by Goddards Green Lane / Benenden Road and the West by existing hospital buildings." *In other words, it includes the entire LWS in its area.*
- . To the south, BHS understands (see DLP_4956, para 2.9 in TWFDLP comments), "The South East Quadrant occupies the South East of the site, bordered to the north by Goddards Green Lane / Benenden Road, to the West by Green Lane and to the South and East by agricultural land and the High Weald AONB boundary." *In other words, it includes the whole of the more southerly of the two LWS at the site.*

This means that PSLP's AL/BE3 is inaccurate because the larger BNP plan will likely prevail, while the PSLP's AL/BE4 could be challenged by the BNP (if successful in a referendum) (see PSLP para 5.421) and substantially reduced in size. The PSLP's plans for the two hospital plans are therefore both potentially inaccurate.

A failure to coordinate and effectively consult has produced unsound documents.

(iv) Poor consultation with stakeholders, the local community and the neighbouring parish

(possibly even more affected by the plans than Benenden), have either not been consulted, or consulted after the fact or consulted but not engaged with.

- . **The Friends of the East End (FEE)** are more affected by the plans than most in the parish but they were not consulted over the development of the BNP on which the PSLP is based. The FEE are mainly residents of the East End which covers about one third of the parish and is a wholly rural location of 76 scattered households. Because it is isolated, it was chosen as the site for an isolation hospital. This now makes up a small enclave close to the border with the neighbouring parish of Biddenden.
 - . The BNP Steering Committee is the only one in the borough to have made its own site allocations and these allocations were published in an Informal Draft Plan (IDP) in February 2019, before consultations with the High Weald -AONB and before inviting AECOM to produce a Strategic Environmental Assessment (SEA). (N.B. Even when the HW-AONB were invited to assess sites they were NOT asked to assess the hospital sites).
 - . The FEE object strongly to the proposal to site almost all the new housing in the East End, but the BNP Steering Committee never asked to meet the FEE nor engaged with them (See EN1 para 9 requiring the effective engagement of the local community, neighbours of sites and others).
 - . The FEE submitted three petitions, two to the BNP and one in relation to the LP. A FEE submission with 127 signatures was submitted on April 4th 2019 in response the IDP (published on February 23, 2019), in which the allocations, later adopted by the PSLP were first set out. A second FEE submission with 164 signatures was submitted in October 2019 objecting to the TWFDLP, and in the same month, a third FEE submission with 167 signatures was submitted in relation to the Reg 16 draft BNP. Instead of acknowledging the strength of these views and the number of people who held them, the chair of the BNP Steering Group, who wrote a regular column in the Parish Magazine about the BNP process,

wrote in January 2020, that only “31 residents from the East End” had sent in “comments”. For the strength of today’s opposition to the BNP, see the FEE’s current online petition with over 450 signatures <https://www.change.org/EastEndFriends> .

Instead of being consulted, the FEE were ignored and belittled. They were informed on 11th March 2019 by the editor of the Parish Magazine (PM), husband of the Chair of the Parish Council, that “I’m of the view that much of the uncertainty has passed since the presentation of the plan to the village - to a highly favourable reception. At least we no longer have to give polite credence to *uninformed views* that fly in the face of TWBC policy and advocate direct and *pointless confrontation* with TWBC, thereby running the risk of having the entire BNDP thrown back in our faces. *The ensuing chaos hardly bears thinking about.* At least it seems the opinions now being afforded most weight are those of *people who have worked hard for two years to understand the issues* and come up with a coherent way forward.”

Consultation also failed in relation to the neighbouring **parish of Biddenden**. The Clerk of Biddenden Council has repeatedly responded to Benenden Parish Council in the course of the BNP consultation process, but received only acknowledgments. A Kent County Councillor and Ashford Borough Councillor wrote an article about BNP’s mismanagement of consultations with the parish of Biddenden in the Biddenden Parish Magazine, February 2021.

2. The plan is unsound because of the untimely publication of site allocations

Pre-Submission Local Plan, para 5.420 reads “The BNP was submitted to TWBC in October 2020 and was consulted on between 30 October and 11 December 2020.” But the allocations had already been made and published by the BNP in February 2019 in its so called “Informal Draft Plan”. The 2019 February allocations are virtually identical to the PSLP 2021 allocations. Para 5.420 states “The BNP proposes to include site allocation policies that follow the approach of the site allocation policies for Benenden in this Local Plan.” How can the BNP follow the PSLP’s approach when its sites were already allocated?

The LP is based on the BNP and BNP allocations were made before **consultations with stakeholders**. This is not consulting in a timely fashion. For example, the PSLP requires archaeological surveys of the hospital sites *after* the designation of the sites for development. Historic England (HE) asks for the surveys to be carried out *before* allocation (see TWFDLP Comments DLP_4556 - “we would expect the allocation of sites following on from this Strategy policy (STR1) to be subject to appropriately robust and detailed heritage impact assessment *prior to the allocations being adopted.*”

3. The plan is unsound because the evidence on which it is based is inaccurate or irrelevant as seen in Supporting Documents

AONB Setting Analysis report: Main Report and AONB Study Plans and Photographs Benenden Hospital/Hankinson Duckett Associates. November 2020.

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Question 6

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Many of the PSLP's problems are associated with failure in the duty to co-operate and can therefore not be remedied.

Many are due to poor evidence or poor interpretation of evidence. This too cannot be remedied.

In summary, development on site AL/BE3 should be limited to the existing, so far unused, planning permission for 24 houses, preferably by adapting the Garland Wing, which is a building of historic value, either to a wellness centre, in accordance with its original intention, or to a row of up to 10 terraced houses. Site AL/BE4 already has 18 semi-detached houses on it, and cannot support any more. It should therefore be excluded. Housing should be allocated to sites such as 158 and 222 in the village centre, or to LS8 in Iden Green. These sites all lie within walking distance of shops, other amenities and the primary school. Paragraphs 5.421 and 5.422 should be omitted.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)? . Yes, I wish to participate in hearing session(s)

Question 7a

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

In order to present my case and to answer those with vested interests who may seek to put forward arguments against it.

Question 8

If you have any separate comments you wish to make on the accompanying Sustainability Appraisal, please make them here.

Sustainability Appraisal

As far as the East End of Benenden is concerned, the plan is unsound because the Sustainability Appraisal, which is the heart of the planning process, provides evidence that is often incorrect, sometimes inadequate, but always untimely because the evidence on which site allocation should depend, follows, instead of precedes, site allocation. This was first published February 2019 in the BNP's Informal Draft Plan. The allocations then made are identical (save for a few additional houses) to those now made in the PSLP. Site allocation cannot be supported in retrospect.

An examination of SA Table 58 pp 161-163 Sites AL/BE 3&4 and Appendix L pp 331-332 shows faults in the SA's evidence base.

Climate Change: AL/BE3&4 are not scored for climate change, nor are sites 158 & 222, yet, inexplicably, climate change is scored for AL/BE1&2 (Uphill and Feoffee) and for LS8. Where is the explanation for the failure to assess all sites, especially when sites 158, 222, AL/BE1&2 are all close to each other? The issue is particularly concerning in that sites AL/BE3&4 are both 3 miles distant from the village and without any amenities. Residents at these sites will be heavily car dependent and this was of concern even when only 24 houses were proposed for the site. "You will see from KCC's comments on the hybrid application (12/03130) that in consideration of this earlier application for 24 dwellings, the highways authority raised concern that all residents will be very heavily car dependent, which is contrary to a number of policy objectives, including the NPPF." (see KCC Pre-App Response, 13 Nov 2019, revealed in response to the BNP's Independent Examiner's queries and still not in the public arena).

Biodiversity: AL/BE3 is considered to be less at risk in terms of biodiversity than AL/BE4 though AL/BE 3 has two Local Wildlife Sites (LWS) while AL/BE 4 has only one. Where is the evidence to support the idea that the one is less important for biodiversity than the other?

The SA's scoring is not supported by evidence in a letter from Keith Nicholson of the Kent Wildlife Trust, former Planning and Conservation officer for the Kent Wildlife Trust, dated 4 March 2013, to TWBC Development Control Officer, Ellen Gilbert in which he states, "The 2012 survey has demonstrated that Benenden hospital LWS is more valuable than previously believed. The applicant's consultant is now more firmly of the belief that the Site would fulfil the criteria for it to be considered a Site of Special Scientific Interest (paragraph 4.3.6.). The waxcap community is of national importance when judged against both the Reid classification (para 4.3.4.) and the JNCC Guidelines (para 4.3.5.)." Nor is it supported by the view of the HW-AONB as stated in TWFDLP Comments (see DLP_3458) that the hospital LWS "includes rare and vulnerable acid grassland which should form a core area for

unimproved grassland as part of a High Weald nature recovery network.” Neither the KWT nor the HW-AONB offer any indication that one or other of the LWS at the hospital is of less value than the rest. Further, we now know from

(see web link),

Regulation 18 Representation made by Benenden Healthcare Society, November 2019 that BHS intends to abolish one of the two LWS in AL/BE3, see para 3.21. that “The Society supports the requirement for long-term management of the core areas of the LWS associated with the hospital land. This includes all but the modest area within the SEQ adjoining Peek Lodge which is too constraining on the South East Quadrant redevelopment proposals. Accordingly, the soils in the area will be translocated to a nearby receptor site to try to ensure that the rare fungi can continue to thrive in this local area.”

In other words, far from supporting biodiversity, the BHS plan is to reduce it in AL/BE3 and the same is true of AL/BE3 see (in the same document) para 3.17. “In addition, as highlighted in paragraph 3.13 above, the Society do not intend to use the area in which the garage block is located as an extension to the Local Wildlife Site (LWS) or for additional sports provision. As such, the Society request that the requirement to specifically use the land occupied by the existing garage block and manage it in the long term for the benefit of the LWS and / or sports provision is removed from the policy requirement.” Given this, biodiversity scoring in Table 58 of sites AL/BE3&4 is substantially overrated. Biodiversity at both sites is under threat.

Business Growth: AL/BE3&4 are scored as if they were more favourable to business growth than AL/BE1&2 and sites 158 and 222, but all four of these last-mentioned sites are in the heart of the village where residents will have ready access to local businesses as well as to daily bus services and other services and facilities. Residents at the East End, on the other hand, will have no access to local businesses except by car.

Education: All sites in this SA are scored equally for education, except for site 158 which scores less well. This SA report compares poorly with the SA which TWBC carried out on site 158 in 2006. 158 is parallel to and just north of the Street with its exit onto New Pond Road. In 2006 site 158 was chosen in a village referendum as the site for a new C of E primary school. It was the preferred site out of a choice of two, both of which were greenfield. TWBC’s 2006 SA on 158 decided (see page 18 of the Sustainability Appraisal Benenden Church of England Primary School Land Allocation DPD - Issues and Options report), that 158 was one of two top sites. “Situated adjacent to an area of ancient woodland, the site provides the potential for habitat linkages and wildlife corridors. The site is not adjacent to the CA [Conservation Area] and does not form a significant role in its setting. There are no Listed Buildings on or adjacent to the site. The site is consistent with the surrounding landscape character. There are limited views into the site and no public rights of way over the site.” On page 38, we read, “This site is anticipated to have a major beneficial effect on improving educational standards and travel choice/traffic levels”. In spite of the referendum result, the school was eventually built at the less preferred site and, since then, TWBC had been in consultation with 158’s owners to build houses there. If, in 2006, the SA offered site 158 as one of two top sites in the village for building the new primary school where is the evidence that it’s appropriateness has somehow massively declined since then? Where is the evidence site 158 is less favourable to education than all the other sites mentioned, especially given that the hospital sites, so favoured for development, are three miles distant from the village school?

Table 58 states that “the education objective does not deteriorate when considering the cumulative effects as the schools in Tenterden will be a viable option for residents in East End.” Children from the East End will have priority over the between 70 and 75% of existing pupil at the school who come from outside the parish. On what basis is the assumption made that East End parents will prefer to drive their children 6 miles into Tenterden rather than drive to the primary school in their own village?

Heritage: AL/BE 3 scores slightly less well in terms of its heritage value than AL/BE4 without supporting evidence. How were heritage issues assessed when there is no apparent knowledge of the historic importance of the site, for example: the PSLP makes no mention of the Roman road a few yards south of AL/BE3; the medieval droveway (GGR), which runs through the site and along the ridge; and the Bronze Age palstaff found at the hospital site (National Monument Register - SMR Number/Hob UID). How can a site be scored or evaluated without at least some knowledge of the sites historic significance? This is available at

see web link

and advertised on the Benenden village website.

Services and Facilities: How can sites which are in the heart of the village such as 158 and 222, score the same as sites which are 3 miles distant and isolated in the country? The village has a daily bus service, continuous pavements on both sides of the street, several shops, including a post office, a general store, a butcher and a florist, as well as a pub/restaurant, village green, recreation ground, children's playground, church, memorial hall, village hall and a primary school. In spite of this sites 158 and 222, both as close to the centre as AL/BE1&2, are described as lacking services and facilities including public transport (Appendix L pp 331-332) while the sites chosen for most houses are 3 miles out of the village where there are no amenities whatsoever. LS8 is also described as being remote, but it is only one mile from the village and connected to it by a paved footpath. It is close to a bus stop, a playground, tennis courts and a community hall and it is within walking distance of a pub/restaurant. How can its Services and Facilities be offered the same score as AL/BE3&4? These assessments are not understandable except if the sites were chosen before the SA (as is the case) and the SA had to be manipulated to support those original choices.

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:

<input type="checkbox"/> Yes, I wish to be notified of future stages of the Local Plan
--

Comment

Consultee	Mrs Gillian Latter ([REDACTED])
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] Biddenden TN27 [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Mrs Gillian Latter ([REDACTED])
Comment ID	PSLP_2126
Response Date	04/06/21 08:53
Consultation Point	Policy AL/BE 4 Land at Benenden Hospital (north of Goddards Green Road), East End (View)
Status	Processed
Submission Type	Email
Version	0.4
Data inputter to enter their initials here	AT
Question 1	
Respondent's Name and/or Organisation	Gillian Latter
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy AL/BE 4 Land at Benenden Hospital (north of Goddards Green Road), East End

[TWBC: this representation has been input against Policies PSTR/BE 1, AL/BE 3 and AL/BE 3 – see Comment Numbers PSLP_2115, PSLP_2125 and PSLP_2126]

Question 4

Do you consider that the Local Plan:

Is legally compliant	No
Is sound	No
Complies with the Duty to Cooperate	No

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

- . It is not positively prepared
- . It is not effective
- . It is not justified
- . It is not consistent with national policy

Question 5

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Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

This representation relates to the Pre-submission Local Plan(PSLP) and its handling of the parish of Benenden

1. The plan is unsound because of inadequacies in the consultation process.

(i) Poor consultation between TWBC and other Borough Councils

A Statement of Common Ground (SoCG) between Maidstone and Tunbridge Wells Borough Councils (TWBC) is published, but nothing is apparently published in relation to Ashford Borough Council or Tonbridge and Malling Borough Council.

(ii) Poor consultation between TWBC, the parish of Benenden and the Benenden Healthcare Society (BHS), the single landowner of those sites in the East End of Benenden where most of Benenden's houses are allocated.

(iii) There is no Statement of Common Ground between TWBC and the Benenden Neighbourhood Plan (BNP) although a SoCG was listed as a supporting document to the BNP Reg 14. This is significant *because the two plans show different areas for development at the East End and both plans differ from the view of BHS.* BHS's position is presented to the public through its comments on the first draft of the Local Plan (TWFDLP Comments) (see web link)

- . Looking at the issue in terms of its hectareage:
 - . according to the PSLP the northern site (AL/BE4) is 3.72 ha and the South East Quadrant (SEQ or AL/BE3) is 3.07 ha;
 - . according to the Benenden Neighbourhood Plan (BNP), the northern site (called LS41 in the BNP, see para 2.9.4.2.) is 1.9 ha and SEQ (called 424 plus LS40b, see para 2.9.3.2) is 4.24 ha.
 - . according to BHS, the northern site is 3.7 ha and the southern site is 4.2 ha (see TW First Draft Local Plan comments (TWFDLP comments), Savill for BHS: DLP_4956)

The hectareage varies largely according to whether Local Wildlife Sites (LWS) are included in the development area. There are four LWS at the hospital. One of these lies in the northern area (AL/BE4) and two lie in the southern area (AL/BE3). The fourth is in an area not up for development.

- . For AL/BE3, the PSLP excludes the second and the most southerly of its two Local Wildlife Sites (LWS), while the BNP *includes* both LWS. *Currently, Strutt and Parker are advertising to*

developers the larger, BNP version of the site for sale, together with Cleveland Farm. The PSLP states that in the event of the BNP passing a referendum, its own plans for Benenden will be superseded by the BNP (see para 5.421). Which means the plan presented in the PSLP for AL/BE3 is incorrect.

- . For AL/BE4, the PSLP *includes* all the LWS at the site, while the BNP includes only a small southerly section of it. The PSLP states that in the event of the BNP passing a referendum, its own plans for Benenden will be superseded by the BNP (see para 5.421). Which means the plan presented in the PSLP for AL/BE4 is incorrect.
- . For AL/BE4, Savills' comments on behalf of the BHS on the draft Local Plan (LP), propose 43 dwellings for the site which will include the LWS (see TWFDLP Comments, item DLP_4956 para 3.6), "Unlike the BNP, the TWLP is broader in the site area by providing a boundary encompassing the entire hospital site, yet aside from the discrepancy addressed previously in this representation the two allocations align in terms of proposed numbers. The Society intends to bring forward the development on the two sites identified through the BNP and *within the boundary identified in the TWLP*. The Society welcomes the consistent approach to unit numbers, and the allocation of both parcels of land through the draft BNP and the TWLP."

In terms of boundaries:

- . BHS understands (see DLP_4956, para 2.8 in TWFDLP Comments) "The North East Quadrant occupies the North East of the site, bordered to the North and East by Mockbeggar Lane, to the south by Goddards Green Lane / Benenden Road and the West by existing hospital buildings." *In other words, it includes the entire LWS in its area.*
- . To the south, BHS understands (see DLP_4956, para 2.9 in TWFDLP comments), "The South East Quadrant occupies the South East of the site, bordered to the north by Goddards Green Lane / Benenden Road, to the West by Green Lane and to the South and East by agricultural land and the High Weald AONB boundary." *In other words, it includes the whole of the more southerly of the two LWS at the site.*

This means that PSLP's AL/BE3 is inaccurate because the larger BNP plan will likely prevail, while the PSLP's AL/BE4 could be challenged by the BNP (if successful in a referendum) (see PSLP para 5.421) and substantially reduced in size. The PSLP's plans for the two hospital plans are therefore both potentially inaccurate.

A failure to coordinate and effectively consult has produced unsound documents.

(iv) Poor consultation with stakeholders, the local community and the neighbouring parish

(possibly even more affected by the plans than Benenden), have either not been consulted, or consulted after the fact or consulted but not engaged with.

- . **The Friends of the East End (FEE)** are more affected by the plans than most in the parish but they were not consulted over the development of the BNP on which the PSLP is based. The FEE are mainly residents of the East End which covers about one third of the parish and is a wholly rural location of 76 scattered households. Because it is isolated, it was chosen as the site for an isolation hospital. This now makes up a small enclave close to the border with the neighbouring parish of Biddenden.
 - . The BNP Steering Committee is the only one in the borough to have made its own site allocations and these allocations were published in an Informal Draft Plan (IDP) in February 2019, before consultations with the High Weald -AONB and before inviting AECOM to produce a Strategic Environmental Assessment (SEA). (N.B. Even when the HW-AONB were invited to assess sites they were NOT asked to assess the hospital sites).
 - . The FEE object strongly to the proposal to site almost all the new housing in the East End, but the BNP Steering Committee never asked to meet the FEE nor engaged with them (See EN1 para 9 requiring the effective engagement of the local community, neighbours of sites and others).
 - . The FEE submitted three petitions, two to the BNP and one in relation to the LP. A FEE submission with 127 signatures was submitted on April 4th 2019 in response the IDP (published on February 23, 2019), in which the allocations, later adopted by the PSLP were first set out. A second FEE submission with 164 signatures was submitted in October 2019 objecting to the TWFDLP, and in the same month, a third FEE submission with 167 signatures was submitted in relation to the Reg 16 draft BNP. Instead of acknowledging the strength of these views and the number of people who held them, the chair of the BNP Steering Group, who wrote a regular column in the Parish Magazine about the BNP process,

wrote in January 2020, that only “31 residents from the East End” had sent in “comments”. For the strength of today’s opposition to the BNP, see the FEE’s current online petition with over 450 signatures <https://www.change.org/EastEndFriends> .

Instead of being consulted, the FEE were ignored and belittled. They were informed on 11th March 2019 by the editor of the Parish Magazine (PM), husband of the Chair of the Parish Council, that “I’m of the view that much of the uncertainty has passed since the presentation of the plan to the village - to a highly favourable reception. At least we no longer have to give polite credence to *uninformed views* that fly in the face of TWBC policy and advocate direct and *pointless confrontation* with TWBC, thereby running the risk of having the entire BNDP thrown back in our faces. *The ensuing chaos hardly bears thinking about.* At least it seems the opinions now being afforded most weight are those of *people who have worked hard for two years to understand the issues* and come up with a coherent way forward.”

Consultation also failed in relation to the neighbouring **parish of Biddenden**. The Clerk of Biddenden Council has repeatedly responded to Benenden Parish Council in the course of the BNP consultation process, but received only acknowledgments. A Kent County Councillor and Ashford Borough Councillor wrote an article about BNP’s mismanagement of consultations with the parish of Biddenden in the Biddenden Parish Magazine, February 2021.

2. The plan is unsound because of the untimely publication of site allocations

Pre-Submission Local Plan, para 5.420 reads “The BNP was submitted to TWBC in October 2020 and was consulted on between 30 October and 11 December 2020.” But the allocations had already been made and published by the BNP in February 2019 in its so called “Informal Draft Plan”. The 2019 February allocations are virtually identical to the PSLP 2021 allocations. Para 5.420 states “The BNP proposes to include site allocation policies that follow the approach of the site allocation policies for Benenden in this Local Plan.” How can the BNP follow the PSLP’s approach when its sites were already allocated?

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Many of the PSLP's problems are associated with failure in the duty to co-operate and can therefore not be remedied.

Many are due to poor evidence or poor interpretation of evidence. This too cannot be remedied.

In summary, development on site AL/BE3 should be limited to the existing, so far unused, planning permission for 24 houses, preferably by adapting the Garland Wing, which is a building of historic value, either to a wellness centre, in accordance with its original intention, or to a row of up to 10 terraced houses. Site AL/BE4 already has 18 semi-detached houses on it, and cannot support any more. It should therefore be excluded. Housing should be allocated to sites such as 158 and 222 in the village centre, or to LS8 in Iden Green. These sites all lie within walking distance of shops, other amenities and the primary school. Paragraphs 5.421 and 5.422 should be omitted.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)? . Yes, I wish to participate in hearing session(s)

Question 7a

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

In order to present my case and to answer those with vested interests who may seek to put forward arguments against it.

Question 8

If you have any separate comments you wish to make on the accompanying Sustainability Appraisal, please make them here.

Sustainability Appraisal

As far as the East End of Benenden is concerned, the plan is unsound because the Sustainability Appraisal, which is the heart of the planning process, provides evidence that is often incorrect, sometimes inadequate, but always untimely because the evidence on which site allocation should depend, follows, instead of precedes, site allocation. This was first published February 2019 in the BNP's Informal Draft Plan. The allocations then made are identical (save for a few additional houses) to those now made in the PSLP. Site allocation cannot be supported in retrospect.

An examination of SA Table 58 pp 161-163 Sites AL/BE 3&4 and Appendix L pp 331-332 shows faults in the SA's evidence base.

Climate Change: AL/BE3&4 are not scored for climate change, nor are sites 158 & 222, yet, inexplicably, climate change is scored for AL/BE1&2 (Uphill and Feoffee) and for LS8. Where is the explanation for the failure to assess all sites, especially when sites 158, 222, AL/BE1&2 are all close to each other? The issue is particularly concerning in that sites AL/BE3&4 are both 3 miles distant from the village and without any amenities. Residents at these sites will be heavily car dependent and this was of concern even when only 24 houses were proposed for the site. "You will see from KCC's comments on the hybrid application (12/03130) that in consideration of this earlier application for 24 dwellings, the highways authority raised concern that all residents will be very heavily car dependent, which is contrary to a number of policy objectives, including the NPPF." (see KCC Pre-App Response, 13 Nov 2019, revealed in response to the BNP's Independent Examiner's queries and still not in the public arena).

Biodiversity: AL/BE3 is considered to be less at risk in terms of biodiversity than AL/BE4 though AL/BE 3 has two Local Wildlife Sites (LWS) while AL/BE 4 has only one. Where is the evidence to support the idea that the one is less important for biodiversity than the other?

The SA's scoring is not supported by evidence in a letter from Keith Nicholson of the Kent Wildlife Trust, former Planning and Conservation officer for the Kent Wildlife Trust, dated 4 March 2013, to TWBC Development Control Officer, Ellen Gilbert in which he states, "The 2012 survey has demonstrated that Benenden hospital LWS is more valuable than previously believed. The applicant's consultant is now more firmly of the belief that the Site would fulfil the criteria for it to be considered a Site of Special Scientific Interest (paragraph 4.3.6.). The waxcap community is of national importance when judged against both the Reid classification (para 4.3.4.) and the JNCC Guidelines (para 4.3.5.)." Nor is it supported by the view of the HW-AONB as stated in TWFDLP Comments (see DLP_3458) that the hospital LWS "includes rare and vulnerable acid grassland which should form a core area for

unimproved grassland as part of a High Weald nature recovery network.” Neither the KWT nor the HW-AONB offer any indication that one or other of the LWS at the hospital is of less value than the rest. Further, we now know from

(see web link),

Regulation 18 Representation made by Benenden Healthcare Society, November 2019 that BHS intends to abolish one of the two LWS in AL/BE3, see para 3.21. that “The Society supports the requirement for long-term management of the core areas of the LWS associated with the hospital land. This includes all but the modest area within the SEQ adjoining Peek Lodge which is too constraining on the South East Quadrant redevelopment proposals. Accordingly, the soils in the area will be translocated to a nearby receptor site to try to ensure that the rare fungi can continue to thrive in this local area.”

In other words, far from supporting biodiversity, the BHS plan is to reduce it in AL/BE3 and the same is true of AL/BE3 see (in the same document) para 3.17. “In addition, as highlighted in paragraph 3.13 above, the Society do not intend to use the area in which the garage block is located as an extension to the Local Wildlife Site (LWS) or for additional sports provision. As such, the Society request that the requirement to specifically use the land occupied by the existing garage block and manage it in the long term for the benefit of the LWS and / or sports provision is removed from the policy requirement.” Given this, biodiversity scoring in Table 58 of sites AL/BE3&4 is substantially overrated. Biodiversity at both sites is under threat.

Business Growth: AL/BE3&4 are scored as if they were more favourable to business growth than AL/BE1&2 and sites 158 and 222, but all four of these last-mentioned sites are in the heart of the village where residents will have ready access to local businesses as well as to daily bus services and other services and facilities. Residents at the East End, on the other hand, will have no access to local businesses except by car.

Education: All sites in this SA are scored equally for education, except for site 158 which scores less well. This SA report compares poorly with the SA which TWBC carried out on site 158 in 2006. 158 is parallel to and just north of the Street with its exit onto New Pond Road. In 2006 site 158 was chosen in a village referendum as the site for a new C of E primary school. It was the preferred site out of a choice of two, both of which were greenfield. TWBC’s 2006 SA on 158 decided (see page 18 of the Sustainability Appraisal Benenden Church of England Primary School Land Allocation DPD - Issues and Options report), that 158 was one of two top sites. “Situated adjacent to an area of ancient woodland, the site provides the potential for habitat linkages and wildlife corridors. The site is not adjacent to the CA [Conservation Area] and does not form a significant role in its setting. There are no Listed Buildings on or adjacent to the site. The site is consistent with the surrounding landscape character. There are limited views into the site and no public rights of way over the site.” On page 38, we read, “This site is anticipated to have a major beneficial effect on improving educational standards and travel choice/traffic levels”. In spite of the referendum result, the school was eventually built at the less preferred site and, since then, TWBC had been in consultation with 158’s owners to build houses there. If, in 2006, the SA offered site 158 as one of two top sites in the village for building the new primary school where is the evidence that it’s appropriateness has somehow massively declined since then? Where is the evidence site 158 is less favourable to education than all the other sites mentioned, especially given that the hospital sites, so favoured for development, are three miles distant from the village school?

Table 58 states that “the education objective does not deteriorate when considering the cumulative effects as the schools in Tenterden will be a viable option for residents in East End.” Children from the East End will have priority over the between 70 and 75% of existing pupil at the school who come from outside the parish. On what basis is the assumption made that East End parents will prefer to drive their children 6 miles into Tenterden rather than drive to the primary school in their own village?

Heritage: AL/BE 3 scores slightly less well in terms of its heritage value than AL/BE4 without supporting evidence. How were heritage issues assessed when there is no apparent knowledge of the historic importance of the site, for example: the PSLP makes no mention of the Roman road a few yards south of AL/BE3; the medieval droveway (GGR), which runs through the site and along the ridge; and the Bronze Age palstaff found at the hospital site (National Monument Register - SMR Number/Hob UID). How can a site be scored or evaluated without at least some knowledge of the sites historic significance? This is available at

see web link

and advertised on the Benenden village website.

Services and Facilities: How can sites which are in the heart of the village such as 158 and 222, score the same as sites which are 3 miles distant and isolated in the country? The village has a daily bus service, continuous pavements on both sides of the street, several shops, including a post office, a general store, a butcher and a florist, as well as a pub/restaurant, village green, recreation ground, children's playground, church, memorial hall, village hall and a primary school. In spite of this sites 158 and 222, both as close to the centre as AL/BE1&2, are described as lacking services and facilities including public transport (Appendix L pp 331-332) while the sites chosen for most houses are 3 miles out of the village where there are no amenities whatsoever. LS8 is also described as being remote, but it is only one mile from the village and connected to it by a paved footpath. It is close to a bus stop, a playground, tennis courts and a community hall and it is within walking distance of a pub/restaurant. How can its Services and Facilities be offered the same score as AL/BE3&4? These assessments are not understandable except if the sites were chosen before the SA (as is the case) and the SA had to be manipulated to support those original choices.

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:

<input type="checkbox"/>	Yes, I wish to be notified of future stages of the Local Plan
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Comment

Consultee	Mrs Gillian Latter ([REDACTED])
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] Biddenden TN27 [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Mrs Gillian Latter ([REDACTED])
Comment ID	PSLP_2110
Response Date	04/06/21 08:53
Consultation Point	Policy AL/BE 4 Land at Benenden Hospital (north of Goddards Green Road), East End (View)
Status	Processed
Submission Type	Email
Version	0.3
Data inputter to enter their initials here	AT
Question 1	
Respondent's Name and/or Organisation	Gillian Latter
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy AL/BE 4 Land at Benenden Hospital (north of Goddards Green Road), East End

[TWBC: this representation has been input against Policies PSTR/BE 1, AL/BE 3 and AL/BE 3 – see Comment Numbers PSLP_2097, PSLP_2109 and PSLP_2110]

Question 4

Do you consider that the Local Plan:

Is legally compliant	No
Is sound	No
Complies with the Duty to Cooperate	No

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

- Do you consider that the Local Plan is not sound because:
- . It is not positively prepared
 - . It is not effective
 - . It is not justified
 - . It is not consistent with national policy

Question 5

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

This submission concerns the parish of Benenden, the only parish in the borough to have made its own allocations. The Benenden Neighbourhood Plan (BNP) has been developed in close consultation with TWBC, with the BNP in the lead. The BNP announced its allocations in February 2019, before inviting AECOM to produce its Strategic Environmental Assessment. Pre-Submission Local Plan, para 5.420 reads "The BNP was submitted to TWBC in October 2020 and was consulted on between 30 October and 11 December 2020." But the allocations had been made and published in February 2019. Further, Para 5.420 states "The BNP proposes to include site allocation policies that follow the approach of the site allocation policies for Benenden in this Local Plan." BNP allocations were first published in February 2019 i.e. before LP site allocation policies.

Allocations made by the LP, when it took up the BNP's baton, are therefore inevitably linked to BNP's weaknesses. Yet if the BNP passes a referendum before acceptance of the LP, it is said that it will take precedence over the LP (see para 5.421), with the exception of its plans for the northern site at Benenden hospital, which will be overruled by the plans advanced in the LP (see Benenden Parish Council April 2021 response to Independent Examiner queries on the BNP). This is in contravention of para 5.422 which talks of making "modifications to the LP" so that it matches the BNP.

1. Community involvement. EN1: this requirement has not been respected.

- . In Benenden, almost all new housing is slated for the East End, yet the Friends of the East End (FEE), were never asked to meet with the BNP steering group.
- . See EN1 para 9 requiring the effective engagement of the local community, neighbours of sites and others. The FEE submitted three petitions, two to the BNP and one in relation to the LP. A FEE submission with 127 signatures was submitted on April 4th 2019 in response the Informal Draft NP (published on February 23, 2019), in which the allocations later adopted by the LP were first set out. A FEE submission with 164 signatures was submitted in October 2019 objecting to the first draft of the LP, and in the same month, a FEE submission with 167 signatures was submitted in relation to the Reg 16 draft BNP. See the FEE's current online petition with more than 450 signatures <https://www.change.org/EastEndFriends>
- . Instead of being consulted, the FEE were ignored and belittled. They were informed on 11th March 2019 by the editor of the Parish Magazine (PM), husband of the Chair of the Parish Council, that "I'm of the view that much of the uncertainty has passed since the presentation of the plan to the village - to a highly favourable reception. At least we no longer have to give polite credence

to *uninformed views* that fly in the face of TWBC policy and advocate direct and *pointless confrontation* with TWBC, thereby running the risk of having the entire BNDP thrown back in our faces. *The ensuing chaos hardly bears thinking about.* At least it seems the opinions now being afforded most weight are those of *people who have worked hard for two years to understand the issues* and come up with a coherent way forward."

- . One of the regular articles on the BNP submitted by the chair of the BNP Steering Group appeared in January 2020. It dismisses FEE opposition suggesting only "31 residents from the East End" sent in comments.
- . The core group behind the BNP has consistently tried to persuade those who support the FEE to desist. The chair of the Parish Council and the chair of the BNP Steering Group have twice asked to meet a Tunbridge Wells Alliance (TWA) Borough Councillor for the parish, once together with a TWA borough council candidate, in efforts to persuade them to adhere to the BNP's approach and not to listen to the FEE.
- . The organiser of the FEE was a member of the Steering Committee 2017/2018 as chair of the Environmental Group. She expressed strong disagreement with a Borough Councillor who lives in the village (on occasion, he deputises as chair of the Steering Group) about his wish to step up allocations in the East End and suppress TWBC's wish to build 174 houses on site 158. As a result, the Steering Group chair (using his own word), "sacked" her. This is contrary to EN1 para 9, encouraging early, proactive and effective engagements and the requirement that views expressed should be properly considered.
- . Consultation also failed in relation to the neighbouring parish of Biddenden. The Clerk of Biddenden Council has repeatedly responded to BPC in the course of the BNP consultation process, but received only acknowledgments. A Kent County Councillor and Ashford Borough Councillor wrote an article about BNP's mismanagement of the parish of Biddenden in the Biddenden Parish Magazine, February 2021.
- . The LP is based on the BNP and BNP allocations were made before consultations with stakeholders such as the AONB. This is not consulting in a timely fashion. Further, the LP requires surveys of the hospital sites *after* the designation of the sites for development, for example, archaeological surveys (see AL/BE 3&4). Historic England (HE) asks for the surveys to be carried out *before*. See HE's comments on the first draft LP (DLP_4556) - "we would expect the allocation of sites following on from this Strategy policy (STR1) to be subject to appropriately robust and detailed heritage impact assessment *prior to the allocations being adopted*."

2. The PSLP is not based on sound evidence

- . Throughout the LP process, misstatements have been made about amenities in Benenden's East End. These may be traced back to a submission made by traffic and highways consultants, Transport Planning Associates (TPA) to Benenden Healthcare Society Ltd. (BHS). This submission was recently disclosed in BHS's response to the Independent Examiner's queries in relation to the BNP. TPA's information is sometimes inaccurate and sometimes misleading and we consider it here in detail because it is difficult otherwise, to understand how the LP was able to continue, iteration after iteration, to relate false information about the hospital site.
- . In October 2019, TPA reported (para 2.6) that there was a footpath along the southern edge of Goddards Green Road (GGR) and the PSLP, para 5.452 states "There is an intermittent pavement along GGR". The GGR is a long road running from New Pond Road to Castleton's Oak crossroads, and was formerly a lane. The pavement is limited to the short section immediately outside the hospital buildings. To say that there is an intermittent pavement along GGR is misleading.
- . The TPA refers to the East End as a village, which it is not. The East End runs from the junction of GGR and Walkhurst Road, along the GGR to the border with Tenterden, then turns south to reach close to Hole Park in Rolvenden, then east back to Walkhurst Road at the site of the stream, then along Walkhurst Road back to GGR (see the old Electoral Roll for 2004 when the East End had its own polling station). It is a large, totally rural area of several square miles, which was why it was chosen as the site for an isolation hospital in 1906. Today it contains only 76 houses scattered across the entire area. The PSLP consistently refers to the East End as a hamlet. It is not, which is why BPC is able to advertise itself on its website as "Serving the people of Benenden and Iden Green" without any reference to the East End.
- . The TPA says that "a day nursery is located immediately to the north of the Site within 400m." There is incorrect, yet this error is repeated in para 5.413 of the PSLP "There are also nursery/pre-school facilities at Iden Green and East End." An accurate account would mention Iden Green only.

- The TPA states that there are daily bus services along GGR provided by bus nos. 24 and 299, and twice a day service provided by the Hopper bus. This information is incorrect. The 2019 Hopper bus, operated by the Tenterden social services hub on an experimental basis, failed in only a matter of months. While the 24 and the 299 buses pass along GGR, they do so on only one day a week. The 24 on Tuesdays and the 299 on Wednesdays. The East End has almost no public transport.
- The TPA makes several statements in relation to traffic which have fed misinformation into the system to be reflected in AL/BA3&4. This misinformation was only recently revealed when documents were provided by BHS following April 2021 queries raised by the Independent Examiner on the BNP. These documents include a TPA 'Scoping Note' on road and traffic conditions at the site and a letter written in response to this Note from KCC Highways, dated 13 Nov. 2019. The TPA states that the GGR is 7m wide at the hospital site which detracts from the fact that it is actually a winding rural lane, now called a road, and varies considerably in width. It may at some point be 7m wide, but at others, it is so narrow that two lorries have difficulty passing each other. The TPA claims that there is no need for a road safety review because there have been "no personal injury accidents" recorded within 1,000m. Castleton's Oak crossroads lie 1.5 km from the site and accidents there are frequent, largely due to increasing traffic at the hospital. The hospital has turned itself into an almost exclusively out-patient centre and almost all its 300 employees drive in to work from outside the parish (formerly, they were housed on site in hospital staff buildings). Kent County Council (KCC) Highways make constant and repeated attempts to lower the risk of injury at the crossroads. Works there are ongoing at this time. The TPA claims that no traffic surveys are necessary which is a point queried in the KCC Highways' email. The email talks of the "heavy car dependency" of residents in any housing in this location and says this was one of its concerns, even at the time of the original application asking for only 24 houses. The email states that BHS's plans (and therefore AL/BE 3&4) are contrary to the NPPF and to KCC's own policy objectives, and points out that the hospital has not co-operated over the idea of a minibus to provide transport from the site to Benenden. The letter calls for: traffic counts along the GGR; a wider crash analysis; and expresses concern over the proposed access points to the SE Quadrant - 2 on Green Lane and 2 on GGR. Lastly, on trip generation, the TPA projects that 47 houses at the site will produce only 106 trips a day, though the consultants admit that they have difficulty in basing their estimate on comparable sites because there are none. These trip generation figures ignore existing traffic from local residents, from patients, from hospital staff and from the newly (January 2021) proposed housing estate at Cleveland. The AL/BE 3&4 fails to provide a traffic count, fails to ask for a road safety review and fails to acknowledge frequent traffic accidents near the sites.
- Pre-submission supporting documents also produce inaccurate and sometimes irrelevant evidence. The hospital sites are within the setting of an AONB and even overlap into it, yet *Inset Map 18* (Benenden Hospital), unlike other maps attached, makes no reference to the AONB boundary. The BNP claims that the hospital is outside the AONB and on this basis, since the rest of the village is wholly within the AONB, largely justifies placing most of Benenden's housing in the East End. This is misleading, since the AONB boundary wraps tightly round AL/BE3, which actually overlaps into the AONB in the southwest corner. In any event both sites affect land in the AONB. The relationship of the AONB boundary to the hospital sites is important yet it is ignored on the map. This looks like prejudice.
- Hankinson Duckett Associates's *AONB Setting Analysis Report* (a supporting document for the PSLP, referred to as an evidence base) is, in its analysis of AL/BE3&4, unsound. The analysis argues that development at these sites will enhance the setting of the AONB. It illustrates the argument with photos of the hospital chapel and its carpark. Neither the chapel nor car park are in the area up for development.

3. Policies AL/BE3&4 are not consistent with the PSLP's Vision objectives nor with its strategies, nor with KCC's policies, nor with the NPPF.

- The PSLP's Vision Objective 1 is : "to improve access to suitable, especially affordable housing, including for local young people and older households." But this is inconsistent with allocations AL/BE 3 &4. BHS is asking in its comments on the LP first draft, for a lower number of affordable homes because of the high cost of brownfield development. Living isolated in the countryside, families will need at least two cars. Old and young will be unable to walk to schools, shops or any other amenities. This is not a suitable site for a borough which (see para 2.16) expects the population over the age of 65 + to increase by around 40% between 2020 and 2038. The PSLP's Vision Objective 2 is to ensure sustainable development which allocations at AL/BE 3&4 do not

achieve. On the contrary, the KCC warns that even with the existing permission for 24 houses on AL/BE3, the highway authority had concerns. This is an isolated location, deep in the countryside (see KCC Highways email 13 Nov 2019). More than 24 houses in this location is not sustainable.

- . **Policy PSTR/BE1**, LBD 5.416 states “the LBD around Benenden village sets the extent of existing and planned development ..” This conflicts with the recommendation that major development be instated three miles beyond the LBD, on the border with Biddenden.
- . **Policy STR 2** “The Council requires the use of masterplanning, including the use of design codes and sustainable design standards where appropriate, for strategic and larger-scale developments..” This is undermined by AL/BE 3&4 which calls for a masterplan for an area not included in the PSLP and not presented. Para 1a of Policy AL/BE3 states that there is a need to “show indicatively how the other areas included within Policies AL/BE3 and AL/BE 4 can be developed to meet the overall policy requirements as set out within each of these policies, and *how the future needs for Benenden Hospital will be met on areas to the north west and south west that currently comprise the hospital buildings and associated ancillary uses and is previously developed land.*” It is not sound to proceed with an LP where the land to be developed is not clearly indicated from the start.
- . **A masterplan is essential to avoid current inconsistencies on the size of areas to be developed:** AL/BE3 excludes one of the 2 Local Wildlife Sites (LWS) at the site, yet the BNP includes both. Para 5.458 states “Both this policy and BNP draft Policy SSP3 broadly follow the same approach towards the potential for developing this site for a residential development..” They do not. The PSLP states that in the event of a successful referendum, the BNP’s proposals will prevail. If this is so, are we supposed to assume that AL/BE3 map is inaccurate?
- . A similar problem arises at the northern site (AL/BE4) here there are currently 18 dwellings. The proposal allows for these to be demolished and another 25 dwellings added to the site. The size of the area to be developed varies between the LP and the BNP. The LP includes the LWS in the area to be developed but the BNP includes only a small section, but says in the event of a successful referendum the BNP plan will be over-ruled by the LP plan (see the BPC response April 2021 to the Independent Examiner’s queries). This is the reverse of 5.421 & 2. It is unsound to proceed with a plan when the NP and the LP are at odds with each other.
- . **The PSLP claims building will only be within existing footprints**, an approach which is at odds with that of the BHS. Plans for 47 new houses in AL/BE3, presented to the village on 17th February 2020 by the hospital architects, show the buildings are not to be built within the footprint of previous buildings nor to respect LWS.
- . **Policy STR 3** calls for the use of brownfield sites “within settlements” and in “sustainable locations.” AL/BE 3 consists of disused medical buildings and 2 LWS with parkland and veteran trees (depending on whether this second LWS is included or not). 5.448 is therefore incorrect. The site should be described not as brownfield but as partly brownfield. It is not on the Brownfield Register. Because of its remote location and its valuable LWS sites, it is not free from constraints which could be mitigated. As such, Policy AL/BE3 does not meet the criteria needed under the NPPF, Section 11, para 117 for development in “a way that makes as much use as possible of previously-developed or ‘brownfield’ land.” AL/BE 4 contains in-use residential housing and an LWS and therefore is not entirely brownfield.
- . **Policy STR 5** states that “New residential ... development will be supported if sufficient infrastructure capacity is either available or can be provided in time to serve the development.” Will this happen at AL/BE3&4? Developers themselves are to provide the infrastructure at AL/BE 3&4. The LP proposes to take on trust suggestions that the BHS will avoid building on the LWS and will provide play-grounds, sports facilities and tennis courts. We know from submissions following the first draft LP, that BHS is actually planning to remove one LWS entirely and that its plans include building on the LWS and beyond the foot print of previous buildings. BHS suggests, in its response to the first draft LP (DLP_4956) that it is unlikely to provide play-grounds, sports facilities and tennis courts. The PSLP’s approach does not take comments to the first draft LP into account.
- . **Policy STR 6** proposes to “Deliver future development in accessible locations, normally within or in close proximity to existing towns and villages across the borough.” In the case of the two isolated hospital sites, the PSLP contradicts its own strategic policy and fails to offer choices in transport or to prioritise active travel and public transport. The Benenden hospital sites have no daily bus service and no active travel link to the village, and neither the PSLP nor the BHS provide credible information on how these links are to be provided. The KCC email of Nov 13 suggests

that the hospital is uncooperative on the proposal to organise a minibus service and the SHELAA says of AL/BE3 that it is “Remote from a settlement centre,” (unlike sites 158, 222 and LS8); that residents will rely heavily on private cars and thus air quality and travel objectives score negatively; and that, “although promoted by the policy, shared transport and active travel options are unlikely to take precedence over private vehicle use thus air quality and climate change score negatively.” This is crucial. For all the talk of mitigating the remoteness of the hospital sites with a minibus link and cycle routes, nobody actually believes that any of these measures will succeed. As for the proposal to create links suitable for electric personal vehicles, such as mobility scooters (as suggested under STR 6), it is difficult to see, when the closest link with the village is a single-track lane (Walkhurst Road), how any personal electric vehicle could make that journey. The PSLP is creating, through its policies AL/BE3&4, a car dependent community. This thereby negates the sense of the LP’s supporting document, *Transport Strategy Review Sept 2019* which urges reducing the need to travel.

- AL/BE3&4 also undermine TWBC’s Full Council motion of July 2019 to reduce CO2 emissions. “The dominance of the car as a mode of transport can lead to congestion, more road accidents, air and noise pollution. In addition it contributes to climate change, reduces social cohesion and leads to less healthy lifestyles” (para 44 *Transport Review*). According to TW’s own SA from 2006, if social cohesion, reduction in air pollutants, and public health were indeed the borough’s priorities, site 158 would have been among those chosen for Benenden, as originally intended.
- PSLP paras 5.453 and 5.467** state that “residents of development in this location will rely heavily on private cars.” These plans runs counter to STR6 policy on the environment see paras 6.8, 6.9, 6.10, 6.11 and 6.13. It also contravenes KCC policies on climate change and the NPPF (see KCC’s Nov 13, 2019 letter on this subject).
- Para 5.414** “The parish provides two relatively large sources of employment: at Benenden Hospital and at Benenden School.” The inference is that the employment opportunities are linked somehow to the population of Benenden. There is in fact little connection. The 300 plus staff at the hospital drive into the parish along GGR to work and, since the hospital is isolated from the village, their contribution to the local economy is negligible.
- Policy STR 6** The LP proposes to “**Deliver future development in accessible locations, normally within or in close proximity to existing towns and villages across the borough.**” In the case of the two isolated hospital sites, the LP contradicts its own strategic policy and fails to offer choices in transport or to prioritise active travel and public transport.
- Cycle routes:** The PSLP’s standards on the public benefits of cycling and walking are based on the *Cycle Strategy Supporting Document*, but these standards are undermined by site allocation in Benenden. The Cycle document states that: “When more people cycle or walk the health of the population improves and our roads become safer and less congested.” Its objectives 4 and 5 are to improve safety for cyclists and air quality for all, but AL/BE 3 & 4 will create a community, deep in the countryside, entirely dependent on the car and will contribute to poorer air quality for all. The allocation of these sites, as opposed to sites such as 158, is difficult to understand.
- The *Cycle Strategy* states that fear of traffic is possibly the main factor discouraging people from cycling. National Cycle Route 18 runs from the Rolvenden Road, down Stepneyford Lane, to Green Lane, before joining the Benenden Road near the hospital, turning right and leading to Castleton’s Oak Cross roads and Gribblebridge Lane. This route is a largely on-road ride travelling through the High Weald, using narrow, picturesque country lanes as much as possible. Green Lane/Stepneyford Lane is mentioned in TWBC’s *Rural Lanes: Supplementary Planning Guidance*. It is particularly high scoring in terms of its landscape, its recreational value, its natural beauty and its history. For these reasons, it is part of National Route 18. Rather than encouraging cycling, AL/BE3, which proposes two exits for this major development on GGR and two on Green Lane (where a second housing estate, at Cleveland Farm is already leading to Kent Highways calling for road widening and the elimination of grass verges - see building application 20/03267/FULL) will cause an increase in those factors, identified in *TW Cycle Strategy*, as discouraging cyclists, namely, traffic and the loss of unspoilt country lanes. Policy AL/BE3 also contravenes Kent Structure Plan Policy ENV13: “Rural lanes which are of landscape, amenity, nature conservation, historic or archaeological importance will be protected from changes which would damage their character, and enhanced.” In any event, the cycle route is purely recreational and will not enhance the sustainability of these sites.
- Policy STR 7** proposes, in dealing with TWBC’s 2019 legally binding commitment to manage climate change, that all development in the borough will support the Council’s target to achieve net zero emissions by 2030. It is unsound, with such a goal, to propose a major development on

the parish periphery, 3 miles equidistant from two villages where there is no shop (in spite of the PLSP's statement AL/BE 3&4) and no café (BHS says its café was built for its own use not for the use of the public - see comments on the first draft of the LP). Residents will need their cars for almost everything.

- . **Policy STR1** promotes the effective use of previously developed land, having due regard to relevant Plan policies, but in promoting AL/BE3&4, the PSLP disregards STR6 (environmental goals) & STR7 (transport goals). Under the NPPF, sustainability is the priority, as the PSLP acknowledges in STR3, 4.65 "A presumption of sustainability lies at the heart of the NPPF", but in allocating AL/BE 3&4, the PSLP fails to respect its own and the NPPF's strategic priorities.
- . **Policy STR 8** states that development should contribute to and enhance rural landscapes with particular regard to the High Weald (HW) AONB. The PSLP promotes nature conservation. Its biodiversity objective is to achieve net gains and, where possible, secure long-term management of sites for biodiversity. AL/BE3 runs counter to this strategy since the BHS has produced plans showing houses built over the LWS. It has, furthermore, produced a document requiring that one of the two LWS be dug up and removed to another unspecified location, thereby nullifying the terms of the existing Landscape and Ecology Management Plan (LEMP) for that site. Para 3.21 of the BHS submission on the first draft LP states: *"The Society supports the requirement for long-term management of the core areas of LWS associated with the hospital land. This includes all but the modest area within the SEQ adjoining Peak Lodge which is too constraining on the South East Quadrant redevelopment proposals. Accordingly, the soils in the area will be translocated to a nearby receptor site to try to ensure that the rare fungi can continue to thrive in this local area."* This is a particularly significant site for biodiversity. A letter from Keith Nicholson, former Planning and Conservation officer for the Kent Wildlife Trust, dated 4 March 2013, to TWBC Development Control Officer, Ellen Gilbert states that the hospital LWS are of national importance, mainly for the large number of different varieties of waxcaps. He states that they could well have been designated SSSI. Both in terms of waxcaps and in terms of valuable acid grassland, the hospital sites have high environmental value, see Comment DLP_3458 on the first draft of the LP, from the High Weald AONB Unit. The Benenden Hospital site *"includes rare and vulnerable acid grassland which should form a core area for unimproved grassland as part of a High Weald nature recovery network."* AL/BE3&4 threaten the biodiversity of significant species in the LWS at the hospital sites, contrary to EN1.
- . The LWS to the south of AL/BE3 is included in the BNP and BPC argues that this has been done in order to protect it (see their response to the Independent Examiner April 2021). It is difficult to follow this logic. The inclusion of the site in the area to be developed suggests that it too could be under threat. There is no plan showing the placement of houses on AL/BE 4, which is currently home to a large LWS and is the site of 18 habitable dwellings, almost all of the them currently in use and let. The proposal allows for these to be demolished and another 25 dwellings added to the site. The PSLP includes the LWS in the area to be developed and the BNP excludes most of it. Benenden Parish Council (BPC), in its April 2021 response to the Independent Examiner, has said that, in the case of a successful referendum, the PSLP's plan (which includes the LWS), will prevail. In other words, of the 3 LWS in AL/BE 3&4, one is slated for removal, one will be built over if the PSLP prevails and one may be built over if the BNP prevails. This undermines STR8.
- . The PSLP claims that the hospital development "has the potential to improve the setting of the HW AONB through the delivery of a more sensitive redevelopment of existing buildings" (para 5.454), but the claim is not supported by evidence produced by *Hankinson & Duckett* (see above) while the HW AONB unit's own view is the opposite. See TW first Draft LP, **DLP_3458 High Weald AONB Unit** (which objects to the Plan) : *"...In our view the development at Benenden Hospital will have a significant effect on the setting of the AONB and the purposes of its designation, and this issue has not been properly considered by the Plan."*
- . The NPPF section 2 para 11 states: *"Plans and decisions should apply a presumption in favour of sustainable development... (b) strategic policies should provide for objectively assessed needs for housing ...that cannot be met within neighbouring areas unless ... (i) the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area."* And see Footnote 6: the policies referred to are those in the Framework ... relating to habitat sites (and those sites listed in para 176) and /or designated as SSSI, AONBs
- . NPPF para 177 states: *"The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in*

combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site."

PSLP EN1 para 5. Biodiversity and geodiversity.

AL/BE 3&4 run counter to this policy as stated above in relation to the LWS.

The Environment

STR8 sets high environmental standards but these are undermined in the site allocations. This is particularly startling in the light of the July 2019 Full Council motion to recognise the climate and biodiversity emergency, in fact, the Benenden allocations put into question whether the motion was passed in good faith.

EN1 para 5 (Biodiversity and geodiversity) says that proposals should maximise opportunities to increase biodiversity. This goal may make sense in an urban setting, but development in the countryside, as is proposed in AL/BE 3 & 4, cannot hope to ever mitigate biodiversity loss. The destruction of trees and wild spaces, the introduction of lighting, kerbs, driveways, wider roads and narrower verges, the use of concrete, tarmac, bricks and mortar in a deeply rural setting cannot "increase biodiversity".

EN1 provides for Long-term Management plans which would be satisfactory within an urban context. In a rural location like the East End, such plans are no substitute for natural wild spaces. A 'managed' green space set among streets is less likely to promote biodiversity and less likely to conserve wildlife than 'unmanaged' green space. Further, the three LWS in AL/BE3 & 4 are all already part of an existing LEMP agreement, and since one or all would be removed in the case of development as outlined by BHS under AL/BE3&4, instead of creating a long-term management plan, AL/BE3 & 4 would all but terminate an existing one. The sentiments expressed in EN1 are mocked by AL/BE3 & 4.

4. Site policies

AL/BE3 excludes one of the 2 LWS at the site, and the BNP includes both, yet para 5.458 states "Both this policy and BNP draft Policy SSP3 broadly follow the same approach towards the potential for developing this site for a residential development.." This does not appear to be the case. Further, the SHELAA treats this site twice, once including the southern LWS (and excluding Windmill Cottage) and once excluding the LWS and including Windmill Cottage (SHELAA pages 1-3 and pages 18-19). In the second instance, the suggestion is for 67-73 houses, presumably building over the LWS. The first plan is the one adopted in the PSLP and appears to be the more accurate of the two in that it describes the site as "mostly PDL". The second ignores all greenfield aspects and is almost identical to the plan in the BNP, a plan which BNP claims will prevail if it wins a referendum. Is AL/BE3 presenting us with the wrong plan?

AL/BE3 and AL/BE4 provide for a phased timetable for development of the two sites at different time intervals without calling for a comprehensive masterplan for the hospital site as a whole i.e. for the entire built up area. This is inconsistent with STR2, which requires a masterplan for large developments. The full extent of the area to be developed must be clear. See para 1a of Policy AL/BE3 which states that there is a need to "show indicatively how the other areas included within Policies AL/BE3 and AL/BE 4 can be developed to meet the overall policy requirements as set out within each of these policies, and *how the future needs for Benenden Hospital will be met on areas to the north west and south west that currently comprise the hospital buildings and associated ancillary uses and is previously developed land.*" It is not sound to proceed with an LP where the land to be developed is not indicated from the start.

AL/BE3&4 both call for an active travel link between the site and Benenden village. This proposal has been costed (see BPC's April 2021 reply to the Independent Examiner) at between £180,000 and £220,000 for a 3m wide tarmacked surface, plus costs to upgrade it to a bridleway, plus the costs associated with obtaining landowners' consent or, failing that, of starting compulsory purchase proceedings which TWBC expresses reluctance to undertake because of the significant compensation costs and legal costs which would be involved. No steps have been taken either by the BNP or TWBC to ascertain the willingness of landowners to give up their land although the major landowner involved wrote to BNP on 11th Sept. 2019 objecting to the plan. It is understood that he was not contacted for subsequent discussion.

AL/BE3&4 calls for the repurposing of the existing tennis courts for the use of local residents, which BHS denies it will offer for public use; for the public use of the hospital's café; for the creation of a hospital shop (5.413); for a minibus service linking the hospital to the village ("The Society is not a transport provider" is BHS' response); for green space, a playground and provision of a community

hall - most of these policies are refuted in Savills' comments on behalf of BHS, in the first draft of the LP, DLP_ 4956 paras 3.14, 3.18, 3.19, 3.20, 3.46 and 3.47. Rather than agreeing to such policies, the hospital is calling on TWBC to introduce a more flexible funding system to allow a *reduction* of developer costs. BHS argues these will be high because they wish to demolish existing buildings. It is unsound to propose policies which cannot be implemented. Once the sites are sold, no relevant conditions to this effect could be imposed.

5. The PSLP is unsound because of inconsistencies in the treatment of different sites.

(i) **Uphill, AL/BE1** is described as having archaeological potential (para 5.428) requiring possible mitigation measures. This is not because of historical finds on the site, but because they *might* be found. A listed manor house lies on the other side of New Pond Road and, according to AL/BE1, "the site lies within, or very close to the relevant impact risk zone for Parsonage Wood", a SSSI which is, in fact, several miles away. The archaeological significance of AL/BE 3&4 is far more certain and substantial. The hospital sites are where a bronze age palstaff was found (see the National Monument Register - SMR Number /Hob UID)) and the sites lie close to two ancient routeways. A Roman Road runs west-east (on BHS farmland) a few yards to the south of AL/BE3 and a medieval drove road (GGR), runs west-east between the two sites. Further, two Grade II Listed Buildings are sited here, also on BHS land. The Lister building stands a few yards to the west of AL/BE3 and Cleveland Farm house (the farmyard of which BHS is trying to develop separately and simultaneously as if a minor planning project) lies a few yards to the south. Instead of mentioning these facts, AL/BE3&4 reads (5.456 and 5.468) "Kent County Council states that the site includes significant archaeology, which could be dealt with through suitable conditions on a planning approval." The imbalance in the treatment of the two sites is substantial and suggests confirmatory bias or prejudice.

(ii) The SHELAA assessment of site 158 suggests a potential yield of 50-65 houses, but then concludes that only the Uphill part of the site is suitable (20 houses). It states that "the remainder of the site is sensitive in landscaping terms and there is concern regarding scale and impact on the character of the landscape and settlement pattern". This is contrary to the views of TW's 2006 SA; to the TW 2018 document proposing 174 houses; and to the first draft of the LP. The dismissal of 158 as a suitable site is not supported by the evidence and suggests prejudice.

(iii) Site 222, west of the cross roads, was also considered in 2006, as a possible site for the new village school, though it was not one of the top two sites put to a referendum. The SHELAA suggests 222 has a potential for 76 houses. The site is considered unsuitable partly because the new LBD, if adopted, will exclude all houses west of the cross roads, when the village actually extends a considerable length along this road to the west. There is no mention of the fact that the owners of this site are offering the pond at the south west corner of the crossroads as village green space. The dismissal of 222 is not supported by the evidence and suggests prejudice.

(iv) The SHELAA suggests a capacity of 26 houses at Site LS8 in Iden Green, stating that it lies adjacent to the recreation ground and a children's nursery and that there is a pavement on both sides of Iden Green's main road. It fails to mention that the easternmost side of this pavement connects the village to the village primary school. The SHELAA dismisses the site as unsuitable saying that it is located in a remote location relative to services, facilities and public transport, but this site is far less remote than sites AL/BE 3&4. The dismissal of site LS8 is not supported by the evidence and suggests prejudice.

(v) The proposed new LBD has been constructed so as to include the new site at Uphill and to exclude 222, when in fact, the actual built development extends westwards from the crossroads and includes site 222. The LBD is ignored in respect of AL/BE3&4. Manipulation of the LBD to suit allocated sites is inappropriate.

As a general comment, I have found the process unnecessarily difficult to navigate. In fact, from the point of view of the ordinary lay-man, I would term the process 'hostile'. The interactive on-line site was unmanageable. Question 4a is very badly worded. The PSLP's prose entirely suited the opacity of the procedure. Here is one example from the SA (page 163) "However, the education objective does not deteriorate when considering cumulative effects as the schools in Tenterden will be a viable option for residents in East End and thus are likely to take the pressure off Benenden Primary School." What does that mean?

Question 6

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Question 5 above. (Please note that non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

The modifications needed are included in the submissions set out above. In summary, development on site AL/BE 3 should be limited to the existing, so far unused, planning permission for 24 houses, preferably by adapting the Garland Wing, which is a building of historic value, either to a wellness centre, in accordance with its original intention, or to a row of up to 10 terraced houses. Site AL/BE 4 already has 18 semi-detached houses on it, and cannot support any more. It should therefore be excluded. Housing should be allocated to sites (such as 158 and 222 in the village centre or LS8 in Iden Green) which lie on bus routes or are within walking distance of the village centre and school.

Paragraphs 5.421 and 5.422 should be omitted.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)? . Yes, I wish to participate in hearing session(s)

Question 7a

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

In order to put over my case, and to answer those with vested interests who may seek to put forward arguments against it.

Question 8

If you have any separate comments you wish to make on the accompanying Sustainability Appraisal, please make them here.

1. The Sustainability Appraisal (SA) is misleading. Table 58 on page 163 states that all Benenden sites "lack services, facilities and travel options". This belies the fact that AL/BE2 (Feoffee almshouses) is close to the Street as is AL/BE1 (Uphill). Both sites are within walking distance of the bus stop for daily bus services, the post office, village shop, the primary school, the village green, the butchers, pub, community hall, church, recreation ground and children's playground. AL/BE 3 & 4 are three miles north east of the village with no daily bus service and no amenities whatsoever.
2. The commentary on Table 58, (page 163 of the SA), states that East End sites score badly on Climate Change and Travel, yet these are the sites promoted for most houses.
3. The SA argues on page 163 that East End residents will send their children to schools in Tenterden

instead of to the village primary school, and that this will lessen the otherwise seriously negative effects of the two hospital sites. This is pure conjecture and possibly wishful thinking. The school has a good reputation and currently between 70 and 75% of children there come from outside the parish. East End children will have precedence over these, since intake depends on the distance of a child's residence from the school. Pressure on Benenden Primary School will increase, not decrease. Further, the use of a car, whether it drives to Tenterden (5-6 miles) or to Benenden (3 miles), pollutes and deprives residents of the health-giving pleasure of walking to school. The AL/BE 3&4 are contrary to STR2, to the NPPF and to KCC policy on climate change.

4. Appendix L (pp331-2) shows Scores for Reasonable Sites in Benenden. Here we see scores for 158 and 222, two sites close to the village centre. Of 158, we read "A site that scores several neutrals with some positives, let down by its land use and landscape score impacted by a loss of a greenfield site in the AONB and lack of services and facilities including public transport at the settlement." This SA report compares poorly with the SA which TWBC carried out on site 158 in 2006. 158 is parallel to and just north of the Street with its exit onto New Pond Road. In 2006 site 158 was chosen in a village referendum as the site for a new C of E primary school. It was the preferred site out of a choice of two, both of which were greenfield. TWBC's 2006 SA on 158 decided (see page 18 of the Sustainability Appraisal Benenden Church of England Primary School Land Allocation DPD - Issues and Options report), that 158 was one of two top sites. "Situated adjacent to an area of ancient woodland, the site provides the potential for habitat linkages and wildlife corridors. The site is not adjacent to the CA [Conservation Area] and does not form a significant role in its setting. There are no Listed Buildings on or adjacent to the site. The site is consistent with the surrounding landscape character. There are limited views into the site and no public rights of way over the site." On page 38, we read, "This site is anticipated to have a major beneficial effect on improving educational standards and travel choice/traffic levels". In spite of the referendum result, the school was eventually built at the less preferred site and, since then, TWBC had been in consultation with 158's owners to build houses there.

5. In April 2018, BNP Steering Committee Deputy Chair, a borough councillor, showed the committee a piece of paper from TWBC saying that TWBC wishes to build 174 houses on site 158. He committed himself to seeing these numbers reduced and the numbers at the East End raised. After a meeting between representatives from the BNP group and TW planners on June 19th, 2018, the minutes reported that "At times the workshop was emotive ..." Following that meeting TW planners put site 158 on temporary hold, limiting development there to a future Local Plan by asking, in the first draft of the LP on page 270, that the Uphill site on New Pond Road, adjacent to 158 and allocated at that time as AL/BE3, should, under Clause 8, provide for vehicular access through Uphill to the site behind (158) "which may be allocated for development as part of a future Local Plan." In the PSLP, this wording for Clause 8 has disappeared. Where is the evidence-base for such wording to be included in the first draft and excluded in the second? Why is the site considered suitable in 2006, in 2018, and in the first draft, but not suitable in the PSLP?

6. Site 222, like 158 is described in Appendix L of the PSLP's SA as suffering from "a lack of services and facilities including public transport at the settlement." This is inaccurate. There is a daily bus service along Benenden Street and site 222 is within easy walking distance of the bus stop, shops, pub, community hall, primary school and all other amenities.

7. Site LS8, in the heart of Iden Green is, along with site 158 and 222, a site which on-the-ground evidence suggests is eminently suitable for development, but which the SA fails to allocate. Appendix L of the SA gives LS8 virtually the same scores as Uphill (LS16 of AL/BE1) yet the latter is included for development and the former is not. The commentary states of LS8 "A number of scores are negative however, reflecting the remote location of the site from services and facilities and public transport. It scores negatively in heritage terms as the site is a relatively sizeable piece of the Iden Green Conservation Area." This site is far less remote than sites AL/BE 3 & 4. It is one mile from the village and connected to it by a paved footpath running past a Roadside Conservation Area and then (still paved) through a field to the church and primary school. It is on a bus route and the bus stop is next to LS8. Iden Green has a community hall, tennis courts, a children's playground and pub/restaurant. The SA information is unreliable and the PSLP's use of it for site allocation is unwise.

8. In so far as Benenden is concerned, the sites were allocated before any sustainability appraisal was commissioned. It is not therefore a relevant factor in the allocation of sites for housing.

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:

Yes, I wish to be notified of future stages of the Local Plan

Comment

Consultee	Mrs Gillian Latter [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] Biddenden [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Mrs Gillian Latter [REDACTED]
Comment ID	PSLP_123
Response Date	07/05/21 09:42
Consultation Point	Policy AL/BE 4 Land at Benenden Hospital (north of Goddards Green Road), East End (View)
Status	Processed
Submission Type	Email
Version	0.3
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Mrs Gillian Latter
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Paragraphs 5.410 to 5.470

Policy PSTR/BE 1: The Strategy for Benenden parish

Inset Maps 17 & 18

[TWBC: this representation has been input against Policies PSTR/BE 1, AL/BE 3 and AL/BE 3 – see Comment Numbers PSLP_121, PSLP_122 and PSLP_123]

Question 4

Do you consider that the Local Plan:

Is legally compliant	No
Is sound	No
Complies with the Duty to Cooperate	No

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:	. It is not positively prepared
	. It is not effective
	. It is not justified
	. It is not consistent with national policy

Question 5

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

(a) in writing, or

(b) by way of electronic communications".

These options are not stated to be available on the website, except by using the Representation Form. The process of getting to download and complete this response form is unnecessarily convoluted, which has the effect, if not the intention, of making it difficult for the ordinary citizen without special IT skills. For example, we are asked to log in to an organisation to which this process has no doubt been outsourced, complete a separate form for each representation which we wish to make, and limit ourselves to specific areas of comment. This is unnecessarily laborious and does not meet the requirements of Regulation 3(2).

- 1 Paragraphs 5.421 and 5.422 state that in the event that the Benenden Neighbourhood Plan is adopted all the policies relating to Benenden AL/BE 1 to 4 will be omitted and the Neighbourhood Plan will be used instead. It is submitted that this is unlawful. Nowhere in the Act or in the Regulations is the Local Planning Authority given the power to delegate its statutory duty to another authority. Regulation 5 does not have this effect. Section 15 of the Planning and Compulsory Purchase Act 2004, as amended, requires the Local Planning Authority to prepare and maintain a local development scheme which must specify development plan documents. Section 19 (2) sets out the matters to which it must have regard. Nowhere is it given power to pass the duty over to a parish council. This is important because the *merits* of a Local Plan must undergo an independent examination (see Section 20) whereas the merits of a Neighbourhood Plan do not. They are subject to independent scrutiny to see whether they comply with the rules, thus a Neighbourhood Plan may be adopted without any consideration of its merits. This amounts to a breach of the rules of Natural Justice (*delegatus non potest delegare*).
- 2 Under the Town and Country Planning (Local Planning) (England) Regulations 2012 as amended, regulation 18 (3), the Local Planning Authority *must* take into account any representation made in response to a representation made under Regulation 18 (1). The Local Authority has been told in the clearest terms in my previous submission of 30 October 2019 and that of many others

at the same time, that there is no shop nor pre-school nursery at the East End. Yet paragraph 5.413 of the Plan perpetuates the myth that there is a shop in the hospital and nursery/pre-school facilities at the East End. This statement appears in the original versions of the Local Plan, to which its attention was drawn in many other earlier objections. There are no public amenities at the East End, there is an in-house café at the hospital, reserved for patients and staff, not open to the public. The Planning Authority should know this. This affects the sustainability of the proposals at AL/BE 3 and AL/BE 4.

- 3 Policy PSTR/BE1 item 3b and c requires that developers who acquire land in Benenden village will have to make contributions which will be used towards the provision of the expansion of Hawkhurst primary school (which does not serve Benenden since it has its own primary school) and library provision, adult learning and social care at a new Cranbrook Community Hub, which has nothing to do with Benenden. These items do not appear in the Benenden Neighbourhood Plan for obvious reasons. They cannot properly amount to proposals for Benenden.

4 **Soundness, consistency and correct evidence**

The Local Plan (LP) sets out a vision and strategies which are undermined by its allocations, particularly by its allocations to the East End of Benenden at the two hospital sites, AL/BE3 & 4, sites which are roughly 3 miles equidistant from both Benenden and Biddenden (but just in the parish of Benenden). The LP is not sound nor are its strategies consistent with its policies in relation to AL/BE 3 & 4.

1 **Vision**

Vision Objective 1: “to improve access to suitable, especially affordable housing, including for local young people and older households.”

- . Para 5.467 states of AL/BE3 “it is likely that residents of development in this location will rely heavily on private cars”. The same is said for AL/BE4.
- . The plan allocates affordable housing to an area with intrinsically higher living costs instead of to sites (such as 158 and 222 in the village centre or LS8 in Iden Green) which lie on bus routes or are within walking distance of the village centre
- . While the LP asks for 30% affordable housing, the Benenden Health Society (BHS) is asking, in its comments on the TWLP draft plan, to have this figure reduced
- . The sites will not be suitable for the elderly who will be unable to walk to shops or amenities, yet the LP states that the over 65s are an increasingly important part of the population. They are expected to increase, as a percentage of the total population, by 40% during the period of this plan.

The viability of the two sites depends almost entirely on the plan’s attempt to mitigate the problem of unsustainability. The mitigation proposals are unsound.

1 **Transport:**

- . The proposal is for public transport connections and active travel links, but the BHS in its response to the TW draft LP states (DLP_4956.3) that it not a transport provider and will not run a daily service into Benenden, nor a regular service to Tenterden. All it offers is some financial contribution towards such services. Who will bear financial and organisational responsibility for them? This proposal is based on conjecture and wishful thinking.
- . The LP does not map out any active travel links with the village because there are none. Establishing such links would require land purchase. Who will purchase the land and set up the links? The proposal is based on conjecture and wishful thinking. Even if such a link in the form of a cycle path is provided, it would only be used for leisure cycling, not for shopping or taking the children to school.

1 **Amenities:**

The SHELAA acknowledges that the hospital sites are unsustainable. It states they are “remote from a settlement centre”. The unsustainable nature of site AL/BE4 is demonstrated in Table 58 of the Sustainability Appraisal (page 163). AL/BE4 scores as being “very negative” to “negative” on the sustainability topic of Services and Facilities, and as being “negative” on the sustainability topic of Travel. The same is true of AL/BE3. Sites 158 in the village, and LS8 in Iden Green, on the other hand, have no very negative scores, appendix L page 331.

The amenity problem is to be partly overcome, according to the LP, by establishing public access to the hospital shop and to its café, but this mitigation measure is wholly unsound because:

- . There is no hospital shop at present

- . The BHS states in its response to the TW draft LP that its facilities, including the café, have been designed solely for hospital use so even if there were a shop, it would not be available to the public.
- . The land at AL/BE 3 is currently up for sale. Once it has been sold, the BHS could not be bound by any planning conditions, which run with the land.

1 Strategies

The LP's policies on AL/BE 3 & 4 undermine the following Strategic Policies

Policy STR1, which calls for a focus on new development within LBDs and for a limit to development in the countryside.

Sites AL/BE 3 & 4 are almost three miles outside the LBD and in the countryside, midway between the villages of Benenden and Biddenden.

Policy STR 2

“The Council requires the use of master planning, including the use of design codes and sustainable design standards where appropriate, for strategic and larger-scale developments..”

This is undermined since no master plan has been produced for sites AL/BE 3 & 4

Policy STR 3 Calls for the use of brownfield sites “within settlements” and in “sustainable locations.”

AL/BE 3 & 4 are neither.

AL/BE 3 consists of disused medical buildings and 2 Local Wildlife Sites (LWS), one of them containing fine specimen trees and another an important collection of waxcap fungi. BHS plans for the site show houses built over the LWS and beyond the footprint of existing buildings.

There is no such plan for AL/BE 4 which is currently home to a large LWS and is the site of 18 habitable dwellings, almost all of the them currently in use and available to let. The proposal allows for these to be demolished and another 25 dwellings added to the site. The size of the area to be developed varies between the LP and the BNP, with the LP potentially including the LWS in the area to be developed. The BHS in its response to the LP has stated that its proposals for an additional 25 houses is based on the land allocated it in the LP, and not on the land allocated in the BNP. This implies that the BNP does not offer them sufficient hectarage. It is unsound to proceed with a plan when the developer's plans and the land that they are expecting to develop are not clearly stated, especially when an LWS is at stake. It is unsound to accept a proposal 'on trust'. The Benenden Neighbourhood Plan cannot be used as a substitute for AL/BE 3 or 4 when it is at variance with it.

Policy STR 5 states that “New residential ... development will be supported if sufficient infrastructure capacity is either available or can be provided in time to serve the development.”

Developers themselves would have to provide the infrastructure at AL/BE 3&4, since no one else would. The LP proposes to take on trust suggestions that the BHS will avoid building on the LWS and will provide play-grounds, sports facilities and tennis courts. BHS suggests, in its response to the earlier draft LP (DLP_4956.3 3.14) that it may encroach on the LWS and it is unlikely to provide play-grounds, sports facilities and tennis courts. Since BHS has put part of the site up for sale, it is clear that, if it sells, it will no longer be bound by any planning conditions, and the purchaser will have no power to make use of facilities in the hospital itself. There is no provision in the published layout for any such facilities on site. The LP's approach is therefore unsound.

Policy STR 6

The LP proposes to “Deliver future development in accessible locations, normally within or in close proximity to existing towns and villages across the borough.”

In the case of the two isolated hospital sites, the LP contradicts its own strategic policy and fails to offer choices in transport and to prioritise active travel and public transport. The Benenden hospital sites have no active travel link with the village, no existing daily bus route and neither the LP nor the BHS provide credible information on how these links are to be provided. As for the proposal to create links suitable for electrical personal vehicles, such as mobility scooters (as suggested under STR 6) it is difficult to see, when the only link with the village is a single-track lane, how it can be used by personal electric vehicles.

Policy STR 7

The LP proposes in dealing with TWBC's legally binding commitment to manage climate change, that all development in the borough will support the Council's target to achieve net zero emissions by 2030.

It is unsound with such a goal, to propose a major development on the parish periphery, 3 miles equidistant from two villages, where it is accepted that all journeys will be by motor car.

Policy STR 8

The LP states that development should contribute to and enhance ... rural landscapes with particular regard to the HW AONB and developers will have to demonstrate that they do this. The LP promotes nature conservation. Its biodiversity objective is to achieve net gains and where possible secure long-term managements of sites for biodiversity. The proposals for a suburban-style estate of 92 houses, plus a further 6 at Cleveland's Farm, if passed, produces the very opposite effect. No commercially viable scheme can produce net gains in a rural setting such as this. Sites AL/BE 3 and 4 are surrounded by the AONB, although this is not shown on the Inset map 18, in distinction to map 17, which does show it for the rest of the village. The sites are plainly land which affects the AONB, for the purposes of section 85(1) of the Countryside and Rights of Way Act 2000, which says: "In exercising or performing any functions in relation to, *or so as to affect*, land in an area of outstanding natural beauty, a relevant authority shall have regard to the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty." (my italics)

1 Irrelevant and misguided supporting document

Part of the LP's conclusions are based on supporting document *AONB Settings Study, Plans and Photos of Benenden Hospital*, by *Hankinson & Duckett*. This report is on the entire hospital site and not on sites AL/BE 3 & 4 on their own. Their conclusions that the north western car park might look better with houses on it may or may not be true, but since this area is not part of the site under consideration, the conclusion is irrelevant.

Its review of Green Lane to the south is relevant to AL/BE3 but the conclusions fail to impress. Green Lane is a rural lane which, according to TWBC's *Rural Lanes: Supplementary Planning Guidance*, scores very highly in terms of its landscape, recreational value, natural beauty and history. As such it is designated part of National Route 18, a 42-mile cycle ride between Ashford and Tunbridge Wells, running largely through unspoilt country lanes with wide grass verges and undisturbed rural scenery. AL/BE 3 proposes two major entrances onto this lane for a housing estate of up to 49 houses. Such a development would almost certainly entail a widening of the lane itself and the abolition of its grass verges which would be a contravention of Kent Structure Plan Policy ENV13: *Rural lanes which are of landscape, amenity, nature conservation, historic or archaeological importance will be protected from changes which would damage their character, and enhanced.*

1 Local Wildlife Sites (LWS)

There are 60 LWS in the entire borough and of these, 4 are situated in Benenden hospital grounds, with 3 in the grounds proposed for almost 100 new houses. One of these is in the northern site of AL/BE4 and two are in AL/BE3. A letter from Keith Nicholson, former Planning and Conservation officer for the Kent Wildlife Trust, dated 4 March 2013, to TWBC Development Control Officer, Ellen Gilbert states that the hospital LWS are of national importance, mainly for the large number of different varieties of waxcaps. He states that they could well have been designated SSSI.

The LP purports to protect the LWS but Para 3.21 of the BHS submission on the LP shows plans to remove one of the LWS.

"3.21. The Society supports the requirement for long-term management of the core areas of LWS associated with the hospital land. This includes all but the modest area within the SEQ adjoining Peek Lodge which is too constraining on the South East Quadrant redevelopment proposals. Accordingly, the soils in the area will be translocated to a nearby receptor site to try to ensure that the rare fungi can continue to thrive in this local area." This is ecologically illiterate. Moving a LWS by digging it up and putting the earth somewhere else is unlikely to protect the rare waxcap fungi which are of national importance. Indeed, the LP now speaks of the LWS in AL/BE3 in the singular, (para 5.451) as if one of the sites had already been removed.

High value environmental area

Comment DLP_3458 from the High Weald AONB Unit states that the Benenden Hospital site *"includes rare and vulnerable acid grassland which should form a core area for unimproved grassland as part of a High Weald nature recovery network."*

No respect for LWS

Although the LP claims building will only be within existing footprints, the developers, with whom the BNP Steering Committee is working closely, do not appear to reflect the same standards. Plans for 47 new houses in the SE Quadrant, presented to the village on 17th February 2020 by the hospital architects, show the buildings are not to be built within the footprint of previous buildings nor to respect LWS. The TW Local Plan has allocated sites originally allocated by the BNP (the only parish in the borough to allocate its own sites) and the hospital sites are the major target for all building in the parish.

Long-term Management plans

Long-term management plans of green spaces within housing estates are, unfortunately, no substitute for natural wild spaces of the kind you find in field hedgerows and shaws. A 'managed' and regularly mown green space set between tarmacked streets, lit housing estates and pavements is less likely to promote biodiversity and less likely to conserve wildlife than an 'unmanaged' green space of the kind you currently find along our country lanes. Net biodiversity gain from the construction of a housing estate in the countryside is a contradiction in terms.

1 The AONB

The LP claims that the hospital development "has the potential to improve the setting of the HW AONB through the delivery of a more sensitive redevelopment of existing buildings" (para 5.454) but the claim is not supported by the evidence (*Hankinson & Duckett*) and differs from the HW AONB unit's own assessment of the plans.

See the comment on TW Draft Plan **DLP_3458 High Weald AONB Unit**: "...In our view the development at Benenden Hospital will have a significant effect on the setting of the AONB and the purposes of its designation, and this issue has not been properly considered by the Plan."

1 Failure to hold consultations with stakeholders or to hold them in a timely fashion.

- . The BNP, on which the LP's allocations are based, allocated sites in its first draft in February 2019. These are the same sites that appear today in the LP.
- . These sites were allocated before writing to the SEA requesting a review of sites.
- . The BNP steering committee did not ask the High Weald AONB Unit to review the hospital sites, although it asked them to review the other sites.
- . Heritage England was, we believe not invited to review the plan and was only able to make comments on publication of the draft TW LP

Question 6

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The modifications needed are included in the submissions set out above. In summary, development on site AL/BE 3 should be limited to the existing, so far unused, planning permission for 24 houses, preferably by adapting the Garland Wing, which is a building of historic value, either to a wellness centre, in accordance with its original intention, or to a row of up to 10 terraced houses. Site AL/BE 4 already has 18 semi-detached houses on it, and cannot support any more. It should therefore be excluded. Housing should be allocated to sites (such as 158 and 222 in the village centre or LS8 in Iden Green) which lie on bus routes or are within walking distance of the village centre and school.

Paragraphs 5.421 and 5.422 should be omitted.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)? . Yes, I wish to participate in hearing session(s)

Question 7a

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

In order to put over my case, and to answer those with vested interests who may seek to put forward arguments against it.

Question 8

If you have any separate comments you wish to make on the accompanying Sustainability Appraisal, please make them here.

In so far as Benenden is concerned, the sites were allocated before any sustainability appraisal was commissioned. It is not therefore a relevant factor in the allocation of sites for housing.

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box: Yes, I wish to be notified of future stages of the Local Plan

Comment

Consultee	Carol Lawrence [REDACTED]
Email Address	[REDACTED]
Address	## ## ##
Event Name	Pre-Submission Local Plan
Comment by	Carol Lawrence [REDACTED]
Comment ID	PSLP_5
Response Date	26/03/21 12:31
Consultation Point	Policy AL/RTW 19 Land to the north of Hawkenbury Recreation Ground (View)
Status	Processed
Submission Type	Email
Version	0.4
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Carol Lawrence
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy AL/RTW 19 (Land to the north of Hawkenbury Recreation Ground)

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

Question 5

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

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Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

I am writing on behalf of my parents whom live in Hawkenbury Hawkenbury already has so much traffic as a cut through ,Hawkenbury is village not an inner city or trading estate,we should be thinking about the planet and green areas not grey concrete and bright lights and noise ,TW has lost its Royal appeal the council are happy to waste our money on projects like millions spent on the Calverley Park I feel sad to think of other money that has been misused money that we the general public pay.

People are losing their jobs worrying about paying their bills and mortgages the council should be helping reducing bills and helping existing business to stay open.

Hence Hawkenbury does not need this sports arena.

[TWBC: further response received 07 April 2021]:

I writing again regards the above

I grew up in Hawkenbury a peaceful and wonderful community a village with 2 shops and one little church which still remain.

Hawkenbury has become a short cut for all types of traffic why would anyone want more traffic and more road pollution ,we should be preserving our green spaces not filling them with man made material and bright lights and crowds of people ,Hawkenbury isn't an industrial estate or an inner city just a village .

I feel sad having lived in RTW all my life,sad hearing the amount of OUR money that the council has wasted on projects that we don't need or want,please leave the land to stay as a farmers field full of life and nature

Question 7

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If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

For office use only

If responder hasn't ticked an option on this box, data inputter to tick 'not stated' box. Not Stated

Comment

Consultee	Dr Andrew Leach [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] Cranbrook [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Dr Andrew Leach [REDACTED]
Comment ID	PSLP_175
Response Date	17/05/21 23:10
Consultation Point	Policy PSTR/SA 1 The Strategy for Sandhurst parish (View)
Status	Processed
Submission Type	Email
Version	0.6
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Andrew Leach
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy PSTR/SA 1 The Strategy for Sandhurst parish

Policy AL/SA2

[TWBC: this representation has been input against Policies PSTR/SA 1 and AL/SA 2 - see Comment Numbers PSLP_175 and PSLP_176]

Question 4

Do you consider that the Local Plan:

Is legally compliant	No
Is sound	No
Complies with the Duty to Cooperate	Don't know

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:	. It is not justified
	. It is not consistent with national policy

Question 5

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Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

Re: the above amendment to Sandhurst LBD proposed in the Draft Local Plan, I wish to object to this amendment, on account of its non-compliance with the principles and criteria laid out for the re-drawing of LBD's 10626711 in the same document. (p.9 para.2.0 b) ii & iii.) I would like to make the following more detailed observations, considering those principles and criteria which this proposal contravenes.

Principles. 1. 'LBD's are policy lines drawn around the 'main' built up area of a sustainable settlement'. The recent planning application for development of the area SA2 was rejected by TWBC on the grounds, amongst others, that it was not sustainable.

2. 'Land inside the LBD will generally be substantially developed-including buildings, roads etc'. **SA2 is not substantially developed, consisting of a small bungalow in the middle of 4 acres of pasture.**

3. 'The main land uses outside the LBD will generally comprise of or be used for agriculture, woodland, lakes/ponds etc., unless surrounded by other development'. **The major part of SA2 comprises agricultural land, and to the east is a water course, a pond, and woodland.**

4. 'LBD boundaries should normally follow physical features, eg. roads, walls, field boundaries, etc.'. **The existing western LBD does indeed do this, following the line of a watercourse, and the edge of woodland, but the proposed LBD follows no such physical features.**

5. 'LBD's need not be contiguous. It may be appropriate for a settlement to have two (or more) separate elements, where this reflects distinct built up parts, e.g. Goudhurst.' **However, Sandhurst does not have 'distinct built up parts'. SA2, the proposed area, has no continuity with the existing village i.e. it is not 'built up', (even though with Sharps Hill Farm and Bayford House, it constitutes 'an enclave of development in the countryside' (V.I.)) and it is separated from the main village by a watercourse, a pond and woodland.**

6. 'There may be some fringe areas beyond a settlement's more consolidated core, as well as smaller villages/hamlets and enclaves of development in the countryside that do not have a LBD, in order to maintain the overall rural character of an area.' Sharps Hill Farm, Sharps Hill Oast and Bayford House form an enclave **maintaining the rural character of the area.**

Criteria.(used to determine what should and should not be included within LBD boundaries).

a) 'be adjacent to and form a logical extension to the built up area and not result in harmful protrusion into the countryside.' **The proposed amendment is, as stated above, not a 'logical extension to the built up area' and it does potentially result in a harmful protrusion into the countryside.(AONB). SA2 is separated from the main village area by a stream, a pond, and woods.**

b) 'not result in coalescence'-important gaps should be retained'. **This is self-explanatory-the proposed LBD will result in coalescence, with the obliteration of an important gap.**

c) 'have no adverse impact on landscape character.' **AONB becomes built on. Building will not enhance the landscape character, and is most certain to have an adverse impact.**

d) 'have no adverse impact on designated areas of national and local landscape, archaeological, geological, ecological or heritage importance.'**Recent planning application for this site failed on the grounds, amongst others, that the proposed development did not constitute sustainable development as stipulated in the NPPF, in particular due to the harm to the High Weald Area of Outstanding Natural Beauty and upon neighbouring designated Heritage Assets.**

e) 'be of a scale/nature in keeping with the form and function of the settlement and result in no harm to its character ,appearance or setting-does it relate more to the built environment or to the surrounding countryside?' **The answer to this question is clear-the area SA2 is located in pastureland, and is bounded by a listed and an unlisted heritage asset on the western aspect.**

g)'allow reasonable access to local facilities and services (non-private car mode).' **SA2 is approx. 1 kilometre from the centre of Sandhurst village.**

In addition to principles and criteria , **certain stipulations are listed for exclusion from an LBD.**

ExclusionsII.'Isolated buildings or sporadic/dispersed development e.g. individual or small groups of buildings separated from the main built up area of the settlement'. **Obviously, this applies to the area in question.**

IV.'Large rear gardens or paddocks stretching well out from the main built up form of the settlement'. **Sharps Hill Farm has a large rear garden and pasture which extend south, well out from the main built up line of the village.**

VI.'Buildings in spacious grounds on the edge of the development'.

IX.'Woodlands/forested areas'

XVII.'Hamlets and small clusters of existing development.

We, the undersigned, wish these comments to be absorbed and responded to by yourself. In our opinion, amendment of the Sandhurst LBD to include SA2 goes against principles, criteria and recommended exclusions, and should not therefore proceed.

Question 6

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The amendment of the Sandhurst LBD, SA2, should be withdrawn.

Question 7

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If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)? . Yes, I wish to participate in hearing session(s)

Question 8

If you have any separate comments you wish to make on the accompanying Sustainability Appraisal, please make them here.

The fact that a planning application for the construction of 15 houses for the area in which SA2 is situated has very recently been rejected by Tunbridge Wells Borough Council(February 2021) on grounds of lack of sustainability relating to AONB and Heritage infringement factors, indicates that this proposed LBD amendment is against the wishes of the majority of the Council .

Future Notifications

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Comment

Consultee	Dr Andrew Leach [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] Cranbrook [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Dr Andrew Leach [REDACTED]
Comment ID	PSLP_176
Response Date	17/05/21 23:10
Consultation Point	Policy AL/SA 2 Sharps Hill Farm, Queen Street (View)
Status	Processed
Submission Type	Email
Version	0.7

Data inputter to enter their initials here HB

Question 1

Respondent's Name and/or Organisation Andrew Leach

Question 3

To which part of the Local Plan does this representation relate? Policy

Question 3a

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy PSTR/SA 1 The Strategy for Sandhurst parish

Policy AL/SA2

[TWBC: this representation has been input against Policies PSTR/SA 1 and AL/SA 2 - see Comment Numbers PSLP_175 and PSLP_176]

Question 4

Do you consider that the Local Plan:

Is legally compliant	No
Is sound	No
Complies with the Duty to Cooperate	Don't know

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:	<input type="checkbox"/> It is not justified
	<input type="checkbox"/> It is not consistent with national policy

Question 5

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4. 'LBD boundaries should normally follow physical features, eg. roads, walls, field boundaries, etc.' **The existing western LBD does indeed do this, following the line of a watercourse, and the edge of woodland, but the proposed LBD follows no such physical features.**

5. 'LBD's need not be contiguous. It may be appropriate for a settlement to have two (or more) separate elements, where this reflects distinct built up parts, e.g. Goudhurst.' **However, Sandhurst does not have 'distinct built up parts'. SA2, the proposed area, has no continuity with the existing village i.e. it is not 'built up', (even though with Sharps Hill Farm and Bayford House, it constitutes 'an enclave of development in the countryside' (V.I.)) and it is separated from the main village by a watercourse, a pond and woodland.**

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c) 'have no adverse impact on landscape character.' **AONB becomes built on. Building will not enhance the landscape character, and is most certain to have an adverse impact.**

d) 'have no adverse impact on designated areas of national and local landscape, archaeological, geological, ecological or heritage importance.'**Recent planning application for this site failed on the grounds, amongst others, that the proposed development did not constitute sustainable development as stipulated in the NPPF, in particular due to the harm to the High Weald Area of Outstanding Natural Beauty and upon neighbouring designated Heritage Assets.**

e) 'be of a scale/nature in keeping with the form and function of the settlement and result in no harm to its character ,appearance or setting-does it relate more to the built environment or to the surrounding countryside?' **The answer to this question is clear-the area SA2 is located in pastureland, and is bounded by a listed and an unlisted heritage asset on the western aspect.**

g)'allow reasonable access to local facilities and services (non-private car mode).' **SA2 is approx. 1 kilometre from the centre of Sandhurst village.**

In addition to principles and criteria , **certain stipulations are listed for exclusion from an LBD.**

ExclusionsII.'Isolated buildings or sporadic/dispersed development e.g. individual or small groups of buildings separated from the main built up area of the settlement'. **Obviously, this applies to the area in question.**

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IX.'Woodlands/forested areas'

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The amendment of the Sandhurst LBD, SA2, should be withdrawn.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)? . Yes, I wish to participate in hearing session(s)

Question 8

If you have any separate comments you wish to make on the accompanying Sustainability Appraisal, please make them here.

The fact that a planning application for the construction of 15 houses for the area in which SA2 is situated has very recently been rejected by Tunbridge Wells Borough Council(February 2021) on grounds of lack of sustainability relating to AONB and Heritage infringement factors, indicates that this proposed LBD amendment is against the wishes of the majority of the Council .

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box: Yes, I wish to be notified of future stages of the Local Plan

Supporting Information File Ref No: SI_120

Comment

Consultee	Mr and Mrs Leach ([REDACTED]
Address	[REDACTED] Tonbridge TN9 [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Mr and Mrs Leach [REDACTED]
Comment ID	PSLP_1894
Response Date	03/06/21 23:06
Consultation Point	Policy STR 1 The Development Strategy (View)
Status	Processed
Submission Type	Email
Version	0.5
Files	PSLP_1894,1900,1906

Data inputter to enter their initials here AT

Question 1

Respondent's Name and/or Organisation Mr and Mrs Leach

Question 3

To which part of the Local Plan does this representation relate? Policy

Question 3a

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy STR 1 The Development Strategy

[TWBC: this representation has been input against Policies STR 1, STR 9, STR/SS 1 and STR/SS 3 – see Comment Numbers PSLP_1894, PSLP_1900, PSLP_1906 and PSLP_1907]

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

Question 5

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

Re: Pre-Submission Local Plan (Regulation 19 Consultation) – Comments

Further to our comments on the Draft Local Plan, during the previous Consultation (Regulation 18). We again write to you, to raise our concerns about the proposed garden settlements and to object to various policies, as we do not believe that our original concerns, and those raised by others, have been adequately addressed in the Pre-Submission Plan.

We wish to take this opportunity to reiterate and elaborate on some of our key concerns, as outlined in our previous letter (dated 25th October 2019). In an effort to be concise, we will not repeat all particulars and so the reader is referred to this letter for context and completeness. For ease of reference, we have enclosed a copy of our original letter (in Appendix A).

Following the publication of Pre-Submission version of the Local Plan, we also now wish to raise other concerns, such as the legal compliance in-terms of the Duty to Co-operate and consistency with national policies.

Our comments on the Pre-Submission Local Plan, related to several policies, are outlined under the headings stated below. We are specifically concerned about the deficiencies in the proposed strategic infrastructure and the questionable need to release Green Belt land.

1 Policy STR 1 – The Development Strategy

Object as we have concerns over the consultation Due Process that has informed this strategy, in addition we consider that this strategy fails to comply with the **Duty to Co-operate** (i.e. **legal compliance**) and is **unsound** (i.e. not justified & inconsistent with national policy).

Our concerns and comments, about the first and last requirements, are outlined as follows:

1.1 In view of the large number of local people (over 800, >97%) who objected to the proposed development at Tudeley, during the Regulation 18 consultation, and raised a host of issues (site selection, infrastructure), which have not been properly addressed (see below), and so we have concerns about the review process rigour. In our opinion, there appears to be scant regard given to the overwhelming majority of people who commented about this Strategic site or even to the major concerns raised by an adjoining Authority (Tonbridge & Malling Borough Council, TMBC), as discussed in 1.9.

1.2 Considering the above, we respectfully purport that the Inspectors should not assume that the Council has adopted a rigorous process during the review of the Regulation 18 comments, especially given the weight of these objections regarding the Tudeley site. We ask that the Inspectors satisfy themselves that due regard has been given to these concerns/objections, in taking forward this strategic site and the required infrastructure.

1.3 With regard to Paragraph 16 of the National Planning Policy Framework (NPPF, 2019), it states that “Plans should:

- 1 a) be prepared with the objective of contributing to the achievement of sustainable development; ... c) be shaped by ... effective engagement between plan-makers and communities, local organisations ... and statutory consultees;”

1.4 In our opinion, we do not believe that the Tudeley site contributes to achieving sustainable development, especially as it is a car reliant development with insufficient public transport options (see

Section 1 of our previous letter; Section 1.24 below), nor do the concerns discussed above (in 1.1) indicate the Plan being shaped by communities.

1.5 Also, as outlined in our previous letter (in 1.4, appended), we are concerned about the development within the Green Belt and that the proposals for this Tudeley strategic site fail to comply with Paragraph 138 (NPPF, 2019), which states: (our emphasis added)

*“... Where it has been concluded that it is necessary to release Green Belt land for development, plans should first give consideration to land which has been previously-developed and/or **is well served by public transport**. ...”*

1.6 We are of the opinion that the proposed Development Strategy fails to adequately meet either of these requirements. Due to there being alternative brownfield sites and given the inclusion of the Tudeley site, which has inadequate public transport options. Refer to our previous letter for a full discussion, which is summarised below (see 1.21).

1.7 Considering the points above (in 1.3-1.6), we also have significant concerns about the soundness of the proposed Strategy (STR 1), given the inclusion of the Tudeley site. Since the justification is questionable (see Section 2 in previous letter; Section 3.8-3.14 below) and as this strategic site is inconsistent with national policy (incl. Para. 16 & 138).

1.8 With regard to the consultation itself, we consider that the absence of public exhibitions may exclude many people from engaging in this consultation. Older people tend to have less confidence with technology and so a limited public consultation may disproportionately exclude this group. Hence, we have concerns about whether insufficient ‘due regard’ has been given to them. If insufficient ‘due regard’ has been given to people with protected characteristics, then this consultation process would be contrary to Section 149 of the Equality Act (2010) and so would not be in legal compliance. The Council chose to conduct this consultation during lockdown, but could have waited until national restrictions had been eased to permit such exhibitions.

Concerns over the **Duty to Co-operate**

1.9 We also take this opportunity to **object** to the Development Strategy (STR 1), due to the inclusion of the Tudeley Village, on the basis that at least one strategic matter, namely the significant negative impact on Tonbridge’s local highways network, has not been adequately addressed. As such, we contend that the Duty to Co-operate has not been complied with. Our views in this regard are further discussed below.

1.10 Section 33A of the Planning and Compulsory Purchase Act (2004) imposes a duty on a Local Planning Authority, in this case Tunbridge Wells Borough Council (TWBC), to co-operate with other local planning authorities, on strategic/cross-boundary matters. Our understanding of this is to ensure that sustainable development is achieved, when considering sites that may have a significant impact on other local authority areas.

1.11 We understand that TMBC, like ourselves and many other people, have raised concerns about a number of significant negative impacts that two of the strategic sites (now listed under Policy STR/SS 1 and STR/SS 3) would have on Tonbridge, including on the local highway network and at the train station.

1.12 For ease of reference, an extract from TMBC’s objection comments, at the Regulation 18 consultation, under Policy Number: STR/CA1 and AL/CA1 is included below:

“The potential significant impacts of the proposed development at Tudeley and Capel on the local highway network and on infrastructure and services in nearby Tonbridge are a major concern for TMBC, particularly in light of the existing infrastructure challenges in Tonbridge and surrounding villages ...”

1.13 Similarly, an extract from TMBC’s objection comments, at the Regulation 18 consultation, under Policy Number: STR/PW1 and AL/PW1 is included below:

“... future rail capacity ... extends not only to train services but to commuter parking and likely travel habits. The frequency of services at Tonbridge station makes this the more likely destination for commuters when compared to Paddock Wood.”

1.14 The significant concerns made by TMBC, are similar to those that we previously raised at the Regulation 18 consultation. Refer to Section 1 of our previous letter (incl. 1.9). We also support the previous objection comments made by TMBC.

1.15 Despite the above local highway concerns being raised and Sweco's highway modelling (Sweco UK Ltd. (2021). 'Local Plan Transport Evidence Base'. Web link: https://tunbridgewells.gov.uk/_data/assets/pdf_file/0004/385321/TWBC-Local-Plan-Transport-Evidence-Modelling-Report.pdf [March 2021]) (for TWBC) showing that the proposed developments would cause a severe impact on many of our roads/junctions, some of which are over practical capacity, the up-dated Infrastructure Delivery Plan (Tunbridge Wells Borough Council (2021). 'Local Plan, Infrastructure Delivery Plan, Draft ...'. Web link: https://tunbridgewells.gov.uk/_data/assets/pdf_file/0009/388026/Infrastructure-Delivery-Plan_2021.pdf [Mar. 2021]) only includes a single improvement in Tonbridge. This relates to the Vauxhall Roundabout (A26/A2014, i.e. A21/Pembury Rd).

1.16 Furthermore, even with the proposed improvement, at this single junction, Sweco's modelling shows that proposed developments will still result in this junction becoming over practical capacity (i.e. >95%), when it would have been below this in the 2038 reference case. Refer to PDF page 154 of the Transport Evidence Modelling Report¹. As such, this highway improvement is therefore insufficient to mitigate the likely impact.

1.17 In addition, there are no highway improvements proposed at the roundabout linking the B2017, which is the only road from Tudeley to Tonbridge, with the previously discussed junction (A26/A2014). This is despite the junction traffic volume increasing from 81% currently (or 85% in the 2038 reference case), to over 96-99% (i.e. over practical capacity) in all the proposed development cases. Refer to PDF page 115 of the Report (Sweco UK Ltd. (2021). 'Local Plan Transport Evidence Base'. Web link: https://tunbridgewells.gov.uk/_data/assets/pdf_file/0004/385321/TWBC-Local-Plan-Transport-Evidence-Modelling-Report.pdf [March 2021]). Moreover, with reference to Figures 9.6 to 9.8 (in the Report (Sweco UK Ltd. (2021). 'Local Plan Transport Evidence Base'. Web link: https://tunbridgewells.gov.uk/_data/assets/pdf_file/0004/385321/TWBC-Local-Plan-Transport-Evidence-Modelling-Report.pdf [March 2021]), the severe impact on local highway network around Tonbridge, can be starkly seen. For instance, most of the junctions modelled turn red (>95%) and a massive increase in the queue lengths are evident at these junctions, when comparing the reference and Local Plan cases.

1.18 This evidence, presented in Sweco's report (Sweco UK Ltd. (2021). 'Local Plan Transport Evidence Base'. Web link: https://tunbridgewells.gov.uk/_data/assets/pdf_file/0004/385321/TWBC-Local-Plan-Transport-Evidence-Modelling-Report.pdf [March 2021]), clearly substantiates the concerns TWBC have and that we previously raised about the significant negative/severe impact that the Development Strategy would have on Tonbridge's local highway network. We strongly contest that the mitigation measures proposed in the Infrastructure Delivery Plan (Tunbridge Wells Borough Council (2021). 'Local Plan, Infrastructure Delivery Plan, Draft ...'. Web link: https://tunbridgewells.gov.uk/_data/assets/pdf_file/0009/388026/Infrastructure-Delivery-Plan_2021.pdf [Mar. 2021]) are insufficient to mitigate these severe impacts and those on the wider network, so TWBC may have failed to fulfil their legal obligation under the Duty to Co-operate.

1.19 We also strongly believe that it is not right that TWBC should take forward plans to build over-half of TWBC's total housing allocation, at the edge of its Borough, knowing full well the severe impact it will have on a neighbouring authority and our town. This goes against the spirit of your legal Duty, to ensure that sustainable development is achieved, which may also actually fail this legal test. We ask TWBC to re-consider these inappropriate and unsustainable plans, particularly with the inadequate public transport proposed and without adequate highway improvements. We also trust that the Inspectors would consider recommending that the Plan to be withdrawn, if this Plan is submitted in its current guise, in view of the significant shortcomings noted.

1.20 Another consideration is that the congestion, from the severe Local Plan impact (Sweco UK Ltd. (2021). 'Local Plan Transport Evidence Base'. Web link: https://tunbridgewells.gov.uk/_data/assets/pdf_file/0004/385321/TWBC-Local-Plan-Transport-Evidence-Modelling-Report.pdf [March 2021]), is likely to result in air quality limits being exceeded in Tonbridge and is most likely to harm the sustainable economic growth of our town (see previous letter, incl. 1.11-13). This increase in congestion, in Tonbridge and along the B2017 - particularly during the morning peak/school times, also brings into question the adequacy of the proposed Infrastructure Delivery Plan (Tunbridge Wells Borough Council (2021). 'Local Plan, Infrastructure Delivery Plan, Draft ...'. Web link: https://tunbridgewells.gov.uk/_data/assets/pdf_file/0009/388026/Infrastructure-Delivery-Plan_2021.pdf [Mar. 2021]) and the soundness of the proposed Tudeley site.

1.21 In-terms of the Infrastructure Delivery Plan (Tunbridge Wells Borough Council (2021)). 'Local Plan, Infrastructure Delivery Plan, Draft ...'. Web link:https://tunbridgewells.gov.uk/_data/assets/pdf_file/0009/388026/Infrastructure-Delivery-Plan_2021.pdf [Mar. 2021]), TWBC appear to be placing reliance on a single public transport mode – buses. This appears to mask the fundamental flaw of this poorly connected development site and the severe highway network impacts in the Local Plan scenario (Sweco UK Ltd. (2021)). 'Local Plan Transport Evidence Base ...'. Web link: https://tunbridgewells.gov.uk/_data/assets/pdf_file/0004/385321/TWBC-Local-Plan-Transport-Evidence-Modelling-Report.pdf [March 2021]) (in 1.15). In addition, the severe impact contradicts Policy EN1 2.2.

1.22 A concern of ours is about how the proposed bus service is being presented. This Plan proposes a 'rapid bus' link. However, we strongly contest the assertion that the proposed bus service would be a 'rapid' link, due to the congestion highlighted above. A rapid bus link would most likely require major road improvements along the entire route, including the provision of dedicated bus lanes/footways along the B2017 and through Tonbridge to the station, which is the mostly likely commuter destination (1.13).

1.23 Furthermore, without proper road improvements (i.e. dedicated lanes), it brings into doubt the effectiveness of any bus service in taking the huge number of extra cars off the road. The congestion along the route from Tudeley to Tonbridge, with commuters stuck on buses in traffic jams, will reduce the attractiveness of any new bus routes and so more people are likely to just opt for the comfort/convenience of their own cars. In our opinion, this Local Plan fails to address the significant shortcomings highlighted above and the validity of Sweco's highway modelling (Sweco UK Ltd. (2021)). 'Local Plan Transport Evidence Base ...'. Web link: https://tunbridgewells.gov.uk/_data/assets/pdf_file/0004/385321/TWBC-Local-Plan-Transport-Evidence-Modelling-Report.pdf [March 2021]) may now be questionable, if an unrealistic number of commuters are assumed to be using the bus service. If the latter is the case, then the severe highways impact evidenced (Sweco UK Ltd. (2021)). 'Local Plan Transport Evidence Base ...'. Web link: https://tunbridgewells.gov.uk/_data/assets/pdf_file/0004/385321/TWBC-Local-Plan-Transport-Evidence-Modelling-Report.pdf [March 2021]) and harm will all be amplified.

1.24 In addition, to the question marks over the compliance with the Duty to Co-operate, we have the view that this Strategy will create a massive car reliant commuter settlement, with the lack of public transport options and sufficient local jobs. This is discussed in our previous letter (1.9 & 1.10). As such, we contest that this Local Plan fails to comply with national policy (i.e. legal compliance). For instance, Para. 103 (NPPF, 2019) states: "... *Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes.*"

1.25 We note previous precedence's where Inspectors have rejected similar garden village proposals (incl. in the West of England Plan), due to these developments being too heavily reliant on private cars. Again, we ask the Inspectors to consider recommending that the Plan to be withdrawn, if it is submitted in its current disguise, in view of the significant shortcomings and potential non-legal compliance issues highlighted above.

In closing, as discussed above, the Infrastructure Delivery Plan² fails to adequately address the severe impact on the local highways network, particularly in Tonbridge, and the significant concerns raised by TMBC and many others previously. As such, there are questions over the consultation review rigour (e.g. Due Process) and compliance with the Duty to Co-operate (i.e. legal compliance). We have also reiterated a number of examples where this strategy has not been justified and where it is inconsistent with national policy (e.g. in 1.24).

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)? Yes, I wish to participate in hearing session(s)

Supporting Information File Ref No: SI_120

Comment

Consultee	Mr and Mrs Leach [REDACTED]
Address	[REDACTED] Tonbridge TN9 [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Mr and Mrs Leach [REDACTED]
Comment ID	PSLP_1900
Response Date	03/06/21 23:06
Consultation Point	Policy STR 9 Green Belt (View)
Status	Processed
Submission Type	Email
Version	0.5
Files	PSLP_1894,1900,1906

Data inputter to enter their initials here AT

Question 1

Respondent's Name and/or Organisation Mr and Mrs Leach

Question 3

To which part of the Local Plan does this representation relate? Policy

Question 3a

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy STR 9 Green Belt

[TWBC: this representation has been input against Policies STR 1, STR 9, STR/SS 1 and STR/SS 3 – see Comment Numbers PSLP_1894, PSLP_1900, PSLP_1906 and PSLP_1907]

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

Question 5

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Re: Pre-Submission Local Plan (Regulation 19 Consultation) – Comments

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We wish to take this opportunity to reiterate and elaborate on some of our key concerns, as outlined in our previous letter (dated 25th October 2019). In an effort to be concise, we will not repeat all particulars and so the reader is referred to this letter for context and completeness. For ease of reference, we have enclosed a copy of our original letter (in Appendix A).

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Object as we have concerns over the consultation Due Process that has informed this strategy, in addition we consider that this strategy fails to comply with the **Duty to Co-operate** (i.e. **legal compliance**) and is **unsound** (i.e. not justified & inconsistent with national policy).

Our concerns and comments, about the first and last requirements, are outlined as follows:

1.1 In view of the large number of local people (over 800, >97%) who objected to the proposed development at Tudeley, during the Regulation 18 consultation, and raised a host of issues (site selection, infrastructure), which have not been properly addressed (see below), and so we have concerns about the review process rigour. In our opinion, there appears to be scant regard given to the overwhelming majority of people who commented about this Strategic site or even to the major concerns raised by an adjoining Authority (Tonbridge & Malling Borough Council, TMBC), as discussed in 1.9.

1.2 Considering the above, we respectfully purport that the Inspectors should not assume that the Council has adopted a rigorous process during the review of the Regulation 18 comments, especially given the weight of these objections regarding the Tudeley site. We ask that the Inspectors satisfy themselves that due regard has been given to these concerns/objections, in taking forward this strategic site and the required infrastructure.

1.3 With regard to Paragraph 16 of the National Planning Policy Framework (NPPF, 2019), it states that “Plans should:

- 1 a) be prepared with the objective of contributing to the achievement of sustainable development; ... c) be shaped by ... effective engagement between plan-makers and communities, local organisations ... and statutory consultees;”

1.4 In our opinion, we do not believe that the Tudeley site contributes to achieving sustainable development, especially as it is a car reliant development with insufficient public transport options (see

Section 1 of our previous letter; Section 1.24 below), nor do the concerns discussed above (in 1.1) indicate the Plan being shaped by communities.

1.5 Also, as outlined in our previous letter (in 1.4, appended), we are concerned about the development within the Green Belt and that the proposals for this Tudeley strategic site fail to comply with Paragraph 138 (NPPF, 2019), which states: (our emphasis added)

*“... Where it has been concluded that it is necessary to release Green Belt land for development, plans should first give consideration to land which has been previously-developed and/or **is well served by public transport**. ...”*

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1.7 Considering the points above (in 1.3-1.6), we also have significant concerns about the soundness of the proposed Strategy (STR 1), given the inclusion of the Tudeley site. Since the justification is questionable (see Section 2 in previous letter; Section 3.8-3.14 below) and as this strategic site is inconsistent with national policy (incl. Para. 16 & 138).

1.8 With regard to the consultation itself, we consider that the absence of public exhibitions may exclude many people from engaging in this consultation. Older people tend to have less confidence with technology and so a limited public consultation may disproportionately exclude this group. Hence, we have concerns about whether insufficient ‘due regard’ has been given to them. If insufficient ‘due regard’ has been given to people with protected characteristics, then this consultation process would be contrary to Section 149 of the Equality Act (2010) and so would not be in legal compliance. The Council chose to conduct this consultation during lockdown, but could have waited until national restrictions had been eased to permit such exhibitions.

Concerns over the **Duty to Co-operate**

1.9 We also take this opportunity to **object** to the Development Strategy (STR 1), due to the inclusion of the Tudeley Village, on the basis that at least one strategic matter, namely the significant negative impact on Tonbridge’s local highways network, has not been adequately addressed. As such, we contend that the Duty to Co-operate has not been complied with. Our views in this regard are further discussed below.

1.10 Section 33A of the Planning and Compulsory Purchase Act (2004) imposes a duty on a Local Planning Authority, in this case Tunbridge Wells Borough Council (TWBC), to co-operate with other local planning authorities, on strategic/cross-boundary matters. Our understanding of this is to ensure that sustainable development is achieved, when considering sites that may have a significant impact on other local authority areas.

1.11 We understand that TMBC, like ourselves and many other people, have raised concerns about a number of significant negative impacts that two of the strategic sites (now listed under Policy STR/SS 1 and STR/SS 3) would have on Tonbridge, including on the local highway network and at the train station.

1.12 For ease of reference, an extract from TMBC’s objection comments, at the Regulation 18 consultation, under Policy Number: STR/CA1 and AL/CA1 is included below:

“The potential significant impacts of the proposed development at Tudeley and Capel on the local highway network and on infrastructure and services in nearby Tonbridge are a major concern for TMBC, particularly in light of the existing infrastructure challenges in Tonbridge and surrounding villages ...”

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“... future rail capacity ... extends not only to train services but to commuter parking and likely travel habits. The frequency of services at Tonbridge station makes this the more likely destination for commuters when compared to Paddock Wood.”

1.14 The significant concerns made by TMBC, are similar to those that we previously raised at the Regulation 18 consultation. Refer to Section 1 of our previous letter (incl. 1.9). We also support the previous objection comments made by TMBC.

1.15 Despite the above local highway concerns being raised and Sweco's highway modelling (Sweco UK Ltd. (2021). 'Local Plan Transport Evidence Base'. Web link: https://tunbridgewells.gov.uk/_data/assets/pdf_file/0004/385321/TWBC-Local-Plan-Transport-Evidence-Modelling-Report.pdf [March 2021]) (for TWBC) showing that the proposed developments would cause a severe impact on many of our roads/junctions, some of which are over practical capacity, the up-dated Infrastructure Delivery Plan (Tunbridge Wells Borough Council (2021). 'Local Plan, Infrastructure Delivery Plan, Draft ...'. Web link: https://tunbridgewells.gov.uk/_data/assets/pdf_file/0009/388026/Infrastructure-Delivery-Plan_2021.pdf [Mar. 2021]) only includes a single improvement in Tonbridge. This relates to the Vauxhall Roundabout (A26/A2014, i.e. A21/Pembury Rd).

1.16 Furthermore, even with the proposed improvement, at this single junction, Sweco's modelling shows that proposed developments will still result in this junction becoming over practical capacity (i.e. >95%), when it would have been below this in the 2038 reference case. Refer to PDF page 154 of the Transport Evidence Modelling Report¹. As such, this highway improvement is therefore insufficient to mitigate the likely impact.

1.17 In addition, there are no highway improvements proposed at the roundabout linking the B2017, which is the only road from Tudeley to Tonbridge, with the previously discussed junction (A26/A2014). This is despite the junction traffic volume increasing from 81% currently (or 85% in the 2038 reference case), to over 96-99% (i.e. over practical capacity) in all the proposed development cases. Refer to PDF page 115 of the Report (Sweco UK Ltd. (2021). 'Local Plan Transport Evidence Base'. Web link: https://tunbridgewells.gov.uk/_data/assets/pdf_file/0004/385321/TWBC-Local-Plan-Transport-Evidence-Modelling-Report.pdf [March 2021]). Moreover, with reference to Figures 9.6 to 9.8 (in the Report (Sweco UK Ltd. (2021). 'Local Plan Transport Evidence Base'. Web link: https://tunbridgewells.gov.uk/_data/assets/pdf_file/0004/385321/TWBC-Local-Plan-Transport-Evidence-Modelling-Report.pdf [March 2021]), the severe impact on local highway network around Tonbridge, can be starkly seen. For instance, most of the junctions modelled turn red (>95%) and a massive increase in the queue lengths are evident at these junctions, when comparing the reference and Local Plan cases.

1.18 This evidence, presented in Sweco's report (Sweco UK Ltd. (2021). 'Local Plan Transport Evidence Base'. Web link: https://tunbridgewells.gov.uk/_data/assets/pdf_file/0004/385321/TWBC-Local-Plan-Transport-Evidence-Modelling-Report.pdf [March 2021]), clearly substantiates the concerns TWBC have and that we previously raised about the significant negative/severe impact that the Development Strategy would have on Tonbridge's local highway network. We strongly contest that the mitigation measures proposed in the Infrastructure Delivery Plan (Tunbridge Wells Borough Council (2021). 'Local Plan, Infrastructure Delivery Plan, Draft ...'. Web link: https://tunbridgewells.gov.uk/_data/assets/pdf_file/0009/388026/Infrastructure-Delivery-Plan_2021.pdf [Mar. 2021]) are insufficient to mitigate these severe impacts and those on the wider network, so TWBC may have failed to fulfil their legal obligation under the Duty to Co-operate.

1.19 We also strongly believe that it is not right that TWBC should take forward plans to build over-half of TWBC's total housing allocation, at the edge of its Borough, knowing full well the severe impact it will have on a neighbouring authority and our town. This goes against the spirit of your legal Duty, to ensure that sustainable development is achieved, which may also actually fail this legal test. We ask TWBC to re-consider these inappropriate and unsustainable plans, particularly with the inadequate public transport proposed and without adequate highway improvements. We also trust that the Inspectors would consider recommending that the Plan to be withdrawn, if this Plan is submitted in its current guise, in view of the significant shortcomings noted.

1.20 Another consideration is that the congestion, from the severe Local Plan impact (Sweco UK Ltd. (2021). 'Local Plan Transport Evidence Base'. Web link: https://tunbridgewells.gov.uk/_data/assets/pdf_file/0004/385321/TWBC-Local-Plan-Transport-Evidence-Modelling-Report.pdf [March 2021]), is likely to result in air quality limits being exceeded in Tonbridge and is most likely to harm the sustainable economic growth of our town (see previous letter, incl. 1.11-13). This increase in congestion, in Tonbridge and along the B2017 - particularly during the morning peak/school times, also brings into question the adequacy of the proposed Infrastructure Delivery Plan (Tunbridge Wells Borough Council (2021). 'Local Plan, Infrastructure Delivery Plan, Draft ...'. Web link: https://tunbridgewells.gov.uk/_data/assets/pdf_file/0009/388026/Infrastructure-Delivery-Plan_2021.pdf [Mar. 2021]) and the soundness of the proposed Tudeley site.

1.21 In-terms of the Infrastructure Delivery Plan (Tunbridge Wells Borough Council (2021)). 'Local Plan, Infrastructure Delivery Plan, Draft ...'. Web link:https://tunbridgewells.gov.uk/_data/assets/pdf_file/0009/388026/Infrastructure-Delivery-Plan_2021.pdf [Mar. 2021]), TWBC appear to be placing reliance on a single public transport mode – buses. This appears to mask the fundamental flaw of this poorly connected development site and the severe highway network impacts in the Local Plan scenario (Sweco UK Ltd. (2021)). 'Local Plan Transport Evidence Base ...'. Web link: https://tunbridgewells.gov.uk/_data/assets/pdf_file/0004/385321/TWBC-Local-Plan-Transport-Evidence-Modelling-Report.pdf [March 2021]) (in 1.15). In addition, the severe impact contradicts Policy EN1 2.2.

1.22 A concern of ours is about how the proposed bus service is being presented. This Plan proposes a 'rapid bus' link. However, we strongly contest the assertion that the proposed bus service would be a 'rapid' link, due to the congestion highlighted above. A rapid bus link would most likely require major road improvements along the entire route, including the provision of dedicated bus lanes/footways along the B2017 and through Tonbridge to the station, which is the mostly likely commuter destination (1.13).

1.23 Furthermore, without proper road improvements (i.e. dedicated lanes), it brings into doubt the effectiveness of any bus service in taking the huge number of extra cars off the road. The congestion along the route from Tudeley to Tonbridge, with commuters stuck on buses in traffic jams, will reduce the attractiveness of any new bus routes and so more people are likely to just opt for the comfort/convenience of their own cars. In our opinion, this Local Plan fails to address the significant shortcomings highlighted above and the validity of Sweco's highway modelling (Sweco UK Ltd. (2021)). 'Local Plan Transport Evidence Base ...'. Web link: https://tunbridgewells.gov.uk/_data/assets/pdf_file/0004/385321/TWBC-Local-Plan-Transport-Evidence-Modelling-Report.pdf [March 2021]) may now be questionable, if an unrealistic number of commuters are assumed to be using the bus service. If the latter is the case, then the severe highways impact evidenced (Sweco UK Ltd. (2021)). 'Local Plan Transport Evidence Base ...'. Web link: https://tunbridgewells.gov.uk/_data/assets/pdf_file/0004/385321/TWBC-Local-Plan-Transport-Evidence-Modelling-Report.pdf [March 2021]) and harm will all be amplified.

1.24 In addition, to the question marks over the compliance with the Duty to Co-operate, we have the view that this Strategy will create a massive car reliant commuter settlement, with the lack of public transport options and sufficient local jobs. This is discussed in our previous letter (1.9 & 1.10). As such, we contest that this Local Plan fails to comply with national policy (i.e. legal compliance). For instance, Para. 103 (NPPF, 2019) states: "... *Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes.*"

1.25 We note previous precedence's where Inspectors have rejected similar garden village proposals (incl. in the West of England Plan), due to these developments being too heavily reliant on private cars. Again, we ask the Inspectors to consider recommending that the Plan to be withdrawn, if it is submitted in its current disguise, in view of the significant shortcomings and potential non-legal compliance issues highlighted above.

In closing, as discussed above, the Infrastructure Delivery Plan² fails to adequately address the severe impact on the local highways network, particularly in Tonbridge, and the significant concerns raised by TMBC and many others previously. As such, there are questions over the consultation review rigour (e.g. Due Process) and compliance with the Duty to Co-operate (i.e. legal compliance). We have also reiterated a number of examples where this strategy has not been justified and where it is inconsistent with national policy (e.g. in 1.24).

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)? Yes, I wish to participate in hearing session(s)

Supporting Information File Ref No: SI_120

Comment

Consultee	Mr and Mrs Leach [REDACTED]
Address	[REDACTED] Tonbridge [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Mr and Mrs Leach [REDACTED]
Comment ID	PSLP_1907
Response Date	03/06/21 23:06
Consultation Point	Policy STR/SS 1 The Strategy for Paddock Wood, including land at east Capel (View)
Status	Processed
Submission Type	Email
Version	0.4
Files	PSLP_1894,1900,1906
Data inputter to enter their initials here	AT
Question 1	
Respondent's Name and/or Organisation	Mr and Mrs Leach
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy STR/SS 1 The Strategy for Paddock Wood, including land at east Capel

[TWBC: this representation has been input against Policies STR 1, STR 9, STR/SS 1 and STR/SS 3 – see Comment Numbers PSLP_1894, PSLP_1900, PSLP_1906 and PSLP_1907]

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

Question 5

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

Re: Pre-Submission Local Plan (Regulation 19 Consultation) – Comments

Further to our comments on the Draft Local Plan, during the previous Consultation (Regulation 18). We again write to you, to raise our concerns about the proposed garden settlements and to object to various policies, as we do not believe that our original concerns, and those raised by others, have been adequately addressed in the Pre-Submission Plan.

We wish to take this opportunity to reiterate and elaborate on some of our key concerns, as outlined in our previous letter (dated 25th October 2019). In an effort to be concise, we will not repeat all particulars and so the reader is referred to this letter for context and completeness. For ease of reference, we have enclosed a copy of our original letter (in Appendix A).

Following the publication of Pre-Submission version of the Local Plan, we also now wish to raise other concerns, such as the legal compliance in-terms of the Duty to Co-operate and consistency with national policies.

Our comments on the Pre-Submission Local Plan, related to several policies, are outlined under the headings stated below. We are specifically concerned about the deficiencies in the proposed strategic infrastructure and the questionable need to release Green Belt land.

4. Policy STR /SS 1 – The Strategy for Paddock Wood, including land at east Capel

Object as we have concerns over the **soundness** (i.e. the justification, not positively prepared and inconsistency with national policy) of this Policy.

Our concerns and comments, are outlined as follows:

4.1 We have similar concerns to those we have raised about the Tudeley Strategic site (Policy SS /SS 3), as noted above in Section 3. This includes the following:

- The highway impact, as the frequency of services at Tonbridge station makes this the more likely destination for future commuters, residing at this site, based on the less frequent trains that serve Paddock Wood station (see Section 1).
- In-addition, to the 2,800 units proposed at Tudeley, a further 4,000 units are proposed at this site. Having over-half of TWBC's allocation within two nearby peripheral sites is likely to result in the super-saturation of the local housing market, with largely unaffordable new builds. This risks the allocation and infrastructure delivery, with likely low build-out rates, as discussed above (3.4-3.5).
- This part of East Capel site is on a natural flood plain. In view of the alternative sites, which are not at risk of flooding, then this Strategic site would likely fail the sequential test. As such, this is not sound, i.e. inconsistent with national policy.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

Yes, I wish to participate in hearing session(s)

Supporting Information File Ref No: SI_120

Comment

Consultee	Mr and Mrs Leach [REDACTED]
Address	[REDACTED] Tonbridge [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Mr and Mrs Leach [REDACTED]
Comment ID	PSLP_1906
Response Date	03/06/21 23:06
Consultation Point	Policy STR/SS 3 The Strategy for Tudeley Village (View)
Status	Processed
Submission Type	Email
Version	0.5
Files	PSLP_1894,1900,1906

Data inputter to enter their initials here AT

Question 1

Respondent's Name and/or Organisation Mr and Mrs Leach

Question 3

To which part of the Local Plan does this representation relate? Policy

Question 3a

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy STR/SS 3 The Strategy for Tudeley Village

[TWBC: this representation has been input against Policies STR 1, STR 9, STR/SS 1 and STR/SS 3 – see Comment Numbers PSLP_1894, PSLP_1900, PSLP_1906 and PSLP_1907]

Question 4a

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Do you consider that the Local Plan is not sound because:

Question 5

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Re: Pre-Submission Local Plan (Regulation 19 Consultation) – Comments

Further to our comments on the Draft Local Plan, during the previous Consultation (Regulation 18). We again write to you, to raise our concerns about the proposed garden settlements and to object to various policies, as we do not believe that our original concerns, and those raised by others, have been adequately addressed in the Pre-Submission Plan.

We wish to take this opportunity to reiterate and elaborate on some of our key concerns, as outlined in our previous letter (dated 25th October 2019). In an effort to be concise, we will not repeat all particulars and so the reader is referred to this letter for context and completeness. For ease of reference, we have enclosed a copy of our original letter (in Appendix A).

Following the publication of Pre-Submission version of the Local Plan, we also now wish to raise other concerns, such as the legal compliance in-terms of the Duty to Co-operate and consistency with national policies.

Our comments on the Pre-Submission Local Plan, related to several policies, are outlined under the headings stated below. We are specifically concerned about the deficiencies in the proposed strategic infrastructure and the questionable need to release Green Belt land.

3. Policy STR /SS 3 – The Strategy for Tudeley Village

Object as we have concerns over the **soundness** (i.e. the justification, not positively prepared and inconsistency with national policy) of this Policy.

Our concerns and comments, are outlined as follows:

3.1 With regard to our previous letter (1.1-1.3, appended) and Section 1 above (1.15-1.18), we highlighted how there is insufficient infrastructure/road improvements proposed and inadequate public transport options to address the severe highways impact and the other concerns raised. As such, in our opinion the proposed Strategy is not sound, as the proposals (incl. Infrastructure Delivery Plan (Tunbridge Wells Borough Council (2021). 'Local Plan, Infrastructure Delivery Plan, Draft ...'. Web link: https://tunbridgewells.gov.uk/__data/assets/pdf_file/0009/388026/Infrastructure-Delivery-Plan_2021.pdf [Mar. 2021])) fail to adequately meet the identified infrastructure **needs**, as discussed in Section 1, to support this huge Strategic site.

3.2 With reference to Paragraph 35 of the NPPF (2019), one of the two criteria that Local Plans are assessed against is whether it is positively prepared and it is consistent with national policy, the former is stated below. (our emphasis added)

*Positively prepared – providing a strategy which, as a minimum, seeks to meet the area's objectively assessed **needs** ...where it is practical to do so and is consistent with achieving sustainable development*

3.3 Based on the above Strategy shortfalls, in-terms of infrastructure needs, and as the NPPF (Para. 35, 2019) requires a strategy that "meets the area's ... assessed needs", we reiterate that this Strategy fails the test of Positively prepared and so is unsound.

3.4 In our previous letter (2.14-2.17), we also remarked that the reliance on two large nearby Strategic sites (e.g. Capel: 51% of new homes) risks the allocation deliverability, due to the super-saturation of

the local housing market, with likely low build-out rates. This is based on the Letwin Review (Rt Hon Sir O. Letwin MP (2018). Independent Review of build out, final report. MHCLG. Web link: www.gov.uk/government/publications/independent-review-of-build-out-final-report [Aug. 2020])(2018). In-addition, low-build rates will also undermine the viability of the proposed infrastructure and so compound such impacts.

3.5 Paragraph 16 (NPPF, (2019) states Plans should “be prepared positively, in a way that is aspirational but deliverable”. As such, we believe that the proposed Plan is not positively prepared nor is it deliverable. Therefore, we think modifications are required to make the Local Plan sound (incl. lower housing numbers in Capel and adequate infrastructure, e.g. a railway station to provide better public transport options).

3.6 On the basis, of the lack of infrastructure (e.g. insufficient highways improvements and public transport links, see Section 1 above), this Policy is unlikely to enable the “delivery of sustainable development”, as required in the NPPF (Para. 35 d), (2019). Additionally, we are also of the opinion that garden settlements, like the proposed, rarely deliver sustainable development; especially considering the lack of public transport options and the limited number of local jobs, which will make this a car reliant commuter settlement. In view of this and the points raised previously (e.g. in 1.4-1.6), we believe that this Policy is not consistent with national policy and so is not sound.

3.7 Further to our comments above in Section 2 (in 2.12-2.14), other factors need to be considered when determining exceptional circumstances for releasing Green Belt land. Most notably sustainability (questionable at this site – see 3.6), viability (questionable if adequate infrastructure is to be delivered – see 1.15-1.22, 3.5) and deliverability (questionable given the likely low build-out rates – see 3.4). In view of the questions over the sustainability, viability and deliverability of this site, less weight should be given to these factors. As such, we believe the Tudeley Strategic site would fail the test of exceptional circumstances, when considering that this site would cause the highest level of harm to the Green Belt (Tunbridge Wells Borough Council (2017). ‘Green Belt Study Stage Two’ Web link: https://tunbridgewells.gov.uk/__data/assets/pdf_file/0003/343839/Tunbridge-Wells-Green-Belt-Stage-2.pdf [May. 2021] and Tunbridge Wells Borough Council (2020). ‘Green Belt Study Stage Three, ...’. Web link: https://tunbridge-wells.gov.uk/__data/assets/pdf_file/0009/385317/Green-Belt-Study-Stage-Three_Rev1.pdf [Mar. 2021]), and so this Policy is inconsistent with national policy.

3.8 In addition, we are of the opinion that this Strategic site is not justified and so this Policy is not sound. With reference to our previous letter, we raised some concerns about justification of this Strategic site, which are still valid, in-terms of the allocation distribution (see 2.3) and release of Green Belt over brownfield sites (see 2.4 & 2.11). In Section 2 (above), we have elaborated on some of these original concerns.

3.9 We also note that many other people have previously raised concerns about flooding, which is a concern we share too. It is widely acknowledged that climate change will cause more intense rainfall and more frequent flooding. For instance, areas with a present-day probability of 1 in 100 years, are likely to have higher a probability (e.g. 1 in 75 years). The upshot of this that some areas previously designated as Flood Zone 1 (or 2) are likely in the future to have the same probability as Flood Zone 2 (or 3) is now, and so a much larger area of the Tudeley development is likely to fall within Flood Zone 2. The Government has declared a ‘Climate Change Emergency’ and so we cannot continue as before, just building on the floodplain, with the likely greater future flooding.

3.10 This development is likely to cause greater down-stream flooding. Moreover, the Leigh Barrier should not be relied upon, as water is released when it is at capacity (e.g. 2013).

3.11 In view of the flood risk, greater weight should be given against this site, as it is at risk of flooding (including Flood Zone 2). With reference to Paragraph 157 (NPPF, 2019), it states that Plans should apply the sequential test “taking into account the current and future impacts of climate change”. Again, there are site selection questions, with this Strategic site causing the highest Green Belt harm (2.3-2.5) and as it is partly located within Flood Zone 2, unlike other alternative sites (2.6-2.10). Thus, we believe that this site is not sound (i.e. not justified), as there are other more suitable alternative sites.

3.12 Please refer to our previous letter (see 2.7-2.12) that presented our concerns about the Sustainability Appraisal for this Strategic site, which is largely unchanged. In particular, one of our concerns related to the scoring of this Strategic site. Again, we have similar concerns about the up-dated Sustainability Appraisal; including the inconsistency of the scoring between the sites, with some favourable bias towards this Strategic site. For instance, Pembury site 190 scores neutral (“0”) for

Travel, compared to Tudeley that has a positive score (“++”), despite the Tudeley site having inadequate transport infrastructure (see 1.15-23). Whereas, Pembury has better transport links - main roads, e.g. A21 and A228/A264, good bus services and cycleways. A comparison of these two sites was made by SaveCapel6 (Appendix C) and highlights many inconsistencies.

3.13 Furthermore, even though the Land use scores the worst, we do not believe that the scores for Options 1 and 2 (i.e. “--” or “--/---”) reflect the true total negative score (i.e. “---”) of this site, due to the inefficient development land use, with low housing densities (see 2.11-2.12 above). In our previous letter, we also discussed how unsustainable the site allocation was, with an approach that appeared to favour Green Belt release over re-developing brownfield sites (see 2.10-2.12 of our previous letter and 2.8 above).

3.14 The Sustainability Appraisal (in Section 6.2.35) recognises some of the negative impacts that this development, would have, with most of the environmental objectives having negative scores. With reference to our previous comments (in 2.8d), we highlighted that there are insufficient net gains across the other overarching Objectives (economic and social) to offset the immense environmental harm of this Strategic site. Moreover, in view of the biased site scoring (3.12), the severe wider highways impact that is not recognised in this scoring (1.17 & 1.20 - e.g. congestion and air pollution – economic/social impacts) and as the down-graded heritage score (i.e. a social harm), there will be even fewer net gains, in which to offset the high environmental harm.

Question 7

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If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)? . Yes, I wish to participate in hearing session(s)

Comment

Consultee	Parvin Leach [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] Cranbrook [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Parvin Leach [REDACTED]
Comment ID	PSLP_177
Response Date	17/05/21 23:10
Consultation Point	Policy PSTR/SA 1 The Strategy for Sandhurst parish (View)
Status	Processed
Submission Type	Email
Version	0.6
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Parvin Leach
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy PSTR/SA 1 The Strategy for Sandhurst parish

Policy AL/SA2

[TWBC: this representation has been input against Policies PSTR/SA 1 and AL/SA 2 - see Comment Numbers PSLP_177 and PSLP_178]

Question 4

Do you consider that the Local Plan:

Is legally compliant	No
Is sound	No
Complies with the Duty to Cooperate	Don't know

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

- . It is not justified
- . It is not consistent with national policy

Question 5

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

Re: the above amendment to Sandhurst LBD proposed in the Draft Local Plan, I wish to object to this amendment, on account of its non-compliance with the principles and criteria laid out for the re-drawing of LBD's10626711 in the same document.(p.9 para.2.0 b) ii & iii.) I would like to make the following more detailed observations, considering those principles and criteria which this proposal contravenes.

Principles.1.' LBD's are policy lines drawn around the 'main' built up area of a sustainable settlement'. The recent planning application for development of the area SA2 was rejected by TWBC on the grounds, amongst others, that it was not sustainable.

2. 'Land inside the LBD will generally be substantially developed-including buildings, roads etc'. **SA2 is not substantially developed, consisting of a small bungalow in the middle of 4 acres of pasture.**

3. 'The main land uses outside the LBD will generally comprise of or be used for agriculture, woodland, lakes/ponds etc., unless surrounded by other development'. **The major part of SA2 comprises agricultural land, and to the east is a water course, a pond, and woodland.**

4. 'LBD boundaries should normally follow physical features, eg. roads, walls, field boundaries, etc.' **The existing western LBD does indeed do this, following the line of a watercourse, and the edge of woodland, but the proposed LBD follows no such physical features.**

5. 'LBD's need not be contiguous. It may be appropriate for a settlement to have two (or more) separate elements, where this reflects distinct built up parts, e.g. Goudhurst.' **However, Sandhurst does not have 'distinct built up parts'. SA2, the proposed area, has no continuity with the existing village i.e. it is not 'built up', (even though with Sharps Hill Farm and Bayford House, it constitutes 'an enclave of development in the countryside' (V.I.)) and it is separated from the main village by a watercourse, a pond and woodland.**

6.'There may be some fringe areas beyond a settlement's more consolidated core, as well as smaller villages/hamlets and enclaves of development in the countryside that do not have a LBD, in order to maintain the overall rural character of an area.' Sharps Hill Farm, Sharps Hill Oast and Bayford House form an enclave **maintaining the rural character of the area.**

Criteria.(used to determine what should and should not be included within LBD boundaries).

a) 'be adjacent to and form a logical extension to the built up area and not result in harmful protrusion into the countryside.' **The proposed amendment is, as stated above, not a 'logical extension to the built up area' and it does potentially result in a harmful protrusion into the countryside.(AONB). SA2 is separated from the main village area by a stream, a pond, and woods.**

b) 'not result in coalescence'-important gaps should be retained'. **This is self-explanatory-the proposed LBD will result in coalescence, with the obliteration of an important gap.**

c) 'have no adverse impact on landscape character.' **AONB becomes built on. Building will not enhance the landscape character, and is most certain to have an adverse impact.**

d) 'have no adverse impact on designated areas of national and local landscape, archaeological, geological, ecological or heritage importance.'**Recent planning application for this site failed on the grounds, amongst others, that the proposed development did not constitute sustainable development as stipulated in the NPPF, in particular due to the harm to the High Weald Area of Outstanding Natural Beauty and upon neighbouring designated Heritage Assets.**

e) 'be of a scale/nature in keeping with the form and function of the settlement and result in no harm to its character ,appearance or setting-does it relate more to the built environment or to the surrounding countryside?' **The answer to this question is clear-the area SA2 is located in pastureland, and is bounded by a listed and an unlisted heritage asset on the western aspect.**

g)'allow reasonable access to local facilities and services (non-private car mode).' **SA2 is approx. 1 kilometre from the centre of Sandhurst village.**

In addition to principles and criteria , **certain stipulations are listed for exclusion from an LBD.**

ExclusionsII.'Isolated buildings or sporadic/dispersed development e.g. individual or small groups of buildings separated from the main built up area of the settlement'. **Obviously, this applies to the area in question.**

IV.'Large rear gardens or paddocks stretching well out from the main built up form of the settlement'. **Sharps Hill Farm has a large rear garden and pasture which extend south, well out from the main built up line of the village.**

VI.'Buildings in spacious grounds on the edge of the development'.

IX.'Woodlands/forested areas'

XVII.'Hamlets and small clusters of existing development.

We, the undersigned, wish these comments to be absorbed and responded to by yourself. In our opinion, amendment of the Sandhurst LBD to include SA2 goes against principles, criteria and recommended exclusions, and should not therefore proceed.

Question 6

Please note: *In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.*

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Question 5 above. (Please note that non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

The amendment of the Sandhurst LBD, SA2, should be withdrawn.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)? . Yes, I wish to participate in hearing session(s)

Question 8

If you have any separate comments you wish to make on the accompanying Sustainability Appraisal, please make them here.

The fact that a planning application for the construction of 15 houses for the area in which SA2 is situated has very recently been rejected by Tunbridge Wells Borough Council (February 2021) on grounds of lack of sustainability relating to AONB and Heritage infringement factors, indicates that this proposed LBD amendment is against the wishes of the majority of the Council .

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box: Yes, I wish to be notified of future stages of the Local Plan

Comment

Consultee	Parvin Leach [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] Cranbrook [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Parvin Leach [REDACTED]
Comment ID	PSLP_178
Response Date	17/05/21 23:10
Consultation Point	Policy AL/SA 2 Sharps Hill Farm, Queen Street (View)
Status	Processed
Submission Type	Email
Version	0.5
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Parvin Leach
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

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Policy PSTR/SA 1 The Strategy for Sandhurst parish

Policy AL/SA2

[TWBC: this representation has been input against Policies PSTR/SA 1 and AL/SA 2 - see Comment Numbers PSLP_177 and PSLP_178]

Question 4

Do you consider that the Local Plan:

Is legally compliant	No
Is sound	No
Complies with the Duty to Cooperate	Don't know

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

- . It is not justified
- . It is not consistent with national policy

Question 5

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Re: the above amendment to Sandhurst LBD proposed in the Draft Local Plan, I wish to object to this amendment, on account of its non-compliance with the principles and criteria laid out for the re-drawing of LBD's 10626711 in the same document. (p.9 para.2.0 b) ii & iii.) I would like to make the following more detailed observations, considering those principles and criteria which this proposal contravenes.

Principles. 1. 'LBD's are policy lines drawn around the 'main' built up area of a sustainable settlement'. The recent planning application for development of the area SA2 was rejected by TWBC on the grounds, amongst others, that it was not sustainable.

2. 'Land inside the LBD will generally be substantially developed-including buildings, roads etc'. **SA2 is not substantially developed, consisting of a small bungalow in the middle of 4 acres of pasture.**

3. 'The main land uses outside the LBD will generally comprise of or be used for agriculture, woodland, lakes/ponds etc., unless surrounded by other development'. **The major part of SA2 comprises agricultural land, and to the east is a water course, a pond, and woodland.**

4. 'LBD boundaries should normally follow physical features, eg. roads, walls, field boundaries, etc.'. **The existing western LBD does indeed do this, following the line of a watercourse, and the edge of woodland, but the proposed LBD follows no such physical features.**

5. 'LBD's need not be contiguous. It may be appropriate for a settlement to have two (or more) separate elements, where this reflects distinct built up parts, e.g. Goudhurst.' **However, Sandhurst does not have 'distinct built up parts'. SA2, the proposed area, has no continuity with the existing village i.e. it is not 'built up', (even though with Sharps Hill Farm and Bayford House, it constitutes 'an enclave of development in the countryside' (V.I.)) and it is separated from the main village by a watercourse, a pond and woodland.**

6. 'There may be some fringe areas beyond a settlement's more consolidated core, as well as smaller villages/hamlets and enclaves of development in the countryside that do not have a LBD, in order to maintain the overall rural character of an area.' Sharps Hill Farm, Sharps Hill Oast and Bayford House form an enclave **maintaining the rural character of the area.**

Criteria.(used to determine what should and should not be included within LBD boundaries).

a) 'be adjacent to and form a logical extension to the built up area and not result in harmful protrusion into the countryside.' **The proposed amendment is, as stated above, not a 'logical extension to the built up area' and it does potentially result in a harmful protrusion into the countryside.(AONB). SA2 is separated from the main village area by a stream, a pond, and woods.**

b) 'not result in coalescence'-important gaps should be retained'. **This is self-explanatory-the proposed LBD will result in coalescence, with the obliteration of an important gap.**

c) 'have no adverse impact on landscape character.' **AONB becomes built on. Building will not enhance the landscape character, and is most certain to have an adverse impact.**

d) 'have no adverse impact on designated areas of national and local landscape, archaeological, geological, ecological or heritage importance.'**Recent planning application for this site failed on the grounds, amongst others, that the proposed development did not constitute sustainable development as stipulated in the NPPF, in particular due to the harm to the High Weald Area of Outstanding Natural Beauty and upon neighbouring designated Heritage Assets.**

e) 'be of a scale/nature in keeping with the form and function of the settlement and result in no harm to its character ,appearance or setting-does it relate more to the built environment or to the surrounding countryside?' **The answer to this question is clear-the area SA2 is located in pastureland, and is bounded by a listed and an unlisted heritage asset on the western aspect.**

g)'allow reasonable access to local facilities and services (non-private car mode).' **SA2 is approx. 1 kilometre from the centre of Sandhurst village.**

In addition to principles and criteria , **certain stipulations are listed for exclusion from an LBD.**

ExclusionsII.'Isolated buildings or sporadic/dispersed development e.g. individual or small groups of buildings separated from the main built up area of the settlement'. **Obviously, this applies to the area in question.**

IV.'Large rear gardens or paddocks stretching well out from the main built up form of the settlement'. **Sharps Hill Farm has a large rear garden and pasture which extend south, well out from the main built up line of the village.**

VI.'Buildings in spacious grounds on the edge of the development'.

IX.'Woodlands/forested areas'

XVII.'Hamlets and small clusters of existing development.

We, the undersigned, wish these comments to be absorbed and responded to by yourself. In our opinion, amendment of the Sandhurst LBD to include SA2 goes against principles, criteria and recommended exclusions, and should not therefore proceed.

Question 6

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The amendment of the Sandhurst LBD, SA2, should be withdrawn.

Question 7

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If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)? . Yes, I wish to participate in hearing session(s)

Question 8

If you have any separate comments you wish to make on the accompanying Sustainability Appraisal, please make them here.

The fact that a planning application for the construction of 15 houses for the area in which SA2 is situated has very recently been rejected by Tunbridge Wells Borough Council(February 2021) on grounds of lack of sustainability relating to AONB and Heritage infringement factors, indicates that this proposed LBD amendment is against the wishes of the majority of the Council .

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box: Yes, I wish to be notified of future stages of the Local Plan

Comment

Consultee	Colin Leake [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] Five Oak Green Tonbridge [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Colin Leake [REDACTED]
Comment ID	PSLP_32
Response Date	09/04/21 14:15
Consultation Point	Policy STR/SS 3 The Strategy for Tudeley Village (View)
Status	Processed
Submission Type	Other
Version	0.2
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Mr Colin Leake
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy STR/SS 3: The Strategy for Tudeley Village
All related to garden village

Question 4

Do you consider that the Local Plan:

Is legally compliant	No
Is sound	No
Complies with the Duty to Cooperate	No

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:	. It is not positively prepared
	. It is not effective
	. It is not justified
	. It is not consistent with national policy

Question 5

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With regard to the proposed development of a "Garden Village" in Capel the local plan gives many assurances but no details of how they would be achieved! It avoids completely the possibility of pollution from a nearby old land fill site. It ignores unstable land with a layer of clay on top of gravel! It claims it will increase biodiversity which is impossible. It includes no details of how essential facilities such as sewerage, water, gas, electricity and telephone all of which would need to be in place before building could start will be provided. Provision for schools seem not to have been covered. Flooding on this site is so bad that it has been possible to swim in the water on occasions. They give no details as to how this would be dealt with. BR have already discounted the possibility of a new station. This would mean that residents would need to travel to Tonbridge or Paddock Wood to catch a train into London resulting in traffic congestion. Neither have any available car parking and in any case they would be joining a line that already has severe capacity problems. Local plans are supposed to meet local needs so how can this be achieved by concentrating all the development in one area? There are many more suitable sites available that the planners seem determined to dismiss. One between the A21 and the outskirts of Tunbridge Wells has none of the problems on flooding or connectivity yet the planners seem determined to find reasons to reject this site. The site is a natural flood plain if it is developed the only place the water could go is in the Medway making an already bad flood situation down stream worse. Not very responsible. Because of the bad ground conditions building would be difficult. Couple this with the cost of providing service one wonders if the site is even viable. The site belongs to a single land lord making this an easy but irresponsible option for the planners which they seem determined to pursue by excluding all alternative sites. The plan should provide housing for the local population but is more likely to cater for Londoners wishing to move out of London based on what seems to be happening on other sites. The form used for submitting objections is much longer and more complex than it needs to be almost as if it was designed to put people off! All it needs is a simple form to enable personal details, the development objected to and a box to enter specific objections, two pages max. Is the number of houses planned in line with latest government guidelines?

Question 6

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this is the job of the planners

Question 7

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No, I do not wish to participate in examination hearing session(s)

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Yes, I wish to be notified of future stages of the Local Plan

Comment

Agent	Mr Colin Smith [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Colin Smith Planning Ltd
Address	[REDACTED] Redhill [REDACTED]
Consultee	Leander Homes [REDACTED]
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Leander Homes [REDACTED]
Comment ID	PSLP_422
Response Date	26/05/21 10:34
Consultation Point	Policy STR 1 The Development Strategy (View)
Status	Processed
Submission Type	Email
Version	0.4

Data inputter to enter their initials here AT

Question 1

Respondent's Name and/or Organisation Leander Homes

Question 2

Agent's Name and Organisation (if applicable) Colin Smith Planning Ltd

Question 3a

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy STR 1 The Development Strategy

Question 4

Do you consider that the Local Plan:

Is legally compliant Yes

Is sound No

Complies with the Duty to Cooperate Yes

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

- . It is not positively prepared
- . It is not effective
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Question 5

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Draft policy STR1 sets out the development strategy for the Borough. In summary, in relation to housing, the policy sets out that a minimum of 12,204 dwellings will be developed over the plan period (2020-2038). This equates to 678 per year.

The strategy for delivering this quantum of houses is to promote the effective use of previously developed land, look to focus new development within the identified Limits to Built Development of settlements, provide for growth of settlements having regard to their role and function, and the development of two strategic sites to the west of Paddock Wood and a new village at Tudeley.

Positively prepared The strategic policy has at its core the large scale development of land to the east of Paddock Wood, and a new settlement at Tudeley. Both of these options aim to deliver a large amount of new housing, and it is clear that the Council are reliant on them coming forward for development in order to meet the housing requirements. It is submitted that the plan is not positively prepared. Paragraphs 4.12, 4.13 and 4.18 refer to the need to consider unmet need from elsewhere. Table 3 of the draft Submission Plan Page 4 of 13 Tunbridge Wells Borough Council: Local Plan Pre-Submission Representation Form identifies the total number of houses to be delivered as 12,204. This figure is drawn from the Housing Supply and Trajectory document, which provides part of the evidence base. Paragraph 1 of the Executive Summary to the Housing Supply and Trajectory document identifies the figure of 12,204 homes, and states that "This is in addition to any unmet housing needs from neighbouring authorities, in relation to which the current Sevenoaks Local Plan, although not found sound, leaves an unmet need for 1,900 dwellings." The current position for the Sevenoaks Local Plan is that it has been found unsound and a legal challenge to that has failed. The main point at issue for the Sevenoaks Local Plan was that they failed in their duty to co-operate with adjoining authorities to consider unmet housing need. Sevenoaks will now need to review their duty to co-operate and reconsider the unmet need, together with that of adjoining authorities. There is potential therefore that the housing figure may increase from that currently identified, subject to the progress of Sevenoaks Local Plan. In this way the draft Submission Plan is not positively prepared.

In addition to the above, paragraphs 5.189 and 5.190 set out the background to the development of the strategic sites at Tudeley village and Paddock Wood. Both paragraphs refer to the requirement that to deliver the two large strategic sites in the Green Belt, road improvements will be required as

the modelling shows that there will be an increase in traffic through Five Oak Green. This is proposed to be dealt with by highway improvements to the A228 and a bypass around Five Oak Green. It is anticipated that these works will be paid for wholly by infrastructure contributions from the development at Tudeley. Paragraph 5.191 identifies that “the delivery of this infrastructure should be through ongoing discussions with relevant stakeholders. This includes, but is not limited to, Kent County Council, adjacent local planning authorities (Tonbridge & Malling and Maidstone Borough Councils) and other statutory consultees” This suggests that despite the identification of the route of the Five Oaks bypass on the proposals map, there needs to be ongoing discussions in order to deliver it. It is not clear at this stage whether this is deliverable.

It is therefore submitted that the plan is not positively prepared in relation to the development strategy as it does not appear to take account of unmet needs, and there appears to be uncertainty over the delivery of infrastructure.

Justified A significant proportion of the required development is focussed on two large strategic sites. Should these sites not be delivered, then there would be a significant shortfall in delivery. The delivery of the sites will be the subject of masterplans to be delivered as Supplementary Planning Documents. This will involve a further process of public engagement, consultation and adoption. As an alternative strategy, additional development could be proposed to support and enhance existing settlements, rather than create new ones. Rural centres, such as Five Oak Green have a range of services that support the local community, but needed to be supported by growth and development. The provision of a bypass around Five Oak Green will result in less traffic passing through the village, and reducing the opportunity for visitors to stop and take advantage of the services and facilities on offer, that would help to support them, and to improve their viability and vitality. Whilst there is a balance to be struck between enough passing traffic to support local services, and too much traffic resulting in congestion and a deterioration of the environment, a bypass is likely to tip the balance away from the support of local services and facilities. In addition, the development of the large strategic sites will result in a significant amount of Green Belt land being released. The development shown on the proposals maps will not support the reasons for including land within the Green Belt, as set out in paragraph 134 of the NPPF. In particular, the huge expansion of Paddock Wood to the east will not check the unrestricted sprawl of this large built-up area. The location of Tudeley, part way between Paddock Wood and Tonbridge, together with the expansion of Paddock Wood in this direction, will result in neighbouring towns merging towards each other. Neither proposal results in safeguarding the countryside from significant encroachment. It is acknowledged in the Development Strategy Topic Paper at paragraph 7.13 that the development of Tudeley village would weaken the extent to which the Green Belt purposes will be fulfilled, particularly between the proposed village and Five Oak Green. This is also acknowledged in paragraph 7.12. The provision of road improvements, in particular the currently “off line” Five Oak Green bypass, will also have an impact on the Green Belt. An alternative strategy would be, rather than significant large scale new settlements, provide for smaller scale developments surrounding and as extensions to existing settlements, such as Five Oak Green. Such an alternative would also result in a release of Green Belt land, but in a way that would allow for a review of the Green Belt boundaries around the settlements and the creation of more defensible and rational limits to the settlement boundaries. Limited, modest additional housing developments around rural settlements would also help to support local services and facilities, resulting in improving their vitality and viability, and creating a greater sense of community. The development strategy therefore has significant weaknesses, particular in relation to the impact on the Green Belt.

Effective Related to the above, it is submitted that the proposed strategy is likely to have weaknesses in its effectiveness for the reasons set out above. The deliverability of the strategic sites are dependant on a significant amount of masterplanning, and infrastructure provision, including highway improvements and a new bypass, and flooding at east of Paddock Wood, where part of the proposed site is within Flood Zones 2 and 3 and part of the upper Medway floodplain. The delivery of the housing numbers through smaller scale sites dispersed across the borough can avoid the need for major road improvements in the Green Belt, and can be planned to avoid the areas at greatest risk of flooding.

Consistent with national policy It is acknowledged that the NPPF does allow for the allocation of major strategic sites in the Green Belt on the basis that there are exceptional circumstances to justify it. However, as identified above, the identification of the strategic sites will weaken the purposes of the Green Belt, particularly around the Tudeley/Five Oak Green area. It is significant that the Council's Green Belt study does not include parcels of land to the north of the railway line around Five Oak Green. The Study does include a “broad area” to the north of the railway line, and the Council's own

assessment sets out that in relation to the purposes of preventing neighbouring towns merging into one another and assist in safeguarding the countryside from encroachment the rating is "Strong". These purposes will be compromised should the development strategy chosen be implemented, and the strategy will not be consistent with national policy.

Question 6

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The development strategy policy should be modified to remove the reference to the large strategic sites and an alternative strategy based on the modest expansion of existing settlements. The following amendments are suggested;

2. Looks to focus new development within and on the edge of the Limits to Built Development of settlements, as defined on the Policies Map, where proposals accord with other relevant policies of this Plan;

3. Provides for the growth of settlements, having regard to their role and function, constraints, and opportunities, ~~together with the development of two strategic sites, namely:~~a. major, transformational expansion of Paddock Wood (including land at east Capel), following garden settlement principles and providing flood risk solutions; andb. the creation of a new garden settlement: Tudeley Village between Paddock Wood and Tonbridge;

9. ~~Allows for the review of the Limits to Built Development to accomodate modest growth to existing settlements to support and sustain the local services and facilities within the settlements, and normally limits development in the countryside (being defined as that outside the Limits to Built Development) to that which accords with specific policies of this Plan and/or that for which a rural location is fully demonstrated to be necessary.~~

Such an approach would result in the draft Plan being positively prepared, justified, effective and consistent with national policy

Question 7

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Question 7a

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If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

To discuss the above arguments and assist the Inspector in addressing the Council's strategy

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Comment

Agent	Mr Colin Smith [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Colin Smith Planning Ltd
Address	[REDACTED] Redhill [REDACTED]
Consultee	Leander Homes [REDACTED]
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Leander Homes [REDACTED]
Comment ID	PSLP_426
Response Date	26/05/21 10:33
Consultation Point	Policy STR 9 Green Belt (View)
Status	Processed
Submission Type	Email
Version	0.3
Data inputter to enter their initials here	AT
Question 1	
Respondent's Name and/or Organisation	Leander Homes
Question 2	
Agent's Name and Organisation (if applicable)	Colin Smith Planning Ltd
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy STR 9 Green Belt

Question 4

Do you consider that the Local Plan:

Is legally compliant Yes

Is sound No

Complies with the Duty to Cooperate Yes

Question 4a

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Policy STR 9 sets out that “this Plan removes land from the Green Belt, which has been fully justified through the consideration of reasonable alternatives and it is supported by ‘exceptional circumstances’”.

Positively prepared This policy is related to the development strategy set out in draft policy STR 1, which identifies large strategic sites that will involve the release of significant areas of Green Belt. The combined area of land to be removed from the Green Belt as a result of including the land east of Paddock Wood and Tudeley village amounts to 331.188 ha, which equates to 4.6% of the total amount of the Green Belt within the Borough. The total net change in the amount of the Green Belt to be lost is 5.7%. Approximately 80% of the total amount of Green Belt to be lost is attributed to the two large strategic sites. An alternative strategy, of directing development towards the edge of existing settlements in order to support and enhance the existing services and facilities would comply with the social and economic objectives of the NPPF as set out in paragraph 8, and would result in a reduced impact on the Green Belt in the area around Five Oak Green by affording greater protection to the natural environment, particularly the Green Belt. In this regard, an alternative strategy would be unlikely to require highway improvements which would have further adverse impacts on the Green Belt and the purposes of including land within it. The environmental impact of the draft strategic allocations would not have a positive impact on the environmental objective of the three sustainability objectives of the NPPF, and the plan is not therefore positively prepared.

Justified Again, related to the development strategy set out in draft policy STR 1, it is accepted that in order to meet the needs of the evidence base, some release of Green Belt land would be necessary. The Council rely on their Green Belt Study to justify the release of Green Belt land. However, the land around Five Oak Green to the north of the railway line (parcel BA4) fulfils two of the purposes for including land within the Green Belt (prevent neighbouring towns merging into one another and assisting

in safeguarding the countryside from encroachment) which is assessed as “Strong”. These purposes will be compromised should the development strategy chosen be implemented, and the strategy will not be consistent with national policy. The location of the proposed strategic site of Tudeley village falls within parcel BA4. The environmental impact of the removal of the large areas of Green Belt is not justified.

EffectiveIn Green Belt terms, the policy reference to the “reasonable alternatives” is challenged in other representations submitted. The strategy chosen will result in significant harm to the Green Belt, and the purposes for including land within the Green Belt, as identified in the NPPF. In particular, the potential development of land east of Paddock Wood and Tudeley village, together with the proximity of Tonbridge to the west and Five Oak Green will start to expand the built form in the countryside across a wide area, and will result in significant compromising of the purposes of the Green Belt. In this regard, in relation to the stated aim in the draft policy of maintaining an effective Green Belt, will not be achieved. The draft policy is therefore not effective.

Consistent with national policyThe above submissions indicate that the proposed policy, being related to the overall development strategy set out in draft policy STR 1, would not be consistent with national policy, specifically in meeting the environmental objective of paragraph 8 of the NPPF, and that it would also not fulfil all of the purposes of including land within the Green Belt. On the basis of the Council’s own assessment of land parcel BA4, the strength of the Green Belt in fulfilling the purposes of including land within the Green Belt will be severely compromised.

Question 6

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The second paragraph of the policy should be modified to read;

“This Plan removes land from the Green Belt *surrounding existing settlements*, which has been fully justified through the consideration of reasonable alternatives and it is supported by ‘exceptional circumstances’, *and will enable modest sustainable extensions to existing settlements in order to improve and enhance the local services and facilities provided.* The areas of Green Belt released are set out in the relevant place shaping policies and include requirements to secure improvements to the environmental quality and accessibility of the surrounding Green Belt.”

Such an approach would result in the draft Plan being positively prepared, justified, effective and consistent with national policy.

Question 7

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If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)? Yes, I wish to participate in hearing session(s)

Question 7a

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Consultee	Leander Homes [REDACTED]
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Event Name	Pre-Submission Local Plan
Comment by	Leander Homes [REDACTED]
Comment ID	PSLP_424
Response Date	26/05/21 10:34
Consultation Point	Policy STR/SS 1 The Strategy for Paddock Wood, including land at east Capel (View)
Status	Processed
Submission Type	Email
Version	0.3
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Leander Homes
Question 2	
Agent's Name and Organisation (if applicable)	Colin Smith Planning
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy STR/SS 1 The Strategy for Paddock Wood, including land at east Capel

Question 4

Do you consider that the Local Plan:

Is legally compliant Yes

Is sound No

Complies with the Duty to Cooperate Yes

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

- . It is not positively prepared
- . It is not effective
- . It is not justified
- . It is not consistent with national policy

Question 5

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

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Draft policy STR/SS 1 is the policy that sets out the draft allocation of the land at Paddock Wood, including at east Capel. In summary the policy seeks to provide between 3,490 and 3,590 houses, together with three neighbourhood centres with commercial floorspace, schools, sports and leisure facilities, gypsy/traveller pitches and employment uses.

The policy also seeks to secure the phased delivery of highway and transport infrastructure, including on and off-line improvements to the A228 around Colts Hill and the provision of a new highway which bypasses Five Oak Green.

Positively prepared The main issue with this draft policy is that it will involve a significant incursion into the Green Belt. There will be a significant environmental impact as a result of the development of land currently outside of the settlement boundary and within the Green Belt which amounts to 418 ha. The land is identified in paragraph 5.159 as being around 0.7 miles from the High Weald AONB, and that the impact of development on the setting of the High Weald AONB, and on views from vantage points within the AONB, will be major factors in delivering development in this location. The AONB designation is the highest level of protection and equivalent to National Park designation in policy terms. The impact on views from the AONB is likely to be significant and adverse. Paragraph 5.161 identifies that development on the western side of Paddock Wood will need to minimise perceived coalescence between settlements. Use of the strong tree belts and concentration of denser development to the east will be an important design principle. In fact, if the development is carried out, and the settlement extended, the coalescence would not be "perceived" but actual. Regardless of the inclusion of tree belts and low-density development, the settlement would encroach into the Green Belt and reach towards Five Oak Green and the potential development of the proposed allocated site at Tudeley village. The present openness and freedom from development that exists between the western edge

of Paddock Wood and the eastern edge of Tonbridge would be lost and the Green Belt developed over.

This does not constitute positive planning in that the environmental objective of the sustainability requirements set out on paragraph 8 of the NPPF will not be met, and the purposes of including the land within the Green Belt will be compromised.

Justified The policy is directly linked to the overall strategy set out in policy STR 1, which is not considered to be justified, as other representations set out. It is not considered to be an appropriate strategy to release such large areas of Green Belt land, and also to not provide development opportunities on the edge of existing settlements which would help to support and enhance the existing services and facilities locally. The release of smaller areas of Green Belt land would result in less of a compromise of the Green Belt, particularly in area BA4 of the Green Belt Study.

Part 10 of the draft policy sets out that for development on land to the west, edged in blue on Map 27, compensatory improvements to the Green Belt should be provided. It is not clear what the compensatory improvements might be. However, the purposes of the Green Belt are, in summary, to prevent inappropriate development and to maintain openness- this is the essential characteristic of Green Belts and the fundamental aim is to prevent urban sprawl (paragraph 133 of the NPPF). It is not clear how "improvements" would help to compensate for the loss of openness or prevent urban sprawl.

Part 13 of the draft policy requires a drainage strategy is in place in consultation with the Local Planning Authority, Kent County Council as the Drainage Authority, and Southern Water prior to the grant of planning permission for any substantial development on the site, unless exceptional circumstances arise. It is submitted that the drainage strategy should be considered at this stage, rather than once the site is potentially allocated through the adoption of the Local Plan. If it is not possible to reconcile the flooding issues for substantial developments, then this is likely to compromise the safety of the development and other adjoining sites that would suffer a greater risk of flooding. The capacity of the foul sewage network should be established at this stage.

An alternative strategy, to identify small scale sites that extend existing settlements in order to support and enhance their growth, and which have a lower risk of flooding, or flooding issues can be mitigated would appear to be justified.

It is therefore submitted that the proposed strategy, including the development of Paddock Wood and land at east Capel is not justified on environmental grounds.

Effective Based on the submissions above, it is further submitted that the draft policy STR/SS 1 would not be effective. Alongside the need to agree and adopt masterplan and Supplementary Planning Documents, the flooding issues do not appear to be resolved at this stage. The reliance on a single allocation to provide a substantial level of housing supply could result in a serious shortfall if not delivered.

Consistent with national policy

As set out above and in other representations, the strategy involves a large scale encroachment of built form over the Green Belt and the potential for neighbouring towns (in conjunction with the Tudeley village proposal) to merge into one another. In this way there is a significant compromise of the purposes of including land within the Green Belt, and the draft policy (and the strategy overall) would not be consistent with the NPPF.

Question 6

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or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Policy STR/SS 1 should be removed and replaced with policies that identify alternative opportunities for development that involve modest extensions to existing settlements, releasing Green Belt land in a more managed way, and allowing the opportunity for growth to support and sustain local services and facilities (as set out in other representations).

Such an approach would result in the draft Plan being positively prepared, justified, effective and consistent with national policy.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)? . Yes, I wish to participate in hearing session(s)

Question 7a

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If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

To discuss the above arguments and assist the Inspector in addressing the Council's strategy.

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box: Yes, I wish to be notified of future stages of the Local Plan

Comment

Agent	Mr Colin Smith [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Colin Smith Planning Ltd
Address	[REDACTED] Redhill [REDACTED]
Consultee	Leander Homes [REDACTED]
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Leander Homes [REDACTED]
Comment ID	PSLP_423
Response Date	26/05/21 10:34
Consultation Point	Policy STR/SS 3 The Strategy for Tudeley Village (View)
Status	Processed
Submission Type	Email
Version	0.3
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Leander Homes
Question 2	
Agent's Name and Organisation (if applicable)	Colin Smith Planning
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy STR/SS 3 The Strategy for Tudeley Village

Question 4

Do you consider that the Local Plan:

Is legally compliant Yes

Is sound No

Complies with the Duty to Cooperate Yes

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

- . It is not positively prepared
- . It is not effective
- . It is not justified
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Question 5

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Draft policy STR/SS 3 provides for a new village settlement at Tudeley village. In summary the draft policy seeks to provide a new garden settlement for 2,800 new dwellings, with associated shops, employment uses, and community and leisure facilities. Part of the policy includes the provision of improvements to the A228 around Colts Hill, and the provision of a new highway which bypasses Five Oak Green. Compensatory improvements to the Green Belt are also to be proposed.

Positively prepared. The main issue with this draft policy is that it will involve a significant incursion into the Green Belt. There will be a significant environmental impact as a result of the development of land currently in the countryside and within the Green Belt which amounts to the loss of 182 ha of land from the Green Belt. In addition, the High Weald AONB lies to the south of the B2017 and the northern boundary of the AONB abuts the southern and south-eastern boundary of the proposed site. The development will therefore have a direct impact on the AONB. The AONB designation is the highest level of protection and equivalent to National Park designation in policy terms. The impact on views from the AONB is likely to be significant and adverse. Whilst paragraph 5.209 refers to the approach set out in the NPPF that new settlements can result in the supply of large numbers of new homes, the draft proposal will be at a significant environmental cost in relation to the incursion into the Green Belt, the impact on the AONB and the impacts of the required highway improvements, in particular a by-pass around Five Oak Green.

As with the draft allocation at Paddock Wood/east of Capel, the end result would be the encroachment into the countryside and the merging together of the settlements of Tonbridge, the proposed new village, Five Oak Green and Paddock Wood. The present openness and freedom from development that exists between the western edge of Paddock Wood and the eastern edge of Tonbridge would be lost and the Green Belt developed over.

This does not constitute positive planning in that the environmental objective of the sustainability requirements set out on paragraph 8 of the NPPF will not be met, and the purposes of including the land within the Green Belt will be compromised.

Justified The policy is directly linked to the overall strategy set out in policy STR 1, which is not considered to be justified, as other representations set out. It is not considered to be an appropriate strategy to release such large areas of Green Belt land, and also to not provide development opportunities on the edge of existing settlements which would help to support and enhance the existing services and facilities locally. The release of smaller areas of Green Belt land would result in less of a compromise of the Green Belt, particularly in area BA4 of the Green Belt Study.

Part 8 of the draft policy sets out that compensatory improvements to the Green Belt should be provided. It is not clear what the compensatory improvements might be. Although it is set out in the supporting text that this is detailed in the Development Strategy Topic Paper, no detailed measures are identified. However, the purposes of the Green Belt are, in summary, to prevent inappropriate development and to maintain openness- this is the essential characteristic of Green Belts and the fundamental aim is to prevent urban sprawl (paragraph 133 of the NPPF). It is not clear how "improvements" would help to compensate for the loss of openness or prevent urban sprawl.

An alternative strategy, to identify small scale sites that extend existing settlements in order to support and enhance their growth would appear to be justified. It is therefore submitted that the proposed strategy, including the development of Paddock Wood and land at east Capel is not justified on environmental grounds.

Effective Based on the submissions above, it is further submitted that the draft policy STR/SS 3 would not be effective. Alongside the need to agree and adopt masterplan and Supplementary Planning Documents, the reliance on a single allocation to provide a substantial level of housing supply could result in a serious shortfall if not delivered.

Consistent with national policy As set out above and in other representations, the strategy involves a large-scale encroachment of built form over the Green Belt and the potential for neighbouring towns (in conjunction with the draft Paddock Wood proposal) to merge into one another. In this way there is a significant compromise of the purposes of including land within the Green Belt, and the draft policy (and the strategy overall) would not be consistent with the NPPF. In addition to the compromising of Green Belt purposes, paragraph 72 of the NPPF does set out that new settlements can make a contribution to the supply of new homes, but only provided they are well located and supported by necessary infrastructure and facilities. In this case, it is submitted that the proposed village is not well located (being in the Green Belt) and requires significant infrastructure in the form of highway improvements and a new bypass around Five Oak Green to support and justify it.

It is submitted that the draft policy is not consistent with national policy.

Question 6

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Policy STR/SS 3 should be removed and replaced with policies that identify alternative opportunities for development that involve modest extensions to existing settlements, releasing Green Belt land in a more managed way, and allowing the opportunity for growth to support and sustain local services and facilities. Such an approach would result in the draft Plan being positively prepared, justified, effective and consistent with national policy.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)? . Yes, I wish to participate in hearing session(s)

Question 7a

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Comment

Agent	Mr Colin Smith [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Colin Smith Planning Ltd
Address	[REDACTED] Redhill [REDACTED]
Consultee	Leander Homes [REDACTED]
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Event Name	Pre-Submission Local Plan
Comment by	Leander Homes [REDACTED]
Comment ID	PSLP_421
Response Date	26/05/21 10:34
Consultation Point	Policy STR/CA 1 The Strategy for Capel parish (View)
Status	Processed
Submission Type	Email
Version	0.4
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Leander Homes
Question 2	
Agent's Name and Organisation (if applicable)	Colin Smith Planning
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy STR/CA 1 The Strategy for Capel parish

Question 4

Do you consider that the Local Plan:

Is legally compliant Yes

Is sound No

Complies with the Duty to Cooperate Yes

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

- . It is not positively prepared
- . It is not effective
- . It is not justified
- . It is not consistent with national policy

Question 5

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Draft policy STR/CA 1 sets out the strategy for the parish of Capel and is related to policies STR/SS 1 and STR/SS 3. Representations have been submitted in relation to these policies.

In summary the policy seeks to set limits to the built development around Five Oak Green, provide for a new village settlement at Tudeley, provide for new strategic development around Paddock Wood, provide compensatory improvements to the Green Belt, provide transport improvements, and seek developer contributions for infrastructure improvement.

Positively prepared The main issue with this draft policy is that it will involve a significant incursion into the Green Belt. There will be a significant environmental impact as a result of the development of land currently outside of the settlement boundary and within the Green Belt which amounts to the loss of 330 ha. The two strategic sites that it is proposed to allocate result in significant incursions into the Green Belt and will also be likely to have a significant impact on the AONB.

In relation to the incursion into the Green Belt, the proposed allocation of the two sites, together with the existing settlement of Five Oak Green, will result in a broad swathe of development stretching between Paddock Wood and Tonbridge. This will not only represent a substantial incursion into the Green Belt, but also will not prevent neighbouring towns from merging into one another, and will have an adverse impact on openness. The policy will not prevent urban sprawl in the Green Belt, which is one of the fundamental aims. Other representations set out detailed submissions in relation to the specific draft allocations.

In addition, the policy proposes highway improvements, including a bypass around Five Oak Green. This will result in both a significant incursion into the Green Belt and also result in less passing traffic through the village. Whilst there is a balance to be struck between encouraging visitors and passing

traffic that will support and sustain local services, and avoiding congestion, in this case, the proposed highway improvements will have a negative impact.

This does not constitute positive planning in that the environmental objective of the sustainability requirements set out on paragraph 8 of the NPPF will not be met, and the purposes of including the land within the Green Belt will be compromised.

JustifiedThe policy is directly linked to the overall strategy set out in policy STR 1, which is not considered to be justified, as other representations set out. It is not considered to be an appropriate strategy to release such large areas of Green Belt land, and also to not provide development opportunities on the edge of existing settlements which would help to support and enhance the existing services and facilities locally. The release of smaller areas of Green Belt land would result in less of a compromise of the Green Belt, particularly in area BA4 of the Green Belt Study.

There are a number of sites put forward for development and recorded in the most up to date SHELAA. In particular there are a number of sites located to the edge of Five Oak Green which could provide for a number of new homes and result in less of an incursion into the Green Belt, and would also provide modest growth that would support and sustain local services and facilities. In particular, site 11 in the SHELAA (Land at Whetstead Road) would result in a modest increase in dwellings (approximately 40-45 dwellings), which would help to support and sustain the local village. Whilst the SHELAA identifies issues with highways and noise for the site, work has been carried out for a presentation to the Parish Council which has demonstrated that the highway concerns (related to the single carriageway bridge into the village from the site) can be resolved with highway measures. Also, mitigation can be included in the development of the site to prevent noise from the railway resulting in an adverse impact on the future occupiers of the site.

It is demonstrated in our representations that there are other sites that could provide for an alternative strategy that would result in a reduced impact on the Green Belt and the AONB, and which would support and sustain the local services and facilities in the village.

EffectiveBased on the submissions above, and other representations made, it is submitted that the draft policy would not be effective. At the draft strategic allocations at Tudeley village and Paddock Wood, there are significant issues in relation to the provision of infrastructure such as highway improvements and flooding, and there will be a substantial impact on the purposes of including land within the Green Belt. Alongside the need to agree and adopt masterplans and Supplementary Planning Documents, the flooding issues at Paddock Wood do not appear to be resolved at this stage, and compensatory improvements to the Green Belt are not detailed. Only one “compensatory improvement” is identified in the supporting text to the policy, and that is the potential to reduce flood risk around Five Oak Green. However, the presence (or otherwise) of flood risk is not a determining factor in the inclusion of land within the Green Belt, and therefore it is submitted that this would not constitute a “compensatory improvement”. In addition, the reliance on two allocations to provide a substantial level of housing supply could result in a serious shortfall if not delivered.

Consistent with national policyAs set out above and in other representations, the strategy involves large scale encroachment of built form over the Green Belt and the potential for neighbouring towns to merge into one another. The draft policy does not prevent urban sprawl or maintain openness, which are the fundamental aims of the Green Belt designation. In this way there is a significant compromise of the purposes of including land within the Green Belt, and the draft policy (and the strategy overall) would not be consistent with the NPPF. Similarly, whilst paragraph 72 does allow for new settlements to provide a supply of new homes, this is subject to the requirement that the settlements are in the right location. Because of the Green Belt issues it is submitted that the proposed siting of the new settlement is not in the “right location”.

Question 6

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Draft policy STR/CA 1 should be modified to remove the references to the Tudeley village settlement and Paddock Wood expansion and reworded to allow for the limited expansion of the existing settlements, in particular Five Oak Green, and reference made to alternative sites, such as site 11 in the SHELAA (land at Whetstead Road) which would provide for minimal incursion into the Green Belt, and support and sustain local services. Suggested modifications are set out below;

1. Set Limits to Built Development for Five Oak Green village on the Policies Map to allow for modest growth to support and sustain local services and facilities (Inset Map 7) as a framework for new development over the plan period;

~~2. Provide a new garden settlement at Tudeley Village, which will deliver approximately 2,800 dwellings and a range of associated services and infrastructure over the plan period and beyond (as set out in Policy STR/SS 3);~~

~~3. Accommodate approximately 2,060 dwellings on land at east Capel as part of the extension to Paddock Wood, and a range of associated services and infrastructure (as set out in Policy STR/SS 4);~~

~~5. Provide transport improvements, including on-line and off-line improvements to the A228, potential provision of the safeguarded A228 Colts Hill bypass, and a highway to bypass Five Oak Green;~~

Such an approach would result in the draft Plan being positively prepared, justified, effective and consistent with national policy.

Question 7

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If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)? Yes, I wish to participate in hearing session(s)

Question 7a

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To discuss the above arguments and assist the Inspector in addressing the Council's strategy.

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Comment

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Email Address	[REDACTED]
Company / Organisation	Colin Smith Planning Ltd
Address	[REDACTED] Redhill RH1 [REDACTED]
Consultee	Leander Homes ([REDACTED])
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Leander Homes ([REDACTED])
Comment ID	PSLP_1892
Response Date	03/06/21 15:32
Consultation Point	Policy STR/CA 1 The Strategy for Capel parish (View)
Status	Processed
Submission Type	Email
Version	0.2
Data inputter to enter their initials here	AT
Question 1	
Respondent's Name and/or Organisation	Leander Homes
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Agent's Name and Organisation (if applicable)	Colin Smith Planning Ltd
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy STR/CA 1 The Strategy for Capel parish

Note - this representation is in relation to the Sustainability Appraisal and is set out below.

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

Question 7

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Question 7a

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To discuss the above arguments and assist the Inspector in addressing the Council's strategy.

Question 8

If you have any separate comments you wish to make on the accompanying Sustainability Appraisal, please make them here.

The following comments are focussed on the information included within Appendix H of the Sustainability Appraisal, and specifically the scoring for the "Reasonable Sites" in Capel parish.

The Sustainability Appraisal (SA) has been reviewed, in particular the methodology, and the decision aiding questions in Appendix B.

The nineteen sustainability objectives have been reviewed for Site 11 (Land at and to the rear of 50 Whetstead Road, Five Oak Green). My clients have an interest in this site, and they consider that it is suitable for development and can be delivered.

Of the nineteen sustainability objectives, the conclusions reached by the Council in relation to fourteen of them are not disputed. The five that are not agreed with are set out below, together with the reasons why.

Business Growth- The Council score this objective as "0" (neutral). The decision aiding questions set out that "in most cases the contribution of new customers to support existing business was considered insignificant". However, this impact appears to be somewhat underplayed by the Council. The village of Five Oaks has a range of services and facilities that support the local community. Strategic developments at Tudeley to the west and Paddock Wood to the east, which would include shopping, employment and social infrastructure opportunities, could potentially draw people from Five Oak Green to the detriment of the local services and facilities. The provision of development immediately adjacent to the village, and easily accessible to the centre, where most of the facilities are located, would help to sustain and enhance those facilities. This would be a positive impact to the local economy. As a result, rather than the score for this objective being neutral, it should be positive.

Land Use- the score for land use is identified as “negative/slightly negative”. This is largely because the site is within the Green Belt. The commentary below the scoring chart sets out that the sites location within Green Belt parcel BA4 would have a very high impact. However, at page 87 of the SA, in the table that considers the strategic settlement locations, in section 2, under the heading Capel, it is identified that the site (for the strategic settlement) is “entirely within the Green Belt and the most recent Green Belt Study concludes the overall harm rating of releasing this land from the Green Belt is high. However, there is scope for compensatory measures such as new hedgerow planting, enhanced pedestrian routes or conversion of fields from arable to grassland”. Similar comments are made in the table at pages 89/90 in relation to the Paddock Wood strategic site.

It is not clear why the planting of hedgerows, the enhancement of pedestrian routes and the conversion of fields from arable to grassland would compensate for the loss of such a large area of Green Belt to deliver the strategic site. None of the compensatory measures identified contribute to the purposes of including land within the Green Belt.

The decision aiding questions for this objective include whether a policy would detract or respect/enhance the five purposes of the Green Belt. In addition, the decision aiding questions set out that positive scores should be applied to policies that propose development on brownfield land. The northern part of the site was a former commercial yard, and there is still some fixed surface infrastructure present, and underground fuel tanks. The site is, in part, a brownfield site, and therefore should have a positive score applied to it.

The development of site 11 and its release from the Green Belt would make a contribution to the housing delivery for the Borough but would also be a logical extension to the village, and would allow development within a clear and defensible boundary (the railway line to the south and the field boundary/drainage channel to the east). As a result, it is submitted that the Land Use score should be neutral, or neutral/slightly positive, as although the land would be released from the Green Belt, there are exceptional circumstances to justify this- namely the delivery of housing units and the support of local services and facilities, and the site is in part a brownfield site. The release of this parcel of land would certainly have a lower impact on the Land Use score than the chosen strategic settlement at Tudeley.

Landscape- the Council score this objective as “neutral/slightly negative”. However, the quality of the land is very low. The site consists of a single run-down bungalow, with garden and paddocks to the rear. A large proportion of the northern part of the site was previously in commercial use as a vehicle and delivery yard. Underground fuel storage tanks are still present on the site. Apart from this, much of the site is low quality paddock grassland with patches of partially broken up hardstanding in the vicinity of the existing dwelling. There are few trees within the site or to the eastern boundary, and those that are, are poor quality and unmanaged.

The site is therefore, in part a brownfield site, having some remaining fixed surface infrastructure.

There is therefore an opportunity to improve and enhance the landscape setting of the site, particularly to the eastern boundary, with the planting of additional hedgerows and trees (including native species). In particular, the topography of the site is such that the northern section is at a lower level, and it would be proposed to drain the site to this area and create a water feature. This would improve the landscaping and appearance of the site, but also enhance the biodiversity.

It is submitted that the Landscape score should be positive.

Noise- the noise score set out in the table at Appendix H is “slightly negative/negative”. The commentary identifies that this is because of the presence of the railway line to the southern boundary. However, in assessing the site, the landowner has commissioned work to establish suggested layouts for the site and measures to mitigate the impact of noise. It has been demonstrated that the mitigation measures would not result in harm to any potential occupiers of the site. As a result, this score should be neutral.

Water- the score for this objective is “neutral/slightly negative”. However, the decision aiding questions set out that development in Flood Zone 1 should be scored as very positive. The site is within Flood Zone 1 (having regard to the Council’s SFRA), and therefore the score should be very positive.

In summary, the scores attributed to five of the sustainability objectives of the site should be “upgraded”. Having regard to the above, this would result in the site scoring fewer neutral and negative scores and a greater number of positive scores. This would, it is submitted, make the site a suitable choice for allocating for residential development in the Local Plan.

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:

Yes, I wish to be notified of future stages of the Local Plan

Comment

Consultee	David Lear [REDACTED]
Email Address	[REDACTED]
Address	
Event Name	Pre-Submission Local Plan
Comment by	David Lear [REDACTED]
Comment ID	PSLP_1244
Response Date	04/06/21 11:53
Consultation Point	Policy STR/SS 3 The Strategy for Tudeley Village (View)
Status	Processed
Submission Type	Web
Version	0.1
Question 1	
Respondent's Name and/or Organisation	David Lear
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
Policy STR/SS3	
Question 4	
Do you consider that the Local Plan:	
Is legally compliant	Don't know
Is sound	No
Complies with the Duty to Cooperate	Don't know
Question 4a	

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

- . It is not effective
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Question 5

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My name is David Lear and I have lived in Golden Green for over 22 years. Until recently I was a regular commuter to London.

I am writing to object to “The Strategy for Tudeley Village” (Policy STR/SS3).

I am deeply concerned at TWBC’s plan to create a new garden village (town?) in an area completely unsuited to such a development.

TWBC’s enthusiasm for developing 400 acres of Green Belt land, conveniently bypassing much of the plan preparation process, is worrying and gives force to the idea that the convenience of dealing with one landowner has far greater importance than following normal planning guidelines. Others have pointed out that an unwillingness to deal with multiple landowners is NOT sufficient grounds for destroying Green Belt land. For TWBC, there is of course the added advantage of siting over 60% of their new housing on the border with TMBC ensuring that all the disadvantages of the plan will fall into someone else’s lap. It is to the great credit of the Councillors of TMBC that they soundly criticised the plan at the Regulation 18 stage and continue to do so. I understand that TMBC have still not signed a Statement of Common Ground.

It is abundantly clear that the Tudeley site will create a significant additional burden on Tonbridge roads. The plan’s assumptions on reduced car use are completely unrealistic, based as they are on the provision of cycleways. No doubt TWBC Councillors are all enthusiastic cyclists but I will be first in the queue to watch them take on the challenge of the long, steep hill up from Tonbridge to Tudeley on a cold wet winter’s day. The existing road network around the proposed site is inadequate for the size of development and Tonbridge does not have the infrastructure to deal with the additional pressure that this development will create. During peak hours Tonbridge and its access roads are already unable to cope with existing traffic flows. The main access route from Tudeley to Tonbridge along the B2017 becomes a slow-moving queue of traffic backing up past the junction with Hartlake Road. Even if this road were widened with added roundabouts, no benefit would ensue because Tonbridge itself could not handle the additional traffic. Last week, TMBC rejected a planning application for a new supermarket at Tonbridge Retail Park because of concerns about the ability of the road network to cope. My understanding is that any major road development will not take place for some years into the project. Plans for the creation of new quarries in the immediate vicinity, additional development by Maidstone Borough Council at the Hop Farm and TWBC’s own proposals for extensive development at Capel and Paddock Wood will all add significantly to the problem.

Many of the new Tudeley residents would commute to London. Pre-Covid, trains from Tonbridge were already at bursting point with no spare capacity. Tonbridge station during peak hours is crowded with commuters and school children and could not conceivably take more. In my opinion the effect of “working from home” is seriously overstated and whilst there will be some drop in numbers travelling to London, once we return to a post-Covid normality the pressure to return to the office will minimise the impact. Other housing developments further down the line are expected to create capacity issues; 2,800 new homes in Tudeley could conceivably break the system. The existing parking at Tonbridge station is already insufficient for current needs.

I question the need for the number of houses that TWBC is planning to build. There must be “exceptional circumstances” to release Green Belt land for development. TWBC should be far more robust in challenging the existing numbers based on out-of-date statistics. Will the new development provide the right type of housing?. It is not just a question of numbers; housing needs to cater for those struggling to find accommodation. I seriously doubt whether a green field development, consisting no doubt mainly of substantial houses, will meet existing housing needs however lucrative for the developers. Much more likely is that the new development will draw people in from outside the area. TWBC was late in starting to update its brownfield register. Given that such land should take priority for development this should have been completed prior to any decision on building over Green Belt land.

Much of the development will be on the Medway floodplain. In the 20 odd years that I have lived in Golden Green I have witnessed significant flooding in East Peckham, Tonbridge and along the Hartlake Road, this despite the Leigh barrier. Last year, the papers were full of reports of disastrous flooding in parts of Yorkshire and Derbyshire, again despite significant investment in flood defences. Climate change is upon us and it seems foolish in the extreme to consider concreting over 400 acres of productive, absorbent agricultural land which can only exacerbate the existing threat of flooding.

There are many other issues to be considered, such as the threat to biodiversity, the pollution created by additional traffic jams, the risks to the heritage site at Tudeley Church and the provision of health and other services. These have been identified by others in their responses so I will not go further into detail.

I end by drawing your attention to a Planning Decision Notice, ref: 18/01767/FULL, dated 31 July 2018 and signed by one Stephen Baughen, the Head of Planning (Interim) at TWBC and who now, I believe, holds the position of Head of Planning Services. The Decision Notice refuses planning permission for a modest extension to The Poacher, a restaurant located at the very edge of the proposed new development.

The reasons given for the refusal are, in summary:

- 1 The proposal would constitute inappropriate development within the Metropolitan Green Belt and would be harmful to its openness. There is insufficient evidence of the necessary “very special circumstances” to overcome this harm.
- 1 The proposal would have more than a minimal impact on the landscape character of the locality. The overall impact is harmful to the rural character of the area.
- 1 There is no evidence that occupiers would not be at risk from flooding or that there would not be increased risk of flooding elsewhere. Therefore, the development is likely to result in a risk to human life from flooding.

A more glorious example of hypocrisy would be hard to find.

In summary, this proposal fails to meet the necessary soundness criteria on several grounds and should be withdrawn without further delay. All those responsible for its production and approval should look deeply into their consciences and reconsider this appalling proposal.

Question 6

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or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

This proposal should be withdrawn from the TWBC Local Plan.

Question 7

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If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)? . No, I do not wish to participate in examination hearing session(s)

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Comment

Consultee	Nicola Leeds ([REDACTED])
Email Address	[REDACTED]
Address	
Event Name	Pre-Submission Local Plan
Comment by	Nicola Leeds ([REDACTED])
Comment ID	PSLP_1310
Response Date	04/06/21 16:53
Consultation Point	Pre-Submission Local Plan (View)
Status	Processed
Submission Type	Web
Version	0.5
Question 1	
Respondent's Name and/or Organisation	Nicola Leeds
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy STR/SS 1 Strategy for Paddock Wood, including land at east Capel

Policy STR/SS 3 Strategy for Tudeley Village

LCWIP Local Cycling and Walking Infrastructure Plan (p48)

[TWBC: this representation was set against the whole Plan but has been duplicated by TWBC at Policies STR/SS1, STR/SS2 and STR/SS3 for ease of reference - see PSLP_1310, PSLP_2326, PSLP_2327 and PSLP_2828 respectively]

Question 4

Do you consider that the Local Plan:

Is legally compliant	Don't know
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Is sound No

Complies with the Duty to Cooperate No

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

- . It is not positively prepared
- . It is not effective
- . It is not justified
- . It is not consistent with national policy

Question 5

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I have been a resident of Paddock Wood for 15 years, and have seen the expansion of the town even within that time. Despite promises, the infrastructure has never been delivered to address the issues created by the increase in housing. There has been increased flooding across the town, with more frequency, with some residents suffering from foul water in their homes caused by inadequate sewage systems having to cope with yet more residents. There has been a lack of investment by TWBC in Paddock Wood, no expansion of medical services, no improvement in the shopping facilities in the town, or in the leisure centre which is now run down. In fact, the opposite has been true. TWBC has consistently approved planning for developments that detract from Paddock Wood and add more problems without delivering on any of the investment that is critical. We have been promised time and again that there would be no further development without the infrastructure in place in advance. There is little or no regard on the impact of continued overdevelopment on the very nature of Paddock Wood and surrounding villages; no consideration of the increased flood risk to existing residents from the developments already approved, let alone those in the pipe line. And absolutely no consideration of the residents.

There is also a need to reassess the total requirement for housing going forward - the Government's "levelling up agenda" shows that increased housing will be needed in the north of England rather than in the SE corner - these changes in national approach have not been followed through into the local plan. TWBC have not sufficiently considered the future housing need of the borough to ensure that the number of dwellings being planned for is correct.

As part of the previous consultation on the local plan, TWBC included as part of its justification for building in Capel and Paddock Wood that the land owner had decided to sell the land, and that dealing with one land owner rather than several would be easier. This is possibly the worst, most egregious reason for building on one location that has ever been heard.

The local plan is not positively prepared, effective nor justified for a number of critical reasons.

Firstly, on the requirement for the plan to be positively prepared and effective. TWBC have not amended their plan to account for the changed circumstances brought about by the COVID 19 pandemic. The pandemic has shown that commuting and working patterns have changed and will continue to remain different to that expected pre-COVID - the local plan has not been reviewed to ensure it is fit for purpose going forward.

The vast majority of housing has been proposed to be placed at the tip of the borough - this site is entirely unsuitable for providing housing of increased job opportunities for the rest of the borough,

which stretches far to the east and south, whilst at the same time "lumping" the housing in one small area. The realities of travel across the borough means that this housing will not be suitable for those who live and are employed in, for example Cranbrook. Therefore, despite the stated aim of the plan to provide affordable housing and employment to the residents of the borough it will do the opposite. The proposal will result in people moving to the borough from outside it, ensuring that locals are unable to take advantage of the increase in housing, and inflating prices to the point that no one who works locally will be able to live here.

Much of the infrastructure included within the local plan will not be for TWBC to provide - and the rest will be dependent on "contributions" from developers. There is a very real risk that these will never materialise.

At the recent vote by councillors on whether to move to Reg 19 consultation, several of the papers were not made available, and worse, it was clearly stated in the meeting that some councillors had not even bothered to review the papers in advance of the vote. This is a clear abdication of responsibility, and undermining of due process.

Therefore the plan is not effective.

In relation to whether the plan is justified - the response to regulation 18 consultation was woefully inadequate - despite a large number of responses expressing serious concerns with the local plan (97% opposed the plan), these were not taken into account, with TWBC ploughing on with their proposal regardless of the views of the residents who would be affected by it. This makes a mockery of the consultation process required under national law. The only changes made were to exacerbate the issue by putting more houses into the plan for Capel and Paddock Wood.

The local plan also proposes to build on land that is at risk of flooding, while taking away agricultural land and green spaces. These are all in contravention of the stated aim of the plan.

The plan itself states that green belt is to prevent urban sprawl and should be protected - yet TWBC are proposing to remove 5% of green belt land in Capel parish to build the extension to Paddock Wood, and the Tudely Village. These are entirely unjustified removals of green belt land, and would in effect create a long corridor of development between Paddock Wood and Tonbridge. Green belt is meant as a protection - it should not be removed from such protection without significantly stronger justification. There are alternative sites which would not require the use of green belt land such as Castle Hill.

Flooding is a very real issue already in Paddock Wood and Five Oak Green. Flooding incidents are increasing, with the greatest threats coming from surface water flooding. The sites at Capel and Paddock Wood proposed for development are all prone to flooding, and play a key role in ensuring that existing developments are not affected more severely. This winter, the ground was saturated for weeks in the areas the plan expects to build. In Tudely, the water runs down the road like a river, and that is without the additional building in place. The proposal would remove trees and other vegetation that use the water; they would concrete over the very land with acts as a sponge. The mitigation that is proposed is insufficient to respond to this increased, and increasing risk. Combined with the proposal to create new roads to service these new developments, the issue just gets worse and worse. This is also against national policy which states that flood plans should not be built on where alternatives exist. Alternatives exist within Tunbridge Wells borough. Where mitigation plans are put in place, they will only exacerbate the impact on communities up and down river - places which already struggle with flooding - Tonbridge, East Peckham, Yalding to name just a few.

The plan also proposes to dig up more and more countryside to build additional roads to deal with the increased traffic - on yet more green belt and countryside. This area risks being covered in concrete, with the increase in air pollution, risk of flooding, reduction in green space and biodiversity the only likely outcomes.

The proposal made under the LCWIP Local Cycling and Walking Infrastructure Plan to block access to vehicles over the railway bridge will completely cut off half of Paddock Wood from the town centre - forcing all vehicles to use the A228, or country lanes. There is no consideration to the impact of having thousands of extra cars needed to make that journey, no consideration of the real world impact on the residents of Paddock Wood. What if there is an accident on the main road that closes it? What if an ambulance or fire engine is needed? What about residents who are less mobile? This plan will have the opposite effect to that stated. This has to be one of the most poorly thought through and ludicrous ideas within the local plan. Wishing that fewer people drove cars doesn't make it so. Taking other steps

- effective enforcement of parking on Commercial Road, creating a lively retail area rather than permitting more and more flats to be built in place of retail units will be much more likely to.

This plan goes against national policy - there is no provision for addressing the biodiversity crisis, no substantive plans to mitigate against the impacts of climate change with the expected increase in flooding. There is no recognition of the importance of green space for residents of Paddock Wood. There is no substantive plan for ensuring biodiversity net gain across the plan.

The only part of this plan I can support is the provision of a swimming pool - and yet, even with all the housing planned, it's still only potential in the plan. There is no assurance that ANY of the "benefits" put forward will be realised.

Paddock Wood has already absorbed 1000+ housing units, the intention to build yet another 6000+ dwelling within the space of 5 miles is utterly without consideration of the current character of the area, or its residents. Paddock Wood will grow in area by 200%, Tudely will expand by 500%. This is completely disproportionate. Local residents are being ignored.

It is also clear from the representations from Tonbridge and Malling Borough Council (TMBC), and its many residents that the duty to cooperate has been entirely disregarded by TWBC. The impacts of the exponential growth in housing proposed under this local plan will be felt by neighbouring local authorities as the services and infrastructure required by such a significant increase in housing and population will predominantly be felt by TMBC and Maidstone BC rather than by TWBC, but will not receive any revenue from council tax etc. the increase in traffic alone will have a significant impact on the residents of TMBC, there will be an increase in the number of people expecting to attend Tonbridge schools, and use leisure facilities in Tonbridge. TWBC's intention to put the vast majority of its intended housing growth right on the border with 2 other local authorities shows a blatant disregard for the knock on impact on those boroughs.

Question 6

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TWBC need to LISTEN to its residents and neighbouring local authorities. There needs to be a fundamental reassessment of where additional housing is needed in the borough and not take the easy approach of putting the vast majority of housing into one small area of the borough which won't support other residents and unfairly results in 15 years of disruption for a small proportion of the borough's residents. This will help address the effectiveness of the plan.

Alternative sites need to be considered - and some have already been offered up by developers. There has been inadequate consideration of brownfield and alternative sites, with simple dismissal of such ideas in response to proposals offered under previous consultations. These sites should be where they are not on flood plains, not on good agricultural land that will be lost forever, and not where the impacts of the developments will be felt almost entirely by a small proportion of residents and by those residents of neighbouring local authorities who will not benefit from any additional funding.

In addition, options 7 and 8 as set out in the Sustainability Appraisal should be further considered to more fairly distribute housing need across the borough.

Should development continue in Paddock Wood and Tudely Village, it must be a requirement that the additional services and infrastructure the plan suggests "may" follow need to be in place first. There

needs to be a complete rethink of the LCWIP Local Cycling and Walking Infrastructure Plan so that the road bridge in Paddock Wood is not closed.

Question 7

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Question 8

If you have any separate comments you wish to make on the accompanying Sustainability Appraisal, please make them here.

the assessment of impact on the sustainability objectives in table 15 of the SA are not accurate - the benefits are overplayed - they would not be felt across the borough, the developments will not provide social mobility and inclusion as suggested, and the negative impacts on air, biodiversity, climate change, health, noise, travel and water are all under recognised.

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Comment

Consultee	Nicola Leeds ([REDACTED])
Email Address	[REDACTED]
Address	
Event Name	Pre-Submission Local Plan
Comment by	Nicola Leeds ([REDACTED])
Comment ID	PSLP_2326
Response Date	04/06/21 16:53
Consultation Point	Policy STR/SS 1 The Strategy for Paddock Wood, including land at east Capel (View)
Status	Processed
Submission Type	Web
Version	0.4
Question 1	
Respondent's Name and/or Organisation	Nicola Leeds
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

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Question 4

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Comment

Consultee	Nicola Leeds ([REDACTED])
Email Address	[REDACTED]
Address	
Event Name	Pre-Submission Local Plan
Comment by	Nicola Leeds ([REDACTED])
Comment ID	PSLP_2327
Response Date	04/06/21 16:53
Consultation Point	Policy STR/SS 2 The Strategy for Paddock Wood Town Centre (View)
Status	Processed
Submission Type	Web
Version	0.3
Question 1	
Respondent's Name and/or Organisation	Nicola Leeds
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

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Question 4

Do you consider that the Local Plan:

Is legally compliant	Don't know
----------------------	------------

Is sound No

Complies with the Duty to Cooperate No

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

- . It is not positively prepared
- . It is not effective
- . It is not justified
- . It is not consistent with national policy

Question 5

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I have been a resident of Paddock Wood for 15 years, and have seen the expansion of the town even within that time. Despite promises, the infrastructure has never been delivered to address the issues created by the increase in housing. There has been increased flooding across the town, with more frequency, with some residents suffering from foul water in their homes caused by inadequate sewage systems having to cope with yet more residents. There has been a lack of investment by TWBC in Paddock Wood, no expansion of medical services, no improvement in the shopping facilities in the town, or in the leisure centre which is now run down. In fact, the opposite has been true. TWBC has consistently approved planning for developments that detract from Paddock Wood and add more problems without delivering on any of the investment that is critical. We have been promised time and again that there would be no further development without the infrastructure in place in advance. There is little or no regard on the impact of continued overdevelopment on the very nature of Paddock Wood and surrounding villages; no consideration of the increased flood risk to existing residents from the developments already approved, let alone those in the pipe line. And absolutely no consideration of the residents.

There is also a need to reassess the total requirement for housing going forward - the Government's "levelling up agenda" shows that increased housing will be needed in the north of England rather than in the SE corner - these changes in national approach have not been followed through into the local plan. TWBC have not sufficiently considered the future housing need of the borough to ensure that the number of dwellings being planned for is correct.

As part of the previous consultation on the local plan, TWBC included as part of its justification for building in Capel and Paddock Wood that the land owner had decided to sell the land, and that dealing with one land owner rather than several would be easier. This is possibly the worst, most egregious reason for building on one location that has ever been heard.

The local plan is not positively prepared, effective nor justified for a number of critical reasons.

Firstly, on the requirement for the plan to be positively prepared and effective. TWBC have not amended their plan to account for the changed circumstances brought about by the COVID 19 pandemic. The pandemic has shown that commuting and working patterns have changed and will continue to remain different to that expected pre-COVID - the local plan has not been reviewed to ensure it is fit for purpose going forward.

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which stretches far to the east and south, whilst at the same time "lumping" the housing in one small area. The realities of travel across the borough means that this housing will not be suitable for those who live and are employed in, for example Cranbrook. Therefore, despite the stated aim of the plan to provide affordable housing and employment to the residents of the borough it will do the opposite. The proposal will result in people moving to the borough from outside it, ensuring that locals are unable to take advantage of the increase in housing, and inflating prices to the point that no one who works locally will be able to live here.

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Comment

Consultee	Nicola Leeds ([REDACTED])
Email Address	[REDACTED]
Address	
Event Name	Pre-Submission Local Plan
Comment by	Nicola Leeds ([REDACTED])
Comment ID	PSLP_2328
Response Date	04/06/21 16:53
Consultation Point	Policy STR/SS 3 The Strategy for Tudeley Village (View)
Status	Processed
Submission Type	Web
Version	0.3

Question 1

Respondent's Name and/or Organisation	Nicola Leeds
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Should development continue in Paddock Wood and Tudely Village, it must be a requirement that the additional services and infrastructure the plan suggests "may" follow need to be in place first. There

needs to be a complete rethink of the LCWIP Local Cycling and Walking Infrastructure Plan so that the road bridge in Paddock Wood is not closed.

Question 7

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If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)? . No, I do not wish to participate in examination hearing session(s)

Question 8

If you have any separate comments you wish to make on the accompanying Sustainability Appraisal, please make them here.

the assessment of impact on the sustainability objectives in table 15 of the SA are not accurate - the benefits are overplayed - they would not be felt across the borough, the developments will not provide social mobility and inclusion as suggested, and the negative impacts on air, biodiversity, climate change, health, noise, travel and water are all under recognised.

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box: Yes, I wish to be notified of future stages of the Local Plan

Supporting Information File Ref No: SI_69

Comment

Consultee	Konrad Legg [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] TONBRIDGE [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Konrad Legg [REDACTED]
Comment ID	PSLP_1162
Response Date	03/06/21 21:33
Consultation Point	Policy STR/SS 3 The Strategy for Tudeley Village (View)
Status	Processed
Submission Type	Web
Version	0.9
Files	P-S Local Plan 030621.pdf
Question 1	
Respondent's Name and/or Organisation	KONRAD LEGG
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
Policy STR/SS3 The Strategy for Tudeley Village [TWBC: duplicate of PSLP_1159 submitted]	
Question 4	
Do you consider that the Local Plan:	
Is legally compliant	Don't know

Is sound

No

Complies with the Duty to Cooperate

Don't know

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

- . It is not effective
- . It is not justified
- . It is not consistent with national policy

Question 5

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I believe that this strategy should be removed from the P-S Local Plan as this part of the plan is unsound and if not removed will make the whole plan unsound and ineffective.

- 1 **Very special circumstances.** - There are no special circumstances to justify removing 170 hectares of land from the Greenbelt. If it were true that the borough was so constrained, that it could not find the amount of land elsewhere, then that would itself constitute a justification to request other neighbouring boroughs to fulfil the unmet housing requirement. If that failed, then TWBC would have an excellent reason for informing Central Government that they would be unable to fulfil their housing target.
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- 6 **Lack of Community engagement.**

I have a legitimate concern that no real consultation of any sort took place before the decision was taken to include this area in the Draft Local Plan.

The Localism Act of 2011 and the policies enshrined in the latest NPPF regulations make it clear that community engagement is essential. The Chairman of the Capel Parish has confirmed that, although he was aware of the proposed housing development before it was announced publicly in May/June 2019 the parish councillors had been required to sign an NDA to prevent them from discussing the proposals with the residents.

The key factor that seems to have obscured rational thinking and the obligation to ensure local engagement about the proposed garden village is the overriding attraction to the council of having only one landowner to deal with. For that benefit TWBC has sacrificed the support of the local community and substantially increased the risks of a failure in delivery of their plan.

It is still not clear to me why these proposals were not properly discussed with the local community. The Parish of Capel has a good track record in responding to planning initiatives. In 2006 the Parish produced a comprehensive Capel Parish Plan which dealt with many of the defects of the settlement at Five Oak Green and the aspirations of its residents. Many of the conclusions of that report remain unfulfilled today, because of factors outside the control of the Parish Council.

I believe the selection of the site at Tudeley has been 'managed' over a long period to ensure the local people did not have a proper say. It is a process worthy of 'Yes Minister'. First, you have an Issues and Options public consultation setting out five Options for growth in housing numbers over the 15 year planning period. Little information is offered about Option 5 – the creation of a Garden Village somewhere in the Borough. Certainly, no possible locations were mentioned (and no suggestion whatever that it might be wholly on Greenbelt). Even so the clear response from consultees favoured other options for growth, not a garden village. Then, when the Draft Local Plan (DLP) was published in July 2019, the central plank of the plan was to locate a garden village on the greenbelt at Tudeley. There has still not been any proper explanation of why the views of the consultees in the earlier Issues and Options consultation were ignored.

In the DLP Plan little detailed information on exactly what was proposed was provided. The excuse tendered at the time, was that land was only offered at a late stage, and that there was insufficient time to carry out all the detailed assessments and costings that were required. The residents were told not to worry as they would be able to study the Masterplan and that Hadlow estates would be providing a presentation shortly. The net effect has been that the community has had no engagement whatever in this 'decision making' process and TWBC has totally abrogated its duty of care to its constituents. This cannot be the whole story. Hadlow Estates will have had frequent interaction with the council over many decades concerning planning matters relating to the nearby mineral extraction and more recently relating to matters associated with their nearby large solar park and the large extension to the equestrian centre at Bank farm. The LPA will have had, or at the very least, ought to have had, a clear view of the future aspirations of that landowner.

It is just a shame that these thoughts were not shared with the community with a view to arriving at a level of development that might be acceptable..

TWBC have successfully sponsored a number of Neighbourhood Development Plans in the borough, it is unfortunate that no such Capel Plan was established until after it was too late for it to play any part in this decision making process.

Once there was the slightest hint of a largescale development in the Parish, there should have been pressure from TWBC to the Parish Council to create such a plan to inform future development policies.

When the P-S Local Plan was published in March, it became clear that once again TWBC had taken little notice of the very extensive raft of constructive criticism that had been levelled at the proposal to build a Garden Village at Tudeley. It is now clear that any engagement with the community purely to inform and comply with regulation with no intention of seeking input from the community. The net result is that we were presented with a 'fait accompli'..

I believe that the proposed Garden Village at Tudeley is seriously unsound and will be disastrous for the community and ineffective in delivering the requested number of new houses for the borough in the timeframe envisaged. It is unsound because the plan relies far too heavily on STR/SS3 and the strategy for Capel (STR/CA1).

If this proposal were to go ahead it would require exceptionally large amounts of capital for infrastructure, virtually most of which needs to be provided upfront, and the work completed before any housing development can take place.

1 Cumulative effects and sustainability

The Strategy for Tudeley Village does not explain properly the implications of the close proximity of the new Village to the already approved sites for the extensive mining of sand and gravel. These mineral deposits lie only a very short distance from the proposed Village site along the Medway Valley. The plan does not properly explain the potential conflicts that may arise from that close proximity, nor does it explain that in the event of such conflicts that mineral extraction will (NPPF) take priority over other issues. Nor does it address the cumulative adverse effects of competing developments of mineral extraction and housing at the same time in a relatively small area.

Similarly, the plan does not explain the implications of the close proximity of the new Garden Village to the settlement of Five Oak Green. Para 5.210 hints at the problem. It mentions local towns but interestingly does not mention the nearby village that will be most affected.

Para 5.212 again talks of addressing the needs of the new community, totally ignoring the needs of the large number of residents in the adjacent/ virtually contiguous Village of Five Oak Green.

Much mileage is made of the sustainability arguments for the New Garden Village. One thing is for sure, that, if today, a sustainability assessment was made for Five Oak Green one would be struggling to produce a positive result. If this new development were to go ahead the position of Five Oak Green would be permanently downgraded, with this village doomed to be the poor relation and dependent on its supposedly vibrant neighbour. It would be much better if some real thought was given to making Five Oak Green into a real sustainable settlement.

TWBC seem to acknowledge the problem (point 7. f of STR/SS3) but do nothing real to address it.

'the design should incorporate means to ensure that there is appropriate visual separation between Tudeley Village and Five Oak Green, including potentially the use of structural planting on land outside the allocation, but within the wider land ownership.'

There are a number of positive aspects in the P-S Local Plan that could be used to mastermind a regeneration of the Village of Five Oak Green which would be welcomed by many residents and might well lead to a sensible level of new additional housing. It is interesting to note that the Housing Needs Study suggests Capel Parish has requirement of 10 new dwellings per year, 150 new homes during the plan period.

- 1 **Heritage Assets** - On a personal note, my wife and I have lived for some 50 years at Tudeley Hall, Hartlake road, a Grade II listed building, which has origins that go back to the seventeenth century. The proposed plan totally engulfs my home on three sides with the increasingly busy Hartlake road in front. As far as I can see no mitigation measures are proposed to reduce the enormous harm that will be done to our environment and our rights to 'quiet enjoyment'.
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10.Flooding - Again on a personal note the fields all around my home (all part of the 170 hectares) are full of springs and for some eight months a year water drains from them and runs down Hartlake road. My cellar has water in it for many months every year. I feel the council has underestimated the scale of the drainage and flooding issues.

In conclusion, I note and welcome (in Para 5.229) that the Council now proposes to work with the local community through the Capel Neighbourhood Development Plan Group, but unless this policy SST/SS3 can be removed from the Local Plan, it will be impossible for them to produce a plan that has the support of the community has the support of the community.

Question 6

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If you would like to attach a file in support of your comments, please upload it here. [P-S Local Plan 030621.pdf](#)

Supporting Information File Ref No: SI_69

Comment

Consultee	Konrad Legg [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] TONBRIDGE [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Konrad Legg [REDACTED]
Comment ID	PSLP_1159
Response Date	03/06/21 22:02
Consultation Point	Policy STR/SS 3 The Strategy for Tudeley Village (View)
Status	Processed
Submission Type	Web
Version	0.6
Files	P-S Local Plan 030621.pdf (1)
Question 1	
Respondent's Name and/or Organisation	Konrad Legg
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
STR/SS3	
Question 4	
Do you consider that the Local Plan:	
Is legally compliant	Don't know
Is sound	No

Complies with the Duty to Cooperate

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Question 4a

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If you would like to attach a file in support of your comments, please upload it here. [P-S Local Plan 030621.pdf \(1\)](#)

Comment

Consultee	Konrad Legg [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] TONBRIDGE [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Konrad Legg [REDACTED]
Comment ID	PSLP_1168
Response Date	03/06/21 21:55
Consultation Point	Policy STR/CA 1 The Strategy for Capel parish (View)
Status	Processed
Submission Type	Web
Version	0.4
Question 1	
Respondent's Name and/or Organisation	konrad Legg
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
STR/CA1	
Question 4	
Do you consider that the Local Plan:	
Is legally compliant	Don't know
Is sound	No
Complies with the Duty to Cooperate	Don't know

Question 4a

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- 6 **Lack of Community engagement.** I have a legitimate concern that no real consultation of any sort took place before the decision was taken to include this area in the Draft Local Plan.

The Localism Act of 2011 and the policies enshrined in the latest NPPF regulations make it clear that community engagement is essential. The Chairman of the Capel Parish has confirmed that, although he was aware of the proposed housing development before it was announced publicly in May/June 2019 the parish councillors had been required to sign an NDA to prevent them from discussing the proposals with the residents.

The key factor that seems to have obscured rational thinking and the obligation to ensure local engagement about the proposed garden village is the overriding attraction to the council of having only one landowner to deal with. For that benefit TWBC has sacrificed the support of the local community and substantially increased the risks of a failure in delivery of their plan.

It is still not clear to me why these proposals were not properly discussed with the local community. The Parish of Capel has a good track record in responding to planning initiatives. In 2006 the Parish produced a comprehensive Capel Parish Plan which dealt with many of the defects of the settlement at Five Oak Green and the aspirations of its residents. Many of the conclusions of that report remain unfulfilled today, because of factors outside the control of the Parish Council.

I believe the selection of the site at Tudeley has been 'managed' over a long period to ensure the local people did not have a proper say. It is a process worthy of 'Yes Minister'. First, you have an Issues and Options public consultation setting out five Options for growth in housing numbers over the 15 year planning period. Little information is offered about Option 5 - the creation of a Garden Village somewhere in the Borough. Certainly, no possible locations were mentioned (and no suggestion whatever that it might be wholly on Greenbelt). Even so the clear response from consultees favoured other options for growth, not a garden village. Then, when the Draft Local Plan (DLP) was published in July 2019, the central plank of the plan was to locate a garden village on the greenbelt at Tudeley. There has still not been any proper explanation of why the views of the consultees in the earlier Issues and Options consultation were ignored.

In the DLP Plan little detailed information on exactly what was proposed was provided. The excuse tendered at the time, was that land was only offered at a late stage, and that there was insufficient time to carry out all the detailed assessments and costings that were required. The residents were told not to worry as they would be able to study the Masterplan and that Hadlow estates would be providing a presentation shortly. The net effect has been that the community has had no engagement whatever in this 'decision making' process and TWBC has totally abrogated its duty of care to its constituents.

This cannot be the whole story. Hadlow Estates will have had frequent interaction with the council over many decades concerning planning matters relating to the nearby mineral extraction and more recently relating to matters associated with their nearby large solar park and the large extension to the equestrian centre at Bank farm. The LPA will have had, or at the very least, ought to have had, a clear view of the future aspirations of that landowner.

It is just a shame that these thoughts were not shared with the community with a view to arriving at a level of development that might be acceptable..

TWBC have successfully sponsored a number of Neighbourhood Development Plans in the borough, it is unfortunate that no such Capel Plan was established until after it was too late for it to play any part in this decision making process. Once there was the slightest hint of a largescale development in the Parish, there should have been pressure from TWBC to the Parish Council to create such a plan to inform future development policies.

When the P-S Local Plan was published in March, it became clear that once again TWBC had taken little notice of the very extensive raft of constructive criticism that had been levelled at the proposal to build a Garden Village at Tudeley. It is now clear that any engagement with the community purely to inform and comply with regulation with no intention of seeking input from the community. The net result is that we were presented with a 'fait accompli'..

I believe that the proposed Garden Village at Tudeley is seriously unsound and will be disastrous for the community and ineffective in delivering the requested number of new houses for the borough in the timeframe envisaged.

It is unsound because the plan relies far too heavily on STR/SS3 and the strategy for Capel (STR/CA1).

If this proposal were to go ahead it would require exceptionally large amounts of capital for infrastructure, virtually most of which needs to be provided upfront, and the work completed before any housing development can take place.

1 Cumulative effects and sustainability

The Strategy for Tudeley Village does not explain properly the implications of the close proximity of the new Village to the already approved sites for the extensive mining of sand and gravel. These

mineral deposits lie only a very short distance from the proposed Village site along the Medway Valley. The plan does not properly explain the potential conflicts that may arise from that close proximity, nor does it explain that in the event of such conflicts that mineral extraction will (NPPF) take priority over other issues. Nor does it address the cumulative adverse effects of competing developments of mineral extraction and housing at the same time in a relatively small area.

Similarly, the plan does not explain the implications of the close proximity of the new Garden Village to the settlement of Five Oak Green. Para 5.210 hints at the problem. It mentions local towns but interestingly does not mention the nearby village that will be most affected.

Para 5.212 again talks of addressing the needs of the new community, totally ignoring the needs of the large number of residents in the adjacent/ virtually contiguous Village of Five Oak Green.

Much mileage is made of the sustainability arguments for the New Garden Village. One thing is for sure, that, if today, a sustainability assessment was made for Five Oak Green one would be struggling to produce a positive result. If this new development were to go ahead the position of Five Oak Green would be permanently downgraded, with this village doomed to be the poor relation and dependent on its supposedly vibrant neighbour. It would be much better if some real thought was given to making Five Oak Green into a real sustainable settlement.

TWBC seem to acknowledge the problem (point 7. f of STR/SS3) but do nothing real to address it.

'the design should incorporate means to ensure that there is appropriate visual separation between Tudeley Village and Five Oak Green, including potentially the use of structural planting on land outside the allocation, but within the wider land ownership.'

There are a number of positive aspects in the P-S Local Plan that could be used to mastermind a regeneration of the Village of Five Oak Green which would be welcomed by many residents and might well lead to a sensible level of new additional housing. It is interesting to note that the Housing Needs Study suggests Capel Parish has requirement of 10 new dwellings per year, 150 new homes during the plan period.

- 1 **Heritage Assets** - On a personal note, my wife and I have lived for some 50 years at Tudeley Hall, Hartlake road, a Grade II listed building, which has origins that go back to the seventeenth century. The proposed plan totally engulfs my home on three sides with the increasingly busy Hartlake road in front. As far as I can see no mitigation measures are proposed to reduce the enormous harm that will be done to our environment and our rights to 'quiet enjoyment'.
- 2 **Hartlake Road** – In the last few years this has changed from a quiet rural lane. The completion of the A21 extension and the increasing congestion within Tonbridge has forced motorists to use Hartlake Road as a rat run/bypass for Tonbridge. At peak periods there are already long tail backs and the prospect of further big increase in traffic, is horrendous.

10.Flooding - Again on a personal note the fields all around my home (all part of the 170 hectares) are full of springs and for some eight months a year water drains from them and runs down Hartlake road. My cellar has water in it for many months every year. I feel the council has underestimated the scale of the drainage and flooding issues.

In conclusion, I note and welcome (in Para 5.229) that the Council now proposes to work with the local community through the Capel Neighbourhood Development Plan Group, but unless this policy SST/SS3 can be removed from the Local Plan, it will be impossible for them to produce a plan that has the support of the community has the support of the community.

Question 6

Please note: *In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.*

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Question 5 above. (Please note that non-compliance with the duty to cooperate is incapable of modification at

examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

I believe that this strategy should be removed from the P-S Local Plan as this part of the plan is unsound and if not removed will make the whole plan unsound and ineffective.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

No, I do not wish to participate in examination hearing session(s)

Comment

Consultee	Jacky Leman [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED], [REDACTED] Matfield [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Jacky Leman [REDACTED]
Comment ID	PSLP_1188
Response Date	04/06/21 09:28
Consultation Point	Policy STR/SS 3 The Strategy for Tudeley Village (View)
Status	Processed
Submission Type	Web
Version	0.4
Question 1	
Respondent's Name and/or Organisation	Jacky Leman
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
STR/SS3	
Paddock Wood and land east of Capel	
Question 4	
Do you consider that the Local Plan:	
Is legally compliant	Don't know
Is sound	No

Complies with the Duty to Cooperate

Don't know

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

- . It is not effective
- . It is not justified
- . It is not consistent with national policy

Question 5

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

Resident of Tunbridge Wells for over 40 years. For 20 years was director of Electronics Development company based first in St Johns area on A26 the relocated to Matfield, 1/2 mile from Paddock Wood.

My main concerns are **traffic**, we live on Gedges Hill, we used to be able to walk along the B2160 road to Matfield. Now the traffic is so busy with large lorries that it is dangerous and we have no alternative to using our car to go ANYWHERE. The existing developments and further developments of dwellings in Paddock Wood will only make this worse as the B2160 is the main route from Paddock Wood to the A21.

Dwellings: The existing 3 developments on Paddock Wood, Foal Hurst Green [Mascalls Farm] Mascals Court off Green Lane and Church Farm will amply provide enough houses for local residents. In addition all over Paddock Wood, **every empty space** is being built on. Existing houses are being knocked down and up to 7 dwellings being built in their place. This is already OVER DEVELOPMENT.

The lack of capacity at doctors surgeries, dentists, schools etc. mean residents are having to travel further away causing more traffic movement.

It is also of concern that :-a] Croyden council is using Paddock Wood to move its social housing tenants to. and

b]The Foal Hurst Green [Mascalls Farm] development is being marketed to Hong Kong for Chinese investors to buy. Does TWBC really want Chinese landlords profiting from houses built on greenfield sites.

Question 6

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Question 5 above. (Please note that non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant

or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

The developments of dwellings in Paddock Wood area are not sound due to insufficient infrastructure and poor transport links. A much better plan would be to put new developments close to the A21, either Kippings Cross, North Farm or Castle Hill. Of these North Farm would probably be best with nearness to High Brooms station, local employment and good transport links.

Question 7

***Please note** the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.*

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:

Yes, I wish to be notified of future stages of the Local Plan

Comment

Consultee	Miss Laura Lenox-Conyngham [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] Dulwich [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Miss Laura Lenox-Conyngham [REDACTED]
Comment ID	PSLP_1084
Response Date	03/06/21 06:56
Consultation Point	Policy AL/BE 3 Land at Benenden Hospital (south of Goddards Green Road), East End (View)
Status	Processed
Submission Type	Email
Version	0.3
Data inputter to enter their initials here	AT
Question 1	
Respondent's Name and/or Organisation	Laura Lenox-Conyngham
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Paragraph No 5.420, 5.421

Policy AL/BE 3 Land at Benenden Hospital (south of Goddards Green Road), East End

Inset Map 18

[TWBC Comment: This representation has been submitted against Policies AL/BE3 & AL/BE4 - See comment numbers PSLP_1084 and PSLP_1086]

Question 4

Do you consider that the Local Plan:

Is legally compliant No

Is sound No

Complies with the Duty to Cooperate No

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

- . It is not positively prepared
- . It is not effective
- . It is not justified
- . It is not consistent with national policy

Question 5

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

This representation relates to the Pre-submission Local Plan(PSLP) and its handling of the parish of Benenden

1.The plan is unsound because of inadequacies in the consultation process.

(i) Poor consultation between TWBC and other Borough Councils

A Statement of Common Ground (SoCG) between Maidstone and Tunbridge Wells Borough Councils (TWBC) is published, but nothing is apparently published in relation to Ashford Borough Council or Tonbridge and Malling Borough Council.

(ii) Poor consultation between TWBC, the parish of Benenden and the Benenden Healthcare Society (BHS), the single landowner of those sites in the East End of Benenden where most of Benenden's houses are allocated.

(iii) There is no Statement of Common Ground between TWBC and the Benenden Neighbourhood Plan (BNP) although a SoCG was listed as a supporting document to the BNP Reg 14. This is significant *because the two plans, though identical in their choice of sites, show different areas within those sites for development at the East End, and both plans differ from the view of BHS.* BHS's position is presented to the public through its comments on the first draft of the Local Plan (TWFDLP Comments) (see see web link

- . Looking at the issue in terms of its hectarage:
 - . according to the PSLP the northern site (AL/BE4) is 3.72 ha and the South East Quadrant (SEQ or AL/BE3) is 3.07 ha;
 - . according to the Benenden Neighbourhood Plan (BNP), the northern site (called LS41 in the BNP, see para 2.9.4.2.) is 1.9 ha and SEQ (called 424 plus LS40b, see para 2.9.3.2) is 4.24 ha.
 - . according to BHS, the northern site is 3.7 ha and the southern site is 4.2 ha (see TWFDLP comments), Savills for BHS: DLP_4956)

The hectarage varies largely according to whether Local Wildlife Sites (LWS) are included in the development area. There are four LWS at the hospital. One of these lies in the northern area (AL/BE4) and two lie in the southern area (AL/BE3). The fourth is in an area not up for development.

- For AL/BE3, the PSLP excludes the second and the most southerly of its two Local Wildlife Sites (LWS), while the BNP *includes* both LWS. *Currently, Strutt and Parker are advertising to developers the larger, BNP version of the site for sale, together with Cleveland Farm.* The PSLP states that in the event of the BNP passing a referendum, its own plans for Benenden will be superseded by the BNP (see para 5.421). Which means the plan presented in the PSLP for AL/BE3 is incorrect.
- For AL/BE4, the PSLP *includes* all the LWS at the site, while the BNP includes only a small southerly section of it. The PSLP states that in the event of the BNP passing a referendum, its own plans for Benenden will be superseded by the BNP (see para 5.421). Which means the plan presented in the PSLP for AL/BE4 is incorrect.
- For AL/BE4, Savills' comments on behalf of the BHS (see TWFDLP comments), propose 43 dwellings for the site, which will include the LWS (see TWFDLP Comments, item DLP_4956 para 3.6), "Unlike the BNP, the TWLP is broader in the site area by providing a boundary encompassing the entire hospital site, yet aside from the discrepancy addressed previously in this representation the two allocations align in terms of proposed numbers. The Society intends to bring forward the development on the two sites identified through the BNP and *within the boundary identified in the TWLP.* The Society welcomes the consistent approach to unit numbers, and the allocation of both parcels of land through the draft BNP and the TWLP."

In terms of boundaries:

- BHS understands (see DLP_4956, para 2.8 in TWFDLP Comments) "The North East Quadrant occupies the North East of the site, bordered to the North and East by Mockbeggar Lane, to the south by Goddards Green Lane / Benenden Road and the West by existing hospital buildings." *In other words, it includes the entire LWS in its area.*
- To the south, BHS understands (see DLP_4956, para 2.9 in TWFDLP comments), "The South East Quadrant occupies the South East of the site, bordered to the north by Goddards Green Lane / Benenden Road, to the West by Green Lane and to the South and East by agricultural land and the High Weald AONB boundary." *In other words, it includes the whole of the more southerly of the two LWS at the site.*

This means that PSLP's AL/BE3 is inaccurate because the larger BNP plan will likely prevail, while the PSLP's AL/BE4 could be challenged by the BNP (if successful in a referendum) (see PSLP para 5.421) and substantially reduced in size. The PSLP's plans for the two hospital plans are therefore both potentially inaccurate.

A failure to coordinate and effectively consult has produced unsound documents.

(iv) Poor consultation with stakeholders, the local community and the neighbouring parish

(possibly even more affected by the plans than Benenden). These parties have either not been consulted, or consulted after the fact or consulted but not engaged with.

- The Friends of the East End (FEE)** are more affected by the plans than most in the parish but they were not consulted over the development of the BNP on which the PSLP is based. The FEE are mainly residents of the East End which covers about one third of the parish and is a wholly rural location of 76 scattered households. Because it is isolated, it was chosen as the site for an isolation hospital. This now makes up a small enclave close to the border with the neighbouring parish of Biddenden.
 - The BNP Steering Committee is the only one in the borough to have made its own site allocations and these allocations were published in an Informal Draft Plan in February 2019, before consultations with the High Weald -AONB and before inviting AECOM to produce a Strategic Environmental Assessment (SEA). (N.B. Even when the HW-AONB were invited to assess sites, they were NOT asked to assess the hospital sites).
 - The FEE object strongly to the proposal to site almost all the new housing in the East End, but the BNP Steering Committee never asked to meet the FEE nor engaged with them (See EN1 para 9 requiring the effective engagement of the local community, neighbours of sites and others).
 - The FEE submitted three petitions, two to the BNP and one in relation to the LP. A FEE submission with 127 signatures was submitted on April 4th 2019 in response the IDP (published on February 23, 2019), in which the allocations, later adopted by the PSLP were first set out. A second FEE submission with 164 signatures was submitted in October 2019 objecting to the TWFDLP, and in the same month, a third FEE submission with 167 signatures was submitted in relation to the Reg 16 draft BNP. Instead of acknowledging

the strength of these views and the number of people who held them, the chair of the BNP Steering Group, who wrote a regular column in the Parish Magazine about the BNP process, wrote in January 2020, that only “31 residents from the East End” had sent in “comments”. For the strength of today’s opposition to the BNP, see the FEE’s current online petition with over 450 signatures <https://www.change.org/EastEndFriends> .

Instead of being consulted, the FEE were ignored and belittled. They were informed on 11th March 2019 by the editor of the Parish Magazine (PM), husband of the Chair of the Parish Council, that “I’m of the view that much of the uncertainty has passed since the presentation of the plan to the village - to a highly favourable reception. At least we no longer have to give polite credence to *uninformed views* that fly in the face of TWBC policy and advocate direct and *pointless confrontation* with TWBC, thereby running the risk of having the entire BNDP thrown back in our faces. *The ensuing chaos hardly bears thinking about.* At least it seems the opinions now being afforded most weight are those of *people who have worked hard for two years to understand the issues* and come up with a coherent way forward.”

Consultation also failed in relation to the neighbouring **parish of Biddenden**. The Clerk of Biddenden Council has repeatedly responded to Benenden Parish Council in the course of the BNP consultation process, but received only acknowledgments. A Kent County Councillor and Ashford Borough Councillor wrote an article about BNP’s mismanagement of consultations with the parish of Biddenden in the Biddenden Parish Magazine, February 2021.

2. The plan is unsound because of the untimely publication of site allocations

Pre-Submission Local Plan, para 5.420 reads “The BNP was submitted to TWBC in October 2020 and was consulted on between 30 October and 11 December 2020.” But the allocations had already been made and published by the BNP in February 2019 in its so called “Informal Draft Plan”. The 2019 February allocations are virtually identical to the PSLP 2021 allocations. Para 5.420 states “The BNP proposes to include site “allocation policies that follow the approach of the site allocation policies for Benenden in this Local Plan.” How can the BNP follow the PSLP’s approach when its sites were already allocated? Because the PSLP is founded on site allocations made by the BNP, the unsoundness of the latter carries over and produces unsoundness in the former.

The LP is based on the BNP and BNP allocations were made before **consultations with stakeholders**. This is not consulting in a timely fashion. For example, the PSLP requires archaeological surveys of the hospital sites *after* the designation of the sites for development. Historic England (HE) asks for the surveys to be carried out *before* allocation (see TWFDLP Comments DLP_4556 - “we would expect the allocation of sites following on from this Strategy policy (STR1) to be subject to appropriately robust and detailed heritage impact assessment *prior to the allocations being adopted.*”

3. The plan is unsound because the evidence on which it is based is inaccurate or irrelevant

Supporting Documents

AONB Setting Analysis report: Main Report and AONB Study Plans and Photographs Benenden Hospital/Hankinson Duckett Associates. November 2020.

See para 4.4.2, the description of the hospital site is for the *entire built up-hospital area*, minus the southerly LWS in the SEQ. It is therefore a *report on an area not submitted in the PSLP*. As a result, it draws its conclusions from areas not included in the PSLP. The conclusions are therefore unsound.

The report:

is concerned with adding 66-72 additional dwellings in addition to the 18 already extant on the northern site and presumably in addition to the 24 for which planning permission has been granted. That is between 108 and 114 new houses. The PSLP is talking about planning 43 houses for the northern site and 49 for the south. A total of 92 new houses. The report muddies the waters, leaving no clarity.

fails to note items of critical importance in any attempt to evaluate the landscape and historic importance of the site e.g.

that the site is on an east-west ridge giving it a dominant position in relation to the AONB;

the east-west Roman Road running over Benenden Healthcare Society (BHS) land a few yards to the south of the site, and the medieval drove road (Goddards Green Road - GGR) which divides the northern site from the southern one.

- . the National Monument Register which lists a Bronze Age palstaff (SMR Number/Hob UID) found at the hospital site, (though, oddly, the report does note Scheduled Monuments in the village);
- . that the SEQ development proposes two entrances on to Green Lane and two on to GGR, see Transport Planning Associates (tpa)- October 2019 Scoping note for BHS, 1907-038 under the section headed 'Access', para 4.4 "The consented vehicle access arrangements will be retained. Therefore, vehicle access to the Site will be taken from two access points along Goddards Green Road and two on Green Lane." (This and other documents were revealed to the FEE in May 2021 as a result of the BNP Independent Examiner's queries. In spite of the Examiner's request that all such material be published on-line, this document and the KCC Highways 13 Nov 2019 "Pre-App Response" have been not been published). Such entrances will seriously impact the AONB. Both Goddards Green and Green Lane are designated Rural Lanes, and, of the two, Green Lane is mentioned as a particularly high scoring lane (for its beauty and tranquillity) in TWBC's *Rural Lanes: Supplementary Planning Guidance*. Creating a series of broad entrances large enough so that an "11.4 m refuse vehicle can enter and leave the site in forward gear (see KCC Pre-App Response 13-11-19, a document revealed to the FEE as a result of the BNP Examiner's queries but not made public) would have a substantial effect on the AONB. Hankinson Duckett Associates ignore the issue (see Section 4 on Benenden in the main report and photos B1 and B2 in *Supporting Plans and Photographs , Benenden*).
- . offers photos (B5 & B6) which are irrelevant to the site in question. These photos look south towards an area not up for development, and are taken from a point also not up for development. These omissions undermine the report's conclusion.
- . ***Inset Map 18 (Benenden Hospital)***, unlike other maps attached as supporting documents to the PSLP, Inset Map 18 makes no reference to the AONB boundary. This is a significant omission because both the PSLP and the BNP claim that the hospital is outside the AONB and on this basis, largely justify placing most of Benenden's housing in the East End. Because AL/BE3&4 lie on a high ridge to the north of the parish and because the AONB boundary wraps tightly round the site which bulges, like a balloon, into the AONB, development at the East End significantly affects the AONB. While TWBC acknowledges this by requesting the Hankinson Duckett Report, by publishing Inset Map 18, which omits the AONB boundary, TWBC loses a critical opportunity to show the true relevance of AL/BE 3&4 to the AONB. It could even be said that by leaving out the boundary, there is an implication that the hospital sites are genuinely 'outside' the protected area.
- . ***Previous Stages, Draft Local Plan, Benenden Overview***, p263, provides a basis for the PSLP but contains inaccuracies.
 - . There is no "pre-school/nursery" as stated in the Overview
 - . There is no "Small shop at hospital" as stated in the Overview
 - . The statement that there are tennis courts and a café at the site is misleading. In TWFDLP Comments, Savills requests (see DLP_4956 para 3.14) that "the requirement to incorporate the tennis courts and retain the sports pavilion is removed". As for the café, BHS states in its comments on the LP that the café is for hospital use only - "the existing hospital buildings ... have only been designed for hospital use". See TWFDLP detailed additional submissions from Savills "*Representation to the TWBC Draft Local Plan Regulation 18*" 2- Sept- 1Nov 2019 para 3.18 and 3.19)

4. Sustainability Appraisal

As far as the East End of Benenden is concerned, the plan is unsound because the **Sustainability Appraisal**, which is the heart of the planning process, provides evidence that is often incorrect, sometimes inadequate, but always untimely because the evidence on which site allocation should depend, follows, instead of precedes, site allocation. This was first published February 2019 in the BNP's Informal Draft Plan. The allocations then made are identical (save for a few additional houses) to those now made in the PSLP. Site allocation cannot be supported in retrospect.

An examination of SA Table 58 pp 161-163 Sites AL/BE 3&4 and Appendix L pp 331-332 shows faults in the SA's evidence base.

Climate Change: AL/BE3&4 are not scored for climate change, nor are sites 158 & 222, yet, inexplicably, climate change is scored for AL/BE1&2 (Uphill and Feoffee) and for LS8. Where is the explanation for the failure to assess all sites, especially when sites 158, 222, AL/BE1&2 are all close to each other? The issue is particularly concerning in that sites AL/BE3&4 are both 3 miles distant from the village and without any amenities. Residents at these sites will be heavily car dependent and

this was of concern even when only 24 houses were proposed for the site. “You will see from KCC’s comments on the hybrid application (12/03130) that in consideration of this earlier application for 24 dwellings, the highways authority raised concern that all residents will be very heavily car dependent, which is contrary to a number of policy objectives, including the NPPF.” (see KCC Pre-App Response, 13 Nov 2019, revealed in response to the BNP’s Independent Examiner’s queries and still not in the public arena).

Biodiversity: AL/BE3 is considered to be less at risk in terms of biodiversity than AL/BE4 though AL/BE 3 has two Local Wildlife Sites (LWS) while AL/BE 4 has only one. Where is the evidence to support the idea that the one is less important for biodiversity than the other?

The SA’s scoring is not supported by evidence in a letter from Keith Nicholson of the Kent Wildlife Trust, former Planning and Conservation officer for the Kent Wildlife Trust (KWT), dated 4 March 2013, to TWBC Development Control Officer, Ellen Gilbert in which he states, “The 2012 survey has demonstrated that Benenden hospital LWS is more valuable than previously believed. The applicant’s consultant is now more firmly of the belief that the Site would fulfil the criteria for it to be considered a Site of Special Scientific Interest (paragraph 4.3.6.). The waxcap community is of national importance when judged against both the Reid classification (para 4.3.4.) and the JNCC Guidelines (para 4.3.5.).”

Nor is it supported by the view of the HW-AONB as stated in TWFDLP Comments (see DLP_3458) that the hospital LWS *“includes rare and vulnerable acid grassland which should form a core area for unimproved grassland as part of a High Weald nature recovery network.”* Neither the KWT nor the HW-AONB offer any indication that one or other of the LWS at the hospital is of less value than the rest. Further, we now know from

(see web link

Regulation 18 Representation made by Benenden Healthcare Society, November 2019, that BHS intends to abolish one of the two LWS in AL/BE3, see para 3.21. that “The Society supports the requirement for long-term management of the core areas of the LWS associated with the hospital land. This includes all but the modest area within the SEQ adjoining Peek Lodge which is too constraining on the South East Quadrant redevelopment proposals. Accordingly, the soils in the area will be translocated to a nearby receptor site to try to ensure that the rare fungi can continue to thrive in this local area.”

In other words, far from supporting biodiversity, the BHS plan is to reduce it in AL/BE3 and the same is true of AL/BE4 see (in the same document) para 3.17. “In addition, as highlighted in paragraph 3.13 above, the Society do not intend to use the area in which the garage block is located as an extension to the Local Wildlife Site (LWS) or for additional sports provision. As such, the Society request that the requirement to specifically use the land occupied by the existing garage block and manage it in the long term for the benefit of the LWS and / or sports provision is removed from the policy requirement.” Given this, biodiversity scoring in Table 58 of sites AL/BE3&4 is substantially overrated. Biodiversity at both sites is under threat.

Business Growth: AL/BE3&4 are scored as if they were more favourable to business growth than AL/BE1&2 and sites 158 and 222, but all four of these last-mentioned sites are in the heart of the village where residents will have ready access to local businesses as well as to daily bus services and other services and facilities. Residents at the East End, on the other hand, will have no access to local businesses except by car.

Education: All sites in this SA are scored equally for education, except for site 158 which scores less well. This SA report compares poorly with the SA which TWBC carried out on site 158 in 2006. 158 is parallel to and just north of the Street with its exit onto New Pond Road. In 2006 site 158 was chosen in a village referendum as the site for a new C of E primary school. It was the preferred site out of a choice of two, both of which were greenfield. TWBC’s 2006 SA on 158 decided (see page 18 of the *Sustainability Appraisal Benenden Church of England Primary School Land Allocation DPD - Issues and Options* report), that 158 was one of two top sites. “Situated adjacent to an area of ancient woodland, the site provides the potential for habitat linkages and wildlife corridors. The site is not adjacent to the CA [Conservation Area] and does not form a significant role in its setting. There are no Listed Buildings on or adjacent to the site. The site is consistent with the surrounding landscape character. There are limited views into the site and no public rights of way over the site.” On page 38, we read, “This site is anticipated to have a major beneficial effect on improving educational standards and travel choice/traffic levels”. In spite of the referendum result, the school was eventually built at the less preferred site and, since then, TWBC had been in consultation with 158’s owners to build houses

there. If, in 2006, the SA offered site 158 as one of two top sites in the village for building the new primary school, where is the evidence that it's appropriateness has somehow massively declined since then? Where is the evidence site 158 is less favourable to education than all the other sites mentioned, especially given that the hospital sites, so favoured for development, are three miles distant from the village school?

Table 58 states that "the education objective does not deteriorate when considering the cumulative effects as the schools in Tenterden will be a viable option for residents in East End." Children from the East End will have priority over the between 70 and 75% of the existing pupils at the school who come from outside the parish. On what basis is the assumption made that East End parents will prefer to drive their children 6 miles into Tenterden than drive to the primary school in their own village?

Heritage: AL/BE 3 scores slightly less well in terms of its heritage value than AL/BE4 without supporting evidence. How were heritage issues assessed when there is no apparent knowledge of the historic importance of the site, for example: the PSLP makes no mention of the Roman road a few yards south of AL/BE3; the medieval droveway (GGR), which runs through the site and along the ridge; and the Bronze Age palstaff found at the hospital site (National Monument Register - SMR Number/Hob UID). How can a site be scored or evaluated without at least some knowledge of the sites historic significance? This is available at see web link and advertised on the Benenden village website.

Services and Facilities: How can sites which are in the heart of the village such as 158 and 222, score the same as sites which are 3 miles distant and isolated in the country? The village has a daily bus service, continuous pavements on both sides of the street, several shops, including a post office, a general store, a butcher and a florist, as well as a pub/restaurant, village green, recreation ground, children's playground, church, memorial hall, village hall and a primary school. In spite of this, sites 158 and 222, both as close to the centre as AL/BE1&2, are described as lacking services and facilities including public transport (Appendix L pp 331-332) while the sites chosen for most houses are 3 miles out of the village where there are no amenities whatsoever. LS8 is also described as being remote, but it is only one mile from the village and connected to it by a paved footpath. It is close to a bus stop, a playground, tennis courts and a community hall and it is within walking distance of a pub/restaurant. How can its Services and Facilities be offered the same score as AL/BE3&4? These assessments are not understandable except if the sites were chosen before the SA (as is the case) and the SA had to be manipulated to support those original choices.

Question 6

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Question 5 above. (Please note that non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Many of the PSLP's problems are associated with failure in the duty to co-operate and can therefore not be remedied.

Many are due to poor evidence or poor interpretation of evidence. This too cannot be remedied.

In summary, development on site AL/BE3 should be limited to the existing, so far unused, planning permission for 24 houses, preferably by adapting the Garland Wing, which is a building of historic value, either to a wellness centre, in accordance with its original intention, or to a row of up to 10 terraced houses. Site AL/BE4 already has 18 semi-detached houses on it, and cannot support any more. It should therefore be excluded. Housing should be allocated to sites such as 158 and 222 in the village centre, or to LS8 in Iden Green. These sites all lie within walking distance of shops, other amenities and the primary school. Paragraphs 5.421 and 5.422 should be omitted.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)? . Yes, I wish to participate in hearing session(s)

Question 7a

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

In order to present my case and to answer those with vested interests who may seek to put forward arguments against it.

Question 8

If you have any separate comments you wish to make on the accompanying Sustainability Appraisal, please make them here.

Sustainability Appraisal

As far as the East End of Benenden is concerned, the plan is unsound because the Sustainability Appraisal, which is the heart of the planning process, provides evidence that is often incorrect, sometimes inadequate, but always untimely because the evidence on which site allocation should depend, follows, instead of precedes, site allocation. This was first published February 2019 in the BNP's Informal Draft Plan. The allocations then made are identical (save for a few additional houses) to those now made in the PSLP. Site allocation cannot be supported in retrospect.

An examination of SA Table 58 pp 161-163 Sites AL/BE 3&4 and Appendix L pp 331-332 shows faults in the SA's evidence base.

Climate Change: AL/BE3&4 are not scored for climate change, nor are sites 158 & 222, yet, inexplicably, climate change is scored for AL/BE1&2 (Uphill and Feoffee) and for LS8. Where is the explanation for the failure to assess all sites, especially when sites 158, 222, AL/BE1&2 are all close to each other? The issue is particularly concerning in that sites AL/BE3&4 are both 3 miles distant from the village and without any amenities. Residents at these sites will be heavily car dependent and this was of concern even when only 24 houses were proposed for the site. "You will see from KCC's comments on the hybrid application (12/03130) that in consideration of this earlier application for 24 dwellings, the highways authority raised concern that all residents will be very heavily car dependent, which is contrary to a number of policy objectives, including the NPPF." (see KCC Pre-App Response, 13 Nov 2019, revealed in response to the BNP's Independent Examiner's queries and still not in the public arena).

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that the hospital LWS “includes rare and vulnerable acid grassland which should form a core area for unimproved grassland as part of a High Weald nature recovery network.” Neither the KWT nor the HW-AONB offer any indication that one or other of the LWS at the hospital is of less value than the rest. Further, we now know from

(https://ws.tunbridgewells.gov.uk/files/consulteessupportingdocuments/Benenden%20Healthcare/Savills%20for%20The%20Benenden%20Healthcare%20Society_full%20representation.pdf), Regulation 18 Representation made by Benenden Healthcare Society, November 2019, that BHS intends to abolish one of the two LWS in AL/BE3, see para 3.21. that “The Society supports the requirement for long-term management of the core areas of the LWS associated with the hospital land. This includes all but the modest area within the SEQ adjoining Peek Lodge which is too constraining on the South East Quadrant redevelopment proposals. Accordingly, the soils in the area will be translocated to a nearby receptor site to try to ensure that the rare fungi can continue to thrive in this local area.”

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Services and Facilities: How can sites which are in the heart of the village such as 158 and 222, score

the same as sites which are 3 miles distant and isolated in the country? The village has a daily bus service, continuous pavements on both sides of the street, several shops, including a post office, a general store, a butcher and a florist, as well as a pub/restaurant, village green, recreation ground, children's playground, church, memorial hall, village hall and a primary school. In spite of this, sites 158 and 222, both as close to the centre as AL/BE1&2, are described as lacking services and facilities including public transport (Appendix L pp 331-332) while the sites chosen for most houses are 3 miles out of the village where there are no amenities whatsoever. LS8 is also described as being remote, but it is only one mile from the village and connected to it by a paved footpath. It is close to a bus stop, a playground, tennis courts and a community hall and it is within walking distance of a pub/restaurant. How can its Services and Facilities be offered the same score as AL/BE3&4? These assessments are not understandable except if the sites were chosen before the SA (as is the case) and the SA had to be manipulated to support those original choices.

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:

<input type="checkbox"/>	Yes, I wish to be notified of future stages of the Local Plan
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Comment

Consultee	Miss Laura Lenox-Conyngham [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] Dulwich [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Miss Laura Lenox-Conyngham [REDACTED]
Comment ID	PSLP_1086
Response Date	03/06/21 06:56
Consultation Point	Policy AL/BE 4 Land at Benenden Hospital (north of Goddards Green Road), East End (View)
Status	Processed
Submission Type	Email
Version	0.2
Data inputter to enter their initials here	AT
Question 1	
Respondent's Name and/or Organisation	Laura Lenox-Conyngham
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Paragraph No 5.420, 5.421

Policy AL/BE 4 Land at Benenden Hospital (north of Goddards Green Road), East End

Inset Map 18

[TWBC Comment: This representation has been submitted against Policies AL/BE3 & AL/BE4 - See comment numbers PSLP_1084 and PSLP_1086]

Question 4

Do you consider that the Local Plan:

Is legally compliant No

Is sound No

Complies with the Duty to Cooperate No

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

- . It is not positively prepared
- . It is not effective
- . It is not justified
- . It is not consistent with national policy

Question 5

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

This representation relates to the Pre-submission Local Plan(PSLP) and its handling of the parish of Benenden

1.The plan is unsound because of inadequacies in the consultation process.

(i) Poor consultation between TWBC and other Borough Councils

A Statement of Common Ground (SoCG) between Maidstone and Tunbridge Wells Borough Councils (TWBC) is published, but nothing is apparently published in relation to Ashford Borough Council or Tonbridge and Malling Borough Council.

(ii) Poor consultation between TWBC, the parish of Benenden and the Benenden Healthcare Society (BHS), the single landowner of those sites in the East End of Benenden where most of Benenden's houses are allocated.

(iii) There is no Statement of Common Ground between TWBC and the Benenden Neighbourhood Plan (BNP) although a SoCG was listed as a supporting document to the BNP Reg 14. This is significant *because the two plans, though identical in their choice of sites, show different areas within those sites for development at the East End, and both plans differ from the view of BHS.* BHS's position is presented to the public through its comments on the first draft of the Local Plan (TWFDLP Comments) (see see web link

- . Looking at the issue in terms of its hectarage:
 - . according to the PSLP the northern site (AL/BE4) is 3.72 ha and the South East Quadrant (SEQ or AL/BE3) is 3.07 ha;
 - . according to the Benenden Neighbourhood Plan (BNP), the northern site (called LS41 in the BNP, see para 2.9.4.2.) is 1.9 ha and SEQ (called 424 plus LS40b, see para 2.9.3.2) is 4.24 ha.
 - . according to BHS, the northern site is 3.7 ha and the southern site is 4.2 ha (see TWFDLP comments), Savills for BHS: DLP_4956)

The hectarage varies largely according to whether Local Wildlife Sites (LWS) are included in the development area. There are four LWS at the hospital. One of these lies in the northern area (AL/BE4) and two lie in the southern area (AL/BE3). The fourth is in an area not up for development.

- For AL/BE3, the PSLP excludes the second and the most southerly of its two Local Wildlife Sites (LWS), while the BNP *includes* both LWS. *Currently, Strutt and Parker are advertising to developers the larger, BNP version of the site for sale, together with Cleveland Farm.* The PSLP states that in the event of the BNP passing a referendum, its own plans for Benenden will be superseded by the BNP (see para 5.421). Which means the plan presented in the PSLP for AL/BE3 is incorrect.
- For AL/BE4, the PSLP *includes* all the LWS at the site, while the BNP includes only a small southerly section of it. The PSLP states that in the event of the BNP passing a referendum, its own plans for Benenden will be superseded by the BNP (see para 5.421). Which means the plan presented in the PSLP for AL/BE4 is incorrect.
- For AL/BE4, Savills' comments on behalf of the BHS (see TWFDLP comments), propose 43 dwellings for the site, which will include the LWS (see TWFDLP Comments, item DLP_4956 para 3.6), "Unlike the BNP, the TWLP is broader in the site area by providing a boundary encompassing the entire hospital site, yet aside from the discrepancy addressed previously in this representation the two allocations align in terms of proposed numbers. The Society intends to bring forward the development on the two sites identified through the BNP and *within the boundary identified in the TWLP.* The Society welcomes the consistent approach to unit numbers, and the allocation of both parcels of land through the draft BNP and the TWLP."

In terms of boundaries:

- BHS understands (see DLP_4956, para 2.8 in TWFDLP Comments) "The North East Quadrant occupies the North East of the site, bordered to the North and East by Mockbeggar Lane, to the south by Goddards Green Lane / Benenden Road and the West by existing hospital buildings." *In other words, it includes the entire LWS in its area.*
- To the south, BHS understands (see DLP_4956, para 2.9 in TWFDLP comments), "The South East Quadrant occupies the South East of the site, bordered to the north by Goddards Green Lane / Benenden Road, to the West by Green Lane and to the South and East by agricultural land and the High Weald AONB boundary." *In other words, it includes the whole of the more southerly of the two LWS at the site.*

This means that PSLP's AL/BE3 is inaccurate because the larger BNP plan will likely prevail, while the PSLP's AL/BE4 could be challenged by the BNP (if successful in a referendum) (see PSLP para 5.421) and substantially reduced in size. The PSLP's plans for the two hospital plans are therefore both potentially inaccurate.

A failure to coordinate and effectively consult has produced unsound documents.

(iv) Poor consultation with stakeholders, the local community and the neighbouring parish

(possibly even more affected by the plans than Benenden). These parties have either not been consulted, or consulted after the fact or consulted but not engaged with.

- The Friends of the East End (FEE)** are more affected by the plans than most in the parish but they were not consulted over the development of the BNP on which the PSLP is based. The FEE are mainly residents of the East End which covers about one third of the parish and is a wholly rural location of 76 scattered households. Because it is isolated, it was chosen as the site for an isolation hospital. This now makes up a small enclave close to the border with the neighbouring parish of Biddenden.
 - The BNP Steering Committee is the only one in the borough to have made its own site allocations and these allocations were published in an Informal Draft Plan in February 2019, before consultations with the High Weald -AONB and before inviting AECOM to produce a Strategic Environmental Assessment (SEA). (N.B. Even when the HW-AONB were invited to assess sites, they were NOT asked to assess the hospital sites).
 - The FEE object strongly to the proposal to site almost all the new housing in the East End, but the BNP Steering Committee never asked to meet the FEE nor engaged with them (See EN1 para 9 requiring the effective engagement of the local community, neighbours of sites and others).
 - The FEE submitted three petitions, two to the BNP and one in relation to the LP. A FEE submission with 127 signatures was submitted on April 4th 2019 in response the IDP (published on February 23, 2019), in which the allocations, later adopted by the PSLP were first set out. A second FEE submission with 164 signatures was submitted in October 2019 objecting to the TWFDLP, and in the same month, a third FEE submission with 167 signatures was submitted in relation to the Reg 16 draft BNP. Instead of acknowledging

the strength of these views and the number of people who held them, the chair of the BNP Steering Group, who wrote a regular column in the Parish Magazine about the BNP process, wrote in January 2020, that only “31 residents from the East End” had sent in “comments”. For the strength of today’s opposition to the BNP, see the FEE’s current online petition with over 450 signatures <https://www.change.org/EastEndFriends> .

Instead of being consulted, the FEE were ignored and belittled. They were informed on 11th March 2019 by the editor of the Parish Magazine (PM), husband of the Chair of the Parish Council, that “I’m of the view that much of the uncertainty has passed since the presentation of the plan to the village - to a highly favourable reception. At least we no longer have to give polite credence to *uninformed views* that fly in the face of TWBC policy and advocate direct and *pointless confrontation* with TWBC, thereby running the risk of having the entire BNDP thrown back in our faces. *The ensuing chaos hardly bears thinking about.* At least it seems the opinions now being afforded most weight are those of *people who have worked hard for two years to understand the issues* and come up with a coherent way forward.”

Consultation also failed in relation to the neighbouring **parish of Biddenden**. The Clerk of Biddenden Council has repeatedly responded to Benenden Parish Council in the course of the BNP consultation process, but received only acknowledgments. A Kent County Councillor and Ashford Borough Councillor wrote an article about BNP’s mismanagement of consultations with the parish of Biddenden in the Biddenden Parish Magazine, February 2021.

2. The plan is unsound because of the untimely publication of site allocations

Pre-Submission Local Plan, para 5.420 reads “The BNP was submitted to TWBC in October 2020 and was consulted on between 30 October and 11 December 2020.” But the allocations had already been made and published by the BNP in February 2019 in its so called “Informal Draft Plan”. The 2019 February allocations are virtually identical to the PSLP 2021 allocations. Para 5.420 states “The BNP proposes to include site “allocation policies that follow the approach of the site allocation policies for Benenden in this Local Plan.” How can the BNP follow the PSLP’s approach when its sites were already allocated? Because the PSLP is founded on site allocations made by the BNP, the unsoundness of the latter carries over and produces unsoundness in the former.

The LP is based on the BNP and BNP allocations were made before **consultations with stakeholders**. This is not consulting in a timely fashion. For example, the PSLP requires archaeological surveys of the hospital sites *after* the designation of the sites for development. Historic England (HE) asks for the surveys to be carried out *before* allocation (see TWFDLP Comments DLP_4556 - “we would expect the allocation of sites following on from this Strategy policy (STR1) to be subject to appropriately robust and detailed heritage impact assessment *prior to the allocations being adopted.*”

3. The plan is unsound because the evidence on which it is based is inaccurate or irrelevant

Supporting Documents

AONB Setting Analysis report: Main Report and AONB Study Plans and Photographs Benenden Hospital/Hankinson Duckett Associates. November 2020.

See para 4.4.2, the description of the hospital site is for the *entire built up-hospital area*, minus the southerly LWS in the SEQ. It is therefore a *report on an area not submitted in the PSLP*. As a result, it draws its conclusions from areas not included in the PSLP. The conclusions are therefore unsound.

The report:

is concerned with adding 66-72 additional dwellings in addition to the 18 already extant on the northern site and presumably in addition to the 24 for which planning permission has been granted. That is between 108 and 114 new houses. The PSLP is talking about planning 43 houses for the northern site and 49 for the south. A total of 92 new houses. The report muddies the waters, leaving no clarity.

fails to note items of critical importance in any attempt to evaluate the landscape and historic importance of the site e.g.

that the site is on an east-west ridge giving it a dominant position in relation to the AONB;

the east-west Roman Road running over Benenden Healthcare Society (BHS) land a few yards to the south of the site, and the medieval drove road (Goddards Green Road - GGR) which divides the northern site from the southern one.

- . the National Monument Register which lists a Bronze Age palstaff (SMR Number/Hob UID) found at the hospital site, (though, oddly, the report does note Scheduled Monuments in the village);
- . that the SEQ development proposes two entrances on to Green Lane and two on to GGR, see Transport Planning Associates (tpa)- October 2019 Scoping note for BHS, 1907-038 under the section headed 'Access', para 4.4 "The consented vehicle access arrangements will be retained. Therefore, vehicle access to the Site will be taken from two access points along Goddards Green Road and two on Green Lane." (This and other documents were revealed to the FEE in May 2021 as a result of the BNP Independent Examiner's queries. In spite of the Examiner's request that all such material be published on-line, this document and the KCC Highways 13 Nov 2019 "Pre-App Response" have been not been published). Such entrances will seriously impact the AONB. Both Goddards Green and Green Lane are designated Rural Lanes, and, of the two, Green Lane is mentioned as a particularly high scoring lane (for its beauty and tranquillity) in TWBC's *Rural Lanes: Supplementary Planning Guidance*. Creating a series of broad entrances large enough so that an "11.4 m refuse vehicle can enter and leave the site in forward gear (see KCC Pre-App Response 13-11-19, a document revealed to the FEE as a result of the BNP Examiner's queries but not made public) would have a substantial effect on the AONB. Hankinson Duckett Associates ignore the issue (see Section 4 on Benenden in the main report and photos B1 and B2 in *Supporting Plans and Photographs , Benenden*).
- . offers photos (B5 & B6) which are irrelevant to the site in question. These photos look south towards an area not up for development, and are taken from a point also not up for development. These omissions undermine the report's conclusion.
- . ***Inset Map 18 (Benenden Hospital)***, unlike other maps attached as supporting documents to the PSLP, Inset Map 18 makes no reference to the AONB boundary. This is a significant omission because both the PSLP and the BNP claim that the hospital is outside the AONB and on this basis, largely justify placing most of Benenden's housing in the East End. Because AL/BE3&4 lie on a high ridge to the north of the parish and because the AONB boundary wraps tightly round the site which bulges, like a balloon, into the AONB, development at the East End significantly affects the AONB. While TWBC acknowledges this by requesting the Hankinson Duckett Report, by publishing Inset Map 18, which omits the AONB boundary, TWBC loses a critical opportunity to show the true relevance of AL/BE 3&4 to the AONB. It could even be said that by leaving out the boundary, there is an implication that the hospital sites are genuinely 'outside' the protected area.
- . ***Previous Stages, Draft Local Plan, Benenden Overview***, p263, provides a basis for the PSLP but contains inaccuracies.
 - . There is no "pre-school/nursery" as stated in the Overview
 - . There is no "Small shop at hospital" as stated in the Overview
 - . The statement that there are tennis courts and a café at the site is misleading. In TWFDLP Comments, Savills requests (see DLP_4956 para 3.14) that "the requirement to incorporate the tennis courts and retain the sports pavilion is removed". As for the café, BHS states in its comments on the LP that the café is for hospital use only - "the existing hospital buildings ... have only been designed for hospital use". See TWFDLP detailed additional submissions from Savills "*Representation to the TWBC Draft Local Plan Regulation 18*" 2- Sept- 1Nov 2019 para 3.18 and 3.19)

4. Sustainability Appraisal

As far as the East End of Benenden is concerned, the plan is unsound because the **Sustainability Appraisal**, which is the heart of the planning process, provides evidence that is often incorrect, sometimes inadequate, but always untimely because the evidence on which site allocation should depend, follows, instead of precedes, site allocation. This was first published February 2019 in the BNP's Informal Draft Plan. The allocations then made are identical (save for a few additional houses) to those now made in the PSLP. Site allocation cannot be supported in retrospect.

An examination of SA Table 58 pp 161-163 Sites AL/BE 3&4 and Appendix L pp 331-332 shows faults in the SA's evidence base.

Climate Change: AL/BE3&4 are not scored for climate change, nor are sites 158 & 222, yet, inexplicably, climate change is scored for AL/BE1&2 (Uphill and Feoffee) and for LS8. Where is the explanation for the failure to assess all sites, especially when sites 158, 222, AL/BE1&2 are all close to each other? The issue is particularly concerning in that sites AL/BE3&4 are both 3 miles distant from the village and without any amenities. Residents at these sites will be heavily car dependent and

this was of concern even when only 24 houses were proposed for the site. “You will see from KCC’s comments on the hybrid application (12/03130) that in consideration of this earlier application for 24 dwellings, the highways authority raised concern that all residents will be very heavily car dependent, which is contrary to a number of policy objectives, including the NPPF.” (see KCC Pre-App Response, 13 Nov 2019, revealed in response to the BNP’s Independent Examiner’s queries and still not in the public arena).

Biodiversity: AL/BE3 is considered to be less at risk in terms of biodiversity than AL/BE4 though AL/BE 3 has two Local Wildlife Sites (LWS) while AL/BE 4 has only one. Where is the evidence to support the idea that the one is less important for biodiversity than the other?

The SA’s scoring is not supported by evidence in a letter from Keith Nicholson of the Kent Wildlife Trust, former Planning and Conservation officer for the Kent Wildlife Trust (KWT), dated 4 March 2013, to TWBC Development Control Officer, Ellen Gilbert in which he states, “The 2012 survey has demonstrated that Benenden hospital LWS is more valuable than previously believed. The applicant’s consultant is now more firmly of the belief that the Site would fulfil the criteria for it to be considered a Site of Special Scientific Interest (paragraph 4.3.6.). The waxcap community is of national importance when judged against both the Reid classification (para 4.3.4.) and the JNCC Guidelines (para 4.3.5.).”

Nor is it supported by the view of the HW-AONB as stated in TWFDLP Comments (see DLP_3458) that the hospital LWS *“includes rare and vulnerable acid grassland which should form a core area for unimproved grassland as part of a High Weald nature recovery network.”* Neither the KWT nor the HW-AONB offer any indication that one or other of the LWS at the hospital is of less value than the rest. Further, we now know from

(see web link

Regulation 18 Representation made by Benenden Healthcare Society, November 2019, that BHS intends to abolish one of the two LWS in AL/BE3, see para 3.21. that “The Society supports the requirement for long-term management of the core areas of the LWS associated with the hospital land. This includes all but the modest area within the SEQ adjoining Peek Lodge which is too constraining on the South East Quadrant redevelopment proposals. Accordingly, the soils in the area will be translocated to a nearby receptor site to try to ensure that the rare fungi can continue to thrive in this local area.”

In other words, far from supporting biodiversity, the BHS plan is to reduce it in AL/BE3 and the same is true of AL/BE4 see (in the same document) para 3.17. “In addition, as highlighted in paragraph 3.13 above, the Society do not intend to use the area in which the garage block is located as an extension to the Local Wildlife Site (LWS) or for additional sports provision. As such, the Society request that the requirement to specifically use the land occupied by the existing garage block and manage it in the long term for the benefit of the LWS and / or sports provision is removed from the policy requirement.” Given this, biodiversity scoring in Table 58 of sites AL/BE3&4 is substantially overrated. Biodiversity at both sites is under threat.

Business Growth: AL/BE3&4 are scored as if they were more favourable to business growth than AL/BE1&2 and sites 158 and 222, but all four of these last-mentioned sites are in the heart of the village where residents will have ready access to local businesses as well as to daily bus services and other services and facilities. Residents at the East End, on the other hand, will have no access to local businesses except by car.

Education: All sites in this SA are scored equally for education, except for site 158 which scores less well. This SA report compares poorly with the SA which TWBC carried out on site 158 in 2006. 158 is parallel to and just north of the Street with its exit onto New Pond Road. In 2006 site 158 was chosen in a village referendum as the site for a new C of E primary school. It was the preferred site out of a choice of two, both of which were greenfield. TWBC’s 2006 SA on 158 decided (see page 18 of the *Sustainability Appraisal Benenden Church of England Primary School Land Allocation DPD - Issues and Options* report), that 158 was one of two top sites. “Situated adjacent to an area of ancient woodland, the site provides the potential for habitat linkages and wildlife corridors. The site is not adjacent to the CA [Conservation Area] and does not form a significant role in its setting. There are no Listed Buildings on or adjacent to the site. The site is consistent with the surrounding landscape character. There are limited views into the site and no public rights of way over the site.” On page 38, we read, “This site is anticipated to have a major beneficial effect on improving educational standards and travel choice/traffic levels”. In spite of the referendum result, the school was eventually built at the less preferred site and, since then, TWBC had been in consultation with 158’s owners to build houses

there. If, in 2006, the SA offered site 158 as one of two top sites in the village for building the new primary school, where is the evidence that its appropriateness has somehow massively declined since then? Where is the evidence site 158 is less favourable to education than all the other sites mentioned, especially given that the hospital sites, so favoured for development, are three miles distant from the village school?

Table 58 states that “the education objective does not deteriorate when considering the cumulative effects as the schools in Tenterden will be a viable option for residents in East End.” Children from the East End will have priority over the between 70 and 75% of the existing pupils at the school who come from outside the parish. On what basis is the assumption made that East End parents will prefer to drive their children 6 miles into Tenterden than drive to the primary school in their own village?

Heritage: AL/BE 3 scores slightly less well in terms of its heritage value than AL/BE4 without supporting evidence. How were heritage issues assessed when there is no apparent knowledge of the historic importance of the site, for example: the PSLP makes no mention of the Roman road a few yards south of AL/BE3; the medieval droveway (GGR), which runs through the site and along the ridge; and the Bronze Age palstaff found at the hospital site (National Monument Register - SMR Number/Hob UID). How can a site be scored or evaluated without at least some knowledge of the site's historic significance? This is available at see web link and advertised on the Benenden village website.

Services and Facilities: How can sites which are in the heart of the village such as 158 and 222, score the same as sites which are 3 miles distant and isolated in the country? The village has a daily bus service, continuous pavements on both sides of the street, several shops, including a post office, a general store, a butcher and a florist, as well as a pub/restaurant, village green, recreation ground, children's playground, church, memorial hall, village hall and a primary school. In spite of this, sites 158 and 222, both as close to the centre as AL/BE1&2, are described as lacking services and facilities including public transport (Appendix L pp 331-332) while the sites chosen for most houses are 3 miles out of the village where there are no amenities whatsoever. LS8 is also described as being remote, but it is only one mile from the village and connected to it by a paved footpath. It is close to a bus stop, a playground, tennis courts and a community hall and it is within walking distance of a pub/restaurant. How can its Services and Facilities be offered the same score as AL/BE3&4? These assessments are not understandable except if the sites were chosen before the SA (as is the case) and the SA had to be manipulated to support those original choices.

Question 6

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Question 5 above. (Please note that non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Many of the PSLP's problems are associated with failure in the duty to co-operate and can therefore not be remedied.

Many are due to poor evidence or poor interpretation of evidence. This too cannot be remedied.

In summary, development on site AL/BE3 should be limited to the existing, so far unused, planning permission for 24 houses, preferably by adapting the Garland Wing, which is a building of historic value, either to a wellness centre, in accordance with its original intention, or to a row of up to 10 terraced houses. Site AL/BE4 already has 18 semi-detached houses on it, and cannot support any more. It should therefore be excluded. Housing should be allocated to sites such as 158 and 222 in the village centre, or to LS8 in Iden Green. These sites all lie within walking distance of shops, other amenities and the primary school. Paragraphs 5.421 and 5.422 should be omitted.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)? . Yes, I wish to participate in hearing session(s)

Question 7a

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

In order to present my case and to answer those with vested interests who may seek to put forward arguments against it.

Question 8

If you have any separate comments you wish to make on the accompanying Sustainability Appraisal, please make them here.

Sustainability Appraisal

As far as the East End of Benenden is concerned, the plan is unsound because the Sustainability Appraisal, which is the heart of the planning process, provides evidence that is often incorrect, sometimes inadequate, but always untimely because the evidence on which site allocation should depend, follows, instead of precedes, site allocation. This was first published February 2019 in the BNP's Informal Draft Plan. The allocations then made are identical (save for a few additional houses) to those now made in the PSLP. Site allocation cannot be supported in retrospect.

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(https://ws.tunbridgewells.gov.uk/files/consulteessupportingdocuments/Benenden%20Healthcare/Savills%20for%20The%20Benenden%20Healthcare%20Society_full%20representation.pdf), Regulation 18 Representation made by Benenden Healthcare Society, November 2019, that BHS intends to abolish one of the two LWS in AL/BE3, see para 3.21. that “The Society supports the requirement for long-term management of the core areas of the LWS associated with the hospital land. This includes all but the modest area within the SEQ adjoining Peek Lodge which is too constraining on the South East Quadrant redevelopment proposals. Accordingly, the soils in the area will be translocated to a nearby receptor site to try to ensure that the rare fungi can continue to thrive in this local area.”

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Services and Facilities: How can sites which are in the heart of the village such as 158 and 222, score

the same as sites which are 3 miles distant and isolated in the country? The village has a daily bus service, continuous pavements on both sides of the street, several shops, including a post office, a general store, a butcher and a florist, as well as a pub/restaurant, village green, recreation ground, children's playground, church, memorial hall, village hall and a primary school. In spite of this, sites 158 and 222, both as close to the centre as AL/BE1&2, are described as lacking services and facilities including public transport (Appendix L pp 331-332) while the sites chosen for most houses are 3 miles out of the village where there are no amenities whatsoever. LS8 is also described as being remote, but it is only one mile from the village and connected to it by a paved footpath. It is close to a bus stop, a playground, tennis courts and a community hall and it is within walking distance of a pub/restaurant. How can its Services and Facilities be offered the same score as AL/BE3&4? These assessments are not understandable except if the sites were chosen before the SA (as is the case) and the SA had to be manipulated to support those original choices.

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:

<input type="checkbox"/>	Yes, I wish to be notified of future stages of the Local Plan
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Comment

Consultee	Mr Danny Lenox-Conyngham [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] West Molesey Surrey [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Mr Danny Lenox-Conyngham [REDACTED]
Comment ID	PSLP_335
Response Date	24/05/21 12:53
Consultation Point	Policy AL/BE 3 Land at Benenden Hospital (south of Goddards Green Road), East End (View)
Status	Processed
Submission Type	Email
Version	0.4
Data inputter to enter their initials here	AT
Question 1	
Respondent's Name and/or Organisation	Danny Lennox-Conyngham
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Paragraph No 5.420, 5.421

Policy AL/BE 3 Land at Benenden Hospital (south of Goddards Green Road), East End

Inset Map 18

[TWBC Comment: This representation has been submitted against Policies AL/BE3 & AL/BE4 - See comment numbers PSLP_335 and PSLP_339]

Question 4

Do you consider that the Local Plan:

Is legally compliant	No
Is sound	No
Complies with the Duty to Cooperate	No

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:	. It is not positively prepared
	. It is not effective
	. It is not justified
	. It is not consistent with national policy

Question 5

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

This representation relates to the Pre-submission Local Plan(PSLP) and its handling of the parish of Benenden

1. The plan is unsound because of inadequacies in the consultation process.

(i) Poor consultation between TWBC and other Borough Councils

A Statement of Common Ground (SoCG) between Maidstone and Tunbridge Wells Borough Councils (TWBC) is published, but nothing is apparently published in relation to Ashford Borough Council or Tonbridge and Malling Borough Council.

(ii) Poor consultation between TWBC, the parish of Benenden and the Benenden Healthcare Society (BHS), the single landowner of those sites in the East End of Benenden where most of Benenden's houses are allocated.

(iii) There is no Statement of Common Ground between TWBC and the Benenden Neighbourhood Plan (BNP) although a SoCG was listed as a supporting document to the BNP Reg 14. This is significant *because the two plans, though identical in their choice of sites, show different areas within those sites for development at the East End, and both plans differ from the view of BHS.* BHS's position is presented to the public through its comments on the first draft of the Local Plan (TWFDLP Comments) (see see web link

- . Looking at the issue in terms of its hectareage:
 - . according to the PSLP the northern site (AL/BE4) is 3.72 ha and the South East Quadrant (SEQ or AL/BE3) is 3.07 ha;
 - . according to the Benenden Neighbourhood Plan (BNP), the northern site (called LS41 in the BNP, see para 2.9.4.2.) is 1.9 ha and SEQ (called 424 plus LS40b, see para 2.9.3.2) is 4.24 ha.
 - . according to BHS, the northern site is 3.7 ha and the southern site is 4.2 ha (see TWFDLP comments), Savills for BHS: DLP_4956)

The hectareage varies largely according to whether Local Wildlife Sites (LWS) are included in the development area. There are four LWS at the hospital. One of these lies in the northern area (AL/BE4) and two lie in the southern area (AL/BE3). The fourth is in an area not up for development.

- . For AL/BE3, the PSLP excludes the second and the most southerly of its two Local Wildlife Sites (LWS), while the BNP *includes* both LWS. *Currently, Strutt and Parker are advertising to developers the larger, BNP version of the site for sale, together with Cleveland Farm.* The PSLP states that in the event of the BNP passing a referendum, its own plans for Benenden will be superseded by the BNP (see para 5.421). Which means the plan presented in the PSLP for AL/BE3 is incorrect.
- . For AL/BE4, the PSLP *includes* all the LWS at the site, while the BNP includes only a small southerly section of it. The PSLP states that in the event of the BNP passing a referendum, its own plans for Benenden will be superseded by the BNP (see para 5.421). Which means the plan presented in the PSLP for AL/BE4 is incorrect.
- . For AL/BE4, Savills' comments on behalf of the BHS (see TWFDLP comments), propose 43 dwellings for the site, which will include the LWS (see TWFDLP Comments, item DLP_4956 para 3.6), "Unlike the BNP, the TWLP is broader in the site area by providing a boundary encompassing the entire hospital site, yet aside from the discrepancy addressed previously in this representation the two allocations align in terms of proposed numbers. The Society intends to bring forward the development on the two sites identified through the BNP and *within the boundary identified in the TWLP.* The Society welcomes the consistent approach to unit numbers, and the allocation of both parcels of land through the draft BNP and the TWLP."

In terms of boundaries:

- . BHS understands (see DLP_4956, para 2.8 in TWFDLP Comments) "The North East Quadrant occupies the North East of the site, bordered to the North and East by Mockbeggar Lane, to the south by Goddards Green Lane / Benenden Road and the West by existing hospital buildings." *In other words, it includes the entire LWS in its area.*
- . To the south, BHS understands (see DLP_4956, para 2.9 in TWFDLP comments), "The South East Quadrant occupies the South East of the site, bordered to the north by Goddards Green Lane / Benenden Road, to the West by Green Lane and to the South and East by agricultural land and the High Weald AONB boundary." *In other words, it includes the whole of the more southerly of the two LWS at the site.*

This means that PSLP's AL/BE3 is inaccurate because the larger BNP plan will likely prevail, while the PSLP's AL/BE4 could be challenged by the BNP (if successful in a referendum) (see PSLP para 5.421) and substantially reduced in size. The PSLP's plans for the two hospital plans are therefore both potentially inaccurate.

A failure to coordinate and effectively consult has produced unsound documents.

(iv) Poor consultation with stakeholders, the local community and the neighbouring parish (possibly even more affected by the plans than Benenden). These parties have either not been consulted, or consulted after the fact or consulted but not engaged with.

- . **The Friends of the East End (FEE)** are more affected by the plans than most in the parish but they were not consulted over the development of the BNP on which the PSLP is based. The FEE are mainly residents of the East End which covers about one third of the parish and is a wholly rural location of 76 scattered households. Because it is isolated, it was chosen as the site for an isolation hospital. This now makes up a small enclave close to the border with the neighbouring parish of Biddenden.
 - . The BNP Steering Committee is the only one in the borough to have made its own site allocations and these allocations were published in an Informal Draft Plan in February 2019, before consultations with the High Weald -AONB and before inviting AECOM to produce a Strategic Environmental Assessment (SEA). (N.B. Even when the HW-AONB were invited to assess sites, they were NOT asked to assess the hospital sites).
 - . The FEE object strongly to the proposal to site almost all the new housing in the East End, but the BNP Steering Committee never asked to meet the FEE nor engaged with them (See EN1 para 9 requiring the effective engagement of the local community, neighbours of sites and others).
 - . The FEE submitted three petitions, two to the BNP and one in relation to the LP. A FEE submission with 127 signatures was submitted on April 4th 2019 in response the IDP (published on February 23, 2019), in which the allocations, later adopted by the PSLP were

first set out. A second FEE submission with 164 signatures was submitted in October 2019 objecting to the TWFDLP, and in the same month, a third FEE submission with 167 signatures was submitted in relation to the Reg 16 draft BNP. Instead of acknowledging the strength of these views and the number of people who held them, the chair of the BNP Steering Group, who wrote a regular column in the Parish Magazine about the BNP process, wrote in January 2020, that only “31 residents from the East End” had sent in “comments”. For the strength of today’s opposition to the BNP, see the FEE’s current online petition with over 450 signatures <https://www.change.org/EastEndFriends> .

Instead of being consulted, the FEE were ignored and belittled. They were informed on 11th March 2019 by the editor of the Parish Magazine (PM), husband of the Chair of the Parish Council, that “I’m of the view that much of the uncertainty has passed since the presentation of the plan to the village - to a highly favourable reception. At least we no longer have to give polite credence to *uninformed views* that fly in the face of TWBC policy and advocate direct and *pointless confrontation* with TWBC, thereby running the risk of having the entire BNDP thrown back in our faces. *The ensuing chaos hardly bears thinking about.* At least it seems the opinions now being afforded most weight are those of *people who have worked hard for two years to understand the issues* and come up with a coherent way forward.”

Consultation also failed in relation to the neighbouring **parish of Biddenden**. The Clerk of Biddenden Council has repeatedly responded to Benenden Parish Council in the course of the BNP consultation process, but received only acknowledgments. A Kent County Councillor and Ashford Borough Councillor wrote an article about BNP’s mismanagement of consultations with the parish of Biddenden in the Biddenden Parish Magazine, February 2021.

2. The plan is unsound because of the untimely publication of site allocations

Pre-Submission Local Plan, para 5.420 reads “The BNP was submitted to TWBC in October 2020 and was consulted on between 30 October and 11 December 2020.” But the allocations had already been made and published by the BNP in February 2019 in its so called “Informal Draft Plan”. The 2019 February allocations are virtually identical to the PSLP 2021 allocations. Para 5.420 states “The BNP proposes to include site “allocation policies that follow the approach of the site allocation policies for Benenden in this Local Plan.” How can the BNP follow the PSLP’s approach when its sites were already allocated? Because the PSLP is founded on site allocations made by the BNP, the unsoundness of the latter carries over and produces unsoundness in the former.

The LP is based on the BNP and BNP allocations were made before **consultations with stakeholders**. This is not consulting in a timely fashion. For example, the PSLP requires archaeological surveys of the hospital sites *after* the designation of the sites for development. Historic England (HE) asks for the surveys to be carried out *before* allocation (see TWFDLP Comments DLP_4556 - “we would expect the allocation of sites following on from this Strategy policy (STR1) to be subject to appropriately robust and detailed heritage impact assessment *prior to the allocations being adopted.*”

3. The plan is unsound because the evidence on which it is based is inaccurate or irrelevant

Supporting Documents

AONB Setting Analysis report: Main Report and AONB Study Plans and Photographs Benenden Hospital/Hankinson Duckett Associates. November 2020.

See para 4.4.2, the description of the hospital site is for the *entire built up-hospital area*, minus the southerly LWS in the SEQ. It is therefore a *report on an area not submitted in the PSLP*. As a result, it draws its conclusions from areas not included in the PSLP. The conclusions are therefore unsound.

The report:

is concerned with adding 66-72 additional dwellings in addition to the 18 already extant on the northern site and presumably in addition to the 24 for which planning permission has been granted. That is between 108 and 114 new houses. The PSLP is talking about planning 43 houses for the northern sight and 49 for the south. A total of 92 new houses. The report muddies the waters, leaving no clarity.

fails to note items of critical importance in any attempt to evaluate the landscape and historic importance of the site e.g.

that the site is on an east-west ridge giving it a dominant position in relation to the AONB;

- the east-west Roman Road running over Benenden Healthcare Society (BHS) land a few yards to the south of the site, and the medieval drove road (Goddards Green Road - GGR) which divides the northern site from the southern one.
- the National Monument Register which lists a Bronze Age palstaff (SMR Number/Hob UID) found at the hospital site, (though, oddly, the report does note Scheduled Monuments in the village);
- that the SEQ development proposes two entrances on to Green Lane and two on to GGR, see Transport Planning Associates (tpa)- October 2019 Scoping note for BHS, 1907-038 under the section headed 'Access', para 4.4 "The consented vehicle access arrangements will be retained. Therefore, vehicle access to the Site will be taken from two access points along Goddards Green Road and two on Green Lane." (This and other documents were revealed to the FEE in May 2021 as a result of the BNP Independent Examiner's queries. In spite of the Examiner's request that all such material be published on-line, this document and the KCC Highways 13 Nov 2019 "Pre-App Response" have been not been published). Such entrances will seriously impact the AONB. Both Goddards Green and Green Lane are designated Rural Lanes, and, of the two, Green Lane is mentioned as a particularly high scoring lane (for its beauty and tranquillity) in *TWBC's Rural Lanes: Supplementary Planning Guidance*. Creating a series of broad entrances large enough so that an "11.4 m refuse vehicle can enter and leave the site in forward gear (see KCC Pre-App Response 13-11-19, a document revealed to the FEE as a result of the BNP Examiner's queries but not made public) would have a substantial effect on the AONB. Hankinson Duckett Associates ignore the issue (see Section 4 on Benenden in the main report and photos B1 and B2 in *Supporting Plans and Photographs , Benenden*).
- offers photos (B5 & B6) which are irrelevant to the site in question. These photos look south towards an area not up for development, and are taken from a point also not up for development. These omissions undermine the report's conclusion.

- Inset Map 18 (Benenden Hospital)***, unlike other maps attached as supporting documents to the PSLP, Inset Map 18 makes no reference to the AONB boundary. This is a significant omission because both the PSLP and the BNP claim that the hospital is outside the AONB and on this basis, largely justify placing most of Benenden's housing in the East End. Because AL/BE3&4 lie on a high ridge to the north of the parish and because the AONB boundary wraps tightly round the site which bulges, like a balloon, into the AONB, development at the East End significantly affects the AONB. While TWBC acknowledges this by requesting the Hankinson Duckett Report, by publishing Inset Map 18, which omits the AONB boundary, TWBC loses a critical opportunity to show the true relevance of AL/BE 3&4 to the AONB. It could even be said that by leaving out the boundary, there is an implication that the hospital sites are genuinely 'outside' the protected area.
- Previous Stages, Draft Local Plan, Benenden Overview***, p263, provides a basis for the PSLP but contains inaccuracies.
 - There is no "pre-school/nursery" as stated in the Overview
 - There is no "Small shop at hospital" as stated in the Overview
 - The statement that there are tennis courts and a café at the site is misleading. In TWFDLP Comments, Savills requests (see DLP_4956 para 3.14) that "the requirement to incorporate the tennis courts and retain the sports pavilion is removed". As for the café, BHS states in its comments on the LP that the café is for hospital use only - "the existing hospital buildings ... have only been designed for hospital use". See TWFDLP detailed additional submissions from Savills "*Representation to the TWBC Draft Local Plan Regulation 18*" 2- Sept- 1Nov 2019 para 3.18 and 3.19)

4. Sustainability Appraisal

As far as the East End of Benenden is concerned, the plan is unsound because the **Sustainability Appraisal**, which is the heart of the planning process, provides evidence that is often incorrect, sometimes inadequate, but always untimely because the evidence on which site allocation should depend, follows, instead of precedes, site allocation. This was first published February 2019 in the BNP's Informal Draft Plan. The allocations then made are identical (save for a few additional houses) to those now made in the PSLP. Site allocation cannot be supported in retrospect.

An examination of SA Table 58 pp 161-163 Sites AL/BE 3&4 and Appendix L pp 331-332 shows faults in the SA's evidence base.

Climate Change: AL/BE3&4 are not scored for climate change, nor are sites 158 & 222, yet, inexplicably, climate change is scored for AL/BE1&2 (Uphill and Feoffee) and for LS8. Where is the

explanation for the failure to assess all sites, especially when sites 158, 222, AL/BE1&2 are all close to each other? The issue is particularly concerning in that sites AL/BE3&4 are both 3 miles distant from the village and without any amenities. Residents at these sites will be heavily car dependent and this was of concern even when only 24 houses were proposed for the site. "You will see from KCC's comments on the hybrid application (12/03130) that in consideration of this earlier application for 24 dwellings, the highways authority raised concern that all residents will be very heavily car dependent, which is contrary to a number of policy objectives, including the NPPF." (see KCC Pre-App Response, 13 Nov 2019, revealed in response to the BNP's Independent Examiner's queries and still not in the public arena).

Biodiversity: AL/BE3 is considered to be less at risk in terms of biodiversity than AL/BE4 though AL/BE 3 has two Local Wildlife Sites (LWS) while AL/BE 4 has only one. Where is the evidence to support the idea that the one is less important for biodiversity than the other?

The SA's scoring is not supported by evidence in a letter from Keith Nicholson of the Kent Wildlife Trust, former Planning and Conservation officer for the Kent Wildlife Trust (KWT), dated 4 March 2013, to TWBC Development Control Officer, Ellen Gilbert in which he states, "The 2012 survey has demonstrated that Benenden hospital LWS is more valuable than previously believed. The applicant's consultant is now more firmly of the belief that the Site would fulfil the criteria for it to be considered a Site of Special Scientific Interest (paragraph 4.3.6.). The waxcap community is of national importance when judged against both the Reid classification (para 4.3.4.) and the JNCC Guidelines (para 4.3.5.)."

Nor is it supported by the view of the HW-AONB as stated in TWFDLP Comments (see DLP_3458) that the hospital LWS *"includes rare and vulnerable acid grassland which should form a core area for unimproved grassland as part of a High Weald nature recovery network."* Neither the KWT nor the HW-AONB offer any indication that one or other of the LWS at the hospital is of less value than the rest. Further, we now know from

(see web link

Regulation 18 Representation made by Benenden Healthcare Society, November 2019, that BHS intends to abolish one of the two LWS in AL/BE3, see para 3.21. that "The Society supports the requirement for long-term management of the core areas of the LWS associated with the hospital land. This includes all but the modest area within the SEQ adjoining Peek Lodge which is too constraining on the South East Quadrant redevelopment proposals. Accordingly, the soils in the area will be translocated to a nearby receptor site to try to ensure that the rare fungi can continue to thrive in this local area."

In other words, far from supporting biodiversity, the BHS plan is to reduce it in AL/BE3 and the same is true of AL/BE4 see (in the same document) para 3.17. "In addition, as highlighted in paragraph 3.13 above, the Society do not intend to use the area in which the garage block is located as an extension to the Local Wildlife Site (LWS) or for additional sports provision. As such, the Society request that the requirement to specifically use the land occupied by the existing garage block and manage it in the long term for the benefit of the LWS and / or sports provision is removed from the policy requirement." Given this, biodiversity scoring in Table 58 of sites AL/BE3&4 is substantially overrated. Biodiversity at both sites is under threat.

Business Growth: AL/BE3&4 are scored as if they were more favourable to business growth than AL/BE1&2 and sites 158 and 222, but all four of these last-mentioned sites are in the heart of the village where residents will have ready access to local businesses as well as to daily bus services and other services and facilities. Residents at the East End, on the other hand, will have no access to local businesses except by car.

Education: All sites in this SA are scored equally for education, except for site 158 which scores less well. This SA report compares poorly with the SA which TWBC carried out on site 158 in 2006. 158 is parallel to and just north of the Street with its exit onto New Pond Road. In 2006 site 158 was chosen in a village referendum as the site for a new C of E primary school. It was the preferred site out of a choice of two, both of which were greenfield. TWBC's 2006 SA on 158 decided (see page 18 of the *Sustainability Appraisal Benenden Church of England Primary School Land Allocation DPD - Issues and Options* report), that 158 was one of two top sites. "Situated adjacent to an area of ancient woodland, the site provides the potential for habitat linkages and wildlife corridors. The site is not adjacent to the CA [Conservation Area] and does not form a significant role in its setting. There are no Listed Buildings on or adjacent to the site. The site is consistent with the surrounding landscape character. There are limited views into the site and no public rights of way over the site." On page 38,

we read, "This site is anticipated to have a major beneficial effect on improving educational standards and travel choice/traffic levels". In spite of the referendum result, the school was eventually built at the less preferred site and, since then, TWBC had been in consultation with 158's owners to build houses there. If, in 2006, the SA offered site 158 as one of two top sites in the village for building the new primary school, where is the evidence that it's appropriateness has somehow massively declined since then? Where is the evidence site 158 is less favourable to education than all the other sites mentioned, especially given that the hospital sites, so favoured for development, are three miles distant from the village school?

Table 58 states that "the education objective does not deteriorate when considering the cumulative effects as the schools in Tenterden will be a viable option for residents in East End." Children from the East End will have priority over the between 70 and 75% of the existing pupils at the school who come from outside the parish. On what basis is the assumption made that East End parents will prefer to drive their children 6 miles into Tenterden than drive to the primary school in their own village?

Heritage: AL/BE 3 scores slightly less well in terms of its heritage value than AL/BE4 without supporting evidence. How were heritage issues assessed when there is no apparent knowledge of the historic importance of the site, for example: the PSLP makes no mention of the Roman road a few yards south of AL/BE3; the medieval driveway (GGR), which runs through the site and along the ridge; and the Bronze Age palstaff found at the hospital site (National Monument Register - SMR Number/Hob UID). How can a site be scored or evaluated without at least some knowledge of the site's historic significance? This is available at [see web link](#) and advertised on the Benenden village website.

Services and Facilities: How can sites which are in the heart of the village such as 158 and 222, score the same as sites which are 3 miles distant and isolated in the country? The village has a daily bus service, continuous pavements on both sides of the street, several shops, including a post office, a general store, a butcher and a florist, as well as a pub/restaurant, village green, recreation ground, children's playground, church, memorial hall, village hall and a primary school. In spite of this, sites 158 and 222, both as close to the centre as AL/BE1&2, are described as lacking services and facilities including public transport (Appendix L pp 331-332) while the sites chosen for most houses are 3 miles out of the village where there are no amenities whatsoever. LS8 is also described as being remote, but it is only one mile from the village and connected to it by a paved footpath. It is close to a bus stop, a playground, tennis courts and a community hall and it is within walking distance of a pub/restaurant. How can its Services and Facilities be offered the same score as AL/BE3&4? These assessments are not understandable except if the sites were chosen before the SA (as is the case) and the SA had to be manipulated to support those original choices.

Question 6

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Question 5 above. (Please note that non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Many of the PSLP's problems are associated with failure in the duty to co-operate and can therefore not be remedied.

Many are due to poor evidence or poor interpretation of evidence. This too cannot be remedied.

In summary, development on site AL/BE3 should be limited to the existing, so far unused, planning permission for 24 houses, preferably by adapting the Garland Wing, which is a building of historic value, either to a wellness centre, in accordance with its original intention, or to a row of up to 10 terraced houses. Site AL/BE4 already has 18 semi-detached houses on it, and cannot support any more. It should therefore be excluded. Housing should be allocated to sites such as 158 and 222 in

the village centre, or to LS8 in Iden Green. These sites all lie within walking distance of shops, other amenities and the primary school. Paragraphs 5.421 and 5.422 should be omitted.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)? . Yes, I wish to participate in hearing session(s)

Question 7a

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

In order to present my case and to answer those with vested interests who may seek to put forward arguments against it.

Question 8

If you have any separate comments you wish to make on the accompanying Sustainability Appraisal, please make them here.

Sustainability Appraisal

As far as the East End of Benenden is concerned, the plan is unsound because the Sustainability Appraisal, which is the heart of the planning process, provides evidence that is often incorrect, sometimes inadequate, but always untimely because the evidence on which site allocation should depend, follows, instead of precedes, site allocation. This was first published February 2019 in the BNP's Informal Draft Plan. The allocations then made are identical (save for a few additional houses) to those now made in the PSLP. Site allocation cannot be supported in retrospect. An examination of SA Table 58 pp 161-163 Sites AL/BE 3&4 and Appendix L pp 331-332 shows faults in the SA's evidence base.

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(<https://ws.tunbridgewells.gov.uk/files/consulteessupportingdocuments/Benenden%20Healthcare/>

[Savills%20for%20The%20Benenden%20Healthcare%20Society_full%20representation.pdf](#)),

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Bronze Age palstaff found at the hospital site (National Monument Register - SMR Number/Hob UID). How can a site be scored or evaluated without at least some knowledge of the sites historic significance? This is available at <https://www.benendenvillage.org.uk/History/benweb2006.pdf> and advertised on the Benenden village website.

Services and Facilities: How can sites which are in the heart of the village such as 158 and 222, score the same as sites which are 3 miles distant and isolated in the country? The village has a daily bus service, continuous pavements on both sides of the street, several shops, including a post office, a general store, a butcher and a florist, as well as a pub/restaurant, village green, recreation ground, children's playground, church, memorial hall, village hall and a primary school. In spite of this, sites 158 and 222, both as close to the centre as AL/BE1&2, are described as lacking services and facilities including public transport (Appendix L pp 331-332) while the sites chosen for most houses are 3 miles out of the village where there are no amenities whatsoever. LS8 is also described as being remote, but it is only one mile from the village and connected to it by a paved footpath. It is close to a bus stop, a playground, tennis courts and a community hall and it is within walking distance of a pub/restaurant. How can its Services and Facilities be offered the same score as AL/BE3&4? These assessments are not understandable except if the sites were chosen before the SA (as is the case) and the SA had to be manipulated to support those original choices.

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:

Yes, I wish to be notified of future stages of the Local Plan

Comment

Consultee	Mr Danny Lenox-Conyngham [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] West Molesey Surrey [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Mr Danny Lenox-Conyngham [REDACTED]
Comment ID	PSLP_339
Response Date	24/05/21 12:53
Consultation Point	Policy AL/BE 4 Land at Benenden Hospital (north of Goddards Green Road), East End (View)
Status	Processed
Submission Type	Email
Version	0.4
Data inputter to enter their initials here	AT
Question 1	
Respondent's Name and/or Organisation	Danny Lennox-Conyngham
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Paragraph No 5.420, 5.421

Policy AL/BE 4 Land at Benenden Hospital (north of Goddards Green Road), East End

Inset Map 18

[TWBC Comment: This representation has been submitted against Policies AL/BE3 & AL/BE4 - See comment numbers PSLP_335 and PSLP_339]

Question 4

Do you consider that the Local Plan:

Is legally compliant	No
Is sound	No
Complies with the Duty to Cooperate	No

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:	. It is not positively prepared
	. It is not effective
	. It is not justified
	. It is not consistent with national policy

Question 5

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

This representation relates to the Pre-submission Local Plan(PSLP) and its handling of the parish of Benenden

1. The plan is unsound because of inadequacies in the consultation process.

(i) Poor consultation between TWBC and other Borough Councils

A Statement of Common Ground (SoCG) between Maidstone and Tunbridge Wells Borough Councils (TWBC) is published, but nothing is apparently published in relation to Ashford Borough Council or Tonbridge and Malling Borough Council.

(ii) Poor consultation between TWBC, the parish of Benenden and the Benenden Healthcare Society (BHS), the single landowner of those sites in the East End of Benenden where most of Benenden's houses are allocated.

(iii) There is no Statement of Common Ground between TWBC and the Benenden Neighbourhood Plan (BNP) although a SoCG was listed as a supporting document to the BNP Reg 14. This is significant *because the two plans, though identical in their choice of sites, show different areas within those sites for development at the East End, and both plans differ from the view of BHS.* BHS's position is presented to the public through its comments on the first draft of the Local Plan (TWFDLP Comments) (see see web link

- . Looking at the issue in terms of its hectarage:
 - . according to the PSLP the northern site (AL/BE4) is 3.72 ha and the South East Quadrant (SEQ or AL/BE3) is 3.07 ha;
 - . according to the Benenden Neighbourhood Plan (BNP), the northern site (called LS41 in the BNP, see para 2.9.4.2.) is 1.9 ha and SEQ (called 424 plus LS40b, see para 2.9.3.2) is 4.24 ha.
 - . according to BHS, the northern site is 3.7 ha and the southern site is 4.2 ha (see TWFDLP comments), Savills for BHS: DLP_4956)

The hectareage varies largely according to whether Local Wildlife Sites (LWS) are included in the development area. There are four LWS at the hospital. One of these lies in the northern area (AL/BE4) and two lie in the southern area (AL/BE3). The fourth is in an area not up for development.

- . For AL/BE3, the PSLP excludes the second and the most southerly of its two Local Wildlife Sites (LWS), while the BNP *includes* both LWS. *Currently, Strutt and Parker are advertising to developers the larger, BNP version of the site for sale, together with Cleveland Farm.* The PSLP states that in the event of the BNP passing a referendum, its own plans for Benenden will be superseded by the BNP (see para 5.421). Which means the plan presented in the PSLP for AL/BE3 is incorrect.
- . For AL/BE4, the PSLP *includes* all the LWS at the site, while the BNP includes only a small southerly section of it. The PSLP states that in the event of the BNP passing a referendum, its own plans for Benenden will be superseded by the BNP (see para 5.421). Which means the plan presented in the PSLP for AL/BE4 is incorrect.
- . For AL/BE4, Savills' comments on behalf of the BHS (see TWFDLP comments), propose 43 dwellings for the site, which will include the LWS (see TWFDLP Comments, item DLP_4956 para 3.6), "Unlike the BNP, the TWLP is broader in the site area by providing a boundary encompassing the entire hospital site, yet aside from the discrepancy addressed previously in this representation the two allocations align in terms of proposed numbers. The Society intends to bring forward the development on the two sites identified through the BNP and *within the boundary identified in the TWLP.* The Society welcomes the consistent approach to unit numbers, and the allocation of both parcels of land through the draft BNP and the TWLP."

In terms of boundaries:

- . BHS understands (see DLP_4956, para 2.8 in TWFDLP Comments) "The North East Quadrant occupies the North East of the site, bordered to the North and East by Mockbeggar Lane, to the south by Goddards Green Lane / Benenden Road and the West by existing hospital buildings." *In other words, it includes the entire LWS in its area.*
- . To the south, BHS understands (see DLP_4956, para 2.9 in TWFDLP comments), "The South East Quadrant occupies the South East of the site, bordered to the north by Goddards Green Lane / Benenden Road, to the West by Green Lane and to the South and East by agricultural land and the High Weald AONB boundary." *In other words, it includes the whole of the more southerly of the two LWS at the site.*

This means that PSLP's AL/BE3 is inaccurate because the larger BNP plan will likely prevail, while the PSLP's AL/BE4 could be challenged by the BNP (if successful in a referendum) (see PSLP para 5.421) and substantially reduced in size. The PSLP's plans for the two hospital plans are therefore both potentially inaccurate.

A failure to coordinate and effectively consult has produced unsound documents.

(iv) Poor consultation with stakeholders, the local community and the neighbouring parish (possibly even more affected by the plans than Benenden). These parties have either not been consulted, or consulted after the fact or consulted but not engaged with.

- . **The Friends of the East End (FEE)** are more affected by the plans than most in the parish but they were not consulted over the development of the BNP on which the PSLP is based. The FEE are mainly residents of the East End which covers about one third of the parish and is a wholly rural location of 76 scattered households. Because it is isolated, it was chosen as the site for an isolation hospital. This now makes up a small enclave close to the border with the neighbouring parish of Biddenden.
 - . The BNP Steering Committee is the only one in the borough to have made its own site allocations and these allocations were published in an Informal Draft Plan in February 2019, before consultations with the High Weald -AONB and before inviting AECOM to produce a Strategic Environmental Assessment (SEA). (N.B. Even when the HW-AONB were invited to assess sites, they were NOT asked to assess the hospital sites).
 - . The FEE object strongly to the proposal to site almost all the new housing in the East End, but the BNP Steering Committee never asked to meet the FEE nor engaged with them (See EN1 para 9 requiring the effective engagement of the local community, neighbours of sites and others).
 - . The FEE submitted three petitions, two to the BNP and one in relation to the LP. A FEE submission with 127 signatures was submitted on April 4th 2019 in response the IDP (published on February 23, 2019), in which the allocations, later adopted by the PSLP were

first set out. A second FEE submission with 164 signatures was submitted in October 2019 objecting to the TWFDLP, and in the same month, a third FEE submission with 167 signatures was submitted in relation to the Reg 16 draft BNP. Instead of acknowledging the strength of these views and the number of people who held them, the chair of the BNP Steering Group, who wrote a regular column in the Parish Magazine about the BNP process, wrote in January 2020, that only “31 residents from the East End” had sent in “comments”. For the strength of today’s opposition to the BNP, see the FEE’s current online petition with over 450 signatures <https://www.change.org/EastEndFriends> .

Instead of being consulted, the FEE were ignored and belittled. They were informed on 11th March 2019 by the editor of the Parish Magazine (PM), husband of the Chair of the Parish Council, that “I’m of the view that much of the uncertainty has passed since the presentation of the plan to the village - to a highly favourable reception. At least we no longer have to give polite credence to *uninformed views* that fly in the face of TWBC policy and advocate direct and *pointless confrontation* with TWBC, thereby running the risk of having the entire BNDP thrown back in our faces. *The ensuing chaos hardly bears thinking about.* At least it seems the opinions now being afforded most weight are those of *people who have worked hard for two years to understand the issues* and come up with a coherent way forward.”

Consultation also failed in relation to the neighbouring **parish of Biddenden**. The Clerk of Biddenden Council has repeatedly responded to Benenden Parish Council in the course of the BNP consultation process, but received only acknowledgments. A Kent County Councillor and Ashford Borough Councillor wrote an article about BNP’s mismanagement of consultations with the parish of Biddenden in the Biddenden Parish Magazine, February 2021.

2. The plan is unsound because of the untimely publication of site allocations

Pre-Submission Local Plan, para 5.420 reads “The BNP was submitted to TWBC in October 2020 and was consulted on between 30 October and 11 December 2020.” But the allocations had already been made and published by the BNP in February 2019 in its so called “Informal Draft Plan”. The 2019 February allocations are virtually identical to the PSLP 2021 allocations. Para 5.420 states “The BNP proposes to include site “allocation policies that follow the approach of the site allocation policies for Benenden in this Local Plan.” How can the BNP follow the PSLP’s approach when its sites were already allocated? Because the PSLP is founded on site allocations made by the BNP, the unsoundness of the latter carries over and produces unsoundness in the former.

The LP is based on the BNP and BNP allocations were made before **consultations with stakeholders**. This is not consulting in a timely fashion. For example, the PSLP requires archaeological surveys of the hospital sites *after* the designation of the sites for development. Historic England (HE) asks for the surveys to be carried out *before* allocation (see TWFDLP Comments DLP_4556 - “we would expect the allocation of sites following on from this Strategy policy (STR1) to be subject to appropriately robust and detailed heritage impact assessment *prior to the allocations being adopted.*”

3. The plan is unsound because the evidence on which it is based is inaccurate or irrelevant

Supporting Documents

AONB Setting Analysis report: Main Report and AONB Study Plans and Photographs Benenden Hospital/Hankinson Duckett Associates. November 2020.

See para 4.4.2, the description of the hospital site is for the *entire built up-hospital area*, minus the southerly LWS in the SEQ. It is therefore a *report on an area not submitted in the PSLP*. As a result, it draws its conclusions from areas not included in the PSLP. The conclusions are therefore unsound.

The report:

is concerned with adding 66-72 additional dwellings in addition to the 18 already extant on the northern site and presumably in addition to the 24 for which planning permission has been granted. That is between 108 and 114 new houses. The PSLP is talking about planning 43 houses for the northern sight and 49 for the south. A total of 92 new houses. The report muddies the waters, leaving no clarity.

fails to note items of critical importance in any attempt to evaluate the landscape and historic importance of the site e.g.

that the site is on an east-west ridge giving it a dominant position in relation to the AONB;

- the east-west Roman Road running over Benenden Healthcare Society (BHS) land a few yards to the south of the site, and the medieval drove road (Goddards Green Road - GGR) which divides the northern site from the southern one.
- the National Monument Register which lists a Bronze Age palstaff (SMR Number/Hob UID) found at the hospital site, (though, oddly, the report does note Scheduled Monuments in the village);
- that the SEQ development proposes two entrances on to Green Lane and two on to GGR, see Transport Planning Associates (tpa)- October 2019 Scoping note for BHS, 1907-038 under the section headed 'Access', para 4.4 "The consented vehicle access arrangements will be retained. Therefore, vehicle access to the Site will be taken from two access points along Goddards Green Road and two on Green Lane." (This and other documents were revealed to the FEE in May 2021 as a result of the BNP Independent Examiner's queries. In spite of the Examiner's request that all such material be published on-line, this document and the KCC Highways 13 Nov 2019 "Pre-App Response" have been not been published). Such entrances will seriously impact the AONB. Both Goddards Green and Green Lane are designated Rural Lanes, and, of the two, Green Lane is mentioned as a particularly high scoring lane (for its beauty and tranquillity) in *TWBC's Rural Lanes: Supplementary Planning Guidance*. Creating a series of broad entrances large enough so that an "11.4 m refuse vehicle can enter and leave the site in forward gear (see KCC Pre-App Response 13-11-19, a document revealed to the FEE as a result of the BNP Examiner's queries but not made public) would have a substantial effect on the AONB. Hankinson Duckett Associates ignore the issue (see Section 4 on Benenden in the main report and photos B1 and B2 in *Supporting Plans and Photographs , Benenden*).
- offers photos (B5 & B6) which are irrelevant to the site in question. These photos look south towards an area not up for development, and are taken from a point also not up for development. These omissions undermine the report's conclusion.

- Inset Map 18 (Benenden Hospital)***, unlike other maps attached as supporting documents to the PSLP, Inset Map 18 makes no reference to the AONB boundary. This is a significant omission because both the PSLP and the BNP claim that the hospital is outside the AONB and on this basis, largely justify placing most of Benenden's housing in the East End. Because AL/BE3&4 lie on a high ridge to the north of the parish and because the AONB boundary wraps tightly round the site which bulges, like a balloon, into the AONB, development at the East End significantly affects the AONB. While TWBC acknowledges this by requesting the Hankinson Duckett Report, by publishing Inset Map 18, which omits the AONB boundary, TWBC loses a critical opportunity to show the true relevance of AL/BE 3&4 to the AONB. It could even be said that by leaving out the boundary, there is an implication that the hospital sites are genuinely 'outside' the protected area.
- Previous Stages, Draft Local Plan, Benenden Overview***, p263, provides a basis for the PSLP but contains inaccuracies.
 - There is no "pre-school/nursery" as stated in the Overview
 - There is no "Small shop at hospital" as stated in the Overview
 - The statement that there are tennis courts and a café at the site is misleading. In TWFDLP Comments, Savills requests (see DLP_4956 para 3.14) that "the requirement to incorporate the tennis courts and retain the sports pavilion is removed". As for the café, BHS states in its comments on the LP that the café is for hospital use only - "the existing hospital buildings ... have only been designed for hospital use". See TWFDLP detailed additional submissions from Savills "*Representation to the TWBC Draft Local Plan Regulation 18*" 2- Sept- 1Nov 2019 para 3.18 and 3.19)

4. Sustainability Appraisal

As far as the East End of Benenden is concerned, the plan is unsound because the **Sustainability Appraisal**, which is the heart of the planning process, provides evidence that is often incorrect, sometimes inadequate, but always untimely because the evidence on which site allocation should depend, follows, instead of precedes, site allocation. This was first published February 2019 in the BNP's Informal Draft Plan. The allocations then made are identical (save for a few additional houses) to those now made in the PSLP. Site allocation cannot be supported in retrospect.

An examination of SA Table 58 pp 161-163 Sites AL/BE 3&4 and Appendix L pp 331-332 shows faults in the SA's evidence base.

Climate Change: AL/BE3&4 are not scored for climate change, nor are sites 158 & 222, yet, inexplicably, climate change is scored for AL/BE1&2 (Uphill and Feoffee) and for LS8. Where is the

explanation for the failure to assess all sites, especially when sites 158, 222, AL/BE1&2 are all close to each other? The issue is particularly concerning in that sites AL/BE3&4 are both 3 miles distant from the village and without any amenities. Residents at these sites will be heavily car dependent and this was of concern even when only 24 houses were proposed for the site. "You will see from KCC's comments on the hybrid application (12/03130) that in consideration of this earlier application for 24 dwellings, the highways authority raised concern that all residents will be very heavily car dependent, which is contrary to a number of policy objectives, including the NPPF." (see KCC Pre-App Response, 13 Nov 2019, revealed in response to the BNP's Independent Examiner's queries and still not in the public arena).

Biodiversity: AL/BE3 is considered to be less at risk in terms of biodiversity than AL/BE4 though AL/BE 3 has two Local Wildlife Sites (LWS) while AL/BE 4 has only one. Where is the evidence to support the idea that the one is less important for biodiversity than the other?

The SA's scoring is not supported by evidence in a letter from Keith Nicholson of the Kent Wildlife Trust, former Planning and Conservation officer for the Kent Wildlife Trust (KWT), dated 4 March 2013, to TWBC Development Control Officer, Ellen Gilbert in which he states, "The 2012 survey has demonstrated that Benenden hospital LWS is more valuable than previously believed. The applicant's consultant is now more firmly of the belief that the Site would fulfil the criteria for it to be considered a Site of Special Scientific Interest (paragraph 4.3.6.). The waxcap community is of national importance when judged against both the Reid classification (para 4.3.4.) and the JNCC Guidelines (para 4.3.5.)."

Nor is it supported by the view of the HW-AONB as stated in TWFDLP Comments (see DLP_3458) that the hospital LWS *"includes rare and vulnerable acid grassland which should form a core area for unimproved grassland as part of a High Weald nature recovery network."* Neither the KWT nor the HW-AONB offer any indication that one or other of the LWS at the hospital is of less value than the rest. Further, we now know from

see web link

Regulation 18 Representation made by Benenden Healthcare Society, November 2019, that BHS intends to abolish one of the two LWS in AL/BE3, see para 3.21. that "The Society supports the requirement for long-term management of the core areas of the LWS associated with the hospital land. This includes all but the modest area within the SEQ adjoining Peek Lodge which is too constraining on the South East Quadrant redevelopment proposals. Accordingly, the soils in the area will be translocated to a nearby receptor site to try to ensure that the rare fungi can continue to thrive in this local area."

In other words, far from supporting biodiversity, the BHS plan is to reduce it in AL/BE3 and the same is true of AL/BE4 see (in the same document) para 3.17. "In addition, as highlighted in paragraph 3.13 above, the Society do not intend to use the area in which the garage block is located as an extension to the Local Wildlife Site (LWS) or for additional sports provision. As such, the Society request that the requirement to specifically use the land occupied by the existing garage block and manage it in the long term for the benefit of the LWS and / or sports provision is removed from the policy requirement." Given this, biodiversity scoring in Table 58 of sites AL/BE3&4 is substantially overrated. Biodiversity at both sites is under threat.

Business Growth: AL/BE3&4 are scored as if they were more favourable to business growth than AL/BE1&2 and sites 158 and 222, but all four of these last-mentioned sites are in the heart of the village where residents will have ready access to local businesses as well as to daily bus services and other services and facilities. Residents at the East End, on the other hand, will have no access to local businesses except by car.

Education: All sites in this SA are scored equally for education, except for site 158 which scores less well. This SA report compares poorly with the SA which TWBC carried out on site 158 in 2006. 158 is parallel to and just north of the Street with its exit onto New Pond Road. In 2006 site 158 was chosen in a village referendum as the site for a new C of E primary school. It was the preferred site out of a choice of two, both of which were greenfield. TWBC's 2006 SA on 158 decided (see page 18 of the *Sustainability Appraisal Benenden Church of England Primary School Land Allocation DPD - Issues and Options* report), that 158 was one of two top sites. "Situated adjacent to an area of ancient woodland, the site provides the potential for habitat linkages and wildlife corridors. The site is not adjacent to the CA [Conservation Area] and does not form a significant role in its setting. There are no Listed Buildings on or adjacent to the site. The site is consistent with the surrounding landscape character. There are limited views into the site and no public rights of way over the site." On page 38,

we read, "This site is anticipated to have a major beneficial effect on improving educational standards and travel choice/traffic levels". In spite of the referendum result, the school was eventually built at the less preferred site and, since then, TWBC had been in consultation with 158's owners to build houses there. If, in 2006, the SA offered site 158 as one of two top sites in the village for building the new primary school, where is the evidence that it's appropriateness has somehow massively declined since then? Where is the evidence site 158 is less favourable to education than all the other sites mentioned, especially given that the hospital sites, so favoured for development, are three miles distant from the village school?

Table 58 states that "the education objective does not deteriorate when considering the cumulative effects as the schools in Tenterden will be a viable option for residents in East End." Children from the East End will have priority over the between 70 and 75% of the existing pupils at the school who come from outside the parish. On what basis is the assumption made that East End parents will prefer to drive their children 6 miles into Tenterden than drive to the primary school in their own village?

Heritage: AL/BE 3 scores slightly less well in terms of its heritage value than AL/BE4 without supporting evidence. How were heritage issues assessed when there is no apparent knowledge of the historic importance of the site, for example: the PSLP makes no mention of the Roman road a few yards south of AL/BE3; the medieval droveway (GGR), which runs through the site and along the ridge; and the Bronze Age palstaff found at the hospital site (National Monument Register - SMR Number/Hob UID). How can a site be scored or evaluated without at least some knowledge of the sites historic significance? This is available at <https://www.benendenvillage.org.uk/History/benweb2006.pdf> and advertised on the Benenden village website.

Services and Facilities: How can sites which are in the heart of the village such as 158 and 222, score the same as sites which are 3 miles distant and isolated in the country? The village has a daily bus service, continuous pavements on both sides of the street, several shops, including a post office, a general store, a butcher and a florist, as well as a pub/restaurant, village green, recreation ground, children's playground, church, memorial hall, village hall and a primary school. In spite of this, sites 158 and 222, both as close to the centre as AL/BE1&2, are described as lacking services and facilities including public transport (Appendix L pp 331-332) while the sites chosen for most houses are 3 miles out of the village where there are no amenities whatsoever. LS8 is also described as being remote, but it is only one mile from the village and connected to it by a paved footpath. It is close to a bus stop, a playground, tennis courts and a community hall and it is within walking distance of a pub/restaurant. How can its Services and Facilities be offered the same score as AL/BE3&4? These assessments are not understandable except if the sites were chosen before the SA (as is the case) and the SA had to be manipulated to support those original choices.

Question 6

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Question 5 above. (Please note that non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Many of the PSLP's problems are associated with failure in the duty to co-operate and can therefore not be remedied.

Many are due to poor evidence or poor interpretation of evidence. This too cannot be remedied.

In summary, development on site AL/BE3 should be limited to the existing, so far unused, planning permission for 24 houses, preferably by adapting the Garland Wing, which is a building of historic value, either to a wellness centre, in accordance with its original intention, or to a row of up to 10 terraced houses. Site AL/BE4 already has 18 semi-detached houses on it, and cannot support any

more. It should therefore be excluded. Housing should be allocated to sites such as 158 and 222 in the village centre, or to LS8 in Iden Green. These sites all lie within walking distance of shops, other amenities and the primary school. Paragraphs 5.421 and 5.422 should be omitted.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)? . Yes, I wish to participate in hearing session(s)

Question 7a

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

In order to present my case and to answer those with vested interests who may seek to put forward arguments against it.

Question 8

If you have any separate comments you wish to make on the accompanying Sustainability Appraisal, please make them here.

Sustainability Appraisal

As far as the East End of Benenden is concerned, the plan is unsound because the Sustainability Appraisal, which is the heart of the planning process, provides evidence that is often incorrect, sometimes inadequate, but always untimely because the evidence on which site allocation should depend, follows, instead of precedes, site allocation. This was first published February 2019 in the BNP's Informal Draft Plan. The allocations then made are identical (save for a few additional houses) to those now made in the PSLP. Site allocation cannot be supported in retrospect. An examination of SA Table 58 pp 161-163 Sites AL/BE 3&4 and Appendix L pp 331-332 shows faults in the SA's evidence base.

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Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:

<input type="checkbox"/>	Yes, I wish to be notified of future stages of the Local Plan
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Comment

Consultee	Mr Fred Lenox-Conyngham [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] Bristol [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Mr Fred Lenox-Conyngham [REDACTED]
Comment ID	PSLP_356
Response Date	24/05/21 17:57
Consultation Point	Policy AL/BE 3 Land at Benenden Hospital (south of Goddards Green Road), East End (View)
Status	Processed
Submission Type	Email
Version	0.4
Data inputter to enter their initials here	AT
Question 1	
Respondent's Name and/or Organisation	Fred Lenox-Conyngham
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Paragraphs 5.420, 5.421

Policy AL/BE 3 Land at Benenden Hospital (south of Goddards Green Road), East End

Inset Map 18

[TWBC Comment: This representation has been submitted against Policies AL/BE3 & AL/BE4 - See comment numbers PSLP_356 and PSLP_362]

Question 4

Do you consider that the Local Plan:

Is legally compliant No

Is sound No

Complies with the Duty to Cooperate No

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

- . It is not positively prepared
- . It is not effective
- . It is not justified
- . It is not consistent with national policy

Question 5

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

This representation relates to the Pre-submission Local Plan(PSLP) and its handling of the parish of Benenden

1.The plan is unsound because of inadequacies in the consultation process.

(i) Poor consultation between TWBC and other Borough Councils

A Statement of Common Ground (SoCG) between Maidstone and Tunbridge Wells Borough Councils (TWBC) is published, but nothing is apparently published in relation to Ashford Borough Council or Tonbridge and Malling Borough Council.

(ii) Poor consultation between TWBC, the parish of Benenden and the Benenden Healthcare Society (BHS), the single landowner of those sites in the East End of Benenden where most of Benenden's houses are allocated.

(iii) There is no Statement of Common Ground between TWBC and the Benenden Neighbourhood Plan (BNP) although a SoCG was listed as a supporting document to the BNP Reg 14. This is significant because the two plans, though identical in their choice of sites, show different areas within those sites for development at the East End, and both plans differ from the view of BHS. BHS's position is presented to the public through its comments on the first draft of the Local Plan (TWFDLP Comments)

(see web link)

- . Looking at the issue in terms of its hectareage:
 - . according to the PSLP the northern site (AL/BE4) is 3.72 ha and the South East Quadrant (SEQ or AL/BE3) is 3.07 ha;
 - . according to the Benenden Neighbourhood Plan (BNP), the northern site (called LS41 in the BNP, see para 2.9.4.2.) is 1.9 ha and SEQ (called 424 plus LS40b, see para 2.9.3.2) is 4.24 ha.
 - . according to BHS, the northern site is 3.7 ha and the southern site is 4.2 ha (see TWFDLP comments), Savills for BHS: DLP_4956)

The hectareage varies largely according to whether Local Wildlife Sites (LWS) are included in the development area. There are four LWS at the hospital. One of these lies in the northern area (AL/BE4) and two lie in the southern area (AL/BE3). The fourth is in an area not up for development.

- . For AL/BE3, the PSLP excludes the second and the most southerly of its two Local Wildlife Sites (LWS), while the BNP *includes* both LWS. *Currently, Strutt and Parker are advertising to developers the larger, BNP version of the site for sale, together with Cleveland Farm.* The PSLP states that in the event of the BNP passing a referendum, its own plans for Benenden will be superseded by the BNP (see para 5.421). Which means the plan presented in the PSLP for AL/BE3 is incorrect.
- . For AL/BE4, the PSLP *includes* all the LWS at the site, while the BNP includes only a small southerly section of it. The PSLP states that in the event of the BNP passing a referendum, its own plans for Benenden will be superseded by the BNP (see para 5.421). Which means the plan presented in the PSLP for AL/BE4 is incorrect.
- . For AL/BE4, Savills' comments on behalf of the BHS (see TWFDLP comments), propose 43 dwellings for the site, which will include the LWS (see TWFDLP Comments, item DLP_4956 para 3.6), "Unlike the BNP, the TWLP is broader in the site area by providing a boundary encompassing the entire hospital site, yet aside from the discrepancy addressed previously in this representation the two allocations align in terms of proposed numbers. The Society intends to bring forward the development on the two sites identified through the BNP and *within the boundary identified in the TWLP.* The Society welcomes the consistent approach to unit numbers, and the allocation of both parcels of land through the draft BNP and the TWLP."

In terms of boundaries:

- . BHS understands (see DLP_4956, para 2.8 in TWFDLP Comments) "The North East Quadrant occupies the North East of the site, bordered to the North and East by Mockbeggar Lane, to the south by Goddards Green Lane / Benenden Road and the West by existing hospital buildings." *In other words, it includes the entire LWS in its area.*
- . To the south, BHS understands (see DLP_4956, para 2.9 in TWFDLP comments), "The South East Quadrant occupies the South East of the site, bordered to the north by Goddards Green Lane / Benenden Road, to the West by Green Lane and to the South and East by agricultural land and the High Weald AONB boundary." *In other words, it includes the whole of the more southerly of the two LWS at the site.*

This means that PSLP's AL/BE3 is inaccurate because the larger BNP plan will likely prevail, while the PSLP's AL/BE4 could be challenged by the BNP (if successful in a referendum) (see PSLP para 5.421) and substantially reduced in size. The PSLP's plans for the two hospital plans are therefore both potentially inaccurate.

A failure to coordinate and effectively consult has produced unsound documents.

(iv) Poor consultation with stakeholders, the local community and the neighbouring parish (possibly even more affected by the plans than Benenden). These parties have either not been consulted, or consulted after the fact or consulted but not engaged with.

- . **The Friends of the East End (FEE)** are more affected by the plans than most in the parish but they were not consulted over the development of the BNP on which the PSLP is based. The FEE are mainly residents of the East End which covers about one third of the parish and is a wholly rural location of 76 scattered households. Because it is isolated, it was chosen as the site for an isolation hospital. This now makes up a small enclave close to the border with the neighbouring parish of Biddenden.
 - . The BNP Steering Committee is the only one in the borough to have made its own site allocations and these allocations were published in an Informal Draft Plan in February 2019, before consultations with the High Weald -AONB and before inviting AECOM to produce a Strategic Environmental Assessment (SEA). (N.B. Even when the HW-AONB were invited to assess sites, they were NOT asked to assess the hospital sites).
 - . The FEE object strongly to the proposal to site almost all the new housing in the East End, but the BNP Steering Committee never asked to meet the FEE nor engaged with them (See EN1 para 9 requiring the effective engagement of the local community, neighbours of sites and others).
 - . The FEE submitted three petitions, two to the BNP and one in relation to the LP. A FEE submission with 127 signatures was submitted on April 4th 2019 in response the IDP (published on February 23, 2019), in which the allocations, later adopted by the PSLP were

first set out. A second FEE submission with 164 signatures was submitted in October 2019 objecting to the TWFDLP, and in the same month, a third FEE submission with 167 signatures was submitted in relation to the Reg 16 draft BNP. Instead of acknowledging the strength of these views and the number of people who held them, the chair of the BNP Steering Group, who wrote a regular column in the Parish Magazine about the BNP process, wrote in January 2020, that only “31 residents from the East End” had sent in “comments”. For the strength of today’s opposition to the BNP, see the FEE’s current online petition with over 450 signatures <https://www.change.org/EastEndFriends> .

Instead of being consulted, the FEE were ignored and belittled. They were informed on 11th March 2019 by the editor of the Parish Magazine (PM), husband of the Chair of the Parish Council, that “I’m of the view that much of the uncertainty has passed since the presentation of the plan to the village - to a highly favourable reception. At least we no longer have to give polite credence to *uninformed views* that fly in the face of TWBC policy and advocate direct and *pointless confrontation* with TWBC, thereby running the risk of having the entire BNDP thrown back in our faces. *The ensuing chaos hardly bears thinking about.* At least it seems the opinions now being afforded most weight are those of *people who have worked hard for two years to understand the issues* and come up with a coherent way forward.”

Consultation also failed in relation to the neighbouring **parish of Biddenden**. The Clerk of Biddenden Council has repeatedly responded to Benenden Parish Council in the course of the BNP consultation process, but received only acknowledgments. A Kent County Councillor and Ashford Borough Councillor wrote an article about BNP’s mismanagement of consultations with the parish of Biddenden in the Biddenden Parish Magazine, February 2021.

2. The plan is unsound because of the untimely publication of site allocations

Pre-Submission Local Plan, para 5.420 reads “The BNP was submitted to TWBC in October 2020 and was consulted on between 30 October and 11 December 2020.” But the allocations had already been made and published by the BNP in February 2019 in its so called “Informal Draft Plan”. The 2019 February allocations are virtually identical to the PSLP 2021 allocations. Para 5.420 states “The BNP proposes to include site “allocation policies that follow the approach of the site allocation policies for Benenden in this Local Plan.” How can the BNP follow the PSLP’s approach when its sites were already allocated? Because the PSLP is founded on site allocations made by the BNP, the unsoundness of the latter carries over and produces unsoundness in the former.

The LP is based on the BNP and BNP allocations were made before **consultations with stakeholders**. This is not consulting in a timely fashion. For example, the PSLP requires archaeological surveys of the hospital sites *after* the designation of the sites for development. Historic England (HE) asks for the surveys to be carried out *before* allocation (see TWFDLP Comments DLP_4556 - “we would expect the allocation of sites following on from this Strategy policy (STR1) to be subject to appropriately robust and detailed heritage impact assessment *prior to the allocations being adopted.*”

3. The plan is unsound because the evidence on which it is based is inaccurate or irrelevant

Supporting Documents

AONB Setting Analysis report: Main Report and AONB Study Plans and Photographs Benenden Hospital/Hankinson Duckett Associates. November 2020.

See para 4.4.2, the description of the hospital site is for the *entire built up-hospital area*, minus the southerly LWS in the SEQ. It is therefore a *report on an area not submitted in the PSLP*. As a result, it draws its conclusions from areas not included in the PSLP. The conclusions are therefore unsound.

The report:

is concerned with adding 66-72 additional dwellings in addition to the 18 already extant on the northern site and presumably in addition to the 24 for which planning permission has been granted. That is between 108 and 114 new houses. The PSLP is talking about planning 43 houses for the northern sight and 49 for the south. A total of 92 new houses. The report muddies the waters, leaving no clarity.

fails to note items of critical importance in any attempt to evaluate the landscape and historic importance of the site e.g.

that the site is on an east-west ridge giving it a dominant position in relation to the AONB;

- . the east-west Roman Road running over Benenden Healthcare Society (BHS) land a few yards to the south of the site, and the medieval drove road (Goddards Green Road - GGR) which divides the northern site from the southern one;
- . the National Monument Register which lists a Bronze Age palstaff (SMR Number/Hob UID) found at the hospital site, (though, oddly, the report does note Scheduled Monuments in the village);
- . that the SEQ development proposes two entrances on to Green Lane and two on to GGR, see Transport Planning Associates (tpa)- October 2019 Scoping note for BHS, 1907-038 under the section headed 'Access', para 4 .4 "The consented vehicle access arrangements will be retained. Therefore, vehicle access to the Site will be taken from two access points along Goddards Green Road and two on Green Lane." (This and other documents were revealed to the FEE in May 2021 as a result of the BNP Independent Examiner's queries. In spite of the Examiner's request that all such material be published on-line, this document and the KCC Highways 13 Nov 2019 "Pre-App Response" have been not been published). Such entrances will seriously impact the AONB. Both Goddards Green and Green Lane are designated Rural Lanes, and, of the two, Green Lane is mentioned as a particularly high scoring lane (for its beauty and tranquillity) in *TWBC's Rural Lanes: Supplementary Planning Guidance*. Creating a series of broad entrances large enough so that an "11.4 m refuse vehicle can enter and leave the site in forward gear (see KCC Pre-App Response 13-11-19, a document revealed to the FEE as a result of the BNP Examiner's queries but not made public) would have a substantial effect on the AONB. Hankinson Duckett Associates ignore the issue (see Section 4 on Benenden in the main report and photos B1 and B2 in *Supporting Plans and Photographs , Benenden*).
- . offers photos (B5 & B6) which are irrelevant to the site in question. These photos look south towards an area not up for development, and are taken from a point also not up for development. These omissions undermine the report's conclusion.
- . ***Inset Map 18 (Benenden Hospital)***, unlike other maps attached as supporting documents to the PSLP, Inset Map 18 makes no reference to the AONB boundary. This is a significant omission because both the PSLP and the BNP claim that the hospital is outside the AONB and on this basis, largely justify placing most of Benenden's housing in the East End. Because AL/BE3&4 lie on a high ridge to the north of the parish and because the AONB boundary wraps tightly round the site which bulges, like a balloon, into the AONB, development at the East End significantly affects the AONB. While TWBC acknowledges this by requesting the Hankinson Duckett Report, by publishing Inset Map 18, which omits the AONB boundary, TWBC loses a critical opportunity to show the true relevance of AL/BE 3&4 to the AONB. It could even be said that by leaving out the boundary, there is an implication that the hospital sites are genuinely 'outside' the protected area.
- . ***Previous Stages, Draft Local Plan, Benenden Overview***, p263, provides a basis for the PSLP but contains inaccuracies.
 - . There is no "pre-school/nursery" as stated in the Overview
 - . There is no "Small shop at hospital" as stated in the Overview
 - . The statement that there are tennis courts and a café at the site is misleading. In TWFDLP Comments, Savills requests (see DLP_4956 para 3.14) that "the requirement to incorporate the tennis courts and retain the sports pavilion is removed". As for the café, BHS states in its comments on the LP that the café is for hospital use only - "the existing hospital buildings ... have only been designed for hospital use". See TWFDLP detailed additional submissions from Savills "*Representation to the TWBC Draft Local Plan Regulation 18*" 2- Sept- 1Nov 2019 para 3.18 and 3.19)

4. Sustainability Appraisal

As far as the East End of Benenden is concerned, the plan is unsound because the **Sustainability Appraisal**, which is the heart of the planning process, provides evidence that is often incorrect, sometimes inadequate, but always untimely because the evidence on which site allocation should depend, follows, instead of precedes, site allocation. This was first published February 2019 in the BNP's Informal Draft Plan. The allocations then made are identical (save for a few additional houses) to those now made in the PSLP. Site allocation cannot be supported in retrospect.

An examination of SA Table 58 pp 161-163 Sites AL/BE 3&4 and Appendix L pp 331-332 shows faults in the SA's evidence base.

Climate Change: AL/BE3&4 are not scored for climate change, nor are sites 158 & 222, yet, inexplicably, climate change is scored for AL/BE1&2 (Uphill and Feoffee) and for LS8. Where is the explanation for the failure to assess all sites, especially when sites 158, 222, AL/BE1&2 are all close to each other? The issue is particularly concerning in that sites AL/BE3&4 are both 3 miles distant from the village and without any amenities. Residents at these sites will be heavily car dependent and this was of concern even when only 24 houses were proposed for the site. "You will see from KCC's comments on the hybrid application (12/03130) that in consideration of this earlier application for 24 dwellings, the highways authority raised concern that all residents will be very heavily car dependent, which is contrary to a number of policy objectives, including the NPPF." (see KCC Pre-App Response, 13 Nov 2019, revealed in response to the BNP's Independent Examiner's queries and still not in the public arena).

Biodiversity: AL/BE3 is considered to be less at risk in terms of biodiversity than AL/BE4 though AL/BE 3 has two Local Wildlife Sites (LWS) while AL/BE 4 has only one. Where is the evidence to support the idea that the one is less important for biodiversity than the other?

The SA's scoring is not supported by evidence in a letter from Keith Nicholson of the Kent Wildlife Trust, former Planning and Conservation officer for the Kent Wildlife Trust (KWT), dated 4 March 2013, to TWBC Development Control Officer, Ellen Gilbert in which he states, "The 2012 survey has demonstrated that Benenden hospital LWS is more valuable than previously believed. The applicant's consultant is now more firmly of the belief that the Site would fulfil the criteria for it to be considered a Site of Special Scientific Interest (paragraph 4.3.6.). The waxcap community is of national importance when judged against both the Reid classification (para 4.3.4.) and the JNCC Guidelines (para 4.3.5.)."

Nor is it supported by the view of the HW-AONB as stated in TWFDLP Comments (see DLP_3458) that the hospital LWS *"includes rare and vulnerable acid grassland which should form a core area for unimproved grassland as part of a High Weald nature recovery network."* Neither the KWT nor the HW-AONB offer any indication that one or other of the LWS at the hospital is of less value than the rest. Further, we now know from (see web link),

Regulation 18 Representation made by Benenden Healthcare Society, November 2019, that BHS intends to abolish one of the two LWS in AL/BE3, see para 3.21. that "The Society supports the requirement for long-term management of the core areas of the LWS associated with the hospital land. This includes all but the modest area within the SEQ adjoining Peek Lodge which is too constraining on the South East Quadrant redevelopment proposals. Accordingly, the soils in the area will be translocated to a nearby receptor site to try to ensure that the rare fungi can continue to thrive in this local area."

In other words, far from supporting biodiversity, the BHS plan is to reduce it in AL/BE3 and the same is true of AL/BE4 see (in the same document) para 3.17. "In addition, as highlighted in paragraph 3.13 above, the Society do not intend to use the area in which the garage block is located as an extension to the Local Wildlife Site (LWS) or for additional sports provision. As such, the Society request that the requirement to specifically use the land occupied by the existing garage block and manage it in the long term for the benefit of the LWS and / or sports provision is removed from the policy requirement." Given this, biodiversity scoring in Table 58 of sites AL/BE3&4 is substantially overrated. Biodiversity at both sites is under threat.

Business Growth: AL/BE3&4 are scored as if they were more favourable to business growth than AL/BE1&2 and sites 158 and 222, but all four of these last-mentioned sites are in the heart of the village where residents will have ready access to local businesses as well as to daily bus services and other services and facilities. Residents at the East End, on the other hand, will have no access to local businesses except by car.

Education: All sites in this SA are scored equally for education, except for site 158 which scores less well. This SA report compares poorly with the SA which TWBC carried out on site 158 in 2006. 158 is parallel to and just north of the Street with its exit onto New Pond Road. In 2006 site 158 was chosen in a village referendum as the site for a new C of E primary school. It was the preferred site out of a choice of two, both of which were greenfield. TWBC's 2006 SA on 158 decided (see page 18 of the *Sustainability Appraisal Benenden Church of England Primary School Land Allocation DPD - Issues and Options* report), that 158 was one of two top sites. "Situated adjacent to an area of ancient woodland, the site provides the potential for habitat linkages and wildlife corridors. The site is not adjacent to the CA [Conservation Area] and does not form a significant role in its setting. There are no Listed Buildings on or adjacent to the site. The site is consistent with the surrounding landscape

character. There are limited views into the site and no public rights of way over the site.” On page 38, we read, “This site is anticipated to have a major beneficial effect on improving educational standards and travel choice/traffic levels”. In spite of the referendum result, the school was eventually built at the less preferred site and, since then, TWBC had been in consultation with 158’s owners to build houses there. If, in 2006, the SA offered site 158 as one of two top sites in the village for building the new primary school, where is the evidence that it’s appropriateness has somehow massively declined since then? Where is the evidence site 158 is less favourable to education than all the other sites mentioned, especially given that the hospital sites, so favoured for development, are three miles distant from the village school?

Table 58 states that “the education objective does not deteriorate when considering the cumulative effects as the schools in Tenterden will be a viable option for residents in East End.” Children from the East End will have priority over the between 70 and 75% of the existing pupils at the school who come from outside the parish. On what basis is the assumption made that East End parents will prefer to drive their children 6 miles into Tenterden than drive to the primary school in their own village?

Heritage: AL/BE 3 scores slightly less well in terms of its heritage value than AL/BE4 without supporting evidence. How were heritage issues assessed when there is no apparent knowledge of the historic importance of the site, for example: the PSLP makes no mention of the Roman road a few yards south of AL/BE3; the medieval droveway (GGR), which runs through the site and along the ridge; and the Bronze Age palstaff found at the hospital site (National Monument Register - SMR Number/Hob UID). How can a site be scored or evaluated without at least some knowledge of the sites historic significance? This is available at <https://www.benendenvillage.org.uk/History/benweb2006.pdf> and advertised on the Benenden village website.

Services and Facilities: How can sites which are in the heart of the village such as 158 and 222, score the same as sites which are 3 miles distant and isolated in the country? The village has a daily bus service, continuous pavements on both sides of the street, several shops, including a post office, a general store, a butcher and a florist, as well as a pub/restaurant, village green, recreation ground, children’s playground, church, memorial hall, village hall and a primary school. In spite of this, sites 158 and 222, both as close to the centre as AL/BE1&2, are described as lacking services and facilities including public transport (Appendix L pp 331-332) while the sites chosen for most houses are 3 miles out of the village where there are no amenities whatsoever. LS8 is also described as being remote, but it is only one mile from the village and connected to it by a paved footpath. It is close to a bus stop, a playground, tennis courts and a community hall and it is within walking distance of a pub/restaurant. How can its Services and Facilities be offered the same score as AL/BE3&4? These assessments are not understandable except if the sites were chosen before the SA (as is the case) and the SA had to be manipulated to support those original choices.

Question 6

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Question 5 above. (Please note that non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Many of the PSLP’s problems are associated with failure in the duty to co-operate and can therefore not be remedied.

Many are due to poor evidence or poor interpretation of evidence. This too cannot be remedied.

In summary, development on site AL/BE3 should be limited to the existing, so far unused, planning permission for 24 houses, preferably by adapting the Garland Wing, which is a building of historic value, either to a wellness centre, in accordance with its original intention, or to a row of up to 10

terraced houses. Site AL/BE4 already has 18 semi-detached houses on it, and cannot support any more. It should therefore be excluded. Housing should be allocated to sites such as 158 and 222 in the village centre, or to LS8 in Iden Green. These sites all lie within walking distance of shops, other amenities and the primary school. Paragraphs 5.421 and 5.422 should be omitted.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)? . Yes, I wish to participate in hearing session(s)

Question 7a

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

In order to present my case and to answer those with vested interests who may seek to put forward arguments against it.

Question 8

If you have any separate comments you wish to make on the accompanying Sustainability Appraisal, please make them here.

Sustainability Appraisal

As far as the East End of Benenden is concerned, the plan is unsound because the Sustainability Appraisal, which is the heart of the planning process, provides evidence that is often incorrect, sometimes inadequate, but always untimely because the evidence on which site allocation should depend, follows, instead of precedes, site allocation. This was first published February 2019 in the BNP's Informal Draft Plan. The allocations then made are identical (save for a few additional houses) to those now made in the PSLP. Site allocation cannot be supported in retrospect.

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Services and Facilities: How can sites which are in the heart of the village such as 158 and 222, score the same as sites which are 3 miles distant and isolated in the country? The village has a daily bus service, continuous pavements on both sides of the street, several shops, including a post office, a general store, a butcher and a florist, as well as a pub/restaurant, village green, recreation ground, children's playground, church, memorial hall, village hall and a primary school. In spite of this, sites 158 and 222, both as close to the centre as AL/BE1&2, are described as lacking services and facilities including public transport (Appendix L pp 331-332) while the sites chosen for most houses are 3 miles out of the village where there are no amenities whatsoever. LS8 is also described as being remote, but it is only one mile from the village and connected to it by a paved footpath. It is close to a bus stop, a playground, tennis courts and a community hall and it is within walking distance of a pub/restaurant. How can its Services and Facilities be offered the same score as AL/BE3&4? These assessments are not understandable except if the sites were chosen before the SA (as is the case) and the SA had to be manipulated to support those original choices.

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:

<input type="checkbox"/>	Yes, I wish to be notified of future stages of the Local Plan
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Comment

Consultee	Mr Fred Lenox-Conyngham [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] Bristol [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Mr Fred Lenox-Conyngham [REDACTED]
Comment ID	PSLP_362
Response Date	24/05/21 17:57
Consultation Point	Policy AL/BE 4 Land at Benenden Hospital (north of Goddards Green Road), East End (View)
Status	Processed
Submission Type	Email
Version	0.7
Data inputter to enter their initials here	AT
Question 1	
Respondent's Name and/or Organisation	Fred Lenox-Conyngham
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Paragraphs 5.420, 5.421

Policy AL/BE 4 Land at Benenden Hospital (north of Goddards Green Road), East End

Inset Map 18

[TWBC Comment: This representation has been submitted against Policies AL/BE3 & AL/BE4 - See comment numbers PSLP_356 and PSLP_362]

Question 4

Do you consider that the Local Plan:

Is legally compliant	No
Is sound	No
Complies with the Duty to Cooperate	No

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:	. It is not positively prepared
	. It is not effective
	. It is not justified
	. It is not consistent with national policy

Question 5

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

This representation relates to the Pre-submission Local Plan(PSLP) and its handling of the parish of Benenden

1.The plan is unsound because of inadequacies in the consultation process.

(i) Poor consultation between TWBC and other Borough Councils

A Statement of Common Ground (SoCG) between Maidstone and Tunbridge Wells Borough Councils (TWBC) is published, but nothing is apparently published in relation to Ashford Borough Council or Tonbridge and Malling Borough Council.

(ii) Poor consultation between TWBC, the parish of Benenden and the Benenden Healthcare Society (BHS), the single landowner of those sites in the East End of Benenden where most of Benenden's houses are allocated.

(iii) There is no Statement of Common Ground between TWBC and the Benenden Neighbourhood Plan (BNP) although a SoCG was listed as a supporting document to the BNP Reg 14. This is significant *because the two plans, though identical in their choice of sites, show different areas within those sites for development at the East End, and both plans differ from the view of BHS.* BHS's position is presented to the public through its comments on the first draft of the Local Plan (TWFDLP Comments) (see (see web link)

- . Looking at the issue in terms of its hectareage:
 - . according to the PSLP the northern site (AL/BE4) is 3.72 ha and the South East Quadrant (SEQ or AL/BE3) is 3.07 ha;
 - . according to the Benenden Neighbourhood Plan (BNP), the northern site (called LS41 in the BNP, see para 2.9.4.2.) is 1.9 ha and SEQ (called 424 plus LS40b, see para 2.9.3.2) is 4.24 ha.
 - . according to BHS, the northern site is 3.7 ha and the southern site is 4.2 ha (see TWFDLP comments), Savills for BHS: DLP_4956)

The hectareage varies largely according to whether Local Wildlife Sites (LWS) are included in the development area. There are four LWS at the hospital. One of these lies in the northern area (AL/BE4) and two lie in the southern area (AL/BE3). The fourth is in an area not up for development.

- For AL/BE3, the PSLP excludes the second and the most southerly of its two Local Wildlife Sites (LWS), while the BNP *includes* both LWS. *Currently, Strutt and Parker are advertising to developers the larger, BNP version of the site for sale, together with Cleveland Farm.* The PSLP states that in the event of the BNP passing a referendum, its own plans for Benenden will be superseded by the BNP (see para 5.421). Which means the plan presented in the PSLP for AL/BE3 is incorrect.
- For AL/BE4, the PSLP *includes* all the LWS at the site, while the BNP includes only a small southerly section of it. The PSLP states that in the event of the BNP passing a referendum, its own plans for Benenden will be superseded by the BNP (see para 5.421). Which means the plan presented in the PSLP for AL/BE4 is incorrect.
- For AL/BE4, Savills' comments on behalf of the BHS (see TWFDLP comments), propose 43 dwellings for the site, which will include the LWS (see TWFDLP Comments, item DLP_4956 para 3.6), "Unlike the BNP, the TWLP is broader in the site area by providing a boundary encompassing the entire hospital site, yet aside from the discrepancy addressed previously in this representation the two allocations align in terms of proposed numbers. The Society intends to bring forward the development on the two sites identified through the BNP and *within the boundary identified in the TWLP.* The Society welcomes the consistent approach to unit numbers, and the allocation of both parcels of land through the draft BNP and the TWLP."

In terms of boundaries:

- BHS understands (see DLP_4956, para 2.8 in TWFDLP Comments) "The North East Quadrant occupies the North East of the site, bordered to the North and East by Mockbeggar Lane, to the south by Goddards Green Lane / Benenden Road and the West by existing hospital buildings." *In other words, it includes the entire LWS in its area.*
- To the south, BHS understands (see DLP_4956, para 2.9 in TWFDLP comments), "The South East Quadrant occupies the South East of the site, bordered to the north by Goddards Green Lane / Benenden Road, to the West by Green Lane and to the South and East by agricultural land and the High Weald AONB boundary." *In other words, it includes the whole of the more southerly of the two LWS at the site.*

This means that PSLP's AL/BE3 is inaccurate because the larger BNP plan will likely prevail, while the PSLP's AL/BE4 could be challenged by the BNP (if successful in a referendum) (see PSLP para 5.421) and substantially reduced in size. The PSLP's plans for the two hospital plans are therefore both potentially inaccurate.

A failure to coordinate and effectively consult has produced unsound documents.

(iv) Poor consultation with stakeholders, the local community and the neighbouring parish

(possibly even more affected by the plans than Benenden). These parties have either not been consulted, or consulted after the fact or consulted but not engaged with.

- The Friends of the East End (FEE)** are more affected by the plans than most in the parish but they were not consulted over the development of the BNP on which the PSLP is based. The FEE are mainly residents of the East End which covers about one third of the parish and is a wholly rural location of 76 scattered households. Because it is isolated, it was chosen as the site for an isolation hospital. This now makes up a small enclave close to the border with the neighbouring parish of Biddenden.
 - The BNP Steering Committee is the only one in the borough to have made its own site allocations and these allocations were published in an Informal Draft Plan in February 2019, before consultations with the High Weald -AONB and before inviting AECOM to produce a Strategic Environmental Assessment (SEA). (N.B. Even when the HW-AONB were invited to assess sites, they were NOT asked to assess the hospital sites).
 - The FEE object strongly to the proposal to site almost all the new housing in the East End, but the BNP Steering Committee never asked to meet the FEE nor engaged with them (See EN1 para 9 requiring the effective engagement of the local community, neighbours of sites and others).
 - The FEE submitted three petitions, two to the BNP and one in relation to the LP. A FEE submission with 127 signatures was submitted on April 4th 2019 in response the IDP (published on February 23, 2019), in which the allocations, later adopted by the PSLP were first set out. A second FEE submission with 164 signatures was submitted in October 2019 objecting to the TWFDLP, and in the same month, a third FEE submission with 167 signatures was submitted in relation to the Reg 16 draft BNP. Instead of acknowledging

the strength of these views and the number of people who held them, the chair of the BNP Steering Group, who wrote a regular column in the Parish Magazine about the BNP process, wrote in January 2020, that only “31 residents from the East End” had sent in “comments”. For the strength of today’s opposition to the BNP, see the FEE’s current online petition with over 450 signatures see weblink

Instead of being consulted, the FEE were ignored and belittled. They were informed on 11th March 2019 by the editor of the Parish Magazine (PM), husband of the Chair of the Parish Council, that “I’m of the view that much of the uncertainty has passed since the presentation of the plan to the village - to a highly favourable reception. At least we no longer have to give polite credence to *uninformed views* that fly in the face of TWBC policy and advocate direct and *pointless confrontation* with TWBC, thereby running the risk of having the entire BNDP thrown back in our faces. *The ensuing chaos hardly bears thinking about.* At least it seems the opinions now being afforded most weight are those of *people who have worked hard for two years to understand the issues* and come up with a coherent way forward.”

Consultation also failed in relation to the neighbouring **parish of Biddenden**. The Clerk of Biddenden Council has repeatedly responded to Benenden Parish Council in the course of the BNP consultation process, but received only acknowledgments. A Kent County Councillor and Ashford Borough Councillor wrote an article about BNP’s mismanagement of consultations with the parish of Biddenden in the Biddenden Parish Magazine, February 2021.

2. The plan is unsound because of the untimely publication of site allocations

Pre-Submission Local Plan, para 5.420 reads “The BNP was submitted to TWBC in October 2020 and was consulted on between 30 October and 11 December 2020.” But the allocations had already been made and published by the BNP in February 2019 in its so called “Informal Draft Plan”. The 2019 February allocations are virtually identical to the PSLP 2021 allocations. Para 5.420 states “The BNP proposes to include site “allocation policies that follow the approach of the site allocation policies for Benenden in this Local Plan.” How can the BNP follow the PSLP’s approach when its sites were already allocated? Because the PSLP is founded on site allocations made by the BNP, the unsoundness of the latter carries over and produces unsoundness in the former.

The LP is based on the BNP and BNP allocations were made before **consultations with stakeholders**. This is not consulting in a timely fashion. For example, the PSLP requires archaeological surveys of the hospital sites *after* the designation of the sites for development. Historic England (HE) asks for the surveys to be carried out *before* allocation (see TWFDLP Comments DLP_4556 - “we would expect the allocation of sites following on from this Strategy policy (STR1) to be subject to appropriately robust and detailed heritage impact assessment *prior to the allocations being adopted.*”

3. The plan is unsound because the evidence on which it is based is inaccurate or irrelevant

Supporting Documents

AONB Setting Analysis report: Main Report and AONB Study Plans and Photographs Benenden Hospital/Hankinson Duckett Associates. November 2020.

See para 4.4.2, the description of the hospital site is for the *entire built up-hospital area*, minus the southerly LWS in the SEQ. It is therefore a *report on an area not submitted in the PSLP*. As a result, it draws its conclusions from areas not included in the PSLP. The conclusions are therefore unsound.

The report:

is concerned with adding 66-72 additional dwellings in addition to the 18 already extant on the northern site and presumably in addition to the 24 for which planning permission has been granted. That is between 108 and 114 new houses. The PSLP is talking about planning 43 houses for the northern site and 49 for the south. A total of 92 new houses. The report muddies the waters, leaving no clarity.

fails to note items of critical importance in any attempt to evaluate the landscape and historic importance of the site e.g.

- that the site is on an east-west ridge giving it a dominant position in relation to the AONB;
- the east-west Roman Road running over Benenden Healthcare Society (BHS) land a few yards to the south of the site, and the medieval drove road (Goddards Green Road - GGR) which divides the northern site from the southern one;

- . the National Monument Register which lists a Bronze Age palstaff (SMR Number/Hob UID) found at the hospital site, (though, oddly, the report does note Scheduled Monuments in the village);
- . that the SEQ development proposes two entrances on to Green Lane and two on to GGR, see Transport Planning Associates (tpa)- October 2019 Scoping note for BHS, 1907-038 under the section headed 'Access', para 4 .4 "The consented vehicle access arrangements will be retained. Therefore, vehicle access to the Site will be taken from two access points along Goddards Green Road and two on Green Lane." (This and other documents were revealed to the FEE in May 2021 as a result of the BNP Independent Examiner's queries. In spite of the Examiner's request that all such material be published on-line, this document and the KCC Highways 13 Nov 2019 "Pre-App Response" have been not been published). Such entrances will seriously impact the AONB. Both Goddards Green and Green Lane are designated Rural Lanes, and, of the two, Green Lane is mentioned as a particularly high scoring lane (for its beauty and tranquillity) in *TWBC's Rural Lanes: Supplementary Planning Guidance*. Creating a series of broad entrances large enough so that an "11.4 m refuse vehicle can enter and leave the site in forward gear (see KCC Pre-App Response 13-11-19, a document revealed to the FEE as a result of the BNP Examiner's queries but not made public) would have a substantial effect on the AONB. Hankinson Duckett Associates ignore the issue (see Section 4 on Benenden in the main report and photos B1 and B2 in *Supporting Plans and Photographs , Benenden*).
- . offers photos (B5 & B6) which are irrelevant to the site in question. These photos look south towards an area not up for development, and are taken from a point also not up for development. These omissions undermine the report's conclusion.
- . ***Inset Map 18 (Benenden Hospital)***, unlike other maps attached as supporting documents to the PSLP, Inset Map 18 makes no reference to the AONB boundary. This is a significant omission because both the PSLP and the BNP claim that the hospital is outside the AONB and on this basis, largely justify placing most of Benenden's housing in the East End. Because AL/BE3&4 lie on a high ridge to the north of the parish and because the AONB boundary wraps tightly round the site which bulges, like a balloon, into the AONB, development at the East End significantly affects the AONB. While TWBC acknowledges this by requesting the Hankinson Duckett Report, by publishing Inset Map 18, which omits the AONB boundary, TWBC loses a critical opportunity to show the true relevance of AL/BE 3&4 to the AONB. It could even be said that by leaving out the boundary, there is an implication that the hospital sites are genuinely 'outside' the protected area.
- . ***Previous Stages, Draft Local Plan, Benenden Overview***, p263, provides a basis for the PSLP but contains inaccuracies.
 - . There is no "pre-school/nursery" as stated in the Overview
 - . There is no "Small shop at hospital" as stated in the Overview
 - . The statement that there are tennis courts and a café at the site is misleading. In TWFDLP Comments, Savills requests (see DLP_4956 para 3.14) that "the requirement to incorporate the tennis courts and retain the sports pavilion is removed". As for the café, BHS states in its comments on the LP that the café is for hospital use only - "the existing hospital buildings ... have only been designed for hospital use". See TWFDLP detailed additional submissions from Savills "*Representation to the TWBC Draft Local Plan Regulation 18*" 2- Sept- 1Nov 2019 para 3.18 and 3.19)

4. Sustainability Appraisal

As far as the East End of Benenden is concerned, the plan is unsound because the **Sustainability Appraisal**, which is the heart of the planning process, provides evidence that is often incorrect, sometimes inadequate, but always untimely because the evidence on which site allocation should depend, follows, instead of precedes, site allocation. This was first published February 2019 in the BNP's Informal Draft Plan. The allocations then made are identical (save for a few additional houses) to those now made in the PSLP. Site allocation cannot be supported in retrospect.

An examination of SA Table 58 pp 161-163 Sites AL/BE 3&4 and Appendix L pp 331-332 shows faults in the SA's evidence base.

Climate Change: AL/BE3&4 are not scored for climate change, nor are sites 158 & 222, yet, inexplicably, climate change is scored for AL/BE1&2 (Uphill and Feoffee) and for LS8. Where is the explanation for the failure to assess all sites, especially when sites 158, 222, AL/BE1&2 are all close

to each other? The issue is particularly concerning in that sites AL/BE3&4 are both 3 miles distant from the village and without any amenities. Residents at these sites will be heavily car dependent and this was of concern even when only 24 houses were proposed for the site. "You will see from KCC's comments on the hybrid application (12/03130) that in consideration of this earlier application for 24 dwellings, the highways authority raised concern that all residents will be very heavily car dependent, which is contrary to a number of policy objectives, including the NPPF." (see KCC Pre-App Response, 13 Nov 2019, revealed in response to the BNP's Independent Examiner's queries and still not in the public arena).

Biodiversity: AL/BE3 is considered to be less at risk in terms of biodiversity than AL/BE4 though AL/BE 3 has two Local Wildlife Sites (LWS) while AL/BE 4 has only one. Where is the evidence to support the idea that the one is less important for biodiversity than the other?

The SA's scoring is not supported by evidence in a letter from Keith Nicholson of the Kent Wildlife Trust, former Planning and Conservation officer for the Kent Wildlife Trust (KWT), dated 4 March 2013, to TWBC Development Control Officer, Ellen Gilbert in which he states, "The 2012 survey has demonstrated that Benenden hospital LWS is more valuable than previously believed. The applicant's consultant is now more firmly of the belief that the Site would fulfil the criteria for it to be considered a Site of Special Scientific Interest (paragraph 4.3.6.). The waxcap community is of national importance when judged against both the Reid classification (para 4.3.4.) and the JNCC Guidelines (para 4.3.5.)."

Nor is it supported by the view of the HW-AONB as stated in TWFDLP Comments (see DLP_3458) that the hospital LWS *"includes rare and vulnerable acid grassland which should form a core area for unimproved grassland as part of a High Weald nature recovery network."* Neither the KWT nor the HW-AONB offer any indication that one or other of the LWS at the hospital is of less value than the rest. Further, we now know from (see web link),

Regulation 18 Representation made by Benenden Healthcare Society, November 2019, that BHS intends to abolish one of the two LWS in AL/BE3, see para 3.21. that "The Society supports the requirement for long-term management of the core areas of the LWS associated with the hospital land. This includes all but the modest area within the SEQ adjoining Peek Lodge which is too constraining on the South East Quadrant redevelopment proposals. Accordingly, the soils in the area will be translocated to a nearby receptor site to try to ensure that the rare fungi can continue to thrive in this local area."

In other words, far from supporting biodiversity, the BHS plan is to reduce it in AL/BE3 and the same is true of AL/BE4 see (in the same document) para 3.17. "In addition, as highlighted in paragraph 3.13 above, the Society do not intend to use the area in which the garage block is located as an extension to the Local Wildlife Site (LWS) or for additional sports provision. As such, the Society request that the requirement to specifically use the land occupied by the existing garage block and manage it in the long term for the benefit of the LWS and / or sports provision is removed from the policy requirement." Given this, biodiversity scoring in Table 58 of sites AL/BE3&4 is substantially overrated. Biodiversity at both sites is under threat.

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Question 6

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Question 5 above. (Please note that non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Many of the PSLP's problems are associated with failure in the duty to co-operate and can therefore not be remedied.

Many are due to poor evidence or poor interpretation of evidence. This too cannot be remedied.

In summary, development on site AL/BE3 should be limited to the existing, so far unused, planning permission for 24 houses, preferably by adapting the Garland Wing, which is a building of historic value, either to a wellness centre, in accordance with its original intention, or to a row of up to 10 terraced houses. Site AL/BE4 already has 18 semi-detached houses on it, and cannot support any more. It should therefore be excluded. Housing should be allocated to sites such as 158 and 222 in the village centre, or to LS8 in Iden Green. These sites all lie within walking distance of shops, other amenities and the primary school. Paragraphs 5.421 and 5.422 should be omitted.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)? . Yes, I wish to participate in hearing session(s)

Question 7a

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

In order to present my case and to answer those with vested interests who may seek to put forward arguments against it.

Question 8

If you have any separate comments you wish to make on the accompanying Sustainability Appraisal, please make them here.

Sustainability Appraisal

As far as the East End of Benenden is concerned, the plan is unsound because the Sustainability Appraisal, which is the heart of the planning process, provides evidence that is often incorrect, sometimes inadequate, but always untimely because the evidence on which site allocation should depend, follows, instead of precedes, site allocation. This was first published February 2019 in the BNP's Informal Draft Plan. The allocations then made are identical (save for a few additional houses) to those now made in the PSLP. Site allocation cannot be supported in retrospect.

An examination of SA Table 58 pp 161-163 Sites AL/BE 3&4 and Appendix L pp 331-332 shows faults in the SA's evidence base.

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that the hospital LWS “includes rare and vulnerable acid grassland which should form a core area for unimproved grassland as part of a High Weald nature recovery network.” Neither the KWT nor the HW-AONB offer any indication that one or other of the LWS at the hospital is of less value than the rest. Further, we now know from

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This is available at <https://www.benendenvillage.org.uk/History/benweb2006.pdf> and advertised on the Benenden village website.

Services and Facilities: How can sites which are in the heart of the village such as 158 and 222, score the same as sites which are 3 miles distant and isolated in the country? The village has a daily bus service, continuous pavements on both sides of the street, several shops, including a post office, a general store, a butcher and a florist, as well as a pub/restaurant, village green, recreation ground, children's playground, church, memorial hall, village hall and a primary school. In spite of this, sites 158 and 222, both as close to the centre as AL/BE1&2, are described as lacking services and facilities including public transport (Appendix L pp 331-332) while the sites chosen for most houses are 3 miles out of the village where there are no amenities whatsoever. LS8 is also described as being remote, but it is only one mile from the village and connected to it by a paved footpath. It is close to a bus stop, a playground, tennis courts and a community hall and it is within walking distance of a pub/restaurant. How can its Services and Facilities be offered the same score as AL/BE3&4? These assessments are not understandable except if the sites were chosen before the SA (as is the case) and the SA had to be manipulated to support those original choices.

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:

Yes, I wish to be notified of future stages of the Local Plan

Comment

Consultee	Mr Patrick Lenox-Conyngham [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] Surbiton [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Mr Patrick Lenox-Conyngham [REDACTED]
Comment ID	PSLP_1056
Response Date	02/06/21 23:43
Consultation Point	Policy AL/BE 3 Land at Benenden Hospital (south of Goddards Green Road), East End (View)
Status	Processed
Submission Type	Email
Version	0.8
Data inputter to enter their initials here	AT
Question 1	
Respondent's Name and/or Organisation	Patrick Lenox-Conyngham
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Paragraph No 5.420, 5.421

Policy AL/BE 3 Land at Benenden Hospital (south of Goddards Green Road), East End

Inset Map 18

[TWBC Comment: This representation has been submitted against Policies AL/BE3 & AL/BE4 - See comment numbers PSLP_1056 and PSLP_1073]

Question 4

Do you consider that the Local Plan:

Is legally compliant No

Is sound No

Complies with the Duty to Cooperate No

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

- . It is not positively prepared
- . It is not effective
- . It is not justified
- . It is not consistent with national policy

Question 5

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

This representation relates to the Pre-submission Local Plan(PSLP) and its handling of the parish of Benenden

1.The plan is unsound because of inadequacies in the consultation process.

(i) Poor consultation between TWBC and other Borough Councils

A Statement of Common Ground (SoCG) between Maidstone and Tunbridge Wells Borough Councils (TWBC) is published, but nothing is apparently published in relation to Ashford Borough Council or Tonbridge and Malling Borough Council.

(ii) Poor consultation between TWBC, the parish of Benenden and the Benenden Healthcare Society (BHS), the single landowner of those sites in the East End of Benenden where most of Benenden's houses are allocated.

(iii) There is no Statement of Common Ground between TWBC and the Benenden Neighbourhood Plan (BNP) although a SoCG was listed as a supporting document to the BNP Reg 14. This is significant *because the two plans, though identical in their choice of sites, show different areas within those sites for development at the East End, and both plans differ from the view of BHS.* BHS's position is presented to the public through its comments on the first draft of the Local Plan (TWFDLP Comments) (see see web link

- . Looking at the issue in terms of its hectarage:
 - . according to the PSLP the northern site (AL/BE4) is 3.72 ha and the South East Quadrant (SEQ or AL/BE3) is 3.07 ha;
 - . according to the Benenden Neighbourhood Plan (BNP), the northern site (called LS41 in the BNP, see para 2.9.4.2.) is 1.9 ha and SEQ (called 424 plus LS40b, see para 2.9.3.2) is 4.24 ha.
 - . according to BHS, the northern site is 3.7 ha and the southern site is 4.2 ha (see TWFDLP comments), Savills for BHS: DLP_4956)

The hectarage varies largely according to whether Local Wildlife Sites (LWS) are included in the development area. There are four LWS at the hospital. One of these lies in the northern area (AL/BE4) and two lie in the southern area (AL/BE3). The fourth is in an area not up for development.

- For AL/BE3, the PSLP excludes the second and the most southerly of its two Local Wildlife Sites (LWS), while the BNP *includes* both LWS. *Currently, Strutt and Parker are advertising to developers the larger, BNP version of the site for sale, together with Cleveland Farm.* The PSLP states that in the event of the BNP passing a referendum, its own plans for Benenden will be superseded by the BNP (see para 5.421). Which means the plan presented in the PSLP for AL/BE3 is incorrect.
- For AL/BE4, the PSLP *includes* all the LWS at the site, while the BNP includes only a small southerly section of it. The PSLP states that in the event of the BNP passing a referendum, its own plans for Benenden will be superseded by the BNP (see para 5.421). Which means the plan presented in the PSLP for AL/BE4 is incorrect.
- For AL/BE4, Savills' comments on behalf of the BHS (see TWFDLP comments), propose 43 dwellings for the site, which will include the LWS (see TWFDLP Comments, item DLP_4956 para 3.6), "Unlike the BNP, the TWLP is broader in the site area by providing a boundary encompassing the entire hospital site, yet aside from the discrepancy addressed previously in this representation the two allocations align in terms of proposed numbers. The Society intends to bring forward the development on the two sites identified through the BNP and *within the boundary identified in the TWLP.* The Society welcomes the consistent approach to unit numbers, and the allocation of both parcels of land through the draft BNP and the TWLP."

In terms of boundaries:

- BHS understands (see DLP_4956, para 2.8 in TWFDLP Comments) "The North East Quadrant occupies the North East of the site, bordered to the North and East by Mockbeggar Lane, to the south by Goddards Green Lane / Benenden Road and the West by existing hospital buildings." *In other words, it includes the entire LWS in its area.*
- To the south, BHS understands (see DLP_4956, para 2.9 in TWFDLP comments), "The South East Quadrant occupies the South East of the site, bordered to the north by Goddards Green Lane / Benenden Road, to the West by Green Lane and to the South and East by agricultural land and the High Weald AONB boundary." *In other words, it includes the whole of the more southerly of the two LWS at the site.*

This means that PSLP's AL/BE3 is inaccurate because the larger BNP plan will likely prevail, while the PSLP's AL/BE4 could be challenged by the BNP (if successful in a referendum) (see PSLP para 5.421) and substantially reduced in size. The PSLP's plans for the two hospital plans are therefore both potentially inaccurate.

A failure to coordinate and effectively consult has produced unsound documents.

(iv) Poor consultation with stakeholders, the local community and the neighbouring

parish (possibly even more affected by the plans than Benenden). These parties have either not been consulted, or consulted after the fact or consulted but not engaged with.

- The Friends of the East End (FEE)** are more affected by the plans than most in the parish but they were not consulted over the development of the BNP on which the PSLP is based. The FEE are mainly residents of the East End which covers about one third of the parish and is a wholly rural location of 76 scattered households. Because it is isolated, it was chosen as the site for an isolation hospital. This now makes up a small enclave close to the border with the neighbouring parish of Biddenden.
 - The BNP Steering Committee is the only one in the borough to have made its own site allocations and these allocations were published in an Informal Draft Plan in February 2019, before consultations with the High Weald -AONB and before inviting AECOM to produce a Strategic Environmental Assessment (SEA). (N.B. Even when the HW-AONB were invited to assess sites, they were NOT asked to assess the hospital sites).
 - The FEE object strongly to the proposal to site almost all the new housing in the East End, but the BNP Steering Committee never asked to meet the FEE nor engaged with them (See EN1 para 9 requiring the effective engagement of the local community, neighbours of sites and others).
 - The FEE submitted three petitions, two to the BNP and one in relation to the LP. A FEE submission with 127 signatures was submitted on April 4th 2019 in response the IDP (published on February 23, 2019), in which the allocations, later adopted by the PSLP were first set out. A second FEE submission with 164 signatures was submitted in October 2019 objecting to the TWFDLP, and in the same month, a third FEE submission with 167 signatures was submitted in relation to the Reg 16 draft BNP. Instead of acknowledging

the strength of these views and the number of people who held them, the chair of the BNP Steering Group, who wrote a regular column in the Parish Magazine about the BNP process, wrote in January 2020, that only “31 residents from the East End” had sent in “comments”. For the strength of today’s opposition to the BNP, see the FEE’s current online petition with over 450 signatures <https://www.change.org/EastEndFriends> .

Instead of being consulted, the FEE were ignored and belittled. They were informed on 11th March 2019 by the editor of the Parish Magazine (PM), husband of the Chair of the Parish Council, that “I’m of the view that much of the uncertainty has passed since the presentation of the plan to the village - to a highly favourable reception. At least we no longer have to give polite credence to *uninformed views* that fly in the face of TWBC policy and advocate direct and *pointless confrontation* with TWBC, thereby running the risk of having the entire BNDP thrown back in our faces. *The ensuing chaos hardly bears thinking about.* At least it seems the opinions now being afforded most weight are those of *people who have worked hard for two years to understand the issues* and come up with a coherent way forward.”

Consultation also failed in relation to the neighbouring **parish of Biddenden**. The Clerk of Biddenden Council has repeatedly responded to Benenden Parish Council in the course of the BNP consultation process, but received only acknowledgments. A Kent County Councillor and Ashford Borough Councillor wrote an article about BNP’s mismanagement of consultations with the parish of Biddenden in the Biddenden Parish Magazine, February 2021.

2. The plan is unsound because of the untimely publication of site allocations

Pre-Submission Local Plan, para 5.420 reads “The BNP was submitted to TWBC in October 2020 and was consulted on between 30 October and 11 December 2020.” But the allocations had already been made and published by the BNP in February 2019 in its so called “Informal Draft Plan”. The 2019 February allocations are virtually identical to the PSLP 2021 allocations. Para 5.420 states “The BNP proposes to include site “allocation policies that follow the approach of the site allocation policies for Benenden in this Local Plan.” How can the BNP follow the PSLP’s approach when its sites were already allocated? Because the PSLP is founded on site allocations made by the BNP, the unsoundness of the latter carries over and produces unsoundness in the former.

The LP is based on the BNP and BNP allocations were made before **consultations with stakeholders**. This is not consulting in a timely fashion. For example, the PSLP requires archaeological surveys of the hospital sites *after* the designation of the sites for development. Historic England (HE) asks for the surveys to be carried out *before* allocation (see TWFDLP Comments DLP_4556 - “we would expect the allocation of sites following on from this Strategy policy (STR1) to be subject to appropriately robust and detailed heritage impact assessment *prior to the allocations being adopted.*”

3. The plan is unsound because the evidence on which it is based is inaccurate or irrelevant

Supporting Documents

AONB Setting Analysis report: Main Report and AONB Study Plans and Photographs Benenden Hospital/Hankinson Duckett Associates. November 2020.

See para 4.4.2, the description of the hospital site is for the *entire built up-hospital area*, minus the southerly LWS in the SEQ. It is therefore a *report on an area not submitted in the PSLP*. As a result, it draws its conclusions from areas not included in the PSLP. The conclusions are therefore unsound.

The report:

is concerned with adding 66-72 additional dwellings in addition to the 18 already extant on the northern site and presumably in addition to the 24 for which planning permission has been granted. That is between 108 and 114 new houses. The PSLP is talking about planning 43 houses for the northern site and 49 for the south. A total of 92 new houses. The report muddies the waters, leaving no clarity.

fails to note items of critical importance in any attempt to evaluate the landscape and historic importance of the site e.g.

that the site is on an east-west ridge giving it a dominant position in relation to the AONB;

the east-west Roman Road running over Benenden Healthcare Society (BHS) land a few yards to the south of the site, and the medieval drove road (Goddards Green Road - GGR) which divides the northern site from the southern one.

- . the National Monument Register which lists a Bronze Age palstaff (SMR Number/Hob UID) found at the hospital site, (though, oddly, the report does note Scheduled Monuments in the village);
- . that the SEQ development proposes two entrances on to Green Lane and two on to GGR, see Transport Planning Associates (tpa)- October 2019 Scoping note for BHS, 1907-038 under the section headed 'Access', para 4.4 "The consented vehicle access arrangements will be retained. Therefore, vehicle access to the Site will be taken from two access points along Goddards Green Road and two on Green Lane." (This and other documents were revealed to the FEE in May 2021 as a result of the BNP Independent Examiner's queries. In spite of the Examiner's request that all such material be published on-line, this document and the KCC Highways 13 Nov 2019 "Pre-App Response" have been not been published). Such entrances will seriously impact the AONB. Both Goddards Green and Green Lane are designated Rural Lanes, and, of the two, Green Lane is mentioned as a particularly high scoring lane (for its beauty and tranquillity) in TWBC's *Rural Lanes: Supplementary Planning Guidance*. Creating a series of broad entrances large enough so that an "11.4 m refuse vehicle can enter and leave the site in forward gear (see KCC Pre-App Response 13-11-19, a document revealed to the FEE as a result of the BNP Examiner's queries but not made public) would have a substantial effect on the AONB. Hankinson Duckett Associates ignore the issue (see Section 4 on Benenden in the main report and photos B1 and B2 in *Supporting Plans and Photographs , Benenden*).
- . offers photos (B5 & B6) which are irrelevant to the site in question. These photos look south towards an area not up for development, and are taken from a point also not up for development. These omissions undermine the report's conclusion.
- . ***Inset Map 18 (Benenden Hospital)***, unlike other maps attached as supporting documents to the PSLP, Inset Map 18 makes no reference to the AONB boundary. This is a significant omission because both the PSLP and the BNP claim that the hospital is outside the AONB and on this basis, largely justify placing most of Benenden's housing in the East End. Because AL/BE3&4 lie on a high ridge to the north of the parish and because the AONB boundary wraps tightly round the site which bulges, like a balloon, into the AONB, development at the East End significantly affects the AONB. While TWBC acknowledges this by requesting the Hankinson Duckett Report, by publishing Inset Map 18, which omits the AONB boundary, TWBC loses a critical opportunity to show the true relevance of AL/BE 3&4 to the AONB. It could even be said that by leaving out the boundary, there is an implication that the hospital sites are genuinely 'outside' the protected area.
- . ***Previous Stages, Draft Local Plan, Benenden Overview***, p263, provides a basis for the PSLP but contains inaccuracies.
 - . There is no "pre-school/nursery" as stated in the Overview
 - . There is no "Small shop at hospital" as stated in the Overview
 - . The statement that there are tennis courts and a café at the site is misleading. In TWFDLP Comments, Savills requests (see DLP_4956 para 3.14) that "the requirement to incorporate the tennis courts and retain the sports pavilion is removed". As for the café, BHS states in its comments on the LP that the café is for hospital use only - "the existing hospital buildings ... have only been designed for hospital use". See TWFDLP detailed additional submissions from Savills "*Representation to the TWBC Draft Local Plan Regulation 18*" 2- Sept- 1Nov 2019 para 3.18 and 3.19)

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Services and Facilities: How can sites which are in the heart of the village such as 158 and 222, score the same as sites which are 3 miles distant and isolated in the country? The village has a daily bus service, continuous pavements on both sides of the street, several shops, including a post office, a general store, a butcher and a florist, as well as a pub/restaurant, village green, recreation ground, children's playground, church, memorial hall, village hall and a primary school. In spite of this, sites 158 and 222, both as close to the centre as AL/BE1&2, are described as lacking services and facilities including public transport (Appendix L pp 331-332) while the sites chosen for most houses are 3 miles out of the village where there are no amenities whatsoever. LS8 is also described as being remote, but it is only one mile from the village and connected to it by a paved footpath. It is close to a bus stop, a playground, tennis courts and a community hall and it is within walking distance of a pub/restaurant. How can its Services and Facilities be offered the same score as AL/BE3&4? These assessments are not understandable except if the sites were chosen before the SA (as is the case) and the SA had to be manipulated to support those original choices.

Question 6

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Question 5 above. (Please note that non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Many of the PSLP's problems are associated with failure in the duty to co-operate and can therefore not be remedied.

Many are due to poor evidence or poor interpretation of evidence. This too cannot be remedied.

In summary, development on site AL/BE3 should be limited to the existing, so far unused, planning permission for 24 houses, preferably by adapting the Garland Wing, which is a building of historic value, either to a wellness centre, in accordance with its original intention, or to a row of up to 10 terraced houses. Site AL/BE4 already has 18 semi-detached houses on it, and cannot support any more. It should therefore be excluded. Housing should be allocated to sites such as 158 and 222 in the village centre, or to LS8 in Iden Green. These sites all lie within walking distance of shops, other amenities and the primary school. Paragraphs 5.421 and 5.422 should be omitted.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)? . Yes, I wish to participate in hearing session(s)

Question 7a

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

In order to present my case and to answer those with vested interests who may seek to put forward arguments against it.

Question 8

If you have any separate comments you wish to make on the accompanying Sustainability Appraisal, please make them here.

Sustainability Appraisal

As far as the East End of Benenden is concerned, the plan is unsound because the Sustainability Appraisal, which is the heart of the planning process, provides evidence that is often incorrect, sometimes inadequate, but always untimely because the evidence on which site allocation should depend, follows, instead of precedes, site allocation. This was first published February 2019 in the BNP's Informal Draft Plan. The allocations then made are identical (save for a few additional houses) to those now made in the PSLP. Site allocation cannot be supported in retrospect.

An examination of SA Table 58 pp 161-163 Sites AL/BE 3&4 and Appendix L pp 331-332 shows faults in the SA's evidence base.

Climate Change: AL/BE3&4 are not scored for climate change, nor are sites 158 & 222, yet, inexplicably, climate change is scored for AL/BE1&2 (Uphill and Feoffee) and for LS8. Where is the explanation for the failure to assess all sites, especially when sites 158, 222, AL/BE1&2 are all close to each other? The issue is particularly concerning in that sites AL/BE3&4 are both 3 miles distant from the village and without any amenities. Residents at these sites will be heavily car dependent and this was of concern even when only 24 houses were proposed for the site. "You will see from KCC's comments on the hybrid application (12/03130) that in consideration of this earlier application for 24 dwellings, the highways authority raised concern that all residents will be very heavily car dependent, which is contrary to a number of policy objectives, including the NPPF." (see KCC Pre-App Response, 13 Nov 2019, revealed in response to the BNP's Independent Examiner's queries and still not in the public arena).

Biodiversity: AL/BE3 is considered to be less at risk in terms of biodiversity than AL/BE4 though AL/BE 3 has two Local Wildlife Sites (LWS) while AL/BE 4 has only one. Where is the evidence to support the idea that the one is less important for biodiversity than the other?

The SA's scoring is not supported by evidence in a letter from Keith Nicholson of the Kent Wildlife Trust, former Planning and Conservation officer for the Kent Wildlife Trust (KWT), dated 4 March 2013, to TWBC Development Control Officer, Ellen Gilbert in which he states, "The 2012 survey has demonstrated that Benenden hospital LWS is more valuable than previously believed. The applicant's consultant is now more firmly of the belief that the Site would fulfil the criteria for it to be considered a Site of Special Scientific Interest (paragraph 4.3.6.). The waxcap community is of national importance when judged against both the Reid classification (para 4.3.4.) and the JNCC Guidelines (para 4.3.5.)." Nor is it supported by the view of the HW-AONB as stated in TWFDLP Comments (see DLP_3458) that the hospital LWS "includes rare and vulnerable acid grassland which should form a core area for

unimproved grassland as part of a High Weald nature recovery network.” Neither the KWT nor the HW-AONB offer any indication that one or other of the LWS at the hospital is of less value than the rest. Further, we now know from

(https://ws.tunbridgewells.gov.uk/files/consulteessupportingdocuments/Benenden%20Healthcare/Savills%20for%20The%20Benenden%20Healthcare%20Society_full%20representation.pdf), Regulation 18 Representation made by Benenden Healthcare Society, November 2019, that BHS intends to abolish one of the two LWS in AL/BE3, see para 3.21. that “The Society supports the requirement for long-term management of the core areas of the LWS associated with the hospital land. This includes all but the modest area within the SEQ adjoining Peek Lodge which is too constraining on the South East Quadrant redevelopment proposals. Accordingly, the soils in the area will be translocated to a nearby receptor site to try to ensure that the rare fungi can continue to thrive in this local area.”

In other words, far from supporting biodiversity, the BHS plan is to reduce it in AL/BE3 and the same is true of AL/BE4 see (in the same document) para 3.17. “In addition, as highlighted in paragraph 3.13 above, the Society do not intend to use the area in which the garage block is located as an extension to the Local Wildlife Site (LWS) or for additional sports provision. As such, the Society request that the requirement to specifically use the land occupied by the existing garage block and manage it in the long term for the benefit of the LWS and / or sports provision is removed from the policy requirement.” Given this, biodiversity scoring in Table 58 of sites AL/BE3&4 is substantially overrated. Biodiversity at both sites is under threat.

Business Growth: AL/BE3&4 are scored as if they were more favourable to business growth than AL/BE1&2 and sites 158 and 222, but all four of these last-mentioned sites are in the heart of the village where residents will have ready access to local businesses as well as to daily bus services and other services and facilities. Residents at the East End, on the other hand, will have no access to local businesses except by car.

Education: All sites in this SA are scored equally for education, except for site 158 which scores less well. This SA report compares poorly with the SA which TWBC carried out on site 158 in 2006. 158 is parallel to and just north of the Street with its exit onto New Pond Road. In 2006 site 158 was chosen in a village referendum as the site for a new C of E primary school. It was the preferred site out of a choice of two, both of which were greenfield. TWBC’s 2006 SA on 158 decided (see page 18 of the Sustainability Appraisal Benenden Church of England Primary School Land Allocation DPD - Issues and Options report), that 158 was one of two top sites. “Situated adjacent to an area of ancient woodland, the site provides the potential for habitat linkages and wildlife corridors. The site is not adjacent to the CA [Conservation Area] and does not form a significant role in its setting. There are no Listed Buildings on or adjacent to the site. The site is consistent with the surrounding landscape character. There are limited views into the site and no public rights of way over the site.” On page 38, we read, “This site is anticipated to have a major beneficial effect on improving educational standards and travel choice/traffic levels”. In spite of the referendum result, the school was eventually built at the less preferred site and, since then, TWBC had been in consultation with 158’s owners to build houses there. If, in 2006, the SA offered site 158 as one of two top sites in the village for building the new primary school, where is the evidence that it’s appropriateness has somehow massively declined since then? Where is the evidence site 158 is less favourable to education than all the other sites mentioned, especially given that the hospital sites, so favoured for development, are three miles distant from the village school?

Table 58 states that “the education objective does not deteriorate when considering the cumulative effects as the schools in Tenterden will be a viable option for residents in East End.” Children from the East End will have priority over the between 70 and 75% of the existing pupils at the school who come from outside the parish. On what basis is the assumption made that East End parents will prefer to drive their children 6 miles into Tenterden than drive to the primary school in their own village?

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Services and Facilities: How can sites which are in the heart of the village such as 158 and 222, score the same as sites which are 3 miles distant and isolated in the country? The village has a daily bus

service, continuous pavements on both sides of the street, several shops, including a post office, a general store, a butcher and a florist, as well as a pub/restaurant, village green, recreation ground, children's playground, church, memorial hall, village hall and a primary school. In spite of this, sites 158 and 222, both as close to the centre as AL/BE1&2, are described as lacking services and facilities including public transport (Appendix L pp 331-332) while the sites chosen for most houses are 3 miles out of the village where there are no amenities whatsoever. LS8 is also described as being remote, but it is only one mile from the village and connected to it by a paved footpath. It is close to a bus stop, a playground, tennis courts and a community hall and it is within walking distance of a pub/restaurant. How can its Services and Facilities be offered the same score as AL/BE3&4? These assessments are not understandable except if the sites were chosen before the SA (as is the case) and the SA had to be manipulated to support those original choices.

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:

<input type="checkbox"/>	Yes, I wish to be notified of future stages of the Local Plan
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Comment

Consultee	Mr Patrick Lenox-Conyngham [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] Surbiton [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Mr Patrick Lenox-Conyngham [REDACTED]
Comment ID	PSLP_1073
Response Date	02/06/21 23:43
Consultation Point	Policy AL/BE 4 Land at Benenden Hospital (north of Goddards Green Road), East End (View)
Status	Processed
Submission Type	Email
Version	0.4
Data inputter to enter their initials here	AT
Question 1	
Respondent's Name and/or Organisation	Patrick Lenox-Conyngham
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Paragraph No 5.420, 5.421

Policy AL/BE 4 Land at Benenden Hospital (north of Goddards Green Road), East End

Inset Map 18

[TWBC Comment: This representation has been submitted against Policies AL/BE3 & AL/BE4 - See comment numbers PSLP_1056 and PSLP_1073]

Question 4

Do you consider that the Local Plan:

Is legally compliant	No
Is sound	No
Complies with the Duty to Cooperate	No

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:	. It is not positively prepared
	. It is not effective
	. It is not justified
	. It is not consistent with national policy

Question 5

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

This representation relates to the Pre-submission Local Plan(PSLP) and its handling of the parish of Benenden

1.The plan is unsound because of inadequacies in the consultation process.

(i) Poor consultation between TWBC and other Borough Councils

A Statement of Common Ground (SoCG) between Maidstone and Tunbridge Wells Borough Councils (TWBC) is published, but nothing is apparently published in relation to Ashford Borough Council or Tonbridge and Malling Borough Council.

(ii) Poor consultation between TWBC, the parish of Benenden and the Benenden Healthcare Society (BHS), the single landowner of those sites in the East End of Benenden where most of Benenden's houses are allocated.

(iii) There is no Statement of Common Ground between TWBC and the Benenden Neighbourhood Plan (BNP) although a SoCG was listed as a supporting document to the BNP Reg 14. This is significant *because the two plans, though identical in their choice of sites, show different areas within those sites for development at the East End, and both plans differ from the view of BHS.* BHS's position is presented to the public through its comments on the first draft of the Local Plan (TWFDLP Comments) (see see web link

- . Looking at the issue in terms of its hectarage:
 - . according to the PSLP the northern site (AL/BE4) is 3.72 ha and the South East Quadrant (SEQ or AL/BE3) is 3.07 ha;
 - . according to the Benenden Neighbourhood Plan (BNP), the northern site (called LS41 in the BNP, see para 2.9.4.2.) is 1.9 ha and SEQ (called 424 plus LS40b, see para 2.9.3.2) is 4.24 ha.
 - . according to BHS, the northern site is 3.7 ha and the southern site is 4.2 ha (see TWFDLP comments), Savills for BHS: DLP_4956)

The hectarage varies largely according to whether Local Wildlife Sites (LWS) are included in the development area. There are four LWS at the hospital. One of these lies in the northern area (AL/BE4) and two lie in the southern area (AL/BE3). The fourth is in an area not up for development.

- For AL/BE3, the PSLP excludes the second and the most southerly of its two Local Wildlife Sites (LWS), while the BNP *includes* both LWS. *Currently, Strutt and Parker are advertising to developers the larger, BNP version of the site for sale, together with Cleveland Farm.* The PSLP states that in the event of the BNP passing a referendum, its own plans for Benenden will be superseded by the BNP (see para 5.421). Which means the plan presented in the PSLP for AL/BE3 is incorrect.
- For AL/BE4, the PSLP *includes* all the LWS at the site, while the BNP includes only a small southerly section of it. The PSLP states that in the event of the BNP passing a referendum, its own plans for Benenden will be superseded by the BNP (see para 5.421). Which means the plan presented in the PSLP for AL/BE4 is incorrect.
- For AL/BE4, Savills' comments on behalf of the BHS (see TWFDLP comments), propose 43 dwellings for the site, which will include the LWS (see TWFDLP Comments, item DLP_4956 para 3.6), "Unlike the BNP, the TWLP is broader in the site area by providing a boundary encompassing the entire hospital site, yet aside from the discrepancy addressed previously in this representation the two allocations align in terms of proposed numbers. The Society intends to bring forward the development on the two sites identified through the BNP and *within the boundary identified in the TWLP.* The Society welcomes the consistent approach to unit numbers, and the allocation of both parcels of land through the draft BNP and the TWLP."

In terms of boundaries:

- BHS understands (see DLP_4956, para 2.8 in TWFDLP Comments) "The North East Quadrant occupies the North East of the site, bordered to the North and East by Mockbeggar Lane, to the south by Goddards Green Lane / Benenden Road and the West by existing hospital buildings." *In other words, it includes the entire LWS in its area.*
- To the south, BHS understands (see DLP_4956, para 2.9 in TWFDLP comments), "The South East Quadrant occupies the South East of the site, bordered to the north by Goddards Green Lane / Benenden Road, to the West by Green Lane and to the South and East by agricultural land and the High Weald AONB boundary." *In other words, it includes the whole of the more southerly of the two LWS at the site.*

This means that PSLP's AL/BE3 is inaccurate because the larger BNP plan will likely prevail, while the PSLP's AL/BE4 could be challenged by the BNP (if successful in a referendum) (see PSLP para 5.421) and substantially reduced in size. The PSLP's plans for the two hospital plans are therefore both potentially inaccurate.

A failure to coordinate and effectively consult has produced unsound documents.

(iv) Poor consultation with stakeholders, the local community and the neighbouring

parish (possibly even more affected by the plans than Benenden). These parties have either not been consulted, or consulted after the fact or consulted but not engaged with.

- The Friends of the East End (FEE)** are more affected by the plans than most in the parish but they were not consulted over the development of the BNP on which the PSLP is based. The FEE are mainly residents of the East End which covers about one third of the parish and is a wholly rural location of 76 scattered households. Because it is isolated, it was chosen as the site for an isolation hospital. This now makes up a small enclave close to the border with the neighbouring parish of Biddenden.
 - The BNP Steering Committee is the only one in the borough to have made its own site allocations and these allocations were published in an Informal Draft Plan in February 2019, before consultations with the High Weald -AONB and before inviting AECOM to produce a Strategic Environmental Assessment (SEA). (N.B. Even when the HW-AONB were invited to assess sites, they were NOT asked to assess the hospital sites).
 - The FEE object strongly to the proposal to site almost all the new housing in the East End, but the BNP Steering Committee never asked to meet the FEE nor engaged with them (See EN1 para 9 requiring the effective engagement of the local community, neighbours of sites and others).
 - The FEE submitted three petitions, two to the BNP and one in relation to the LP. A FEE submission with 127 signatures was submitted on April 4th 2019 in response the IDP (published on February 23, 2019), in which the allocations, later adopted by the PSLP were first set out. A second FEE submission with 164 signatures was submitted in October 2019 objecting to the TWFDLP, and in the same month, a third FEE submission with 167 signatures was submitted in relation to the Reg 16 draft BNP. Instead of acknowledging

the strength of these views and the number of people who held them, the chair of the BNP Steering Group, who wrote a regular column in the Parish Magazine about the BNP process, wrote in January 2020, that only “31 residents from the East End” had sent in “comments”. For the strength of today’s opposition to the BNP, see the FEE’s current online petition with over 450 signatures <https://www.change.org/EastEndFriends> .

Instead of being consulted, the FEE were ignored and belittled. They were informed on 11th March 2019 by the editor of the Parish Magazine (PM), husband of the Chair of the Parish Council, that “I’m of the view that much of the uncertainty has passed since the presentation of the plan to the village - to a highly favourable reception. At least we no longer have to give polite credence to *uninformed views* that fly in the face of TWBC policy and advocate direct and *pointless confrontation* with TWBC, thereby running the risk of having the entire BNDP thrown back in our faces. *The ensuing chaos hardly bears thinking about.* At least it seems the opinions now being afforded most weight are those of *people who have worked hard for two years to understand the issues* and come up with a coherent way forward.”

Consultation also failed in relation to the neighbouring **parish of Biddenden**. The Clerk of Biddenden Council has repeatedly responded to Benenden Parish Council in the course of the BNP consultation process, but received only acknowledgments. A Kent County Councillor and Ashford Borough Councillor wrote an article about BNP’s mismanagement of consultations with the parish of Biddenden in the Biddenden Parish Magazine, February 2021.

2. The plan is unsound because of the untimely publication of site allocations

Pre-Submission Local Plan, para 5.420 reads “The BNP was submitted to TWBC in October 2020 and was consulted on between 30 October and 11 December 2020.” But the allocations had already been made and published by the BNP in February 2019 in its so called “Informal Draft Plan”. The 2019 February allocations are virtually identical to the PSLP 2021 allocations. Para 5.420 states “The BNP proposes to include site “allocation policies that follow the approach of the site allocation policies for Benenden in this Local Plan.” How can the BNP follow the PSLP’s approach when its sites were already allocated? Because the PSLP is founded on site allocations made by the BNP, the unsoundness of the latter carries over and produces unsoundness in the former.

The LP is based on the BNP and BNP allocations were made before **consultations with stakeholders**. This is not consulting in a timely fashion. For example, the PSLP requires archaeological surveys of the hospital sites *after* the designation of the sites for development. Historic England (HE) asks for the surveys to be carried out *before* allocation (see TWFDLP Comments DLP_4556 - “we would expect the allocation of sites following on from this Strategy policy (STR1) to be subject to appropriately robust and detailed heritage impact assessment *prior to the allocations being adopted.*”

3. The plan is unsound because the evidence on which it is based is inaccurate or irrelevant

Supporting Documents

AONB Setting Analysis report: Main Report and AONB Study Plans and Photographs Benenden Hospital/Hankinson Duckett Associates. November 2020.

See para 4.4.2, the description of the hospital site is for the *entire built up-hospital area*, minus the southerly LWS in the SEQ. It is therefore a *report on an area not submitted in the PSLP*. As a result, it draws its conclusions from areas not included in the PSLP. The conclusions are therefore unsound.

The report:

is concerned with adding 66-72 additional dwellings in addition to the 18 already extant on the northern site and presumably in addition to the 24 for which planning permission has been granted. That is between 108 and 114 new houses. The PSLP is talking about planning 43 houses for the northern site and 49 for the south. A total of 92 new houses. The report muddies the waters, leaving no clarity.

fails to note items of critical importance in any attempt to evaluate the landscape and historic importance of the site e.g.

that the site is on an east-west ridge giving it a dominant position in relation to the AONB;

the east-west Roman Road running over Benenden Healthcare Society (BHS) land a few yards to the south of the site, and the medieval drove road (Goddards Green Road - GGR) which divides the northern site from the southern one.

- . the National Monument Register which lists a Bronze Age palstaff (SMR Number/Hob UID) found at the hospital site, (though, oddly, the report does note Scheduled Monuments in the village);
- . that the SEQ development proposes two entrances on to Green Lane and two on to GGR, see Transport Planning Associates (tpa)- October 2019 Scoping note for BHS, 1907-038 under the section headed 'Access', para 4.4 "The consented vehicle access arrangements will be retained. Therefore, vehicle access to the Site will be taken from two access points along Goddards Green Road and two on Green Lane." (This and other documents were revealed to the FEE in May 2021 as a result of the BNP Independent Examiner's queries. In spite of the Examiner's request that all such material be published on-line, this document and the KCC Highways 13 Nov 2019 "Pre-App Response" have been not been published). Such entrances will seriously impact the AONB. Both Goddards Green and Green Lane are designated Rural Lanes, and, of the two, Green Lane is mentioned as a particularly high scoring lane (for its beauty and tranquillity) in TWBC's *Rural Lanes: Supplementary Planning Guidance*. Creating a series of broad entrances large enough so that an "11.4 m refuse vehicle can enter and leave the site in forward gear (see KCC Pre-App Response 13-11-19, a document revealed to the FEE as a result of the BNP Examiner's queries but not made public) would have a substantial effect on the AONB. Hankinson Duckett Associates ignore the issue (see Section 4 on Benenden in the main report and photos B1 and B2 in *Supporting Plans and Photographs , Benenden*).
- . offers photos (B5 & B6) which are irrelevant to the site in question. These photos look south towards an area not up for development, and are taken from a point also not up for development. These omissions undermine the report's conclusion.
- . ***Inset Map 18 (Benenden Hospital)***, unlike other maps attached as supporting documents to the PSLP, Inset Map 18 makes no reference to the AONB boundary. This is a significant omission because both the PSLP and the BNP claim that the hospital is outside the AONB and on this basis, largely justify placing most of Benenden's housing in the East End. Because AL/BE3&4 lie on a high ridge to the north of the parish and because the AONB boundary wraps tightly round the site which bulges, like a balloon, into the AONB, development at the East End significantly affects the AONB. While TWBC acknowledges this by requesting the Hankinson Duckett Report, by publishing Inset Map 18, which omits the AONB boundary, TWBC loses a critical opportunity to show the true relevance of AL/BE 3&4 to the AONB. It could even be said that by leaving out the boundary, there is an implication that the hospital sites are genuinely 'outside' the protected area.
- . ***Previous Stages, Draft Local Plan, Benenden Overview***, p263, provides a basis for the PSLP but contains inaccuracies.
 - . There is no "pre-school/nursery" as stated in the Overview
 - . There is no "Small shop at hospital" as stated in the Overview
 - . The statement that there are tennis courts and a café at the site is misleading. In TWFDLP Comments, Savills requests (see DLP_4956 para 3.14) that "the requirement to incorporate the tennis courts and retain the sports pavilion is removed". As for the café, BHS states in its comments on the LP that the café is for hospital use only - "the existing hospital buildings ... have only been designed for hospital use". See TWFDLP detailed additional submissions from Savills "*Representation to the TWBC Draft Local Plan Regulation 18*" 2- Sept- 1Nov 2019 para 3.18 and 3.19)

4. Sustainability Appraisal

As far as the East End of Benenden is concerned, the plan is unsound because the **Sustainability Appraisal**, which is the heart of the planning process, provides evidence that is often incorrect, sometimes inadequate, but always untimely because the evidence on which site allocation should depend, follows, instead of precedes, site allocation. This was first published February 2019 in the BNP's Informal Draft Plan. The allocations then made are identical (save for a few additional houses) to those now made in the PSLP. Site allocation cannot be supported in retrospect.

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Biodiversity: AL/BE3 is considered to be less at risk in terms of biodiversity than AL/BE4 though AL/BE 3 has two Local Wildlife Sites (LWS) while AL/BE 4 has only one. Where is the evidence to support the idea that the one is less important for biodiversity than the other?

The SA’s scoring is not supported by evidence in a letter from Keith Nicholson of the Kent Wildlife Trust, former Planning and Conservation officer for the Kent Wildlife Trust (KWT), dated 4 March 2013, to TWBC Development Control Officer, Ellen Gilbert in which he states, “The 2012 survey has demonstrated that Benenden hospital LWS is more valuable than previously believed. The applicant’s consultant is now more firmly of the belief that the Site would fulfil the criteria for it to be considered a Site of Special Scientific Interest (paragraph 4.3.6.). The waxcap community is of national importance when judged against both the Reid classification (para 4.3.4.) and the JNCC Guidelines (para 4.3.5.).”

Nor is it supported by the view of the HW-AONB as stated in TWFDLP Comments (see DLP_3458) that the hospital LWS *“includes rare and vulnerable acid grassland which should form a core area for unimproved grassland as part of a High Weald nature recovery network.”* Neither the KWT nor the HW-AONB offer any indication that one or other of the LWS at the hospital is of less value than the rest. Further, we now know from

(see web link

Regulation 18 Representation made by Benenden Healthcare Society, November 2019, that BHS intends to abolish one of the two LWS in AL/BE3, see para 3.21. that “The Society supports the requirement for long-term management of the core areas of the LWS associated with the hospital land. This includes all but the modest area within the SEQ adjoining Peek Lodge which is too constraining on the South East Quadrant redevelopment proposals. Accordingly, the soils in the area will be translocated to a nearby receptor site to try to ensure that the rare fungi can continue to thrive in this local area.”

In other words, far from supporting biodiversity, the BHS plan is to reduce it in AL/BE3 and the same is true of AL/BE4 see (in the same document) para 3.17. “In addition, as highlighted in paragraph 3.13 above, the Society do not intend to use the area in which the garage block is located as an extension to the Local Wildlife Site (LWS) or for additional sports provision. As such, the Society request that the requirement to specifically use the land occupied by the existing garage block and manage it in the long term for the benefit of the LWS and / or sports provision is removed from the policy requirement.” Given this, biodiversity scoring in Table 58 of sites AL/BE3&4 is substantially overrated. Biodiversity at both sites is under threat.

Business Growth: AL/BE3&4 are scored as if they were more favourable to business growth than AL/BE1&2 and sites 158 and 222, but all four of these last-mentioned sites are in the heart of the village where residents will have ready access to local businesses as well as to daily bus services and other services and facilities. Residents at the East End, on the other hand, will have no access to local businesses except by car.

Education: All sites in this SA are scored equally for education, except for site 158 which scores less well. This SA report compares poorly with the SA which TWBC carried out on site 158 in 2006. 158 is parallel to and just north of the Street with its exit onto New Pond Road. In 2006 site 158 was chosen in a village referendum as the site for a new C of E primary school. It was the preferred site out of a choice of two, both of which were greenfield. TWBC’s 2006 SA on 158 decided (see page 18 of the *Sustainability Appraisal Benenden Church of England Primary School Land Allocation DPD - Issues and Options* report), that 158 was one of two top sites. “Situated adjacent to an area of ancient woodland, the site provides the potential for habitat linkages and wildlife corridors. The site is not adjacent to the CA [Conservation Area] and does not form a significant role in its setting. There are no Listed Buildings on or adjacent to the site. The site is consistent with the surrounding landscape character. There are limited views into the site and no public rights of way over the site.” On page 38, we read, “This site is anticipated to have a major beneficial effect on improving educational standards and travel choice/traffic levels”. In spite of the referendum result, the school was eventually built at the less preferred site and, since then, TWBC had been in consultation with 158’s owners to build houses

there. If, in 2006, the SA offered site 158 as one of two top sites in the village for building the new primary school, where is the evidence that it's appropriateness has somehow massively declined since then? Where is the evidence site 158 is less favourable to education than all the other sites mentioned, especially given that the hospital sites, so favoured for development, are three miles distant from the village school?

Table 58 states that "the education objective does not deteriorate when considering the cumulative effects as the schools in Tenterden will be a viable option for residents in East End." Children from the East End will have priority over the between 70 and 75% of the existing pupils at the school who come from outside the parish. On what basis is the assumption made that East End parents will prefer to drive their children 6 miles into Tenterden than drive to the primary school in their own village?

Heritage: AL/BE 3 scores slightly less well in terms of its heritage value than AL/BE4 without supporting evidence. How were heritage issues assessed when there is no apparent knowledge of the historic importance of the site, for example: the PSLP makes no mention of the Roman road a few yards south of AL/BE3; the medieval droveway (GGR), which runs through the site and along the ridge; and the Bronze Age palstaff found at the hospital site (National Monument Register - SMR Number/Hob UID). How can a site be scored or evaluated without at least some knowledge of the sites historic significance? This is available at see web link and advertised on the Benenden village website.

Services and Facilities: How can sites which are in the heart of the village such as 158 and 222, score the same as sites which are 3 miles distant and isolated in the country? The village has a daily bus service, continuous pavements on both sides of the street, several shops, including a post office, a general store, a butcher and a florist, as well as a pub/restaurant, village green, recreation ground, children's playground, church, memorial hall, village hall and a primary school. In spite of this, sites 158 and 222, both as close to the centre as AL/BE1&2, are described as lacking services and facilities including public transport (Appendix L pp 331-332) while the sites chosen for most houses are 3 miles out of the village where there are no amenities whatsoever. LS8 is also described as being remote, but it is only one mile from the village and connected to it by a paved footpath. It is close to a bus stop, a playground, tennis courts and a community hall and it is within walking distance of a pub/restaurant. How can its Services and Facilities be offered the same score as AL/BE3&4? These assessments are not understandable except if the sites were chosen before the SA (as is the case) and the SA had to be manipulated to support those original choices.

Question 6

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Question 5 above. (Please note that non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Many of the PSLP's problems are associated with failure in the duty to co-operate and can therefore not be remedied.

Many are due to poor evidence or poor interpretation of evidence. This too cannot be remedied.

In summary, development on site AL/BE3 should be limited to the existing, so far unused, planning permission for 24 houses, preferably by adapting the Garland Wing, which is a building of historic value, either to a wellness centre, in accordance with its original intention, or to a row of up to 10 terraced houses. Site AL/BE4 already has 18 semi-detached houses on it, and cannot support any more. It should therefore be excluded. Housing should be allocated to sites such as 158 and 222 in the village centre, or to LS8 in Iden Green. These sites all lie within walking distance of shops, other amenities and the primary school. Paragraphs 5.421 and 5.422 should be omitted.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)? . Yes, I wish to participate in hearing session(s)

Question 7a

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

In order to present my case and to answer those with vested interests who may seek to put forward arguments against it.

Question 8

If you have any separate comments you wish to make on the accompanying Sustainability Appraisal, please make them here.

Sustainability Appraisal

As far as the East End of Benenden is concerned, the plan is unsound because the Sustainability Appraisal, which is the heart of the planning process, provides evidence that is often incorrect, sometimes inadequate, but always untimely because the evidence on which site allocation should depend, follows, instead of precedes, site allocation. This was first published February 2019 in the BNP's Informal Draft Plan. The allocations then made are identical (save for a few additional houses) to those now made in the PSLP. Site allocation cannot be supported in retrospect.

An examination of SA Table 58 pp 161-163 Sites AL/BE 3&4 and Appendix L pp 331-332 shows faults in the SA's evidence base.

Climate Change: AL/BE3&4 are not scored for climate change, nor are sites 158 & 222, yet, inexplicably, climate change is scored for AL/BE1&2 (Uphill and Feoffee) and for LS8. Where is the explanation for the failure to assess all sites, especially when sites 158, 222, AL/BE1&2 are all close to each other? The issue is particularly concerning in that sites AL/BE3&4 are both 3 miles distant from the village and without any amenities. Residents at these sites will be heavily car dependent and this was of concern even when only 24 houses were proposed for the site. "You will see from KCC's comments on the hybrid application (12/03130) that in consideration of this earlier application for 24 dwellings, the highways authority raised concern that all residents will be very heavily car dependent, which is contrary to a number of policy objectives, including the NPPF." (see KCC Pre-App Response, 13 Nov 2019, revealed in response to the BNP's Independent Examiner's queries and still not in the public arena).

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unimproved grassland as part of a High Weald nature recovery network.” Neither the KWT nor the HW-AONB offer any indication that one or other of the LWS at the hospital is of less value than the rest. Further, we now know from

(https://ws.tunbridgewells.gov.uk/files/consulteessupportingdocuments/Benenden%20Healthcare/Savills%20for%20The%20Benenden%20Healthcare%20Society_full%20representation.pdf), Regulation 18 Representation made by Benenden Healthcare Society, November 2019, that BHS intends to abolish one of the two LWS in AL/BE3, see para 3.21. that “The Society supports the requirement for long-term management of the core areas of the LWS associated with the hospital land. This includes all but the modest area within the SEQ adjoining Peek Lodge which is too constraining on the South East Quadrant redevelopment proposals. Accordingly, the soils in the area will be translocated to a nearby receptor site to try to ensure that the rare fungi can continue to thrive in this local area.”

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service, continuous pavements on both sides of the street, several shops, including a post office, a general store, a butcher and a florist, as well as a pub/restaurant, village green, recreation ground, children's playground, church, memorial hall, village hall and a primary school. In spite of this, sites 158 and 222, both as close to the centre as AL/BE1&2, are described as lacking services and facilities including public transport (Appendix L pp 331-332) while the sites chosen for most houses are 3 miles out of the village where there are no amenities whatsoever. LS8 is also described as being remote, but it is only one mile from the village and connected to it by a paved footpath. It is close to a bus stop, a playground, tennis courts and a community hall and it is within walking distance of a pub/restaurant. How can its Services and Facilities be offered the same score as AL/BE3&4? These assessments are not understandable except if the sites were chosen before the SA (as is the case) and the SA had to be manipulated to support those original choices.

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:

<input type="checkbox"/>	Yes, I wish to be notified of future stages of the Local Plan
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Comment

Consultee	Lisa Leslie [REDACTED]
Email Address	[REDACTED]
Address	
Event Name	Pre-Submission Local Plan
Comment by	Lisa Leslie [REDACTED]
Comment ID	PSLP_1193
Response Date	04/06/21 10:30
Consultation Point	Policy STR/SS 3 The Strategy for Tudeley Village (View)
Status	Processed
Submission Type	Web
Version	0.3
Question 1	
Respondent's Name and/or Organisation	Lisa Leslie
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
STR/SS 3 Strategy for Tudeley Village	
Question 4	
Do you consider that the Local Plan:	
Is legally compliant	Don't know
Is sound	No
Complies with the Duty to Cooperate	Don't know
Question 4a	

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

- . It is not effective
- . It is not justified
- . It is not consistent with national policy

Question 5

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

I am a local resident in Five Oak Green - the area that will be sandwiched between the two proposed developments in the parish of Capel and Paddock Wood. I am also a property expert. I have been a property copywriter and journalist for more than 25 years. Most of those have been spent working alongside housebuilders, such as Berkeley Homes, Fernham Homes, Crest Nicholson and Millwood Designer Homes, so I have a detailed knowledge of how planning, construction, sales and marketing works (I am the former Editor of What House? and Your New Home magazines, working alongside the NHBC for many years). I, therefore, come to this proposal not as a NIMBY but as an educated, experienced property professional.

I am, however, a local resident too - with a young family, a dog and a wonderful village lifestyle. The community here is tight-knit and friendly - we chose this location for its size, nature and ability to nurture our social and mental wellbeing.

I'm going to start with my property observations and an unanswered question - I am still waiting for an answer from the Head of Planning at Tunbridge Wells Borough Council. Who is going to buy these homes? Ahh, said Steve Baughen, there is high demand and people from London will want to buy them. Really? Today, Friday 4th June 2021, I ran a Rightmove search. There are 760 unsold properties for sale that are available within 1 mile of Tunbridge Wells and almost 1,000 are 'for sale' within 3 miles of the town. Additionally, there are 77 homes for rent within 3 miles of Tunbridge Wells. If there is such demand, why are these properties not filled? Why are people not banging on the door and snapping them up? I'm still waiting for Steve Baughen to reply on that matter. Waiting months, over a year in fact. Who cares hey? I'm just a paid up borough resident sending thousands of pounds to fund these people.

The sensible answer to why these properties remain unfilled is because prices are too high. Yes, we are a grammar school county, a green and pleasant county (maybe not for much longer) and a London commuter county. There IS a premium here but in acknowledgment of this, we are admitting that we are pricing locals out of the very homes Harry Teacher/TWBC want to build and he and TWBC are not solving the 'local housing crisis'.

My detailed knowledge of new home pricing strategies means that new homes are priced at a premium - because the builders know people will pay it. Simple as that. Yes, the Tudeley Village plan will attract London folk who are buying with cash, those downsizing from affluent areas, such as Sevenoaks, and there will be the inevitable but hush hush overseas pre-release. Kuala Lumpur, Singapore, Hong Kong. Asian currencies are strong against the pound and investors love the UK's safe-haven status. Please don't forget, I have, myself, helped housebuilders with overseas marketing strategies - it happens and you also know that.

Now onto the matter 'affordable housing? What is in place to ensure that local TWBC residents get priority? I haven't heard or read anything to suggest that borough councils elsewhere - Leeds, Birmingham, Manchester, for example - won't be offered the opportunity to buy the new homes so they can relocate out-of-area social housing residents. And on the matter of affordable housing, there is no such thing. Council houses are no longer built. Help to Build is not affordable either (are you

familiar with the structure of interest on the loan?) and I very much doubt the housebuilders will sell any homes off 'cheap'. In 25 years, I have never met one willing to sell below market value to help Mr & Mrs Smith from the next village get on the property ladder but I do know they locate their social housing quota offsite to not 'spoil' the look and feel of a prestigious development - again, not helping local people in any way. As yet, we have not seen anything that demonstrates a 'local people first' approach to all of the housing, no matter its tenure.

Another cause for concern is the habit of housebuilders to go back in for planning permission time and time again to increase the number of units it builds. We have had no reassurance that there is a fixed cap on the number of homes to be created. Take, for instance, King's Hill in neighbouring Malling. They are still building and the originally published number of new homes has been far surpassed and exceeded over the decades. Where are the cast-iron guarantees that won't happen in Capel/Tudeley? Sadly, many residents will be hoodwinked into thinking the numbers touted now are the final figures. This is usually not the case and 'village' developments turn into towns and then they become small metropolises. I must also add that professional insights prove that building more homes does not reduce the cost of buying a property.

Again, in the case of King's Hill, the development actually carries a premium, further locking out local people. I am happy to put you in touch with a local estate agent who is responsible for selling hundreds of homes in King's Hill as he has access to real-time and historical property price data. And if you are unfamiliar with King's Hill, please watch the Grayson Perry documentary about the location - he reveals the rather peculiar and not very inclusive nature of the place. In addition, I don't have to mention Poundbury to you - we all know that Harry Teacher thinks of himself as Prince Charles.

My neighbours and fellow parish resident will eloquently present facts, data and case studies on matters of ecology, historical preservation, flooding, air quality, traffic, infrastructure, loss of greenbelt/productive farmland, AONB setting, coalescence, heritage, environment, biodiversity, water supply & sewerage, lack of engagement with the public response to Reg 18, site alternatives & brownfield sites not prioritised.

I must also mention the convoluted and downright tricky system that people have to navigate to make a representation - it's almost as if you don't want locals to have their say when it really matters. I do, however, want to end with these bullet points:

- . My road and garden have flooded recently. My neighbors and friends have flooded inside their homes so badly they have lost everything and have had to live elsewhere for over a year while their homes were rid of human sewage and brown, contaminated mud. My lovely local businesses have been forced to shut and clean up. Any loss of trees and fields will condemn us to more flooding. If you can't imagine what this is like, I'm happy to slosh the contents of my lavatory and garden around your living room and kitchen - all while you're at home in the pitch black with no electricity.
- . Our ecology here is precious. We are now charting stork sightings in the parish - a super rare bird that is carefully being reintroduced to the UK. They have chosen Capel Parish - please don't put their release and breeding program at risk.
- . Mental health and wellbeing is supercritical. This plan will subject us, our children and our grandchildren to a hideous environment with disruption, pollution and destruction for an untold number of years - decades probably. On this point alone, the plan is flawed. How can we be encouraged by the Government to take walks, open our windows for ventilation, exercise and get in touch with nature when TWBC are set on covering everything with concrete?
- . The local plan is inaccurate. They keep including a train station when all of the rail operators and rail partners have categorically stated there will not be a station in Tudeley. If this is a false representation within the plan, how are we to believe anything it contains? Can you, as the inspector, believe what you are reading too? Please stop and think about the brains behind the plan. Hand on heart, the masterplanners are not local to the parish, to Kent or even to the UK.
- . The consultation process was woefully inadequate. The 'roadshow' was held outside of the village and even outside of the parish, making it very difficult for people to attend. They should have come directly to the parish with their displays. I firmly believe TWBC also used Covid to make the comments, feedback, dialogue, consultation and response process pretty much inaccessible for everyone. How convenient we could **NOT** meet with people from the council, could **NOT** meet as a community and could **NOT** demonstrate about the plan. What a well timed pandemic. It's a smug convenience for TWBC, especially as many residents affected are elderly or not familiar with the complex planning process or online systems. I can categorically say there are many

people here who will not even know about the masterplan, let alone logged on online to make a representation.

Thank you if you have managed to get this far but this is a matter I and my fellow residents feel strongly about and we ask you to consider the impact and alternatives. There are other sensible options to explore.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)? . Yes, I wish to participate in hearing session(s)

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box: Yes, I wish to be notified of future stages of the Local Plan

Comment

Consultee	Mrs Emma Lester [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] Tunbridge Wells [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Mrs Emma Lester [REDACTED]
Comment ID	PSLP_1670
Response Date	04/06/21 09:44
Consultation Point	Policy AL/RTW 16 Land to the west of Eridge Road at Spratsbrook Farm (View)
Status	Processed
Submission Type	Email
Version	0.4
Data inputter to enter their initials here	KH
Question 1	
Respondent's Name and/or Organisation	Emma Lester
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy AL/RTW 16 Land to the west of Eridge Road at Spratsbrook Farm

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

Question 5

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Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

We are writing to express our support of the objection submitted by Residents Against Ramslye Development on 2nd June, in accordance with your instructions we have not re-submitted the whole document again.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

For office use only

If responder hasn't ticked an option on this box, data inputter to tick 'not stated' box. Not Stated

Comment

Consultee	Peter Lidstone ([REDACTED])
Email Address	[REDACTED]
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Peter Lidstone ([REDACTED])
Comment ID	PSLP_1307
Response Date	04/06/21 14:44
Consultation Point	Policy AL/RTW 5 Land to the south of Speldhurst Road and west of Reynolds Lane at Caenwood Farm, Speldhurst Road (View)
Status	Processed
Submission Type	Web
Version	0.1
Question 1	
Respondent's Name and/or Organisation	Councillor Peter Lidstone
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
AL/RTW 5	
Question 4	
Do you consider that the Local Plan:	
Is legally compliant	Yes
Is sound	No
Complies with the Duty to Cooperate	Yes

If you consider that the Local Plan is not sound, please answer this question.

Question 5

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

- (a) to check the unrestricted sprawl of large built-up areas;
- (b) to prevent neighbouring towns merging into one another;
- (c) to assist in safeguarding the countryside from encroachment

Recent planning appeal half a mile away (Appeal Ref: APP/M2270/W/21/3268633) held that two new build detached dwellings would have a negative impact on the surrounding area, particularly highways, due to the reliance on private motor vehicles. Notwithstanding the closer location of site AL/RTW5 to amenities, it will generate a significant number of motor vehicle journeys on the heavily polluted A26 which is in an AQMA area.

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examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

I believe that allocation AL/RTW5 should be removed from the Pre-Submission Local Plan

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)? . No, I do not wish to participate in examination hearing session(s)

Question 8

If you have any separate comments you wish to make on the accompanying Sustainability Appraisal, please make them here.

The difference between the Sustainability Appraisal assessment of site 100 and site 30 (which comprises site 100) is hard to comprehend.

Site 30 scores very poorly for air quality, climate change and noise amongst other areas. The sustainability appraisal comments that "the substantial use of private vehicles in this location causes the noise and air objectives to score very negatively. The site also has sensitive biodiversity, heritage and landscape features, and is in a parcel of Green Belt that would constitute very high harm if released for development. This causes the land use objective to be given a very negative score."

Yet a sub-section of the wider site (site 100) is scored only slightly negative, with no mention in the comments of use of private vehicles. While the overall volumes would be lower, I fail to see how these issues affecting the wider site 30 would not also impact site 100.

Development at site 100 would conflict with the provision for Air Quality Management Areas in table 140 on pg. 278 of the Sustainability Appraisal which states: "Development in this region (and any other areas with poor air quality) must not contribute to poor air quality or put sensitive receptors at risk"

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box: Yes, I wish to be notified of future stages of the Local Plan

Comment

Consultee	Peter Lidstone ()
Email Address	
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Peter Lidstone ()
Comment ID	PSLP_1308
Response Date	04/06/21 15:18
Consultation Point	Policy AL/RTW 6 Land at 202 and 230 Upper Grosvenor Road (View)
Status	Processed
Submission Type	Web
Version	0.1
Question 1	

Respondent's Name and/or Organisation	Councillor Peter Lidstone
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Question 3

To which part of the Local Plan does this representation relate?	Policy
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Question 3a

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

AL/RTW 6

Question 4

Do you consider that the Local Plan:

Is legally compliant	Yes
Is sound	No
Complies with the Duty to Cooperate	Yes

If you consider that the Local Plan is not sound, please answer this question.

Question 5

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Development of this scale on a small site which is backed onto by a number of nearby houses would have a detrimental impact on the amenity of both the existing and new residents. Existing issues with noise and air pollution on Upper Grosvenor Road would be deepened – with a loss of refuge, clean air and dark sky to the rear of properties facing onto 230 Upper Grosvenor Road. High blocks are required to achieve the proposed density at the site, which would result in overlooking of existing properties. The tree screen at the boundary is the single element protecting amenity of neighbouring properties. Many trees are deciduous, so would provide no effective screening during winter months

Question 6

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I believe that allocation AL/RTW6 should be removed from the Pre-Submission Local Plan.

Question 7

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If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

No, I do not wish to participate in examination hearing session(s)

Question 8

If you have any separate comments you wish to make on the accompanying Sustainability Appraisal, please make them here.

I struggle to follow how the site has scored positively in terms of sustainability when an application for two dwellings (rather than the 44 currently proposed) was rejected in 2005 because of concerns:

- "The proposal would give rise to a cramped and discordant form of backland development"
- Impact on trees including many with TPOs
- Highways risks and lack of visibility splay provision

Future Notifications

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Yes, I wish to be notified of future stages of the Local Plan

Comment

Consultee	Mrs J Liffen [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] CRANBROOK [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Mrs J Liffen [REDACTED]
Comment ID	PSLP_6
Response Date	26/03/21 13:14
Consultation Point	Policy AL/BE 2 Feoffee Cottages and land, Walkhurst Road, Benenden (View)
Status	Processed
Submission Type	Email
Version	0.3
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Mr and Mrs J Liffen
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy AL/BE 2 (Feoffee Cottages and land, Walkhurst Road, Benenden)

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

Question 5

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Please, please do not build on the Feoffe field. We have already lost two areas of outstanding natural beauty near the centre of the village and it's becoming very hard to walk to the countryside.

43 years ago when we first moved to the village, we thought we had moved to a quiet place for our eventual retirement but in fact the opposite has happened. Ever since leaving work we have had to spend our twilight years suffering from the lorries, machinery, noise and dust of building sites.

Not only that, as we get older, it is getting harder and harder to walk anywhere for fresh air and exercise.

Question 7

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If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

For office use only

If responder hasn't ticked an option on this box, data inputter to tick 'not stated' box. Not Stated

Comment

Consultee	Dr & Mrs David & Jane Lloyd [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] Tonbridge [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Dr & Mrs David & Jane Lloyd [REDACTED]
Comment ID	PSLP_927
Response Date	01/06/21 15:28
Consultation Point	Policy STR/SS 1 The Strategy for Paddock Wood, including land at east Capel (View)
Status	Processed
Submission Type	Email
Version	0.3
Data inputter to enter their initials here	AT
Question 1	
Respondent's Name and/or Organisation	David & Jane Lloyd
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy STR/SS 1 The Strategy for Paddock Wood, including land at east Capel

[TWBC: this representation has been input against Policies STR/SS1 and STR/SS3 – see Comment Numbers PSLP_927 and PSLP_934]

Question 4

Do you consider that the Local Plan:

Is legally compliant	Yes
Is sound	Yes
Complies with the Duty to Cooperate	Yes

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

.	It is not effective
.	It is not justified

Question 5

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

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Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

I find that this pre-submission local plan is not legally compliant because it has not been fully consultative and democratic. TMBC have set out how they have followed the mechanics for consultation with provision for informing the public and answering questions, however, in the midst of a pandemic with enforced social distancing, when gatherings and face-to-face meetings are not allowed by law, there is no possibility of a normal community meeting.

These proposals for the extensive new development in Tudeley and Capel make huge and sweeping changes to the lives of the rural community and beyond, and should be fully exposed and debated, not passed after two months, when individuals are forcibly isolated and cannot meet as a community.

Inevitably, the lack of normal debate discriminates unfairly against those who do not have access to a computer and the internet. Neither does the pervasive news and events surrounding the pandemic allow the mental space to give TWBC planning issues a reasonable airing. People facing life-and-death worries about their elderly relatives, their own jobs, mental health and getting their family vaccinated, can find it impossible to focus and engage with responding to TWBC proposals, which on paper will seem very remote from their everyday lives, or very daunting. Being advertised in a circular, or exhibited in a Town Hall is not the same as public engagement through meetings; other measures are second-best and inadequate. Hence running this Regulation 19 consultation at this time is unfair and undemocratic.

One cannot escape the fact that language of the Local Plan increases obfuscation. It is not designed to aid transparency and help the public understand the Plan; I offer the example below:

"Within the context of a long-term vision and related objectives, it [the plan] comprises overarching strategic policies, including a new development strategy, supported by both place-specific local strategies and site allocations, and generic policies on a range of topics." (From front page of pre-Submission Local Plan website)

TWBC does not demonstrate commitment to listen to the public's views even when they speak clearly.. In the huge response to the Regulation 18 consultation, (800 or so respondents), approximately one third of these objected to the CA1 Policy to create a 'Tudeley Garden Village' development. However, when the revised 'pre-submission local plan' finally emerged in March 2021, these objections had not been taken on board and nothing had changed; alternatives were not considered.

The public's hostility to their Council's plans was demonstrated in this year's May local elections, when the Conservatives lost seats and so lost their overall control of Tunbridge Wells Borough Council. I urge the Planning Inspector to take this opportunity to recognise the public's reasonable and legitimate objections to these proposals, building over Green Belt farmland.

The Plan may not be consistent with National Policy in the post-Covid era (see Robert Jenrick, 16 December 2020)

We understand that the Government has modified its policy on national targets set for housing. The Secretary of State, Robert Jenrick, has clarified that the numbers are not set in stone, but should be applied using local understanding. This seems to recognise that in the south-east, many areas are already highly developed, and the Green belt is limited and valuable, and in these situations the use of brown-field sites and in urban centres is preferable. TWBC has failed to take this advice on board, and is set on meeting full housing targets, in a blunt and cack-handed way, even when their proposed housing numbers may not be required, and are at an environmental price that is too high.

This Local Plan is unsound because it is not justified

This Plan is unsound because it cuts across Green Belt policy for no good reason. The siting of the new development is not based on sound planning – it seems opportunistic, based on one landowner who is willing to sell.

a) To build this development, the Plan envisages de-designation of 407 hectares of green belt countryside on the High Weald across Tudeley and Capel, used for arable farming. The outstanding features of the area are described in the Local Plan in 5.262

The southern part of the parish is located within the High Weald AONB. There are significant areas of ancient woodland, areas of archaeological potential, historic parks and gardens (Somerhill School and the Postern), a Scheduled Monument (Castle Hill Iron Age Hill Fort), and ecological/wildlife designations (Tudeley Woods, Somerhill Park, parts of East Tonbridge Copses and Dykes and River Medway) across the parish.

The reasons are not justifiable for de-designation of the Green Belt in this spectacular area adjoining Tonbridge. There exist no 'exceptional circumstances' that justify this. It will create one urban sprawl, by enlarging villages between Paddock Wood and South Tonbridge (Tudeley, Capel, Five Oak Green) over a period of time, (see figures in the Plan) effectively creating one long suburb between Tonbridge and Paddock Wood. This is totally against the principle on which the Green Belt was founded: to maintain boundaries between town and countryside – and thus give town-dwellers ready access to the countryside.

b) It is not justified because there are better alternatives closer to existing development. Alternative sites been proposed, (such as land near the A21 corridor, or at Castle Hill), but do not seem to have been seriously investigated by TWBC. By adopting a more distributed approach to development, by building smaller developments across the whole Borough, there would be less dislocation of existing communities. Services could be more easily provided and new housing developments more easily absorbed.

c) TWBC have not justified their approach by seeking the co-operation of TMBC, (the adjoining authority), or by adequately considering the impact on Tonbridge. TWBC has put 'Tudeley Garden Village' at a comfortable distance from Tunbridge Wells, at the far end of its own territory and it has not thought through the real world implications of the scheme, of the disruption to existing commuter and traffic flows, and the services that would be required by a new population of this size.

The site it has chosen is geographically anomalous, because it is only 2 miles distant from Tonbridge and 6 miles distant from Tunbridge Wells. The existing village of Tudeley has its closest links to Tonbridge (pre-1972, it was part of Tonbridge Borough Council). This proposed new development has huge implications for Tonbridge which have not been adequately considered. The greatly increased traffic flows into Tonbridge resulting from 4000 new houses will have a huge impact on Tonbridge, and big implications for Kent County Council highways provision (but would scarcely affect Tunbridge Wells).

d) This approach by TWBC to fulfil its housing target seems unsound and unbalanced. Now national policy seems to recognise that in the south-east, many areas are already highly developed; that the Green belt is limited and valuable, and in these situations the use of brown-field sites and in urban centres is preferable. (Jenrick, 16 Dec 2020) TWBC has adopted a blunt and simplistic approach in its interpretation of national policy, by calculating the maximum number of houses it should build over the stated period, and have made a decision to build the majority in one place, to create 'Tudeley Garden Village' or 'New Town'.

e) Taking into account the points above, I think this Green Belt site has not been chosen for sound planning reasons, but rather, for opportunistic reasons. The site offers TWBC a straightforward negotiation with a single landowner, the owner of the Hadlow Estate. Because it is a greenfield site it will be attractive to developers, and present few problem for builders, and substantial profits. Unfortunately, it takes little account of the impact on lives of residents in this part of Kent – not just in these villages directly affected, but also in adjoining villages along the access roads - and in Tonbridge, where I live. These impacts have not been included in the costings.

The Local Plan, with specific reference to 'Tudeley Garden Village' is unsound and not effective - because the finer detail has not been adequately evaluated. Costs should be included of mitigating adverse effects (flooding, air pollution, loss of habitat and bio-diversity) and supplying new infrastructure. Much of the loss is irreplaceable: for example, the heritage value of views over Kent countryside and oast houses from All Saints Church and churchyard, Tudeley (with its Chagall stained glass, drawing visitors from over the world.) There is the amenity value of the network of woodland and footpaths, that has proved so essential to personal well-being during the Covid crisis, and the dark skies, lost to fluorescent street lighting and traffic signals.

The costs of creating a New Town (next to Tonbridge) have been glossed over and not factored in: provision of infrastructure and public services; the costs of flood protection, utilities, water and sewerage and improving roads and parking, and schools, leisure and health facilities. A sizeable portion of these indirect costs will fall on Tonbridge as it is the nearest major town offering a range of services and a station to London. TMBC will not automatically receive any council tax from the new residents to offset these costs.

Train services in Tonbridge and associated parking are already at capacity. Details need to be supplied from the Railway Authority as to how these rail needs will be met, and also from Kent County Council, regarding upgrading the road network. More traffic will generate higher air pollution, that also has a health cost. Tunbridge Wells already is the borough with the 8th worst level of air pollution in Kent, which is poor for a mostly rural area. (NB. It seems a forlorn hope that Tudeley will have a new rail station, with only a 7 minute journey time now between Tonbridge station and Paddock Wood.)

As an example of a unfactored impact on Tonbridge, we can use our own road, Goldsmid Road, which will be a main carrier of additional traffic from Tudeley to the town centre and Tonbridge station. It already has commuter traffic and school traffic at peak times contributing to congestion and air pollution in the road - and there are 4 schools within half a mile with many pedestrians. Parking either side of the road makes for bad visibility; in addition, a narrow one-way tunnel at the bottom adds to the congestion, as do large vehicles, such as school buses and 'bin lorries'. This situation will be made much worse by additional traffic from 'Tudeley Garden Village' but this has not been taken into account.

TWBC give no evidence of carrying out the 'Duty to Co-operate'

In this proposal to build a 'New Town' of 4000 or more houses, it would be expected that TWBC, would prepare the ground by consulting and co-operating with the neighbouring Borough Council, Tonbridge and Malling who are closest to the new development and will bear the impact (see discussion of this above). To my knowledge, no overtures of co-operation have taken place. The same 'duty to co-operate' should be applied to co-operating with Network Rail and the train operators, as here, there will be a major impact; also more co-operation is needed with Kent County Council, regarding the road network, where guarantees are needed that the necessary infrastructure will be put in place. No details on this are given in the Local Plan.

Question 6

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Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Question 5 above. (Please note that non-compliance with the duty to cooperate is incapable of modification at

examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

- 1 Any decision on STR 1 and STR 3 (Tudeley and Capel) in this Local Plan should be postponed until further evaluation of requirements and impact costings has taken place and until further data is available. The response of TMBC is essential and should be a central part of the process. Also further details need to be made available from KCC on provision of a road network; also a response from the Rail authority is needed on what rail provision will be made.
- 2 Numbers of dwellings required should be re-evaluated in the light of latest Government policy and revised down if possible, recognising this area is already highly developed.
- 3 More alternative housing options should be explored to meet housing needs. These should include more distributed development and brownfield sites, and development of existing urban centres, such as Paddock Wood. The enlargement of Tudeley and Capel should be abandoned.
- 4 We have argued above that the consultation process during the pandemic has been essentially undemocratic. When further information is available, and society returns to its normal arrangements, the consultation should be set up to run again, on the basis of a revised Plan.
- 5 TWBC should publicly accept the intrinsic importance of Green Belt land adjoining Tonbridge and recognise its value in the post-Covid era for the contribution it makes to bio-diversity and people's mental health.

Question 7

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If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)? . Yes, I wish to participate in hearing session(s)

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Comment

Consultee	Dr & Mrs David & Jane Lloyd [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] Tonbridge [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Dr & Mrs David & Jane Lloyd [REDACTED]
Comment ID	PSLP_934
Response Date	01/06/21 15:28
Consultation Point	Policy STR/SS 3 The Strategy for Tudeley Village (View)
Status	Processed
Submission Type	Email
Version	0.2
Data inputter to enter their initials here	AT
Question 1	
Respondent's Name and/or Organisation	David & Jane Lloyd
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy STR/SS 3 The Strategy for Tudeley Village

[TWBC: this representation has been input against Policies STR/SS1 and STR/SS3 – see Comment Numbers PSLP_927 and PSLP_934]

Question 4

Do you consider that the Local Plan:

Is legally compliant	Yes
Is sound	Yes
Complies with the Duty to Cooperate	Yes

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

- . It is not effective
- . It is not justified

Question 5

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The Plan may not be consistent with National Policy in the post-Covid era (see Robert Jenrick, 16 December 2020)

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The reasons are not justifiable for de-designation of the Green Belt in this spectacular area adjoining Tonbridge. There exist no 'exceptional circumstances' that justify this. It will create one urban sprawl, by enlarging villages between Paddock Wood and South Tonbridge (Tudeley, Capel, Five Oak Green) over a period of time, (see figures in the Plan) effectively creating one long suburb between Tonbridge and Paddock Wood. This is totally against the principle on which the Green Belt was founded: to maintain boundaries between town and countryside – and thus give town-dwellers ready access to the countryside.

b) It is not justified because there are better alternatives closer to existing development. Alternative sites been proposed, (such as land near the A21 corridor, or at Castle Hill), but do not seem to have been seriously investigated by TWBC. By adopting a more distributed approach to development, by building smaller developments across the whole Borough, there would be less dislocation of existing communities. Services could be more easily provided and new housing developments more easily absorbed.

c) TWBC have not justified their approach by seeking the co-operation of TMBC, (the adjoining authority), or by adequately considering the impact on Tonbridge. TWBC has put 'Tudeley Garden Village' at a comfortable distance from Tunbridge Wells, at the far end of its own territory and it has not thought through the real world implications of the scheme, of the disruption to existing commuter and traffic flows, and the services that would be required by a new population of this size.

The site it has chosen is geographically anomalous, because it is only 2 miles distant from Tonbridge and 6 miles distant from Tunbridge Wells. The existing village of Tudeley has its closest links to Tonbridge (pre-1972, it was part of Tonbridge Borough Council). This proposed new development has huge implications for Tonbridge which have not been adequately considered. The greatly increased traffic flows into Tonbridge resulting from 4000 new houses will have a huge impact on Tonbridge, and big implications for Kent County Council highways provision (but would scarcely affect Tunbridge Wells).

d) This approach by TWBC to fulfil its housing target seems unsound and unbalanced. Now national policy seems to recognise that in the south-east, many areas are already highly developed; that the Green belt is limited and valuable, and in these situations the use of brown-field sites and in urban centres is preferable. (Jenrick, 16 Dec 2020) TWBC has adopted a blunt and simplistic approach in its interpretation of national policy, by calculating the maximum number of houses it should build over the stated period, and have made a decision to build the majority in one place, to create 'Tudeley Garden Village' or 'New Town'.

e) Taking into account the points above, I think this Green Belt site has not been chosen for sound planning reasons, but rather, for opportunistic reasons. The site offers TWBC a straightforward negotiation with a single landowner, the owner of the Hadlow Estate. Because it is a greenfield site it will be attractive to developers, and present few problem for builders, and substantial profits. Unfortunately, it takes little account of the impact on lives of residents in this part of Kent – not just in these villages directly affected, but also in adjoining villages along the access roads - and in Tonbridge, where I live. These impacts have not been included in the costings.

The Local Plan, with specific reference to 'Tudeley Garden Village' is unsound and not effective - because the finer detail has not been adequately evaluated. Costs should be included of mitigating adverse effects (flooding, air pollution, loss of habitat and bio-diversity) and supplying new infrastructure. Much of the loss is irreplaceable: for example, the heritage value of views over Kent countryside and oast houses from All Saints Church and churchyard, Tudeley (with its Chagall stained glass, drawing visitors from over the world.) There is the amenity value of the network of woodland and footpaths, that has proved so essential to personal well-being during the Covid crisis, and the dark skies, lost to fluorescent street lighting and traffic signals.

The costs of creating a New Town (next to Tonbridge) have been glossed over and not factored in: provision of infrastructure and public services; the costs of flood protection, utilities, water and sewerage and improving roads and parking, and schools, leisure and health facilities. A sizeable portion of these indirect costs will fall on Tonbridge as it is the nearest major town offering a range of services and a station to London. TMBC will not automatically receive any council tax from the new residents to offset these costs.

Train services in Tonbridge and associated parking are already at capacity. Details need to be supplied from the Railway Authority as to how these rail needs will be met, and also from Kent County Council, regarding upgrading the road network. More traffic will generate higher air pollution, that also has a health cost. Tunbridge Wells already is the borough with the 8th worst level of air pollution in Kent, which is poor for a mostly rural area. (NB. It seems a forlorn hope that Tudeley will have a new rail station, with only a 7 minute journey time now between Tonbridge station and Paddock Wood.)

As an example of a unfactored impact on Tonbridge, we can use our own road, Goldsmid Road, which will be a main carrier of additional traffic from Tudeley to the town centre and Tonbridge station. It already has commuter traffic and school traffic at peak times contributing to congestion and air pollution in the road - and there are 4 schools within half a mile with many pedestrians. Parking either side of the road makes for bad visibility; in addition, a narrow one-way tunnel at the bottom adds to the congestion, as do large vehicles, such as school buses and 'bin lorries'. This situation will be made much worse by additional traffic from 'Tudeley Garden Village' but this has not been taken into account.

TWBC give no evidence of carrying out the 'Duty to Co-operate'

In this proposal to build a 'New Town' of 4000 or more houses, it would be expected that TWBC, would prepare the ground by consulting and co-operating with the neighbouring Borough Council, Tonbridge and Malling who are closest to the new development and will bear the impact (see discussion of this above). To my knowledge, no overtures of co-operation have taken place. The same 'duty to co-operate' should be applied to co-operating with Network Rail and the train operators, as here, there will be a major impact; also more co-operation is needed with Kent County Council, regarding the road network, where guarantees are needed that the necessary infrastructure will be put in place. No details on this are given in the Local Plan.

Question 6

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Question 5 above. (Please note that non-compliance with the duty to cooperate is incapable of modification at

examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

- 1 Any decision on STR 1 and STR 3 (Tudeley and Capel) in this Local Plan should be postponed until further evaluation of requirements and impact costings has taken place and until further data is available. The response of TMBC is essential and should be a central part of the process. Also further details need to be made available from KCC on provision of a road network; also a response from the Rail authority is needed on what rail provision will be made.
- 2 Numbers of dwellings required should be re-evaluated in the light of latest Government policy and revised down if possible, recognising this area is already highly developed.
- 3 More alternative housing options should be explored to meet housing needs. These should include more distributed development and brownfield sites, and development of existing urban centres, such as Paddock Wood. The enlargement of Tudeley and Capel should be abandoned.
- 4 We have argued above that the consultation process during the pandemic has been essentially undemocratic. When further information is available, and society returns to its normal arrangements, the consultation should be set up to run again, on the basis of a revised Plan.
- 5 TWBC should publicly accept the intrinsic importance of Green Belt land adjoining Tonbridge and recognise its value in the post-Covid era for the contribution it makes to bio-diversity and people's mental health.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)? . Yes, I wish to participate in hearing session(s)

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box: Yes, I wish to be notified of future stages of the Local Plan

Supporting Information File Ref No: SI_111

Comment

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Event Name	Pre-Submission Local Plan
Comment by	Logistics UK [REDACTED]
Comment ID	PSLP_1866
Response Date	04/06/21 12:48
Consultation Point	Royal Tunbridge Wells (View)
Status	Processed
Submission Type	Email
Version	0.4
Files	PSLP_1855, 1864-1867 Barton Willmore for Logistics UK SI.pdf
Data inputter to enter their initials here	AT
Question 1	
Respondent's Name and/or Organisation	Logistics UK
Question 2	
Agent's Name and Organisation (if applicable)	Barton Willmore LLP
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Section 5 - Royal Tunbridge Wells

[TWBC: this representation has been input against Section 5 - Royal Tunbridge Wells, Policies ED 2, STR/SS 1, STR/SS 3 and STR/RTW 1– see Comment Numbers PSLP_1855, PSLP_1864, PSLP_1865, PSLP_1866 and PSLP_1867. The full representation has been attached as Supporting Information]

Question 4

Do you consider that the Local Plan:

Is legally compliant Don't know

Is sound No

Complies with the Duty to Cooperate Don't know

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

- . It is not positively prepared
- . It is not effective
- . It is not justified
- . It is not consistent with national policy

Question 5

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

TWBC LOCAL PLAN REG. 19 REPRESENTATIONS

HERMES HOUSE, ST JOHN'S ROAD, ROYAL TUNBRIDGE WELLS

1.0 INTRODUCTION & OVERVIEW

1.1 These representations are made on behalf of Logistics UK in respect of their headquarters at Hermes House, St John's Road, Royal Tunbridge Wells TN4 9UZ and the land to the rear ('the Site': see Site Location Plan (drawing reference 2104/FS/001) enclosed at Appendix 1) and are submitted to the Regulation 19 consultation on the emerging Tunbridge Wells Borough Council ('TWBC') Local Plan (Pre -Submission Local Plan, undated).

1.2 The Site currently comprises offices in employment use (albeit currently only sparsely / rarely occupied) with associated car parking, accessed from St John's Road, and an area of grassland to the rear. The Site is not located within a conservation area and there are no known designated or non-designated heritage assets on or in proximity. The Site falls within Flood Zone 1 and is not known to be subject to any ecological designations.

1.3 Logistics UK have occupied Hermes House since 1975. The older building on site is understood to have originally been constructed as church and used for religious purposes before being converted to offices. It has an unusual circular plan form that does not lend itself to modern office use and results in inefficient use of the space, both in terms of the area of unused space and the ability to lay out the

useable space in a manner conducive to modern working practises . Moreover, Logistics UK run training and conferencing events from Hermes House which again does not lend itself to this purpose owing to the number of structural supports/ columns.

1.4 An extension was constructed in the late 1980s to provide two floors of office accommodation on a more regular plan form. Whilst at the time the extension functioned well it is now dated and requires significant upgrade works including replacement of all windows, a new heating system and air conditioning. There are also difficulties providing heating and cooling across the two elements of Hermes House as both differ significantly in their construction and design. This creates further inefficiencies.

1.5 A number of Logistics UK's staff travel to work by train. Hermes House is accessible by car but is some 1.8 km from the nearest train station (Tunbridge Wells) and is located outside of designated town centre/ employment areas. The Site is not in a sustainable employment location. Moreover, it is located in a predominantly residential area where adopted and emerging policy would resist new employment uses owing to the impact on residential amenity, issues of neighbourliness and incompatibility of land use.

1.6 As a result of the poor quality of the existing employment accommodation and its poor public transport accessibility and location within a residential area, Logistics UK has been planning to vacate Hermes House and relocate to a more appropriate premises and location within Tunbridge Wells. This process has been expedited owing to the pandemic and shift to a greater proportion of staff working from home thus requiring a smaller area of employment floorspace in any event.

1.7 Given the location of Hermes House in a residential area, residential has been identified as the most appropriate and compatible use moving forward. Moreover, TWBC has been unable to demonstrate a five-year supply of housing land for the most recent monitoring years and has a worsening Housing Delivery Test score despite having an Action Plan in place. The emerging Local Plan provides the opportunity to address the current and historically poor housing delivery in the Borough. However, the heavy reliance of the emerging Local Plan on two large strategic sites to meet almost 75% of its housing need over the Plan period is a high-risk strategy. Moreover, delivery of new homes on these strategic sites is not anticipated for four years (in our view at the earliest). The Council should, therefore, seek to allocate additional small/ medium scale sites for residential development to address historically unmet need, provide fluidity in five -year housing land supply and ensure short -term delivery of homes to mitigate the risk of delays from the strategic sites.

1.8 There are Borough-wide benefits of including additional site allocations that are deliverable in the first five years of the Plan. There are also local benefits to Royal Tunbridge Wells which has relatively few proposed site allocations that are expected to yield new homes in the initial five year period. A steady supply of new homes is required in key settlements to provide choice and variety in the market and to mitigate against increasing issues of affordability. The Council should consider additional residential allocations in Royal Tunbridge Wells that are deliverable in the short-term to maintain a steady supply of new homes in this principal settlement.

1.9 In addition to the above, allocation of a previously developed site in an established urban area such as Hermes House reduces the pressure on greenfield development and reduces the need for Green Belt release. NPPF paragraph 137(a) requires LPAs 'to make as much use as possible of brownfield and underutilised land' before concluding that exceptional circumstances exist to justify release of land from the Green Belt for development. Hermes House is a brownfield, underutilised site and whilst this Site alone would not remove the need for some Green Belt release to meet TWBC's housing needs, it ought to be considered as an option for allocation before Green Belt sites in the sequential approach to identifying land to meet residential development needs through the emerging Local Plan.

1.10 Redevelopment of Hermes House alone would yield relatively few dwellings. As such Logistics UK has also reviewed the potential of the land immediately to the rear. The land to the rear is currently in educational use but does not serve a specific educational or recreational function, nor has it been identified as a suitable location for future educational development being distant from the main school campus. In short, this area of land forms part of the school grounds but is incidental to the educational/ recreational function of the school.

1.11 The Site has an area of approximately 0.65 hectares. A capacity study (enclosed at Appendix 2: drawings reference 2104/FS/010) indicates that circa 48 homes could be accommodated at a density of 74 dwellings per hectare. Combining Hermes House with the land to the rear allows the number of

new homes to be optimised and also for a more varied mix of homes of different sizes suitable for a range of households (including apartments and houses) in addition to a greater number of affordable homes.

1.12 The Hermes House part of the Site currently falls within the Limits of Built Development as per the Policies Map (2016). The Council has imposed Article 4 Directions on a number of existing employment buildings to prevent them from changing from office to residential under current Permitted Development regulations. These 'protected' employment buildings are largely those falling within accessible town centre and/ or established/ designated employment locations. Hermes House falls within a solely residential area and has not been 'protected' through an Article 4 Direction. Subject to meeting the requisite criteria, Hermes House could therefore be converted to residential. However, as set out above, the, inter alia, awkward plan form, inherent issues with heating and cooling and poor standard of the building would make for poor/ substandard homes which prevents this from being an option.

1.13 The southern part of the land to the rear also falls within the Limits of Built Development with approximately 0.15 hectares falling outside and within the area currently designated as Rural Fringe.

1.14 Logistics UK consider the Site to be ideally placed to deliver a range of high -quality new homes in an established residential area, with only a minor adjustment to the existing boundary of the Limits of Built Development required to facilitate this. It is Logistics UK's position that the Site should be included within the emerging Local Plan as a residential site allocation to deliver circa 50 new homes. The Site is deliverable in the short -term and will assist in diversifying the type and scale of site allocations thus reducing reliance on large -scale strategic allocations that require significant new infrastructure and risk delay, with the consequential impact on housing land supply and delivery.

1.15 The Site is deliverable in the short -term as per the NPPF definition (Annex 2):

'To be considered deliverable, sites for housing should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within 5 years'

1.16 The Site comprises previously developed land (Hermes House) with very little landscaping and mown/ managed grass on the land to the rear. There is very limited ecological potential with no trees/ hedges that would pose a constraint to development as proposed. There are also no national designations that would impede the development such as Green Belt, flood risk or heritage. Access is established from St John's Road.

2.0 CURRENT USE

Employment

2.1 Hermes House was converted from its previous religious use to offices prior to Logistics UK's occupation. The older building has an unusual circular plan form and includes an amphitheatre - style space. This space has historically served a function for seminars/ conferences but the structural supports/ columns are not ideal for this purpose and the resulting office floorspace is awkward and inefficient and cannot be considered to provide modern, functional or flexible office accommodation.

2.2 In an attempt to improve the quality of the employment accommodation on site Logistics UK constructed an extension in the late 1980s (LPA reference 84/01473/FUL) facilitated by the demolition of a residential property. Whilst providing a more regular plan form, this extension is now over 25 years old and requires significant upgrade works to allow it to continue to function as office floorspace. For example, the large areas of glazing make the space too hot in summer but too cold in winter. The extension does not benefit from air conditioning and the heating system is inadequate. Both are required along with new windows. However, there are inherent difficulties providing heating and cooling systems to serve the older part of the building and the extension. This further adds to the inefficiency of the current buildings.

2.3 In addition to the above, Hermes House is located in a predominantly residential area outside of a designated town centre and employment location. It is accessible by car but some 1.8km from Tunbridge Wells train station. Several members of staff travel to work at Hermes House by train, a proportion that Logistics UK consider would be higher if the offices were located in a more convenient location in proximity to the train station.

2.4 There is also the issue of compatibility of land use. Hermes House is surrounded on three sides by residential properties, being located on a residential road in a predominantly residential

neighbourhood. Logistics UK runs software that requires a constant (24/7) power supply and generators. Care is taken to minimise noise from the generators but they are not ideal in a residential area. Moreover, the heating and cooling systems required to address the inherent issues with the current buildings and allow the employment use to continue will further add to the noise emitted. These issues, coupled with vehicle movements, staff outside use (including from the smoking shelter) and the types and scale of signage required, are present with the existing employment use and any likely future employment use.

2.5 It is on the basis of the above that Logistics UK consider that Hermes House should be returned to its former residential use as this would be more compatible with the established residential use and character within the area. Moreover, in line with adopted Core Strategy (2010) Core Policy 7, employment uses, particularly of the scale of Hermes House, are more appropriately sited in sustainable and accessible town centre and employment locations.

Education

2.6 Approximately 60% of the land to the rear of Hermes House is located outside of the Limits of Built Development and within the Rural Fringe, with the southern portion (circa 40%) within the Limits of Built Development. It is all within educational use forming part of the grounds of an neighbouring school.

2.7 This land has been included within the Site as it forms a logical extension to the Hermes House site and allows for an improved residential layout that facilitates the delivery of a higher number of homes that includes a greater variety of homes of different sizes (including apartments and houses) and a higher number of affordable homes.

2.8 Whilst this land is within educational use, it does not have a defined educational or recreational function. It is laid to grass and forms an incidental part of the wider school grounds. When the school has previously expanded this land has been reviewed as an option but discounted owing to its location remote from the main core of the school. It is also not easily accessible from the public highway (although it would be accessible from St John's Road through Hermes House if the sites were to be combined as proposed). In short, this land does not form a specific educational or recreational function and it is Logistics UK's position that it would be an appropriate location for small-scale residential development.

3.0 CASE FOR RESIDENTIAL

Historic Supply/ Delivery of New Homes

3.1 TWBC has a published shortfall in five-year housing land supply (Monitoring information (tunbridgewells.gov.uk) [accessed 01/06/2021]) and at 1 April 2020 could only demonstrate 4.83 years supply (see Five-Year Housing Land Supply 2019/20). This was based on a 5% buffer. However, given that TWBC's previous Five -Year Housing Land Supply 2018/19 report also identified a shortfall (4.69%: see paragraph 12), NPPF paragraph 73 would previously have indicated that a 20% buffer is appropriate. This has subsequently been superseded by the Housing Delivery Test whereby the 20% buffer is to be applied to LPAs with a Housing Delivery Test score of 85% or below.

3.2 TWBC has a published score of 86% in the Housing Delivery Test for the period 2016/17 to 2018/19 (Monitoring information (tunbridgewells.gov.uk) [accessed 01/06/2021]) (published February 2020). Whilst 1% higher than the threshold for the 20% buffer, TWBC has failed to meet or exceed its housing requirement for two of the three monitoring years that have informed the Housing Delivery Test result. The one year it did exceed it was when the housing requirement was notably lower owing to the method of calculation (pre -Standard Method). Moreover, the 2021 Housing Delivery Test results see TWBC's score reduce to 85% (Housing Delivery Test: 2020 measurement - GOV.UK (www.gov.uk) [accessed 01/06/2021]) thus housing delivery is worsening in the borough and the 20% buffer (NPPF paragraph 73) should be applied to the calculation of five-year housing land supply. This places even greater pressure on TWBC to identify additional land for residential development.

Proposed Supply of New Homes

3.3 The emerging Local Plan utilises the Standard Method figure of 678 homes per annum (Pre - Submission Local Plan paragraph 4.10) from which to establish the number of homes to plan for. The Planning Practice Guidance ('PPG') is clear that the Standard Method provides a 'minimum annual housing need figure' (PPG paragraph: 002 Reference ID: 2a -002-20190220) and a not a housing requirement figure. Whilst there is acknowledgement within the emerging Local Plan that exceptional circumstances do not exist to deviate from the Standard Method (paragraph 4.9 and 4.11) i.e. to provide

for a lower number of homes, and that TWBC may need to consider taking unmet need from neighbouring authorities (see paragraph 4.13), there does not appear to have been an attempt to identify whether it would be appropriate to actively plan for a higher housing requirement.

3.4 The emerging Local Plan has been developed on the basis that site allocations to deliver some 6,900 additional homes will be required (paragraph 4.17) (albeit the Housing Supply and Trajectory Topic Paper for Pre-Submission Local Plan (February 2021) states that the Council must plan for a minimum of 7,221 homes through site allocations (paragraph 5.4). We have not interrogated the assessment that underpinned this conclusion (nor the discrepancy between the Topic Paper and Pre-Submission Local Plan). However, the emerging Local Plan is clear that this is based on the assumption that 'all previous allocations are still suitable and developable' (paragraph 4.17). In reality this may not be the case and the emerging Local Plan should actively seek to progress additional site allocations. Moreover, pursuant to the PPG, the Standard Method should be treated as a minimum figure. Thus, whilst the emerging Local Plan identifies site allocations capable of delivering between 8,076 and 8,461 homes over the Plan period (see Table 4), this may not be enough to provide for the housing required.

3.5 The historically poor housing delivery (as evidenced by the Housing Delivery Test) in the Borough and failure to maintain a five-year housing land supply should also be factors that weigh in favour of the identification of additional housing allocations to come forward in this Local Plan.

3.6 It is also noted that, whilst Royal Tunbridge Wells has 18 draft residential site allocations within the Pre-Submission Local Plan (see Section 5), the Housing Supply and Trajectory Topic Paper for Pre-Submission Local Plan (February 2021) identifies very few homes being delivered within the current five-year period (see Table 9, pages 29/30). This risks an undersupply of new homes in Royal Tunbridge Wells which will serve to drive up already high house prices. There would be merit in identifying additional site allocations, such as Hermes House, that are deliverable in the short term and can assist in providing consistent delivery of new homes in the Borough's principal settlement over the Plan period.

Strategic Allocations

3.7 The reliance of the emerging Local Plan on large-scale, strategic allocations is also of concern. Approximately 6,300 homes are identified as coming forward from two strategic allocations: approximately 3,500 homes at Paddock Wood/ East Capel (draft Policy STR/SS 1); and approximately 2,800 homes from a new settlement – Tudeley Village (draft Policy STR/SS 3). This represents almost 75% of all new homes planned for through the emerging Local Plan (taking the upper range provided at Table 4; 78% if taking the lower range). There is, therefore, significant reliance on the delivery of new homes from these two strategic sites.

3.8 It is common for it to take some time to see homes delivered on large -scale, strategic sites owing to, inter alia, the complexity of the planning process, landownership and often significant new infrastructure requirements. In the case of the proposed allocations at Paddock Wood and Tudeley Village this includes new schools, neighbourhood centres, employment and sports, health and community facilities. Moreover, Framework Masterplan SPDs are requirements of the draft policies, to be adopted in advance of planning permission being granted, which will add significantly to the overall planning process. Furthermore, the use of Compulsory Purchase Order powers is referenced in both allocations indicating anticipated issues with landownership.

3.9 The Housing Supply and Trajectory Topic Paper for Pre-Submission Plan (February 2021) identifies delivery of homes from both strategic allocations from 2025/26, with 300 homes completed per annum from Paddock Wood/ East Capel and 150 from Tudeley Village (see Table 9, page 30). Given that Framework Masterplan SPDs are required before planning permission can be granted, it is already halfway through 2021 and significant infrastructure is required to 'unlock' the sites, delivery of homes from these allocations within the next four years is ambitious. Delivery of 300 homes in the first year from Paddock Wood/ East of Capel is very ambitious, as is 150 from Tudeley Village.

3.10 Whilst it is accepted that strategic allocations are required to meet longer term and large -scale housing needs, the emerging Local Plan ought to be realistic as to when and how many homes can be expected from these sites. Further, it should seek to identify a large number and range of small to medium sized allocations to provide for local housing needs and a consistent supply of new homes to account for the risk of delays from larger allocations. Placing such reliance on the delivery of homes from only two strategic sites is a high-risk strategy that could see the historically poor delivery of homes in the Borough continue and/ or worsen.

4.0 SITE ALLOCATION

4.1 Hermes House and the land to the rear ('the Site') provides an opportunity for an additional residential site allocation in Royal Tunbridge Wells within the emerging Local Plan. The Site has not previously been submitted to a Call for Sites and is not included in the Strategic Housing and Economic Land Availability Assessment (January 2021). The previous Call for Sites were held in 2016 and 2017 which was prior to Logistics UK considering relocating to a more appropriate site within Royal Tunbridge Wells.

4.2 For the reasons outlined above, Hermes House is not considered an appropriate employment location and has not been protected by the Council from changing use to residential, albeit this is not a feasible option given the inherent issues with the current buildings. Additionally, the land to the rear does not provide an active educational or recreational function and, if included with Hermes House, could provide a logical extension to the built-up area to create a high-quality residential development that delivers much-needed new homes in the short-term.

4.3 The Limits of Built Development boundary would require a minor adjustment to include that part of the land to the rear of Hermes House that currently falls outside. This area of land is surrounded on three sides by the current Limits of Built Development (i.e. it is inset) and the realignment of the boundary in this location would result in a logical 'squaring off' of the boundary with very limited visual impact.

4.4 Vehicular and pedestrian/ cycle access to the Site would continue to be taken from St John's Road from the existing or a relocated single access point.

4.5 It is envisaged that building heights will reflect the prevailing residential heights within the local area.

4.6 The homes would be provided as a range of private and affordable tenures and across a variety of dwelling types and sizes to cater for a wide range of households.

4.7 The suggested provisions of a site allocation for this Site are as follows:

Land at St John's Road (Hermes House)

This site, as defined on the Royal Tunbridge Wells Policies Map, is allocated for residential development providing approximately 50 dwellings, of which 30 percent shall be affordable housing.

Development on the site shall accord with the following requirements:

- 1 Vehicular access, delivery and servicing should be provided from St John's Road.**
- 2 Provide a landscaped boundary to the new Limits of Built Development.**
- 3 The design shall include appropriate measures to address the impact of the proposal on the gardens of neighbouring residential properties on St John's Road.**
- 4 Provision of on-site amenity greenspace/ high-quality landscaping.**

5.0 EMERGING POLICY MAP/ POLICIES

Limits of Built Development

5.1 Current adopted policy (Core Policy 2) seeks to protect the Rural Fringe from development with this land only released through adoption of a development plan document (i.e. site allocations DPD). The emerging Local Plan does not seek to take forward the Rural Fringe designation which Logistics UK supports. However, part of the land to the rear of Hermes House would remain outside of the Limits of Built Development. This land is inset from the boundary of the Limits of Built Development and adjustment in this area would represent a logical 'squaring off' of the boundary. This would have very limited visual impact given the small scale of the adjustment but would optimise the delivery of new homes in a high-quality development to meet local needs for homes of different types, sizes and tenures.

5.2 We suggest that the Limits of Built Development boundary should be adjusted to reflect the western extent of the Site boundary as shown on the Site Location Plan (drawing reference 2104/FS/001).

Employment

5.3 The emerging Local Plan (draft Policy ED 2) seeks to protect existing employment buildings/ sites regardless of their location and compatibility with neighbouring properties. It is our position that this is a failing of the emerging policy. Not all existing employment buildings/ sites will be appropriate for this

level of protection (for example, Hermes House) and the policy should not assume this to be the case. Express wording is required to acknowledge this situation and allow for change of use away from employment -generating use where this is not appropriate owing to reasons of, inter alia, neighbourliness, residential amenity and compatibility of land use.

5.4 NPPF paragraph 81(d) requires planning policies to 'be flexible enough to accommodate needs not anticipated in the plan, allow for new and flexible working practices (such as live-work accommodation), and to enable a rapid response to changes in economic circumstances'. As drafted Policy ED 2 provides a rigid policy framework in respect of existing employment sites/ buildings with blanket protection that takes no account of local circumstances and does not provide flexibility for businesses to adapt and evolve. This conflicts with NPPF paragraph 81.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)? . Yes, I wish to participate in hearing session(s)

Question 7a

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

To debate the lack of residential allocations and particularly those that can deliver homes in the first five years of the Plan.

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box: Yes, I wish to be notified of future stages of the Local Plan

Supporting Information File Ref No: SI_111

Comment

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Event Name	Pre-Submission Local Plan
Comment by	Logistics UK [REDACTED]
Comment ID	PSLP_1867
Response Date	04/06/21 12:48
Consultation Point	Policy STR/RTW 1 The Strategy for Royal Tunbridge Wells (View)
Status	Processed
Submission Type	Email
Version	0.6
Files	PSLP_1855, 1864-1867 Barton Willmore for Logistics UK SI.pdf
Data inputter to enter their initials here	AT
Question 1	
Respondent's Name and/or Organisation	Logistics UK
Question 2	
Agent's Name and Organisation (if applicable)	Barton Willmore LLP
Question 3	

To which part of the Local Plan does this representation relate?

Policy

Question 3a

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy STR/RTW 1 The Strategy for Royal Tunbridge Wells

Inset Map 3 (plus all showing LBD boundary)

[TWBC: this representation has been input against Section 5 - Royal Tunbridge Wells, Policies ED 2, STR/SS 1, STR/SS 3 and STR/RTW 1— see Comment Numbers PSLP_1855, PSLP_1864, PSLP_1865, PSLP_1866 and PSLP_1867. The full representation has been attached as Supporting Information]

Question 4

Do you consider that the Local Plan:

Is legally compliant

Don't know

Is sound

No

Complies with the Duty to Cooperate

Don't know

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

- . It is not positively prepared
- . It is not effective
- . It is not justified
- . It is not consistent with national policy

Question 5

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

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Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

TWBC LOCAL PLAN REG. 19 REPRESENTATIONS

HERMES HOUSE, ST JOHN'S ROAD, ROYAL TUNBRIDGE WELLS

1.0 INTRODUCTION & OVERVIEW

1.1 These representations are made on behalf of Logistics UK in respect of their headquarters at Hermes House, St John's Road, Royal Tunbridge Wells TN4 9UZ and the land to the rear ('the Site': see Site Location Plan (drawing reference 2104/FS/001) enclosed at Appendix 1) and are submitted to the Regulation 19 consultation on the emerging Tunbridge Wells Borough Council ('TWBC') Local Plan (Pre -Submission Local Plan, undated).

1.2 The Site currently comprises offices in employment use (albeit currently only sparsely / rarely occupied) with associated car parking, accessed from St John's Road, and an area of grassland to the rear. The Site is not located within a conservation area and there are no known designated or

non-designated heritage assets on or in proximity. The Site falls within Flood Zone 1 and is not known to be subject to any ecological designations.

1.3 Logistics UK have occupied Hermes House since 1975. The older building on site is understood to have originally been constructed as church and used for religious purposes before being converted to offices. It has an unusual circular plan form that does not lend itself to modern office use and results in inefficient use of the space, both in terms of the area of unused space and the ability to lay out the useable space in a manner conducive to modern working practises. Moreover, Logistics UK run training and conferencing events from Hermes House which again does not lend itself to this purpose owing to the number of structural supports/ columns.

1.4 An extension was constructed in the late 1980s to provide two floors of office accommodation on a more regular plan form. Whilst at the time the extension functioned well it is now dated and requires significant upgrade works including replacement of all windows, a new heating system and air conditioning. There are also difficulties providing heating and cooling across the two elements of Hermes House as both differ significantly in their construction and design. This creates further inefficiencies.

1.5 A number of Logistics UK's staff travel to work by train. Hermes House is accessible by car but is some 1.8 km from the nearest train station (Tunbridge Wells) and is located outside of designated town centre/ employment areas. The Site is not in a sustainable employment location. Moreover, it is located in a predominantly residential area where adopted and emerging policy would resist new employment uses owing to the impact on residential amenity, issues of neighbourliness and incompatibility of land use.

1.6 As a result of the poor quality of the existing employment accommodation and its poor public transport accessibility and location within a residential area, Logistics UK has been planning to vacate Hermes House and relocate to a more appropriate premises and location within Tunbridge Wells. This process has been expedited owing to the pandemic and shift to a greater proportion of staff working from home thus requiring a smaller area of employment floorspace in any event.

1.7 Given the location of Hermes House in a residential area, residential has been identified as the most appropriate and compatible use moving forward. Moreover, TWBC has been unable to demonstrate a five-year supply of housing land for the most recent monitoring years and has a worsening Housing Delivery Test score despite having an Action Plan in place. The emerging Local Plan provides the opportunity to address the current and historically poor housing delivery in the Borough. However, the heavy reliance of the emerging Local Plan on two large strategic sites to meet almost 75% of its housing need over the Plan period is a high-risk strategy. Moreover, delivery of new homes on these strategic sites is not anticipated for four years (in our view at the earliest). The Council should, therefore, seek to allocate additional small/ medium scale sites for residential development to address historically unmet need, provide fluidity in five -year housing land supply and ensure short -term delivery of homes to mitigate the risk of delays from the strategic sites.

1.8 There are Borough-wide benefits of including additional site allocations that are deliverable in the first five years of the Plan. There are also local benefits to Royal Tunbridge Wells which has relatively few proposed site allocations that are expected to yield new homes in the initial five year period. A steady supply of new homes is required in key settlements to provide choice and variety in the market and to mitigate against increasing issues of affordability. The Council should consider additional residential allocations in Royal Tunbridge Wells that are deliverable in the short-term to maintain a steady supply of new homes in this principal settlement.

1.9 In addition to the above, allocation of a previously developed site in an established urban area such as Hermes House reduces the pressure on greenfield development and reduces the need for Green Belt release. NPPF paragraph 137(a) requires LPAs 'to make as much use as possible of brownfield and underutilised land' before concluding that exceptional circumstances exist to justify release of land from the Green Belt for development. Hermes House is a brownfield, underutilised site and whilst this Site alone would not remove the need for some Green Belt release to meet TWBC's housing needs, it ought to be considered as an option for allocation before Green Belt sites in the sequential approach to identifying land to meet residential development needs through the emerging Local Plan.

1.10 Redevelopment of Hermes House alone would yield relatively few dwellings. As such Logistics UK has also reviewed the potential of the land immediately to the rear. The land to the rear is currently in educational use but does not serve a specific educational or recreational function, nor has it been

identified as a suitable location for future educational development being distant from the main school campus. In short, this area of land forms part of the school grounds but is incidental to the educational/ recreational function of the school.

1.11 The Site has an area of approximately 0.65 hectares. A capacity study (enclosed at Appendix 2: drawings reference 2104/FS/010) indicates that circa 48 homes could be accommodated at a density of 74 dwellings per hectare. Combining Hermes House with the land to the rear allows the number of new homes to be optimised and also for a more varied mix of homes of different sizes suitable for a range of households (including apartments and houses) in addition to a greater number of affordable homes.

1.12 The Hermes House part of the Site currently falls within the Limits of Built Development as per the Policies Map (2016). The Council has imposed Article 4 Directions on a number of existing employment buildings to prevent them from changing from office to residential under current Permitted Development regulations. These 'protected' employment buildings are largely those falling within accessible town centre and/ or established/ designated employment locations. Hermes House falls within a solely residential area and has not been 'protected' through an Article 4 Direction. Subject to meeting the requisite criteria, Hermes House could therefore be converted to residential. However, as set out above, the, inter alia, awkward plan form, inherent issues with heating and cooling and poor standard of the building would make for poor/ substandard homes which prevents this from being an option.

1.13 The southern part of the land to the rear also falls within the Limits of Built Development with approximately 0.15 hectares falling outside and within the area currently designated as Rural Fringe.

1.14 Logistics UK consider the Site to be ideally placed to deliver a range of high -quality new homes in an established residential area, with only a minor adjustment to the existing boundary of the Limits of Built Development required to facilitate this. It is Logistics UK's position that the Site should be included within the emerging Local Plan as a residential site allocation to deliver circa 50 new homes. The Site is deliverable in the short -term and will assist in diversifying the type and scale of site allocations thus reducing reliance on large -scale strategic allocations that require significant new infrastructure and risk delay, with the consequential impact on housing land supply and delivery.

1.15 The Site is deliverable in the short -term as per the NPPF definition (Annex 2):

'To be considered deliverable, sites for housing should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within 5 years'

1.16 The Site comprises previously developed land (Hermes House) with very little landscaping and mown/ managed grass on the land to the rear. There is very limited ecological potential with no trees/ hedges that would pose a constraint to development as proposed. There are also no national designations that would impede the development such as Green Belt, flood risk or heritage. Access is established from St John's Road.

2.0 CURRENT USE

Employment

2.1 Hermes House was converted from its previous religious use to offices prior to Logistics UK's occupation. The older building has an unusual circular plan form and includes an amphitheatre - style space. This space has historically served a function for seminars/ conferences but the structural supports/ columns are not ideal for this purpose and the resulting office floorspace is awkward and inefficient and cannot be considered to provide modern, functional or flexible office accommodation.

2.2 In an attempt to improve the quality of the employment accommodation on site Logistics UK constructed an extension in the late 1980s (LPA reference 84/01473/FUL) facilitated by the demolition of a residential property. Whilst providing a more regular plan form, this extension is now over 25 years old and requires significant upgrade works to allow it to continue to function as office floorspace. For example, the large areas of glazing make the space too hot in summer but too cold in winter. The extension does not benefit from air conditioning and the heating system is inadequate. Both are required along with new windows. However, there are inherent difficulties providing heating and cooling systems to serve the older part of the building and the extension. This further adds to the inefficiency of the current buildings.

2.3 In addition to the above, Hermes House is located in a predominantly residential area outside of a designated town centre and employment location. It is accessible by car but some 1.8km from Tunbridge Wells train station. Several members of staff travel to work at Hermes House by train, a proportion that Logistics UK consider would be higher if the offices were located in a more convenient location in proximity to the train station.

2.4 There is also the issue of compatibility of land use. Hermes House is surrounded on three sides by residential properties, being located on a residential road in a predominantly residential neighbourhood. Logistics UK runs software that requires a constant (24/7) power supply and generators. Care is taken to minimise noise from the generators but they are not ideal in a residential area. Moreover, the heating and cooling systems required to address the inherent issues with the current buildings and allow the employment use to continue will further add to the noise emitted. These issues, coupled with vehicle movements, staff outside use (including from the smoking shelter) and the types and scale of signage required, are present with the existing employment use and any likely future employment use.

2.5 It is on the basis of the above that Logistics UK consider that Hermes House should be returned to its former residential use as this would be more compatible with the established residential use and character within the area. Moreover, in line with adopted Core Strategy (2010) Core Policy 7, employment uses, particularly of the scale of Hermes House, are more appropriately sited in sustainable and accessible town centre and employment locations.

Education

2.6 Approximately 60% of the land to the rear of Hermes House is located outside of the Limits of Built Development and within the Rural Fringe, with the southern portion (circa 40%) within the Limits of Built Development. It is all within educational use forming part of the grounds of an neighbouring school.

2.7 This land has been included within the Site as it forms a logical extension to the Hermes House site and allows for an improved residential layout that facilitates the delivery of a higher number of homes that includes a greater variety of homes of different sizes (including apartments and houses) and a higher number of affordable homes.

2.8 Whilst this land is within educational use, it does not have a defined educational or recreational function. It is laid to grass and forms an incidental part of the wider school grounds. When the school has previously expanded this land has been reviewed as an option but discounted owing to its location remote from the main core of the school. It is also not easily accessible from the public highway (although it would be accessible from St John's Road through Hermes House if the sites were to be combined as proposed). In short, this land does not form a specific educational or recreational function and it is Logistics UK's position that it would be an appropriate location for small-scale residential development.

3.0 CASE FOR RESIDENTIAL

Historic Supply/ Delivery of New Homes

3.1 TWBC has a published shortfall in five-year housing land supply (Monitoring information (tunbridgewells.gov.uk) [accessed 01/06/2021]) and at 1 April 2020 could only demonstrate 4.83 years supply (see Five-Year Housing Land Supply 2019/20). This was based on a 5% buffer. However, given that TWBC's previous Five-Year Housing Land Supply 2018/19 report also identified a shortfall (4.69%: see paragraph 12), NPPF paragraph 73 would previously have indicated that a 20% buffer is appropriate. This has subsequently been superseded by the Housing Delivery Test whereby the 20% buffer is to be applied to LPAs with a Housing Delivery Test score of 85% or below.

3.2 TWBC has a published score of 86% in the Housing Delivery Test for the period 2016/17 to 2018/19 (Monitoring information (tunbridgewells.gov.uk) [accessed 01/06/2021]) (published February 2020). Whilst 1% higher than the threshold for the 20% buffer, TWBC has failed to meet or exceed its housing requirement for two of the three monitoring years that have informed the Housing Delivery Test result. The one year it did exceed it was when the housing requirement was notably lower owing to the method of calculation (pre-Standard Method). Moreover, the 2021 Housing Delivery Test results see TWBC's score reduce to 85% (Housing Delivery Test: 2020 measurement - GOV.UK (www.gov.uk) [accessed 01/06/2021]) thus housing delivery is worsening in the borough and the 20% buffer (NPPF paragraph 73) should be applied to the calculation of five-year housing land supply. This places even greater pressure on TWBC to identify additional land for residential development.

Proposed Supply of New Homes

3.3 The emerging Local Plan utilises the Standard Method figure of 678 homes per annum (Pre - Submission Local Plan paragraph 4.10) from which to establish the number of homes to plan for. The Planning Practice Guidance ('PPG') is clear that the Standard Method provides a 'minimum annual housing need figure' (PPG paragraph: 002 Reference ID: 2a -002-20190220) and a not a housing requirement figure. Whilst there is acknowledgement within the emerging Local Plan that exceptional circumstances do not exist to deviate from the Standard Method (paragraph 4.9 and 4.11) i.e. to provide for a lower number of homes, and that TWBC may need to consider taking unmet need from neighbouring authorities (see paragraph 4.13), there does not appear to have been an attempt to identify whether it would be appropriate to actively plan for a higher housing requirement.

3.4 The emerging Local Plan has been developed on the basis that site allocations to deliver some 6,900 additional homes will be required (paragraph 4.17) (albeit the Housing Supply and Trajectory Topic Paper for Pre-Submission Local Plan (February 2021) states that the Council must plan for a minimum of 7,221 homes through site allocations (paragraph 5.4). We have not interrogated the assessment that underpinned this conclusion (nor the discrepancy between the Topic Paper and Pre-Submission Local Plan). However, the emerging Local Plan is clear that this is based on the assumption that 'all previous allocations are still suitable and developable' (paragraph 4.17). In reality this may not be the case and the emerging Local Plan should actively seek to progress additional site allocations. Moreover, pursuant to the PPG, the Standard Method should be treated as a minimum figure. Thus, whilst the emerging Local Plan identifies site allocations capable of delivering between 8,076 and 8,461 homes over the Plan period (see Table 4), this may not be enough to provide for the housing required.

3.5 The historically poor housing delivery (as evidenced by the Housing Delivery Test) in the Borough and failure to maintain a five-year housing land supply should also be factors that weigh in favour of the identification of additional housing allocations to come forward in this Local Plan.

3.6 It is also noted that, whilst Royal Tunbridge Wells has 18 draft residential site allocations within the Pre-Submission Local Plan (see Section 5), the Housing Supply and Trajectory Topic Paper for Pre-Submission Local Plan (February 2021) identifies very few homes being delivered within the current five-year period (see Table 9, pages 29/30). This risks an undersupply of new homes in Royal Tunbridge Wells which will serve to drive up already high house prices. There would be merit in identifying additional site allocations, such as Hermes House, that are deliverable in the short term and can assist in providing consistent delivery of new homes in the Borough's principal settlement over the Plan period.

Strategic Allocations

3.7 The reliance of the emerging Local Plan on large-scale, strategic allocations is also of concern. Approximately 6,300 homes are identified as coming forward from two strategic allocations: approximately 3,500 homes at Paddock Wood/ East Capel (draft Policy STR/SS 1); and approximately 2,800 homes from a new settlement – Tudeley Village (draft Policy STR/SS 3). This represents almost 75% of all new homes planned for through the emerging Local Plan (taking the upper range provided at Table 4; 78% if taking the lower range). There is, therefore, significant reliance on the delivery of new homes from these two strategic sites.

3.8 It is common for it to take some time to see homes delivered on large -scale, strategic sites owing to, inter alia, the complexity of the planning process, landownership and often significant new infrastructure requirements. In the case of the proposed allocations at Paddock Wood and Tudeley Village this includes new schools, neighbourhood centres, employment and sports, health and community facilities. Moreover, Framework Masterplan SPDs are requirements of the draft policies, to be adopted in advance of planning permission being granted, which will add significantly to the overall planning process. Furthermore, the use of Compulsory Purchase Order powers is referenced in both allocations indicating anticipated issues with landownership.

3.9 The Housing Supply and Trajectory Topic Paper for Pre-Submission Plan (February 2021) identifies delivery of homes from both strategic allocations from 2025/26, with 300 homes completed per annum from Paddock Wood/ East Capel and 150 from Tudeley Village (see Table 9, page 30). Given that Framework Masterplan SPDs are required before planning permission can be granted, it is already halfway through 2021 and significant infrastructure is required to 'unlock' the sites, delivery of homes from these allocations within the next four years is ambitious. Delivery of 300 homes in the first year from Paddock Wood/ East of Capel is very ambitious, as is 150 from Tudeley Village.

3.10 Whilst it is accepted that strategic allocations are required to meet longer term and large -scale housing needs, the emerging Local Plan ought to be realistic as to when and how many homes can be expected from these sites. Further, it should seek to identify a large number and range of small to medium sized allocations to provide for local housing needs and a consistent supply of new homes to account for the risk of delays from larger allocations. Placing such reliance on the delivery of homes from only two strategic sites is a high-risk strategy that could see the historically poor delivery of homes in the Borough continue and/ or worsen.

4.0 SITE ALLOCATION

4.1 Hermes House and the land to the rear ('the Site') provides an opportunity for an additional residential site allocation in Royal Tunbridge Wells within the emerging Local Plan. The Site has not previously been submitted to a Call for Sites and is not included in the Strategic Housing and Economic Land Availability Assessment (January 2021). The previous Call for Sites were held in 2016 and 2017 which was prior to Logistics UK considering relocating to a more appropriate site within Royal Tunbridge Wells.

4.2 For the reasons outlined above, Hermes House is not considered an appropriate employment location and has not been protected by the Council from changing use to residential, albeit this is not a feasible option given the inherent issues with the current buildings. Additionally, the land to the rear does not provide an active educational or recreational function and, if included with Hermes House, could provide a logical extension to the built -up area to create a high-quality residential development that delivers much-needed new homes in the short -term.

4.3 The Limits of Built Development boundary would require a minor adjustment to include that part of the land to the rear of Hermes House that currently falls outside. This area of land is surrounded on three sides by the current Limits of Built Development (i.e. it is inset) and the realignment of the boundary in this location would result a in logical 'squaring off' of the boundary with very limited visual impact.

4.4 Vehicular and pedestrian/ cycle access to the Site would continue to be taken from St John's Road from the existing or a relocated single access point.

4.5 It is envisaged that building heights will reflect the prevailing residential heights within the local area.

4.6 The homes would be provided as a range of private and affordable tenures and across a variety of dwelling types and sizes to cater for a wide range of households.

4.7 The suggested provisions of a site allocation for this Site are as follows:

Land at St John's Road (Hermes House)

This site, as defined on the Royal Tunbridge Wells Policies Map, is allocated for residential development providing approximately 50 dwellings, of which 30 percent shall be affordable housing.

Development on the site shall accord with the following requirements:

- 1 Vehicular access, delivery and servicing should be provided from St John's Road.**
- 2 Provide a landscaped boundary to the new Limits of Build Development.**
- 3 The design shall include appropriate measures to address the impact of the proposal on the gardens of neighbouring residential properties on St John's Road.**
- 4 Provision of on-site amenity greenspace/ high-quality landscaping.**

5.0 EMERGING POLICY MAP/ POLICIES

Limits of Built Development

5.1 Current adopted policy (Core Policy 2) seeks to protect the Rural Fringe from development with this land only released through adoption of a development plan document (i.e. site allocations DPD). The emerging Local Plan does not seek to take forward the Rural Fringe designation which Logistics UK supports. However, part of the land to the rear of Hermes House would remain outside of the Limits of Built Development. This land is inset from the boundary of the Limits of Built Development and adjustment in this area would represent a logical 'squaring off' of the boundary. This would have very limited visual impact given the small scale of the adjustment but would optimise the delivery of new homes in a high-quality development to meet local needs for homes of different types, sizes and tenures.

5.2 We suggest that the Limits of Built Development boundary should be adjusted to reflect the western extent of the Site boundary as shown on the Site Location Plan (drawing reference 2104/FS/001).

Employment

5.3 The emerging Local Plan (draft Policy ED 2) seeks to protect existing employment buildings/ sites regardless of their location and compatibility with neighbouring properties. It is our position that this is a failing of the emerging policy. Not all existing employment buildings/ sites will be appropriate for this level of protection (for example, Hermes House) and the policy should not assume this to be the case. Express wording is required to acknowledge this situation and allow for change of use away from employment -generating use where this is not appropriate owing to reasons of, inter alia, neighbourliness, residential amenity and compatibility of land use.

5.4 NPPF paragraph 81(d) requires planning policies to 'be flexible enough to accommodate needs not anticipated in the plan, allow for new and flexible working practices (such as live-work accommodation), and to enable a rapid response to changes in economic circumstances'. As drafted Policy ED 2 provides a rigid policy framework in respect of existing employment sites/ buildings with blanket protection that takes no account of local circumstances and does not provide flexibility for businesses to adapt and evolve. This conflicts with NPPF paragraph 81.

For office use only

New Site Submission? Enter site address

Logistics UK, Hermes House, St Johns Road,
Tunbridge Wells

Question 6

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Question 5 above. (Please note that non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

4.7 The suggested provisions of a site allocation for this Site are as follows:

Land at St John's Road (Hermes House)

This site, as defined on the Royal Tunbridge Wells Policies Map, is allocated for residential development providing approximately 50 dwellings, of which 30 percent shall be affordable housing.

Development on the site shall accord with the following requirements:

- 1 Vehicular access, delivery and servicing should be provided from St John's Road.**
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- 3 The design shall include appropriate measures to address the impact of the proposal on the gardens of neighbouring residential properties on St John's Road.**
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Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)? . Yes, I wish to participate in hearing session(s)

Question 7a

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

To debate the merit of amending the boundary of the Limits of Built Development to the rear of Hermes House and to adduce evidence to support the adjustment of the boundary in this location.

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box: Yes, I wish to be notified of future stages of the Local Plan

Supporting Information File Ref No: SI_111

Comment

Agent	Mrs Alex Jones [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Barton Willmore LLP
Address	7 Soho Square London W1D 3QB
Consultee	Mr David Wells [REDACTED]
Company / Organisation	Logistics UK
Address	Hermes House St John's Road Tunbridge Wells TN4 9UZ
Event Name	Pre-Submission Local Plan
Comment by	Logistics UK [REDACTED]
Comment ID	PSLP_1864
Response Date	04/06/21 12:48
Consultation Point	Policy STR/SS 1 The Strategy for Paddock Wood, including land at east Capel (View)
Status	Processed
Submission Type	Email
Version	0.4
Files	PSLP_1855, 1864-1867 Barton Willmore for Logistics UK SI.pdf
Data inputter to enter their initials here	AT
Question 1	
Respondent's Name and/or Organisation	Logistics UK
Question 2	
Agent's Name and Organisation (if applicable)	Barton Willmore LLP
Question 3	

To which part of the Local Plan does this representation relate?

Policy

Question 3a

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy STR/SS 1 The Strategy for Paddock Wood, including land at east Capel

[TWBC: this representation has been input against Section 5 - Royal Tunbridge Wells, Policies ED 2, STR/SS 1, STR/SS 3 and STR/RTW 1– see Comment Numbers PSLP_1855, PSLP_1864, PSLP_1865, PSLP_1866 and PSLP_1867. The full representation has been attached as Supporting Information]

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HERMES HOUSE, ST JOHN'S ROAD, ROYAL TUNBRIDGE WELLS

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1.8 There are Borough-wide benefits of including additional site allocations that are deliverable in the first five years of the Plan. There are also local benefits to Royal Tunbridge Wells which has relatively few proposed site allocations that are expected to yield new homes in the initial five year period. A steady supply of new homes is required in key settlements to provide choice and variety in the market and to mitigate against increasing issues of affordability. The Council should consider additional residential allocations in Royal Tunbridge Wells that are deliverable in the short-term to maintain a steady supply of new homes in this principal settlement.

1.9 In addition to the above, allocation of a previously developed site in an established urban area such as Hermes House reduces the pressure on greenfield development and reduces the need for Green Belt release. NPPF paragraph 137(a) requires LPAs 'to make as much use as possible of brownfield and underutilised land' before concluding that exceptional circumstances exist to justify release of land from the Green Belt for development. Hermes House is a brownfield, underutilised site and whilst this Site alone would not remove the need for some Green Belt release to meet TWBC's housing needs, it ought to be considered as an option for allocation before Green Belt sites in the sequential approach to identifying land to meet residential development needs through the emerging Local Plan.

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identified as a suitable location for future educational development being distant from the main school campus. In short, this area of land forms part of the school grounds but is incidental to the educational/ recreational function of the school.

1.11 The Site has an area of approximately 0.65 hectares. A capacity study (enclosed at Appendix 2: drawings reference 2104/FS/010) indicates that circa 48 homes could be accommodated at a density of 74 dwellings per hectare. Combining Hermes House with the land to the rear allows the number of new homes to be optimised and also for a more varied mix of homes of different sizes suitable for a range of households (including apartments and houses) in addition to a greater number of affordable homes.

1.12 The Hermes House part of the Site currently falls within the Limits of Built Development as per the Policies Map (2016). The Council has imposed Article 4 Directions on a number of existing employment buildings to prevent them from changing from office to residential under current Permitted Development regulations. These 'protected' employment buildings are largely those falling within accessible town centre and/ or established/ designated employment locations. Hermes House falls within a solely residential area and has not been 'protected' through an Article 4 Direction. Subject to meeting the requisite criteria, Hermes House could therefore be converted to residential. However, as set out above, the, inter alia, awkward plan form, inherent issues with heating and cooling and poor standard of the building would make for poor/ substandard homes which prevents this from being an option.

1.13 The southern part of the land to the rear also falls within the Limits of Built Development with approximately 0.15 hectares falling outside and within the area currently designated as Rural Fringe.

1.14 Logistics UK consider the Site to be ideally placed to deliver a range of high -quality new homes in an established residential area, with only a minor adjustment to the existing boundary of the Limits of Built Development required to facilitate this. It is Logistics UK's position that the Site should be included within the emerging Local Plan as a residential site allocation to deliver circa 50 new homes. The Site is deliverable in the short -term and will assist in diversifying the type and scale of site allocations thus reducing reliance on large -scale strategic allocations that require significant new infrastructure and risk delay, with the consequential impact on housing land supply and delivery.

1.15 The Site is deliverable in the short -term as per the NPPF definition (Annex 2):

'To be considered deliverable, sites for housing should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within 5 years'

1.16 The Site comprises previously developed land (Hermes House) with very little landscaping and mown/ managed grass on the land to the rear. There is very limited ecological potential with no trees/ hedges that would pose a constraint to development as proposed. There are also no national designations that would impede the development such as Green Belt, flood risk or heritage. Access is established from St John's Road.

2.0 CURRENT USE

Employment

2.1 Hermes House was converted from its previous religious use to offices prior to Logistics UK's occupation. The older building has an unusual circular plan form and includes an amphitheatre - style space. This space has historically served a function for seminars/ conferences but the structural supports/ columns are not ideal for this purpose and the resulting office floorspace is awkward and inefficient and cannot be considered to provide modern, functional or flexible office accommodation.

2.2 In an attempt to improve the quality of the employment accommodation on site Logistics UK constructed an extension in the late 1980s (LPA reference 84/01473/FUL) facilitated by the demolition of a residential property. Whilst providing a more regular plan form, this extension is now over 25 years old and requires significant upgrade works to allow it to continue to function as office floorspace. For example, the large areas of glazing make the space too hot in summer but too cold in winter. The extension does not benefit from air conditioning and the heating system is inadequate. Both are required along with new windows. However, there are inherent difficulties providing heating and cooling systems to serve the older part of the building and the extension. This further adds to the inefficiency of the current buildings.

2.3 In addition to the above, Hermes House is located in a predominantly residential area outside of a designated town centre and employment location. It is accessible by car but some 1.8km from Tunbridge Wells train station. Several members of staff travel to work at Hermes House by train, a proportion that Logistics UK consider would be higher if the offices were located in a more convenient location in proximity to the train station.

2.4 There is also the issue of compatibility of land use. Hermes House is surrounded on three sides by residential properties, being located on a residential road in a predominantly residential neighbourhood. Logistics UK runs software that requires a constant (24/7) power supply and generators. Care is taken to minimise noise from the generators but they are not ideal in a residential area. Moreover, the heating and cooling systems required to address the inherent issues with the current buildings and allow the employment use to continue will further add to the noise emitted. These issues, coupled with vehicle movements, staff outside use (including from the smoking shelter) and the types and scale of signage required, are present with the existing employment use and any likely future employment use.

2.5 It is on the basis of the above that Logistics UK consider that Hermes House should be returned to its former residential use as this would be more compatible with the established residential use and character within the area. Moreover, in line with adopted Core Strategy (2010) Core Policy 7, employment uses, particularly of the scale of Hermes House, are more appropriately sited in sustainable and accessible town centre and employment locations.

Education

2.6 Approximately 60% of the land to the rear of Hermes House is located outside of the Limits of Built Development and within the Rural Fringe, with the southern portion (circa 40%) within the Limits of Built Development. It is all within educational use forming part of the grounds of an neighbouring school.

2.7 This land has been included within the Site as it forms a logical extension to the Hermes House site and allows for an improved residential layout that facilitates the delivery of a higher number of homes that includes a greater variety of homes of different sizes (including apartments and houses) and a higher number of affordable homes.

2.8 Whilst this land is within educational use, it does not have a defined educational or recreational function. It is laid to grass and forms an incidental part of the wider school grounds. When the school has previously expanded this land has been reviewed as an option but discounted owing to its location remote from the main core of the school. It is also not easily accessible from the public highway (although it would be accessible from St John's Road through Hermes House if the sites were to be combined as proposed). In short, this land does not form a specific educational or recreational function and it is Logistics UK's position that it would be an appropriate location for small-scale residential development.

3.0 CASE FOR RESIDENTIAL

Historic Supply/ Delivery of New Homes

3.1 TWBC has a published shortfall in five-year housing land supply (Monitoring information (tunbridgewells.gov.uk) [accessed 01/06/2021]) and at 1 April 2020 could only demonstrate 4.83 years supply (see Five-Year Housing Land Supply 2019/20). This was based on a 5% buffer. However, given that TWBC's previous Five -Year Housing Land Supply 2018/19 report also identified a shortfall (4.69%: see paragraph 12), NPPF paragraph 73 would previously have indicated that a 20% buffer is appropriate. This has subsequently been superseded by the Housing Delivery Test whereby the 20% buffer is to be applied to LPAs with a Housing Delivery Test score of 85% or below.

3.2 TWBC has a published score of 86% in the Housing Delivery Test for the period 2016/17 to 2018/19 (Monitoring information (tunbridgewells.gov.uk) [accessed 01/06/2021]) (published February 2020). Whilst 1% higher than the threshold for the 20% buffer, TWBC has failed to meet or exceed its housing requirement for two of the three monitoring years that have informed the Housing Delivery Test result. The one year it did exceed it was when the housing requirement was notably lower owing to the method of calculation (pre -Standard Method). Moreover, the 2021 Housing Delivery Test results see TWBC's score reduce to 85% (Housing Delivery Test: 2020 measurement - GOV.UK (www.gov.uk) [accessed 01/06/2021]) thus housing delivery is worsening in the borough and the 20% buffer (NPPF paragraph 73) should be applied to the calculation of five-year housing land supply. This places even greater pressure on TWBC to identify additional land for residential development.

Proposed Supply of New Homes

3.3 The emerging Local Plan utilises the Standard Method figure of 678 homes per annum (Pre - Submission Local Plan paragraph 4.10) from which to establish the number of homes to plan for. The Planning Practice Guidance ('PPG') is clear that the Standard Method provides a 'minimum annual housing need figure' (PPG paragraph: 002 Reference ID: 2a -002-20190220) and a not a housing requirement figure. Whilst there is acknowledgement within the emerging Local Plan that exceptional circumstances do not exist to deviate from the Standard Method (paragraph 4.9 and 4.11) i.e. to provide for a lower number of homes, and that TWBC may need to consider taking unmet need from neighbouring authorities (see paragraph 4.13), there does not appear to have been an attempt to identify whether it would be appropriate to actively plan for a higher housing requirement.

3.4 The emerging Local Plan has been developed on the basis that site allocations to deliver some 6,900 additional homes will be required (paragraph 4.17) (albeit the Housing Supply and Trajectory Topic Paper for Pre-Submission Local Plan (February 2021) states that the Council must plan for a minimum of 7,221 homes through site allocations (paragraph 5.4). We have not interrogated the assessment that underpinned this conclusion (nor the discrepancy between the Topic Paper and Pre-Submission Local Plan). However, the emerging Local Plan is clear that this is based on the assumption that 'all previous allocations are still suitable and developable' (paragraph 4.17). In reality this may not be the case and the emerging Local Plan should actively seek to progress additional site allocations. Moreover, pursuant to the PPG, the Standard Method should be treated as a minimum figure. Thus, whilst the emerging Local Plan identifies site allocations capable of delivering between 8,076 and 8,461 homes over the Plan period (see Table 4), this may not be enough to provide for the housing required.

3.5 The historically poor housing delivery (as evidenced by the Housing Delivery Test) in the Borough and failure to maintain a five-year housing land supply should also be factors that weigh in favour of the identification of additional housing allocations to come forward in this Local Plan.

3.6 It is also noted that, whilst Royal Tunbridge Wells has 18 draft residential site allocations within the Pre-Submission Local Plan (see Section 5), the Housing Supply and Trajectory Topic Paper for Pre-Submission Local Plan (February 2021) identifies very few homes being delivered within the current five-year period (see Table 9, pages 29/30). This risks an undersupply of new homes in Royal Tunbridge Wells which will serve to drive up already high house prices. There would be merit in identifying additional site allocations, such as Hermes House, that are deliverable in the short term and can assist in providing consistent delivery of new homes in the Borough's principal settlement over the Plan period.

Strategic Allocations

3.7 The reliance of the emerging Local Plan on large-scale, strategic allocations is also of concern. Approximately 6,300 homes are identified as coming forward from two strategic allocations: approximately 3,500 homes at Paddock Wood/ East Capel (draft Policy STR/SS 1); and approximately 2,800 homes from a new settlement – Tudeley Village (draft Policy STR/SS 3). This represents almost 75% of all new homes planned for through the emerging Local Plan (taking the upper range provided at Table 4; 78% if taking the lower range). There is, therefore, significant reliance on the delivery of new homes from these two strategic sites.

3.8 It is common for it to take some time to see homes delivered on large -scale, strategic sites owing to, inter alia, the complexity of the planning process, landownership and often significant new infrastructure requirements. In the case of the proposed allocations at Paddock Wood and Tudeley Village this includes new schools, neighbourhood centres, employment and sports, health and community facilities. Moreover, Framework Masterplan SPDs are requirements of the draft policies, to be adopted in advance of planning permission being granted, which will add significantly to the overall planning process. Furthermore, the use of Compulsory Purchase Order powers is referenced in both allocations indicating anticipated issues with landownership.

3.9 The Housing Supply and Trajectory Topic Paper for Pre-Submission Plan (February 2021) identifies delivery of homes from both strategic allocations from 2025/26, with 300 homes completed per annum from Paddock Wood/ East Capel and 150 from Tudeley Village (see Table 9, page 30). Given that Framework Masterplan SPDs are required before planning permission can be granted, it is already halfway through 2021 and significant infrastructure is required to 'unlock' the sites, delivery of homes from these allocations within the next four years is ambitious. Delivery of 300 homes in the first year from Paddock Wood/ East of Capel is very ambitious, as is 150 from Tudeley Village.

3.10 Whilst it is accepted that strategic allocations are required to meet longer term and large -scale housing needs, the emerging Local Plan ought to be realistic as to when and how many homes can be expected from these sites. Further, it should seek to identify a large number and range of small to medium sized allocations to provide for local housing needs and a consistent supply of new homes to account for the risk of delays from larger allocations. Placing such reliance on the delivery of homes from only two strategic sites is a high-risk strategy that could see the historically poor delivery of homes in the Borough continue and/ or worsen.

4.0 SITE ALLOCATION

4.1 Hermes House and the land to the rear ('the Site') provides an opportunity for an additional residential site allocation in Royal Tunbridge Wells within the emerging Local Plan. The Site has not previously been submitted to a Call for Sites and is not included in the Strategic Housing and Economic Land Availability Assessment (January 2021). The previous Call for Sites were held in 2016 and 2017 which was prior to Logistics UK considering relocating to a more appropriate site within Royal Tunbridge Wells.

4.2 For the reasons outlined above, Hermes House is not considered an appropriate employment location and has not been protected by the Council from changing use to residential, albeit this is not a feasible option given the inherent issues with the current buildings. Additionally, the land to the rear does not provide an active educational or recreational function and, if included with Hermes House, could provide a logical extension to the built -up area to create a high-quality residential development that delivers much-needed new homes in the short -term.

4.3 The Limits of Built Development boundary would require a minor adjustment to include that part of the land to the rear of Hermes House that currently falls outside. This area of land is surrounded on three sides by the current Limits of Built Development (i.e. it is inset) and the realignment of the boundary in this location would result a in logical 'squaring off' of the boundary with very limited visual impact.

4.4 Vehicular and pedestrian/ cycle access to the Site would continue to be taken from St John's Road from the existing or a relocated single access point.

4.5 It is envisaged that building heights will reflect the prevailing residential heights within the local area.

4.6 The homes would be provided as a range of private and affordable tenures and across a variety of dwelling types and sizes to cater for a wide range of households.

4.7 The suggested provisions of a site allocation for this Site are as follows:

Land at St John's Road (Hermes House)

This site, as defined on the Royal Tunbridge Wells Policies Map, is allocated for residential development providing approximately 50 dwellings, of which 30 percent shall be affordable housing.

Development on the site shall accord with the following requirements:

- 1 Vehicular access, delivery and servicing should be provided from St John's Road.**
- 2 Provide a landscaped boundary to the new Limits of Build Development.**
- 3 The design shall include appropriate measures to address the impact of the proposal on the gardens of neighbouring residential properties on St John's Road.**
- 4 Provision of on-site amenity greenspace/ high-quality landscaping.**

5.0 EMERGING POLICY MAP/ POLICIES

Limits of Built Development

5.1 Current adopted policy (Core Policy 2) seeks to protect the Rural Fringe from development with this land only released through adoption of a development plan document (i.e. site allocations DPD). The emerging Local Plan does not seek to take forward the Rural Fringe designation which Logistics UK supports. However, part of the land to the rear of Hermes House would remain outside of the Limits of Built Development. This land is inset from the boundary of the Limits of Built Development and adjustment in this area would represent a logical 'squaring off' of the boundary. This would have very limited visual impact given the small scale of the adjustment but would optimise the delivery of new homes in a high-quality development to meet local needs for homes of different types, sizes and tenures.

5.2 We suggest that the Limits of Built Development boundary should be adjusted to reflect the western extent of the Site boundary as shown on the Site Location Plan (drawing reference 2104/FS/001).

Employment

5.3 The emerging Local Plan (draft Policy ED 2) seeks to protect existing employment buildings/ sites regardless of their location and compatibility with neighbouring properties. It is our position that this is a failing of the emerging policy. Not all existing employment buildings/ sites will be appropriate for this level of protection (for example, Hermes House) and the policy should not assume this to be the case. Express wording is required to acknowledge this situation and allow for change of use away from employment -generating use where this is not appropriate owing to reasons of, inter alia, neighbourliness, residential amenity and compatibility of land use.

5.4 NPPF paragraph 81(d) requires planning policies to 'be flexible enough to accommodate needs not anticipated in the plan, allow for new and flexible working practices (such as live-work accommodation), and to enable a rapid response to changes in economic circumstances'. As drafted Policy ED 2 provides a rigid policy framework in respect of existing employment sites/ buildings with blanket protection that takes no account of local circumstances and does not provide flexibility for businesses to adapt and evolve. This conflicts with NPPF paragraph 81.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)? . Yes, I wish to participate in hearing session(s)

Question 7a

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

To debate the issues with such heavy reliance upon housing delivery from just two sites.

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box: Yes, I wish to be notified of future stages of the Local Plan

Supporting Information File Ref No: SI_111

Comment

Agent	Mrs Alex Jones [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Barton Willmore LLP
Address	7 Soho Square London W1D 3QB
Consultee	Mr David Wells [REDACTED]
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Address	Hermes House St John's Road Tunbridge Wells TN4 9UZ
Event Name	Pre-Submission Local Plan
Comment by	Logistics UK [REDACTED]
Comment ID	PSLP_1865
Response Date	04/06/21 12:48
Consultation Point	Policy STR/SS 3 The Strategy for Tudeley Village (View)
Status	Processed
Submission Type	Email
Version	0.4
Files	PSLP_1855, 1864-1867 Barton Willmore for Logistics UK SI.pdf
Data inputter to enter their initials here	AT
Question 1	
Respondent's Name and/or Organisation	Logistics UK
Question 2	
Agent's Name and Organisation (if applicable)	Barton Willmore LLP
Question 3	

To which part of the Local Plan does this representation relate?

Policy

Question 3a

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy STR/SS 3 The Strategy for Tudeley Village

[TWBC: this representation has been input against Section 5 - Royal Tunbridge Wells, Policies ED 2, STR/SS 1, STR/SS 3 and STR/RTW 1– see Comment Numbers PSLP_1855, PSLP_1864, PSLP_1865, PSLP_1866 and PSLP_1867. The full representation has been attached as Supporting Information]

Question 4

Do you consider that the Local Plan:

Is legally compliant

Don't know

Is sound

No

Complies with the Duty to Cooperate

Don't know

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

- . It is not positively prepared
- . It is not effective
- . It is not justified
- . It is not consistent with national policy

Question 5

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

TWBC LOCAL PLAN REG. 19 REPRESENTATIONS

HERMES HOUSE, ST JOHN'S ROAD, ROYAL TUNBRIDGE WELLS

1.0 INTRODUCTION & OVERVIEW

1.1 These representations are made on behalf of Logistics UK in respect of their headquarters at Hermes House, St John's Road, Royal Tunbridge Wells TN4 9UZ and the land to the rear ('the Site': see Site Location Plan (drawing reference 2104/FS/001) enclosed at Appendix 1) and are submitted to the Regulation 19 consultation on the emerging Tunbridge Wells Borough Council ('TWBC') Local Plan (Pre -Submission Local Plan, undated).

1.2 The Site currently comprises offices in employment use (albeit currently only sparsely / rarely occupied) with associated car parking, accessed from St John's Road, and an area of grassland to the rear. The Site is not located within a conservation area and there are no known designated or

non-designated heritage assets on or in proximity. The Site falls within Flood Zone 1 and is not known to be subject to any ecological designations.

1.3 Logistics UK have occupied Hermes House since 1975. The older building on site is understood to have originally been constructed as church and used for religious purposes before being converted to offices. It has an unusual circular plan form that does not lend itself to modern office use and results in inefficient use of the space, both in terms of the area of unused space and the ability to lay out the useable space in a manner conducive to modern working practises. Moreover, Logistics UK run training and conferencing events from Hermes House which again does not lend itself to this purpose owing to the number of structural supports/ columns.

1.4 An extension was constructed in the late 1980s to provide two floors of office accommodation on a more regular plan form. Whilst at the time the extension functioned well it is now dated and requires significant upgrade works including replacement of all windows, a new heating system and air conditioning. There are also difficulties providing heating and cooling across the two elements of Hermes House as both differ significantly in their construction and design. This creates further inefficiencies.

1.5 A number of Logistics UK's staff travel to work by train. Hermes House is accessible by car but is some 1.8 km from the nearest train station (Tunbridge Wells) and is located outside of designated town centre/ employment areas. The Site is not in a sustainable employment location. Moreover, it is located in a predominantly residential area where adopted and emerging policy would resist new employment uses owing to the impact on residential amenity, issues of neighbourliness and incompatibility of land use.

1.6 As a result of the poor quality of the existing employment accommodation and its poor public transport accessibility and location within a residential area, Logistics UK has been planning to vacate Hermes House and relocate to a more appropriate premises and location within Tunbridge Wells. This process has been expedited owing to the pandemic and shift to a greater proportion of staff working from home thus requiring a smaller area of employment floorspace in any event.

1.7 Given the location of Hermes House in a residential area, residential has been identified as the most appropriate and compatible use moving forward. Moreover, TWBC has been unable to demonstrate a five-year supply of housing land for the most recent monitoring years and has a worsening Housing Delivery Test score despite having an Action Plan in place. The emerging Local Plan provides the opportunity to address the current and historically poor housing delivery in the Borough. However, the heavy reliance of the emerging Local Plan on two large strategic sites to meet almost 75% of its housing need over the Plan period is a high-risk strategy. Moreover, delivery of new homes on these strategic sites is not anticipated for four years (in our view at the earliest). The Council should, therefore, seek to allocate additional small/ medium scale sites for residential development to address historically unmet need, provide fluidity in five -year housing land supply and ensure short -term delivery of homes to mitigate the risk of delays from the strategic sites.

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1.9 In addition to the above, allocation of a previously developed site in an established urban area such as Hermes House reduces the pressure on greenfield development and reduces the need for Green Belt release. NPPF paragraph 137(a) requires LPAs 'to make as much use as possible of brownfield and underutilised land' before concluding that exceptional circumstances exist to justify release of land from the Green Belt for development. Hermes House is a brownfield, underutilised site and whilst this Site alone would not remove the need for some Green Belt release to meet TWBC's housing needs, it ought to be considered as an option for allocation before Green Belt sites in the sequential approach to identifying land to meet residential development needs through the emerging Local Plan.

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2.2 In an attempt to improve the quality of the employment accommodation on site Logistics UK constructed an extension in the late 1980s (LPA reference 84/01473/FUL) facilitated by the demolition of a residential property. Whilst providing a more regular plan form, this extension is now over 25 years old and requires significant upgrade works to allow it to continue to function as office floorspace. For example, the large areas of glazing make the space too hot in summer but too cold in winter. The extension does not benefit from air conditioning and the heating system is inadequate. Both are required along with new windows. However, there are inherent difficulties providing heating and cooling systems to serve the older part of the building and the extension. This further adds to the inefficiency of the current buildings.

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2.4 There is also the issue of compatibility of land use. Hermes House is surrounded on three sides by residential properties, being located on a residential road in a predominantly residential neighbourhood. Logistics UK runs software that requires a constant (24/7) power supply and generators. Care is taken to minimise noise from the generators but they are not ideal in a residential area. Moreover, the heating and cooling systems required to address the inherent issues with the current buildings and allow the employment use to continue will further add to the noise emitted. These issues, coupled with vehicle movements, staff outside use (including from the smoking shelter) and the types and scale of signage required, are present with the existing employment use and any likely future employment use.

2.5 It is on the basis of the above that Logistics UK consider that Hermes House should be returned to its former residential use as this would be more compatible with the established residential use and character within the area. Moreover, in line with adopted Core Strategy (2010) Core Policy 7, employment uses, particularly of the scale of Hermes House, are more appropriately sited in sustainable and accessible town centre and employment locations.

Education

2.6 Approximately 60% of the land to the rear of Hermes House is located outside of the Limits of Built Development and within the Rural Fringe, with the southern portion (circa 40%) within the Limits of Built Development. It is all within educational use forming part of the grounds of an neighbouring school.

2.7 This land has been included within the Site as it forms a logical extension to the Hermes House site and allows for an improved residential layout that facilitates the delivery of a higher number of homes that includes a greater variety of homes of different sizes (including apartments and houses) and a higher number of affordable homes.

2.8 Whilst this land is within educational use, it does not have a defined educational or recreational function. It is laid to grass and forms an incidental part of the wider school grounds. When the school has previously expanded this land has been reviewed as an option but discounted owing to its location remote from the main core of the school. It is also not easily accessible from the public highway (although it would be accessible from St John's Road through Hermes House if the sites were to be combined as proposed). In short, this land does not form a specific educational or recreational function and it is Logistics UK's position that it would be an appropriate location for small-scale residential development.

3.0 CASE FOR RESIDENTIAL

Historic Supply/ Delivery of New Homes

3.1 TWBC has a published shortfall in five-year housing land supply (Monitoring information (tunbridgewells.gov.uk) [accessed 01/06/2021]) and at 1 April 2020 could only demonstrate 4.83 years supply (see Five-Year Housing Land Supply 2019/20). This was based on a 5% buffer. However, given that TWBC's previous Five-Year Housing Land Supply 2018/19 report also identified a shortfall (4.69%: see paragraph 12), NPPF paragraph 73 would previously have indicated that a 20% buffer is appropriate. This has subsequently been superseded by the Housing Delivery Test whereby the 20% buffer is to be applied to LPAs with a Housing Delivery Test score of 85% or below.

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Proposed Supply of New Homes

3.3 The emerging Local Plan utilises the Standard Method figure of 678 homes per annum (Pre - Submission Local Plan paragraph 4.10) from which to establish the number of homes to plan for. The Planning Practice Guidance ('PPG') is clear that the Standard Method provides a 'minimum annual housing need figure' (PPG paragraph: 002 Reference ID: 2a -002-20190220) and a not a housing requirement figure. Whilst there is acknowledgement within the emerging Local Plan that exceptional circumstances do not exist to deviate from the Standard Method (paragraph 4.9 and 4.11) i.e. to provide for a lower number of homes, and that TWBC may need to consider taking unmet need from neighbouring authorities (see paragraph 4.13), there does not appear to have been an attempt to identify whether it would be appropriate to actively plan for a higher housing requirement.

3.4 The emerging Local Plan has been developed on the basis that site allocations to deliver some 6,900 additional homes will be required (paragraph 4.17) (albeit the Housing Supply and Trajectory Topic Paper for Pre-Submission Local Plan (February 2021) states that the Council must plan for a minimum of 7,221 homes through site allocations (paragraph 5.4). We have not interrogated the assessment that underpinned this conclusion (nor the discrepancy between the Topic Paper and Pre-Submission Local Plan). However, the emerging Local Plan is clear that this is based on the assumption that 'all previous allocations are still suitable and developable' (paragraph 4.17). In reality this may not be the case and the emerging Local Plan should actively seek to progress additional site allocations. Moreover, pursuant to the PPG, the Standard Method should be treated as a minimum figure. Thus, whilst the emerging Local Plan identifies site allocations capable of delivering between 8,076 and 8,461 homes over the Plan period (see Table 4), this may not be enough to provide for the housing required.

3.5 The historically poor housing delivery (as evidenced by the Housing Delivery Test) in the Borough and failure to maintain a five-year housing land supply should also be factors that weigh in favour of the identification of additional housing allocations to come forward in this Local Plan.

3.6 It is also noted that, whilst Royal Tunbridge Wells has 18 draft residential site allocations within the Pre-Submission Local Plan (see Section 5), the Housing Supply and Trajectory Topic Paper for Pre-Submission Local Plan (February 2021) identifies very few homes being delivered within the current five-year period (see Table 9, pages 29/30). This risks an undersupply of new homes in Royal Tunbridge Wells which will serve to drive up already high house prices. There would be merit in identifying additional site allocations, such as Hermes House, that are deliverable in the short term and can assist in providing consistent delivery of new homes in the Borough's principal settlement over the Plan period.

Strategic Allocations

3.7 The reliance of the emerging Local Plan on large-scale, strategic allocations is also of concern. Approximately 6,300 homes are identified as coming forward from two strategic allocations: approximately 3,500 homes at Paddock Wood/ East Capel (draft Policy STR/SS 1); and approximately 2,800 homes from a new settlement – Tudeley Village (draft Policy STR/SS 3). This represents almost 75% of all new homes planned for through the emerging Local Plan (taking the upper range provided at Table 4; 78% if taking the lower range). There is, therefore, significant reliance on the delivery of new homes from these two strategic sites.

3.8 It is common for it to take some time to see homes delivered on large -scale, strategic sites owing to, inter alia, the complexity of the planning process, landownership and often significant new infrastructure requirements. In the case of the proposed allocations at Paddock Wood and Tudeley Village this includes new schools, neighbourhood centres, employment and sports, health and community facilities. Moreover, Framework Masterplan SPDs are requirements of the draft policies, to be adopted in advance of planning permission being granted, which will add significantly to the overall planning process. Furthermore, the use of Compulsory Purchase Order powers is referenced in both allocations indicating anticipated issues with landownership.

3.9 The Housing Supply and Trajectory Topic Paper for Pre-Submission Plan (February 2021) identifies delivery of homes from both strategic allocations from 2025/26, with 300 homes completed per annum from Paddock Wood/ East Capel and 150 from Tudeley Village (see Table 9, page 30). Given that Framework Masterplan SPDs are required before planning permission can be granted, it is already halfway through 2021 and significant infrastructure is required to 'unlock' the sites, delivery of homes from these allocations within the next four years is ambitious. Delivery of 300 homes in the first year from Paddock Wood/ East of Capel is very ambitious, as is 150 from Tudeley Village.

3.10 Whilst it is accepted that strategic allocations are required to meet longer term and large -scale housing needs, the emerging Local Plan ought to be realistic as to when and how many homes can be expected from these sites. Further, it should seek to identify a large number and range of small to medium sized allocations to provide for local housing needs and a consistent supply of new homes to account for the risk of delays from larger allocations. Placing such reliance on the delivery of homes from only two strategic sites is a high-risk strategy that could see the historically poor delivery of homes in the Borough continue and/ or worsen.

4.0 SITE ALLOCATION

4.1 Hermes House and the land to the rear ('the Site') provides an opportunity for an additional residential site allocation in Royal Tunbridge Wells within the emerging Local Plan. The Site has not previously been submitted to a Call for Sites and is not included in the Strategic Housing and Economic Land Availability Assessment (January 2021). The previous Call for Sites were held in 2016 and 2017 which was prior to Logistics UK considering relocating to a more appropriate site within Royal Tunbridge Wells.

4.2 For the reasons outlined above, Hermes House is not considered an appropriate employment location and has not been protected by the Council from changing use to residential, albeit this is not a feasible option given the inherent issues with the current buildings. Additionally, the land to the rear does not provide an active educational or recreational function and, if included with Hermes House, could provide a logical extension to the built -up area to create a high-quality residential development that delivers much-needed new homes in the short -term.

4.3 The Limits of Built Development boundary would require a minor adjustment to include that part of the land to the rear of Hermes House that currently falls outside. This area of land is surrounded on three sides by the current Limits of Built Development (i.e. it is inset) and the realignment of the boundary in this location would result a in logical 'squaring off' of the boundary with very limited visual impact.

4.4 Vehicular and pedestrian/ cycle access to the Site would continue to be taken from St John's Road from the existing or a relocated single access point.

4.5 It is envisaged that building heights will reflect the prevailing residential heights within the local area.

4.6 The homes would be provided as a range of private and affordable tenures and across a variety of dwelling types and sizes to cater for a wide range of households.

4.7 The suggested provisions of a site allocation for this Site are as follows:

Land at St John's Road (Hermes House)

This site, as defined on the Royal Tunbridge Wells Policies Map, is allocated for residential development providing approximately 50 dwellings, of which 30 percent shall be affordable housing.

Development on the site shall accord with the following requirements:

- 1 Vehicular access, delivery and servicing should be provided from St John's Road.**
- 2 Provide a landscaped boundary to the new Limits of Build Development.**
- 3 The design shall include appropriate measures to address the impact of the proposal on the gardens of neighbouring residential properties on St John's Road.**
- 4 Provision of on-site amenity greenspace/ high-quality landscaping.**

5.0 EMERGING POLICY MAP/ POLICIES

Limits of Built Development

5.1 Current adopted policy (Core Policy 2) seeks to protect the Rural Fringe from development with this land only released through adoption of a development plan document (i.e. site allocations DPD). The emerging Local Plan does not seek to take forward the Rural Fringe designation which Logistics UK supports. However, part of the land to the rear of Hermes House would remain outside of the Limits of Built Development. This land is inset from the boundary of the Limits of Built Development and adjustment in this area would represent a logical 'squaring off' of the boundary. This would have very limited visual impact given the small scale of the adjustment but would optimise the delivery of new homes in a high-quality development to meet local needs for homes of different types, sizes and tenures.

5.2 We suggest that the Limits of Built Development boundary should be adjusted to reflect the western extent of the Site boundary as shown on the Site Location Plan (drawing reference 2104/FS/001).

Employment

5.3 The emerging Local Plan (draft Policy ED 2) seeks to protect existing employment buildings/ sites regardless of their location and compatibility with neighbouring properties. It is our position that this is a failing of the emerging policy. Not all existing employment buildings/ sites will be appropriate for this level of protection (for example, Hermes House) and the policy should not assume this to be the case. Express wording is required to acknowledge this situation and allow for change of use away from employment -generating use where this is not appropriate owing to reasons of, inter alia, neighbourliness, residential amenity and compatibility of land use.

5.4 NPPF paragraph 81(d) requires planning policies to 'be flexible enough to accommodate needs not anticipated in the plan, allow for new and flexible working practices (such as live-work accommodation), and to enable a rapid response to changes in economic circumstances'. As drafted Policy ED 2 provides a rigid policy framework in respect of existing employment sites/ buildings with blanket protection that takes no account of local circumstances and does not provide flexibility for businesses to adapt and evolve. This conflicts with NPPF paragraph 81.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)? . Yes, I wish to participate in hearing session(s)

Question 7a

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

To debate the issues with such heavy reliance upon housing delivery from just two sites.

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box: Yes, I wish to be notified of future stages of the Local Plan

Supporting Information File Ref No: SI_111

Comment

Agent	Mrs Alex Jones [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Barton Willmore LLP
Address	[REDACTED] London [REDACTED]
Consultee	Mr David Wells [REDACTED]
Company / Organisation	Logistics UK
Address	[REDACTED] [REDACTED] Tunbridge Wells [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Logistics UK [REDACTED]
Comment ID	PSLP_1855
Response Date	04/06/21 12:48
Consultation Point	Policy ED 2 Retention of Existing Employment Sites and Buildings (View)
Status	Processed
Submission Type	Email
Version	0.6
Files	PSLP_1855, 1864-1867 Barton Willmore for Logistics UK SI.pdf
Data inputter to enter their initials here	AT
Question 1	
Respondent's Name and/or Organisation	Logistics UK
Question 2	
Agent's Name and Organisation (if applicable)	Barton Willmore LLP
Question 3	

To which part of the Local Plan does this representation relate?

Policy

Question 3a

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy ED 2 Retention of Existing Employment Sites and Buildings

[TWBC: this representation has been input against Section 5 - Royal Tunbridge Wells, Policies ED 2, STR/SS 1, STR/SS 3 and STR/RTW 1– see Comment Numbers PSLP_1855, PSLP_1864, PSLP_1865, PSLP_1866 and PSLP_1867. The full representation has been attached as Supporting Information]

Question 4

Do you consider that the Local Plan:

Is legally compliant

No

Is sound

No

Complies with the Duty to Cooperate

Don't know

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

- . It is not positively prepared
- . It is not effective
- . It is not justified
- . It is not consistent with national policy

Question 5

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

TWBC LOCAL PLAN REG. 19 REPRESENTATIONS

HERMES HOUSE, ST JOHN'S ROAD, ROYAL TUNBRIDGE WELLS

1.0 INTRODUCTION & OVERVIEW

1.1 These representations are made on behalf of Logistics UK in respect of their headquarters at Hermes House, St John's Road, Royal Tunbridge Wells TN4 9UZ and the land to the rear ('the Site': see Site Location Plan (drawing reference 2104/FS/001) enclosed at Appendix 1) and are submitted to the Regulation 19 consultation on the emerging Tunbridge Wells Borough Council ('TWBC') Local Plan (Pre -Submission Local Plan, undated).

1.2 The Site currently comprises offices in employment use (albeit currently only sparsely / rarely occupied) with associated car parking, accessed from St John's Road, and an area of grassland to the rear. The Site is not located within a conservation area and there are no known designated or

non-designated heritage assets on or in proximity. The Site falls within Flood Zone 1 and is not known to be subject to any ecological designations.

1.3 Logistics UK have occupied Hermes House since 1975. The older building on site is understood to have originally been constructed as church and used for religious purposes before being converted to offices. It has an unusual circular plan form that does not lend itself to modern office use and results in inefficient use of the space, both in terms of the area of unused space and the ability to lay out the useable space in a manner conducive to modern working practises. Moreover, Logistics UK run training and conferencing events from Hermes House which again does not lend itself to this purpose owing to the number of structural supports/ columns.

1.4 An extension was constructed in the late 1980s to provide two floors of office accommodation on a more regular plan form. Whilst at the time the extension functioned well it is now dated and requires significant upgrade works including replacement of all windows, a new heating system and air conditioning. There are also difficulties providing heating and cooling across the two elements of Hermes House as both differ significantly in their construction and design. This creates further inefficiencies.

1.5 A number of Logistics UK's staff travel to work by train. Hermes House is accessible by car but is some 1.8 km from the nearest train station (Tunbridge Wells) and is located outside of designated town centre/ employment areas. The Site is not in a sustainable employment location. Moreover, it is located in a predominantly residential area where adopted and emerging policy would resist new employment uses owing to the impact on residential amenity, issues of neighbourliness and incompatibility of land use.

1.6 As a result of the poor quality of the existing employment accommodation and its poor public transport accessibility and location within a residential area, Logistics UK has been planning to vacate Hermes House and relocate to a more appropriate premises and location within Tunbridge Wells. This process has been expedited owing to the pandemic and shift to a greater proportion of staff working from home thus requiring a smaller area of employment floorspace in any event.

1.7 Given the location of Hermes House in a residential area, residential has been identified as the most appropriate and compatible use moving forward. Moreover, TWBC has been unable to demonstrate a five-year supply of housing land for the most recent monitoring years and has a worsening Housing Delivery Test score despite having an Action Plan in place. The emerging Local Plan provides the opportunity to address the current and historically poor housing delivery in the Borough. However, the heavy reliance of the emerging Local Plan on two large strategic sites to meet almost 75% of its housing need over the Plan period is a high-risk strategy. Moreover, delivery of new homes on these strategic sites is not anticipated for four years (in our view at the earliest). The Council should, therefore, seek to allocate additional small/ medium scale sites for residential development to address historically unmet need, provide fluidity in five -year housing land supply and ensure short -term delivery of homes to mitigate the risk of delays from the strategic sites.

1.8 There are Borough-wide benefits of including additional site allocations that are deliverable in the first five years of the Plan. There are also local benefits to Royal Tunbridge Wells which has relatively few proposed site allocations that are expected to yield new homes in the initial five year period. A steady supply of new homes is required in key settlements to provide choice and variety in the market and to mitigate against increasing issues of affordability. The Council should consider additional residential allocations in Royal Tunbridge Wells that are deliverable in the short-term to maintain a steady supply of new homes in this principal settlement.

1.9 In addition to the above, allocation of a previously developed site in an established urban area such as Hermes House reduces the pressure on greenfield development and reduces the need for Green Belt release. NPPF paragraph 137(a) requires LPAs 'to make as much use as possible of brownfield and underutilised land' before concluding that exceptional circumstances exist to justify release of land from the Green Belt for development. Hermes House is a brownfield, underutilised site and whilst this Site alone would not remove the need for some Green Belt release to meet TWBC's housing needs, it ought to be considered as an option for allocation before Green Belt sites in the sequential approach to identifying land to meet residential development needs through the emerging Local Plan.

1.10 Redevelopment of Hermes House alone would yield relatively few dwellings. As such Logistics UK has also reviewed the potential of the land immediately to the rear. The land to the rear is currently in educational use but does not serve a specific educational or recreational function, nor has it been

identified as a suitable location for future educational development being distant from the main school campus. In short, this area of land forms part of the school grounds but is incidental to the educational/ recreational function of the school.

1.11 The Site has an area of approximately 0.65 hectares. A capacity study (enclosed at Appendix 2: drawings reference 2104/FS/010) indicates that circa 48 homes could be accommodated at a density of 74 dwellings per hectare. Combining Hermes House with the land to the rear allows the number of new homes to be optimised and also for a more varied mix of homes of different sizes suitable for a range of households (including apartments and houses) in addition to a greater number of affordable homes.

1.12 The Hermes House part of the Site currently falls within the Limits of Built Development as per the Policies Map (2016). The Council has imposed Article 4 Directions on a number of existing employment buildings to prevent them from changing from office to residential under current Permitted Development regulations. These 'protected' employment buildings are largely those falling within accessible town centre and/ or established/ designated employment locations. Hermes House falls within a solely residential area and has not been 'protected' through an Article 4 Direction. Subject to meeting the requisite criteria, Hermes House could therefore be converted to residential. However, as set out above, the, inter alia, awkward plan form, inherent issues with heating and cooling and poor standard of the building would make for poor/ substandard homes which prevents this from being an option.

1.13 The southern part of the land to the rear also falls within the Limits of Built Development with approximately 0.15 hectares falling outside and within the area currently designated as Rural Fringe.

1.14 Logistics UK consider the Site to be ideally placed to deliver a range of high -quality new homes in an established residential area, with only a minor adjustment to the existing boundary of the Limits of Built Development required to facilitate this. It is Logistics UK's position that the Site should be included within the emerging Local Plan as a residential site allocation to deliver circa 50 new homes. The Site is deliverable in the short -term and will assist in diversifying the type and scale of site allocations thus reducing reliance on large -scale strategic allocations that require significant new infrastructure and risk delay, with the consequential impact on housing land supply and delivery.

1.15 The Site is deliverable in the short -term as per the NPPF definition (Annex 2):

'To be considered deliverable, sites for housing should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within 5 years'

1.16 The Site comprises previously developed land (Hermes House) with very little landscaping and mown/ managed grass on the land to the rear. There is very limited ecological potential with no trees/ hedges that would pose a constraint to development as proposed. There are also no national designations that would impede the development such as Green Belt, flood risk or heritage. Access is established from St John's Road.

2.0 CURRENT USE

Employment

2.1 Hermes House was converted from its previous religious use to offices prior to Logistics UK's occupation. The older building has an unusual circular plan form and includes an amphitheatre - style space. This space has historically served a function for seminars/ conferences but the structural supports/ columns are not ideal for this purpose and the resulting office floorspace is awkward and inefficient and cannot be considered to provide modern, functional or flexible office accommodation.

2.2 In an attempt to improve the quality of the employment accommodation on site Logistics UK constructed an extension in the late 1980s (LPA reference 84/01473/FUL) facilitated by the demolition of a residential property. Whilst providing a more regular plan form, this extension is now over 25 years old and requires significant upgrade works to allow it to continue to function as office floorspace. For example, the large areas of glazing make the space too hot in summer but too cold in winter. The extension does not benefit from air conditioning and the heating system is inadequate. Both are required along with new windows. However, there are inherent difficulties providing heating and cooling systems to serve the older part of the building and the extension. This further adds to the inefficiency of the current buildings.

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3.4 The emerging Local Plan has been developed on the basis that site allocations to deliver some 6,900 additional homes will be required (paragraph 4.17) (albeit the Housing Supply and Trajectory Topic Paper for Pre-Submission Local Plan (February 2021) states that the Council must plan for a minimum of 7,221 homes through site allocations (paragraph 5.4). We have not interrogated the assessment that underpinned this conclusion (nor the discrepancy between the Topic Paper and Pre-Submission Local Plan). However, the emerging Local Plan is clear that this is based on the assumption that 'all previous allocations are still suitable and developable' (paragraph 4.17). In reality this may not be the case and the emerging Local Plan should actively seek to progress additional site allocations. Moreover, pursuant to the PPG, the Standard Method should be treated as a minimum figure. Thus, whilst the emerging Local Plan identifies site allocations capable of delivering between 8,076 and 8,461 homes over the Plan period (see Table 4), this may not be enough to provide for the housing required.

3.5 The historically poor housing delivery (as evidenced by the Housing Delivery Test) in the Borough and failure to maintain a five-year housing land supply should also be factors that weigh in favour of the identification of additional housing allocations to come forward in this Local Plan.

3.6 It is also noted that, whilst Royal Tunbridge Wells has 18 draft residential site allocations within the Pre-Submission Local Plan (see Section 5), the Housing Supply and Trajectory Topic Paper for Pre-Submission Local Plan (February 2021) identifies very few homes being delivered within the current five-year period (see Table 9, pages 29/30). This risks an undersupply of new homes in Royal Tunbridge Wells which will serve to drive up already high house prices. There would be merit in identifying additional site allocations, such as Hermes House, that are deliverable in the short term and can assist in providing consistent delivery of new homes in the Borough's principal settlement over the Plan period.

Strategic Allocations

3.7 The reliance of the emerging Local Plan on large-scale, strategic allocations is also of concern. Approximately 6,300 homes are identified as coming forward from two strategic allocations: approximately 3,500 homes at Paddock Wood/ East Capel (draft Policy STR/SS 1); and approximately 2,800 homes from a new settlement – Tudeley Village (draft Policy STR/SS 3). This represents almost 75% of all new homes planned for through the emerging Local Plan (taking the upper range provided at Table 4; 78% if taking the lower range). There is, therefore, significant reliance on the delivery of new homes from these two strategic sites.

3.8 It is common for it to take some time to see homes delivered on large -scale, strategic sites owing to, inter alia, the complexity of the planning process, landownership and often significant new infrastructure requirements. In the case of the proposed allocations at Paddock Wood and Tudeley Village this includes new schools, neighbourhood centres, employment and sports, health and community facilities. Moreover, Framework Masterplan SPDs are requirements of the draft policies, to be adopted in advance of planning permission being granted, which will add significantly to the overall planning process. Furthermore, the use of Compulsory Purchase Order powers is referenced in both allocations indicating anticipated issues with landownership.

3.9 The Housing Supply and Trajectory Topic Paper for Pre-Submission Plan (February 2021) identifies delivery of homes from both strategic allocations from 2025/26, with 300 homes completed per annum from Paddock Wood/ East Capel and 150 from Tudeley Village (see Table 9, page 30). Given that Framework Masterplan SPDs are required before planning permission can be granted, it is already halfway through 2021 and significant infrastructure is required to 'unlock' the sites, delivery of homes from these allocations within the next four years is ambitious. Delivery of 300 homes in the first year from Paddock Wood/ East of Capel is very ambitious, as is 150 from Tudeley Village.

3.10 Whilst it is accepted that strategic allocations are required to meet longer term and large -scale housing needs, the emerging Local Plan ought to be realistic as to when and how many homes can be expected from these sites. Further, it should seek to identify a large number and range of small to medium sized allocations to provide for local housing needs and a consistent supply of new homes to account for the risk of delays from larger allocations. Placing such reliance on the delivery of homes from only two strategic sites is a high-risk strategy that could see the historically poor delivery of homes in the Borough continue and/ or worsen.

4.0 SITE ALLOCATION

4.1 Hermes House and the land to the rear ('the Site') provides an opportunity for an additional residential site allocation in Royal Tunbridge Wells within the emerging Local Plan. The Site has not previously been submitted to a Call for Sites and is not included in the Strategic Housing and Economic Land Availability Assessment (January 2021). The previous Call for Sites were held in 2016 and 2017 which was prior to Logistics UK considering relocating to a more appropriate site within Royal Tunbridge Wells.

4.2 For the reasons outlined above, Hermes House is not considered an appropriate employment location and has not been protected by the Council from changing use to residential, albeit this is not a feasible option given the inherent issues with the current buildings. Additionally, the land to the rear does not provide an active educational or recreational function and, if included with Hermes House, could provide a logical extension to the built -up area to create a high-quality residential development that delivers much-needed new homes in the short -term.

4.3 The Limits of Built Development boundary would require a minor adjustment to include that part of the land to the rear of Hermes House that currently falls outside. This area of land is surrounded on three sides by the current Limits of Built Development (i.e. it is inset) and the realignment of the boundary in this location would result a in logical 'squaring off' of the boundary with very limited visual impact.

4.4 Vehicular and pedestrian/ cycle access to the Site would continue to be taken from St John's Road from the existing or a relocated single access point.

4.5 It is envisaged that building heights will reflect the prevailing residential heights within the local area.

4.6 The homes would be provided as a range of private and affordable tenures and across a variety of dwelling types and sizes to cater for a wide range of households.

4.7 The suggested provisions of a site allocation for this Site are as follows:

Land at St John's Road (Hermes House)

This site, as defined on the Royal Tunbridge Wells Policies Map, is allocated for residential development providing approximately 50 dwellings, of which 30 percent shall be affordable housing.

Development on the site shall accord with the following requirements:

- 1 Vehicular access, delivery and servicing should be provided from St John's Road.**
- 2 Provide a landscaped boundary to the new Limits of Build Development.**
- 3 The design shall include appropriate measures to address the impact of the proposal on the gardens of neighbouring residential properties on St John's Road.**
- 4 Provision of on-site amenity greenspace/ high-quality landscaping.**

5.0 EMERGING POLICY MAP/ POLICIES

Limits of Built Development

5.1 Current adopted policy (Core Policy 2) seeks to protect the Rural Fringe from development with this land only released through adoption of a development plan document (i.e. site allocations DPD). The emerging Local Plan does not seek to take forward the Rural Fringe designation which Logistics UK supports. However, part of the land to the rear of Hermes House would remain outside of the Limits of Built Development. This land is inset from the boundary of the Limits of Built Development and adjustment in this area would represent a logical 'squaring off' of the boundary. This would have very limited visual impact given the small scale of the adjustment but would optimise the delivery of new homes in a high-quality development to meet local needs for homes of different types, sizes and tenures.

5.2 We suggest that the Limits of Built Development boundary should be adjusted to reflect the western extent of the Site boundary as shown on the Site Location Plan (drawing reference 2104/FS/001).

Employment

5.3 The emerging Local Plan (draft Policy ED 2) seeks to protect existing employment buildings/ sites regardless of their location and compatibility with neighbouring properties. It is our position that this is a failing of the emerging policy. Not all existing employment buildings/ sites will be appropriate for this level of protection (for example, Hermes House) and the policy should not assume this to be the case. Express wording is required to acknowledge this situation and allow for change of use away from employment -generating use where this is not appropriate owing to reasons of, inter alia, neighbourliness, residential amenity and compatibility of land use.

5.4 NPPF paragraph 81(d) requires planning policies to 'be flexible enough to accommodate needs not anticipated in the plan, allow for new and flexible working practices (such as live-work accommodation), and to enable a rapid response to changes in economic circumstances '. As drafted Policy ED 2 provides a rigid policy framework in respect of existing employment sites/ buildings with blanket protection that takes no account of local circumstances and does not provide flexibility for businesses to adapt and evolve. This conflicts with NPPF paragraph 81.

Question 6

Please note: *In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.*

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Question 5 above. (Please note that non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

4.7 The suggested provisions of a site allocation for this Site are as follows:

Land at St John's Road (Hermes House)

This site, as defined on the Royal Tunbridge Wells Policies Map, is allocated for residential development providing approximately 50 dwellings, of which 30 percent shall be affordable housing.

Development on the site shall accord with the following requirements:

- 1 Vehicular access, delivery and servicing should be provided from St John's Road.**
- 2 Provide a landscaped boundary to the new Limits of Build Development.**
- 3 The design shall include appropriate measures to address the impact of the proposal on the gardens of neighbouring residential properties on St John's Road.**
- 4 Provision of on-site amenity greenspace/ high-quality landscaping.**

5.2 We suggest that the Limits of Built Development boundary should be adjusted to reflect the western extent of the Site boundary as shown on the Site Location Plan (drawing reference 2104/FS/001).

Question 7

Please note *the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.*

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)? Yes, I wish to participate in hearing session(s)

Question 7a

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

To debate the required changes to Policy ED 2 to make it consistent with national policy.

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:

Yes, I wish to be notified of future stages of the Local Plan

Comment

Consultee	Mr Martin Lord [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] Tunbridge Wells [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Mr Martin Lord [REDACTED]
Comment ID	PSLP_1914
Response Date	04/06/21 15:02
Consultation Point	Policy AL/RTW 22 Land at Bayham Sports Field West (View)
Status	Processed
Submission Type	Email
Version	0.2
Data inputter to enter their initials here	AT
Question 1	
Respondent's Name and/or Organisation	Martin Lord
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
Policy AL/RTW 22 Land at Bayham Sports Field West	
Question 4	
Do you consider that the Local Plan:	
Is legally compliant	Don't know
Is sound	No

Complies with the Duty to Cooperate

Don't know

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

Question 5

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

I have no doubt the plan is strictly speaking – legal. But it's not sound from a moral or sense point of view because:

- 1 Overcrowding in the area – the locality is already overcrowded. There have been large and new substantial developments recently at nearby Hawkenbury and Benhall Mill Road. This is already placing a strain on the local infrastructure, including the roads.
- 2 Vehicle access to the new development will be via Bayham Road – which is served by Forest Road. Forest Road is already far too busy – and with a 40 mph speed limit. More traffic will put even more strain on the road. Incidentally, the 40 mph speed limit needs to be reviewed – this is out of touch with other speed limits in this residential area.
- 3 The pedestrian access via the crematorium is just not on – this needs to be a peaceful, reflective environment for families attending funerals etc – not a rat run for new housing.
- 4 More generally, the new development – and the continual movement in and out of it by people and vehicles - will defeat the need for a quiet and reflective environment at the adjoining crematorium. This must be preserved for families and friends to show their last respects to their loved ones. The development will also butt onto the cemetery and headstones – this is important for families who've lost loved ones – and who will want to visit and reflect at their graves regularly. This isn't the way to treat our deceased relatives and their friends and families.
- 5 It is difficult to see how vehicle access could be achieved as shown on the plan without taking away some of the land from the crematorium – and some of the memorials that are currently there – this isn't acceptable.
- 6 I note the development is contingent on finding alternative sports facilities – such alternative though must not lead to over-use/overcrowding at any new facility – for example, by simply cramming the Bayham Sports users at another, already well used, facility. This is likely if a new site isn't found.

Question 6

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Question 5 above. (Please note that non-compliance with the duty to cooperate is incapable of modification at

examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

NONE!

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

No, I do not wish to participate in examination hearing session(s)

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:

Yes, I wish to be notified of future stages of the Local Plan

Supporting Information File Ref No: SI_47

Comment

Consultee	David Lovell [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] Five Oak Green Tonbridge [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	David Lovell [REDACTED]
Comment ID	PSLP_872
Response Date	02/06/21 09:27
Consultation Point	Policy STR/SS 1 The Strategy for Paddock Wood, including land at east Capel (View)
Status	Processed
Submission Type	Web
Version	0.3
Files	Development Map of Capel.docx (1)
Question 1	
Respondent's Name and/or Organisation	David Lovell
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
Poilicy STR/SS1 - Strategy for Paddock Wood, including land at East Capel	
Question 4	
Do you consider that the Local Plan:	
Is legally compliant	Don't know
Is sound	No

Complies with the Duty to Cooperate

No

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

- Do you consider that the Local Plan is not sound because:
- . It is not positively prepared
 - . It is not effective
 - . It is not justified
 - . It is not consistent with national policy

Question 5

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

General Comment

I am a resident of Capel, living in Five Oak Green between the two strategic sites proposed for this rural parish. I live here because of the beautiful countryside, the historic landscape, a closeness with nature and wildlife, and being part of a small close-knit community. All of that, and more, will disappear if TWBC get their way with their lop-sided plans for the area.

My background is in law enforcement. I worked for the Home Office in the UK and abroad for many years, before retiring from the National Crime Agency in May 2019, the month Capel learnt of the shocking proposals in the Local Plan. I have been involved with the Save Capel campaign since then, and as Chair from December 2019 to February 2021. I take an active role in the Biodiversity Team and have made a comment below.

However, with my past in law enforcement, I am concerned by some aspects of TWBC Planning Services' activity during the planning process. Rather than a review of evidence leading to a conclusion, evidence appears constructed or omitted to support a pre-determined conclusion. I have noticed inconsistency, a lack of evidential disclosure and a disregard of public opinion, and therefore intend to focus on my concerns relating to process.

But, to be clear, I object strongly to the Local Plans for Tudeley and East Capel which are unbalanced, ill-considered, deeply unpopular, unsustainable and, I believe, unsound. My reasons follow below.

National Policy

The sites at Capel and Paddock Wood have been pursued by TWBC Planning Services as their desired strategic options for the Local Plan since at least early 2019, however unsustainable or unpopular those options transpire to be. The effort to justify that pursuit might help to explain the volume of inconsistent decisions, misleading statements, a lack of key assessments, and a disregard of public opinion and the intentions of the NPPF. This is not a complete list:

- . Despite often quoted in the Local Plan, the NPPF has been turned on its head to suit the pre-conceived solution to the Borough's housing needs through development of the green belt at Capel.
- . The NPPF states brownfield sites should be developed first and greenfield as a last resort, but the Local Plan's primary focus is greenfield. The AONB and its setting are key, but Tudeley borders the AONB and is intrinsic to the setting between high and low weald.
- . The green belt should be preserved; but the plan undermines it, creating an urban sprawl from the edge of Tonbridge, merging Tudeley and Five Oak Green with Paddock Wood.

- . Flood zones should be avoided, but the site at Tudeley lies adjacent to and within a flood zone, and the site at East Capel is primarily within a flood zone. Flooding is already a problem in the area, as has been seen throughout the Local Plan process, with serious floods in 2019 and 2020, and run-off can only exacerbate the problem for residents and neighbours downstream.
- . The town of Tunbridge Wells itself is economically stricken; streets are strikingly full of closed shops and empty offices and, with the move to home working and internet shopping, that situation can only get worse. However, rather than take the opportunity to focus on a post-pandemic world and urban regeneration, the Local Plan continues with a backward-looking focus on greenfield development and environmental damage.

Inconsistency

To reach their desired conclusion, the Council has led itself into a maze of contradiction. Reasons for rejecting one site often pertain to another site that is selected, and sites that are selected appear more unsuitable than others that have been rejected. At best, this is a lack of communication between officers, at worst evidential manipulation:

- . Many smaller sites have been rejected as impinging on the Green Belt, even within Capel, but the two sites that will erase the Green Belt in the area have been accepted. Equally, sites in the AONB have been accepted, but not that at Castle Hill (submitted as an alternative to Tudeley and supported by Save Capel) despite its obvious sustainability advantages. Significant flood risk has also been put aside for the strategic sites, whilst sites not prone to flooding have been rejected (Castle Hill as one example). To the lay person this looks like double standards.
- . Despite TWBC's oft-repeated claim that removal of Green Belt is justified as the Borough is restricted by designated land, **over 25% of the Borough is undesignated**. Very little development is taking place in this area. The 'very special circumstances' for Green Belt removal appear to be simply 'that's where we want to build.'
- . A primary purpose of the Green Belt is to prevent urban merger, which is precisely what will occur if the proposals across Capel proceed. The David Lock Associates (DLA) report admits there will be 'perceived' coalescence with the expansion of Paddock Wood at East Capel and Five Oak Green (FOG) / Whetsted in Capel. STR/SS3 states the Tudeley site is close to Five Oak Green '...but physically separate...' **That separation is one field to the south, which will be carved open by the proposed FOG by-pass**. An urban sprawl will be created from Paddock Wood through FOG and Tudeley to the doorstep of Tonbridge, effectively removing the Green Belt.
- . Maps of the Capel sites are focused on the proposed boundaries and do not reflect the situation that exists on the ground, disguising the merger the developments will cause, and the extent of green belt loss. To the west, FOG will be separated from the new town at Tudeley by a single field south of the B2170, which is bordered to by Church Lane and Hadlow Estate building works at Tatlingbury Farm; a further site for a small development also has planning permission in the eastern side of the field at Sychem Place. There are two smaller fields separating Capel Primary School from the village, bordered by the B2170 and railway. To the east, buildings which constitute the village adjoin the A228, which will be the only barrier between FOG and the expanded Paddock Wood; the situation is similar with Whetsted. The stand-off between FOG and the strategic sites is minimal and I believe the Local Plan mapping camouflages the true extent of the merger across Capel. A visual visit will confirm the reality, but I have attached a map which I believe shows a truer picture of the merger effect.

Alternative Sites

The failure to be objective is amply demonstrated by TWBC's lack of pro-active research in undesignated areas and failure to properly consider alternative sites:

- . A decommissioned prison (Blantyre House) in the undesignated areas was rejected as too small and, as a late submission, was not be properly appraised. However, minimal research shows land around the prison is also owned by HMG, with a capacity of 2,500+ dwellings and the advantage of being close to a railway station, unlike the site at Tudeley.

- Two further sites might have combined with this land (SHELAA 9 & 325), and brought the potential for housing to 3,800 dwellings. However, both sites were rejected as ‘...remote from the settlement centre...’, which might equally be applied to Tudeley. Incredibly, Site325 was also rejected as ‘...a strategic site of a scale harmful to the AONB landscape.’ However, the AONB lies at a distance of 1.15miles to S325, whilst Tudeley lies directly alongside the AONB and the impact on its setting and the historic landscape is inescapable.
- An alternative site to Tudeley was supported by Save Capel at Castle Hill, which remains within Capel’s Green Belt, but also in the AONB. It was rejected primarily for that reason, despite being adjacent to a significant commercial development which was backed by the same planning officers, which is also in the AONB. **Other comments are given in more detail in my response to STR/SS3.**
- The Procedure Guide for Local Plan Examinations (Local Plans: the examination process - GOV.UK (www.gov.uk)) states in 1.11: ‘Plans which allocate sites for development will need to be supported by evidence demonstrating that the LPA has followed a logical and consistent method to identify and select the allocated sites, and to reject alternatives.’ I would suggest that the evidence shows that the Local Plan is riddled with illogical and inconsistent methodology designed to justify the strategic sites in Capel, however unsustainable they may be, and is therefore unsound.

Duty to Co-operate & Misinformation

Misleading and inaccurate statements have been a feature of the Council’s dealings with the community in Capel, including claims of long-standing cooperation with neighbouring boroughs:

- In claiming that TWBC have complied with the **Duty to Cooperate**, at the Planning Advisory meeting on 05/08/2019, Head of Planning told Councillors that officers had consulted with other boroughs throughout. However, on 24/07/2019, 12 days before the meeting and 3 months after the Tudeley proposals became public, Tonbridge & Malling Borough Council’s Planning Officer advised; “On TWBC – we have had Duty to Cooperate meetings with colleagues there, but these were before they proposed the sites in their reg 18 plan – the principle of new settlements was mentioned but there were no sites identified at that time.” The suggestion that neighbouring boroughs were aware of the proposals for Tudeley, and East Capel, ‘throughout’ was misleading, if not disingenuous.
- At an initial meeting with the community the Head of Planning Services indicated that the ease of dealing with a single landowner was a primary factor in the Council’s decision to settle on the site at Tudeley. This was subsequently denied, but I understand exactly the same condition was attached to the Castle Hill proposals. This has irked residents who feel that officers are paid to take the right decisions, not the easy ones.
- At a TWBC Planning Advisory meeting on 05/08/2019, the Environment Officer claimed agricultural land in Tudeley and East Capel was ‘poor quality’. However, TWBC’s own assessment in a Development Constraints Study, shows the land as Grades 2 and 3; defined by Natural England as ‘Very Good’ and ‘Good to Moderate’. Grade 4 is ‘poor’ and none exists in the sites.
- Nonetheless, in an email of 15/10/2019, Head of Planning insisted again that land quality was ‘poor’, a misrepresentation potentially explained in the same response: ‘Particular attention will be given to: i) The grade of agricultural land and agricultural activities to minimise the effects on the rural economy and agricultural functionality...If the land is ‘poor’ the loss would have little negative agricultural impact; loss of productive land is hard to justify – and remains so (Policy EN20).

Disclosure and omission

Many important aspects of the strategic sites in the PSLP are either based on assumption or left to the planning application stage when they will not be subject to independent scrutiny. The importance of these omissions gives cause for concern that assessments and process are being selected to avoid negative outcomes for the chosen sites:

- The claim there will be ‘...an opportunity for betterment to the flooding and drainage issues which are present for residents of parts of Paddock Wood, and ecological and landscape enhancements as part of the exceptional circumstances case for the release of this Green Belt land...’ (PSLP

5.183) suggests such enhancements are not decided, in which case the exceptional circumstances the Inspector needs to consider are yet to be described.

- . TWBC commissioned David Lock Associates (DLA) to assess deliverability of the East Capel and PW proposals, but the work appears unfinished as ‘...*further detail on phasing and mix of dwellings is required...*’. Nonetheless, TWBC concluded that ‘...*viability of the growth here is justified.*’ (PSLP 5.177) Without such important work, viability seems a leap of faith.
- . No Cumulative Impact Assessment on the effects of the developments across Capel, including the KCC gravel extraction, has been done and there is no indication one will be commissioned. This is a key consideration given the clear impact that the combined works will have on biodiversity in the parish, and which is likely to show that biodiversity will be squeezed. It is perhaps not surprising therefore that such an assessment has not been readied for the Regulation 19 inspection.
- . No Environmental Impact Assessment has been completed for either strategic site, despite their key importance to the Local Plan. TWBC advise these will be left to planning application stage – so avoiding the results forming part of the independent examination. Moreover, a strategic EIA for both developments upon the parish would ensure a rounded consideration of facts, but this does not appear to be something TWBC wish to pursue.
- . The so-called Five Oak Green by-pass that will connect the new town at Tudeley to a (currently unfunded?) Colt’s Hill by-pass for the A228 starting at East Capel, appears to be another incomplete proposal with the plan omitting trees, unlike the other Colts Hill plans in Other Reports Template (tunbridgewells.gov.uk).
- . It would appear to make more sense to route the Five Oak Green by-pass north of the village from the new town at Tudeley to the A228 and East Capel. This would pass through land belonging to the same landowner and service the proposed gravel extractions. Instead, there will need to be two roads, north and south, which would incur additional and unnecessary loss of green belt. The reasoning is not clear, but could be because the southern route would cosmetically plan for traffic towards Tunbridge Wells, when the reality is most would head to Tonbridge or Paddock Wood. (This might explain the curious proposal to seal off of the road into Paddock Wood from the Hop Farm roundabout). It might also help reduce costs to the developer, as the proposals look increasingly unviable financially if the northern part of the Tudeley site is ever to see construction.
- . The plan for the Five Oak Green by-pass may also be deliberate opaque so as to avoid examination at Regulation 19; as the Council wrote to one of the landowners: ‘... *if the plan is found sound by an Inspector... it is unlikely a planning application for the Five Oak Green bypass will be submitted until after this time.*’ I would question the legitimacy of leaving so much that is fundamental to the Local Plan to a later date, rather than producing hard evidence for scrutiny.
- . The most important omission is the failure to include the Hadlow Estate (HE) Masterplan and Delivery Strategy in the TWBC bundle for the Regulation 19 inspection. **This is a significant failure in the disclosure of vital evidence.**
- . Furthermore, in a response to a query on this matter, the Strategic Sites & Delivery Team Leader wrote ‘...*given the document is on the Hadlow Estate’s website, in the public domain, it was not considered necessary to include it on the TWBC website at this time.*’ This reasoning suggests the documentation not only could have been included but may be later, presumably at a time more convenient to the Council’s aims. Like other documents that might reflect negatively on the proposals, the presumption is this will be at the planning application stage when the Council can perform its own scrutiny of the documentation, with predictable results. This is a further example of what appears to be a manipulation of process to ensure an outcome, and renders the Local Plan unsound.

Public Opinion

Whilst TWBC talk about public engagement in the Local Plan process, it has been almost entirely negative and routinely ignored:

- . In TWBC’s 2017 Issues and Options document the public voted overwhelmingly to support an A21 ‘growth corridor’ to meet housing need. This was subsequently put aside in favour of Tudeley and East Capel.
- . In autumn 2019 at Regulation 18, in an ‘unprecedented’ wave of negative engagement, 95% of 1,000 responses objected to the strategic sites at Tudeley and East Capel. The response was

ignored and, instead, Capel was handed a further 700 dwellings - in what looks suspiciously like punishment.

- . In August 2020, Capel Parish Council organised a questionnaire on the future of the Parish as a pre-cursor to work formulating a Neighbourhood Plan. Again, in an open question, 95% of respondents voiced their disapproval of the Council's proposals for Capel in the Local Plan.
- . In December 2020, Save Capel members voted by 95% to support an option at Castle Hill as an alternative to Tudeley, which would match the A21 'growth corridor', alongside the Kingstanding commercial area. This has also been rejected without full consideration.
- . In May 2021 a candidate for the role of Capel Borough Councillor, who stood on a ticket to rework the Local Plan, swept aside the incumbent Councillor with a vote of 75% of an increased turnout.
- . The Council have attempted to counter the arguments of the community through misinformation or obfuscation, rather than answering honestly or accommodating public sentiment. For example, the evening before the Full Cabinet met on 03/02/2021 to decide the fate of the Local Plan, the Head of Planning Services lobbied all councillors with a document negating many of the arguments the community had made, irrespective of merit or fact. Documents were only made available to Councillors a few hours before the meeting, which was insufficient time to make informed decisions, and many Councillors voted on what they were being told, rather than making decisions based on their own judgement.
- . The Council's disdain of public opinion was summed up by the Head of Planning Services at a Cabinet Meeting on 21/01/2021; when asked to comment on the weight of resistance to the Capel proposals stated that *"It's not a numbers game,"* adding that just because lots of people do not want something does not mean it will be stopped. In essence, the community's voice is irrelevant where it does conform to Council plans. Consultation is therefore a meaningless tick-box exercise for TW Planning Services within the Local Plan process.
- . This disregard continues. After the election in May 2021 of a Borough Councillor in Capel, who stood on a ticket supporting the community's views on the Local Plan, a Council spokesperson commented; *"The responses to the consultation came in the most part from residents of areas where development is proposed."* It begs the question why the Council bothered with a consultation if the community most affected can be dismissed so readily?

Community

Capel is a rural ward and the local community of around 2000 souls is close-knit and, to coin a phrase used by the Borough Council, 'we love where we live.' To see our countryside and community destroyed is heart-breaking, especially when we can see that the proposals are unsustainable and unsound, and quite viable alternatives are overlooked or not properly considered:

- . Capel currently consists of around 940 homes. The addition of over 4800 homes, will swamp the small but strong rural community that exists. It is very clear that the community, and those in neighbouring boroughs to be adversely affected by the proposals, are strongly against the Tunbridge Wells Local Plan as it currently stands. There is an acceptance that some level of housing is needed, but the lop-sided nature of the proposals – Capel has just 2% of the Borough's population but will bear 45% of its housing need - is far more than required in the area and Planning Services conceded many new residents will come from London and even further afield (new property in Paddock Wood is being advertised in China).
- . The community's health and well-being will be sacrificed, and the ongoing proposals are already taking their toll, as decades of construction will blight the lives of those who live here. Air, noise and other forms of pollution are inevitable, and will have an adverse effect on people's health and mental well-being. The environmental damage will be huge, our ancient and precious landscape scarred forever, irreplaceable habitat lost and, ultimately, the community drowned in a tsunami of new residents.
- . The detrimental effect on the community of over 15 years of construction across the area has not been addressed; perhaps because it cannot be if the strategic sites are to be developed. Residents are already complaining about dust and noise from the ongoing developments at Paddock Wood, which can only get worse. Countryside and open spaces are recognised to

- improve well-being, but these developments not only remove those wider green and open spaces, but air quality will suffer, noise levels will be incessant and Capel's dark skies will be lost.
- Tunbridge Wells has a policy to reduce air pollution (EN21), but the proposed developments pose a significant threat to the environment, including an increase pollution at a time of climate change. The Council are also has declared a climate emergency, but the developments can only aggravate the problem.
- TWBC aims to be carbon neutral by 2030; 6 years before the end of the Tudeley construction period. The loss of 600 acres of fields and hedgerows to large-scale development can only work against this aim, notwithstanding the Local Plan's strategic objective 10, which I note has been watered down from an earlier iteration of the Local Plan from '*to tackle climate change...*' to '*...support the goal to make the borough carbon neutral by 2030...*'. The objective continues with the promise to '*.... minimise the impact of climate change on communities, the economy, and the environment...*'. This is a fanciful statement when such large-scale construction will destroy carbon absorbing countryside, encourage greater use of cars, erase wildlife habitat and decimate the local community.
- The rejected alternative site at Castle Hill would not have so dramatic effect, being a sparsely populated area, and more sustainable being alongside a major transport artery, close to the town of Tunbridge Wells and the new employment opportunities at the Kingstanding commercial site. Moreover, combined with a focus on urban regeneration and not loss of greenfield and agricultural land, the environmental and human costs would be limited. Unfortunately, the opportunity to forge a local plan for the future that can be supported and welcomed by the public has been rejected by the Council in a preference for environmentally destructive and harmful, and deeply unpopular, proposals.
- The local population has fiercely raised its objections on several occasions but is routinely dismissed by the Council, which has also ignored the objections raised by the neighbouring authorities in Tonbridge and Malling, and Yalding in Maidstone Borough, which fear increased traffic congestion, pollution and flooding, and associated infrastructure and mitigation costs, caused by the developments. This deaf ear to public opinion cannot be considered as participation by the community as envisaged in the planning process, and renders the Local Plan unsound.
- Ultimately, TWBC's planning strategy appears to be centred on finding ways to justify the unjustifiable, with inconvenient truths placed aside to avoid examination at the Regulation 19. Rather than a positive and objective exercise on the merits of the Capel proposals, the Local Plan is a negative and subjective exercise to justify a pre-conceived conclusion. The Local Plan is peppered with inconsistency and a lack of disclosure or delay in important work, and is therefore unsound.
- The inevitable question is why a Local Planning Authority would resort to manipulation, misinformation, delay and bias if their Local Plan is 'sound'? That in itself must sow doubt on the Local Plan's soundness, and I therefore ask the Regulation 19 inspection not only looks at what is being put forward, but also what is missing.

Biodiversity

NPPF para 177 states: *The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.* However:

- There has been no **Cumulative Impact Assessment** of the effect of development across Capel, compounded by KCC gravel excavations between the two sites, and the extensive road infrastructure required to service both developments and gravel extraction. The combination of these proposed works will transform Capel from a rural ward to an urban sprawl from Tonbridge to Paddock Wood, and from the Medway to the AONB. The cumulative impact on wildlife (as well as food production, landscape, heritage assets, the local community and flooding), is likely to be far greater than each aspect of TWBC's and KCC's plans taken in isolation, yet the isolationist approach is what the authorities and developers insist on taking. It is vital a Cumulative Impact Assessment is made; however inconvenient the findings may be to the strategy of placing the majority of development in Capel and Paddock Wood.

- . In a report submitted to the TW Planning & Transportation Cabinet Advisory Board on 19/08/2019, the Landscape and Biodiversity Officer suggested better woodland management might mitigate the loss of habitat and achieve 'net biodiversity gain', but the land being lost in Capel (which forms the vast bulk of the borough's development plans) is primarily fields and orchards, and woodland management would achieve very little against the inevitable biodiversity loss. When this was pointed out the officer replied that they 'may target enhancing some farmland areas, perhaps field headlands...', whilst adding that biodiversity had declined through modern farming methods, evidently forgetting the hugely damaging effect of habitat loss through large scale developments.
- . Despite 2 years in which to do so, the Local Plan does not take biodiversity mitigation much further and wildlife dependent upon those fields and orchards face widespread loss of habitat, adding to the worrying decline in their numbers. The proposals for biodiversity gain remain vague, inadequate and destructive. The Local Plan is therefore unsound.

Question 6

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Question 5 above. (Please note that non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

- 1 Properly consider alternative sites, such as Castle Hill, which is far more sustainable than the site at Tudeley.
- 2 Take proper account of public consultation and opinion.
- 3 Use objective and pro-active research to reach the right conclusions.
- 4 Apply the proper intentions of the NPPF and national policy; protecting designated areas and focusing on brownfield and undesignated areas first.
- 5 Create a Local Plan for the future which is based on urban regeneration rather than destruction of the countryside, by taking properly into account the societal changes inevitable in a post-covid world; making use of empty shops and offices as dwellings to regenerate TW's towns by increasing footfall to generate business for independent retailers.
- 6 Focus on protecting the environment and preventing climate change, rather than targeting the erasure of countryside and communities; protect the health and well-being of residents rather than adding pollution and disruption, and take proper and realistic account of the threats (such as increased pollution, traffic congestion, infrastructure costs and flood threat) the strategic sites pose to residents and neighbours.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

. Yes, I wish to participate in hearing session(s)

Question 7a

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

I have been involved with the Save Capel campaign since May 2019, acting as Chair for 15 months. Currently in the campaign's Biodiversity team. I can produce evidence of what I am saying in my submissions at the hearing, if required.

If you would like to attach a file in support of your comments, please upload it here. [Development Map of Capel.docx \(1\)](#)

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box: Yes, I wish to be notified of future stages of the Local Plan

Supporting Information File Ref No: SI_47

Comment

Consultee	David Lovell [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED], Five Oak Green Tonbridge [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	David Lovell [REDACTED]
Comment ID	PSLP_833
Response Date	01/06/21 14:54
Consultation Point	Policy STR/SS 3 The Strategy for Tudeley Village (View)
Status	Processed
Submission Type	Web
Version	0.3
Files	Development Map of Capel.docx
Question 1	

Respondent's Name and/or Organisation	David Lovell
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Question 3

To which part of the Local Plan does this representation relate?	Policy
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Question 3a

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy STR/SS3 - Strategy for Tudeley Village

Question 4

Do you consider that the Local Plan:

Is legally compliant	Don't know
Is sound	No

Complies with the Duty to Cooperate

No

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

- Do you consider that the Local Plan is not sound because:
- . It is not positively prepared
 - . It is not effective
 - . It is not justified
 - . It is not consistent with national policy

Question 5

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

General Comment

I am a resident of Capel, living in Five Oak Green between the two strategic sites proposed for this rural parish. I live here because of the beautiful countryside, the historic landscape, a closeness with nature and wildlife, and being part of a small close-knit community. All of that, and more, will disappear if TWBC get their way with their lop-sided plans for the area.

My background is in law enforcement. I worked for the Home Office in the UK and abroad for many years, before retiring from the National Crime Agency in May 2019, the month Capel learnt of the shocking proposals in the Local Plan. I have been involved with the Save Capel campaign since then, and as Chair from December 2019 to February 2021. I take an active role in the Biodiversity Team and have made a comment below.

However, with my past in law enforcement, I am concerned by some aspects of TWBC Planning Services' activity during the planning process. Rather than a review of evidence leading to a conclusion, evidence appears constructed or omitted to support a pre-determined conclusion. I have noticed inconsistency, a lack of evidential disclosure and a disregard of public opinion, and therefore intend to focus on my concerns relating to process.

But, to be clear, I object strongly to the Local Plans for Tudeley and East Capel which are unbalanced, ill-considered, deeply unpopular, unsustainable and, I believe, unsound. My reasons follow below.

National Policy

The sites at Capel and Paddock Wood have been pursued by TWBC Planning Services as their desired strategic options for the Local Plan since at least early 2019, however unsustainable or unpopular those options transpire to be. The effort to justify that pursuit might help to explain the volume of inconsistent decisions, misleading statements, a lack of key assessments, and a disregard of public opinion and the intentions of the NPPF. This is not a complete list:

- . Despite often quoted in the Local Plan, the NPPF has been ignored or twisted to suit the pre-conceived solution to the Borough's housing needs through development of the green belt at Capel.
- . The NPPF states brownfield sites should be developed first and greenfield as a last resort, but the Local Plan's primary focus is greenfield. The AONB and its setting are key, but Tudeley borders the AONB and is intrinsic to the setting between high and low weald. Flood zones should be avoided, and yet Tudeley, East Capel and Paddock Wood are adjacent to, or in a flood zone.

The green belt should be preserved; but the plan undermines it, creating an urban sprawl from the edge of Tonbridge, merging Tudeley and Five Oak Green with Paddock Wood.

- . The town of Tunbridge Wells itself is economically stricken; streets are strikingly full of closed shops and empty offices and, with the move to home working and internet shopping, that situation can only get worse. However, rather than take the opportunity to focus on a post-pandemic world and urban regeneration, the Local Plan continues with a backward-looking focus on greenfield development and environmental damage.

Inconsistency

To reach their desired conclusion, the Council has led itself into a maze of contradiction. Reasons for rejecting one site often pertain to another site that is selected, and sites that are selected appear more unsuitable than others that have been rejected. At best, this is a lack of communication between officers, at worst evidential manipulation:

- . Many smaller sites have been rejected as impinging on the Green Belt, even within Capel, but the two sites that will erase the Green Belt in the area have been accepted. Equally, sites in the AONB have been accepted, but not that at Castle Hill (submitted as an alternative to Tudeley and supported by Save Capel) despite its obvious sustainability advantages. Sites adjacent to or in a flood zone have been rejected, but significant flood risk has also been put aside for the strategic sites. To the lay person this looks like double standards.
- . Despite TWBC's oft-repeated claim that removal of Green Belt is justified as the Borough is restricted by designated land, **over 25% of the Borough is undesignated**. Very little development is taking place in this area. The 'very special circumstances' for Green Belt removal appear to be simply 'that's where we want to build.'
- . A primary purpose of the Green Belt is to prevent urban merger, which is precisely what will occur if the proposals across Capel proceed. The David Lock Associates (DLA) report admits there will be 'perceived' coalescence with the expansion of Paddock Wood at East Capel and Five Oak Green (FOG) / Whetsted in Capel, and STR/SS3 states the Tudeley site is close to Five Oak Green '...but physically separate...' **That separation is one field to the south, which will be carved open by the proposed FOG by-pass**. An urban sprawl will be created from Paddock Wood through FOG and Tudeley to the doorstep of Tonbridge, effectively removing the Green Belt.
- . Maps of the Capel sites are focused on the proposed boundaries and do not reflect the situation that exists on the ground, disguising the merger the developments will cause, and the extent of green belt loss. To the west, FOG will be separated from the new town at Tudeley by a single field south of the B2170, which is bordered to by Church Lane and Hadlow Estate building works at Tatlingbury Farm; a further site for a small development also has planning permission in the eastern side of the field at Sychem Place. There are two smaller fields separating Capel Primary School from the village, bordered by the B2170 and railway. To the east, buildings which constitute the village adjoin the A228, which will be the only barrier between FOG and the expanded Paddock Wood; the situation is similar with Whetsted. The stand-off between FOG and the strategic sites is minimal and I believe the Local Plan mapping camouflages the true extent of the merger across Capel. A visual visit will confirm the reality, but I have attached a map which I believe shows a truer picture of the merger effect.

Alternative Sites

The failure to be objective is amply demonstrated by TWBC's lack of pro-active research in undesignated areas and failure to properly consider alternative sites:

- . A decommissioned prison (Blantyre House) in the undesignated areas was rejected as too small and, as a late submission, was not be properly appraised. However, minimal research shows land around the prison is also owned by HMG, with a capacity of 2,500+ dwellings and the advantage of being close to a railway station, unlike the site at Tudeley.

- Two further sites might have combined with this land (SHELAA 9 & 325), and brought the potential for housing to 3,800 dwellings. However, both sites were rejected as ‘...remote from the settlement centre...’, which might equally be applied to Tudeley. Incredibly, Site 325 was also rejected as ‘...a strategic site of a scale harmful to the AONB landscape.’ However, the AONB lies at a distance of 1.15 miles to S325, whilst Tudeley lies directly alongside the AONB and the impact on its setting and the historic landscape is inescapable.
- An alternative site to Tudeley was supported by Save Capel at Castle Hill, which remains within Capel’s Green Belt, but also in the AONB. It was rejected primarily for that reason, despite being adjacent to a significant commercial development which was backed by the same planning officers, which is also in the AONB.
- The Castle Hill site was also rejected as a gas pipeline ran underneath it. However, a mains gas pipe also runs under the original school site put forward by the Tudeley developers, and was deemed acceptable by TWBC’s planners despite that knowledge.
- During a meeting between the Council and the Castle Hill developers on 08/01/2021, the Head of Planning asked why the submission was being put forward so late and suggested it be brought forward at a later date; the inference being it would be acceptable, or properly considered, at that time – AONB notwithstanding. It therefore seems designation can be used to reject proposals, however sustainable, if they are inconvenient to the aim of building on land at Tudeley.
- On 11/01/2021 at the Cabinet Advisory Board, the Head of Planning intimated that Natural England would not allow development at Castle Hill as it was within the AONB, yet Natural England objected to the adjacent commercial development, also within the AONB, and which subsequently received Council approval. It seems barriers can be overcome where necessary, but firmed up to support rejection of alternative proposals that threaten the desired outcome.
- The Procedure Guide for Local Plan Examinations (Local Plans: the examination process - GOV.UK (www.gov.uk)) states in 1.11: *‘Plans which allocate sites for development will need to be supported by evidence demonstrating that the LPA has followed a logical and consistent method to identify and select the allocated sites, and to reject alternatives.’* I would suggest that the evidence shows that the Local Plan is riddled with illogical and inconsistent methodology designed to justify the strategic sites in Capel, however unsustainable they may be, and is therefore unsound.

Duty to Co-operate & Misinformation

Misleading and inaccurate statements have been a feature of the Council’s dealings with the community in Capel, including claims of long-standing cooperation with neighbouring boroughs:

- In claiming that TWBC have complied with the **Duty to Cooperate**, at the Planning Advisory meeting on 05/08/2019, Head of Planning told Councillors that officers had consulted with other boroughs throughout. However, on 24/07/2019, 12 days before the meeting and 3 months after the Tudeley proposals became public, Tonbridge & Malling Borough Council’s Planning Officer advised; *“On TWBC – we have had Duty to Cooperate meetings with colleagues there, but these were before they proposed the sites in their reg 18 plan – the principle of new settlements was mentioned but there were no sites identified at that time.”* The suggestion that neighbouring boroughs were aware of the proposals for Tudeley ‘throughout’ was misleading, if not disingenuous.
- At an initial meeting with the community the Head of Planning Services indicated that the ease of dealing with a single landowner was a primary factor in the Council’s decision to settle on the site at Tudeley. This was subsequently denied, but I understand exactly the same condition was attached to the Castle Hill proposals. This has irked residents who feel that officers are paid to take the right decisions, not the easy ones.
- At a TWBC Planning Advisory meeting on 05/08/2019, the Environment Officer claimed agricultural land in Tudeley and East Capel was ‘poor quality’. However, TWBC’s own assessment in a Development Constraints Study, shows the land as Grades 2 and 3; defined by Natural England as ‘Very Good’ and ‘Good to Moderate’. Grade 4 is ‘poor’ and none exists in the sites.
- Nonetheless, in an email of 15/10/2019, Head of Planning insisted again that land quality was ‘poor’, a misrepresentation potentially explained in the same response: *‘Particular attention will be given to: i) The grade of agricultural land and agricultural activities to minimise the effects on the rural economy and agricultural functionality...’* If the land is ‘poor’ the loss would have little

negative agricultural impact; loss of productive land is hard to justify – and remains so (Policy EN20).

Disclosure and omission

Many important aspects of the strategic sites in the PSLP are either based on assumption or left to the planning application stage when they will not be subject to independent scrutiny. The importance of these omissions gives cause for concern that assessments and process are being selected to avoid negative outcomes for the chosen sites:

- . The claim there will be ‘...an opportunity for betterment to the flooding and drainage issues which are present for residents of parts of Paddock Wood, and ecological and landscape enhancements as part of the exceptional circumstances case for the release of this Green Belt land...’ (PSLP 5.183) suggests such enhancements are not decided, in which case the exceptional circumstances the Inspector needs to consider are yet to be described.
- . TWBC commissioned David Lock Associates (DLA) to assess deliverability of the East Capel and PW proposals, but the work appears unfinished as ‘...further detail on phasing and mix of dwellings is required...’. Nonetheless, TWBC concluded that ‘...viability of the growth here is justified.’ (PSLP 5.177) Without such important work, viability seems a leap of faith.
- . No Cumulative Impact Assessment on the effects of the developments across Capel, including the KCC gravel extraction, has been done and there is no indication one will be commissioned. This is a key consideration given the clear impact that the combined works will have on biodiversity in the parish, and which is likely to show that biodiversity will be squeezed. It is perhaps not surprising therefore that such an assessment has not been readied for the Regulation 19 inspection.
- . No Environmental Impact Assessment has been completed for either strategic site, despite their key importance to the Local Plan. TWBC advise these will be left to planning application stage – so avoiding the results forming part of the independent examination. Moreover, a strategic EIA for both developments upon the parish would ensure a rounded consideration of facts, but this does not appear to be something TWBC wish to pursue.
- . Although it is clear that no railway station can be delivered at Tudeley, despite the Hadlow Estate’s wishful thinking, TWBC have decided to mention the masterplan’s provision for one, despite claiming it was not part of their consideration (PSLP 5.218). It is also far from certain that any improvements can be made to cross the railway, and no evidence is supplied. The lack of a railway station is highly damaging to the sustainability of the Tudeley site, so this mention appears to be an attempt to gloss over the effective division of the Tudeley settlement into two halves.
- . TWBC state the Tudeley ‘...development will be delivered through the production of a Framework Masterplan Supplementary Planning Document (SPD) to guide development in respect of the garden settlement principles and creation of a new community at Tudeley Village.’ (SS3 P162). This has not been done or started and begs the question, why not?
- . The so-called Five Oak Green by-pass that will connect the new town at Tudeley to a (currently unfunded?) Colt’s Hill by-pass for the A228, appears to be another incomplete proposal with the plan omitting trees, unlike the other Colts Hill plans in Other Reports Template (tunbridgewells.gov.uk). Moreover, whilst the Head of Planning stated at an early stage that an attraction of Tudeley was the ease of dealing with a single landowner – a condition I understand was repeated to the developer at Castle Hill. However, that criterion fails as the proposed route passes through land belonging to at least three different owners, two of which have expressed their opposition to the proposal. One objects as his land produces food through cattle and his livelihood would be lost, the other objects through historic ownership, whilst the third involves the significant heritage loss of the last working hop garden in Capel.
- . It would appear to make more sense to route the Five Oak Green by-pass north of the village from the new town at Tudeley to the A228. This would pass through land belonging to the same landowner and service the proposed gravel extractions. Instead, there will need to be two roads, north and south, which would incur additional and unnecessary loss of green belt. The reasoning is not clear, but could be because the southern route would cosmetically plan for traffic towards Tunbridge Wells, when the reality is most would head to Tonbridge or Paddock Wood. (This might also explain the curious proposal to seal off of the road into Paddock Wood from the Hop Farm roundabout). It might also help reduce costs to the developer, as the proposals look increasingly unviable financially if the northern part of the Tudeley site is ever to see construction.

- The plan for the Five Oak Green by-pass may also be deliberate opaque so as to avoid examination at Regulation 19; as the Council wrote to one of the landowners: *'... if the plan is found sound by an Inspector... it is unlikely a planning application for the Five Oak Green bypass will be submitted until after this time.'* I would question the legitimacy of leaving so much that is fundamental to the Local Plan to a later date, rather than producing hard evidence for scrutiny.
- The most important omission is the failure to include the Hadlow Estate (HE) Masterplan and Delivery Strategy in the TWBC bundle for the Regulation 19 inspection. TWBC say it is guided by the HE masterplan, and is fulsome in its praise (Strategic Sites Topic Paper - section 5), but then uses the excuse that it was not included as it was not commissioned by the Council. Given the vital importance the HE documentation has for the very foundation of the Local Plan (5.28 *'The advice and work undertaken by The Hadlow Estate has informed the approach to the policy within the Local Plan.'*), to omit it, or even annotate relevant sections from the overall package, deprives the Inspector from making their own judgment. **This is a significant failure in the disclosure of vital evidence.**
- Furthermore, in a response to a query on this matter, the Strategic Sites & Delivery Team Leader wrote *'...given the document is on the Hadlow Estate's website, in the public domain, it was not considered necessary to include it on the TWBC website at this time.'* This reasoning suggests the documentation not only could have been included but may be later, presumably at a time more convenient to the Council's aims. Like other documents that might reflect negatively on the proposals, the presumption is this will be at the planning application stage when the Council can perform its own scrutiny of the documentation, with predictable results. **This is a further example of what appears to be a manipulation of process to ensure an outcome.**

Public Opinion

Whilst TWBC talk about public engagement in the Local Plan process, it has been almost entirely negative and routinely ignored:

- In TWBC's 2017 Issues and Options document the public voted overwhelmingly to support an A21 'growth corridor' to meet housing need. This was subsequently put aside in favour of Tudeley and East Capel.
- In autumn 2019 at Regulation 18, in an 'unprecedented' wave of negative engagement, 95% of 1,000 responses objected to the strategic sites at Tudeley and East Capel. The response was ignored and, instead, Capel was handed a further 700 dwellings - in what looks suspiciously like punishment.
- In August 2020, Capel Parish Council organised a questionnaire on the future of the Parish as a pre-cursor to work formulating a Neighbourhood Plan. Again, in an open question, 95% of respondents voiced their disapproval of the Council's proposals for Capel in the Local Plan.
- In December 2020, Save Capel members voted by 95% to support an option at Castle Hill as an alternative to Tudeley, which would match the A21 'growth corridor', alongside the Kingstanding commercial area. This has also been rejected without full consideration.
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- The Council have attempted to counter the arguments of the community through misinformation or obfuscation, rather than answering honestly or accommodating public sentiment. For example, the evening before the Full Cabinet met on 03/02/2021 to decide the fate of the Local Plan, the Head of Planning Services lobbied all councillors with a document negating many of the arguments the community had made, irrespective of merit or fact. Documents were only made available to Councillors a few hours before the meeting, which was insufficient time to make informed decisions, and many Councillors voted on what they were being told, rather than making decisions based on their own judgement.
- The Council's disdain of public opinion was summed up by the Head of Planning Services at a Cabinet Meeting on 21/01/2021; when asked to comment on the weight of resistance to the Capel proposals stated that *"It's not a numbers game,"* adding that just because lots of people do not want something does not mean it will be stopped. In essence, the community's voice is irrelevant where it does conform to Council plans. Consultation is therefore a meaningless tick-box exercise for TW Planning Services within the Local Plan process.
- This disregard continues. After the election in May 2021 of a Borough Councillor in Capel, who stood on a ticket supporting the community's views on the Local Plan, a Council spokesperson

commented; *"The responses to the consultation came in the most part from residents of areas where development is proposed."* It begs the question why the Council bothered with a consultation if the community most affected can be dismissed so readily?

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Capel is a rural ward and the local community of around 2000 souls is close-knit and, to coin a phrase used by the Borough Council, 'we love where we live.' To see our countryside and community destroyed is heart-breaking, especially when we can see that the proposals are unsustainable and unsound, and quite viable alternatives are overlooked or not properly considered:

- . Capel currently consists of around 940 homes. The addition of over 4800 homes, will swamp the small but strong rural community that exists. It is very clear that the community, and those in neighbouring boroughs to be adversely affected by the proposals, are strongly against the Tunbridge Wells Local Plan as it currently stands. There is an acceptance that some level of housing is needed, but the lop-sided nature of the proposals – Capel has just 2% of the Borough's population but will bear 45% of its housing need - is far more than required in the area and Planning Services conceded many new residents will come from London and even further afield (new property in Paddock Wood is being advertised in China).
- . The community's health and well-being will be sacrificed, and the ongoing proposals are already taking their toll, as decades of construction will blight the lives of those who live here. Air, noise and other forms of pollution are inevitable, and will have an adverse effect on people's health and mental well-being. The environmental damage will be huge, our ancient and precious landscape scarred forever, irreplaceable habitat lost and, ultimately, the community drowned in a tsunami of new residents.
- . The detrimental effect on the community of over 15 years of construction across the area has not been addressed; perhaps because it cannot be if the strategic sites are to be developed. Residents are already complaining about dust and noise from the ongoing developments at Paddock Wood, which can only get worse. Countryside and open spaces are recognised to improve well-being, but these developments not only remove those wider green and open spaces, but air quality will suffer, noise levels will be incessant and Capel's dark skies will be lost.
- . Tunbridge Wells has a policy to reduce air pollution (EN21), but the proposed developments pose a significant threat to the environment, including an increase pollution at a time of climate change. The Council are also has declared a climate emergency, but the developments can only aggravate the problem.
- . TWBC aims to be carbon neutral by 2030; 6 years before the end of the Tudeley construction period. The loss of 600 acres of fields and hedgerows to large-scale development can only work against this aim, notwithstanding the Local Plan's strategic objective 10, which I note has been watered down from an earlier iteration of the Local Plan from *'to tackle climate change...'* to *'...support the goal to make the borough carbon neutral by 2030...'* The objective continues with the promise to *'.... minimise the impact of climate change on communities, the economy, and the environment...'* This is a fanciful statement when such large-scale construction will destroy carbon absorbing countryside, encourage greater use of cars, erase wildlife habitat and decimate the local community.
- . The rejected alternative site to Tudeley at Castle Hill would not have so dramatic effect, being a sparsely populated area, and more sustainable being alongside a major transport artery, close to the town of Tunbridge Wells and the new employment opportunities at the Kingstanding commercial site. Moreover, combined with a focus on urban regeneration and not loss of greenfield and agricultural land, the environmental and human costs would be limited. Unfortunately, the opportunity to forge a local plan for the future that can be supported and welcomed by the public has been rejected by the Council in a preference for environmentally destructive and harmful, and deeply unpopular, proposals.
- . The local population has fiercely raised its objections on several occasions but is routinely dismissed by the Council, which has also ignored the objections raised by the neighbouring authorities in Tonbridge and Malling, and Yalding in Maidstone Borough, which fear increased traffic congestion, pollution and flooding, and associated infrastructure and mitigation costs,

- caused by the developments. This deaf ear to public opinion cannot be considered as participation by the community as envisaged in the planning process, and renders the Local Plan unsound.
- Ultimately, TWBC's planning strategy appears to be centred on finding ways to justify the unjustifiable, with inconvenient truths placed aside to avoid examination at the Regulation 19. Rather than a positive and objective exercise on the merits of the Capel proposals, the Local Plan is a negative and subjective exercise to justify a pre-conceived conclusion. The Local Plan is peppered with inconsistency and a lack of disclosure or delay in important work, and is therefore unsound.
- The inevitable question is why a Local Planning Authority would resort to manipulation, misinformation, delay and bias if their Local Plan is 'sound'? That in itself must sow doubt on the Local Plan's soundness, and I therefore ask the Regulation 19 inspection not only looks at what is being put forward, but also what is missing.

Biodiversity

NPPF para 177 states: *The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.* However:

- There has been no **Cumulative Impact Assessment** of the effect of development across Capel, compounded by KCC gravel excavations between the two sites, and the extensive road infrastructure required to service both developments and gravel extraction. The combination of these proposed works will transform Capel from a rural ward to an urban sprawl from Tonbridge to Paddock Wood, and from the Medway to the AONB. The cumulative impact on wildlife (as well as food production, landscape, heritage assets, the local community and flooding), is likely to be far greater than each aspect of TWBC's and KCC's plans taken in isolation, yet the isolationist approach is what the authorities and developers insist on taking. It is vital a Cumulative Impact Assessment is made; however inconvenient the findings may be to the strategy of placing the majority of development in Capel and Paddock Wood.
- In a report submitted to the TW Planning & Transportation Cabinet Advisory Board on 19/08/2019, the Landscape and Biodiversity Officer suggested better woodland management might mitigate the loss of habitat and achieve 'net biodiversity gain', but the land being lost in Capel (which forms the vast bulk of the borough's development plans) is primarily fields and orchards, and woodland management would achieve very little against the inevitable biodiversity loss. When this was pointed out the officer replied that they 'may target enhancing some farmland areas, perhaps field headlands...', whilst adding that biodiversity had declined through modern farming methods, evidently forgetting the hugely damaging effect of habitat loss through large scale developments.
- Despite 2 years in which to do so, the Local Plan does not take biodiversity mitigation much further and wildlife dependent upon those fields and orchards face widespread loss of habitat, adding to the worrying decline in their numbers. The proposals for biodiversity gain remain vague, inadequate and destructive. The Local Plan is therefore unsound.

Question 6

Please note: *In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.*

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Question 5 above. (Please note that non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant

or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

1. Properly consider alternative sites, such as Castle Hill, which is far more sustainable than the site at Tudeley.
2. Take proper account of public consultation and opinion.
3. Use objective and pro-active research to reach the right conclusions.
4. Apply the proper intentions of the NPPF and national policy; protecting designated areas and focusing on brownfield and undesigated areas first.
5. Create a Local Plan for the future which is based on urban regeneration rather than destruction of the countryside, by taking properly into account the societal changes inevitable in a post-covid world; make use of empty shops and offices as dwellings to regenerate TW's towns by increasing footfall to generate business for independent retailers.
6. Focus on protecting the environment and assiting climate change, rather than targeting the erasure of countryside and communities; protect the health and well-being of residents rather than adding pollution and disruption, and take account of the threats (such as increased pollution, traffic congestion, infrastructure costs and flood threat) the strategic sites pose to residents and neighbours.

Question 7

***Please note** the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.*

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)? . Yes, I wish to participate in hearing session(s)

Question 7a

***Please note** the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.*

If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

I have been involved in the Save Capel campaign since May 2019 and can produce evidence to support what I am saying at a hearing, if required.

If you would like to attach a file in support of your comments, please upload it here. [Development Map of Capel.docx](#)

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box: Yes, I wish to be notified of future stages of the Local Plan

Comment

Consultee	Susan Lovell [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] Paddock Wood [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Susan Lovell [REDACTED]
Comment ID	PSLP_1901
Response Date	04/06/21 16:43
Consultation Point	Policy STR/PW 1 The Strategy for Paddock Wood (View)
Status	Processed
Submission Type	Email
Version	0.9
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Mrs Sue Lovell
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
Policy STR/PW 1 The Strategy for Paddock Wood	
Question 4	
Do you consider that the Local Plan:	
Is legally compliant	No
Is sound	No

Complies with the Duty to Cooperate

No

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

- . It is not positively prepared
- . It is not effective
- . It is not justified
- . It is not consistent with national policy

Question 5

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

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Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

Policy STR/PW1

Number of Houses

TWBC's numbers were calculated on old figures and there is already evidence that the housing numbers are hugely inaccurate. TWBC has the right to challenge the government on the number of houses - and it should do so!

I am unhappy that Paddock Wood and Capel are jointly getting the lion's share of the housing - a figure of 68% has been mooted, or 33% for Paddock Wood alone! There should be a fair spread across the borough. The noise and air pollution of 250 houses built in Paddock Wood every year will make living and working in the town a living hell.

I am not happy that numbers of houses on each potential development site have been estimated. This has made it almost impossible to make any reasoned judgements on the matter.

Housing need and type - the latest calculations show that much less housing is actually needed (some sources have said it's almost half!) 'Affordable' housing is rated at 80% of market value - how many local people will actually be able to afford these homes? The garden village principles state that there should be housing types that are genuinely affordable.

There are people in Paddock Wood who dream of owning their own home but there is no way that they will be able to afford an average £378,000 family house in the borough, let alone in their own town. Residents should be encouraged to live within a close proximity to their family.

I believe the homes that are currently in development are being marketed to those in Greater London.

Paddock Wood should remain of a largely Rural nature - This statement is part of PWTC's draft neighbourhood plan. Effectively doubling the size of Paddock Wood does not match this statement in any way. Development proposals should not have an adverse impact on the landscape setting of Paddock Wood and should maintain the distinctive views of the surrounding countryside from public vantage points within and adjacent to the built-up area.

From Castle Hill view point in Brenchley the views will be irrevocably changed.

TWBC should be seeking and reassessing out other sites such as the A21 corridor (the Castle Hill proposal) and Blantyre House.

Flooding - TWBC want to build on category 2 and 3a flood risk areas. This hugely contradicts the NPPF Climate change flood risk assessment. Huge amounts of developers' money will inevitably be spent on flood mitigation, diverting funds from other essential infrastructure.

Southern Water employees have also told me that as soon as it rains the storm tanks are full, so there will have to be other valid sites for more of these tanks. The infrastructure needs to be put in place before the houses and roads are built.

Biodiversity - wildlife and plants. Countless creatures will lose their habitat. I have major concerns over the habitat of tawny owls, kestrels, sparrowhawks, buzzards and other wildlife (Including their prey) if PW1_7 and other large areas of agricultural land are heavily built upon. Families of these creatures are a common sight/sound over that area. If you remove or alter the habitats of the local wildlife The proximity of more people and their pets to historically natural areas will invariably be detrimental.

The draft local plan states that there will be a 'net gain' i.e. more trees will be planted than lost. However, these will be saplings. A mature tree will take up between 50 and 100 gallons of water per day. The removal of mature trees and hedgerows will decimate the habitat of thousands of animals and birds in Tunbridge Wells Borough Council's draft local plan. Planting additional trees and hedgerows will not adequately help these creatures, as they will not be able to make their homes in young trees. We need to ensure that developers calculate the impact of any developments using the government's agreed biodiversity impact accounting metric.

(Gov.uk/government/news/spring-statement-2019-what-you-need-to-know/)

Biodiversity net gain is of course a government requirement.

Church Road's important hedgerows are well over 30 years old, as defined by the Hedgerows Regulations 1997 and there are laws against these being destroyed.

Roads - There will inevitably be a new road built East of Paddock Wood, possibly within PW1_7. This will cause more light and noise pollution. I hope that Church Road will get the footpath it so desperately needs as soon as possible. The infrastructure will need to be present before the developments. Current residents cannot continue to risk their lives while walking to the town centre or station. Church Road needs improving in that cars, travelling in both directions, pass our row of houses over the white line in the road. There needs to be more done for traffic calming than the extension to the 30mph limit, which nobody seems to take notice of anyway.

The country lanes within our area will not withstand the increased traffic, including the industrial traffic such as Scrapco and Osmonds at Old Hay.

Green Belt land - policies AL/PW1 & AL/CA3 - an exceptional reason is needed to build upon green belt land. Sevenoaks has already had its local plan rejected by the government due to this.

Green Spaces - I am concerned about the green space/rest area behind the Wesley Centre as it has been labelled as a potential development area and giving us a local green status may frustrate the potential. This should be labelled as a local green space and kept that way.

Otherwise, there is potential for building on that site which is not what local residents want.

I am concerned about the Mascalls school playing field being given as insufficiently evident as a local green space. I would hope that this would not be built upon.

I'm also concerned about the natural woodland behind Warrington Road/Heather Bank 1.27 ha of natural woodland - this is important wildlife habitat and should be protected.

There is ancient woodland, ponds, and meadows to the south-east of Mascalls school, bounded by Mascalls Court road and Chantler's Hill (including a public footpath.) It should be treated as a local green space. This area is not marked on your local green spaces assessment.

Paddock Wood Primary School's playing fields, AS_54, should be marked as a green space and protected.

Wellbeing - The accessible natural green space standard (ANGSt) recommends that everyone should have accessible natural green space of at least 2ha in size, no more than 5 minutes' walk from home... In the Tunbridge Wells green infrastructure framework for draft local plan item 40, gap analysis recognises this. In the table, the key access issues states that paddock wood has got very poor access. Following on from that, there should be one accessible 100 ha site within 5 km of "home" there is not one in Paddock Wood. Item 41 states that there is significant opportunity to provide for and address any shortfalls in natural green space provision, as part of the master planning process, according to green garden settlement principles. I would like to flag this to make sure that this actually happens.

The candidate local nature reserves, to the SW and E of PW will not meet this standard for those living in the NW of PW, so these conditions have not been met. The green wedges have not been adequately detailed to enable me to comment. However the one strip of land at the very east of Paddock Wood (PW1_8) seems unsuitable as it is right between a solar farm and Queen Street.

TWBC already recognise that **air and noise pollution** is a downside to these developments.

My house in Paddock Wood is on the main road but semi-rural. I chose this house for peace and quiet. I have already been affected by the noise of Mascalls Court at the back of my property and subsequently the Church Farm development. Now I have the threat of more roads and houses being built, causing a huge amount of noise. This is not what I moved to Paddock Wood for! **Light pollution** will be a factor too - not just from street lamps, which will no doubt be low-pollution LED ones, but from vehicles on the road and the new houses and other buildings.

Rural feel to Paddock Wood - the green and Rural feel to the approaches to Paddock Wood, in particular from the south (from Brenchley) and West (from Five Oak Green) should be safeguarded and enhanced, as per PW's draft Neighbourhood plan. Policy G3 also states that 'development proposals that would lead to the join up of the built up areas of Paddock Wood and Five Oak Green will be resisted.' Tunbridge Wells Borough Council's local plan is based upon development to the west of Paddock Wood, which belongs to the east of Capel.

This totally goes against our Green infrastructure policy, therefore I am totally against the development to the East of PW.

Heritage - There is a huge development planned to the East of PW - possibly a 'neighbourhood centre.' There are listed buildings that will be surrounded by development areas on 3 sides, namely 1 and 2 Rose Cottages will be surrounded by PW1_7, PW1_8 and the Mascalls Court development. The row of 4 houses on this stretch of Church Road (of which mine is one) have been completely surrounded with development sites. The beautiful views of the countryside and historic farmsteads over the fields, which add to the financial value of the properties, will be ruined. Will homeowners be adequately compensated for this intrusion? Is it even legal for houses to be built in the area within the curtilage of these listed buildings?

Policy AL/PW4 states that the community centre will be placed on the Paddock Wood Memorial Playing Fields. This was purchased using donations by the people of Paddock Wood and then more recently, I am told that the deeds were transferred into PWTC's name.

Also the town had a poll, which stated that the residents were not in favour of the community centre at the PWMPF. This is not democracy and it is wrong. There are more suitable sites for the community centre.

The linear route of the historic railway line should be afforded protection against future development.

Transport - there will be an increased number of commuters, non-existent parking spaces, (AL/PW2,) more dangerous parking in residential roads, not enough seats on trains (issue with length of platform so rail companies will not be able to just add more carriages.)

Sewerage - Southern Water is already over capacity; antiquated and mixed type infrastructure cause back-ups and flooding when it rains; all waste water is coming through from Capel parish to PW's water treatment works in North-East Paddock Wood.

Education - Schools and transport to them (especially Tonbridge - e.g. Trains, Tudeley Lane)

Also TWBC state that further education is covered in Royal Tunbridge Wells - it really isn't!

On the Mascalls Court Farm development the new primary school has been put on hold, because it has been decided that it is not needed because potential numbers are too small.

Agriculture - With TWBC's plan, a large amount of grade 2/3 land will be lost, including some of Ribena's blackcurrants (PW1_9.)

Health provision - Another GP surgery has been allowed for, but they do not take into account the lack of GPs in the NHS. NHS England have admitted to me that they cannot recruit GPs.

Police - Increase in population = increase in crime. TWBC want to double the population of PW so we should at least have a part time police presence. With the proposed demolition of the police station, we will have nothing.

Sports provision - A sports hub is planned between Five Oak Green and PW, which floods.

A cricket pitch would sink there - the lime would wash away. If TWBC/PWTC's plan for the Community Centre goes ahead, the PW Memorial Playing Fields will lose its cricket pitch. The tennis courts have already been closed 'for the Winter' (as at 2019) as they are in bad repair and dangerous. Will they ever come back in to use?

Utilities - There is currently no gas pipe serving East Paddock Wood - this, I assume would have to be installed at great cost, or other alternatives provided

This probably does not cover all of my feelings on these developments but I have spent hours poring over these documents.

I am very upset that the consultation was not made easy for people who find it difficult to respond, such as the elderly, infirm, those who have mental health problems, etc. I do not believe TWBC has served its residents at all well in this process.

Question 6

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Make a fresh plan, which takes into account the true housing need. Don't build on Green Belt, which is there to prevent urban sprawl.

Question 7

Please note *the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.*

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)? Yes, I wish to participate in hearing session(s)

Question 7a

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If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

My home borders the East parcel of Paddock Wood. Furthermore, I am actively involved in the organisation Stop Overdevelopment of Paddock Wood.

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:

Yes, I wish to be notified of future stages of the Local Plan

Comment

Consultee	Mr Peter Lovering [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] ROYAL TUNBRIDGE WELLS [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Mr Peter Lovering [REDACTED]
Comment ID	PSLP_391
Response Date	25/05/21 15:14
Consultation Point	Policy STR 1 The Development Strategy (View)
Status	Processed
Submission Type	Email
Version	0.3

Data inputter to enter their initials here HB

Question 1

Respondent's Name and/or Organisation Peter Lovering

Question 3

To which part of the Local Plan does this representation relate? Policy

Question 3a

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy STR 1 The Development Strategy

Paragraph Numbers: 4.6, 4.8–4.11

Figure 5

Question 4

Do you consider that the Local Plan:

Is legally compliant No

Is sound

No

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

- . It is not justified
- . It is not consistent with national policy

Question 5

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After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

Tunbridge Wells Borough Council's Local Plan is unsound because it is unjustified. It is unjustified because it is based on assumptions that are already out of date and it will cause unnecessary and disproportionate harm to the environment and the quality of life of residents.

It assumes that huge amounts of additional housing will be needed within the Borough. This assumption is no longer appropriate as the UK Government has committed itself to a policy of 'levelling up' the rest of the country with the more prosperous south-east. The effect of this policy will be to discourage people from migrating to the south-east in search of employment opportunities as the Government will be creating ample opportunities in the areas where people live already. The demand for housing that the Plan envisages will not materialise if the Government delivers on its promises.

In addition, the Government's hostile attitude towards citizens of the European Union has resulted in hundreds of thousands of people leaving the UK and returning to their countries of origin. This has already had the effect of reducing the demand for housing in the south-east.

Meanwhile the damage caused to the British economy by the Covid-19 pandemic, and in particular the impact on the hospitality sector, has had the effect of reducing the demand for labour. This will naturally reduce the demand for additional housing in the south-east.

Another effect of the pandemic has been the closure of many shops, as people have grown accustomed to making purchases online rather than in bricks-and-mortar stores. This has merely reinforced an existing change in consumer behaviour. Online retailers employ fewer staff, further reducing the demand for labour and reducing the demand for housing.

In addition, the closure of shops on our high streets, in shopping centres and on out-of-town retail parks means that many sites have become available for change of use and redevelopment. Similarly, the pandemic has seen many people working from home, another change that is likely to be permanent. Fewer people will be confined to offices full-time with the result that businesses will downsize, freeing up former office buildings for redevelopment as housing. Technological change is transforming our world, while TWBC and the Westminster Government continue to live in the 1970s.

There is no longer a need to build new housing estates on green-field sites on the fringes of our towns and villages. Nor is there any need for new settlements such as the proposed 'village' at Tudeley. There is ample 'brown-field' land to meet our (reduced) housing demand within the existing footprints of our towns.

The assumptions on which this Plan is based are no longer relevant, appropriate or applicable. The projected demand for housing, schools and leisure facilities is clearly not going to materialise. The 'identified level of development needs' is nonsense.

The Plan is also in breach of national planning policy since, as explained in paragraph 4.6, the need to safeguard 'protected areas and assets, such as AONBs and Green Belts' is potentially a valid reason

for a local plan to fail 'to meet the identified level of planning needs'. This Plan shows little regard for the Green Belt or local AONBs and endangers both. It must be totally rewritten before irreversible damage is done to our landscape and the quality of life enjoyed by the residents of the Borough. Green Belts and AONBs were created by Parliament and have legal protection. Tunbridge Wells Borough Council does not have the right to ignore and override the legal protections that have been put in place by Parliament in the national interest.

The Plan also fails to take into account national policy on air pollution. It is based on the assumption that people living in the new development zones, including the 'garden village', will use motor cars to reach the shops, schools, places of entertainment and other amenities on which they depend. This is contrary to the Government's legally binding commitments to improve air quality and reduce green-house gas emissions. The Climate Emergency will be worsened by this Plan and so will public health as a result of the deterioration in air quality that will result from it. The dependence on the motor car that it promotes is contrary to the law.

The destruction of open countryside envisaged by this Plan will also hamper efforts to reduce CO2 levels and is thus illegal.

I would further add that it seems obvious that the younger people who will be invited to buy properties in these newly created development zones do not actually want to live away from the traditional town centres with the amenities they offer; they do not want to be totally dependent on pollution-generating cars to reach the shops, their children's schools, restaurants and places of entertainment. They need appropriate, modern, affordable housing but would prefer to live within the existing footprints of our towns. The only reason they would opt to live in a newly created 'garden village' is because that is all they can afford in a housing market that has been grossly distorted by Government policy.

Endless sprawling development is a lazy, wasteful solution to the challenges we face. It is unjustified and illegal. There is ample scope to redevelop our towns at slightly greater density in order to meet demand. The people of this Borough want to see the Green Belt preserved and our Areas of Outstanding Natural Beauty protected for future generations to enjoy. This Plan is reckless, irresponsible folly and should be rejected for the reasons stated above.

Question 6

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For this Plan to become justified, it must reflect the wishes of local people, instead of the preoccupations of our masters in Whitehall. It needs to reject the development targets imposed by central government, on the grounds that they are out-dated and inconsistent with the Government's 'levelling up' policy. The Plan should be rewritten to reflect this Government's commitment to safeguard and improve the natural environment. It must be revised so that it reduces the pollution caused by motor vehicles rather than encouraging dependency on cars, commercial vehicles and buses, in line with Government policies intended to address the Climate Emergency. It should be amended to ensure complete preservation of the Green Belt and our AONBs, in accordance with the intentions of Parliament when they were created. This will have the effect of promoting mental and physical health and safeguarding air quality, all key objectives of Government policy.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)? . No, I do not wish to participate in examination hearing session(s)

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box: No, I do not wish to be notified of future stages of the Local Plan

Comment

Consultee	Deborah Luckhurst [REDACTED]
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Event Name	Pre-Submission Local Plan
Comment by	Deborah Luckhurst [REDACTED]
Comment ID	PSLP_630
Response Date	27/05/21 15:53
Consultation Point	Policy STR/SS 2 The Strategy for Paddock Wood Town Centre (View)
Status	Processed
Submission Type	Email
Version	0.5
Data inputter to enter their initials here	KH
Question 1	
Respondent's Name and/or Organisation	Deborah Luckhurst
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy STR/SS 2 The Strategy for Paddock Wood Town Centre

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

Question 5

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

I would like to object to the closer of the railway bridge to be closed and used for just bikes and buses. I'm unsure if you live in paddock wood and if you did you would realise that the ambulance station is the other side of the Bridge in eldon way. So if some needed an ambulance in Maidstone Road that means they would have to go past the garden centre turn left at the hop farm roundabout go along wetstead Road to the other roundabout turn left along badsell Road come to the mascells traffic lights and turn left to get to Maidstone Road this taking 10 15 mins on the road if traffic was good. Which it won't be because people that live the other side of the bridge the industrial estate side of paddock wood. Would have to go all around the above roads to get home or all the people that live the other side of the town would have to go along church road and up to green lane all having new houses built so more cars and more traffic. The said trip for an ambulance would normally take 2 to 3 mins but I feel you are putting people at risk. This will also cause a lot of trouble for people getting to work that live one end of the town and need to get out of town. The town has been built up over the years and more cars are on the road and you are wanting to close one of the main roads in the town. You really don't have a clue about what the people that live here want or need. We need more shops, Dr's, schools not more houses and roads being closes. Come to the town and ask people if they want a road closed. As for buses only to use the road that is the biggest joke the buses run one an hour.

I strongly object to this plan

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

For office use only

If responder hasn't ticked an option on this box, data inputter to tick 'not stated' box. Not Stated

Comment

Agent	Mr M Hull [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Kember Loudon Williams
Address	[REDACTED] [REDACTED] ROYAL TUNBRIDGE WELLS [REDACTED]
Consultee	Mr Roger Ludgate [REDACTED]
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Mr Roger Ludgate [REDACTED]
Comment ID	PSLP_1651
Response Date	04/06/21 10:40
Consultation Point	Policy H 9 Gypsies and Travellers (View)
Status	Processed
Submission Type	Email
Version	0.4
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Mr R Ludgate
Question 2	
Agent's Name and Organisation (if applicable)	Kember Loudon Williams
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy H 9 Gypsies and Travellers

Table 11

Inset Map 82 - Greenfields Farm

Question 4

Do you consider that the Local Plan:

Is sound

No

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

- . It is not effective
- . It is not justified
- . It is not consistent with national policy

Question 5

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

Objection to Policy H9 and specifically the Greenfields Farm allocation which seeks to allocate further land for a travellers/gypsy site.

The Plan is not sound because insufficient consideration has been given towards the resultant traffic impacts, suitability of the site and other Local Plan conflicts. As such it has resulted in a Plan which is unsound not effective and not justified. Nor is it consistent with Planning Policy. The following explains the objections in more detail.

It is noted in the draft Plan as a footnote on page 415 that the Greenfields site is a new site submitted after the Regulation 18 draft Plan. It has no context in terms of being a historic gypsy site and as such must be considered on the basis of a new allocation in the countryside.

On behalf of the objector's we take the view that the site is wholly unsuitable for residential uses of the type envisaged based on the character of the area. It will be clear on the site visit that the access is narrow and already serves a number of non conforming land uses such as a scrap yard (Scrapco Metal Recycling and waste transfer business), CJ Enterprises which specialise in material processing including bulk deliveries and export of materials with HGV's, a car body repair business (Riverdale Body Repair Centre), various other automotive companies, including Osmonds a road planings company that results in heavy plant using the lane, and other HGV Transport and tyre services. Although there are some residential properties along the access lane, they experience noise and disturbance that affects their residential amenity. Adjacent to the site is a scrap metal and recycling business which is extremely noisy. It is a B2 industrial use and is not compatible with a residential type use. The site is therefore clearly unsuitable for further residential uses such as a gypsy or traveller sites on amenity grounds and the Plan is therefore unsound.

The level of traffic along this single width access road is significant and the access is unsuited to additional traffic generated by the allocation given its single width character. The nature of the traffic

along this access road comprises HGV's, high sided vehicles and skip lorries at very regular intervals. There is a shooting club, which uses a site off this access and generates significant traffic. The sheer volume of traffic is such that the access and junction is at over capacity. Congestion along this access road and especially at the junction where large vehicles cannot pass results in an unsafe existing situation. This, together with the limited visibility on the 60mph Pearsons Green Road leads us to conclude that any further intensification of the access and junction by this allocation is wholly undesirable and puts highway safety at issue. The proposed allocation is not supported by a road safety audit to confirm that both Pearsons Green Road and the access track/junction is safe for the additional traffic proposed and neither is there evidence that the roads have sufficient capacity by way of a Transport Assessment. In the absence of this information, the site cannot reasonably be allocated as it would result in an unreasonable intensification of the uses.

The Policy criteria of H9 fail to consider either the amenity of those expected to use the Traveller site or the suitability of the access. In the absence of these criteria it is the case that this Policy is unsound and not effective.

The site that is to be allocated is significantly larger than the 3 pitches that are allocated in Table 11. This suggests that the draft Policy is not sound. It invites additional pitches notwithstanding criterion 1 of Policy H9.

The site is unsustainable in its location. There is no opportunity to access local facilities or public transport and although the site is for a Travellers site there should be an expectation that some services and facilities could be accessed by foot. Shopping and schools would require additional car journeys. The NPPF explains that sustainability comprises both environmental, social and economic matters and in all respects the site does not comply with these guiding principles.

It has been noted that surface water flooding is common along this access road and especially near the proposed allocation site. In the absence of any evidence to demonstrate that the site is not at flood risk, the allocation should be removed.

Question 6

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Question 5 above. (Please note that non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Modify H9 and Table 11 to delete the proposed allocation at Greenfields Farm (Inset Map 82) and to consider additional land at the other sites to compensate.

To amend Policy H9 to require residential amenity and highways access safety and capacity to be specific criteria for this Policy.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

No, I do not wish to participate in examination hearing session(s)

Question 8

If you have any separate comments you wish to make on the accompanying Sustainability Appraisal, please make them here.

Given the clear amenity, highway, sustainability and flood risk objections it is considered that the sustainability appraisal has not appropriately considered this draft allocation site. The site is unsustainable and should not score positively. It should be deleted as an allocation.

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:

Yes, I wish to be notified of future stages of the Local Plan

Comment

Consultee	Grahame Ludlow [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] Benenden [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Grahame Ludlow [REDACTED]
Comment ID	PSLP_201
Response Date	15/05/21 13:01
Consultation Point	Policy PSTR/BE 1 The Strategy for Benenden parish (View)
Status	Processed
Submission Type	Other
Version	0.5
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Grahame Ludlow
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy PSTR/BE 1 The Strategy for Benenden parish

[TWBC: this representation has been input against Policies PSTR/BE 1, AL/BE 3 and AL/BE 4 - see Comment Numbers PSLP_201, PSLP_203 and PSLP_204]

Question 4

Do you consider that the Local Plan:

Is legally compliant	No
Is sound	No
Complies with the Duty to Cooperate	No

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

- . It is not positively prepared
- . It is not effective
- . It is not justified
- . It is not consistent with national policy

Question 5

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

Paragraph No(s) Para 5.413, 5.414, 5.416, 5.420, 5.421, 5.422, 5.428, 5.452, 5.453, 5.454, 5.456, 5.458, 5.467, 5.468 Policy No. Objective 1, Objective 2, STR1, STR2, STR3, STR5, STR6, STR7, STR8, PSTR/BE1, Policy AL/BE1, Policy AL/BE3, Policy AL/BE4, EN1 Sustainability Appraisal SHELAA Policies Map (Inset Map No(s)) Inset Map 18

This submission concerns the parish of Benenden, the only parish in the borough to have made its own allocations. The Benenden Neighbourhood Plan (BNP) has been developed in close consultation with TWBC, with the BNP in the lead. The BNP announced its allocations in February 2019, before inviting AECOM to produce its Strategic Environmental Assessment. Pre-Submission Local Plan, para 5.420 reads "The BNP was submitted to TWBC in October 2020 and was consulted on between 30 October and 11 December 2020." But the allocations had been made and published in February 2019. Further, Para 5.420 states "The BNP proposes to include site allocation policies that follow the approach of the site allocation policies for Benenden in this Local Plan." BNP allocations were first published in February 2019 i.e. before LP site allocation policies.

Allocations made by the LP, when it took up the BNP's baton, are therefore inevitably linked to BNP's weaknesses. Yet if the BNP passes a referendum before acceptance of the LP, it is said that it will take precedence over the LP (see para 5.421), with the exception of its plans for the northern site at Benenden hospital, which will be overruled by the plans advanced in the LP (see Benenden Parish Council April 2021 response to Independent Examiner queries on the BNP). This is in contravention of para 5.422 which talks of making "modifications to the LP" so that it matches the BNP.

1 Community involvement. EN1: this requirement has not been respected.

- . In Benenden, almost all new housing is slated for the East End, yet the Friends of the East End (FEE), were never asked to meet with the BNP steering group.
- . See EN1 para 9 requiring the effective engagement of the local community, neighbours of sites and others. The FEE submitted three petitions, two to the BNP and one in relation to the LP. A FEE submission with 127 signatures was submitted on April 4th 2019 in response the Informal Draft NP (published on February 23, 2019), in which the allocations later adopted by the LP were first set out. A FEE submission with 164 signatures was submitted in October 2019 objecting to the first draft of the LP, and in the same month, a FEE submission with 167 signatures was submitted in relation to the Reg 16 draft BNP. See the FEE's current online petition with more than 450 signatures <https://www.change.org/EastEndFriends>

- . Instead of being consulted, the FEE were ignored and belittled. They were informed on 11th March 2019 by the editor of the Parish Magazine (PM), husband of the Chair of the Parish Council, that “I’m of the view that much of the uncertainty has passed since the presentation of the plan to the village - to a highly favourable reception. At least we no longer have to give polite credence to *uninformed views* that fly in the face of TWBC policy and advocate direct and *pointless confrontation* with TWBC, thereby running the risk of having the entire BNDP thrown back in our faces. *The ensuing chaos hardly bears thinking about.* At least it seems the opinions now being afforded most weight are those of *people who have worked hard for two years to understand the issues* and come up with a coherent way forward.”
- . One of the regular articles on the BNP submitted by the chair of the BNP Steering Group appeared in January 2020. It dismisses FEE opposition suggesting only “31 residents from the East End” sent in comments.
- . The core group behind the BNP has consistently tried to persuade those who support the FEE to desist. The chair of the Parish Council and the chair of the BNP Steering Group have twice asked to meet a Tunbridge Wells Alliance (TWA) Borough Councillor for the parish, once together with a TWA borough council candidate, in efforts to persuade them to adhere to the BNP’s approach and not to listen to the FEE.
- . The organiser of the FEE was a member of the Steering Committee 2017/2018 as chair of the Environmental Group. She expressed strong disagreement with a Borough Councillor who lives in the village (on occasion, he deputises as chair of the Steering Group) about his wish to step up allocations in the East End and suppress TWBC’s wish to build 174 houses on site 158. As a result, the Steering Group chair (using his own word), “sacked” her. This is contrary to EN1 para 9, encouraging early, proactive and effective engagements and the requirement that views expressed should be properly considered.
- . Consultation also failed in relation to the neighbouring parish of Biddenden. The Clerk of Biddenden Council has repeatedly responded to BPC in the course of the BNP consultation process, but received only acknowledgments. A Kent County Councillor and Ashford Borough Councillor wrote an article about BNP’s mismanagement of the parish of Biddenden in the Biddenden Parish Magazine, February 2021.
- . The LP is based on the BNP and BNP allocations were made before consultations with stakeholders such as the AONB. This is not consulting in a timely fashion. Further, the LP requires surveys of the hospital sites *after* the designation of the sites for development, for example, archaeological surveys (see AL/BE 3&4). Historic England (HE) asks for the surveys to be carried out *before*. See HE’s comments on the first draft LP (DLP_4556) - “we would expect the allocation of sites following on from this Strategy policy (STR1) to be subject to appropriately robust and detailed heritage impact assessment *prior to the allocations being adopted.*”
- 1 **The PSLP is not based on sound evidence**
 - . Throughout the LP process, misstatements have been made about amenities in Benenden’s East End. These may be traced back to a submission made by traffic and highways consultants, Transport Planning Associates (TPA) to Benenden Healthcare Society Ltd. (BHS). This submission was recently disclosed in BHS’s response to the Independent Examiner’s queries in relation to the BNP. TPA’s information is sometimes inaccurate and sometimes misleading and we consider it here in detail because it is difficult otherwise, to understand how the LP was able to continue, iteration after iteration, to relate false information about the hospital site.
 - . In October 2019, TPA reported (para 2.6) that there was a footpath along the southern edge of Goddards Green Road (GGR) and the PSLP, para 5.452 states “There is an intermittent pavement along GGR”. The GGR is a long road running from New Pond Road to Castleton’s Oak crossroads, and was formerly a lane. The pavement is limited to the short section immediately outside the hospital buildings. To say that there is an intermittent pavement along GGR is misleading.
 - . The TPA refers to the East End as a village, which it is not. The East End runs from the junction of GGR and Walkhurst Road, along the GGR to the border with Tenterden, then turns south to reach close to Hole Park in Rolvenden, then east back to Walkhurst Road at the site of the stream, then along Walkhurst Road back to GGR (see the old Electoral Roll for 2004 when the East End had its own polling station). It is a large, totally rural area of several square miles, which was why it was chosen as the site for an isolation hospital in 1906. Today it contains only 76 houses scattered across the entire area. The PSLP consistently refers to the East End as a hamlet. It is not, which is why BPC is able to advertise itself on its website as “Serving the people of Benenden and Iden Green” without any reference to the East End.

- . The TPA says that “a day nursery is located immediately to the north of the Site within 400m.” There is incorrect, yet this error is repeated in para 5.413 of the PSLP “There are also nursery/pre-school facilities at Iden Green and East End.” An accurate account would mention Iden Green only.
- . The TPA states that there are daily bus services along GGR provided by bus nos. 24 and 299, and twice a day service provided by the Hopper bus. This information is incorrect. The 2019 Hopper bus, operated by the Tenterden social services hub on an experimental basis, failed in only a matter of months. While the 24 and the 299 buses pass along GGR, they do so on only one day a week. The 24 on Tuesdays and the 299 on Wednesdays. The East End has almost no public transport.
- . The TPA makes several statements in relation to traffic which have fed misinformation into the system to be reflected in AL/BA3&4. This misinformation was only recently revealed when documents were provided by BHS following April 2021 queries raised by the Independent Examiner on the BNP. These documents include a TPA ‘Scoping Note’ on road and traffic conditions at the site and a letter written in response to this Note from KCC Highways, dated 13 Nov. 2019. The TPA states that the GGR is 7m wide at the hospital site which detracts from the fact that it is actually a winding rural lane, now called a road, and varies considerably in width. It may at some point be 7m wide, but at others, it is so narrow that two lorries have difficulty passing each other. The TPA claims that there is no need for a road safety review because there have been “no personal injury accidents” recorded within 1,000m. Castleton’s Oak crossroads lie 1.5 km from the site and accidents there are frequent, largely due to increasing traffic at the hospital. The hospital has turned itself into an almost exclusively out-patient centre and almost all its 300 employees drive in to work from outside the parish (formerly, they were housed on site in hospital staff buildings). Kent County Council (KCC) Highways make constant and repeated attempts to lower the risk of injury at the crossroads. Works there are ongoing at this time. The TPA claims that no traffic surveys are necessary which is a point queried in the KCC Highways’ email. The email talks of the “heavy car dependency” of residents in any housing in this location and says this was one of its concerns, even at the time of the original application asking for only 24 houses. The email states that BHS’s plans (and therefore AL/BE 3&4) are contrary to the NPPF and to KCC’s own policy objectives, and points out that the hospital has not co-operated over the idea of a minibus to provide transport from the site to Benenden. The letter calls for: traffic counts along the GGR; a wider crash analysis; and expresses concern over the proposed access points to the SE Quadrant - 2 on Green Lane and 2 on GGR. Lastly, on trip generation, the TPA projects that 47 houses at the site will produce only 106 trips a day, though the consultants admit that they have difficulty in basing their estimate on comparable sites because there are none. These trip generation figures ignore existing traffic from local residents, from patients, from hospital staff and from the newly (January 2021) proposed housing estate at Cleveland. The AL/BE 3&4 fails to provide a traffic count, fails to ask for a road safety review and fails to acknowledge frequent traffic accidents near the sites.
- . Pre-submission supporting documents also produce inaccurate and sometimes irrelevant evidence. The hospital sites are within the setting of an AONB and even overlap into it, yet *Inset Map 18* (Benenden Hospital), unlike other maps attached, makes no reference to the AONB boundary. The BNP claims that the hospital is outside the AONB and on this basis, since the rest of the village is wholly within the AONB, largely justifies placing most of Benenden’s housing in the East End. The relationship of the AONB boundary to the hospital sites is important yet it is ignored on the map. This looks like prejudice.
- . Hankinson Duckett Associates’s *AONB Setting Analysis Report* (a supporting document for the PSLP, referred to as an evidence base) is, in its analysis of AL/BE3&4, unsound. The analysis argues that development at these sites will enhance the setting of the AONB. It illustrates the argument with photos of the hospital chapel and its carpark. Neither chapel nor car park are in the area up for development.
- . The *Sustainability Appraisal* (SA) is misleading. Table 58 on page 163 states that all Benenden sites “lack services, facilities and travel options”. This belies the fact that AL/BE2 (Feoffee almshouses) is close to the Street as is AL/BE1 (Uphill). Both sites are within walking distance of the bus stop for daily bus services, the post office, village shop, the primary school, the village green, the butchers, pub, community hall, church, recreation ground and children’s playground. AL/BE 3 & 4 are three miles northeast of the village with no daily bus service and no amenities whatsoever.

- . The commentary on Table 58, (page 163 of the SA), states that East End sites score badly on Climate Change and Travel, yet these are the sites promoted for most houses.
- . The SA argues on page 163 that East End residents will send their children to schools in Tenterden instead of to the village primary school, and that this will lessen the otherwise seriously negative effects of the two hospital sites. This is pure conjecture and possibly wishful thinking. The school has a good reputation and currently between 70 and 75% of children there come from outside the parish. East End children will have precedence over these, since intake depends on the distance of a child's residence from the school. Pressure on Benenden Primary School will increase, not decrease. Further, the use of a car, whether it drives to Tenterden (5-6 miles) or to Benenden (3 miles), pollutes and deprives residents of the health-giving pleasure of walking to school. The AL/BE 3&4 are contrary to STR2, to the NPPF and to KCC policy on climate change.
- . Appendix L (pp331-2) shows *Scores for Reasonable Sites in Benenden*. Here we see scores for 158 and 222, two sites close to the village centre. Of 158, we read "A site that scores several neutrals with some positives, let down by its land use and landscape score impacted by a loss of a greenfield site in the AONB and *lack of services and facilities including public transport at the settlement.*" This SA report compares poorly with the SA TWBC carried on site 158 in 2006. 158 is parallel to and just north of the Street with its exit onto New Pond Road. In 2006 site 158 was chosen in a village referendum as the site for a new C of E primary school. It was the preferred site out of a choice of two, both of which were greenfield. TWBC's 2006 SA on 158 decided (see page 18 of the *Sustainability Appraisal Benenden Church of England Primary School Land Allocation DPD - Issues and Options* report), that 158 was one of two top sites. "Situated adjacent to an area of ancient woodland, the site provides the potential for habitat linkages and wildlife corridors. The site is not adjacent to the CA and does not form a significant role in its setting. There are no Listed Buildings on or adjacent to the site. The site is consistent with the surrounding landscape character. There are limited views into the site and no public rights of way over the site." On page 38, we read, "This site is anticipated to have a major beneficial effect on improving educational standards and travel choice/traffic levels". In spite of the referendum result, the school was eventually built at the less preferred site and, since then, TWBC had been in consultation with 158's owners to build houses there. In April 2018, BNP Steering Committee Deputy Chair, a borough councillor, showed the committee a piece of paper from TWBC saying that TWBC wishes to build 174 houses on site 158. He committed himself to seeing these numbers reduced and the numbers at the East End raised. After a meeting between representatives from the BNP group and TW planners on June 19th, 2018, the minutes reported that "At times the workshop was emotive ...". Following that meeting TW planners put site 158 on temporary hold, limiting development there to a future Local Plan by asking, in the first draft of the LP on page 270, that the Uphill site on New Pond Road, adjacent to 158 and allocated at that time as AL/BE3, should, under Clause 8, provide for vehicular access through Uphill to the site behind (158) "which may be allocated for development as part of a future Local Plan." In the PSLP, this wording for Clause 8 has disappeared. Where is the evidence-base for such wording to be included in the first draft and excluded in the second? Why is the site considered suitable in 2006, in 2018, and in the first draft, but not suitable in the PSLP?
- . Site 222, like 158 is described in Appendix L of the PSLP's SA as suffering from "a lack of services and facilities including public transport at the settlement." This is inaccurate. There is a daily bus service along Benenden Street and site 222 is within easy walking distance of the bus stop, shops, pub, community hall, primary school and all other amenities.
- . Site LS8, in the heart of Iden Green is, along with site 158 and 222, a site which on-the-ground evidence suggests is eminently suitable for development, but which the SA fails to allocate. Appendix L of the SA gives LS8 virtually the same scores as Uphill (LS16 of AL/BE1) yet the latter is included for development and the former is not. The commentary states of LS8 "A number of scores are negative however, reflecting the remote location of the site from services and facilities and public transport. It scores negatively in heritage terms as the site is a relatively sizeable piece of the Iden Green Conservation Area." This site is far less remote than sites AL/BE 3 & 4. It is one mile from the village and connected to it by a paved footpath running past a Roadside Conservation Area and then (still paved) through a field to the church and primary school. It is on a bus route and the bus stop is next to LS8. Iden Green has a community hall, tennis courts, a children's playground and pub/restaurant. The SA information is unreliable and the PSLP's use of it for site allocation is unwise.

1 **Policies AL/BE3&4 are not consistent with the PSLP's Vision objectives nor with its strategies, nor with KCC's policies, nor with the NPPF.**

- . The PSLP's Vision Objective 1 is : "to improve access to suitable, especially affordable housing, including for local young people and older households." But this is inconsistent with allocations AL/BE 3 & 4. BHS is asking in its comments on the LP first draft, for a lower number of affordable homes because of the high cost of brownfield development. Living isolated in the countryside, families will need at least two cars. Old and young will be unable to walk to schools, shops or any other amenities. This is not a suitable site for a borough which (see para 2.16) expects the population over the age of 65 + to increase by around 40% between 2020 and 2038.
- . The PSLP's Vision Objective 2 is to ensure sustainable development which allocations at AL/BE 3&4 do not achieve. On the contrary, the KCC warns that even with the existing permission for 24 houses on AL/BE3, the highway authority had concerns. This is an isolated location, deep in the countryside (see KCC Highways email 13 Nov 2019). More than 24 houses in this location is not sustainable.
- . **Policy PSTR/BE1**, LBD 5.416 states "the LBD around Benenden village sets the extent of existing and planned development .." This conflicts with the recommendation that major development be instated three miles beyond the LBD, on the border with Biddenden.
- . **Policy STR 2** "The Council requires the use of masterplanning, including the use of design codes and sustainable design standards where appropriate, for strategic and larger-scale developments.." This is undermined by AL/BE 3&4 which calls for a masterplan for an area not included in the PSLP and not presented. Para 1a of Policy AL/BE3 states that there is a need to "show indicatively how the other areas included within Policies AL/BE3 and AL/BE 4 can be developed to meet the overall policy requirements as set out within each of these policies, and *how the future needs for Benenden Hospital will be met on areas to the north west and south west that currently comprise the hospital buildings and associated ancillary uses and is previously developed land.*" It is not sound to proceed with an LP where the land to be developed is not clearly indicated from the start.
- . **A masterplan is essential to avoid current inconsistencies on the size of areas to be developed:** AL/BE3 excludes one of the 2 Local Wildlife Sites (LWS) at the site, yet the BNP includes both. Para 5.458 states "Both this policy and BNP draft Policy SSP3 broadly follow the same approach towards the potential for developing this site for a residential development.." They do not. The PSLP states that in the event of a successful referendum, the BNP's proposals will prevail. If this is so, are we supposed to assume that AL/BE3 map is inaccurate?
- . A similar problem arises at the northern site (AL/BE4) here there are currently 18 dwellings. The proposal allows for these to be demolished and another 25 dwellings added to the site. The size of the area to be developed varies between the LP and the BNP. The LP includes the LWS in the area to be developed but the BNP includes only a small section, but says in the event of a successful referendum the BNP plan will be over-ruled by the LP plan (see the BPC response April 2021 to the Independent Examiner's queries). This is the reverse of 5.421 & 2. It is unsound to proceed with a plan when the NP and the LP are at odds with each other.
- . **The PSLP claims building will only be within existing footprints**, an approach which is at odds with that of the BHS. Plans for 47 new houses in AL/BE3, presented to the village on 17th February 2020 by the hospital architects, show the buildings are not to be built within the footprint of previous buildings nor to respect LWS.
- . **Policy STR 3** calls for the use of brownfield sites "within settlements" and in "sustainable locations." AL/BE 3 consists of disused medical buildings and 2 LWS with parkland and veteran trees (depending on whether this second LWS is included or not). 5.448 is therefore incorrect. The site should be described not as brownfield but as partly brownfield. It is not on the brownfield register. Because of its remote location and its valuable LWS sites, it is not free from constraints which could be mitigated. As such, Policy AL/BE3 does not meet the criteria needed under the NPPF, Section 11, para 117 for development in "a way that makes as much use as possible of previously-developed or 'brownfield' land." AL/BE 4 contains in-use residential housing and an LWS and therefore is not brownfield.
- . **Policy STR 5** states that "New residential ... development will be supported if sufficient infrastructure capacity is either available or can be provided in time to serve the development." Will this happen at AL/BE3&4? Developers themselves are to provide the infrastructure at AL/BE 3&4. The LP proposes to take on trust suggestions that the BHS will avoid building on the LWS and will provide play-grounds, sports facilities and tennis courts. We know from submissions following the first draft LP, that BHS is actually planning to remove one LWS entirely and that its

plans include building on the LWS and beyond the foot print of previous buildings. BHS suggests, in its response to the first draft LP (DLP_4956) that it is unlikely to provide play-grounds, sports facilities and tennis courts. The PSLP's approach does not take comments to the first draft LP into account.

- . **Policy STR 6** proposes to "Deliver future development in accessible locations, normally within or in close proximity to existing towns and villages across the borough." In the case of the two isolated hospital sites, the PSLP contradicts its own strategic policy and fails to offer choices in transport or to prioritise active travel and public transport. The Benenden hospital sites have no daily bus service and no active travel link to the village, and neither the PSLP nor the BHS provide credible information on how these links are to be provided. The KCC email of Nov 13 suggests that the hospital is uncooperative on the proposal to organise a minibus service and the SHELAA says of AL/BE3 that it is "Remote from a settlement centre," (unlike sites 158, 222 and LS8); that residents will rely heavily on private cars and thus air quality and travel objectives score negatively; and that, "although promoted by the policy, shared transport and active travel options are unlikely to take precedence over private vehicle use thus air quality and climate change score negatively." This we feel is the nub of the issue. For all the talk of mitigating the remoteness of the hospital sites with a minibus link and cycle routes, nobody actually believes that any of these measures will succeed. As for the proposal to create links suitable for electric personal vehicles, such as mobility scooters (as suggested under STR 6), it is difficult to see, when the closest link with the village is a single-track lane (Walkhurst Road), how any personal electric vehicle could make that journey. The PSLP is creating, through its policies AL/BE3&4, a car dependent community. This thereby negates the sense of the LP's supporting document, *Transport Strategy Review Sept 2019* which urges reducing the need to travel.
- . AL/BE3&4 also undermine TWBC's Full Council motion of July 2019 to reduce CO2 emissions. "The dominance of the car as a mode of transport can lead to congestion, more road accidents, air and noise pollution. In addition it contributes to climate change, reduces social cohesion and leads to less healthy lifestyles" (para 44 *Transport Review*). According to TW's own SA from 2006, if social cohesion, reduction in air pollutants, and public health were indeed the borough's priorities, sites chosen for development in Benenden would have included site 158.
- . **PSLP paras 5.453 and 5.467** state that "residents of development in this location will rely heavily on private cars." These plans runs counter to STR6 policy on the environment see paras 6.8, 6.9, 6.10, 6.11 and 6.13. It also contravenes KCC policies on climate change and the NPPF (see KCC's Nov 13, 2019 letter on this subject).
- . **Para 5.414** "The parish provides two relatively large sources of employment: at Benenden Hospital and at Benenden School." The inference is that the employment opportunities are linked somehow to the population of Benenden. There is in fact little connection. The 300 plus staff at the hospital drive into the parish along GGR to work and, since the hospital is isolated from the village, their contribution to the local economy is negligible.
- . **Policy STR 6** The LP proposes to "Deliver future development in accessible locations, normally within or in close proximity to existing towns and villages across the borough." In the case of the two isolated hospital sites, the LP contradicts its own strategic policy and fails to offer choices in transport or to prioritise active travel and public transport.
- . **Cycle routes:** The PSLP's standards on the public benefits of cycling and walking are based on the *Cycle Strategy Supporting Document*, but these standards are undermined by site allocation in Benenden. The Cycle document states that: "When more people cycle or walk the health of the population improves and our roads become safer and less congested." Its objectives 4 and 5 are to improve safety for cyclists and air quality for all, but AL/BE 3 & 4 will create a community, deep in the countryside, entirely dependent on the car and will contribute to poorer air quality for all. The allocation of these sites, as opposed to sites such as 158, is difficult to understand.
- . The *Cycle Strategy* states that fear of traffic is possibly the main factor discouraging people from cycling. National Cycle Route 18 runs from the Rolvenden Road, down Stepneyford Lane, to Green Lane, before joining the Benenden Road near the hospital, turning right and leading to Castleton's Oak Cross roads and Gribblebridge Lane. This route is a largely on-road ride travelling through the High Weald, using narrow, picturesque country lanes as much as possible. Green Lane/Stepneyford Lane is mentioned in TWBC's Rural Lanes: Supplementary Planning Guidance. It is particularly high scoring in terms of its landscape, its recreational value, its natural beauty and its history. For these reasons, it is part of National Route 18. Rather than encouraging cycling, AL/BE3, which proposes two exits for this major development on GGR and two on Green Lane (where a second housing estate, at Cleveland Farm is already leading to Kent Highways calling

for road widening and the elimination of grass verges - see building application 20/03267/FULL) will cause an increase in those factors, identified in *TW Cycle Strategy*, as discouraging cyclists, namely, traffic and the loss of unspoilt country lanes. Policy AL/BE3 also contravenes Kent Structure Plan Policy ENV13: "Rural lanes which are of landscape, amenity, nature conservation, historic or archaeological importance will be protected from changes which would damage their character, and enhanced." In any event, the cycle route is purely recreational and will not enhance the sustainability of these sites.

- . **Policy STR 7** proposes, in dealing with TWBC's 2019 legally binding commitment to manage climate change, that all development in the borough will support the Council's target to achieve net zero emissions by 2030. It is unsound, with such a goal, to propose a major development on the parish periphery, 3 miles equidistant from two villages where there is no shop (in spite of the PLSP's statement AL/BE 3&4) and no café (BHS says its café was built for its own use not for the use of the public - see comments on the first draft of the LP). Residents will need their cars for almost everything.
- . **Policy STR1** promotes the effective use of previously developed land, having due regard to relevant Plan policies, but in promoting AL/BE3&4, the PSLP disregards STR6 (environmental goals) & STR7 (transport goals).
- . Under the NPPF, sustainability is the priority, as the PSLP acknowledges in STR3, 4.65 "A presumption of sustainability lies at the heart of the NPPF", but in allocating AL/BE 3&4, the PSLP fails to respect its own and the NPPF's strategic priorities.
- . **Policy STR 8** states that development should contribute to and enhance rural landscapes with particular regard to the High Weald (HW) AONB. The PSLP promotes nature conservation. Its biodiversity objective is to achieve net gains and, where possible, secure long-term management of sites for biodiversity. AL/BE3 runs counter to this strategy since the BHS has produced plans showing houses built over the LWS. It has, furthermore, produced a document requiring that one of the two LWS be dug up and removed to another unspecified location, thereby nullifying the terms of the existing Landscape and Ecology Management Plan (LEMP) for that site. Para 3.21 of the BHS submission on the first draft LP states: *"The Society supports the requirement for long-term management of the core areas of LWS associated with the hospital land. This includes all but the modest area within the SEQ adjoining Peak Lodge which is too constraining on the South East Quadrant redevelopment proposals. Accordingly, the soils in the area will be translocated to a nearby receptor site to try to ensure that the rare fungi can continue to thrive in this local area."* This is a particularly significant site for biodiversity. A letter from Keith Nicholson, former Planning and Conservation officer for the Kent Wildlife Trust, dated 4 March 2013, to TWBC Development Control Officer, Ellen Gilbert states that the hospital LWS are of national importance, mainly for the large number of different varieties of waxcaps. He states that they could well have been designated SSSI. Both in terms of waxcaps and in terms of valuable acid grassland, the hospital sites have high environmental value, see Comment DLP_3458 on the first draft of the LP, from the High Weald AONB Unit. The Benenden Hospital site *"includes rare and vulnerable acid grassland which should form a core area for unimproved grassland as part of a High Weald nature recovery network."* AL/BE3&4 threaten the biodiversity of significant species in the LWS at the hospital sites, contrary to EN1.
- . The LWS to the south of AL/BE3 is included in the BNP and BPC argues that this has been done in order to protect it (see their response to the Independent Examiner April 2021). It is difficult to follow this logic. The inclusion of the site in the area to be developed suggests that it too could be under threat.
- . There is no plan showing the placement of houses on AL/BE 4, which is currently home to a large LWS and is the site of 18 habitable dwellings, almost all of the them currently in use and let. The proposal allows for these to be demolished and another 25 dwellings added to the site. The PSLP includes the LWS in the area to be developed and the BNP excludes most of it. Benenden Parish Council (BPC), in its April 2021 response to the Independent Examiner, has said that, in this case of a successful referendum, the PSLP's plan (which includes the LWS), will prevail. In other words, of the 3 LWS in AL/BE 3&4, one is slated for removal, one will be built over if the PSLP prevails and one may be built over if the BNP prevails. This undermines STR8.
- . The PSLP claims that the hospital development "has the potential to improve the setting of the HW AONB through the delivery of a more sensitive redevelopment of existing buildings" (para 5.454), but the claim is not supported by evidence produced by the *Hankinson & Duckett* (see above) while the HW AONB unit's own view is the opposite. See TW first Draft LP, **DLP_3458**

High Weald AONB Unit (which objects to the Plan) : *“....In our view the development at Benenden Hospital will have a significant effect on the setting of the AONB and the purposes of its designation, and this issue has not been properly considered by the Plan.”*

. Also, the NPPF section 2 para 11

. *“Plans and decisions should apply a presumption in favour of sustainable development... ..(b) strategic policies should provide for objectively assessed needs for housing ...that cannot be met within neighbouring areas unless ... (i) the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area.”* And see Footnote 6: the policies referred to are those in the Framework ...relating to habitat sites (and those sites listed in para 176) and /or designated as SSSI, AONBs

. NPPF para 177 requires that *“an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.”* No such assessment has been undertaken.

PSLP EN1 para 5. Biodiversity and geodiversity.

AL/BE 3&4 run counter to this policy as stated above in relation to the LWS.

The Environment

STR8 sets high environmental standards but these are undermined in the site allocations. This is particularly startling in the light of the July 2019 Full Council motion to recognise the climate and biodiversity emergency, in fact, the Benenden allocations put into question whether the motion was passed in good faith.

EN1 para 5 (Biodiversity and geodiversity) says that proposals should maximise opportunities to increase biodiversity. This goal may make sense in an urban setting, but development in the countryside, as is proposed in AL/BE 3 & 4, cannot hope to ever mitigate biodiversity loss. The destruction of trees and wild spaces, the introduction of lighting, kerbs, driveways, wider roads and narrower verges, the use of concrete, tarmac, bricks and mortar in a deeply rural setting cannot “increase biodiversity”.

EN1 provides for Long-term Management plans which would be satisfactory within an urban context. In a rural location like the East End, such plans are no substitute for natural wild spaces. A ‘managed’ green space set among streets is less likely to promote biodiversity and less likely to conserve wildlife than ‘unmanaged’ green space. Further, the three LWS in AL/BE3 are all already part of an existing LEMP agreement, and since one or all would be removed in the case of development as outlined by BHS under AL/BE3&4, instead of creating a long-term management plan, AL/BE3&4 would all but terminate an existing one. The sentiments expressed in EN1 are mocked by AL/BE3&4.

1 Site policies

AL/BE3 excludes one of the 2 LWS at the site, and the BNP includes both, yet para 5.458 states “Both this policy and BNP draft Policy SSP3 broadly follow the same approach towards the potential for developing this site for a residential development..” This does not appear to be the case. Further, the SHELAA treats this site twice, once including the southern LWS (and excluding Windmill Cottage) and once excluding the LWS and including Windmill Cottage (SHELAA pages 1-3 and pages 18-19). In the second instance, the suggestion is for 67-73 houses, presumably building over the LWS. The first plan is the one adopted in the PSLP and appears to be the more accurate of the two in that it describes the site as “mostly PDL”. The second ignores all greenfield aspects and is almost identical to the plan in the BNP, a plan which BNP claims will prevail if it wins a referendum. Is AL/BE3 presenting us with the wrong plan?

AL/BE3 and AL/BE4 provide for a phased timetable for development of the two sites at different time intervals without calling for a comprehensive masterplan for the hospital site as a whole i.e. for the entire built up area. This is inconsistent with STR2, which requires a masterplan for large developments. The full extent of the area to be developed must be clear. See para 1a of Policy AL/BE3 which states that there is a need to “show indicatively how the other areas included within Policies AL/BE3 and AL/BE 4 can be developed to meet the overall policy requirements as set out within each of these policies, and *how the future needs for Benenden Hospital will be met on areas to the north west and south west that currently comprise the hospital buildings and associated ancillary uses and is previously developed land.*” It is not sound to proceed with an LP where the land to be developed is not indicated from the start.

AL/BE3&4 both call for an active travel link between the site and Benenden village. This proposal has been costed (see BPC's April 2021 reply to the Independent Examiner) at between £180,000 and £220,000 for a 3m wide tarmacked surface, plus costs to upgrade it to a bridleway, plus the costs associated with obtaining landowners' consent or, failing that, of starting compulsory purchase proceedings which TWBC expresses reluctance to undertake because of the significant compensation costs and legal costs which would be involved. No steps have been taken either by the BNP or TWBC to ascertain the willingness of landowners to give up their land although the major landowner involved wrote to BNP on 11th Sept. 2019 objecting to the plan. It is understood that he was not contacted for subsequent discussion.

AL/BE3&4 calls for the repurposing of the existing tennis courts for the use of local residents, which BHS denies it will offer for public use; for the public use of the hospital's café; for the creation of a hospital shop (5.413); for a minibus service linking the hospital to the village ("The Society is not a transport provider" is BHS' response); for green space, a playground and provision of a community hall - most of these policies are refuted in Savills' comments on behalf of BHS, in the first draft of the LP, DLP_ 4956 paras 3.14, 3.18, 3.19, 3.20, 3.46 and 3.47. Rather than agreeing to such policies, the hospital is calling on TWBC to introduce a more flexible funding system to allow a *reduction* of developer costs. BHS argues these will be high because they wish to demolish existing buildings. It is unsound to propose policies which cannot be implemented. Once the sites are sold, no relevant conditions to this effect could be imposed.

1 The PSLP is unsound because of inconsistencies in the treatment of different sites.

- . **Uphill, AL/BE1** is described as having archaeological potential (para 5.428) requiring possible mitigation measures. This is not because of historical finds on the site, but because they might be found. A listed manor house lies on the other side of New Pond Road and, according to AL/BE1, "the site lies within, or very close to the relevant impact risk zone for Parsonage Wood", a SSSI which is, in fact, several miles away. The archaeological significance of AL/BE 3&4 is far more certain and substantial. The hospital sites are where a bronze age palstaff was found (see the National Monument Register - SMR Number /Hob UID)) and the sites lie close to two ancient routeways. A Roman Road runs west-east (on BHS farmland) a few yards to the south of AL/BE3 and a medieval drove road (GGR), runs west-east between the two sites. Further, two Grade II Listed Buildings are sited here, also on BHS land. The Lister building stands a few yards to the west of AL/BE3 and Cleveland Farm house (the farmyard of which BHS is trying to develop separately and simultaneously as if a minor planning project) lies a few yards to the south. Instead of mentioning these facts, AL/BE3&4 reads (5.456 and 5.468) "Kent County Council states that the site includes significant archaeology, which could be dealt with through suitable conditions on a planning approval." The imbalance in the treatment of the two sites is substantial and suggests prejudice.
- . The SHELAA assessment of site 158 suggests a potential yield of 50-65 houses, but then concludes that only the Uphill part of the site is suitable (20 houses). It states that "the remainder of the site is sensitive in landscaping terms and there is concern regarding scale and impact on the character of the landscape and settlement pattern". This is contrary to the views of TW's 2006 SA; to the TW 2018 document proposing 174 houses; and to the first draft of the LP. The dismissal of 158 as a suitable site is not supported by the evidence and suggests prejudice.
- . Site 222, west of the cross roads, was also considered in 2006, as a possible site for the new village school, though it was not one of the top two sites put to a referendum. The SHELAA suggests 222 has a potential for 76 houses. The site is considered unsuitable partly because the new LBD, if adopted, will exclude all houses west of the cross roads, when the village actually extends a considerable length along this road to the west. There is no mention of the fact that the owners of this site are offering the pond at the south west corner of the crossroads as village green space. The dismissal of 222 is not supported by the evidence and suggests prejudice.
- . The SHELAA suggests a capacity of 26 houses at Site LS8 in Iden Green, stating that it lies adjacent to the recreation ground and a children's nursery and that there is a pavement on both sides of Iden Green's main road. It fails to mention that the easternmost side of this pavement connects the village to the village primary school. The SHELAA dismisses the site as unsuitable saying that it is located in a remote location relative to services, facilities and public transport, but this site is far less remote than sites AL/BE 3&4. The dismissal of site LS8 is not supported by the evidence and suggests prejudice.
- . The proposed new LBD has been constructed so as to include the new site at Uphill and to exclude 222, when in fact, the actual built development extends westwards from the crossroads

and includes site 222. The LBD is ignored in respect of AL/BE3&4. Manipulation of the LBD to suit allocated sites is inappropriate.

As a general comment, I have found the process unnecessarily difficult to navigate. In fact, from the point of view of the ordinary lay-man, I would term the process 'hostile'. The interactive on-line site was unmanageable. The PSLP's prose entirely suited the opaqueness of the procedure. Here is one example from the SA (page 163) "However, the education objective does not deteriorate when considering cumulative effects as the schools in Tenterden will be a viable option for residents in East End and thus are likely to take the pressure off Benenden Primary School."

Question 6

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Question 5 above. (Please note that non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

The modifications needed are included in the submissions set out above. In summary, development on site AL/BE 3 should be limited to the existing, so far unused, planning permission for 24 houses, preferably by adapting the Garland Wing, which is a building of historic value, either to a wellness centre, in accordance with its original intention, or to a row of up to 10 terraced houses. Site AL/BE 4 already has 18 semi-detached houses on it, and cannot support any more. It should therefore be excluded. Housing should be allocated to sites (such as 158 and 222 in the village centre or LS8 in Iden Green) which lie on bus routes or are within walking distance of the village centre and school. Paragraphs 5.421 and 5.422 should be omitted.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)? . Yes, I wish to participate in hearing session(s)

Question 7a

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

In order to put over my case, and to answer those with vested interests who may seek to put forward arguments against it.

Question 8

If you have any separate comments you wish to make on the accompanying Sustainability Appraisal, please make them here.

1. The Sustainability Appraisal (SA) is misleading. Table 58 on page 163 states that all Benenden sites "lack services, facilities and travel options". This belies the fact that AL/BE2 (Feoffee almshouses) is close to the Street as is AL/BE1 (Uphill). Both sites are within walking distance of the bus stop for daily bus services, the post office, village shop, the primary school, the village green, the butchers, pub, community hall, church, recreation ground and children's playground. AL/BE 3 & 4 are three miles north east of the village with no daily bus service and no amenities whatsoever.
2. The commentary on Table 58, (page 163 of the SA), states that East End sites score badly on Climate Change and Travel, yet these are the sites promoted for most houses.
3. The SA argues on page 163 that East End residents will send their children to schools in Tenterden instead of to the village primary school, and that this will lessen the otherwise seriously negative effects of the two hospital sites. This is pure conjecture and possibly wishful thinking. The school has a good reputation and currently between 70 and 75% of children there come from outside the parish. East End children will have precedence over these, since intake depends on the distance of a child's residence from the school. Pressure on Benenden Primary School will increase, not decrease. Further, the use of a car, whether it drives to Tenterden (5-6 miles) or to Benenden (3 miles), pollutes and deprives residents of the health-giving pleasure of walking to school. The AL/BE 3&4 are contrary to STR2, to the NPPF and to KCC policy on climate change.
4. Appendix L (pp331-2) shows Scores for Reasonable Sites in Benenden. Here we see scores for 158 and 222, two sites close to the village centre. Of 158, we read "A site that scores several neutrals with some positives, let down by its land use and landscape score impacted by a loss of a greenfield site in the AONB and lack of services and facilities including public transport at the settlement." This SA report compares poorly with the SA which TWBC carried out on site 158 in 2006. 158 is parallel to and just north of the Street with its exit onto New Pond Road. In 2006 site 158 was chosen in a village referendum as the site for a new C of E primary school. It was the preferred site out of a choice of two, both of which were greenfield. TWBC's 2006 SA on 158 decided (see page 18 of the Sustainability Appraisal Benenden Church of England Primary School Land Allocation DPD - Issues and Options report), that 158 was one of two top sites. "Situated adjacent to an area of ancient woodland, the site provides the potential for habitat linkages and wildlife corridors. The site is not adjacent to the CA [Conservation Area] and does not form a significant role in its setting. There are no Listed Buildings on or adjacent to the site. The site is consistent with the surrounding landscape character. There are limited views into the site and no public rights of way over the site." On page 38, we read, "This site is anticipated to have a major beneficial effect on improving educational standards and travel choice/traffic levels". In spite of the referendum result, the school was eventually built at the less preferred site and, since then, TWBC had been in consultation with 158's owners to build houses there.
5. In April 2018, BNP Steering Committee Deputy Chair, a borough councillor, showed the committee a piece of paper from TWBC saying that TWBC wishes to build 174 houses on site 158. He committed himself to seeing these numbers reduced and the numbers at the East End raised. After a meeting between representatives from the BNP group and TW planners on June 19th, 2018, the minutes reported that "At times the workshop was emotive ..." Following that meeting TW planners put site 158 on temporary hold, limiting development there to a future Local Plan by asking, in the first draft of the LP on page 270, that the Uphill site on New Pond Road, adjacent to 158 and allocated at that time as AL/BE3, should, under Clause 8, provide for vehicular access through Uphill to the site behind (158) "which may be allocated for development as part of a future Local Plan." In the PSLP, this wording for Clause 8 has disappeared. Where is the evidence-base for such wording to be included in the first draft and excluded in the second? Why is the site considered suitable in 2006, in 2018, and in the first draft, but not suitable in the PSLP?
6. Site 222, like 158 is described in Appendix L of the PSLP's SA as suffering from "a lack of services and facilities including public transport at the settlement." This is inaccurate. There is a daily bus service along Benenden Street and site 222 is within easy walking distance of the bus stop, shops, pub, community hall, primary school and all other amenities.
7. Site LS8, in the heart of Iden Green is, along with site 158 and 222, a site which on-the-ground evidence suggests is eminently suitable for development, but which the SA fails to allocate. Appendix L of the SA gives LS8 virtually the same scores as Uphill (LS16 of AL/BE1) yet the latter is included for development and the former is not. The commentary states of LS8 "A number of scores are negative however, reflecting the remote location of the site from services and facilities and public transport. It scores negatively in heritage terms as the site is a relatively sizeable piece of the Iden Green

Conservation Area.” This site is far less remote than sites AL/BE 3 & 4. It is one mile from the village and connected to it by a paved footpath running past a Roadside Conservation Area and then (still paved) through a field to the church and primary school. It is on a bus route and the bus stop is next to LS8. Iden Green has a community hall, tennis courts, a children’s playground and pub/restaurant. The SA information is unreliable and the PSLP’s use of it for site allocation is unwise.

8. In so far as Benenden is concerned, the sites were allocated before any sustainability appraisal was commissioned. It is not therefore a relevant factor in the allocation of sites for housing.

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:

Yes, I wish to be notified of future stages of the Local Plan

Comment

Consultee	Grahame Ludlow [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] Benenden [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Grahame Ludlow [REDACTED]
Comment ID	PSLP_203
Response Date	15/05/21 13:01
Consultation Point	Policy AL/BE 3 Land at Benenden Hospital (south of Goddards Green Road), East End (View)
Status	Processed
Submission Type	Other
Version	0.5
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Grahame Ludlow
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy AL/BE 3 Land at Benenden Hospital (south of Goddards Green Road), East End

[TWBC: this representation has been input against Policies PSTR/BE 1, AL/BE 3 and AL/BE 4 - see Comment Numbers PSLP_201, PSLP_203 and PSLP_204]

Question 4

Do you consider that the Local Plan:

Is legally compliant	No
Is sound	No
Complies with the Duty to Cooperate	No

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

- . It is not positively prepared
- . It is not effective
- . It is not justified
- . It is not consistent with national policy

Question 5

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

Paragraph No(s) Para 5.413, 5.414, 5.416, 5.420, 5.421, 5.422, 5.428, 5.452, 5.453, 5.454, 5.456, 5.458, 5.467, 5.468 Policy No. Objective 1, Objective 2, STR1, STR2, STR3, STR5, STR6, STR7, STR8, PSTR/BE1, Policy AL/BE1, Policy AL/BE3, Policy AL/BE4, EN1 Sustainability Appraisal SHELAA Policies Map (Inset Map No(s)) Inset Map 18

This submission concerns the parish of Benenden, the only parish in the borough to have made its own allocations. The Benenden Neighbourhood Plan (BNP) has been developed in close consultation with TWBC, with the BNP in the lead. The BNP announced its allocations in February 2019, before inviting AECOM to produce its Strategic Environmental Assessment. Pre-Submission Local Plan, para 5.420 reads "The BNP was submitted to TWBC in October 2020 and was consulted on between 30 October and 11 December 2020." But the allocations had been made and published in February 2019. Further, Para 5.420 states "The BNP proposes to include site allocation policies that follow the approach of the site allocation policies for Benenden in this Local Plan." BNP allocations were first published in February 2019 i.e. before LP site allocation policies.

Allocations made by the LP, when it took up the BNP's baton, are therefore inevitably linked to BNP's weaknesses. Yet if the BNP passes a referendum before acceptance of the LP, it is said that it will take precedence over the LP (see para 5.421), with the exception of its plans for the northern site at Benenden hospital, which will be overruled by the plans advanced in the LP (see Benenden Parish Council April 2021 response to Independent Examiner queries on the BNP). This is in contravention of para 5.422 which talks of making "modifications to the LP" so that it matches the BNP.

1 Community involvement. EN1: this requirement has not been respected.

- . In Benenden, almost all new housing is slated for the East End, yet the Friends of the East End (FEE), were never asked to meet with the BNP steering group.
- . See EN1 para 9 requiring the effective engagement of the local community, neighbours of sites and others. The FEE submitted three petitions, two to the BNP and one in relation to the LP. A FEE submission with 127 signatures was submitted on April 4th 2019 in response the Informal Draft NP (published on February 23, 2019), in which the allocations later adopted by the LP were first set out. A FEE submission with 164 signatures was submitted in October 2019 objecting to the first draft of the LP, and in the same month, a FEE submission with 167 signatures was submitted in relation to the Reg 16 draft BNP. See the FEE's current online petition with more than 450 signatures <https://www.change.org/EastEndFriends>

- . Instead of being consulted, the FEE were ignored and belittled. They were informed on 11th March 2019 by the editor of the Parish Magazine (PM), husband of the Chair of the Parish Council, that “I’m of the view that much of the uncertainty has passed since the presentation of the plan to the village - to a highly favourable reception. At least we no longer have to give polite credence to *uninformed views* that fly in the face of TWBC policy and advocate direct and *pointless confrontation* with TWBC, thereby running the risk of having the entire BNDP thrown back in our faces. *The ensuing chaos hardly bears thinking about.* At least it seems the opinions now being afforded most weight are those of *people who have worked hard for two years to understand the issues* and come up with a coherent way forward.”
- . One of the regular articles on the BNP submitted by the chair of the BNP Steering Group appeared in January 2020. It dismisses FEE opposition suggesting only “31 residents from the East End” sent in comments.
- . The core group behind the BNP has consistently tried to persuade those who support the FEE to desist. The chair of the Parish Council and the chair of the BNP Steering Group have twice asked to meet a Tunbridge Wells Alliance (TWA) Borough Councillor for the parish, once together with a TWA borough council candidate, in efforts to persuade them to adhere to the BNP’s approach and not to listen to the FEE.
- . The organiser of the FEE was a member of the Steering Committee 2017/2018 as chair of the Environmental Group. She expressed strong disagreement with a Borough Councillor who lives in the village (on occasion, he deputises as chair of the Steering Group) about his wish to step up allocations in the East End and suppress TWBC’s wish to build 174 houses on site 158. As a result, the Steering Group chair (using his own word), “sacked” her. This is contrary to EN1 para 9, encouraging early, proactive and effective engagements and the requirement that views expressed should be properly considered.
- . Consultation also failed in relation to the neighbouring parish of Biddenden. The Clerk of Biddenden Council has repeatedly responded to BPC in the course of the BNP consultation process, but received only acknowledgments. A Kent County Councillor and Ashford Borough Councillor wrote an article about BNP’s mismanagement of the parish of Biddenden in the Biddenden Parish Magazine, February 2021.
- . The LP is based on the BNP and BNP allocations were made before consultations with stakeholders such as the AONB. This is not consulting in a timely fashion. Further, the LP requires surveys of the hospital sites *after* the designation of the sites for development, for example, archaeological surveys (see AL/BE 3&4). Historic England (HE) asks for the surveys to be carried out *before*. See HE’s comments on the first draft LP (DLP_4556) - “we would expect the allocation of sites following on from this Strategy policy (STR1) to be subject to appropriately robust and detailed heritage impact assessment *prior to the allocations being adopted.*”
- 1 **The PSLP is not based on sound evidence**
 - . Throughout the LP process, misstatements have been made about amenities in Benenden’s East End. These may be traced back to a submission made by traffic and highways consultants, Transport Planning Associates (TPA) to Benenden Healthcare Society Ltd. (BHS). This submission was recently disclosed in BHS’s response to the Independent Examiner’s queries in relation to the BNP. TPA’s information is sometimes inaccurate and sometimes misleading and we consider it here in detail because it is difficult otherwise, to understand how the LP was able to continue, iteration after iteration, to relate false information about the hospital site.
 - . In October 2019, TPA reported (para 2.6) that there was a footpath along the southern edge of Goddards Green Road (GGR) and the PSLP, para 5.452 states “There is an intermittent pavement along GGR”. The GGR is a long road running from New Pond Road to Castleton’s Oak crossroads, and was formerly a lane. The pavement is limited to the short section immediately outside the hospital buildings. To say that there is an intermittent pavement along GGR is misleading.
 - . The TPA refers to the East End as a village, which it is not. The East End runs from the junction of GGR and Walkhurst Road, along the GGR to the border with Tenterden, then turns south to reach close to Hole Park in Rolvenden, then east back to Walkhurst Road at the site of the stream, then along Walkhurst Road back to GGR (see the old Electoral Roll for 2004 when the East End had its own polling station). It is a large, totally rural area of several square miles, which was why it was chosen as the site for an isolation hospital in 1906. Today it contains only 76 houses scattered across the entire area. The PSLP consistently refers to the East End as a hamlet. It is not, which is why BPC is able to advertise itself on its website as “Serving the people of Benenden and Iden Green” without any reference to the East End.

- . The TPA says that “a day nursery is located immediately to the north of the Site within 400m.” There is incorrect, yet this error is repeated in para 5.413 of the PSLP “There are also nursery/pre-school facilities at Iden Green and East End.” An accurate account would mention Iden Green only.
- . The TPA states that there are daily bus services along GGR provided by bus nos. 24 and 299, and twice a day service provided by the Hopper bus. This information is incorrect. The 2019 Hopper bus, operated by the Tenterden social services hub on an experimental basis, failed in only a matter of months. While the 24 and the 299 buses pass along GGR, they do so on only one day a week. The 24 on Tuesdays and the 299 on Wednesdays. The East End has almost no public transport.
- . The TPA makes several statements in relation to traffic which have fed misinformation into the system to be reflected in AL/BA3&4. This misinformation was only recently revealed when documents were provided by BHS following April 2021 queries raised by the Independent Examiner on the BNP. These documents include a TPA ‘Scoping Note’ on road and traffic conditions at the site and a letter written in response to this Note from KCC Highways, dated 13 Nov. 2019. The TPA states that the GGR is 7m wide at the hospital site which detracts from the fact that it is actually a winding rural lane, now called a road, and varies considerably in width. It may at some point be 7m wide, but at others, it is so narrow that two lorries have difficulty passing each other. The TPA claims that there is no need for a road safety review because there have been “no personal injury accidents” recorded within 1,000m. Castleton’s Oak crossroads lie 1.5 km from the site and accidents there are frequent, largely due to increasing traffic at the hospital. The hospital has turned itself into an almost exclusively out-patient centre and almost all its 300 employees drive in to work from outside the parish (formerly, they were housed on site in hospital staff buildings). Kent County Council (KCC) Highways make constant and repeated attempts to lower the risk of injury at the crossroads. Works there are ongoing at this time. The TPA claims that no traffic surveys are necessary which is a point queried in the KCC Highways’ email. The email talks of the “heavy car dependency” of residents in any housing in this location and says this was one of its concerns, even at the time of the original application asking for only 24 houses. The email states that BHS’s plans (and therefore AL/BE 3&4) are contrary to the NPPF and to KCC’s own policy objectives, and points out that the hospital has not co-operated over the idea of a minibus to provide transport from the site to Benenden. The letter calls for: traffic counts along the GGR; a wider crash analysis; and expresses concern over the proposed access points to the SE Quadrant - 2 on Green Lane and 2 on GGR. Lastly, on trip generation, the TPA projects that 47 houses at the site will produce only 106 trips a day, though the consultants admit that they have difficulty in basing their estimate on comparable sites because there are none. These trip generation figures ignore existing traffic from local residents, from patients, from hospital staff and from the newly (January 2021) proposed housing estate at Cleveland. The AL/BE 3&4 fails to provide a traffic count, fails to ask for a road safety review and fails to acknowledge frequent traffic accidents near the sites.
- . Pre-submission supporting documents also produce inaccurate and sometimes irrelevant evidence. The hospital sites are within the setting of an AONB and even overlap into it, yet *Inset Map 18* (Benenden Hospital), unlike other maps attached, makes no reference to the AONB boundary. The BNP claims that the hospital is outside the AONB and on this basis, since the rest of the village is wholly within the AONB, largely justifies placing most of Benenden’s housing in the East End. The relationship of the AONB boundary to the hospital sites is important yet it is ignored on the map. This looks like prejudice.
- . Hankinson Duckett Associates’s *AONB Setting Analysis Report* (a supporting document for the PSLP, referred to as an evidence base) is, in its analysis of AL/BE3&4, unsound. The analysis argues that development at these sites will enhance the setting of the AONB. It illustrates the argument with photos of the hospital chapel and its carpark. Neither chapel nor car park are in the area up for development.
- . The *Sustainability Appraisal* (SA) is misleading. Table 58 on page 163 states that all Benenden sites “lack services, facilities and travel options”. This belies the fact that AL/BE2 (Feoffee almshouses) is close to the Street as is AL/BE1 (Uphill). Both sites are within walking distance of the bus stop for daily bus services, the post office, village shop, the primary school, the village green, the butchers, pub, community hall, church, recreation ground and children’s playground. AL/BE 3 & 4 are three miles northeast of the village with no daily bus service and no amenities whatsoever.

- . The commentary on Table 58, (page 163 of the SA), states that East End sites score badly on Climate Change and Travel, yet these are the sites promoted for most houses.
- . The SA argues on page 163 that East End residents will send their children to schools in Tenterden instead of to the village primary school, and that this will lessen the otherwise seriously negative effects of the two hospital sites. This is pure conjecture and possibly wishful thinking. The school has a good reputation and currently between 70 and 75% of children there come from outside the parish. East End children will have precedence over these, since intake depends on the distance of a child's residence from the school. Pressure on Benenden Primary School will increase, not decrease. Further, the use of a car, whether it drives to Tenterden (5-6 miles) or to Benenden (3 miles), pollutes and deprives residents of the health-giving pleasure of walking to school. The AL/BE 3&4 are contrary to STR2, to the NPPF and to KCC policy on climate change.
- . Appendix L (pp331-2) shows *Scores for Reasonable Sites in Benenden*. Here we see scores for 158 and 222, two sites close to the village centre. Of 158, we read "A site that scores several neutrals with some positives, let down by its land use and landscape score impacted by a loss of a greenfield site in the AONB and *lack of services and facilities including public transport at the settlement.*" This SA report compares poorly with the SA TWBC carried on site 158 in 2006. 158 is parallel to and just north of the Street with its exit onto New Pond Road. In 2006 site 158 was chosen in a village referendum as the site for a new C of E primary school. It was the preferred site out of a choice of two, both of which were greenfield. TWBC's 2006 SA on 158 decided (see page 18 of the *Sustainability Appraisal Benenden Church of England Primary School Land Allocation DPD - Issues and Options* report), that 158 was one of two top sites. "Situated adjacent to an area of ancient woodland, the site provides the potential for habitat linkages and wildlife corridors. The site is not adjacent to the CA and does not form a significant role in its setting. There are no Listed Buildings on or adjacent to the site. The site is consistent with the surrounding landscape character. There are limited views into the site and no public rights of way over the site." On page 38, we read, "This site is anticipated to have a major beneficial effect on improving educational standards and travel choice/traffic levels". In spite of the referendum result, the school was eventually built at the less preferred site and, since then, TWBC had been in consultation with 158's owners to build houses there. In April 2018, BNP Steering Committee Deputy Chair, a borough councillor, showed the committee a piece of paper from TWBC saying that TWBC wishes to build 174 houses on site 158. He committed himself to seeing these numbers reduced and the numbers at the East End raised. After a meeting between representatives from the BNP group and TW planners on June 19th, 2018, the minutes reported that "At times the workshop was emotive ...". Following that meeting TW planners put site 158 on temporary hold, limiting development there to a future Local Plan by asking, in the first draft of the LP on page 270, that the Uphill site on New Pond Road, adjacent to 158 and allocated at that time as AL/BE3, should, under Clause 8, provide for vehicular access through Uphill to the site behind (158) "which may be allocated for development as part of a future Local Plan." In the PSLP, this wording for Clause 8 has disappeared. Where is the evidence-base for such wording to be included in the first draft and excluded in the second? Why is the site considered suitable in 2006, in 2018, and in the first draft, but not suitable in the PSLP?
- . Site 222, like 158 is described in Appendix L of the PSLP's SA as suffering from "a lack of services and facilities including public transport at the settlement." This is inaccurate. There is a daily bus service along Benenden Street and site 222 is within easy walking distance of the bus stop, shops, pub, community hall, primary school and all other amenities.
- . Site LS8, in the heart of Iden Green is, along with site 158 and 222, a site which on-the-ground evidence suggests is eminently suitable for development, but which the SA fails to allocate. Appendix L of the SA gives LS8 virtually the same scores as Uphill (LS16 of AL/BE1) yet the latter is included for development and the former is not. The commentary states of LS8 "A number of scores are negative however, reflecting the remote location of the site from services and facilities and public transport. It scores negatively in heritage terms as the site is a relatively sizeable piece of the Iden Green Conservation Area." This site is far less remote than sites AL/BE 3 & 4. It is one mile from the village and connected to it by a paved footpath running past a Roadside Conservation Area and then (still paved) through a field to the church and primary school. It is on a bus route and the bus stop is next to LS8. Iden Green has a community hall, tennis courts, a children's playground and pub/restaurant. The SA information is unreliable and the PSLP's use of it for site allocation is unwise.

1 **Policies AL/BE3&4 are not consistent with the PSLP's Vision objectives nor with its strategies, nor with KCC's policies, nor with the NPPF.**

- . The PSLP's Vision Objective 1 is : "to improve access to suitable, especially affordable housing, including for local young people and older households." But this is inconsistent with allocations AL/BE 3 & 4. BHS is asking in its comments on the LP first draft, for a lower number of affordable homes because of the high cost of brownfield development. Living isolated in the countryside, families will need at least two cars. Old and young will be unable to walk to schools, shops or any other amenities. This is not a suitable site for a borough which (see para 2.16) expects the population over the age of 65 + to increase by around 40% between 2020 and 2038.
- . The PSLP's Vision Objective 2 is to ensure sustainable development which allocations at AL/BE 3&4 do not achieve. On the contrary, the KCC warns that even with the existing permission for 24 houses on AL/BE3, the highway authority had concerns. This is an isolated location, deep in the countryside (see KCC Highways email 13 Nov 2019). More than 24 houses in this location is not sustainable.
- . **Policy PSTR/BE1**, LBD 5.416 states "the LBD around Benenden village sets the extent of existing and planned development .." This conflicts with the recommendation that major development be instated three miles beyond the LBD, on the border with Biddenden.
- . **Policy STR 2** "The Council requires the use of masterplanning, including the use of design codes and sustainable design standards where appropriate, for strategic and larger-scale developments.." This is undermined by AL/BE 3&4 which calls for a masterplan for an area not included in the PSLP and not presented. Para 1a of Policy AL/BE3 states that there is a need to "show indicatively how the other areas included within Policies AL/BE3 and AL/BE 4 can be developed to meet the overall policy requirements as set out within each of these policies, and *how the future needs for Benenden Hospital will be met on areas to the north west and south west that currently comprise the hospital buildings and associated ancillary uses and is previously developed land.*" It is not sound to proceed with an LP where the land to be developed is not clearly indicated from the start.
- . **A masterplan is essential to avoid current inconsistencies on the size of areas to be developed:** AL/BE3 excludes one of the 2 Local Wildlife Sites (LWS) at the site, yet the BNP includes both. Para 5.458 states "Both this policy and BNP draft Policy SSP3 broadly follow the same approach towards the potential for developing this site for a residential development.." They do not. The PSLP states that in the event of a successful referendum, the BNP's proposals will prevail. If this is so, are we supposed to assume that AL/BE3 map is inaccurate?
- . A similar problem arises at the northern site (AL/BE4) here there are currently 18 dwellings. The proposal allows for these to be demolished and another 25 dwellings added to the site. The size of the area to be developed varies between the LP and the BNP. The LP includes the LWS in the area to be developed but the BNP includes only a small section, but says in the event of a successful referendum the BNP plan will be over-ruled by the LP plan (see the BPC response April 2021 to the Independent Examiner's queries). This is the reverse of 5.421 & 2. It is unsound to proceed with a plan when the NP and the LP are at odds with each other.
- . **The PSLP claims building will only be within existing footprints**, an approach which is at odds with that of the BHS. Plans for 47 new houses in AL/BE3, presented to the village on 17th February 2020 by the hospital architects, show the buildings are not to be built within the footprint of previous buildings nor to respect LWS.
- . **Policy STR 3** calls for the use of brownfield sites "within settlements" and in "sustainable locations." AL/BE 3 consists of disused medical buildings and 2 LWS with parkland and veteran trees (depending on whether this second LWS is included or not). 5.448 is therefore incorrect. The site should be described not as brownfield but as partly brownfield. It is not on the brownfield register. Because of its remote location and its valuable LWS sites, it is not free from constraints which could be mitigated. As such, Policy AL/BE3 does not meet the criteria needed under the NPPF, Section 11, para 117 for development in "a way that makes as much use as possible of previously-developed or 'brownfield' land." AL/BE 4 contains in-use residential housing and an LWS and therefore is not brownfield.
- . **Policy STR 5** states that "New residential ... development will be supported if sufficient infrastructure capacity is either available or can be provided in time to serve the development." Will this happen at AL/BE3&4? Developers themselves are to provide the infrastructure at AL/BE 3&4. The LP proposes to take on trust suggestions that the BHS will avoid building on the LWS and will provide play-grounds, sports facilities and tennis courts. We know from submissions following the first draft LP, that BHS is actually planning to remove one LWS entirely and that its

plans include building on the LWS and beyond the foot print of previous buildings. BHS suggests, in its response to the first draft LP (DLP_4956) that it is unlikely to provide play-grounds, sports facilities and tennis courts. The PSLP's approach does not take comments to the first draft LP into account.

- Policy STR 6** proposes to "Deliver future development in accessible locations, normally within or in close proximity to existing towns and villages across the borough." In the case of the two isolated hospital sites, the PSLP contradicts its own strategic policy and fails to offer choices in transport or to prioritise active travel and public transport. The Benenden hospital sites have no daily bus service and no active travel link to the village, and neither the PSLP nor the BHS provide credible information on how these links are to be provided. The KCC email of Nov 13 suggests that the hospital is uncooperative on the proposal to organise a minibus service and the SHELAA says of AL/BE3 that it is "Remote from a settlement centre," (unlike sites 158, 222 and LS8); that residents will rely heavily on private cars and thus air quality and travel objectives score negatively; and that, "although promoted by the policy, shared transport and active travel options are unlikely to take precedence over private vehicle use thus air quality and climate change score negatively." This we feel is the nub of the issue. For all the talk of mitigating the remoteness of the hospital sites with a minibus link and cycle routes, nobody actually believes that any of these measures will succeed. As for the proposal to create links suitable for electric personal vehicles, such as mobility scooters (as suggested under STR 6), it is difficult to see, when the closest link with the village is a single-track lane (Walkhurst Road), how any personal electric vehicle could make that journey. The PSLP is creating, through its policies AL/BE3&4, a car dependent community. This thereby negates the sense of the LP's supporting document, *Transport Strategy Review Sept 2019* which urges reducing the need to travel.
- AL/BE3&4 also undermine TWBC's Full Council motion of July 2019 to reduce CO2 emissions. "The dominance of the car as a mode of transport can lead to congestion, more road accidents, air and noise pollution. In addition it contributes to climate change, reduces social cohesion and leads to less healthy lifestyles" (para 44 *Transport Review*). According to TW's own SA from 2006, if social cohesion, reduction in air pollutants, and public health were indeed the borough's priorities, sites chosen for development in Benenden would have included site 158.
- PSLP paras 5.453 and 5.467** state that "residents of development in this location will rely heavily on private cars." These plans runs counter to STR6 policy on the environment see paras 6.8, 6.9, 6.10, 6.11 and 6.13. It also contravenes KCC policies on climate change and the NPPF (see KCC's Nov 13, 2019 letter on this subject).
- Para 5.414** "The parish provides two relatively large sources of employment: at Benenden Hospital and at Benenden School." The inference is that the employment opportunities are linked somehow to the population of Benenden. There is in fact little connection. The 300 plus staff at the hospital drive into the parish along GGR to work and, since the hospital is isolated from the village, their contribution to the local economy is negligible.
- Policy STR 6** The LP proposes to "Deliver future development in accessible locations, normally within or in close proximity to existing towns and villages across the borough." In the case of the two isolated hospital sites, the LP contradicts its own strategic policy and fails to offer choices in transport or to prioritise active travel and public transport.
- Cycle routes:** The PSLP's standards on the public benefits of cycling and walking are based on the *Cycle Strategy Supporting Document*, but these standards are undermined by site allocation in Benenden. The Cycle document states that: "When more people cycle or walk the health of the population improves and our roads become safer and less congested." Its objectives 4 and 5 are to improve safety for cyclists and air quality for all, but AL/BE 3 & 4 will create a community, deep in the countryside, entirely dependent on the car and will contribute to poorer air quality for all. The allocation of these sites, as opposed to sites such as 158, is difficult to understand.
- The *Cycle Strategy* states that fear of traffic is possibly the main factor discouraging people from cycling. National Cycle Route 18 runs from the Rolvenden Road, down Stepneyford Lane, to Green Lane, before joining the Benenden Road near the hospital, turning right and leading to Castleton's Oak Cross roads and Gribblebridge Lane. This route is a largely on-road ride travelling through the High Weald, using narrow, picturesque country lanes as much as possible. Green Lane/Stepneyford Lane is mentioned in TWBC's Rural Lanes: Supplementary Planning Guidance. It is particularly high scoring in terms of its landscape, its recreational value, its natural beauty and its history. For these reasons, it is part of National Route 18. Rather than encouraging cycling, AL/BE3, which proposes two exits for this major development on GGR and two on Green Lane (where a second housing estate, at Cleveland's Farm is already leading to Kent Highways calling

for road widening and the elimination of grass verges - see building application 20/03267/FULL) will cause an increase in those factors, identified in *TW Cycle Strategy*, as discouraging cyclists, namely, traffic and the loss of unspoilt country lanes. Policy AL/BE3 also contravenes Kent Structure Plan Policy ENV13: "Rural lanes which are of landscape, amenity, nature conservation, historic or archaeological importance will be protected from changes which would damage their character, and enhanced." In any event, the cycle route is purely recreational and will not enhance the sustainability of these sites.

- . **Policy STR 7** proposes, in dealing with TWBC's 2019 legally binding commitment to manage climate change, that all development in the borough will support the Council's target to achieve net zero emissions by 2030. It is unsound, with such a goal, to propose a major development on the parish periphery, 3 miles equidistant from two villages where there is no shop (in spite of the PLSP's statement AL/BE 3&4) and no café (BHS says its café was built for its own use not for the use of the public - see comments on the first draft of the LP). Residents will need their cars for almost everything.
- . **Policy STR1** promotes the effective use of previously developed land, having due regard to relevant Plan policies, but in promoting AL/BE3&4, the PSLP disregards STR6 (environmental goals) & STR7 (transport goals).
- . Under the NPPF, sustainability is the priority, as the PSLP acknowledges in STR3, 4.65 "A presumption of sustainability lies at the heart of the NPPF", but in allocating AL/BE 3&4, the PSLP fails to respect its own and the NPPF's strategic priorities.
- . **Policy STR 8** states that development should contribute to and enhance rural landscapes with particular regard to the High Weald (HW) AONB. The PSLP promotes nature conservation. Its biodiversity objective is to achieve net gains and, where possible, secure long-term management of sites for biodiversity. AL/BE3 runs counter to this strategy since the BHS has produced plans showing houses built over the LWS. It has, furthermore, produced a document requiring that one of the two LWS be dug up and removed to another unspecified location, thereby nullifying the terms of the existing Landscape and Ecology Management Plan (LEMP) for that site. Para 3.21 of the BHS submission on the first draft LP states: *"The Society supports the requirement for long-term management of the core areas of LWS associated with the hospital land. This includes all but the modest area within the SEQ adjoining Peak Lodge which is too constraining on the South East Quadrant redevelopment proposals. Accordingly, the soils in the area will be translocated to a nearby receptor site to try to ensure that the rare fungi can continue to thrive in this local area."* This is a particularly significant site for biodiversity. A letter from Keith Nicholson, former Planning and Conservation officer for the Kent Wildlife Trust, dated 4 March 2013, to TWBC Development Control Officer, Ellen Gilbert states that the hospital LWS are of national importance, mainly for the large number of different varieties of waxcaps. He states that they could well have been designated SSSI. Both in terms of waxcaps and in terms of valuable acid grassland, the hospital sites have high environmental value, see Comment DLP_3458 on the first draft of the LP, from the High Weald AONB Unit. The Benenden Hospital site *"includes rare and vulnerable acid grassland which should form a core area for unimproved grassland as part of a High Weald nature recovery network."* AL/BE3&4 threaten the biodiversity of significant species in the LWS at the hospital sites, contrary to EN1.
- . The LWS to the south of AL/BE3 is included in the BNP and BPC argues that this has been done in order to protect it (see their response to the Independent Examiner April 2021). It is difficult to follow this logic. The inclusion of the site in the area to be developed suggests that it too could be under threat.
- . There is no plan showing the placement of houses on AL/BE 4, which is currently home to a large LWS and is the site of 18 habitable dwellings, almost all of the them currently in use and let. The proposal allows for these to be demolished and another 25 dwellings added to the site. The PSLP includes the LWS in the area to be developed and the BNP excludes most of it. Benenden Parish Council (BPC), in its April 2021 response to the Independent Examiner, has said that, in this case of a successful referendum, the PSLP's plan (which includes the LWS), will prevail. In other words, of the 3 LWS in AL/BE 3&4, one is slated for removal, one will be built over if the PSLP prevails and one may be built over if the BNP prevails. This undermines STR8.
- . The PSLP claims that the hospital development "has the potential to improve the setting of the HW AONB through the delivery of a more sensitive redevelopment of existing buildings" (para 5.454), but the claim is not supported by evidence produced by the *Hankinson & Duckett* (see above) while the HW AONB unit's own view is the opposite. See TW first Draft LP, **DLP_3458**

High Weald AONB Unit (which objects to the Plan) : *“....In our view the development at Benenden Hospital will have a significant effect on the setting of the AONB and the purposes of its designation, and this issue has not been properly considered by the Plan.”*

. Also, the NPPF section 2 para 11

. *“Plans and decisions should apply a presumption in favour of sustainable development... ..(b) strategic policies should provide for objectively assessed needs for housing ...that cannot be met within neighbouring areas unless ... (i) the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area.”* And see Footnote 6: the policies referred to are those in the Framework ...relating to habitat sites (and those sites listed in para 176) and /or designated as SSSI, AONBs

. NPPF para 177 requires that *“an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.”* No such assessment has been undertaken.

PSLP EN1 para 5. Biodiversity and geodiversity.

AL/BE 3&4 run counter to this policy as stated above in relation to the LWS.

The Environment

STR8 sets high environmental standards but these are undermined in the site allocations. This is particularly startling in the light of the July 2019 Full Council motion to recognise the climate and biodiversity emergency, in fact, the Benenden allocations put into question whether the motion was passed in good faith.

EN1 para 5 (Biodiversity and geodiversity) says that proposals should maximise opportunities to increase biodiversity. This goal may make sense in an urban setting, but development in the countryside, as is proposed in AL/BE 3 & 4, cannot hope to ever mitigate biodiversity loss. The destruction of trees and wild spaces, the introduction of lighting, kerbs, driveways, wider roads and narrower verges, the use of concrete, tarmac, bricks and mortar in a deeply rural setting cannot “increase biodiversity”.

EN1 provides for Long-term Management plans which would be satisfactory within an urban context. In a rural location like the East End, such plans are no substitute for natural wild spaces. A ‘managed’ green space set among streets is less likely to promote biodiversity and less likely to conserve wildlife than ‘unmanaged’ green space. Further, the three LWS in AL/BE3 are all already part of an existing LEMP agreement, and since one or all would be removed in the case of development as outlined by BHS under AL/BE3&4, instead of creating a long-term management plan, AL/BE3&4 would all but terminate an existing one. The sentiments expressed in EN1 are mocked by AL/BE3&4.

1 Site policies

AL/BE3 excludes one of the 2 LWS at the site, and the BNP includes both, yet para 5.458 states “Both this policy and BNP draft Policy SSP3 broadly follow the same approach towards the potential for developing this site for a residential development..” This does not appear to be the case. Further, the SHELAA treats this site twice, once including the southern LWS (and excluding Windmill Cottage) and once excluding the LWS and including Windmill Cottage (SHELAA pages 1-3 and pages 18-19). In the second instance, the suggestion is for 67-73 houses, presumably building over the LWS. The first plan is the one adopted in the PSLP and appears to be the more accurate of the two in that it describes the site as “mostly PDL”. The second ignores all greenfield aspects and is almost identical to the plan in the BNP, a plan which BNP claims will prevail if it wins a referendum. Is AL/BE3 presenting us with the wrong plan?

AL/BE3 and AL/BE4 provide for a phased timetable for development of the two sites at different time intervals without calling for a comprehensive masterplan for the hospital site as a whole i.e. for the entire built up area. This is inconsistent with STR2, which requires a masterplan for large developments. The full extent of the area to be developed must be clear. See para 1a of Policy AL/BE3 which states that there is a need to “show indicatively how the other areas included within Policies AL/BE3 and AL/BE 4 can be developed to meet the overall policy requirements as set out within each of these policies, and *how the future needs for Benenden Hospital will be met on areas to the north west and south west that currently comprise the hospital buildings and associated ancillary uses and is previously developed land.*” It is not sound to proceed with an LP where the land to be developed is not indicated from the start.

AL/BE3&4 both call for an active travel link between the site and Benenden village. This proposal has been costed (see BPC's April 2021 reply to the Independent Examiner) at between £180,000 and £220,000 for a 3m wide tarmacked surface, plus costs to upgrade it to a bridleway, plus the costs associated with obtaining landowners' consent or, failing that, of starting compulsory purchase proceedings which TWBC expresses reluctance to undertake because of the significant compensation costs and legal costs which would be involved. No steps have been taken either by the BNP or TWBC to ascertain the willingness of landowners to give up their land although the major landowner involved wrote to BNP on 11th Sept. 2019 objecting to the plan. It is understood that he was not contacted for subsequent discussion.

AL/BE3&4 calls for the repurposing of the existing tennis courts for the use of local residents, which BHS denies it will offer for public use; for the public use of the hospital's café; for the creation of a hospital shop (5.413); for a minibus service linking the hospital to the village ("The Society is not a transport provider" is BHS' response); for green space, a playground and provision of a community hall - most of these policies are refuted in Savills' comments on behalf of BHS, in the first draft of the LP, DLP_ 4956 paras 3.14, 3.18, 3.19, 3.20, 3.46 and 3.47. Rather than agreeing to such policies, the hospital is calling on TWBC to introduce a more flexible funding system to allow a *reduction* of developer costs. BHS argues these will be high because they wish to demolish existing buildings. It is unsound to propose policies which cannot be implemented. Once the sites are sold, no relevant conditions to this effect could be imposed.

1 The PSLP is unsound because of inconsistencies in the treatment of different sites.

- . **Uphill, AL/BE1** is described as having archaeological potential (para 5.428) requiring possible mitigation measures. This is not because of historical finds on the site, but because they might be found. A listed manor house lies on the other side of New Pond Road and, according to AL/BE1, "the site lies within, or very close to the relevant impact risk zone for Parsonage Wood", a SSSI which is, in fact, several miles away. The archaeological significance of AL/BE 3&4 is far more certain and substantial. The hospital sites are where a bronze age palstaff was found (see the National Monument Register - SMR Number /Hob UID)) and the sites lie close to two ancient routeways. A Roman Road runs west-east (on BHS farmland) a few yards to the south of AL/BE3 and a medieval drove road (GGR), runs west-east between the two sites. Further, two Grade II Listed Buildings are sited here, also on BHS land. The Lister building stands a few yards to the west of AL/BE3 and Cleveland Farm house (the farmyard of which BHS is trying to develop separately and simultaneously as if a minor planning project) lies a few yards to the south. Instead of mentioning these facts, AL/BE3&4 reads (5.456 and 5.468) "Kent County Council states that the site includes significant archaeology, which could be dealt with through suitable conditions on a planning approval." The imbalance in the treatment of the two sites is substantial and suggests prejudice.
- . The SHELAA assessment of site 158 suggests a potential yield of 50-65 houses, but then concludes that only the Uphill part of the site is suitable (20 houses). It states that "the remainder of the site is sensitive in landscaping terms and there is concern regarding scale and impact on the character of the landscape and settlement pattern". This is contrary to the views of TW's 2006 SA; to the TW 2018 document proposing 174 houses; and to the first draft of the LP. The dismissal of 158 as a suitable site is not supported by the evidence and suggests prejudice.
- . Site 222, west of the cross roads, was also considered in 2006, as a possible site for the new village school, though it was not one of the top two sites put to a referendum. The SHELAA suggests 222 has a potential for 76 houses. The site is considered unsuitable partly because the new LBD, if adopted, will exclude all houses west of the cross roads, when the village actually extends a considerable length along this road to the west. There is no mention of the fact that the owners of this site are offering the pond at the south west corner of the crossroads as village green space. The dismissal of 222 is not supported by the evidence and suggests prejudice.
- . The SHELAA suggests a capacity of 26 houses at Site LS8 in Iden Green, stating that it lies adjacent to the recreation ground and a children's nursery and that there is a pavement on both sides of Iden Green's main road. It fails to mention that the easternmost side of this pavement connects the village to the village primary school. The SHELAA dismisses the site as unsuitable saying that it is located in a remote location relative to services, facilities and public transport, but this site is far less remote than sites AL/BE 3&4. The dismissal of site LS8 is not supported by the evidence and suggests prejudice.
- . The proposed new LBD has been constructed so as to include the new site at Uphill and to exclude 222, when in fact, the actual built development extends westwards from the crossroads

and includes site 222. The LBD is ignored in respect of AL/BE3&4. Manipulation of the LBD to suit allocated sites is inappropriate.

As a general comment, I have found the process unnecessarily difficult to navigate. In fact, from the point of view of the ordinary lay-man, I would term the process 'hostile'. The interactive on-line site was unmanageable. The PSLP's prose entirely suited the opaqueness of the procedure. Here is one example from the SA (page 163) "However, the education objective does not deteriorate when considering cumulative effects as the schools in Tenterden will be a viable option for residents in East End and thus are likely to take the pressure off Benenden Primary School."

Question 6

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Question 5 above. (Please note that non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

The modifications needed are included in the submissions set out above. In summary, development on site AL/BE 3 should be limited to the existing, so far unused, planning permission for 24 houses, preferably by adapting the Garland Wing, which is a building of historic value, either to a wellness centre, in accordance with its original intention, or to a row of up to 10 terraced houses. Site AL/BE 4 already has 18 semi-detached houses on it, and cannot support any more. It should therefore be excluded. Housing should be allocated to sites (such as 158 and 222 in the village centre or LS8 in Iden Green) which lie on bus routes or are within walking distance of the village centre and school. Paragraphs 5.421 and 5.422 should be omitted.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)? . Yes, I wish to participate in hearing session(s)

Question 7a

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

In order to put over my case, and to answer those with vested interests who may seek to put forward arguments against it.

Question 8

If you have any separate comments you wish to make on the accompanying Sustainability Appraisal, please make them here.

1. The Sustainability Appraisal (SA) is misleading. Table 58 on page 163 states that all Benenden sites “lack services, facilities and travel options”. This belies the fact that AL/BE2 (Feoffee almshouses) is close to the Street as is AL/BE1 (Uphill). Both sites are within walking distance of the bus stop for daily bus services, the post office, village shop, the primary school, the village green, the butchers, pub, community hall, church, recreation ground and children’s playground. AL/BE 3 & 4 are three miles north east of the village with no daily bus service and no amenities whatsoever.
2. The commentary on Table 58, (page 163 of the SA), states that East End sites score badly on Climate Change and Travel, yet these are the sites promoted for most houses.
3. The SA argues on page 163 that East End residents will send their children to schools in Tenterden instead of to the village primary school, and that this will lessen the otherwise seriously negative effects of the two hospital sites. This is pure conjecture and possibly wishful thinking. The school has a good reputation and currently between 70 and 75% of children there come from outside the parish. East End children will have precedence over these, since intake depends on the distance of a child’s residence from the school. Pressure on Benenden Primary School will increase, not decrease. Further, the use of a car, whether it drives to Tenterden (5-6 miles) or to Benenden (3 miles), pollutes and deprives residents of the health-giving pleasure of walking to school. The AL/BE 3&4 are contrary to STR2, to the NPPF and to KCC policy on climate change.
4. Appendix L (pp331-2) shows Scores for Reasonable Sites in Benenden. Here we see scores for 158 and 222, two sites close to the village centre. Of 158, we read “A site that scores several neutrals with some positives, let down by its land use and landscape score impacted by a loss of a greenfield site in the AONB and lack of services and facilities including public transport at the settlement.” This SA report compares poorly with the SA which TWBC carried out on site 158 in 2006. 158 is parallel to and just north of the Street with its exit onto New Pond Road. In 2006 site 158 was chosen in a village referendum as the site for a new C of E primary school. It was the preferred site out of a choice of two, both of which were greenfield. TWBC’s 2006 SA on 158 decided (see page 18 of the Sustainability Appraisal Benenden Church of England Primary School Land Allocation DPD - Issues and Options report), that 158 was one of two top sites. “Situated adjacent to an area of ancient woodland, the site provides the potential for habitat linkages and wildlife corridors. The site is not adjacent to the CA [Conservation Area] and does not form a significant role in its setting. There are no Listed Buildings on or adjacent to the site. The site is consistent with the surrounding landscape character. There are limited views into the site and no public rights of way over the site.” On page 38, we read, “This site is anticipated to have a major beneficial effect on improving educational standards and travel choice/traffic levels”. In spite of the referendum result, the school was eventually built at the less preferred site and, since then, TWBC had been in consultation with 158’s owners to build houses there.
5. In April 2018, BNP Steering Committee Deputy Chair, a borough councillor, showed the committee a piece of paper from TWBC saying that TWBC wishes to build 174 houses on site 158. He committed himself to seeing these numbers reduced and the numbers at the East End raised. After a meeting between representatives from the BNP group and TW planners on June 19th, 2018, the minutes reported that “At times the workshop was emotive ...” Following that meeting TW planners put site 158 on temporary hold, limiting development there to a future Local Plan by asking, in the first draft of the LP on page 270, that the Uphill site on New Pond Road, adjacent to 158 and allocated at that time as AL/BE3, should, under Clause 8, provide for vehicular access through Uphill to the site behind (158) “which may be allocated for development as part of a future Local Plan.” In the PSLP, this wording for Clause 8 has disappeared. Where is the evidence-base for such wording to be included in the first draft and excluded in the second? Why is the site considered suitable in 2006, in 2018, and in the first draft, but not suitable in the PSLP?
6. Site 222, like 158 is described in Appendix L of the PSLP’s SA as suffering from “a lack of services and facilities including public transport at the settlement.” This is inaccurate. There is a daily bus service along Benenden Street and site 222 is within easy walking distance of the bus stop, shops, pub, community hall, primary school and all other amenities.
7. Site LS8, in the heart of Iden Green is, along with site 158 and 222, a site which on-the-ground evidence suggests is eminently suitable for development, but which the SA fails to allocate. Appendix L of the SA gives LS8 virtually the same scores as Uphill (LS16 of AL/BE1) yet the latter is included for development and the former is not. The commentary states of LS8 “A number of scores are negative however, reflecting the remote location of the site from services and facilities and public transport. It scores negatively in heritage terms as the site is a relatively sizeable piece of the Iden Green

Conservation Area.” This site is far less remote than sites AL/BE 3 & 4. It is one mile from the village and connected to it by a paved footpath running past a Roadside Conservation Area and then (still paved) through a field to the church and primary school. It is on a bus route and the bus stop is next to LS8. Iden Green has a community hall, tennis courts, a children’s playground and pub/restaurant. The SA information is unreliable and the PSLP’s use of it for site allocation is unwise.

8. In so far as Benenden is concerned, the sites were allocated before any sustainability appraisal was commissioned. It is not therefore a relevant factor in the allocation of sites for housing.

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:

Yes, I wish to be notified of future stages of the Local Plan

Comment

Consultee	Grahame Ludlow [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] Benenden [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Grahame Ludlow [REDACTED]
Comment ID	PSLP_204
Response Date	15/05/21 13:01
Consultation Point	Policy AL/BE 4 Land at Benenden Hospital (north of Goddards Green Road), East End (View)
Status	Processed
Submission Type	Other
Version	0.5
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Grahame Ludlow
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy AL/BE 4 Land at Benenden Hospital (north of Goddards Green Road), East End

[TWBC: this representation has been input against Policies PSTR/BE 1, AL/BE 3 and AL/BE 4 - see Comment Numbers PSLP_201, PSLP_203 and PSLP_204]

Question 4

Do you consider that the Local Plan:

Is legally compliant	No
Is sound	No
Complies with the Duty to Cooperate	No

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

- . It is not positively prepared
- . It is not effective
- . It is not justified
- . It is not consistent with national policy

Question 5

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

Paragraph No(s) Para 5.413, 5.414, 5.416, 5.420, 5.421, 5.422, 5.428, 5.452, 5.453, 5.454, 5.456, 5.458, 5.467, 5.468 Policy No. Objective 1, Objective 2, STR1, STR2, STR3, STR5, STR6, STR7, STR8, PSTR/BE1, Policy AL/BE1, Policy AL/BE3, Policy AL/BE4, EN1 Sustainability Appraisal SHELAA Policies Map (Inset Map No(s)) Inset Map 18

This submission concerns the parish of Benenden, the only parish in the borough to have made its own allocations. The Benenden Neighbourhood Plan (BNP) has been developed in close consultation with TWBC, with the BNP in the lead. The BNP announced its allocations in February 2019, before inviting AECOM to produce its Strategic Environmental Assessment. Pre-Submission Local Plan, para 5.420 reads "The BNP was submitted to TWBC in October 2020 and was consulted on between 30 October and 11 December 2020." But the allocations had been made and published in February 2019. Further, Para 5.420 states "The BNP proposes to include site allocation policies that follow the approach of the site allocation policies for Benenden in this Local Plan." BNP allocations were first published in February 2019 i.e. before LP site allocation policies.

Allocations made by the LP, when it took up the BNP's baton, are therefore inevitably linked to BNP's weaknesses. Yet if the BNP passes a referendum before acceptance of the LP, it is said that it will take precedence over the LP (see para 5.421), with the exception of its plans for the northern site at Benenden hospital, which will be overruled by the plans advanced in the LP (see Benenden Parish Council April 2021 response to Independent Examiner queries on the BNP). This is in contravention of para 5.422 which talks of making "modifications to the LP" so that it matches the BNP.

1 Community involvement. EN1: this requirement has not been respected.

- . In Benenden, almost all new housing is slated for the East End, yet the Friends of the East End (FEE), were never asked to meet with the BNP steering group.
- . See EN1 para 9 requiring the effective engagement of the local community, neighbours of sites and others. The FEE submitted three petitions, two to the BNP and one in relation to the LP. A FEE submission with 127 signatures was submitted on April 4th 2019 in response the Informal Draft NP (published on February 23, 2019), in which the allocations later adopted by the LP were first set out. A FEE submission with 164 signatures was submitted in October 2019 objecting to the first draft of the LP, and in the same month, a FEE submission with 167 signatures was submitted in relation to the Reg 16 draft BNP. See the FEE's current online petition with more than 450 signatures <https://www.change.org/EastEndFriends>

- . Instead of being consulted, the FEE were ignored and belittled. They were informed on 11th March 2019 by the editor of the Parish Magazine (PM), husband of the Chair of the Parish Council, that “I’m of the view that much of the uncertainty has passed since the presentation of the plan to the village - to a highly favourable reception. At least we no longer have to give polite credence to *uninformed views* that fly in the face of TWBC policy and advocate direct and *pointless confrontation* with TWBC, thereby running the risk of having the entire BNDP thrown back in our faces. *The ensuing chaos hardly bears thinking about.* At least it seems the opinions now being afforded most weight are those of *people who have worked hard for two years to understand the issues* and come up with a coherent way forward.”
- . One of the regular articles on the BNP submitted by the chair of the BNP Steering Group appeared in January 2020. It dismisses FEE opposition suggesting only “31 residents from the East End” sent in comments.
- . The core group behind the BNP has consistently tried to persuade those who support the FEE to desist. The chair of the Parish Council and the chair of the BNP Steering Group have twice asked to meet a Tunbridge Wells Alliance (TWA) Borough Councillor for the parish, once together with a TWA borough council candidate, in efforts to persuade them to adhere to the BNP’s approach and not to listen to the FEE.
- . The organiser of the FEE was a member of the Steering Committee 2017/2018 as chair of the Environmental Group. She expressed strong disagreement with a Borough Councillor who lives in the village (on occasion, he deputises as chair of the Steering Group) about his wish to step up allocations in the East End and suppress TWBC’s wish to build 174 houses on site 158. As a result, the Steering Group chair (using his own word), “sacked” her. This is contrary to EN1 para 9, encouraging early, proactive and effective engagements and the requirement that views expressed should be properly considered.
- . Consultation also failed in relation to the neighbouring parish of Biddenden. The Clerk of Biddenden Council has repeatedly responded to BPC in the course of the BNP consultation process, but received only acknowledgments. A Kent County Councillor and Ashford Borough Councillor wrote an article about BNP’s mismanagement of the parish of Biddenden in the Biddenden Parish Magazine, February 2021.
- . The LP is based on the BNP and BNP allocations were made before consultations with stakeholders such as the AONB. This is not consulting in a timely fashion. Further, the LP requires surveys of the hospital sites *after* the designation of the sites for development, for example, archaeological surveys (see AL/BE 3&4). Historic England (HE) asks for the surveys to be carried out *before*. See HE’s comments on the first draft LP (DLP_4556) - “we would expect the allocation of sites following on from this Strategy policy (STR1) to be subject to appropriately robust and detailed heritage impact assessment *prior to the allocations being adopted.*”
- 1 **The PSLP is not based on sound evidence**
 - . Throughout the LP process, misstatements have been made about amenities in Benenden’s East End. These may be traced back to a submission made by traffic and highways consultants, Transport Planning Associates (TPA) to Benenden Healthcare Society Ltd. (BHS). This submission was recently disclosed in BHS’s response to the Independent Examiner’s queries in relation to the BNP. TPA’s information is sometimes inaccurate and sometimes misleading and we consider it here in detail because it is difficult otherwise, to understand how the LP was able to continue, iteration after iteration, to relate false information about the hospital site.
 - . In October 2019, TPA reported (para 2.6) that there was a footpath along the southern edge of Goddards Green Road (GGR) and the PSLP, para 5.452 states “There is an intermittent pavement along GGR”. The GGR is a long road running from New Pond Road to Castleton’s Oak crossroads, and was formerly a lane. The pavement is limited to the short section immediately outside the hospital buildings. To say that there is an intermittent pavement along GGR is misleading.
 - . The TPA refers to the East End as a village, which it is not. The East End runs from the junction of GGR and Walkhurst Road, along the GGR to the border with Tenterden, then turns south to reach close to Hole Park in Rolvenden, then east back to Walkhurst Road at the site of the stream, then along Walkhurst Road back to GGR (see the old Electoral Roll for 2004 when the East End had its own polling station). It is a large, totally rural area of several square miles, which was why it was chosen as the site for an isolation hospital in 1906. Today it contains only 76 houses scattered across the entire area. The PSLP consistently refers to the East End as a hamlet. It is not, which is why BPC is able to advertise itself on its website as “Serving the people of Benenden and Iden Green” without any reference to the East End.

- . The TPA says that “a day nursery is located immediately to the north of the Site within 400m.” There is incorrect, yet this error is repeated in para 5.413 of the PSLP “There are also nursery/pre-school facilities at Iden Green and East End.” An accurate account would mention Iden Green only.
- . The TPA states that there are daily bus services along GGR provided by bus nos. 24 and 299, and twice a day service provided by the Hopper bus. This information is incorrect. The 2019 Hopper bus, operated by the Tenterden social services hub on an experimental basis, failed in only a matter of months. While the 24 and the 299 buses pass along GGR, they do so on only one day a week. The 24 on Tuesdays and the 299 on Wednesdays. The East End has almost no public transport.
- . The TPA makes several statements in relation to traffic which have fed misinformation into the system to be reflected in AL/BA3&4. This misinformation was only recently revealed when documents were provided by BHS following April 2021 queries raised by the Independent Examiner on the BNP. These documents include a TPA ‘Scoping Note’ on road and traffic conditions at the site and a letter written in response to this Note from KCC Highways, dated 13 Nov. 2019. The TPA states that the GGR is 7m wide at the hospital site which detracts from the fact that it is actually a winding rural lane, now called a road, and varies considerably in width. It may at some point be 7m wide, but at others, it is so narrow that two lorries have difficulty passing each other. The TPA claims that there is no need for a road safety review because there have been “no personal injury accidents” recorded within 1,000m. Castleton’s Oak crossroads lie 1.5 km from the site and accidents there are frequent, largely due to increasing traffic at the hospital. The hospital has turned itself into an almost exclusively out-patient centre and almost all its 300 employees drive in to work from outside the parish (formerly, they were housed on site in hospital staff buildings). Kent County Council (KCC) Highways make constant and repeated attempts to lower the risk of injury at the crossroads. Works there are ongoing at this time. The TPA claims that no traffic surveys are necessary which is a point queried in the KCC Highways’ email. The email talks of the “heavy car dependency” of residents in any housing in this location and says this was one of its concerns, even at the time of the original application asking for only 24 houses. The email states that BHS’s plans (and therefore AL/BE 3&4) are contrary to the NPPF and to KCC’s own policy objectives, and points out that the hospital has not co-operated over the idea of a minibus to provide transport from the site to Benenden. The letter calls for: traffic counts along the GGR; a wider crash analysis; and expresses concern over the proposed access points to the SE Quadrant - 2 on Green Lane and 2 on GGR. Lastly, on trip generation, the TPA projects that 47 houses at the site will produce only 106 trips a day, though the consultants admit that they have difficulty in basing their estimate on comparable sites because there are none. These trip generation figures ignore existing traffic from local residents, from patients, from hospital staff and from the newly (January 2021) proposed housing estate at Cleveland. The AL/BE 3&4 fails to provide a traffic count, fails to ask for a road safety review and fails to acknowledge frequent traffic accidents near the sites.
- . Pre-submission supporting documents also produce inaccurate and sometimes irrelevant evidence. The hospital sites are within the setting of an AONB and even overlap into it, yet *Inset Map 18* (Benenden Hospital), unlike other maps attached, makes no reference to the AONB boundary. The BNP claims that the hospital is outside the AONB and on this basis, since the rest of the village is wholly within the AONB, largely justifies placing most of Benenden’s housing in the East End. The relationship of the AONB boundary to the hospital sites is important yet it is ignored on the map. This looks like prejudice.
- . Hankinson Duckett Associates’s *AONB Setting Analysis Report* (a supporting document for the PSLP, referred to as an evidence base) is, in its analysis of AL/BE3&4, unsound. The analysis argues that development at these sites will enhance the setting of the AONB. It illustrates the argument with photos of the hospital chapel and its carpark. Neither chapel nor car park are in the area up for development.
- . The *Sustainability Appraisal* (SA) is misleading. Table 58 on page 163 states that all Benenden sites “lack services, facilities and travel options”. This belies the fact that AL/BE2 (Feoffee almshouses) is close to the Street as is AL/BE1 (Uphill). Both sites are within walking distance of the bus stop for daily bus services, the post office, village shop, the primary school, the village green, the butchers, pub, community hall, church, recreation ground and children’s playground. AL/BE 3 & 4 are three miles northeast of the village with no daily bus service and no amenities whatsoever.

- . The commentary on Table 58, (page 163 of the SA), states that East End sites score badly on Climate Change and Travel, yet these are the sites promoted for most houses.
- . The SA argues on page 163 that East End residents will send their children to schools in Tenterden instead of to the village primary school, and that this will lessen the otherwise seriously negative effects of the two hospital sites. This is pure conjecture and possibly wishful thinking. The school has a good reputation and currently between 70 and 75% of children there come from outside the parish. East End children will have precedence over these, since intake depends on the distance of a child's residence from the school. Pressure on Benenden Primary School will increase, not decrease. Further, the use of a car, whether it drives to Tenterden (5-6 miles) or to Benenden (3 miles), pollutes and deprives residents of the health-giving pleasure of walking to school. The AL/BE 3&4 are contrary to STR2, to the NPPF and to KCC policy on climate change.
- . Appendix L (pp331-2) shows *Scores for Reasonable Sites in Benenden*. Here we see scores for 158 and 222, two sites close to the village centre. Of 158, we read "A site that scores several neutrals with some positives, let down by its land use and landscape score impacted by a loss of a greenfield site in the AONB and *lack of services and facilities including public transport at the settlement.*" This SA report compares poorly with the SA TWBC carried on site 158 in 2006. 158 is parallel to and just north of the Street with its exit onto New Pond Road. In 2006 site 158 was chosen in a village referendum as the site for a new C of E primary school. It was the preferred site out of a choice of two, both of which were greenfield. TWBC's 2006 SA on 158 decided (see page 18 of the *Sustainability Appraisal Benenden Church of England Primary School Land Allocation DPD - Issues and Options* report), that 158 was one of two top sites. "Situated adjacent to an area of ancient woodland, the site provides the potential for habitat linkages and wildlife corridors. The site is not adjacent to the CA and does not form a significant role in its setting. There are no Listed Buildings on or adjacent to the site. The site is consistent with the surrounding landscape character. There are limited views into the site and no public rights of way over the site." On page 38, we read, "This site is anticipated to have a major beneficial effect on improving educational standards and travel choice/traffic levels". In spite of the referendum result, the school was eventually built at the less preferred site and, since then, TWBC had been in consultation with 158's owners to build houses there. In April 2018, BNP Steering Committee Deputy Chair, a borough councillor, showed the committee a piece of paper from TWBC saying that TWBC wishes to build 174 houses on site 158. He committed himself to seeing these numbers reduced and the numbers at the East End raised. After a meeting between representatives from the BNP group and TW planners on June 19th, 2018, the minutes reported that "At times the workshop was emotive ...". Following that meeting TW planners put site 158 on temporary hold, limiting development there to a future Local Plan by asking, in the first draft of the LP on page 270, that the Uphill site on New Pond Road, adjacent to 158 and allocated at that time as AL/BE3, should, under Clause 8, provide for vehicular access through Uphill to the site behind (158) "which may be allocated for development as part of a future Local Plan." In the PSLP, this wording for Clause 8 has disappeared. Where is the evidence-base for such wording to be included in the first draft and excluded in the second? Why is the site considered suitable in 2006, in 2018, and in the first draft, but not suitable in the PSLP?
- . Site 222, like 158 is described in Appendix L of the PSLP's SA as suffering from "a lack of services and facilities including public transport at the settlement." This is inaccurate. There is a daily bus service along Benenden Street and site 222 is within easy walking distance of the bus stop, shops, pub, community hall, primary school and all other amenities.
- . Site LS8, in the heart of Iden Green is, along with site 158 and 222, a site which on-the-ground evidence suggests is eminently suitable for development, but which the SA fails to allocate. Appendix L of the SA gives LS8 virtually the same scores as Uphill (LS16 of AL/BE1) yet the latter is included for development and the former is not. The commentary states of LS8 "A number of scores are negative however, reflecting the remote location of the site from services and facilities and public transport. It scores negatively in heritage terms as the site is a relatively sizeable piece of the Iden Green Conservation Area." This site is far less remote than sites AL/BE 3 & 4. It is one mile from the village and connected to it by a paved footpath running past a Roadside Conservation Area and then (still paved) through a field to the church and primary school. It is on a bus route and the bus stop is next to LS8. Iden Green has a community hall, tennis courts, a children's playground and pub/restaurant. The SA information is unreliable and the PSLP's use of it for site allocation is unwise.

1 **Policies AL/BE3&4 are not consistent with the PSLP's Vision objectives nor with its strategies, nor with KCC's policies, nor with the NPPF.**

- . The PSLP's Vision Objective 1 is : "to improve access to suitable, especially affordable housing, including for local young people and older households." But this is inconsistent with allocations AL/BE 3 & 4. BHS is asking in its comments on the LP first draft, for a lower number of affordable homes because of the high cost of brownfield development. Living isolated in the countryside, families will need at least two cars. Old and young will be unable to walk to schools, shops or any other amenities. This is not a suitable site for a borough which (see para 2.16) expects the population over the age of 65 + to increase by around 40% between 2020 and 2038.
- . The PSLP's Vision Objective 2 is to ensure sustainable development which allocations at AL/BE 3&4 do not achieve. On the contrary, the KCC warns that even with the existing permission for 24 houses on AL/BE3, the highway authority had concerns. This is an isolated location, deep in the countryside (see KCC Highways email 13 Nov 2019). More than 24 houses in this location is not sustainable.
- . **Policy PSTR/BE1**, LBD 5.416 states "the LBD around Benenden village sets the extent of existing and planned development .." This conflicts with the recommendation that major development be instated three miles beyond the LBD, on the border with Biddenden.
- . **Policy STR 2** "The Council requires the use of masterplanning, including the use of design codes and sustainable design standards where appropriate, for strategic and larger-scale developments.." This is undermined by AL/BE 3&4 which calls for a masterplan for an area not included in the PSLP and not presented. Para 1a of Policy AL/BE3 states that there is a need to "show indicatively how the other areas included within Policies AL/BE3 and AL/BE 4 can be developed to meet the overall policy requirements as set out within each of these policies, and *how the future needs for Benenden Hospital will be met on areas to the north west and south west that currently comprise the hospital buildings and associated ancillary uses and is previously developed land.*" It is not sound to proceed with an LP where the land to be developed is not clearly indicated from the start.
- . **A masterplan is essential to avoid current inconsistencies on the size of areas to be developed:** AL/BE3 excludes one of the 2 Local Wildlife Sites (LWS) at the site, yet the BNP includes both. Para 5.458 states "Both this policy and BNP draft Policy SSP3 broadly follow the same approach towards the potential for developing this site for a residential development.." They do not. The PSLP states that in the event of a successful referendum, the BNP's proposals will prevail. If this is so, are we supposed to assume that AL/BE3 map is inaccurate?
- . A similar problem arises at the northern site (AL/BE4) here there are currently 18 dwellings. The proposal allows for these to be demolished and another 25 dwellings added to the site. The size of the area to be developed varies between the LP and the BNP. The LP includes the LWS in the area to be developed but the BNP includes only a small section, but says in the event of a successful referendum the BNP plan will be over-ruled by the LP plan (see the BPC response April 2021 to the Independent Examiner's queries). This is the reverse of 5.421 & 2. It is unsound to proceed with a plan when the NP and the LP are at odds with each other.
- . **The PSLP claims building will only be within existing footprints**, an approach which is at odds with that of the BHS. Plans for 47 new houses in AL/BE3, presented to the village on 17th February 2020 by the hospital architects, show the buildings are not to be built within the footprint of previous buildings nor to respect LWS.
- . **Policy STR 3** calls for the use of brownfield sites "within settlements" and in "sustainable locations." AL/BE 3 consists of disused medical buildings and 2 LWS with parkland and veteran trees (depending on whether this second LWS is included or not). 5.448 is therefore incorrect. The site should be described not as brownfield but as partly brownfield. It is not on the brownfield register. Because of its remote location and its valuable LWS sites, it is not free from constraints which could be mitigated. As such, Policy AL/BE3 does not meet the criteria needed under the NPPF, Section 11, para 117 for development in "a way that makes as much use as possible of previously-developed or 'brownfield' land." AL/BE 4 contains in-use residential housing and an LWS and therefore is not brownfield.
- . **Policy STR 5** states that "New residential ... development will be supported if sufficient infrastructure capacity is either available or can be provided in time to serve the development." Will this happen at AL/BE3&4? Developers themselves are to provide the infrastructure at AL/BE 3&4. The LP proposes to take on trust suggestions that the BHS will avoid building on the LWS and will provide play-grounds, sports facilities and tennis courts. We know from submissions following the first draft LP, that BHS is actually planning to remove one LWS entirely and that its

plans include building on the LWS and beyond the foot print of previous buildings. BHS suggests, in its response to the first draft LP (DLP_4956) that it is unlikely to provide play-grounds, sports facilities and tennis courts. The PSLP's approach does not take comments to the first draft LP into account.

- . **Policy STR 6** proposes to "Deliver future development in accessible locations, normally within or in close proximity to existing towns and villages across the borough." In the case of the two isolated hospital sites, the PSLP contradicts its own strategic policy and fails to offer choices in transport or to prioritise active travel and public transport. The Benenden hospital sites have no daily bus service and no active travel link to the village, and neither the PSLP nor the BHS provide credible information on how these links are to be provided. The KCC email of Nov 13 suggests that the hospital is uncooperative on the proposal to organise a minibus service and the SHELAA says of AL/BE3 that it is "Remote from a settlement centre," (unlike sites 158, 222 and LS8); that residents will rely heavily on private cars and thus air quality and travel objectives score negatively; and that, "although promoted by the policy, shared transport and active travel options are unlikely to take precedence over private vehicle use thus air quality and climate change score negatively." This we feel is the nub of the issue. For all the talk of mitigating the remoteness of the hospital sites with a minibus link and cycle routes, nobody actually believes that any of these measures will succeed. As for the proposal to create links suitable for electric personal vehicles, such as mobility scooters (as suggested under STR 6), it is difficult to see, when the closest link with the village is a single-track lane (Walkhurst Road), how any personal electric vehicle could make that journey. The PSLP is creating, through its policies AL/BE3&4, a car dependent community. This thereby negates the sense of the LP's supporting document, *Transport Strategy Review Sept 2019* which urges reducing the need to travel.
- . AL/BE3&4 also undermine TWBC's Full Council motion of July 2019 to reduce CO2 emissions. "The dominance of the car as a mode of transport can lead to congestion, more road accidents, air and noise pollution. In addition it contributes to climate change, reduces social cohesion and leads to less healthy lifestyles" (para 44 *Transport Review*). According to TW's own SA from 2006, if social cohesion, reduction in air pollutants, and public health were indeed the borough's priorities, sites chosen for development in Benenden would have included site 158.
- . **PSLP paras 5.453 and 5.467** state that "residents of development in this location will rely heavily on private cars." These plans runs counter to STR6 policy on the environment see paras 6.8, 6.9, 6.10, 6.11 and 6.13. It also contravenes KCC policies on climate change and the NPPF (see KCC's Nov 13, 2019 letter on this subject).
- . **Para 5.414** "The parish provides two relatively large sources of employment: at Benenden Hospital and at Benenden School." The inference is that the employment opportunities are linked somehow to the population of Benenden. There is in fact little connection. The 300 plus staff at the hospital drive into the parish along GGR to work and, since the hospital is isolated from the village, their contribution to the local economy is negligible.
- . **Policy STR 6** The LP proposes to "Deliver future development in accessible locations, normally within or in close proximity to existing towns and villages across the borough." In the case of the two isolated hospital sites, the LP contradicts its own strategic policy and fails to offer choices in transport or to prioritise active travel and public transport.
- . **Cycle routes:** The PSLP's standards on the public benefits of cycling and walking are based on the *Cycle Strategy Supporting Document*, but these standards are undermined by site allocation in Benenden. The Cycle document states that: "When more people cycle or walk the health of the population improves and our roads become safer and less congested." Its objectives 4 and 5 are to improve safety for cyclists and air quality for all, but AL/BE 3 & 4 will create a community, deep in the countryside, entirely dependent on the car and will contribute to poorer air quality for all. The allocation of these sites, as opposed to sites such as 158, is difficult to understand.
- . The *Cycle Strategy* states that fear of traffic is possibly the main factor discouraging people from cycling. National Cycle Route 18 runs from the Rolvenden Road, down Stepneyford Lane, to Green Lane, before joining the Benenden Road near the hospital, turning right and leading to Castleton's Oak Cross roads and Gribblebridge Lane. This route is a largely on-road ride travelling through the High Weald, using narrow, picturesque country lanes as much as possible. Green Lane/Stepneyford Lane is mentioned in TWBC's Rural Lanes: Supplementary Planning Guidance. It is particularly high scoring in terms of its landscape, its recreational value, its natural beauty and its history. For these reasons, it is part of National Route 18. Rather than encouraging cycling, AL/BE3, which proposes two exits for this major development on GGR and two on Green Lane (where a second housing estate, at Cleveland's Farm is already leading to Kent Highways calling

for road widening and the elimination of grass verges - see building application 20/03267/FULL) will cause an increase in those factors, identified in *TW Cycle Strategy*, as discouraging cyclists, namely, traffic and the loss of unspoilt country lanes. Policy AL/BE3 also contravenes Kent Structure Plan Policy ENV13: "Rural lanes which are of landscape, amenity, nature conservation, historic or archaeological importance will be protected from changes which would damage their character, and enhanced." In any event, the cycle route is purely recreational and will not enhance the sustainability of these sites.

- . **Policy STR 7** proposes, in dealing with TWBC's 2019 legally binding commitment to manage climate change, that all development in the borough will support the Council's target to achieve net zero emissions by 2030. It is unsound, with such a goal, to propose a major development on the parish periphery, 3 miles equidistant from two villages where there is no shop (in spite of the PLSP's statement AL/BE 3&4) and no café (BHS says its café was built for its own use not for the use of the public - see comments on the first draft of the LP). Residents will need their cars for almost everything.
- . **Policy STR1** promotes the effective use of previously developed land, having due regard to relevant Plan policies, but in promoting AL/BE3&4, the PSLP disregards STR6 (environmental goals) & STR7 (transport goals).
- . Under the NPPF, sustainability is the priority, as the PSLP acknowledges in STR3, 4.65 "A presumption of sustainability lies at the heart of the NPPF", but in allocating AL/BE 3&4, the PSLP fails to respect its own and the NPPF's strategic priorities.
- . **Policy STR 8** states that development should contribute to and enhance rural landscapes with particular regard to the High Weald (HW) AONB. The PSLP promotes nature conservation. Its biodiversity objective is to achieve net gains and, where possible, secure long-term management of sites for biodiversity. AL/BE3 runs counter to this strategy since the BHS has produced plans showing houses built over the LWS. It has, furthermore, produced a document requiring that one of the two LWS be dug up and removed to another unspecified location, thereby nullifying the terms of the existing Landscape and Ecology Management Plan (LEMP) for that site. Para 3.21 of the BHS submission on the first draft LP states: *"The Society supports the requirement for long-term management of the core areas of LWS associated with the hospital land. This includes all but the modest area within the SEQ adjoining Peak Lodge which is too constraining on the South East Quadrant redevelopment proposals. Accordingly, the soils in the area will be translocated to a nearby receptor site to try to ensure that the rare fungi can continue to thrive in this local area."* This is a particularly significant site for biodiversity. A letter from Keith Nicholson, former Planning and Conservation officer for the Kent Wildlife Trust, dated 4 March 2013, to TWBC Development Control Officer, Ellen Gilbert states that the hospital LWS are of national importance, mainly for the large number of different varieties of waxcaps. He states that they could well have been designated SSSI. Both in terms of waxcaps and in terms of valuable acid grassland, the hospital sites have high environmental value, see Comment DLP_3458 on the first draft of the LP, from the High Weald AONB Unit. The Benenden Hospital site *"includes rare and vulnerable acid grassland which should form a core area for unimproved grassland as part of a High Weald nature recovery network."* AL/BE3&4 threaten the biodiversity of significant species in the LWS at the hospital sites, contrary to EN1.
- . The LWS to the south of AL/BE3 is included in the BNP and BPC argues that this has been done in order to protect it (see their response to the Independent Examiner April 2021). It is difficult to follow this logic. The inclusion of the site in the area to be developed suggests that it too could be under threat.
- . There is no plan showing the placement of houses on AL/BE 4, which is currently home to a large LWS and is the site of 18 habitable dwellings, almost all of the them currently in use and let. The proposal allows for these to be demolished and another 25 dwellings added to the site. The PSLP includes the LWS in the area to be developed and the BNP excludes most of it. Benenden Parish Council (BPC), in its April 2021 response to the Independent Examiner, has said that, in this case of a successful referendum, the PSLP's plan (which includes the LWS), will prevail. In other words, of the 3 LWS in AL/BE 3&4, one is slated for removal, one will be built over if the PSLP prevails and one may be built over if the BNP prevails. This undermines STR8.
- . The PSLP claims that the hospital development "has the potential to improve the setting of the HW AONB through the delivery of a more sensitive redevelopment of existing buildings" (para 5.454), but the claim is not supported by evidence produced by the *Hankinson & Duckett* (see above) while the HW AONB unit's own view is the opposite. See TW first Draft LP, **DLP_3458**

High Weald AONB Unit (which objects to the Plan) : *“....In our view the development at Benenden Hospital will have a significant effect on the setting of the AONB and the purposes of its designation, and this issue has not been properly considered by the Plan.”*

- . Also, the NPPF section 2 para 11
- . *“Plans and decisions should apply a presumption in favour of sustainable development... ..(b) strategic policies should provide for objectively assessed needs for housing ...that cannot be met within neighbouring areas unless ... (i) the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area.”* And see Footnote 6: the policies referred to are those in the Framework ...relating to habitat sites (and those sites listed in para 176) and /or designated as SSSI, AONBs
- . NPPF para 177 requires that *“an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.”* No such assessment has been undertaken.

PSLP EN1 para 5. Biodiversity and geodiversity.

AL/BE 3&4 run counter to this policy as stated above in relation to the LWS.

The Environment

STR8 sets high environmental standards but these are undermined in the site allocations. This is particularly startling in the light of the July 2019 Full Council motion to recognise the climate and biodiversity emergency, in fact, the Benenden allocations put into question whether the motion was passed in good faith.

EN1 para 5 (Biodiversity and geodiversity) says that proposals should maximise opportunities to increase biodiversity. This goal may make sense in an urban setting, but development in the countryside, as is proposed in AL/BE 3 & 4, cannot hope to ever mitigate biodiversity loss. The destruction of trees and wild spaces, the introduction of lighting, kerbs, driveways, wider roads and narrower verges, the use of concrete, tarmac, bricks and mortar in a deeply rural setting cannot “increase biodiversity”.

EN1 provides for Long-term Management plans which would be satisfactory within an urban context. In a rural location like the East End, such plans are no substitute for natural wild spaces. A ‘managed’ green space set among streets is less likely to promote biodiversity and less likely to conserve wildlife than ‘unmanaged’ green space. Further, the three LWS in AL/BE3 are all already part of an existing LEMP agreement, and since one or all would be removed in the case of development as outlined by BHS under AL/BE3&4, instead of creating a long-term management plan, AL/BE3&4 would all but terminate an existing one. The sentiments expressed in EN1 are mocked by AL/BE3&4.

1 Site policies

AL/BE3 excludes one of the 2 LWS at the site, and the BNP includes both, yet para 5.458 states “Both this policy and BNP draft Policy SSP3 broadly follow the same approach towards the potential for developing this site for a residential development..” This does not appear to be the case. Further, the SHELAA treats this site twice, once including the southern LWS (and excluding Windmill Cottage) and once excluding the LWS and including Windmill Cottage (SHELAA pages 1-3 and pages 18-19). In the second instance, the suggestion is for 67-73 houses, presumably building over the LWS. The first plan is the one adopted in the PSLP and appears to be the more accurate of the two in that it describes the site as “mostly PDL”. The second ignores all greenfield aspects and is almost identical to the plan in the BNP, a plan which BNP claims will prevail if it wins a referendum. Is AL/BE3 presenting us with the wrong plan?

AL/BE3 and AL/BE4 provide for a phased timetable for development of the two sites at different time intervals without calling for a comprehensive masterplan for the hospital site as a whole i.e. for the entire built up area. This is inconsistent with STR2, which requires a masterplan for large developments. The full extent of the area to be developed must be clear. See para 1a of Policy AL/BE3 which states that there is a need to “show indicatively how the other areas included within Policies AL/BE3 and AL/BE 4 can be developed to meet the overall policy requirements as set out within each of these policies, and *how the future needs for Benenden Hospital will be met on areas to the north west and south west that currently comprise the hospital buildings and associated ancillary uses and is previously developed land.*” It is not sound to proceed with an LP where the land to be developed is not indicated from the start.

AL/BE3&4 both call for an active travel link between the site and Benenden village. This proposal has been costed (see BPC's April 2021 reply to the Independent Examiner) at between £180,000 and £220,000 for a 3m wide tarmacked surface, plus costs to upgrade it to a bridleway, plus the costs associated with obtaining landowners' consent or, failing that, of starting compulsory purchase proceedings which TWBC expresses reluctance to undertake because of the significant compensation costs and legal costs which would be involved. No steps have been taken either by the BNP or TWBC to ascertain the willingness of landowners to give up their land although the major landowner involved wrote to BNP on 11th Sept. 2019 objecting to the plan. It is understood that he was not contacted for subsequent discussion.

AL/BE3&4 calls for the repurposing of the existing tennis courts for the use of local residents, which BHS denies it will offer for public use; for the public use of the hospital's café; for the creation of a hospital shop (5.413); for a minibus service linking the hospital to the village ("The Society is not a transport provider" is BHS' response); for green space, a playground and provision of a community hall - most of these policies are refuted in Savills' comments on behalf of BHS, in the first draft of the LP, DLP_ 4956 paras 3.14, 3.18, 3.19, 3.20, 3.46 and 3.47. Rather than agreeing to such policies, the hospital is calling on TWBC to introduce a more flexible funding system to allow a *reduction* of developer costs. BHS argues these will be high because they wish to demolish existing buildings. It is unsound to propose policies which cannot be implemented. Once the sites are sold, no relevant conditions to this effect could be imposed.

1 The PSLP is unsound because of inconsistencies in the treatment of different sites.

- . **Uphill, AL/BE1** is described as having archaeological potential (para 5.428) requiring possible mitigation measures. This is not because of historical finds on the site, but because they might be found. A listed manor house lies on the other side of New Pond Road and, according to AL/BE1, "the site lies within, or very close to the relevant impact risk zone for Parsonage Wood", a SSSI which is, in fact, several miles away. The archaeological significance of AL/BE 3&4 is far more certain and substantial. The hospital sites are where a bronze age palstaff was found (see the National Monument Register - SMR Number /Hob UID)) and the sites lie close to two ancient routeways. A Roman Road runs west-east (on BHS farmland) a few yards to the south of AL/BE3 and a medieval drove road (GGR), runs west-east between the two sites. Further, two Grade II Listed Buildings are sited here, also on BHS land. The Lister building stands a few yards to the west of AL/BE3 and Cleveland Farm house (the farmyard of which BHS is trying to develop separately and simultaneously as if a minor planning project) lies a few yards to the south. Instead of mentioning these facts, AL/BE3&4 reads (5.456 and 5.468) "Kent County Council states that the site includes significant archaeology, which could be dealt with through suitable conditions on a planning approval." The imbalance in the treatment of the two sites is substantial and suggests prejudice.
- . The SHELAA assessment of site 158 suggests a potential yield of 50-65 houses, but then concludes that only the Uphill part of the site is suitable (20 houses). It states that "the remainder of the site is sensitive in landscaping terms and there is concern regarding scale and impact on the character of the landscape and settlement pattern". This is contrary to the views of TW's 2006 SA; to the TW 2018 document proposing 174 houses; and to the first draft of the LP. The dismissal of 158 as a suitable site is not supported by the evidence and suggests prejudice.
- . Site 222, west of the cross roads, was also considered in 2006, as a possible site for the new village school, though it was not one of the top two sites put to a referendum. The SHELAA suggests 222 has a potential for 76 houses. The site is considered unsuitable partly because the new LBD, if adopted, will exclude all houses west of the cross roads, when the village actually extends a considerable length along this road to the west. There is no mention of the fact that the owners of this site are offering the pond at the south west corner of the crossroads as village green space. The dismissal of 222 is not supported by the evidence and suggests prejudice.
- . The SHELAA suggests a capacity of 26 houses at Site LS8 in Iden Green, stating that it lies adjacent to the recreation ground and a children's nursery and that there is a pavement on both sides of Iden Green's main road. It fails to mention that the easternmost side of this pavement connects the village to the village primary school. The SHELAA dismisses the site as unsuitable saying that it is located in a remote location relative to services, facilities and public transport, but this site is far less remote than sites AL/BE 3&4. The dismissal of site LS8 is not supported by the evidence and suggests prejudice.
- . The proposed new LBD has been constructed so as to include the new site at Uphill and to exclude 222, when in fact, the actual built development extends westwards from the crossroads

and includes site 222. The LBD is ignored in respect of AL/BE3&4. Manipulation of the LBD to suit allocated sites is inappropriate.

As a general comment, I have found the process unnecessarily difficult to navigate. In fact, from the point of view of the ordinary lay-man, I would term the process 'hostile'. The interactive on-line site was unmanageable. The PSLP's prose entirely suited the opaqueness of the procedure. Here is one example from the SA (page 163) "However, the education objective does not deteriorate when considering cumulative effects as the schools in Tenterden will be a viable option for residents in East End and thus are likely to take the pressure off Benenden Primary School."

Question 6

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Question 5 above. (Please note that non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

The modifications needed are included in the submissions set out above. In summary, development on site AL/BE 3 should be limited to the existing, so far unused, planning permission for 24 houses, preferably by adapting the Garland Wing, which is a building of historic value, either to a wellness centre, in accordance with its original intention, or to a row of up to 10 terraced houses. Site AL/BE 4 already has 18 semi-detached houses on it, and cannot support any more. It should therefore be excluded. Housing should be allocated to sites (such as 158 and 222 in the village centre or LS8 in Iden Green) which lie on bus routes or are within walking distance of the village centre and school. Paragraphs 5.421 and 5.422 should be omitted.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)? . Yes, I wish to participate in hearing session(s)

Question 7a

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

In order to put over my case, and to answer those with vested interests who may seek to put forward arguments against it.

Question 8

If you have any separate comments you wish to make on the accompanying Sustainability Appraisal, please make them here.

1. The Sustainability Appraisal (SA) is misleading. Table 58 on page 163 states that all Benenden sites “lack services, facilities and travel options”. This belies the fact that AL/BE2 (Feoffee almshouses) is close to the Street as is AL/BE1 (Uphill). Both sites are within walking distance of the bus stop for daily bus services, the post office, village shop, the primary school, the village green, the butchers, pub, community hall, church, recreation ground and children’s playground. AL/BE 3 & 4 are three miles north east of the village with no daily bus service and no amenities whatsoever.
2. The commentary on Table 58, (page 163 of the SA), states that East End sites score badly on Climate Change and Travel, yet these are the sites promoted for most houses.
3. The SA argues on page 163 that East End residents will send their children to schools in Tenterden instead of to the village primary school, and that this will lessen the otherwise seriously negative effects of the two hospital sites. This is pure conjecture and possibly wishful thinking. The school has a good reputation and currently between 70 and 75% of children there come from outside the parish. East End children will have precedence over these, since intake depends on the distance of a child’s residence from the school. Pressure on Benenden Primary School will increase, not decrease. Further, the use of a car, whether it drives to Tenterden (5-6 miles) or to Benenden (3 miles), pollutes and deprives residents of the health-giving pleasure of walking to school. The AL/BE 3&4 are contrary to STR2, to the NPPF and to KCC policy on climate change.
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6. Site 222, like 158 is described in Appendix L of the PSLP’s SA as suffering from “a lack of services and facilities including public transport at the settlement.” This is inaccurate. There is a daily bus service along Benenden Street and site 222 is within easy walking distance of the bus stop, shops, pub, community hall, primary school and all other amenities.
7. Site LS8, in the heart of Iden Green is, along with site 158 and 222, a site which on-the-ground evidence suggests is eminently suitable for development, but which the SA fails to allocate. Appendix L of the SA gives LS8 virtually the same scores as Uphill (LS16 of AL/BE1) yet the latter is included for development and the former is not. The commentary states of LS8 “A number of scores are negative however, reflecting the remote location of the site from services and facilities and public transport. It scores negatively in heritage terms as the site is a relatively sizeable piece of the Iden Green

Conservation Area.” This site is far less remote than sites AL/BE 3 & 4. It is one mile from the village and connected to it by a paved footpath running past a Roadside Conservation Area and then (still paved) through a field to the church and primary school. It is on a bus route and the bus stop is next to LS8. Iden Green has a community hall, tennis courts, a children’s playground and pub/restaurant. The SA information is unreliable and the PSLP’s use of it for site allocation is unwise.

8. In so far as Benenden is concerned, the sites were allocated before any sustainability appraisal was commissioned. It is not therefore a relevant factor in the allocation of sites for housing.

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:

Yes, I wish to be notified of future stages of the Local Plan

Comment

Consultee	Mrs Anne Ludlow [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] Ashford [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Mrs Anne Ludlow ([REDACTED])
Comment ID	PSLP_196
Response Date	14/05/21 13:01
Consultation Point	Policy PSTR/BE 1 The Strategy for Benenden parish (View)
Status	Processed
Submission Type	Other
Version	0.9
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Anne Ludlow
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy PSTR/BE 1 The Strategy for Benenden parish

[TWBC: this representation has been input against Policies PSTR/BE 1, AL/BE 3 and AL/BE 4 - see Comment Numbers PSLP_196, PSLP_197 and PSLP_198]

Question 4

Do you consider that the Local Plan:

Is legally compliant	No
Is sound	No
Complies with the Duty to Cooperate	No

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:	. It is not positively prepared
	. It is not effective
	. It is not justified
	. It is not consistent with national policy

Question 5

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

Paragraph No(s) Para 5.413, 5.414, 5.416, 5.420, 5.421, 5.422, 5.428, 5.452, 5.453, 5.454, 5.456, 5.458, 5.467, 5.468 Policy No. Objective 1, Objective 2, STR1, STR2, STR3, STR5, STR6, STR7, STR8, PSTR/BE1, Policy AL/BE1, Policy AL/BE3, Policy AL/BE4, EN1 Sustainability Appraisal SHELAA Policies Map (Inset Map No(s)) Inset Map 18

This submission concerns the parish of Benenden, the only parish in the borough to have made its own allocations. The Benenden Neighbourhood Plan (BNP) has been developed in close consultation with TWBC, with the BNP in the lead. The BNP announced its allocations in February 2019, before inviting AECOM to produce its Strategic Environmental Assessment. Pre-Submission Local Plan, para 5.420 reads "The BNP was submitted to TWBC in October 2020 and was consulted on between 30 October and 11 December 2020." But the allocations had been made and published in February 2019. Further, Para 5.420 states "The BNP proposes to include site allocation policies that follow the approach of the site allocation policies for Benenden in this Local Plan." BNP allocations were first published in February 2019 i.e. before LP site allocation policies.

Allocations made by the LP, when it took up the BNP's baton, are therefore inevitably linked to BNP's weaknesses. Yet if the BNP passes a referendum before acceptance of the LP, it is said that it will take precedence over the LP (see para 5.421), with the exception of its plans for the northern site at Benenden hospital, which will be overruled by the plans advanced in the LP (see Benenden Parish Council April 2021 response to Independent Examiner queries on the BNP). This is in contravention of para 5.422 which talks of making "modifications to the LP" so that it matches the BNP.

1 Community involvement. EN1: this requirement has not been respected.

- . In Benenden, almost all new housing is slated for the East End, yet the Friends of the East End (FEE), were never asked to meet with the BNP steering group.
- . See EN1 para 9 requiring the effective engagement of the local community, neighbours of sites and others. The FEE submitted three petitions, two to the BNP and one in relation to the LP. A FEE submission with 127 signatures was submitted on April 4th 2019 in response the Informal Draft NP (published on February 23, 2019), in which the allocations later adopted by the LP were first set out. A FEE submission with 164 signatures was submitted in October 2019 objecting to the first draft of the LP, and in the same month, a FEE submission with 167 signatures was submitted in relation to the Reg 16 draft BNP. See the FEE's current online petition with more than 450 signatures <https://www.change.org/EastEndFriends>

- . Instead of being consulted, the FEE were ignored and belittled. They were informed on 11th March 2019 by the editor of the Parish Magazine (PM), husband of the Chair of the Parish Council, that “I’m of the view that much of the uncertainty has passed since the presentation of the plan to the village - to a highly favourable reception. At least we no longer have to give polite credence to *uninformed views* that fly in the face of TWBC policy and advocate direct and *pointless confrontation* with TWBC, thereby running the risk of having the entire BNDP thrown back in our faces. *The ensuing chaos hardly bears thinking about.* At least it seems the opinions now being afforded most weight are those of *people who have worked hard for two years to understand the issues* and come up with a coherent way forward.”
- . One of the regular articles on the BNP submitted by the chair of the BNP Steering Group appeared in January 2020. It dismisses FEE opposition suggesting only “31 residents from the East End” sent in comments.
- . The core group behind the BNP has consistently tried to persuade those who support the FEE to desist. The chair of the Parish Council and the chair of the BNP Steering Group have twice asked to meet a Tunbridge Wells Alliance (TWA) Borough Councillor for the parish, once together with a TWA borough council candidate, in efforts to persuade them to adhere to the BNP’s approach and not to listen to the FEE.
- . The organiser of the FEE was a member of the Steering Committee 2017/2018 as chair of the Environmental Group. She expressed strong disagreement with a Borough Councillor who lives in the village (on occasion, he deputises as chair of the Steering Group) about his wish to step up allocations in the East End and suppress TWBC’s wish to build 174 houses on site 158. As a result, the Steering Group chair (using his own word), “sacked” her. This is contrary to EN1 para 9, encouraging early, proactive and effective engagements and the requirement that views expressed should be properly considered.
- . Consultation also failed in relation to the neighbouring parish of Biddenden. The Clerk of Biddenden Council has repeatedly responded to BPC in the course of the BNP consultation process, but received only acknowledgments. A Kent County Councillor and Ashford Borough Councillor wrote an article about BNP’s mismanagement of the parish of Biddenden in the Biddenden Parish Magazine, February 2021.
- . The LP is based on the BNP and BNP allocations were made before consultations with stakeholders such as the AONB. This is not consulting in a timely fashion. Further, the LP requires surveys of the hospital sites *after* the designation of the sites for development, for example, archaeological surveys (see AL/BE 3&4). Historic England (HE) asks for the surveys to be carried out *before*. See HE’s comments on the first draft LP (DLP_4556) - “we would expect the allocation of sites following on from this Strategy policy (STR1) to be subject to appropriately robust and detailed heritage impact assessment *prior to the allocations being adopted.*”
- 1 **The PSLP is not based on sound evidence**
 - . Throughout the LP process, misstatements have been made about amenities in Benenden’s East End. These may be traced back to a submission made by traffic and highways consultants, Transport Planning Associates (TPA) to Benenden Healthcare Society Ltd. (BHS). This submission was recently disclosed in BHS’s response to the Independent Examiner’s queries in relation to the BNP. TPA’s information is sometimes inaccurate and sometimes misleading and we consider it here in detail because it is difficult otherwise, to understand how the LP was able to continue, iteration after iteration, to relate false information about the hospital site.
 - . In October 2019, TPA reported (para 2.6) that there was a footpath along the southern edge of Goddards Green Road (GGR) and the PSLP, para 5.452 states “There is an intermittent pavement along GGR”. The GGR is a long road running from New Pond Road to Castleton’s Oak crossroads, and was formerly a lane. The pavement is limited to the short section immediately outside the hospital buildings. To say that there is an intermittent pavement along GGR is misleading.
 - . The TPA refers to the East End as a village, which it is not. The East End runs from the junction of GGR and Walkhurst Road, along the GGR to the border with Tenterden, then turns south to reach close to Hole Park in Rolvenden, then east back to Walkhurst Road at the site of the stream, then along Walkhurst Road back to GGR (see the old Electoral Roll for 2004 when the East End had its own polling station). It is a large, totally rural area of several square miles, which was why it was chosen as the site for an isolation hospital in 1906. Today it contains only 76 houses scattered across the entire area. The PSLP consistently refers to the East End as a hamlet. It is not, which is why BPC is able to advertise itself on its website as “Serving the people of Benenden and Iden Green” without any reference to the East End.

- . The TPA says that “a day nursery is located immediately to the north of the Site within 400m.” There is incorrect, yet this error is repeated in para 5.413 of the PSLP “There are also nursery/pre-school facilities at Iden Green and East End.” An accurate account would mention Iden Green only.
- . The TPA states that there are daily bus services along GGR provided by bus nos. 24 and 299, and twice a day service provided by the Hopper bus. This information is incorrect. The 2019 Hopper bus, operated by the Tenterden social services hub on an experimental basis, failed in only a matter of months. While the 24 and the 299 buses pass along GGR, they do so on only one day a week. The 24 on Tuesdays and the 299 on Wednesdays. The East End has almost no public transport.
- . The TPA makes several statements in relation to traffic which have fed misinformation into the system to be reflected in AL/BA3&4. This misinformation was only recently revealed when documents were provided by BHS following April 2021 queries raised by the Independent Examiner on the BNP. These documents include a TPA ‘Scoping Note’ on road and traffic conditions at the site and a letter written in response to this Note from KCC Highways, dated 13 Nov. 2019. The TPA states that the GGR is 7m wide at the hospital site which detracts from the fact that it is actually a winding rural lane, now called a road, and varies considerably in width. It may at some point be 7m wide, but at others, it is so narrow that two lorries have difficulty passing each other. The TPA claims that there is no need for a road safety review because there have been “no personal injury accidents” recorded within 1,000m. Castleton’s Oak crossroads lie 1.5 km from the site and accidents there are frequent, largely due to increasing traffic at the hospital. The hospital has turned itself into an almost exclusively out-patient centre and almost all its 300 employees drive in to work from outside the parish (formerly, they were housed on site in hospital staff buildings). Kent County Council (KCC) Highways make constant and repeated attempts to lower the risk of injury at the crossroads. Works there are ongoing at this time. The TPA claims that no traffic surveys are necessary which is a point queried in the KCC Highways’ email. The email talks of the “heavy car dependency” of residents in any housing in this location and says this was one of its concerns, even at the time of the original application asking for only 24 houses. The email states that BHS’s plans (and therefore AL/BE 3&4) are contrary to the NPPF and to KCC’s own policy objectives, and points out that the hospital has not co-operated over the idea of a minibus to provide transport from the site to Benenden. The letter calls for: traffic counts along the GGR; a wider crash analysis; and expresses concern over the proposed access points to the SE Quadrant - 2 on Green Lane and 2 on GGR. Lastly, on trip generation, the TPA projects that 47 houses at the site will produce only 106 trips a day, though the consultants admit that they have difficulty in basing their estimate on comparable sites because there are none. These trip generation figures ignore existing traffic from local residents, from patients, from hospital staff and from the newly (January 2021) proposed housing estate at Cleveland. The AL/BE 3&4 fails to provide a traffic count, fails to ask for a road safety review and fails to acknowledge frequent traffic accidents near the sites.
- . Pre-submission supporting documents also produce inaccurate and sometimes irrelevant evidence. The hospital sites are within the setting of an AONB and even overlap into it, yet *Inset Map 18* (Benenden Hospital), unlike other maps attached, makes no reference to the AONB boundary. The BNP claims that the hospital is outside the AONB and on this basis, since the rest of the village is wholly within the AONB, largely justifies placing most of Benenden’s housing in the East End. The relationship of the AONB boundary to the hospital sites is important yet it is ignored on the map. This looks like prejudice.
- . Hankinson Duckett Associates’s *AONB Setting Analysis Report* (a supporting document for the PSLP, referred to as an evidence base) is, in its analysis of AL/BE3&4, unsound. The analysis argues that development at these sites will enhance the setting of the AONB. It illustrates the argument with photos of the hospital chapel and its carpark. Neither chapel nor car park are in the area up for development.
- . The *Sustainability Appraisal* (SA) is misleading. Table 58 on page 163 states that all Benenden sites “lack services, facilities and travel options”. This belies the fact that AL/BE2 (Feoffee almshouses) is close to the Street as is AL/BE1 (Uphill). Both sites are within walking distance of the bus stop for daily bus services, the post office, village shop, the primary school, the village green, the butchers, pub, community hall, church, recreation ground and children’s playground. AL/BE 3 & 4 are three miles northeast of the village with no daily bus service and no amenities whatsoever.

- . The commentary on Table 58, (page 163 of the SA), states that East End sites score badly on Climate Change and Travel, yet these are the sites promoted for most houses.
- . The SA argues on page 163 that East End residents will send their children to schools in Tenterden instead of to the village primary school, and that this will lessen the otherwise seriously negative effects of the two hospital sites. This is pure conjecture and possibly wishful thinking. The school has a good reputation and currently between 70 and 75% of children there come from outside the parish. East End children will have precedence over these, since intake depends on the distance of a child's residence from the school. Pressure on Benenden Primary School will increase, not decrease. Further, the use of a car, whether it drives to Tenterden (5-6 miles) or to Benenden (3 miles), pollutes and deprives residents of the health-giving pleasure of walking to school. The AL/BE 3&4 are contrary to STR2, to the NPPF and to KCC policy on climate change.
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1 **Policies AL/BE3&4 are not consistent with the PSLP's Vision objectives nor with its strategies, nor with KCC's policies, nor with the NPPF.**

- . The PSLP's Vision Objective 1 is : "to improve access to suitable, especially affordable housing, including for local young people and older households." But this is inconsistent with allocations AL/BE 3 & 4. BHS is asking in its comments on the LP first draft, for a lower number of affordable homes because of the high cost of brownfield development. Living isolated in the countryside, families will need at least two cars. Old and young will be unable to walk to schools, shops or any other amenities. This is not a suitable site for a borough which (see para 2.16) expects the population over the age of 65 + to increase by around 40% between 2020 and 2038.
- . The PSLP's Vision Objective 2 is to ensure sustainable development which allocations at AL/BE 3&4 do not achieve. On the contrary, the KCC warns that even with the existing permission for 24 houses on AL/BE3, the highway authority had concerns. This is an isolated location, deep in the countryside (see KCC Highways email 13 Nov 2019). More than 24 houses in this location is not sustainable.
- . **Policy PSTR/BE1**, LBD 5.416 states "the LBD around Benenden village sets the extent of existing and planned development .." This conflicts with the recommendation that major development be instated three miles beyond the LBD, on the border with Biddenden.
- . **Policy STR 2** "The Council requires the use of masterplanning, including the use of design codes and sustainable design standards where appropriate, for strategic and larger-scale developments.." This is undermined by AL/BE 3&4 which calls for a masterplan for an area not included in the PSLP and not presented. Para 1a of Policy AL/BE3 states that there is a need to "show indicatively how the other areas included within Policies AL/BE3 and AL/BE 4 can be developed to meet the overall policy requirements as set out within each of these policies, and *how the future needs for Benenden Hospital will be met on areas to the north west and south west that currently comprise the hospital buildings and associated ancillary uses and is previously developed land.*" It is not sound to proceed with an LP where the land to be developed is not clearly indicated from the start.
- . **A masterplan is essential to avoid current inconsistencies on the size of areas to be developed:** AL/BE3 excludes one of the 2 Local Wildlife Sites (LWS) at the site, yet the BNP includes both. Para 5.458 states "Both this policy and BNP draft Policy SSP3 broadly follow the same approach towards the potential for developing this site for a residential development.." They do not. The PSLP states that in the event of a successful referendum, the BNP's proposals will prevail. If this is so, are we supposed to assume that AL/BE3 map is inaccurate?
- . A similar problem arises at the northern site (AL/BE4) here there are currently 18 dwellings. The proposal allows for these to be demolished and another 25 dwellings added to the site. The size of the area to be developed varies between the LP and the BNP. The LP includes the LWS in the area to be developed but the BNP includes only a small section, but says in the event of a successful referendum the BNP plan will be over-ruled by the LP plan (see the BPC response April 2021 to the Independent Examiner's queries). This is the reverse of 5.421 & 2. It is unsound to proceed with a plan when the NP and the LP are at odds with each other.
- . **The PSLP claims building will only be within existing footprints**, an approach which is at odds with that of the BHS. Plans for 47 new houses in AL/BE3, presented to the village on 17th February 2020 by the hospital architects, show the buildings are not to be built within the footprint of previous buildings nor to respect LWS.
- . **Policy STR 3** calls for the use of brownfield sites "within settlements" and in "sustainable locations." AL/BE 3 consists of disused medical buildings and 2 LWS with parkland and veteran trees (depending on whether this second LWS is included or not). 5.448 is therefore incorrect. The site should be described not as brownfield but as partly brownfield. It is not on the brownfield register. Because of its remote location and its valuable LWS sites, it is not free from constraints which could be mitigated. As such, Policy AL/BE3 does not meet the criteria needed under the NPPF, Section 11, para 117 for development in "a way that makes as much use as possible of previously-developed or 'brownfield' land." AL/BE 4 contains in-use residential housing and an LWS and therefore is not brownfield.
- . **Policy STR 5** states that "New residential ... development will be supported if sufficient infrastructure capacity is either available or can be provided in time to serve the development." Will this happen at AL/BE3&4? Developers themselves are to provide the infrastructure at AL/BE 3&4. The LP proposes to take on trust suggestions that the BHS will avoid building on the LWS and will provide play-grounds, sports facilities and tennis courts. We know from submissions following the first draft LP, that BHS is actually planning to remove one LWS entirely and that its

plans include building on the LWS and beyond the foot print of previous buildings. BHS suggests, in its response to the first draft LP (DLP_4956) that it is unlikely to provide play-grounds, sports facilities and tennis courts. The PSLP's approach does not take comments to the first draft LP into account.

- . **Policy STR 6** proposes to "Deliver future development in accessible locations, normally within or in close proximity to existing towns and villages across the borough." In the case of the two isolated hospital sites, the PSLP contradicts its own strategic policy and fails to offer choices in transport or to prioritise active travel and public transport. The Benenden hospital sites have no daily bus service and no active travel link to the village, and neither the PSLP nor the BHS provide credible information on how these links are to be provided. The KCC email of Nov 13 suggests that the hospital is uncooperative on the proposal to organise a minibus service and the SHELAA says of AL/BE3 that it is "Remote from a settlement centre," (unlike sites 158, 222 and LS8); that residents will rely heavily on private cars and thus air quality and travel objectives score negatively; and that, "although promoted by the policy, shared transport and active travel options are unlikely to take precedence over private vehicle use thus air quality and climate change score negatively." This we feel is the nub of the issue. For all the talk of mitigating the remoteness of the hospital sites with a minibus link and cycle routes, nobody actually believes that any of these measures will succeed. As for the proposal to create links suitable for electric personal vehicles, such as mobility scooters (as suggested under STR 6), it is difficult to see, when the closest link with the village is a single-track lane (Walkhurst Road), how any personal electric vehicle could make that journey. The PSLP is creating, through its policies AL/BE3&4, a car dependent community. This thereby negates the sense of the LP's supporting document, *Transport Strategy Review Sept 2019* which urges reducing the need to travel.
- . AL/BE3&4 also undermine TWBC's Full Council motion of July 2019 to reduce CO2 emissions. "The dominance of the car as a mode of transport can lead to congestion, more road accidents, air and noise pollution. In addition it contributes to climate change, reduces social cohesion and leads to less healthy lifestyles" (para 44 *Transport Review*). According to TW's own SA from 2006, if social cohesion, reduction in air pollutants, and public health were indeed the borough's priorities, sites chosen for development in Benenden would have included site 158.
- . **PSLP paras 5.453 and 5.467** state that "residents of development in this location will rely heavily on private cars." These plans runs counter to STR6 policy on the environment see paras 6.8, 6.9, 6.10, 6.11 and 6.13. It also contravenes KCC policies on climate change and the NPPF (see KCC's Nov 13, 2019 letter on this subject).
- . **Para 5.414** "The parish provides two relatively large sources of employment: at Benenden Hospital and at Benenden School." The inference is that the employment opportunities are linked somehow to the population of Benenden. There is in fact little connection. The 300 plus staff at the hospital drive into the parish along GGR to work and, since the hospital is isolated from the village, their contribution to the local economy is negligible.
- . **Policy STR 6** The LP proposes to "Deliver future development in accessible locations, normally within or in close proximity to existing towns and villages across the borough." In the case of the two isolated hospital sites, the LP contradicts its own strategic policy and fails to offer choices in transport or to prioritise active travel and public transport.
- . **Cycle routes:** The PSLP's standards on the public benefits of cycling and walking are based on the *Cycle Strategy Supporting Document*, but these standards are undermined by site allocation in Benenden. The Cycle document states that: "When more people cycle or walk the health of the population improves and our roads become safer and less congested." Its objectives 4 and 5 are to improve safety for cyclists and air quality for all, but AL/BE 3 & 4 will create a community, deep in the countryside, entirely dependent on the car and will contribute to poorer air quality for all. The allocation of these sites, as opposed to sites such as 158, is difficult to understand.
- . The *Cycle Strategy* states that fear of traffic is possibly the main factor discouraging people from cycling. National Cycle Route 18 runs from the Rolvenden Road, down Stepneyford Lane, to Green Lane, before joining the Benenden Road near the hospital, turning right and leading to Castleton's Oak Cross roads and Gribblebridge Lane. This route is a largely on-road ride travelling through the High Weald, using narrow, picturesque country lanes as much as possible. Green Lane/Stepneyford Lane is mentioned in TWBC's Rural Lanes: Supplementary Planning Guidance. It is particularly high scoring in terms of its landscape, its recreational value, its natural beauty and its history. For these reasons, it is part of National Route 18. Rather than encouraging cycling, AL/BE3, which proposes two exits for this major development on GGR and two on Green Lane (where a second housing estate, at Cleveland's Farm is already leading to Kent Highways calling

for road widening and the elimination of grass verges - see building application 20/03267/FULL) will cause an increase in those factors, identified in *TW Cycle Strategy*, as discouraging cyclists, namely, traffic and the loss of unspoilt country lanes. Policy AL/BE3 also contravenes Kent Structure Plan Policy ENV13: "Rural lanes which are of landscape, amenity, nature conservation, historic or archaeological importance will be protected from changes which would damage their character, and enhanced." In any event, the cycle route is purely recreational and will not enhance the sustainability of these sites.

- **Policy STR 7** proposes, in dealing with TWBC's 2019 legally binding commitment to manage climate change, that all development in the borough will support the Council's target to achieve net zero emissions by 2030. It is unsound, with such a goal, to propose a major development on the parish periphery, 3 miles equidistant from two villages where there is no shop (in spite of the PLSP's statement AL/BE 3&4) and no café (BHS says its café was built for its own use not for the use of the public - see comments on the first draft of the LP). Residents will need their cars for almost everything.
- **Policy STR1** promotes the effective use of previously developed land, having due regard to relevant Plan policies, but in promoting AL/BE3&4, the PSLP disregards STR6 (environmental goals) & STR7 (transport goals).
- Under the NPPF, sustainability is the priority, as the PSLP acknowledges in STR3, 4.65 "A presumption of sustainability lies at the heart of the NPPF", but in allocating AL/BE 3&4, the PSLP fails to respect its own and the NPPF's strategic priorities.
- **Policy STR 8** states that development should contribute to and enhance rural landscapes with particular regard to the High Weald (HW) AONB. The PSLP promotes nature conservation. Its biodiversity objective is to achieve net gains and, where possible, secure long-term management of sites for biodiversity. AL/BE3 runs counter to this strategy since the BHS has produced plans showing houses built over the LWS. It has, furthermore, produced a document requiring that one of the two LWS be dug up and removed to another unspecified location, thereby nullifying the terms of the existing Landscape and Ecology Management Plan (LEMP) for that site. Para 3.21 of the BHS submission on the first draft LP states: *"The Society supports the requirement for long-term management of the core areas of LWS associated with the hospital land. This includes all but the modest area within the SEQ adjoining Peak Lodge which is too constraining on the South East Quadrant redevelopment proposals. Accordingly, the soils in the area will be translocated to a nearby receptor site to try to ensure that the rare fungi can continue to thrive in this local area."* This is a particularly significant site for biodiversity. A letter from Keith Nicholson, former Planning and Conservation officer for the Kent Wildlife Trust, dated 4 March 2013, to TWBC Development Control Officer, Ellen Gilbert states that the hospital LWS are of national importance, mainly for the large number of different varieties of waxcaps. He states that they could well have been designated SSSI. Both in terms of waxcaps and in terms of valuable acid grassland, the hospital sites have high environmental value, see Comment DLP_3458 on the first draft of the LP, from the High Weald AONB Unit. The Benenden Hospital site *"includes rare and vulnerable acid grassland which should form a core area for unimproved grassland as part of a High Weald nature recovery network."* AL/BE3&4 threaten the biodiversity of significant species in the LWS at the hospital sites, contrary to EN1.
- The LWS to the south of AL/BE3 is included in the BNP and BPC argues that this has been done in order to protect it (see their response to the Independent Examiner April 2021). It is difficult to follow this logic. The inclusion of the site in the area to be developed suggests that it too could be under threat.
- There is no plan showing the placement of houses on AL/BE 4, which is currently home to a large LWS and is the site of 18 habitable dwellings, almost all of the them currently in use and let. The proposal allows for these to be demolished and another 25 dwellings added to the site. The PSLP includes the LWS in the area to be developed and the BNP excludes most of it. Benenden Parish Council (BPC), in its April 2021 response to the Independent Examiner, has said that, in this case of a successful referendum, the PSLP's plan (which includes the LWS), will prevail. In other words, of the 3 LWS in AL/BE 3&4, one is slated for removal, one will be built over if the PSLP prevails and one may be built over if the BNP prevails. This undermines STR8.
- The PSLP claims that the hospital development "has the potential to improve the setting of the HW AONB through the delivery of a more sensitive redevelopment of existing buildings" (para 5.454), but the claim is not supported by evidence produced by the *Hankinson & Duckett* (see above) while the HW AONB unit's own view is the opposite. See TW first Draft LP, **DLP_3458**

High Weald AONB Unit (which objects to the Plan) : *“....In our view the development at Benenden Hospital will have a significant effect on the setting of the AONB and the purposes of its designation, and this issue has not been properly considered by the Plan.”*

- . Also, the NPPF section 2 para 11
- . *“Plans and decisions should apply a presumption in favour of sustainable development... ..(b) strategic policies should provide for objectively assessed needs for housing ...that cannot be met within neighbouring areas unless ... (i) the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area.”* And see Footnote 6: the policies referred to are those in the Framework ...relating to habitat sites (and those sites listed in para 176) and /or designated as SSSI, AONBs
- . NPPF para 177 requires that *“an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.”* No such assessment has been undertaken.

PSLP EN1 para 5. Biodiversity and geodiversity.

AL/BE 3&4 run counter to this policy as stated above in relation to the LWS.

The Environment

STR8 sets high environmental standards but these are undermined in the site allocations. This is particularly startling in the light of the July 2019 Full Council motion to recognise the climate and biodiversity emergency, in fact, the Benenden allocations put into question whether the motion was passed in good faith.

EN1 para 5 (Biodiversity and geodiversity) says that proposals should maximise opportunities to increase biodiversity. This goal may make sense in an urban setting, but development in the countryside, as is proposed in AL/BE 3 & 4, cannot hope to ever mitigate biodiversity loss. The destruction of trees and wild spaces, the introduction of lighting, kerbs, driveways, wider roads and narrower verges, the use of concrete, tarmac, bricks and mortar in a deeply rural setting cannot “increase biodiversity”.

EN1 provides for Long-term Management plans which would be satisfactory within an urban context. In a rural location like the East End, such plans are no substitute for natural wild spaces. A ‘managed’ green space set among streets is less likely to promote biodiversity and less likely to conserve wildlife than ‘unmanaged’ green space. Further, the three LWS in AL/BE3 are all already part of an existing LEMP agreement, and since one or all would be removed in the case of development as outlined by BHS under AL/BE3&4, instead of creating a long-term management plan, AL/BE3&4 would all but terminate an existing one. The sentiments expressed in EN1 are mocked by AL/BE3&4.

1 Site policies

AL/BE3 excludes one of the 2 LWS at the site, and the BNP includes both, yet para 5.458 states “Both this policy and BNP draft Policy SSP3 broadly follow the same approach towards the potential for developing this site for a residential development..” This does not appear to be the case. Further, the SHELAA treats this site twice, once including the southern LWS (and excluding Windmill Cottage) and once excluding the LWS and including Windmill Cottage (SHELAA pages 1-3 and pages 18-19). In the second instance, the suggestion is for 67-73 houses, presumably building over the LWS. The first plan is the one adopted in the PSLP and appears to be the more accurate of the two in that it describes the site as “mostly PDL”. The second ignores all greenfield aspects and is almost identical to the plan in the BNP, a plan which BNP claims will prevail if it wins a referendum. Is AL/BE3 presenting us with the wrong plan?

AL/BE3 and AL/BE4 provide for a phased timetable for development of the two sites at different time intervals without calling for a comprehensive masterplan for the hospital site as a whole i.e. for the entire built up area. This is inconsistent with STR2, which requires a masterplan for large developments. The full extent of the area to be developed must be clear. See para 1a of Policy AL/BE3 which states that there is a need to “show indicatively how the other areas included within Policies AL/BE3 and AL/BE 4 can be developed to meet the overall policy requirements as set out within each of these policies, and *how the future needs for Benenden Hospital will be met on areas to the north west and south west that currently comprise the hospital buildings and associated ancillary uses and is previously developed land.*” It is not sound to proceed with an LP where the land to be developed is not indicated from the start.

AL/BE3&4 both call for an active travel link between the site and Benenden village. This proposal has been costed (see BPC's April 2021 reply to the Independent Examiner) at between £180,000 and £220,000 for a 3m wide tarmacked surface, plus costs to upgrade it to a bridleway, plus the costs associated with obtaining landowners' consent or, failing that, of starting compulsory purchase proceedings which TWBC expresses reluctance to undertake because of the significant compensation costs and legal costs which would be involved. No steps have been taken either by the BNP or TWBC to ascertain the willingness of landowners to give up their land although the major landowner involved wrote to BNP on 11th Sept. 2019 objecting to the plan. It is understood that he was not contacted for subsequent discussion.

AL/BE3&4 calls for the repurposing of the existing tennis courts for the use of local residents, which BHS denies it will offer for public use; for the public use of the hospital's café; for the creation of a hospital shop (5.413); for a minibus service linking the hospital to the village ("The Society is not a transport provider" is BHS' response); for green space, a playground and provision of a community hall - most of these policies are refuted in Savills' comments on behalf of BHS, in the first draft of the LP, DLP_ 4956 paras 3.14, 3.18, 3.19, 3.20, 3.46 and 3.47. Rather than agreeing to such policies, the hospital is calling on TWBC to introduce a more flexible funding system to allow a *reduction* of developer costs. BHS argues these will be high because they wish to demolish existing buildings. It is unsound to propose policies which cannot be implemented. Once the sites are sold, no relevant conditions to this effect could be imposed.

1 The PSLP is unsound because of inconsistencies in the treatment of different sites.

- . **Uphill, AL/BE1** is described as having archaeological potential (para 5.428) requiring possible mitigation measures. This is not because of historical finds on the site, but because they might be found. A listed manor house lies on the other side of New Pond Road and, according to AL/BE1, "the site lies within, or very close to the relevant impact risk zone for Parsonage Wood", a SSSI which is, in fact, several miles away. The archaeological significance of AL/BE 3&4 is far more certain and substantial. The hospital sites are where a bronze age palstaff was found (see the National Monument Register - SMR Number /Hob UID)) and the sites lie close to two ancient routeways. A Roman Road runs west-east (on BHS farmland) a few yards to the south of AL/BE3 and a medieval drove road (GGR), runs west-east between the two sites. Further, two Grade II Listed Buildings are sited here, also on BHS land. The Lister building stands a few yards to the west of AL/BE3 and Cleveland Farm house (the farmyard of which BHS is trying to develop separately and simultaneously as if a minor planning project) lies a few yards to the south. Instead of mentioning these facts, AL/BE3&4 reads (5.456 and 5.468) "Kent County Council states that the site includes significant archaeology, which could be dealt with through suitable conditions on a planning approval." The imbalance in the treatment of the two sites is substantial and suggests prejudice.
- . The SHELAA assessment of site 158 suggests a potential yield of 50-65 houses, but then concludes that only the Uphill part of the site is suitable (20 houses). It states that "the remainder of the site is sensitive in landscaping terms and there is concern regarding scale and impact on the character of the landscape and settlement pattern". This is contrary to the views of TW's 2006 SA; to the TW 2018 document proposing 174 houses; and to the first draft of the LP. The dismissal of 158 as a suitable site is not supported by the evidence and suggests prejudice.
- . Site 222, west of the cross roads, was also considered in 2006, as a possible site for the new village school, though it was not one of the top two sites put to a referendum. The SHELAA suggests 222 has a potential for 76 houses. The site is considered unsuitable partly because the new LBD, if adopted, will exclude all houses west of the cross roads, when the village actually extends a considerable length along this road to the west. There is no mention of the fact that the owners of this site are offering the pond at the south west corner of the crossroads as village green space. The dismissal of 222 is not supported by the evidence and suggests prejudice.
- . The SHELAA suggests a capacity of 26 houses at Site LS8 in Iden Green, stating that it lies adjacent to the recreation ground and a children's nursery and that there is a pavement on both sides of Iden Green's main road. It fails to mention that the easternmost side of this pavement connects the village to the village primary school. The SHELAA dismisses the site as unsuitable saying that it is located in a remote location relative to services, facilities and public transport, but this site is far less remote than sites AL/BE 3&4. The dismissal of site LS8 is not supported by the evidence and suggests prejudice.
- . The proposed new LBD has been constructed so as to include the new site at Uphill and to exclude 222, when in fact, the actual built development extends westwards from the crossroads

and includes site 222. The LBD is ignored in respect of AL/BE3&4. Manipulation of the LBD to suit allocated sites is inappropriate.

As a general comment, I have found the process unnecessarily difficult to navigate. In fact, from the point of view of the ordinary lay-man, I would term the process 'hostile'. The interactive on-line site was unmanageable. The PSLP's prose entirely suited the opaqueness of the procedure. Here is one example from the SA (page 163) "However, the education objective does not deteriorate when considering cumulative effects as the schools in Tenterden will be a viable option for residents in East End and thus are likely to take the pressure off Benenden Primary School."

Question 6

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Question 5 above. (Please note that non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

The modifications needed are included in the submissions set out above. In summary, development on site AL/BE 3 should be limited to the existing, so far unused, planning permission for 24 houses, preferably by adapting the Garland Wing, which is a building of historic value, either to a wellness centre, in accordance with its original intention, or to a row of up to 10 terraced houses. Site AL/BE 4 already has 18 semi-detached houses on it, and cannot support any more. It should therefore be excluded. Housing should be allocated to sites (such as 158 and 222 in the village centre or LS8 in Iden Green) which lie on bus routes or are within walking distance of the village centre and school. Paragraphs 5.421 and 5.422 should be omitted.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)? . Yes, I wish to participate in hearing session(s)

Question 7a

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

In order to put over my case, and to answer those with vested interests who may seek to put forward arguments against it.

Question 8

If you have any separate comments you wish to make on the accompanying Sustainability Appraisal, please make them here.

1. The Sustainability Appraisal (SA) is misleading. Table 58 on page 163 states that all Benenden sites “lack services, facilities and travel options”. This belies the fact that AL/BE2 (Feoffee almshouses) is close to the Street as is AL/BE1 (Uphill). Both sites are within walking distance of the bus stop for daily bus services, the post office, village shop, the primary school, the village green, the butchers, pub, community hall, church, recreation ground and children’s playground. AL/BE 3 & 4 are three miles north east of the village with no daily bus service and no amenities whatsoever.
2. The commentary on Table 58, (page 163 of the SA), states that East End sites score badly on Climate Change and Travel, yet these are the sites promoted for most houses.
3. The SA argues on page 163 that East End residents will send their children to schools in Tenterden instead of to the village primary school, and that this will lessen the otherwise seriously negative effects of the two hospital sites. This is pure conjecture and possibly wishful thinking. The school has a good reputation and currently between 70 and 75% of children there come from outside the parish. East End children will have precedence over these, since intake depends on the distance of a child’s residence from the school. Pressure on Benenden Primary School will increase, not decrease. Further, the use of a car, whether it drives to Tenterden (5-6 miles) or to Benenden (3 miles), pollutes and deprives residents of the health-giving pleasure of walking to school. The AL/BE 3&4 are contrary to STR2, to the NPPF and to KCC policy on climate change.
4. Appendix L (pp331-2) shows Scores for Reasonable Sites in Benenden. Here we see scores for 158 and 222, two sites close to the village centre. Of 158, we read “A site that scores several neutrals with some positives, let down by its land use and landscape score impacted by a loss of a greenfield site in the AONB and lack of services and facilities including public transport at the settlement.” This SA report compares poorly with the SA which TWBC carried out on site 158 in 2006. 158 is parallel to and just north of the Street with its exit onto New Pond Road. In 2006 site 158 was chosen in a village referendum as the site for a new C of E primary school. It was the preferred site out of a choice of two, both of which were greenfield. TWBC’s 2006 SA on 158 decided (see page 18 of the Sustainability Appraisal Benenden Church of England Primary School Land Allocation DPD - Issues and Options report), that 158 was one of two top sites. “Situated adjacent to an area of ancient woodland, the site provides the potential for habitat linkages and wildlife corridors. The site is not adjacent to the CA [Conservation Area] and does not form a significant role in its setting. There are no Listed Buildings on or adjacent to the site. The site is consistent with the surrounding landscape character. There are limited views into the site and no public rights of way over the site.” On page 38, we read, “This site is anticipated to have a major beneficial effect on improving educational standards and travel choice/traffic levels”. In spite of the referendum result, the school was eventually built at the less preferred site and, since then, TWBC had been in consultation with 158’s owners to build houses there.
5. In April 2018, BNP Steering Committee Deputy Chair, a borough councillor, showed the committee a piece of paper from TWBC saying that TWBC wishes to build 174 houses on site 158. He committed himself to seeing these numbers reduced and the numbers at the East End raised. After a meeting between representatives from the BNP group and TW planners on June 19th, 2018, the minutes reported that “At times the workshop was emotive ...” Following that meeting TW planners put site 158 on temporary hold, limiting development there to a future Local Plan by asking, in the first draft of the LP on page 270, that the Uphill site on New Pond Road, adjacent to 158 and allocated at that time as AL/BE3, should, under Clause 8, provide for vehicular access through Uphill to the site behind (158) “which may be allocated for development as part of a future Local Plan.” In the PSLP, this wording for Clause 8 has disappeared. Where is the evidence-base for such wording to be included in the first draft and excluded in the second? Why is the site considered suitable in 2006, in 2018, and in the first draft, but not suitable in the PSLP?
6. Site 222, like 158 is described in Appendix L of the PSLP’s SA as suffering from “a lack of services and facilities including public transport at the settlement.” This is inaccurate. There is a daily bus service along Benenden Street and site 222 is within easy walking distance of the bus stop, shops, pub, community hall, primary school and all other amenities.
7. Site LS8, in the heart of Iden Green is, along with site 158 and 222, a site which on-the-ground evidence suggests is eminently suitable for development, but which the SA fails to allocate. Appendix L of the SA gives LS8 virtually the same scores as Uphill (LS16 of AL/BE1) yet the latter is included for development and the former is not. The commentary states of LS8 “A number of scores are negative however, reflecting the remote location of the site from services and facilities and public transport. It scores negatively in heritage terms as the site is a relatively sizeable piece of the Iden Green

Conservation Area.” This site is far less remote than sites AL/BE 3 & 4. It is one mile from the village and connected to it by a paved footpath running past a Roadside Conservation Area and then (still paved) through a field to the church and primary school. It is on a bus route and the bus stop is next to LS8. Iden Green has a community hall, tennis courts, a children’s playground and pub/restaurant. The SA information is unreliable and the PSLP’s use of it for site allocation is unwise.

8. In so far as Benenden is concerned, the sites were allocated before any sustainability appraisal was commissioned. It is not therefore a relevant factor in the allocation of sites for housing.

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:

Yes, I wish to be notified of future stages of the Local Plan

Comment

Consultee	Mrs Anne Ludlow [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] Ashford [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Mrs Anne Ludlow [REDACTED]
Comment ID	PSLP_197
Response Date	14/05/21 13:01
Consultation Point	Policy AL/BE 3 Land at Benenden Hospital (south of Goddards Green Road), East End (View)
Status	Processed
Submission Type	Other
Version	0.6
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Anne Ludlow
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy AL/BE 3 Land at Benenden Hospital (south of Goddards Green Road), East End

[TWBC: this representation has been input against Policies PSTR/BE 1, AL/BE 3 and AL/BE 4 - see Comment Numbers PSLP_196, PSLP_197 and PSLP_198]

Question 4

Do you consider that the Local Plan:

Is legally compliant	No
Is sound	No
Complies with the Duty to Cooperate	No

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:	. It is not positively prepared
	. It is not effective
	. It is not justified
	. It is not consistent with national policy

Question 5

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

Paragraph No(s) Para 5.413, 5.414, 5.416, 5.420, 5.421, 5.422, 5.428, 5.452, 5.453, 5.454, 5.456, 5.458, 5.467, 5.468 Policy No. Objective 1, Objective 2, STR1, STR2, STR3, STR5, STR6, STR7, STR8, PSTR/BE1, Policy AL/BE1, Policy AL/BE3, Policy AL/BE4, EN1 Sustainability Appraisal SHELAA Policies Map (Inset Map No(s)) Inset Map 18

This submission concerns the parish of Benenden, the only parish in the borough to have made its own allocations. The Benenden Neighbourhood Plan (BNP) has been developed in close consultation with TWBC, with the BNP in the lead. The BNP announced its allocations in February 2019, before inviting AECOM to produce its Strategic Environmental Assessment. Pre-Submission Local Plan, para 5.420 reads "The BNP was submitted to TWBC in October 2020 and was consulted on between 30 October and 11 December 2020." But the allocations had been made and published in February 2019. Further, Para 5.420 states "The BNP proposes to include site allocation policies that follow the approach of the site allocation policies for Benenden in this Local Plan." BNP allocations were first published in February 2019 i.e. before LP site allocation policies.

Allocations made by the LP, when it took up the BNP's baton, are therefore inevitably linked to BNP's weaknesses. Yet if the BNP passes a referendum before acceptance of the LP, it is said that it will take precedence over the LP (see para 5.421), with the exception of its plans for the northern site at Benenden hospital, which will be overruled by the plans advanced in the LP (see Benenden Parish Council April 2021 response to Independent Examiner queries on the BNP). This is in contravention of para 5.422 which talks of making "modifications to the LP" so that it matches the BNP.

1 Community involvement. EN1: this requirement has not been respected.

- . In Benenden, almost all new housing is slated for the East End, yet the Friends of the East End (FEE), were never asked to meet with the BNP steering group.
- . See EN1 para 9 requiring the effective engagement of the local community, neighbours of sites and others. The FEE submitted three petitions, two to the BNP and one in relation to the LP. A FEE submission with 127 signatures was submitted on April 4th 2019 in response the Informal Draft NP (published on February 23, 2019), in which the allocations later adopted by the LP were first set out. A FEE submission with 164 signatures was submitted in October 2019 objecting to the first draft of the LP, and in the same month, a FEE submission with 167 signatures was submitted in relation to the Reg 16 draft BNP. See the FEE's current online petition with more than 450 signatures <https://www.change.org/EastEndFriends>

- . Instead of being consulted, the FEE were ignored and belittled. They were informed on 11th March 2019 by the editor of the Parish Magazine (PM), husband of the Chair of the Parish Council, that “I’m of the view that much of the uncertainty has passed since the presentation of the plan to the village - to a highly favourable reception. At least we no longer have to give polite credence to *uninformed views* that fly in the face of TWBC policy and advocate direct and *pointless confrontation* with TWBC, thereby running the risk of having the entire BNDP thrown back in our faces. *The ensuing chaos hardly bears thinking about.* At least it seems the opinions now being afforded most weight are those of *people who have worked hard for two years to understand the issues* and come up with a coherent way forward.”
- . One of the regular articles on the BNP submitted by the chair of the BNP Steering Group appeared in January 2020. It dismisses FEE opposition suggesting only “31 residents from the East End” sent in comments.
- . The core group behind the BNP has consistently tried to persuade those who support the FEE to desist. The chair of the Parish Council and the chair of the BNP Steering Group have twice asked to meet a Tunbridge Wells Alliance (TWA) Borough Councillor for the parish, once together with a TWA borough council candidate, in efforts to persuade them to adhere to the BNP’s approach and not to listen to the FEE.
- . The organiser of the FEE was a member of the Steering Committee 2017/2018 as chair of the Environmental Group. She expressed strong disagreement with a Borough Councillor who lives in the village (on occasion, he deputises as chair of the Steering Group) about his wish to step up allocations in the East End and suppress TWBC’s wish to build 174 houses on site 158. As a result, the Steering Group chair (using his own word), “sacked” her. This is contrary to EN1 para 9, encouraging early, proactive and effective engagements and the requirement that views expressed should be properly considered.
- . Consultation also failed in relation to the neighbouring parish of Biddenden. The Clerk of Biddenden Council has repeatedly responded to BPC in the course of the BNP consultation process, but received only acknowledgments. A Kent County Councillor and Ashford Borough Councillor wrote an article about BNP’s mismanagement of the parish of Biddenden in the Biddenden Parish Magazine, February 2021.
- . The LP is based on the BNP and BNP allocations were made before consultations with stakeholders such as the AONB. This is not consulting in a timely fashion. Further, the LP requires surveys of the hospital sites *after* the designation of the sites for development, for example, archaeological surveys (see AL/BE 3&4). Historic England (HE) asks for the surveys to be carried out *before*. See HE’s comments on the first draft LP (DLP_4556) - “we would expect the allocation of sites following on from this Strategy policy (STR1) to be subject to appropriately robust and detailed heritage impact assessment *prior to the allocations being adopted.*”
- 1 **The PSLP is not based on sound evidence**
 - . Throughout the LP process, misstatements have been made about amenities in Benenden’s East End. These may be traced back to a submission made by traffic and highways consultants, Transport Planning Associates (TPA) to Benenden Healthcare Society Ltd. (BHS). This submission was recently disclosed in BHS’s response to the Independent Examiner’s queries in relation to the BNP. TPA’s information is sometimes inaccurate and sometimes misleading and we consider it here in detail because it is difficult otherwise, to understand how the LP was able to continue, iteration after iteration, to relate false information about the hospital site.
 - . In October 2019, TPA reported (para 2.6) that there was a footpath along the southern edge of Goddards Green Road (GGR) and the PSLP, para 5.452 states “There is an intermittent pavement along GGR”. The GGR is a long road running from New Pond Road to Castleton’s Oak crossroads, and was formerly a lane. The pavement is limited to the short section immediately outside the hospital buildings. To say that there is an intermittent pavement along GGR is misleading.
 - . The TPA refers to the East End as a village, which it is not. The East End runs from the junction of GGR and Walkhurst Road, along the GGR to the border with Tenterden, then turns south to reach close to Hole Park in Rolvenden, then east back to Walkhurst Road at the site of the stream, then along Walkhurst Road back to GGR (see the old Electoral Roll for 2004 when the East End had its own polling station). It is a large, totally rural area of several square miles, which was why it was chosen as the site for an isolation hospital in 1906. Today it contains only 76 houses scattered across the entire area. The PSLP consistently refers to the East End as a hamlet. It is not, which is why BPC is able to advertise itself on its website as “Serving the people of Benenden and Iden Green” without any reference to the East End.

- . The TPA says that “a day nursery is located immediately to the north of the Site within 400m.” There is incorrect, yet this error is repeated in para 5.413 of the PSLP “There are also nursery/pre-school facilities at Iden Green and East End.” An accurate account would mention Iden Green only.
- . The TPA states that there are daily bus services along GGR provided by bus nos. 24 and 299, and twice a day service provided by the Hopper bus. This information is incorrect. The 2019 Hopper bus, operated by the Tenterden social services hub on an experimental basis, failed in only a matter of months. While the 24 and the 299 buses pass along GGR, they do so on only one day a week. The 24 on Tuesdays and the 299 on Wednesdays. The East End has almost no public transport.
- . The TPA makes several statements in relation to traffic which have fed misinformation into the system to be reflected in AL/BA3&4. This misinformation was only recently revealed when documents were provided by BHS following April 2021 queries raised by the Independent Examiner on the BNP. These documents include a TPA ‘Scoping Note’ on road and traffic conditions at the site and a letter written in response to this Note from KCC Highways, dated 13 Nov. 2019. The TPA states that the GGR is 7m wide at the hospital site which detracts from the fact that it is actually a winding rural lane, now called a road, and varies considerably in width. It may at some point be 7m wide, but at others, it is so narrow that two lorries have difficulty passing each other. The TPA claims that there is no need for a road safety review because there have been “no personal injury accidents” recorded within 1,000m. Castleton’s Oak crossroads lie 1.5 km from the site and accidents there are frequent, largely due to increasing traffic at the hospital. The hospital has turned itself into an almost exclusively out-patient centre and almost all its 300 employees drive in to work from outside the parish (formerly, they were housed on site in hospital staff buildings). Kent County Council (KCC) Highways make constant and repeated attempts to lower the risk of injury at the crossroads. Works there are ongoing at this time. The TPA claims that no traffic surveys are necessary which is a point queried in the KCC Highways’ email. The email talks of the “heavy car dependency” of residents in any housing in this location and says this was one of its concerns, even at the time of the original application asking for only 24 houses. The email states that BHS’s plans (and therefore AL/BE 3&4) are contrary to the NPPF and to KCC’s own policy objectives, and points out that the hospital has not co-operated over the idea of a minibus to provide transport from the site to Benenden. The letter calls for: traffic counts along the GGR; a wider crash analysis; and expresses concern over the proposed access points to the SE Quadrant - 2 on Green Lane and 2 on GGR. Lastly, on trip generation, the TPA projects that 47 houses at the site will produce only 106 trips a day, though the consultants admit that they have difficulty in basing their estimate on comparable sites because there are none. These trip generation figures ignore existing traffic from local residents, from patients, from hospital staff and from the newly (January 2021) proposed housing estate at Cleveland. The AL/BE 3&4 fails to provide a traffic count, fails to ask for a road safety review and fails to acknowledge frequent traffic accidents near the sites.
- . Pre-submission supporting documents also produce inaccurate and sometimes irrelevant evidence. The hospital sites are within the setting of an AONB and even overlap into it, yet *Inset Map 18* (Benenden Hospital), unlike other maps attached, makes no reference to the AONB boundary. The BNP claims that the hospital is outside the AONB and on this basis, since the rest of the village is wholly within the AONB, largely justifies placing most of Benenden’s housing in the East End. The relationship of the AONB boundary to the hospital sites is important yet it is ignored on the map. This looks like prejudice.
- . Hankinson Duckett Associates’s *AONB Setting Analysis Report* (a supporting document for the PSLP, referred to as an evidence base) is, in its analysis of AL/BE3&4, unsound. The analysis argues that development at these sites will enhance the setting of the AONB. It illustrates the argument with photos of the hospital chapel and its carpark. Neither chapel nor car park are in the area up for development.
- . The *Sustainability Appraisal* (SA) is misleading. Table 58 on page 163 states that all Benenden sites “lack services, facilities and travel options”. This belies the fact that AL/BE2 (Feoffee almshouses) is close to the Street as is AL/BE1 (Uphill). Both sites are within walking distance of the bus stop for daily bus services, the post office, village shop, the primary school, the village green, the butchers, pub, community hall, church, recreation ground and children’s playground. AL/BE 3 & 4 are three miles northeast of the village with no daily bus service and no amenities whatsoever.

- . The commentary on Table 58, (page 163 of the SA), states that East End sites score badly on Climate Change and Travel, yet these are the sites promoted for most houses.
- . The SA argues on page 163 that East End residents will send their children to schools in Tenterden instead of to the village primary school, and that this will lessen the otherwise seriously negative effects of the two hospital sites. This is pure conjecture and possibly wishful thinking. The school has a good reputation and currently between 70 and 75% of children there come from outside the parish. East End children will have precedence over these, since intake depends on the distance of a child's residence from the school. Pressure on Benenden Primary School will increase, not decrease. Further, the use of a car, whether it drives to Tenterden (5-6 miles) or to Benenden (3 miles), pollutes and deprives residents of the health-giving pleasure of walking to school. The AL/BE 3&4 are contrary to STR2, to the NPPF and to KCC policy on climate change.
- . Appendix L (pp331-2) shows *Scores for Reasonable Sites in Benenden*. Here we see scores for 158 and 222, two sites close to the village centre. Of 158, we read "A site that scores several neutrals with some positives, let down by its land use and landscape score impacted by a loss of a greenfield site in the AONB and *lack of services and facilities including public transport at the settlement.*" This SA report compares poorly with the SA TWBC carried on site 158 in 2006. 158 is parallel to and just north of the Street with its exit onto New Pond Road. In 2006 site 158 was chosen in a village referendum as the site for a new C of E primary school. It was the preferred site out of a choice of two, both of which were greenfield. TWBC's 2006 SA on 158 decided (see page 18 of the *Sustainability Appraisal Benenden Church of England Primary School Land Allocation DPD - Issues and Options* report), that 158 was one of two top sites. "Situated adjacent to an area of ancient woodland, the site provides the potential for habitat linkages and wildlife corridors. The site is not adjacent to the CA and does not form a significant role in its setting. There are no Listed Buildings on or adjacent to the site. The site is consistent with the surrounding landscape character. There are limited views into the site and no public rights of way over the site." On page 38, we read, "This site is anticipated to have a major beneficial effect on improving educational standards and travel choice/traffic levels". In spite of the referendum result, the school was eventually built at the less preferred site and, since then, TWBC had been in consultation with 158's owners to build houses there. In April 2018, BNP Steering Committee Deputy Chair, a borough councillor, showed the committee a piece of paper from TWBC saying that TWBC wishes to build 174 houses on site 158. He committed himself to seeing these numbers reduced and the numbers at the East End raised. After a meeting between representatives from the BNP group and TW planners on June 19th, 2018, the minutes reported that "At times the workshop was emotive ...". Following that meeting TW planners put site 158 on temporary hold, limiting development there to a future Local Plan by asking, in the first draft of the LP on page 270, that the Uphill site on New Pond Road, adjacent to 158 and allocated at that time as AL/BE3, should, under Clause 8, provide for vehicular access through Uphill to the site behind (158) "which may be allocated for development as part of a future Local Plan." In the PSLP, this wording for Clause 8 has disappeared. Where is the evidence-base for such wording to be included in the first draft and excluded in the second? Why is the site considered suitable in 2006, in 2018, and in the first draft, but not suitable in the PSLP?
- . Site 222, like 158 is described in Appendix L of the PSLP's SA as suffering from "a lack of services and facilities including public transport at the settlement." This is inaccurate. There is a daily bus service along Benenden Street and site 222 is within easy walking distance of the bus stop, shops, pub, community hall, primary school and all other amenities.
- . Site LS8, in the heart of Iden Green is, along with site 158 and 222, a site which on-the-ground evidence suggests is eminently suitable for development, but which the SA fails to allocate. Appendix L of the SA gives LS8 virtually the same scores as Uphill (LS16 of AL/BE1) yet the latter is included for development and the former is not. The commentary states of LS8 "A number of scores are negative however, reflecting the remote location of the site from services and facilities and public transport. It scores negatively in heritage terms as the site is a relatively sizeable piece of the Iden Green Conservation Area." This site is far less remote than sites AL/BE 3 & 4. It is one mile from the village and connected to it by a paved footpath running past a Roadside Conservation Area and then (still paved) through a field to the church and primary school. It is on a bus route and the bus stop is next to LS8. Iden Green has a community hall, tennis courts, a children's playground and pub/restaurant. The SA information is unreliable and the PSLP's use of it for site allocation is unwise.

1 **Policies AL/BE3&4 are not consistent with the PSLP's Vision objectives nor with its strategies, nor with KCC's policies, nor with the NPPF.**

- . The PSLP's Vision Objective 1 is : "to improve access to suitable, especially affordable housing, including for local young people and older households." But this is inconsistent with allocations AL/BE 3 & 4. BHS is asking in its comments on the LP first draft, for a lower number of affordable homes because of the high cost of brownfield development. Living isolated in the countryside, families will need at least two cars. Old and young will be unable to walk to schools, shops or any other amenities. This is not a suitable site for a borough which (see para 2.16) expects the population over the age of 65 + to increase by around 40% between 2020 and 2038.
- . The PSLP's Vision Objective 2 is to ensure sustainable development which allocations at AL/BE 3&4 do not achieve. On the contrary, the KCC warns that even with the existing permission for 24 houses on AL/BE3, the highway authority had concerns. This is an isolated location, deep in the countryside (see KCC Highways email 13 Nov 2019). More than 24 houses in this location is not sustainable.
- . **Policy PSTR/BE1**, LBD 5.416 states "the LBD around Benenden village sets the extent of existing and planned development .." This conflicts with the recommendation that major development be instated three miles beyond the LBD, on the border with Biddenden.
- . **Policy STR 2** "The Council requires the use of masterplanning, including the use of design codes and sustainable design standards where appropriate, for strategic and larger-scale developments.." This is undermined by AL/BE 3&4 which calls for a masterplan for an area not included in the PSLP and not presented. Para 1a of Policy AL/BE3 states that there is a need to "show indicatively how the other areas included within Policies AL/BE3 and AL/BE 4 can be developed to meet the overall policy requirements as set out within each of these policies, and *how the future needs for Benenden Hospital will be met on areas to the north west and south west that currently comprise the hospital buildings and associated ancillary uses and is previously developed land.*" It is not sound to proceed with an LP where the land to be developed is not clearly indicated from the start.
- . **A masterplan is essential to avoid current inconsistencies on the size of areas to be developed:** AL/BE3 excludes one of the 2 Local Wildlife Sites (LWS) at the site, yet the BNP includes both. Para 5.458 states "Both this policy and BNP draft Policy SSP3 broadly follow the same approach towards the potential for developing this site for a residential development.." They do not. The PSLP states that in the event of a successful referendum, the BNP's proposals will prevail. If this is so, are we supposed to assume that AL/BE3 map is inaccurate?
- . A similar problem arises at the northern site (AL/BE4) here there are currently 18 dwellings. The proposal allows for these to be demolished and another 25 dwellings added to the site. The size of the area to be developed varies between the LP and the BNP. The LP includes the LWS in the area to be developed but the BNP includes only a small section, but says in the event of a successful referendum the BNP plan will be over-ruled by the LP plan (see the BPC response April 2021 to the Independent Examiner's queries). This is the reverse of 5.421 & 2. It is unsound to proceed with a plan when the NP and the LP are at odds with each other.
- . **The PSLP claims building will only be within existing footprints**, an approach which is at odds with that of the BHS. Plans for 47 new houses in AL/BE3, presented to the village on 17th February 2020 by the hospital architects, show the buildings are not to be built within the footprint of previous buildings nor to respect LWS.
- . **Policy STR 3** calls for the use of brownfield sites "within settlements" and in "sustainable locations." AL/BE 3 consists of disused medical buildings and 2 LWS with parkland and veteran trees (depending on whether this second LWS is included or not). 5.448 is therefore incorrect. The site should be described not as brownfield but as partly brownfield. It is not on the brownfield register. Because of its remote location and its valuable LWS sites, it is not free from constraints which could be mitigated. As such, Policy AL/BE3 does not meet the criteria needed under the NPPF, Section 11, para 117 for development in "a way that makes as much use as possible of previously-developed or 'brownfield' land." AL/BE 4 contains in-use residential housing and an LWS and therefore is not brownfield.
- . **Policy STR 5** states that "New residential ... development will be supported if sufficient infrastructure capacity is either available or can be provided in time to serve the development." Will this happen at AL/BE3&4? Developers themselves are to provide the infrastructure at AL/BE 3&4. The LP proposes to take on trust suggestions that the BHS will avoid building on the LWS and will provide play-grounds, sports facilities and tennis courts. We know from submissions following the first draft LP, that BHS is actually planning to remove one LWS entirely and that its

plans include building on the LWS and beyond the foot print of previous buildings. BHS suggests, in its response to the first draft LP (DLP_4956) that it is unlikely to provide play-grounds, sports facilities and tennis courts. The PSLP's approach does not take comments to the first draft LP into account.

- Policy STR 6** proposes to "Deliver future development in accessible locations, normally within or in close proximity to existing towns and villages across the borough." In the case of the two isolated hospital sites, the PSLP contradicts its own strategic policy and fails to offer choices in transport or to prioritise active travel and public transport. The Benenden hospital sites have no daily bus service and no active travel link to the village, and neither the PSLP nor the BHS provide credible information on how these links are to be provided. The KCC email of Nov 13 suggests that the hospital is uncooperative on the proposal to organise a minibus service and the SHELAA says of AL/BE3 that it is "Remote from a settlement centre," (unlike sites 158, 222 and LS8); that residents will rely heavily on private cars and thus air quality and travel objectives score negatively; and that, "although promoted by the policy, shared transport and active travel options are unlikely to take precedence over private vehicle use thus air quality and climate change score negatively." This we feel is the nub of the issue. For all the talk of mitigating the remoteness of the hospital sites with a minibus link and cycle routes, nobody actually believes that any of these measures will succeed. As for the proposal to create links suitable for electric personal vehicles, such as mobility scooters (as suggested under STR 6), it is difficult to see, when the closest link with the village is a single-track lane (Walkhurst Road), how any personal electric vehicle could make that journey. The PSLP is creating, through its policies AL/BE3&4, a car dependent community. This thereby negates the sense of the LP's supporting document, *Transport Strategy Review Sept 2019* which urges reducing the need to travel.
- AL/BE3&4 also undermine TWBC's Full Council motion of July 2019 to reduce CO2 emissions. "The dominance of the car as a mode of transport can lead to congestion, more road accidents, air and noise pollution. In addition it contributes to climate change, reduces social cohesion and leads to less healthy lifestyles" (para 44 *Transport Review*). According to TW's own SA from 2006, if social cohesion, reduction in air pollutants, and public health were indeed the borough's priorities, sites chosen for development in Benenden would have included site 158.
- PSLP paras 5.453 and 5.467** state that "residents of development in this location will rely heavily on private cars." These plans runs counter to STR6 policy on the environment see paras 6.8, 6.9, 6.10, 6.11 and 6.13. It also contravenes KCC policies on climate change and the NPPF (see KCC's Nov 13, 2019 letter on this subject).
- Para 5.414** "The parish provides two relatively large sources of employment: at Benenden Hospital and at Benenden School." The inference is that the employment opportunities are linked somehow to the population of Benenden. There is in fact little connection. The 300 plus staff at the hospital drive into the parish along GGR to work and, since the hospital is isolated from the village, their contribution to the local economy is negligible.
- Policy STR 6** The LP proposes to "Deliver future development in accessible locations, normally within or in close proximity to existing towns and villages across the borough." In the case of the two isolated hospital sites, the LP contradicts its own strategic policy and fails to offer choices in transport or to prioritise active travel and public transport.
- Cycle routes:** The PSLP's standards on the public benefits of cycling and walking are based on the *Cycle Strategy Supporting Document*, but these standards are undermined by site allocation in Benenden. The Cycle document states that: "When more people cycle or walk the health of the population improves and our roads become safer and less congested." Its objectives 4 and 5 are to improve safety for cyclists and air quality for all, but AL/BE 3 & 4 will create a community, deep in the countryside, entirely dependent on the car and will contribute to poorer air quality for all. The allocation of these sites, as opposed to sites such as 158, is difficult to understand.
- The *Cycle Strategy* states that fear of traffic is possibly the main factor discouraging people from cycling. National Cycle Route 18 runs from the Rolvenden Road, down Stepneyford Lane, to Green Lane, before joining the Benenden Road near the hospital, turning right and leading to Castleton's Oak Cross roads and Gribblebridge Lane. This route is a largely on-road ride travelling through the High Weald, using narrow, picturesque country lanes as much as possible. Green Lane/Stepneyford Lane is mentioned in TWBC's Rural Lanes: Supplementary Planning Guidance. It is particularly high scoring in terms of its landscape, its recreational value, its natural beauty and its history. For these reasons, it is part of National Route 18. Rather than encouraging cycling, AL/BE3, which proposes two exits for this major development on GGR and two on Green Lane (where a second housing estate, at Cleveland's Farm is already leading to Kent Highways calling

for road widening and the elimination of grass verges - see building application 20/03267/FULL) will cause an increase in those factors, identified in *TW Cycle Strategy*, as discouraging cyclists, namely, traffic and the loss of unspoilt country lanes. Policy AL/BE3 also contravenes Kent Structure Plan Policy ENV13: "Rural lanes which are of landscape, amenity, nature conservation, historic or archaeological importance will be protected from changes which would damage their character, and enhanced." In any event, the cycle route is purely recreational and will not enhance the sustainability of these sites.

- . **Policy STR 7** proposes, in dealing with TWBC's 2019 legally binding commitment to manage climate change, that all development in the borough will support the Council's target to achieve net zero emissions by 2030. It is unsound, with such a goal, to propose a major development on the parish periphery, 3 miles equidistant from two villages where there is no shop (in spite of the PLSP's statement AL/BE 3&4) and no café (BHS says its café was built for its own use not for the use of the public - see comments on the first draft of the LP). Residents will need their cars for almost everything.
- . **Policy STR1** promotes the effective use of previously developed land, having due regard to relevant Plan policies, but in promoting AL/BE3&4, the PSLP disregards STR6 (environmental goals) & STR7 (transport goals).
- . Under the NPPF, sustainability is the priority, as the PSLP acknowledges in STR3, 4.65 "A presumption of sustainability lies at the heart of the NPPF", but in allocating AL/BE 3&4, the PSLP fails to respect its own and the NPPF's strategic priorities.
- . **Policy STR 8** states that development should contribute to and enhance rural landscapes with particular regard to the High Weald (HW) AONB. The PSLP promotes nature conservation. Its biodiversity objective is to achieve net gains and, where possible, secure long-term management of sites for biodiversity. AL/BE3 runs counter to this strategy since the BHS has produced plans showing houses built over the LWS. It has, furthermore, produced a document requiring that one of the two LWS be dug up and removed to another unspecified location, thereby nullifying the terms of the existing Landscape and Ecology Management Plan (LEMP) for that site. Para 3.21 of the BHS submission on the first draft LP states: *"The Society supports the requirement for long-term management of the core areas of LWS associated with the hospital land. This includes all but the modest area within the SEQ adjoining Peak Lodge which is too constraining on the South East Quadrant redevelopment proposals. Accordingly, the soils in the area will be translocated to a nearby receptor site to try to ensure that the rare fungi can continue to thrive in this local area."* This is a particularly significant site for biodiversity. A letter from Keith Nicholson, former Planning and Conservation officer for the Kent Wildlife Trust, dated 4 March 2013, to TWBC Development Control Officer, Ellen Gilbert states that the hospital LWS are of national importance, mainly for the large number of different varieties of waxcaps. He states that they could well have been designated SSSI. Both in terms of waxcaps and in terms of valuable acid grassland, the hospital sites have high environmental value, see Comment DLP_3458 on the first draft of the LP, from the High Weald AONB Unit. The Benenden Hospital site *"includes rare and vulnerable acid grassland which should form a core area for unimproved grassland as part of a High Weald nature recovery network."* AL/BE3&4 threaten the biodiversity of significant species in the LWS at the hospital sites, contrary to EN1.
- . The LWS to the south of AL/BE3 is included in the BNP and BPC argues that this has been done in order to protect it (see their response to the Independent Examiner April 2021). It is difficult to follow this logic. The inclusion of the site in the area to be developed suggests that it too could be under threat.
- . There is no plan showing the placement of houses on AL/BE 4, which is currently home to a large LWS and is the site of 18 habitable dwellings, almost all of the them currently in use and let. The proposal allows for these to be demolished and another 25 dwellings added to the site. The PSLP includes the LWS in the area to be developed and the BNP excludes most of it. Benenden Parish Council (BPC), in its April 2021 response to the Independent Examiner, has said that, in this case of a successful referendum, the PSLP's plan (which includes the LWS), will prevail. In other words, of the 3 LWS in AL/BE 3&4, one is slated for removal, one will be built over if the PSLP prevails and one may be built over if the BNP prevails. This undermines STR8.
- . The PSLP claims that the hospital development "has the potential to improve the setting of the HW AONB through the delivery of a more sensitive redevelopment of existing buildings" (para 5.454), but the claim is not supported by evidence produced by the *Hankinson & Duckett* (see above) while the HW AONB unit's own view is the opposite. See TW first Draft LP, **DLP_3458**

High Weald AONB Unit (which objects to the Plan) : “....In our view the development at Benenden Hospital will have a significant effect on the setting of the AONB and the purposes of its designation, and this issue has not been properly considered by the Plan.”

. Also, the NPPF section 2 para 11

. “Plans and decisions should apply a presumption in favour of sustainable development... ..(b) strategic policies should provide for objectively assessed needs for housing ...that cannot be met within neighbouring areas unless ... (i) the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area.” And see Footnote 6: the policies referred to are those in the Framework ... relating to habitat sites (and those sites listed in para 176) and /or designated as SSSI, AONBs

. NPPF para 177 requires that “an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.” No such assessment has been undertaken.

PSLP EN1 para 5. Biodiversity and geodiversity.

AL/BE 3&4 run counter to this policy as stated above in relation to the LWS.

The Environment

STR8 sets high environmental standards but these are undermined in the site allocations. This is particularly startling in the light of the July 2019 Full Council motion to recognise the climate and biodiversity emergency, in fact, the Benenden allocations put into question whether the motion was passed in good faith.

EN1 para 5 (Biodiversity and geodiversity) says that proposals should maximise opportunities to increase biodiversity. This goal may make sense in an urban setting, but development in the countryside, as is proposed in AL/BE 3 & 4, cannot hope to ever mitigate biodiversity loss. The destruction of trees and wild spaces, the introduction of lighting, kerbs, driveways, wider roads and narrower verges, the use of concrete, tarmac, bricks and mortar in a deeply rural setting cannot “increase biodiversity”.

EN1 provides for Long-term Management plans which would be satisfactory within an urban context. In a rural location like the East End, such plans are no substitute for natural wild spaces. A ‘managed’ green space set among streets is less likely to promote biodiversity and less likely to conserve wildlife than ‘unmanaged’ green space. Further, the three LWS in AL/BE3 are all already part of an existing LEMP agreement, and since one or all would be removed in the case of development as outlined by BHS under AL/BE3&4, instead of creating a long-term management plan, AL/BE3&4 would all but terminate an existing one. The sentiments expressed in EN1 are mocked by AL/BE3&4.

1 Site policies

AL/BE3 excludes one of the 2 LWS at the site, and the BNP includes both, yet para 5.458 states “Both this policy and BNP draft Policy SSP3 broadly follow the same approach towards the potential for developing this site for a residential development..” This does not appear to be the case. Further, the SHELAA treats this site twice, once including the southern LWS (and excluding Windmill Cottage) and once excluding the LWS and including Windmill Cottage (SHELAA pages 1-3 and pages 18-19). In the second instance, the suggestion is for 67-73 houses, presumably building over the LWS. The first plan is the one adopted in the PSLP and appears to be the more accurate of the two in that it describes the site as “mostly PDL”. The second ignores all greenfield aspects and is almost identical to the plan in the BNP, a plan which BNP claims will prevail if it wins a referendum. Is AL/BE3 presenting us with the wrong plan?

AL/BE3 and AL/BE4 provide for a phased timetable for development of the two sites at different time intervals without calling for a comprehensive masterplan for the hospital site as a whole i.e. for the entire built up area. This is inconsistent with STR2, which requires a masterplan for large developments. The full extent of the area to be developed must be clear. See para 1a of Policy AL/BE3 which states that there is a need to “show indicatively how the other areas included within Policies AL/BE3 and AL/BE 4 can be developed to meet the overall policy requirements as set out within each of these policies, and how the future needs for Benenden Hospital will be met on areas to the north west and south west that currently comprise the hospital buildings and associated ancillary uses and is previously developed land.” It is not sound to proceed with an LP where the land to be developed is not indicated from the start.

AL/BE3&4 both call for an active travel link between the site and Benenden village. This proposal has been costed (see BPC's April 2021 reply to the Independent Examiner) at between £180,000 and £220,000 for a 3m wide tarmacked surface, plus costs to upgrade it to a bridleway, plus the costs associated with obtaining landowners' consent or, failing that, of starting compulsory purchase proceedings which TWBC expresses reluctance to undertake because of the significant compensation costs and legal costs which would be involved. No steps have been taken either by the BNP or TWBC to ascertain the willingness of landowners to give up their land although the major landowner involved wrote to BNP on 11th Sept. 2019 objecting to the plan. It is understood that he was not contacted for subsequent discussion.

AL/BE3&4 calls for the repurposing of the existing tennis courts for the use of local residents, which BHS denies it will offer for public use; for the public use of the hospital's café; for the creation of a hospital shop (5.413); for a minibus service linking the hospital to the village ("The Society is not a transport provider" is BHS' response); for green space, a playground and provision of a community hall - most of these policies are refuted in Savills' comments on behalf of BHS, in the first draft of the LP, DLP_ 4956 paras 3.14, 3.18, 3.19, 3.20, 3.46 and 3.47. Rather than agreeing to such policies, the hospital is calling on TWBC to introduce a more flexible funding system to allow a *reduction* of developer costs. BHS argues these will be high because they wish to demolish existing buildings. It is unsound to propose policies which cannot be implemented. Once the sites are sold, no relevant conditions to this effect could be imposed.

1 The PSLP is unsound because of inconsistencies in the treatment of different sites.

- . **Uphill, AL/BE1** is described as having archaeological potential (para 5.428) requiring possible mitigation measures. This is not because of historical finds on the site, but because they might be found. A listed manor house lies on the other side of New Pond Road and, according to AL/BE1, "the site lies within, or very close to the relevant impact risk zone for Parsonage Wood", a SSSI which is, in fact, several miles away. The archaeological significance of AL/BE 3&4 is far more certain and substantial. The hospital sites are where a bronze age palstaff was found (see the National Monument Register - SMR Number /Hob UID)) and the sites lie close to two ancient routeways. A Roman Road runs west-east (on BHS farmland) a few yards to the south of AL/BE3 and a medieval drove road (GGR), runs west-east between the two sites. Further, two Grade II Listed Buildings are sited here, also on BHS land. The Lister building stands a few yards to the west of AL/BE3 and Cleveland Farm house (the farmyard of which BHS is trying to develop separately and simultaneously as if a minor planning project) lies a few yards to the south. Instead of mentioning these facts, AL/BE3&4 reads (5.456 and 5.468) "Kent County Council states that the site includes significant archaeology, which could be dealt with through suitable conditions on a planning approval." The imbalance in the treatment of the two sites is substantial and suggests prejudice.
- . The SHELAA assessment of site 158 suggests a potential yield of 50-65 houses, but then concludes that only the Uphill part of the site is suitable (20 houses). It states that "the remainder of the site is sensitive in landscaping terms and there is concern regarding scale and impact on the character of the landscape and settlement pattern". This is contrary to the views of TW's 2006 SA; to the TW 2018 document proposing 174 houses; and to the first draft of the LP. The dismissal of 158 as a suitable site is not supported by the evidence and suggests prejudice.
- . Site 222, west of the cross roads, was also considered in 2006, as a possible site for the new village school, though it was not one of the top two sites put to a referendum. The SHELAA suggests 222 has a potential for 76 houses. The site is considered unsuitable partly because the new LBD, if adopted, will exclude all houses west of the cross roads, when the village actually extends a considerable length along this road to the west. There is no mention of the fact that the owners of this site are offering the pond at the south west corner of the crossroads as village green space. The dismissal of 222 is not supported by the evidence and suggests prejudice.
- . The SHELAA suggests a capacity of 26 houses at Site LS8 in Iden Green, stating that it lies adjacent to the recreation ground and a children's nursery and that there is a pavement on both sides of Iden Green's main road. It fails to mention that the easternmost side of this pavement connects the village to the village primary school. The SHELAA dismisses the site as unsuitable saying that it is located in a remote location relative to services, facilities and public transport, but this site is far less remote than sites AL/BE 3&4. The dismissal of site LS8 is not supported by the evidence and suggests prejudice.
- . The proposed new LBD has been constructed so as to include the new site at Uphill and to exclude 222, when in fact, the actual built development extends westwards from the crossroads

and includes site 222. The LBD is ignored in respect of AL/BE3&4. Manipulation of the LBD to suit allocated sites is inappropriate.

As a general comment, I have found the process unnecessarily difficult to navigate. In fact, from the point of view of the ordinary lay-man, I would term the process 'hostile'. The interactive on-line site was unmanageable. The PSLP's prose entirely suited the opaqueness of the procedure. Here is one example from the SA (page 163) "However, the education objective does not deteriorate when considering cumulative effects as the schools in Tenterden will be a viable option for residents in East End and thus are likely to take the pressure off Benenden Primary School."

Question 6

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Question 5 above. (Please note that non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

The modifications needed are included in the submissions set out above. In summary, development on site AL/BE 3 should be limited to the existing, so far unused, planning permission for 24 houses, preferably by adapting the Garland Wing, which is a building of historic value, either to a wellness centre, in accordance with its original intention, or to a row of up to 10 terraced houses. Site AL/BE 4 already has 18 semi-detached houses on it, and cannot support any more. It should therefore be excluded. Housing should be allocated to sites (such as 158 and 222 in the village centre or LS8 in Iden Green) which lie on bus routes or are within walking distance of the village centre and school. Paragraphs 5.421 and 5.422 should be omitted.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)? . Yes, I wish to participate in hearing session(s)

Question 7a

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

In order to put over my case, and to answer those with vested interests who may seek to put forward arguments against it.

Question 8

If you have any separate comments you wish to make on the accompanying Sustainability Appraisal, please make them here.

1. The Sustainability Appraisal (SA) is misleading. Table 58 on page 163 states that all Benenden sites "lack services, facilities and travel options". This belies the fact that AL/BE2 (Feoffee almshouses) is close to the Street as is AL/BE1 (Uphill). Both sites are within walking distance of the bus stop for daily bus services, the post office, village shop, the primary school, the village green, the butchers, pub, community hall, church, recreation ground and children's playground. AL/BE 3 & 4 are three miles north east of the village with no daily bus service and no amenities whatsoever.
2. The commentary on Table 58, (page 163 of the SA), states that East End sites score badly on Climate Change and Travel, yet these are the sites promoted for most houses.
3. The SA argues on page 163 that East End residents will send their children to schools in Tenterden instead of to the village primary school, and that this will lessen the otherwise seriously negative effects of the two hospital sites. This is pure conjecture and possibly wishful thinking. The school has a good reputation and currently between 70 and 75% of children there come from outside the parish. East End children will have precedence over these, since intake depends on the distance of a child's residence from the school. Pressure on Benenden Primary School will increase, not decrease. Further, the use of a car, whether it drives to Tenterden (5-6 miles) or to Benenden (3 miles), pollutes and deprives residents of the health-giving pleasure of walking to school. The AL/BE 3&4 are contrary to STR2, to the NPPF and to KCC policy on climate change.
4. Appendix L (pp331-2) shows Scores for Reasonable Sites in Benenden. Here we see scores for 158 and 222, two sites close to the village centre. Of 158, we read "A site that scores several neutrals with some positives, let down by its land use and landscape score impacted by a loss of a greenfield site in the AONB and lack of services and facilities including public transport at the settlement." This SA report compares poorly with the SA which TWBC carried out on site 158 in 2006. 158 is parallel to and just north of the Street with its exit onto New Pond Road. In 2006 site 158 was chosen in a village referendum as the site for a new C of E primary school. It was the preferred site out of a choice of two, both of which were greenfield. TWBC's 2006 SA on 158 decided (see page 18 of the Sustainability Appraisal Benenden Church of England Primary School Land Allocation DPD - Issues and Options report), that 158 was one of two top sites. "Situated adjacent to an area of ancient woodland, the site provides the potential for habitat linkages and wildlife corridors. The site is not adjacent to the CA [Conservation Area] and does not form a significant role in its setting. There are no Listed Buildings on or adjacent to the site. The site is consistent with the surrounding landscape character. There are limited views into the site and no public rights of way over the site." On page 38, we read, "This site is anticipated to have a major beneficial effect on improving educational standards and travel choice/traffic levels". In spite of the referendum result, the school was eventually built at the less preferred site and, since then, TWBC had been in consultation with 158's owners to build houses there.
5. In April 2018, BNP Steering Committee Deputy Chair, a borough councillor, showed the committee a piece of paper from TWBC saying that TWBC wishes to build 174 houses on site 158. He committed himself to seeing these numbers reduced and the numbers at the East End raised. After a meeting between representatives from the BNP group and TW planners on June 19th, 2018, the minutes reported that "At times the workshop was emotive ..." Following that meeting TW planners put site 158 on temporary hold, limiting development there to a future Local Plan by asking, in the first draft of the LP on page 270, that the Uphill site on New Pond Road, adjacent to 158 and allocated at that time as AL/BE3, should, under Clause 8, provide for vehicular access through Uphill to the site behind (158) "which may be allocated for development as part of a future Local Plan." In the PSLP, this wording for Clause 8 has disappeared. Where is the evidence-base for such wording to be included in the first draft and excluded in the second? Why is the site considered suitable in 2006, in 2018, and in the first draft, but not suitable in the PSLP?
6. Site 222, like 158 is described in Appendix L of the PSLP's SA as suffering from "a lack of services and facilities including public transport at the settlement." This is inaccurate. There is a daily bus service along Benenden Street and site 222 is within easy walking distance of the bus stop, shops, pub, community hall, primary school and all other amenities.
7. Site LS8, in the heart of Iden Green is, along with site 158 and 222, a site which on-the-ground evidence suggests is eminently suitable for development, but which the SA fails to allocate. Appendix L of the SA gives LS8 virtually the same scores as Uphill (LS16 of AL/BE1) yet the latter is included for development and the former is not. The commentary states of LS8 "A number of scores are negative however, reflecting the remote location of the site from services and facilities and public transport. It scores negatively in heritage terms as the site is a relatively sizeable piece of the Iden Green

Conservation Area.” This site is far less remote than sites AL/BE 3 & 4. It is one mile from the village and connected to it by a paved footpath running past a Roadside Conservation Area and then (still paved) through a field to the church and primary school. It is on a bus route and the bus stop is next to LS8. Iden Green has a community hall, tennis courts, a children’s playground and pub/restaurant. The SA information is unreliable and the PSLP’s use of it for site allocation is unwise.

8. In so far as Benenden is concerned, the sites were allocated before any sustainability appraisal was commissioned. It is not therefore a relevant factor in the allocation of sites for housing.

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:

Yes, I wish to be notified of future stages of the Local Plan

Comment

Consultee	Mrs Anne Ludlow [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] Ashford [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Mrs Anne Ludlow [REDACTED]
Comment ID	PSLP_198
Response Date	14/05/21 13:01
Consultation Point	Policy AL/BE 4 Land at Benenden Hospital (north of Goddards Green Road), East End (View)
Status	Processed
Submission Type	Other
Version	0.7
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Anne Ludlow
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy AL/BE 4 Land at Benenden Hospital (north of Goddards Green Road), East End

[TWBC: this representation has been input against Policies PSTR/BE 1, AL/BE 3 and AL/BE 4 - see Comment Numbers PSLP_196, PSLP_197 and PSLP_198]

Question 4

Do you consider that the Local Plan:

Is legally compliant	No
Is sound	No
Complies with the Duty to Cooperate	No

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:	. It is not positively prepared
	. It is not effective
	. It is not justified
	. It is not consistent with national policy

Question 5

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

Paragraph No(s) Para 5.413, 5.414, 5.416, 5.420, 5.421, 5.422, 5.428, 5.452, 5.453, 5.454, 5.456, 5.458, 5.467, 5.468 Policy No. Objective 1, Objective 2, STR1, STR2, STR3, STR5, STR6, STR7, STR8, PSTR/BE1, Policy AL/BE1, Policy AL/BE3, Policy AL/BE4, EN1 Sustainability Appraisal SHELAA Policies Map (Inset Map No(s)) Inset Map 18

This submission concerns the parish of Benenden, the only parish in the borough to have made its own allocations. The Benenden Neighbourhood Plan (BNP) has been developed in close consultation with TWBC, with the BNP in the lead. The BNP announced its allocations in February 2019, before inviting AECOM to produce its Strategic Environmental Assessment. Pre-Submission Local Plan, para 5.420 reads "The BNP was submitted to TWBC in October 2020 and was consulted on between 30 October and 11 December 2020." But the allocations had been made and published in February 2019. Further, Para 5.420 states "The BNP proposes to include site allocation policies that follow the approach of the site allocation policies for Benenden in this Local Plan." BNP allocations were first published in February 2019 i.e. before LP site allocation policies.

Allocations made by the LP, when it took up the BNP's baton, are therefore inevitably linked to BNP's weaknesses. Yet if the BNP passes a referendum before acceptance of the LP, it is said that it will take precedence over the LP (see para 5.421), with the exception of its plans for the northern site at Benenden hospital, which will be overruled by the plans advanced in the LP (see Benenden Parish Council April 2021 response to Independent Examiner queries on the BNP). This is in contravention of para 5.422 which talks of making "modifications to the LP" so that it matches the BNP.

1 Community involvement. EN1: this requirement has not been respected.

- . In Benenden, almost all new housing is slated for the East End, yet the Friends of the East End (FEE), were never asked to meet with the BNP steering group.
- . See EN1 para 9 requiring the effective engagement of the local community, neighbours of sites and others. The FEE submitted three petitions, two to the BNP and one in relation to the LP. A FEE submission with 127 signatures was submitted on April 4th 2019 in response the Informal Draft NP (published on February 23, 2019), in which the allocations later adopted by the LP were first set out. A FEE submission with 164 signatures was submitted in October 2019 objecting to the first draft of the LP, and in the same month, a FEE submission with 167 signatures was submitted in relation to the Reg 16 draft BNP. See the FEE's current online petition with more than 450 signatures <https://www.change.org/EastEndFriends>

- . Instead of being consulted, the FEE were ignored and belittled. They were informed on 11th March 2019 by the editor of the Parish Magazine (PM), husband of the Chair of the Parish Council, that “I’m of the view that much of the uncertainty has passed since the presentation of the plan to the village - to a highly favourable reception. At least we no longer have to give polite credence to *uninformed views* that fly in the face of TWBC policy and advocate direct and *pointless confrontation* with TWBC, thereby running the risk of having the entire BNDP thrown back in our faces. *The ensuing chaos hardly bears thinking about.* At least it seems the opinions now being afforded most weight are those of *people who have worked hard for two years to understand the issues* and come up with a coherent way forward.”
- . One of the regular articles on the BNP submitted by the chair of the BNP Steering Group appeared in January 2020. It dismisses FEE opposition suggesting only “31 residents from the East End” sent in comments.
- . The core group behind the BNP has consistently tried to persuade those who support the FEE to desist. The chair of the Parish Council and the chair of the BNP Steering Group have twice asked to meet a Tunbridge Wells Alliance (TWA) Borough Councillor for the parish, once together with a TWA borough council candidate, in efforts to persuade them to adhere to the BNP’s approach and not to listen to the FEE.
- . The organiser of the FEE was a member of the Steering Committee 2017/2018 as chair of the Environmental Group. She expressed strong disagreement with a Borough Councillor who lives in the village (on occasion, he deputises as chair of the Steering Group) about his wish to step up allocations in the East End and suppress TWBC’s wish to build 174 houses on site 158. As a result, the Steering Group chair (using his own word), “sacked” her. This is contrary to EN1 para 9, encouraging early, proactive and effective engagements and the requirement that views expressed should be properly considered.
- . Consultation also failed in relation to the neighbouring parish of Biddenden. The Clerk of Biddenden Council has repeatedly responded to BPC in the course of the BNP consultation process, but received only acknowledgments. A Kent County Councillor and Ashford Borough Councillor wrote an article about BNP’s mismanagement of the parish of Biddenden in the Biddenden Parish Magazine, February 2021.
- . The LP is based on the BNP and BNP allocations were made before consultations with stakeholders such as the AONB. This is not consulting in a timely fashion. Further, the LP requires surveys of the hospital sites *after* the designation of the sites for development, for example, archaeological surveys (see AL/BE 3&4). Historic England (HE) asks for the surveys to be carried out *before*. See HE’s comments on the first draft LP (DLP_4556) - “we would expect the allocation of sites following on from this Strategy policy (STR1) to be subject to appropriately robust and detailed heritage impact assessment *prior to the allocations being adopted.*”
- 1 **The PSLP is not based on sound evidence**
 - . Throughout the LP process, misstatements have been made about amenities in Benenden’s East End. These may be traced back to a submission made by traffic and highways consultants, Transport Planning Associates (TPA) to Benenden Healthcare Society Ltd. (BHS). This submission was recently disclosed in BHS’s response to the Independent Examiner’s queries in relation to the BNP. TPA’s information is sometimes inaccurate and sometimes misleading and we consider it here in detail because it is difficult otherwise, to understand how the LP was able to continue, iteration after iteration, to relate false information about the hospital site.
 - . In October 2019, TPA reported (para 2.6) that there was a footpath along the southern edge of Goddards Green Road (GGR) and the PSLP, para 5.452 states “There is an intermittent pavement along GGR”. The GGR is a long road running from New Pond Road to Castleton’s Oak crossroads, and was formerly a lane. The pavement is limited to the short section immediately outside the hospital buildings. To say that there is an intermittent pavement along GGR is misleading.
 - . The TPA refers to the East End as a village, which it is not. The East End runs from the junction of GGR and Walkhurst Road, along the GGR to the border with Tenterden, then turns south to reach close to Hole Park in Rolvenden, then east back to Walkhurst Road at the site of the stream, then along Walkhurst Road back to GGR (see the old Electoral Roll for 2004 when the East End had its own polling station). It is a large, totally rural area of several square miles, which was why it was chosen as the site for an isolation hospital in 1906. Today it contains only 76 houses scattered across the entire area. The PSLP consistently refers to the East End as a hamlet. It is not, which is why BPC is able to advertise itself on its website as “Serving the people of Benenden and Iden Green” without any reference to the East End.

- . The TPA says that “a day nursery is located immediately to the north of the Site within 400m.” There is incorrect, yet this error is repeated in para 5.413 of the PSLP “There are also nursery/pre-school facilities at Iden Green and East End.” An accurate account would mention Iden Green only.
- . The TPA states that there are daily bus services along GGR provided by bus nos. 24 and 299, and twice a day service provided by the Hopper bus. This information is incorrect. The 2019 Hopper bus, operated by the Tenterden social services hub on an experimental basis, failed in only a matter of months. While the 24 and the 299 buses pass along GGR, they do so on only one day a week. The 24 on Tuesdays and the 299 on Wednesdays. The East End has almost no public transport.
- . The TPA makes several statements in relation to traffic which have fed misinformation into the system to be reflected in AL/BA3&4. This misinformation was only recently revealed when documents were provided by BHS following April 2021 queries raised by the Independent Examiner on the BNP. These documents include a TPA ‘Scoping Note’ on road and traffic conditions at the site and a letter written in response to this Note from KCC Highways, dated 13 Nov. 2019. The TPA states that the GGR is 7m wide at the hospital site which detracts from the fact that it is actually a winding rural lane, now called a road, and varies considerably in width. It may at some point be 7m wide, but at others, it is so narrow that two lorries have difficulty passing each other. The TPA claims that there is no need for a road safety review because there have been “no personal injury accidents” recorded within 1,000m. Castleton’s Oak crossroads lie 1.5 km from the site and accidents there are frequent, largely due to increasing traffic at the hospital. The hospital has turned itself into an almost exclusively out-patient centre and almost all its 300 employees drive in to work from outside the parish (formerly, they were housed on site in hospital staff buildings). Kent County Council (KCC) Highways make constant and repeated attempts to lower the risk of injury at the crossroads. Works there are ongoing at this time. The TPA claims that no traffic surveys are necessary which is a point queried in the KCC Highways’ email. The email talks of the “heavy car dependency” of residents in any housing in this location and says this was one of its concerns, even at the time of the original application asking for only 24 houses. The email states that BHS’s plans (and therefore AL/BE 3&4) are contrary to the NPPF and to KCC’s own policy objectives, and points out that the hospital has not co-operated over the idea of a minibus to provide transport from the site to Benenden. The letter calls for: traffic counts along the GGR; a wider crash analysis; and expresses concern over the proposed access points to the SE Quadrant - 2 on Green Lane and 2 on GGR. Lastly, on trip generation, the TPA projects that 47 houses at the site will produce only 106 trips a day, though the consultants admit that they have difficulty in basing their estimate on comparable sites because there are none. These trip generation figures ignore existing traffic from local residents, from patients, from hospital staff and from the newly (January 2021) proposed housing estate at Cleveland. The AL/BE 3&4 fails to provide a traffic count, fails to ask for a road safety review and fails to acknowledge frequent traffic accidents near the sites.
- . Pre-submission supporting documents also produce inaccurate and sometimes irrelevant evidence. The hospital sites are within the setting of an AONB and even overlap into it, yet *Inset Map 18* (Benenden Hospital), unlike other maps attached, makes no reference to the AONB boundary. The BNP claims that the hospital is outside the AONB and on this basis, since the rest of the village is wholly within the AONB, largely justifies placing most of Benenden’s housing in the East End. The relationship of the AONB boundary to the hospital sites is important yet it is ignored on the map. This looks like prejudice.
- . Hankinson Duckett Associates’s *AONB Setting Analysis Report* (a supporting document for the PSLP, referred to as an evidence base) is, in its analysis of AL/BE3&4, unsound. The analysis argues that development at these sites will enhance the setting of the AONB. It illustrates the argument with photos of the hospital chapel and its carpark. Neither chapel nor car park are in the area up for development.
- . The *Sustainability Appraisal* (SA) is misleading. Table 58 on page 163 states that all Benenden sites “lack services, facilities and travel options”. This belies the fact that AL/BE2 (Feoffee almshouses) is close to the Street as is AL/BE1 (Uphill). Both sites are within walking distance of the bus stop for daily bus services, the post office, village shop, the primary school, the village green, the butchers, pub, community hall, church, recreation ground and children’s playground. AL/BE 3 & 4 are three miles northeast of the village with no daily bus service and no amenities whatsoever.

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1 **Policies AL/BE3&4 are not consistent with the PSLP's Vision objectives nor with its strategies, nor with KCC's policies, nor with the NPPF.**

- . The PSLP's Vision Objective 1 is : "to improve access to suitable, especially affordable housing, including for local young people and older households." But this is inconsistent with allocations AL/BE 3 & 4. BHS is asking in its comments on the LP first draft, for a lower number of affordable homes because of the high cost of brownfield development. Living isolated in the countryside, families will need at least two cars. Old and young will be unable to walk to schools, shops or any other amenities. This is not a suitable site for a borough which (see para 2.16) expects the population over the age of 65 + to increase by around 40% between 2020 and 2038.
- . The PSLP's Vision Objective 2 is to ensure sustainable development which allocations at AL/BE 3&4 do not achieve. On the contrary, the KCC warns that even with the existing permission for 24 houses on AL/BE3, the highway authority had concerns. This is an isolated location, deep in the countryside (see KCC Highways email 13 Nov 2019). More than 24 houses in this location is not sustainable.
- . **Policy PSTR/BE1**, LBD 5.416 states "the LBD around Benenden village sets the extent of existing and planned development .." This conflicts with the recommendation that major development be instated three miles beyond the LBD, on the border with Biddenden.
- . **Policy STR 2** "The Council requires the use of masterplanning, including the use of design codes and sustainable design standards where appropriate, for strategic and larger-scale developments.." This is undermined by AL/BE 3&4 which calls for a masterplan for an area not included in the PSLP and not presented. Para 1a of Policy AL/BE3 states that there is a need to "show indicatively how the other areas included within Policies AL/BE3 and AL/BE 4 can be developed to meet the overall policy requirements as set out within each of these policies, and *how the future needs for Benenden Hospital will be met on areas to the north west and south west that currently comprise the hospital buildings and associated ancillary uses and is previously developed land.*" It is not sound to proceed with an LP where the land to be developed is not clearly indicated from the start.
- . **A masterplan is essential to avoid current inconsistencies on the size of areas to be developed:** AL/BE3 excludes one of the 2 Local Wildlife Sites (LWS) at the site, yet the BNP includes both. Para 5.458 states "Both this policy and BNP draft Policy SSP3 broadly follow the same approach towards the potential for developing this site for a residential development.." They do not. The PSLP states that in the event of a successful referendum, the BNP's proposals will prevail. If this is so, are we supposed to assume that AL/BE3 map is inaccurate?
- . A similar problem arises at the northern site (AL/BE4) here there are currently 18 dwellings. The proposal allows for these to be demolished and another 25 dwellings added to the site. The size of the area to be developed varies between the LP and the BNP. The LP includes the LWS in the area to be developed but the BNP includes only a small section, but says in the event of a successful referendum the BNP plan will be over-ruled by the LP plan (see the BPC response April 2021 to the Independent Examiner's queries). This is the reverse of 5.421 & 2. It is unsound to proceed with a plan when the NP and the LP are at odds with each other.
- . **The PSLP claims building will only be within existing footprints**, an approach which is at odds with that of the BHS. Plans for 47 new houses in AL/BE3, presented to the village on 17th February 2020 by the hospital architects, show the buildings are not to be built within the footprint of previous buildings nor to respect LWS.
- . **Policy STR 3** calls for the use of brownfield sites "within settlements" and in "sustainable locations." AL/BE 3 consists of disused medical buildings and 2 LWS with parkland and veteran trees (depending on whether this second LWS is included or not). 5.448 is therefore incorrect. The site should be described not as brownfield but as partly brownfield. It is not on the brownfield register. Because of its remote location and its valuable LWS sites, it is not free from constraints which could be mitigated. As such, Policy AL/BE3 does not meet the criteria needed under the NPPF, Section 11, para 117 for development in "a way that makes as much use as possible of previously-developed or 'brownfield' land." AL/BE 4 contains in-use residential housing and an LWS and therefore is not brownfield.
- . **Policy STR 5** states that "New residential ... development will be supported if sufficient infrastructure capacity is either available or can be provided in time to serve the development." Will this happen at AL/BE3&4? Developers themselves are to provide the infrastructure at AL/BE 3&4. The LP proposes to take on trust suggestions that the BHS will avoid building on the LWS and will provide play-grounds, sports facilities and tennis courts. We know from submissions following the first draft LP, that BHS is actually planning to remove one LWS entirely and that its

plans include building on the LWS and beyond the foot print of previous buildings. BHS suggests, in its response to the first draft LP (DLP_4956) that it is unlikely to provide play-grounds, sports facilities and tennis courts. The PSLP's approach does not take comments to the first draft LP into account.

- . **Policy STR 6** proposes to "Deliver future development in accessible locations, normally within or in close proximity to existing towns and villages across the borough." In the case of the two isolated hospital sites, the PSLP contradicts its own strategic policy and fails to offer choices in transport or to prioritise active travel and public transport. The Benenden hospital sites have no daily bus service and no active travel link to the village, and neither the PSLP nor the BHS provide credible information on how these links are to be provided. The KCC email of Nov 13 suggests that the hospital is uncooperative on the proposal to organise a minibus service and the SHELAA says of AL/BE3 that it is "Remote from a settlement centre," (unlike sites 158, 222 and LS8); that residents will rely heavily on private cars and thus air quality and travel objectives score negatively; and that, "although promoted by the policy, shared transport and active travel options are unlikely to take precedence over private vehicle use thus air quality and climate change score negatively." This we feel is the nub of the issue. For all the talk of mitigating the remoteness of the hospital sites with a minibus link and cycle routes, nobody actually believes that any of these measures will succeed. As for the proposal to create links suitable for electric personal vehicles, such as mobility scooters (as suggested under STR 6), it is difficult to see, when the closest link with the village is a single-track lane (Walkhurst Road), how any personal electric vehicle could make that journey. The PSLP is creating, through its policies AL/BE3&4, a car dependent community. This thereby negates the sense of the LP's supporting document, *Transport Strategy Review Sept 2019* which urges reducing the need to travel.
- . AL/BE3&4 also undermine TWBC's Full Council motion of July 2019 to reduce CO2 emissions. "The dominance of the car as a mode of transport can lead to congestion, more road accidents, air and noise pollution. In addition it contributes to climate change, reduces social cohesion and leads to less healthy lifestyles" (para 44 *Transport Review*). According to TW's own SA from 2006, if social cohesion, reduction in air pollutants, and public health were indeed the borough's priorities, sites chosen for development in Benenden would have included site 158.
- . **PSLP paras 5.453 and 5.467** state that "residents of development in this location will rely heavily on private cars." These plans runs counter to STR6 policy on the environment see paras 6.8, 6.9, 6.10, 6.11 and 6.13. It also contravenes KCC policies on climate change and the NPPF (see KCC's Nov 13, 2019 letter on this subject).
- . **Para 5.414** "The parish provides two relatively large sources of employment: at Benenden Hospital and at Benenden School." The inference is that the employment opportunities are linked somehow to the population of Benenden. There is in fact little connection. The 300 plus staff at the hospital drive into the parish along GGR to work and, since the hospital is isolated from the village, their contribution to the local economy is negligible.
- . **Policy STR 6** The LP proposes to "Deliver future development in accessible locations, normally within or in close proximity to existing towns and villages across the borough." In the case of the two isolated hospital sites, the LP contradicts its own strategic policy and fails to offer choices in transport or to prioritise active travel and public transport.
- . **Cycle routes:** The PSLP's standards on the public benefits of cycling and walking are based on the *Cycle Strategy Supporting Document*, but these standards are undermined by site allocation in Benenden. The Cycle document states that: "When more people cycle or walk the health of the population improves and our roads become safer and less congested." Its objectives 4 and 5 are to improve safety for cyclists and air quality for all, but AL/BE 3 & 4 will create a community, deep in the countryside, entirely dependent on the car and will contribute to poorer air quality for all. The allocation of these sites, as opposed to sites such as 158, is difficult to understand.
- . The *Cycle Strategy* states that fear of traffic is possibly the main factor discouraging people from cycling. National Cycle Route 18 runs from the Rolvenden Road, down Stepneyford Lane, to Green Lane, before joining the Benenden Road near the hospital, turning right and leading to Castleton's Oak Cross roads and Gribblebridge Lane. This route is a largely on-road ride travelling through the High Weald, using narrow, picturesque country lanes as much as possible. Green Lane/Stepneyford Lane is mentioned in TWBC's Rural Lanes: Supplementary Planning Guidance. It is particularly high scoring in terms of its landscape, its recreational value, its natural beauty and its history. For these reasons, it is part of National Route 18. Rather than encouraging cycling, AL/BE3, which proposes two exits for this major development on GGR and two on Green Lane (where a second housing estate, at Cleveland's Farm is already leading to Kent Highways calling

for road widening and the elimination of grass verges - see building application 20/03267/FULL) will cause an increase in those factors, identified in *TW Cycle Strategy*, as discouraging cyclists, namely, traffic and the loss of unspoilt country lanes. Policy AL/BE3 also contravenes Kent Structure Plan Policy ENV13: "Rural lanes which are of landscape, amenity, nature conservation, historic or archaeological importance will be protected from changes which would damage their character, and enhanced." In any event, the cycle route is purely recreational and will not enhance the sustainability of these sites.

- . **Policy STR 7** proposes, in dealing with TWBC's 2019 legally binding commitment to manage climate change, that all development in the borough will support the Council's target to achieve net zero emissions by 2030. It is unsound, with such a goal, to propose a major development on the parish periphery, 3 miles equidistant from two villages where there is no shop (in spite of the PLSP's statement AL/BE 3&4) and no café (BHS says its café was built for its own use not for the use of the public - see comments on the first draft of the LP). Residents will need their cars for almost everything.
- . **Policy STR1** promotes the effective use of previously developed land, having due regard to relevant Plan policies, but in promoting AL/BE3&4, the PSLP disregards STR6 (environmental goals) & STR7 (transport goals).
- . Under the NPPF, sustainability is the priority, as the PSLP acknowledges in STR3, 4.65 "A presumption of sustainability lies at the heart of the NPPF", but in allocating AL/BE 3&4, the PSLP fails to respect its own and the NPPF's strategic priorities.
- . **Policy STR 8** states that development should contribute to and enhance rural landscapes with particular regard to the High Weald (HW) AONB. The PSLP promotes nature conservation. Its biodiversity objective is to achieve net gains and, where possible, secure long-term management of sites for biodiversity. AL/BE3 runs counter to this strategy since the BHS has produced plans showing houses built over the LWS. It has, furthermore, produced a document requiring that one of the two LWS be dug up and removed to another unspecified location, thereby nullifying the terms of the existing Landscape and Ecology Management Plan (LEMP) for that site. Para 3.21 of the BHS submission on the first draft LP states: *"The Society supports the requirement for long-term management of the core areas of LWS associated with the hospital land. This includes all but the modest area within the SEQ adjoining Peak Lodge which is too constraining on the South East Quadrant redevelopment proposals. Accordingly, the soils in the area will be translocated to a nearby receptor site to try to ensure that the rare fungi can continue to thrive in this local area."* This is a particularly significant site for biodiversity. A letter from Keith Nicholson, former Planning and Conservation officer for the Kent Wildlife Trust, dated 4 March 2013, to TWBC Development Control Officer, Ellen Gilbert states that the hospital LWS are of national importance, mainly for the large number of different varieties of waxcaps. He states that they could well have been designated SSSI. Both in terms of waxcaps and in terms of valuable acid grassland, the hospital sites have high environmental value, see Comment DLP_3458 on the first draft of the LP, from the High Weald AONB Unit. The Benenden Hospital site *"includes rare and vulnerable acid grassland which should form a core area for unimproved grassland as part of a High Weald nature recovery network."* AL/BE3&4 threaten the biodiversity of significant species in the LWS at the hospital sites, contrary to EN1.
- . The LWS to the south of AL/BE3 is included in the BNP and BPC argues that this has been done in order to protect it (see their response to the Independent Examiner April 2021). It is difficult to follow this logic. The inclusion of the site in the area to be developed suggests that it too could be under threat.
- . There is no plan showing the placement of houses on AL/BE 4, which is currently home to a large LWS and is the site of 18 habitable dwellings, almost all of the them currently in use and let. The proposal allows for these to be demolished and another 25 dwellings added to the site. The PSLP includes the LWS in the area to be developed and the BNP excludes most of it. Benenden Parish Council (BPC), in its April 2021 response to the Independent Examiner, has said that, in this case of a successful referendum, the PSLP's plan (which includes the LWS), will prevail. In other words, of the 3 LWS in AL/BE 3&4, one is slated for removal, one will be built over if the PSLP prevails and one may be built over if the BNP prevails. This undermines STR8.
- . The PSLP claims that the hospital development "has the potential to improve the setting of the HW AONB through the delivery of a more sensitive redevelopment of existing buildings" (para 5.454), but the claim is not supported by evidence produced by the *Hankinson & Duckett* (see above) while the HW AONB unit's own view is the opposite. See TW first Draft LP, **DLP_3458**

High Weald AONB Unit (which objects to the Plan) : “....In our view the development at Benenden Hospital will have a significant effect on the setting of the AONB and the purposes of its designation, and this issue has not been properly considered by the Plan.”

. Also, the NPPF section 2 para 11

. “Plans and decisions should apply a presumption in favour of sustainable development... ..(b) strategic policies should provide for objectively assessed needs for housing ...that cannot be met within neighbouring areas unless ... (i) the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area.” And see Footnote 6: the policies referred to are those in the Framework ...relating to habitat sites (and those sites listed in para 176) and /or designated as SSSI, AONBs

. NPPF para 177 requires that “an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.” No such assessment has been undertaken.

PSLP EN1 para 5. Biodiversity and geodiversity.

AL/BE 3&4 run counter to this policy as stated above in relation to the LWS.

The Environment

STR8 sets high environmental standards but these are undermined in the site allocations. This is particularly startling in the light of the July 2019 Full Council motion to recognise the climate and biodiversity emergency, in fact, the Benenden allocations put into question whether the motion was passed in good faith.

EN1 para 5 (Biodiversity and geodiversity) says that proposals should maximise opportunities to increase biodiversity. This goal may make sense in an urban setting, but development in the countryside, as is proposed in AL/BE 3 & 4, cannot hope to ever mitigate biodiversity loss. The destruction of trees and wild spaces, the introduction of lighting, kerbs, driveways, wider roads and narrower verges, the use of concrete, tarmac, bricks and mortar in a deeply rural setting cannot “increase biodiversity”.

EN1 provides for Long-term Management plans which would be satisfactory within an urban context. In a rural location like the East End, such plans are no substitute for natural wild spaces. A ‘managed’ green space set among streets is less likely to promote biodiversity and less likely to conserve wildlife than ‘unmanaged’ green space. Further, the three LWS in AL/BE3 are all already part of an existing LEMP agreement, and since one or all would be removed in the case of development as outlined by BHS under AL/BE3&4, instead of creating a long-term management plan, AL/BE3&4 would all but terminate an existing one. The sentiments expressed in EN1 are mocked by AL/BE3&4.

1 Site policies

AL/BE3 excludes one of the 2 LWS at the site, and the BNP includes both, yet para 5.458 states “Both this policy and BNP draft Policy SSP3 broadly follow the same approach towards the potential for developing this site for a residential development..” This does not appear to be the case. Further, the SHELAA treats this site twice, once including the southern LWS (and excluding Windmill Cottage) and once excluding the LWS and including Windmill Cottage (SHELAA pages 1-3 and pages 18-19). In the second instance, the suggestion is for 67-73 houses, presumably building over the LWS. The first plan is the one adopted in the PSLP and appears to be the more accurate of the two in that it describes the site as “mostly PDL”. The second ignores all greenfield aspects and is almost identical to the plan in the BNP, a plan which BNP claims will prevail if it wins a referendum. Is AL/BE3 presenting us with the wrong plan?

AL/BE3 and AL/BE4 provide for a phased timetable for development of the two sites at different time intervals without calling for a comprehensive masterplan for the hospital site as a whole i.e. for the entire built up area. This is inconsistent with STR2, which requires a masterplan for large developments. The full extent of the area to be developed must be clear. See para 1a of Policy AL/BE3 which states that there is a need to “show indicatively how the other areas included within Policies AL/BE3 and AL/BE 4 can be developed to meet the overall policy requirements as set out within each of these policies, and how the future needs for Benenden Hospital will be met on areas to the north west and south west that currently comprise the hospital buildings and associated ancillary uses and is previously developed land.” It is not sound to proceed with an LP where the land to be developed is not indicated from the start.

AL/BE3&4 both call for an active travel link between the site and Benenden village. This proposal has been costed (see BPC's April 2021 reply to the Independent Examiner) at between £180,000 and £220,000 for a 3m wide tarmacked surface, plus costs to upgrade it to a bridleway, plus the costs associated with obtaining landowners' consent or, failing that, of starting compulsory purchase proceedings which TWBC expresses reluctance to undertake because of the significant compensation costs and legal costs which would be involved. No steps have been taken either by the BNP or TWBC to ascertain the willingness of landowners to give up their land although the major landowner involved wrote to BNP on 11th Sept. 2019 objecting to the plan. It is understood that he was not contacted for subsequent discussion.

AL/BE3&4 calls for the repurposing of the existing tennis courts for the use of local residents, which BHS denies it will offer for public use; for the public use of the hospital's café; for the creation of a hospital shop (5.413); for a minibus service linking the hospital to the village ("The Society is not a transport provider" is BHS' response); for green space, a playground and provision of a community hall - most of these policies are refuted in Savills' comments on behalf of BHS, in the first draft of the LP, DLP_ 4956 paras 3.14, 3.18, 3.19, 3.20, 3.46 and 3.47. Rather than agreeing to such policies, the hospital is calling on TWBC to introduce a more flexible funding system to allow a *reduction* of developer costs. BHS argues these will be high because they wish to demolish existing buildings. It is unsound to propose policies which cannot be implemented. Once the sites are sold, no relevant conditions to this effect could be imposed.

1 The PSLP is unsound because of inconsistencies in the treatment of different sites.

- . **Uphill, AL/BE1** is described as having archaeological potential (para 5.428) requiring possible mitigation measures. This is not because of historical finds on the site, but because they might be found. A listed manor house lies on the other side of New Pond Road and, according to AL/BE1, "the site lies within, or very close to the relevant impact risk zone for Parsonage Wood", a SSSI which is, in fact, several miles away. The archaeological significance of AL/BE 3&4 is far more certain and substantial. The hospital sites are where a bronze age palstaff was found (see the National Monument Register - SMR Number /Hob UID)) and the sites lie close to two ancient routeways. A Roman Road runs west-east (on BHS farmland) a few yards to the south of AL/BE3 and a medieval drove road (GGR), runs west-east between the two sites. Further, two Grade II Listed Buildings are sited here, also on BHS land. The Lister building stands a few yards to the west of AL/BE3 and Cleveland Farm house (the farmyard of which BHS is trying to develop separately and simultaneously as if a minor planning project) lies a few yards to the south. Instead of mentioning these facts, AL/BE3&4 reads (5.456 and 5.468) "Kent County Council states that the site includes significant archaeology, which could be dealt with through suitable conditions on a planning approval." The imbalance in the treatment of the two sites is substantial and suggests prejudice.
- . The SHELAA assessment of site 158 suggests a potential yield of 50-65 houses, but then concludes that only the Uphill part of the site is suitable (20 houses). It states that "the remainder of the site is sensitive in landscaping terms and there is concern regarding scale and impact on the character of the landscape and settlement pattern". This is contrary to the views of TW's 2006 SA; to the TW 2018 document proposing 174 houses; and to the first draft of the LP. The dismissal of 158 as a suitable site is not supported by the evidence and suggests prejudice.
- . Site 222, west of the cross roads, was also considered in 2006, as a possible site for the new village school, though it was not one of the top two sites put to a referendum. The SHELAA suggests 222 has a potential for 76 houses. The site is considered unsuitable partly because the new LBD, if adopted, will exclude all houses west of the cross roads, when the village actually extends a considerable length along this road to the west. There is no mention of the fact that the owners of this site are offering the pond at the south west corner of the crossroads as village green space. The dismissal of 222 is not supported by the evidence and suggests prejudice.
- . The SHELAA suggests a capacity of 26 houses at Site LS8 in Iden Green, stating that it lies adjacent to the recreation ground and a children's nursery and that there is a pavement on both sides of Iden Green's main road. It fails to mention that the easternmost side of this pavement connects the village to the village primary school. The SHELAA dismisses the site as unsuitable saying that it is located in a remote location relative to services, facilities and public transport, but this site is far less remote than sites AL/BE 3&4. The dismissal of site LS8 is not supported by the evidence and suggests prejudice.
- . The proposed new LBD has been constructed so as to include the new site at Uphill and to exclude 222, when in fact, the actual built development extends westwards from the crossroads

and includes site 222. The LBD is ignored in respect of AL/BE3&4. Manipulation of the LBD to suit allocated sites is inappropriate.

As a general comment, I have found the process unnecessarily difficult to navigate. In fact, from the point of view of the ordinary lay-man, I would term the process 'hostile'. The interactive on-line site was unmanageable. The PSLP's prose entirely suited the opaqueness of the procedure. Here is one example from the SA (page 163) "However, the education objective does not deteriorate when considering cumulative effects as the schools in Tenterden will be a viable option for residents in East End and thus are likely to take the pressure off Benenden Primary School."

Question 6

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Question 5 above. (Please note that non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

The modifications needed are included in the submissions set out above. In summary, development on site AL/BE 3 should be limited to the existing, so far unused, planning permission for 24 houses, preferably by adapting the Garland Wing, which is a building of historic value, either to a wellness centre, in accordance with its original intention, or to a row of up to 10 terraced houses. Site AL/BE 4 already has 18 semi-detached houses on it, and cannot support any more. It should therefore be excluded. Housing should be allocated to sites (such as 158 and 222 in the village centre or LS8 in Iden Green) which lie on bus routes or are within walking distance of the village centre and school. Paragraphs 5.421 and 5.422 should be omitted.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)? . Yes, I wish to participate in hearing session(s)

Question 7a

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

In order to put over my case, and to answer those with vested interests who may seek to put forward arguments against it.

Question 8

If you have any separate comments you wish to make on the accompanying Sustainability Appraisal, please make them here.

1. The Sustainability Appraisal (SA) is misleading. Table 58 on page 163 states that all Benenden sites "lack services, facilities and travel options". This belies the fact that AL/BE2 (Feoffee almshouses) is close to the Street as is AL/BE1 (Uphill). Both sites are within walking distance of the bus stop for daily bus services, the post office, village shop, the primary school, the village green, the butchers, pub, community hall, church, recreation ground and children's playground. AL/BE 3 & 4 are three miles north east of the village with no daily bus service and no amenities whatsoever.
2. The commentary on Table 58, (page 163 of the SA), states that East End sites score badly on Climate Change and Travel, yet these are the sites promoted for most houses.
3. The SA argues on page 163 that East End residents will send their children to schools in Tenterden instead of to the village primary school, and that this will lessen the otherwise seriously negative effects of the two hospital sites. This is pure conjecture and possibly wishful thinking. The school has a good reputation and currently between 70 and 75% of children there come from outside the parish. East End children will have precedence over these, since intake depends on the distance of a child's residence from the school. Pressure on Benenden Primary School will increase, not decrease. Further, the use of a car, whether it drives to Tenterden (5-6 miles) or to Benenden (3 miles), pollutes and deprives residents of the health-giving pleasure of walking to school. The AL/BE 3&4 are contrary to STR2, to the NPPF and to KCC policy on climate change.
4. Appendix L (pp331-2) shows Scores for Reasonable Sites in Benenden. Here we see scores for 158 and 222, two sites close to the village centre. Of 158, we read "A site that scores several neutrals with some positives, let down by its land use and landscape score impacted by a loss of a greenfield site in the AONB and lack of services and facilities including public transport at the settlement." This SA report compares poorly with the SA which TWBC carried out on site 158 in 2006. 158 is parallel to and just north of the Street with its exit onto New Pond Road. In 2006 site 158 was chosen in a village referendum as the site for a new C of E primary school. It was the preferred site out of a choice of two, both of which were greenfield. TWBC's 2006 SA on 158 decided (see page 18 of the Sustainability Appraisal Benenden Church of England Primary School Land Allocation DPD - Issues and Options report), that 158 was one of two top sites. "Situated adjacent to an area of ancient woodland, the site provides the potential for habitat linkages and wildlife corridors. The site is not adjacent to the CA [Conservation Area] and does not form a significant role in its setting. There are no Listed Buildings on or adjacent to the site. The site is consistent with the surrounding landscape character. There are limited views into the site and no public rights of way over the site." On page 38, we read, "This site is anticipated to have a major beneficial effect on improving educational standards and travel choice/traffic levels". In spite of the referendum result, the school was eventually built at the less preferred site and, since then, TWBC had been in consultation with 158's owners to build houses there.
5. In April 2018, BNP Steering Committee Deputy Chair, a borough councillor, showed the committee a piece of paper from TWBC saying that TWBC wishes to build 174 houses on site 158. He committed himself to seeing these numbers reduced and the numbers at the East End raised. After a meeting between representatives from the BNP group and TW planners on June 19th, 2018, the minutes reported that "At times the workshop was emotive ..." Following that meeting TW planners put site 158 on temporary hold, limiting development there to a future Local Plan by asking, in the first draft of the LP on page 270, that the Uphill site on New Pond Road, adjacent to 158 and allocated at that time as AL/BE3, should, under Clause 8, provide for vehicular access through Uphill to the site behind (158) "which may be allocated for development as part of a future Local Plan." In the PSLP, this wording for Clause 8 has disappeared. Where is the evidence-base for such wording to be included in the first draft and excluded in the second? Why is the site considered suitable in 2006, in 2018, and in the first draft, but not suitable in the PSLP?
6. Site 222, like 158 is described in Appendix L of the PSLP's SA as suffering from "a lack of services and facilities including public transport at the settlement." This is inaccurate. There is a daily bus service along Benenden Street and site 222 is within easy walking distance of the bus stop, shops, pub, community hall, primary school and all other amenities.
7. Site LS8, in the heart of Iden Green is, along with site 158 and 222, a site which on-the-ground evidence suggests is eminently suitable for development, but which the SA fails to allocate. Appendix L of the SA gives LS8 virtually the same scores as Uphill (LS16 of AL/BE1) yet the latter is included for development and the former is not. The commentary states of LS8 "A number of scores are negative however, reflecting the remote location of the site from services and facilities and public transport. It scores negatively in heritage terms as the site is a relatively sizeable piece of the Iden Green

Conservation Area.” This site is far less remote than sites AL/BE 3 & 4. It is one mile from the village and connected to it by a paved footpath running past a Roadside Conservation Area and then (still paved) through a field to the church and primary school. It is on a bus route and the bus stop is next to LS8. Iden Green has a community hall, tennis courts, a children’s playground and pub/restaurant. The SA information is unreliable and the PSLP’s use of it for site allocation is unwise.

8. In so far as Benenden is concerned, the sites were allocated before any sustainability appraisal was commissioned. It is not therefore a relevant factor in the allocation of sites for housing.

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:

Yes, I wish to be notified of future stages of the Local Plan

Supporting Information File Ref No: SI_8

Comment

Consultee	Christine Lyle [REDACTED]
Email Address	[REDACTED]
Address	
Event Name	Pre-Submission Local Plan
Comment by	Christine Lyle [REDACTED]
Comment ID	PSLP_145
Response Date	16/05/21 09:51
Consultation Point	Map 5 Site Layout Plan (View)
Status	Processed
Submission Type	Web
Version	0.2
Files	PSLP_142 and 145_license plates_Redacted.pdf 9521082C-18CC-4C34-8309-EE5ED35509F2.jpeg

Question 1

Respondent's Name and/or Organisation	Alan Lyle
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Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

Question 7a

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

Living on Speldhurst road and seeing the daily chaotic traffic issues , I fail to see how an entrance to the development from the road will make any enhances to the existing fragile infrastructure.

If you would like to attach a file in support of your comments, please upload it here. [PSLP 142 and 145 license plates Redacted.pdf](#)

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box: No, I do not wish to be notified of future stages of the Local Plan

Supporting Information File Ref No: SI_8

Comment

Consultee	Christine Lyle [REDACTED]
Email Address	[REDACTED]
Address	
Event Name	Pre-Submission Local Plan
Comment by	Christine Lyle [REDACTED]
Comment ID	PSLP_142
Response Date	16/05/21 09:33
Consultation Point	Map 5 Site Layout Plan (View)
Status	Processed
Submission Type	Web
Version	0.2
Files	PSLP_142 and 145_license plates_Redacted.pdf D2AD9F4F-4D05-4906-96E4-456132DAFCD1.jpeg

Question 1

Respondent's Name and/or Organisation	Christine Lyle
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Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

Question 7a

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If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

Traffic is already congested along Speldhurst road , with school rounds and large jugganults often using the road due to sat nav issues - sever disruption is expected with additional housing, air quality.

Question 8

If you have any separate comments you wish to make on the accompanying Sustainability Appraisal, please make them here.

See photos , a normal school day from my window.

If you would like to attach a file in support of your comments, please upload it here. D2AD9F4F-4D05-4906-96E4-456132DAFCD1.jpeg

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box: Yes, I wish to be notified of future stages of the Local Plan

Comment

Consultee	Christine Lyle [REDACTED]
Email Address	[REDACTED]
Address	
Event Name	Pre-Submission Local Plan
Comment by	Christine Lyle [REDACTED]
Comment ID	PSLP_143
Response Date	16/05/21 09:40
Consultation Point	Policy AL/RTW 5 Land to the south of Speldhurst Road and west of Reynolds Lane at Caenwood Farm, Speldhurst Road (View)
Status	Processed
Submission Type	Web
Version	0.2
Question 1	
Respondent's Name and/or Organisation	Christine Lyle
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy AL/RTW 5 Land to the south of Speldhurst Road and west of Reynolds Lane at Caenwood Farm, Speldhurst Road

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

Question 5

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

Speldhurst road is a residential road that is being used as a "rat run" to get into Tunbridge Wells and beyond due to the congested A26.

Parking is often an issue and the road is forever being resurfaced (due again 17th -19th may) due to over use The new development does not give consideation to the already exhausted infrastructure.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

Question 7a

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If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

Speldhurst road is a residential road that is being used as a "rat run" to get into Tunbridge Wells and beyond due to the congested A26.

Parking is often an issue and the road is forever being resurfaced (due again 17th -19th may) due to over use The new development does not give consideation to the already exhausted infrastructure.

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:

No, I do not wish to be notified of future stages of the Local Plan

Comment

Consultee	Christine Lyle [REDACTED]
Email Address	[REDACTED]
Address	
Event Name	Pre-Submission Local Plan
Comment by	Christine Lyle [REDACTED]
Comment ID	PSLP_144
Response Date	16/05/21 09:45
Consultation Point	Policy AL/RTW 5 Land to the south of Speldhurst Road and west of Reynolds Lane at Caenwood Farm, Speldhurst Road (View)
Status	Processed
Submission Type	Web
Version	0.3
Question 1	

Respondent's Name and/or Organisation	Alan Lyle
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Question 3

To which part of the Local Plan does this representation relate?	Policy
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Question 3a

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy AL/RTW 5 Land to the south of Speldhurst Road and west of Reynolds Lane at Caenwood Farm, Speldhurst Road

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

Question 5

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The fields are a breeding ground for badgers , foxes , numerous birds and the wildlife is a very important part of our ecosystem which needs to be preserved. A designated green belt area until very recently. What considerations are being given to our “dumb “ residents who have no say in having their homes destroyed .

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

Question 7a

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If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

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Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:

	No, I do not wish to be notified of future stages of the Local Plan
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Comment

Consultee	Sarah Macintyre [REDACTED]
Email Address	[REDACTED]
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Sarah Macintyre [REDACTED]
Comment ID	PSLP_1761
Response Date	04/06/21 16:12
Consultation Point	Policy STR/RTW 1 The Strategy for Royal Tunbridge Wells (View)
Status	Processed
Submission Type	Email
Version	0.4
Data inputter to enter their initials here	KH
Question 1	
Respondent's Name and/or Organisation	Sarah Macintyre
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy STR/RTW 1 The Strategy for Royal Tunbridge Wells

Policy AL/RTW 12 Land at Tunbridge Wells Telephone Engineering Centre, Broadwater Down

[TWBC: this representation has been input against Policies STR/RTW1 and AL/RTW12 – see Comment Numbers PSLP_1761 and PSLP_1763]

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

Question 5

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I am writing with respect to the plan for a huge scale development in the south side of the town, around A12 and adjacent areas.

I strongly recommend that the number of proposed dwellings is reduced for reasons highlighted below. I do, however, appreciate the need to use brownfield rather than greenfield sites for development and strongly object to any further development of green field sites, such as the field adjoining the Ramslye estate.

1. There is currently a complete lack of cycling paths, safe cycling routes from this end of town into the centre. Any proposal would need to be a linked up plan, not just a box ticking one which takes a cyclist further away from their destination.
2. The current traffic in the area is already heavy and often at a standstill in the mornings/evenings. There is no proposal to support any changes to this, no vision of how to improve the local traffic conditions or how to reduce pollution and its health impacts on the local community.
3. There are very few safe crossing points in the area - to support pedestrians/non car users.
4. Additional traffic will impact the green spaces that are to remain.
5. Housing that has recently been built in other areas does not appear to be of sustainable, low energy type. Green space designated in these areas for playgrounds are minimal. Cars and garages dominate.

Given the imperative to reduce our carbon footprints, CO₂ emissions and environmental impact, I query where the real sustainability and vision for a cleaner, safer, environmentally friendly plan is.

I would strongly recommend a genuine review to help address these points.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

Comment

Consultee	Sarah Macintyre [REDACTED]
Email Address	[REDACTED]
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Sarah Macintyre [REDACTED]
Comment ID	PSLP_1763
Response Date	04/06/21 16:12
Consultation Point	Policy AL/RTW 12 Land at Tunbridge Wells Telephone Engineering Centre, Broadwater Down (View)
Status	Processed
Submission Type	Email
Version	0.3
Data inputter to enter their initials here	KH
Question 1	
Respondent's Name and/or Organisation	Sarah Macintyre
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy STR/RTW 1 The Strategy for Royal Tunbridge Wells

Policy AL/RTW 12 Land at Tunbridge Wells Telephone Engineering Centre, Broadwater Down

[TWBC: this representation has been input against Policies STR/RTW1 and AL/RTW12 – see Comment Numbers PSLP_1761 and PSLP_1763]

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

Question 5

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Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

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1. There is currently a complete lack of cycling paths, safe cycling routes from this end of town into the centre. Any proposal would need to be a linked up plan, not just a box ticking one which takes a cyclist further away from their destination.
2. The current traffic in the area is already heavy and often at a standstill in the mornings/evenings. There is no proposal to support any changes to this, no vision of how to improve the local traffic conditions or how to reduce pollution and its health impacts on the local community.
3. There are very few safe crossing points in the area - to support pedestrians/non car users.
4. Additional traffic will impact the green spaces that are to remain.
5. Housing that has recently been built in other areas does not appear to be of sustainable, low energy type. Green space designated in these areas for playgrounds are minimal. Cars and garages dominate.

Given the imperative to reduce our carbon footprints, co2 emissions and environmental impact, I query where the real sustainability and vision for a cleaner, safer, environmentally friendly plan is.

I would strongly recommend a genuine review to help address these points.

Question 7

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If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

Comment

Consultee	Joanna Mackenzie [REDACTED]
Email Address	[REDACTED]
Address	
Event Name	Pre-Submission Local Plan
Comment by	Joanna Mackenzie [REDACTED]
Comment ID	PSLP_993
Response Date	02/06/21 22:20
Consultation Point	Policy STR/SS 1 The Strategy for Paddock Wood, including land at east Capel (View)
Status	Processed
Submission Type	Web
Version	0.3
Question 1	
Respondent's Name and/or Organisation	Joanna Mackenzie
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
Policy STR/SS 1 Strategy for Paddock Wood, including land at East Capel	
Question 4	
Do you consider that the Local Plan:	
Is legally compliant	Don't know
Is sound	No
Complies with the Duty to Cooperate	Don't know
Question 4a	

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

- . It is not effective
- . It is not justified
- . It is not consistent with national policy

Question 6

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Question 5 above. (Please note that non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

I have lived in Paddock Wood since 2005, 16 years. Before that I lived in Brenchley. I live with my husband of 14 years and our 8 year old twins who attend Paddock Wood Primary Academy. Prior to Covid-19 my husband owned and worked in the Print Shop on Commercial Road. I work for a company in Tunbridge Wells and I got the train to and from Tunbridge Wells.

I disagree with so many aspects of this sections of the Draft Local Plan for Paddock Wood that I have not known where to start.

The current Infrastructure is not viable. I walk around Paddock Wood at least three times a day between my home in Hunters Chase, Paddock Wood Primary and the town centre. I also walk around the local countryside with my dog. The traffic increase I have seen, even from Mascalls Grange is hugely noticeable. How will Paddock Wood will cope with the increase in traffic from the builders/contractors as well as the home owners? I actually, do not know.

There will not be enough seats on trains (and there's an issue with length of platform so the rail company will not be able to just add more carriages.) Network Rail have suggested they will not increase the width of the current road bridge - indeed this bridge has been mentioned in vehicle access over the railway bridge except for bus services (201124_LCWIP+ Final Report, Page 56 4.12). Paddock Wood and it's residents as well as the ambulances and lorries which rely on Maidstone Road will grind to a halt. Badsell Road floods often during the autumn and winter months, so I am not sure where the traffic will go? Paddock Wood is surrounded by country roads and simply will not cope with the increase in traffic.

Paddock Wood has one primary school. The school planned for Mascalls Grange has not been built due to a low birth rate - so what will happen to the 100's of children arriving in their new homes? Capel School is a tiny village school, as is Brenchley and Matfield and Laddingford. Is there a plan for this scenario?

There has been a noticeable increase in crime locally - with drug misuse and petty crimes being noticeable. There is not a police presence and, indeed, the police station has just been demolished so we no longer have a police station in the size of town we are now; let alone the size of town we are becoming.

The draft local plan for Paddock Wood highlights areas that fall within category 2 and 3a flood risk areas. Residents in East Paddock Wood have had to spend thousands of pounds purchasing their own pumps due to regularity of flooding down Castle Hill, Mile Oak Road and Queen Street. These areas are currently surrounded by apple orchards and blackcurrant fields which are assisting to disperse the run-off, but if these are developed the situation will be exacerbated.

Paddock Wood Surgery is already severely oversubscribed. Within the past few years the radius was extended towards Pembury and with the sudden growth within Paddock Wood from Mascalls Grange Estate plus the building of Foal Hurst Green and Church Farm Estate means that trying to get an

appointment is almost impossible. Regarding the health of Paddock Wood, I know there has been an increase in breathing issues locally with the increase in traffic and dust created by the building developments surrounding Paddock Wood; let alone the increase in traffic.

I feel passionately about Paddock Wood and its residents. Paddock Wood simply can not handle the amount of houses planned for it. It is as simple as that - the Infrastructure is simply not there. I feel incredibly sad that the next 15-20 years will consist of dust, lorries, work trucks and a vast increase in traffic.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

No, I do not wish to participate in examination hearing session(s)

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:

Yes, I wish to be notified of future stages of the Local Plan

Comment

Consultee	Mr C Mackonochie [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] TONBRIDGE [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Mr C Mackonochie [REDACTED]
Comment ID	PSLP_1134
Response Date	04/06/21 14:59
Consultation Point	Section 1: Introduction (View)
Status	Processed
Submission Type	Web
Version	0.2
Question 1	
Respondent's Name and/or Organisation	Charles Mackonochie
Question 3	
To which part of the Local Plan does this representation relate?	Paragraph(s)
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
1.7	
Question 4	
Do you consider that the Local Plan:	
Is legally compliant	Don't know
Is sound	No
Complies with the Duty to Cooperate	Don't know

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because: . It is not positively prepared

Question 5

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

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Stonecastle Farm Quarry is in three Parishes - Hadlow, East Peckham and Capel. Capel Parish is within the Borough - note the plant area and access & egress is located in Capel Parish

Question 6

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

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Omit "at Hadlow"

Add "Stonecastle Farm Quarry is in three Parishes - Hadlow, East Peckham and Capel. Capel Parish is within the Borough - note the plant area and access & egress is located in Capel Parish"

Question 7

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If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)? . Yes, I wish to participate in hearing session(s)

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box: Yes, I wish to be notified of future stages of the Local Plan

Comment

Consultee	Mr C Mackonochie [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] TONBRIDGE [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Mr C Mackonochie [REDACTED]
Comment ID	PSLP_1090
Response Date	04/06/21 16:50
Consultation Point	Section 1: Introduction (View)
Status	Processed
Submission Type	Web
Version	0.4
Question 1	
Respondent's Name and/or Organisation	Charles Mackonochie
Question 3	
To which part of the Local Plan does this representation relate?	Paragraph(s)
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
1.7	
Question 4	
Do you consider that the Local Plan:	
Is legally compliant	Don't know
Is sound	No
Complies with the Duty to Cooperate	Don't know

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because: . It is not positively prepared

Question 5

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Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

Stonecastle Farm Quarry is in three Parishes - Hadlow, East Peckham and Capel, the latter being in the Borough. In addition the processing plant and the entrance and egress to the site is located in Capel. The omission of a statement giving the above information raises the question as to whether the implications of future quarrying together with Tudeley Garden Village and expansion in East Capel have been fully considered

Question 6

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

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Wording in Para 1.7

Omit "at Hadlow"

Add new sentence "Stonecastle Farm Quarry is in three Parishes - Hadlow, East Peckham and Capel, the latter being in the Borough. In addition the processing plant and the entrance and egress to the site is located in Capel. "

An impact assessment is required to investigate the implications of the combined effects of the proposed quarrying, building and the associated infrastructure upon:

Travel including active travel routes, ramblers, horse riders

Landscape and vistas

Biodiversity

Flooding

Pollution – sound, water and air

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)? . Yes, I wish to participate in hearing session(s)

Question 7a

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

To explain and answer questions on the above

I have been actively involved in the whole question of the quarrying at the request of local residents including chairing liaison meetings between the quarry operator, local representatives and residents and attending public mineral hearing

Question 8

If you have any separate comments you wish to make on the accompanying Sustainability Appraisal, please make them here.

Please see Question 6

[TWBC: comments below for ease of reference]

Wording in Para 1.7

Omit "at Hadlow"

Add new sentence "Stonecastle Farm Quarry is in three Parishes - Hadlow, East Peckham and Capel, the latter being in the Borough. In addition the processing plant and the entrance and egress to the site is located in Capel. "

An impact assessment is required to investigate the implications of the combined effects of the proposed quarrying, building and the associated infrastructure upon:

Travel including active travel routes, ramblers, horse riders

Landscape and vistas

Biodiversity

Flooding

Pollution – sound, water and air

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box: Yes, I wish to be notified of future stages of the Local Plan

Comment

Consultee	William MacPherson ([REDACTED])
Email Address	[REDACTED]
Address	- Benenden -
Event Name	Pre-Submission Local Plan
Comment by	William MacPherson ([REDACTED])
Comment ID	PSLP_880
Response Date	01/06/21 09:22
Consultation Point	Policy PSTR/BE 1 The Strategy for Benenden parish (View)
Status	Processed
Submission Type	Email
Version	0.7
Data inputter to enter their initials here	KH
Question 1	
Respondent's Name and/or Organisation	Mr William Macpherson
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Paragraphs 5.420 & 5.421

Policy No. AL/BE1 - Land adjacent to New Pond Road (known as Uphill), Benenden

Policy AL/BE2 - Feoffee Cottages and Land, Walkhurst Road, Benenden

Policy AL/BE3 - Land at Benenden Hospital (south of Goddards Green Road) East End

Policy AL/BE4 - Land at Benenden Hospital (north of Goddards Green Road), east End

Sustainability Appraisal

Inset Map 18

[TWBC: this representation has been input against Policies PSTR/BE 1, AL/BE 3 and AL/BE 3 – see Comment Numbers PSLP_880, PSLP_911 and PSLP_913]

Question 4

Do you consider that the Local Plan:

Is legally compliant	No
Is sound	No
Complies with the Duty to Cooperate	No

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:	. It is not positively prepared
	. It is not effective
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1. The plan is unsound because of inadequacies in the consultation process.

(i) Poor consultation between TWBC and other Borough Councils
A Statement of Common Ground (SoCG) between Maidstone and Tunbridge Wells Borough Councils (TWBC) is published, but nothing is apparently published in relation to Ashford Borough Council or Tonbridge and Malling Borough Council.

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. Looking at the issue in terms of its hectareage:

- according to the PSLP the northern site (AL/BE4) is 3.72 ha and the South East Quadrant (SEQ or AL/BE3) is 3.07 ha;
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The hectareage varies largely according to whether Local Wildlife Sites (LWS) are included in the development area. There are four LWS at the hospital. One of these lies in the northern area (AL/BE4) and two lie in the southern area (AL/BE3). The fourth is in an area not up for development.

- . For AL/BE3, the PSLP excludes the second and the most southerly of its two Local Wildlife Sites (LWS), while the BNP includes both LWS. *Currently, Strutt and Parker are advertising to developers the larger, BNP version of the site for sale, together with Cleveland Farm.* The PSLP states that in the event of the BNP passing a referendum, its own plans for Benenden will be superseded by the BNP (see para 5.421). Which means the plan presented in the PSLP for AL/BE3 is incorrect.
- . For AL/BE4, the PSLP *includes* all the LWS at the site, while the BNP includes only a small southerly section of it. The PSLP states that in the event of the BNP passing a referendum, its own plans for Benenden will be superseded by the BNP (see para 5.421). Which means the plan presented in the PSLP for AL/BE4 is incorrect.
- . For AL/BE4, Savills' comments on behalf of the BHS on the draft Local Plan (LP), propose 43 dwellings for the site which will include the LWS (see TWFDLP Comments, item DLP _ 4956 para 3.6), "Unlike the BNP, the TWLP is broader in the site area by providing a boundary encompassing the entire hospital site, yet aside from the discrepancy addressed previously in this representation the two allocations align in terms of proposed numbers. The Society intends to bring forward the development on the two sites identified through the BNP and *within the boundary identified in the TWLP.* The Society welcomes the consistent approach to unit numbers, and the allocation of both parcels of land through the draft BNP and the TWLP."

In terms of boundaries:

- . BHS understands (see DLP_4956, para 2.8 in TWFDLP Comments) "The North East Quadrant occupies the North East of the site, bordered to the North and East by Mockbeggar Lane, to the south by Goddards Green Lane/ Benenden Road and the West by existing hospital buildings." *In other words, it includes the entire LWS in its area.*
- . To the south, BHS understands (see DLP_4956, para 2.9 in TWFDLP comments), "The South East Quadrant occupies the South East of the site, bordered to the north by Goddards Green Lane/Benenden Road, to the West by Green Lane and to the South and East by agricultural land and the High Weald AONB boundary." *In other words, it includes the whole of the more southerly of the two LWS at the site.*

This means that PSLP's AL/BE3 is inaccurate because the larger BNP plan will likely prevail, while the PSLP's AL/BE4 could be challenged by the BNP (if successful in a referendum) (see PSLP para 5.421) and substantially reduced in size. The PSLP's plans for the two hospital plans are therefore both potentially inaccurate.

A failure to coordinate and effectively consult has produced unsound documents.

(iv) **Poor consultation with stakeholders, the local community and the neighbouring parish** (possibly even more affected by the plans than Benenden), have either not been consulted, or consulted after the fact or consulted but not engaged with.

- . **The Friends of the East End (FEE)** are more affected by the plans than most in the parish but they were not consulted over the development of the BNP on which the PSLP is based. The FEE are mainly residents of the East End which covers about one third of the parish and is a wholly rural location of 76 scattered households. Because it is isolated, it was chosen as the site for an isolation hospital. This now makes up a small enclave close to the border with the neighbouring parish of Biddenden.
 - . The BNP Steering Committee is the only one in the borough to have made its own site allocations and these allocations were published in an Informal Draft Plan (IDP) in February 2019, before consultations with the High Weald -AONB and before inviting AECOM to produce a Strategic Environmental Assessment (SEA). (N.B. Even when the HW-AONB were invited to assess sites they were NOT asked to assess the hospital sites).
 - . The FEE object strongly to the proposal to site almost all the new housing in the East End, but the BNP Steering Committee never asked to meet the FEE nor engaged with them (See EN 1 para 9 requiring the effective engagement of the local community, neighbours of sites and others)
 - . The FEE submitted three petitions, two to the BNP and one in relation to the LP. A FEE submission with 127 signatures was submitted on April 4th 2019 in response to the IDP (published on February 23, 2019), in which the allocations, later adopted by the PSLP were

first set out. A second FEE submission with 164 signatures was submitted in October 2019 objecting to the TWFDLP, and in the same month, a third FEE submission with 167 signatures was submitted in relation to the Reg 16 draft BNP. Instead of acknowledging the strength of these views and the number of people who held them, the chair of the BNP Steering Group, who wrote a regular column in the Parish Magazine about the BNP process, wrote in January 2020, that only "31 residents from the East End" had sent in "comments". For the strength of today's opposition to the BNP, see the FEE's current online petition with over 450 signatures <https://www.change.org/EastEndFriends>.

Instead of being consulted, the FEE were ignored and belittled. They were informed on 11th March 2019 by the editor of the Parish Magazine (PM), husband of the Chair of the Parish Council, that "I'm of the view that much of the uncertainty has passed since the presentation of the plan to the village - to a highly favourable reception. At least we no longer have to give polite credence to *uninformed views* that fly in the face of TWBC policy and advocate direct and *pointless confrontation* with TWBC, thereby running the risk of having the entire BNDP thrown back in our faces. *The ensuing chaos hardly bears thinking about.* At least it seems the opinions now being afforded most weight are those of *people who have worked hard for two years to understand the issues* and come up with a coherent way forward."

Consultation also failed in relation to the neighbouring **parish of Biddenden**. The Clerk of Biddenden Council has repeatedly responded to Benenden Parish Council in the course of the BNP consultation process, but received only acknowledgments. A Kent County Councillor and Ashford Borough Councillor wrote an article about BNP's mismanagement of consultations with the parish of Biddenden in the Biddenden Parish Magazine, February 2021.

2. The plan is unsound because of the untimely publication of site allocations

Pre-Submission Local Plan, para 5.420 reads "The BNP was submitted to TWBC in October 2020 and was consulted on between 30 October and 11 December 2020." But the allocations had already been made and published by the BNP in February 2019 in its so called " Informal Draft Plan". The 2019 February allocations are virtually identical to the PSLP 2021 allocations. Para 5.420 states "The BNP proposes to include site "allocation policies that follow the approach of the site allocation policies for Benenden in this Local Plan." How can the BNP follow the PSLP's approach when its sites were already allocated?

The LP is based on the BNP and BNP allocations were made before **consultations with stakeholders**. This is not consulting in a timely fashion. For example, the PSLP requires archaeological surveys of the hospital sites *after* the designation of the sites for development. Historic England (HE) asks for the surveys to be carried out before allocation (see TWFDLP Comments DLP 4556 - "we would expect the allocation of sites following on from this Strategy policy (STR1) to be subject to appropriately robust and detailed heritage impact assessment prior to the allocations being adopted."

3. The plan is unsound because the evidence on which it is based is inaccurate or irrelevant as seen in Supporting Documents

AONB Setting Analysis report: Main Report and AONB Study Plans and Photographs Benenden Hospital/Hankinson Duckett Associates. November 2020.

See para 4.4.2, the description of the hospital site is for the *entire built up-hospital area*, minus the southerly LWS in the SEQ. It is therefore a *report on an area not submitted in the PSLP*. As a result, it draws its conclusions from areas not included in the PSLP. The conclusions are therefore unsound.

The report:

- is concerned with adding 66-72 additional dwellings in addition to the 18 already extant on the northern site and presumably in addition to the 24 for which planning permission has been granted. That is between 108 and 114 new houses. The PSLP is talking about planning 43 houses for the northern site and 49 for the south. A total of 92 new houses. The report muddies the waters, leaving no clarity.
- fails to note items of critical importance in any attempt to evaluate the landscape and historic importance of the site e.g.
- the east-west Roman Road running over Benenden Healthcare Society (BHS) land a few yards to the south of the site, and the medieval drove road (Goddards Green Road - GGR) which divides the northern site from the southern one;

- . the National Monument Register which lists a Bronze Age palstaff (SMR Number/Hob UID) found at the hospital site, (though, oddly, the report does note Scheduled Monuments in the village);
- . that the site is on an east-west ridge giving it a dominant position in relation to the AONB;
- . that the SEQ development proposes two entrances on to Green Lane and two on to GGR, see Transport Planning Associates (tpa)- October 2019 Scoping note for BHS, 1907-038 under the section headed 'Access', para 4.4 "The consented vehicle access arrangements will be retained. Therefore, vehicle access to the Site will be taken from two access points along Goddards Green Road and two on Green Lane." (This and other documents were revealed to the FEE in May 2021 as a result of the BNP Independent Examiner's queries. In spite of the Examiner's request that all such material be published on-line, this document and the KCC Highways 13 Nov 2019 "Pre-App Response" have been not been published); and
- . offers photos (B5&6) which are irrelevant to the site in question. These photos look south towards an area not up for development, and are taken from a point also not up for development. These omissions undermine the report's conclusion.
- . ***Inset Map 18 (Benenden Hospital)***, unlike other maps attached as supporting documents to the PSLP, Inset Map 18 makes no reference to the AONB boundary. This is a significant omission because both the PSLP and the BNP claim that the hospital is outside the AONB and on this basis, largely justify placing most of Benenden's housing in the East End. Because AL/BE3&4 lie on a high ridge to the north of the parish and because the AONB boundary wraps tightly round the site which bulges, like a balloon, into the AONB, development at the East End significantly affects the AONB. While TWBC acknowledges this by requesting the Hankinson Duckett Report, by publishing Inset Map 18, which omits the AONB boundary, TWBC loses a critical opportunity to show the true relevance of AL/BE 3&4 to the AONB. It could even be said that by leaving out the boundary, there is an implication that the hospital sites are genuinely 'outside' the protected area.
- . ***Previous Stages, Draft Local Plan, Benenden Overview***, p263, provides a basis for the PSLP but contains inaccuracies.
 - . There is no "pre-school/nursery" as stated in the Overview
 - . There is no "Small shop at hospital" as stated in the Overview
 - . The statement that there are tennis courts and a cafe at the site is misleading. In TWFDLP Comments, Savills requests (see DLP_ 4956 para 3.14) that "the requirement to incorporate the tennis courts and retain the sports pavilion is removed" . As for the cafe, BHS states in its comments on the LP that the cafe is for hospital use only.

Question 6

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Question 5 above. (Please note that non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Many of the PSLP's problems are associated with failure in the duty to co-operate and can therefore not be remedied.

Many are due to poor evidence or poor interpretation of evidence. This too cannot be remedied.

In summary, development on site AL/BE3 should be limited to the existing, so far unused, planning permission for 24 houses, preferably by adapting the Garland Wing, which is a building of historic value, either to a wellness centre, in accordance with its original intention, or to a row of up to 10 terraced houses. Site AL/BE4 already has 18 semi-detached houses on it, and cannot support any more. It should therefore be excluded. Housing should be allocated to sites such as 158 and 222 in

the village centre, or to LS8 in Iden Green. These sites all lie within walking distance of shops, other amenities and the primary school. Paragraphs 5.421 and 5.422 should be omitted.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)? . Yes, I wish to participate in hearing session(s)

Question 7a

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

In order to present my case and to answer those with vested interests who may seek to put forward arguments against it.

Question 8

If you have any separate comments you wish to make on the accompanying Sustainability Appraisal, please make them here.

As far as the East End of Benenden is concerned, the plan is unsound because the Sustainability Appraisal, which is the heart of the planning process, provides evidence that is often incorrect, sometimes inadequate, but always untimely because the evidence on which site allocation should depend, follows, instead of precedes, site allocation. This was first published February 2019 in the BNP's Informal Draft Plan. The allocations then made are identical (save for a few additional houses) to those now made in the PSLP. Site allocation cannot be supported in retrospect.

An examination of SA Table 58 pp 161-163 Sites AL/BE 3&4 and Appendix L pp 331-332 shows faults in the SA's evidence base.

Climate Change: AL/BE3&4 are not scored for climate change, nor are sites 158 & 222, yet, inexplicably, climate change is scored for AL/BE1&2 (Uphill and Feoffee) and for LS8. Where is the explanation for the failure to assess all sites, especially when sites 158, 222, AL/BE1&2 are all close to each other? The issue is particularly concerning in that sites AL/BE3&4 are both 3 miles distant from the village and without any amenities. Residents at these sites will be heavily car dependent and this was of concern even when only 24 houses were proposed for the site. "You will see from KCC's comments on the hybrid application (12/03130) that in consideration of this earlier application for 24 dwellings, the highways authority raised concern that all residents will be very heavily car dependent, which is contrary to a number of policy objectives, including the NPPF." (see KCC Pre-App Response, 13 Nov 2019, revealed in response to the BNP's Independent Examiner's queries and still not in the public arena).

Biodiversity: AL/BE3 is considered to be less at risk in terms of biodiversity than AL/BE4 though AL/BE 3 has two Local Wildlife Sites (LWS) while AL/BE 4 has only one. Where is the evidence to support the idea that the one is less important for biodiversity than the other?

The SA's scoring is not supported by evidence in a letter from Keith Nicholson of the Kent Wildlife Trust, former Planning and Conservation officer for the Kent Wildlife Trust, dated 4 March 2013, to TWBC Development Control Officer, Ellen Gilbert in which he states, "The 2012 survey has demonstrated that Benenden hospital LWS is more valuable than previously believed.

The applicant's consultant is now more firmly of the belief that the Site would fulfil the criteria for it to be considered a Site of Special Scientific Interest (paragraph 4.3.6.). The waxcap community is of national importance when judged against both the Reid classification (para 4.3.4.) and the JNCC

Guidelines (para 4.3.5 .)."

Nor is it supported by the view of the HW-AONB as stated in TWFDLP Comments (see OLP _3458) that the hospital LWS "includes rare and vulnerable acid grassland which should form a core area for unimproved grassland as part of a High Weald nature recovery network." Neither the KWT nor the HW-AONB offer any indication that one or other of the L WS at the hospital is of less value than the rest. Further, we now know from

(see web link).

Regulation 18 Representation made by Benenden Healthcare Society, November 2019 that BHS intends to abolish one of the two LWS in AL/BE3, see para 3.21. that "The Society supports the requirement for long-term management of the core areas of the L WS associated with the hospital land. This includes all but the modest area within the SEQ adjoining Peek Lodge which is too constraining on the South East Quadrant redevelopment proposals. Accordingly, the soils in the area will be translocated to a nearby receptor site to try to ensure that the rare fungi can continue to thrive in this local area."

In other words, far from supporting biodiversity, the BHS plan is to reduce it in AL/BE3 and the same is true of AL/BE3 see (in the same document) para 3 .17. "In addition, as highlighted in paragraph 3 .13 above, the Society do not intend to use the area in which the garage block is located as an extension to the Local Wildlife Site (L WS) or for additional sports provision. As such, the Society request that the requirement to specifically use the land occupied by the existing garage block and manage it in the long term for the benefit of the L WS and / or sports provision is removed from the policy requirement." Given this, biodiversity scoring in Table 58 of sites AL/BE3&4 is substantially overrated. Biodiversity at both sites is under threat.

Business Growth: AL/BE3&4 are scored as if they were more favourable to business growth than AL/BE1&2 and sites 158 and 222, but all four of these last-mentioned sites are in the heart of the village where residents will have ready access to local businesses as well as to daily bus services and other services and facilities. Residents at the East End, on the other hand, will have no access to local businesses except by car.

Education: All sites in this SA are scored equally for education, except for site 158 which scores less well. This SA report compares poorly with the SA which TWBC carried out on site 158 in 2006. 158 is parallel to and just north of the Street with its exit onto New Pond Road. In 2006 site 158 was chosen in a village referendum as the site for a new C of E primary school. It was the preferred site out of a choice of two, both of which were greenfield. TWBC's 2006 SA on 158 decided (see page 18 of the Sustainability Appraisal Benenden Church of England Primary School Land Allocation DPD - Issues and Options report), that 158 was one of two top sites. "Situated adjacent to an area of ancient woodland, the site provides the potential for habitat linkages and wildlife corridors. The site is not adjacent to the CA [Conservation Area] and does not form a significant role in its setting. There are no Listed Buildings on or adjacent to the site. The site is consistent with the surrounding landscape character. There are limited views into the site and no public rights of way over the site." On page 38, we read, "This site is anticipated to have a major beneficial effect on improving educational standards and travel choice/traffic levels". In spite of the referendum result, the school was eventually built at the less preferred site and, since then, TWBC had been in consultation with 158's owners to build houses there. If, in 2006, the SA offered site 158 as one of two top sites in the village for building the new primary school where is the evidence that it's appropriateness has somehow massively declined since then? Where is the evidence site 158 is less favourable to education than all the other sites mentioned, especially given that the hospital sites, so favoured for development, are three miles distant from the village school?

Table 58 states that "the education objective does not deteriorate when considering the cumulative effects as the schools in Tenterden will be a viable option for residents in East End." Children from the East End will have priority over the between 70 and 75% of existing pupil at the school who come from outside the parish. On what basis is the assumption made that East End parents will prefer to drive their children 6 miles into Tenterden rather than drive to the primary school in their own village?

Heritage: AL/BE 3 scores slightly less well in terms of its heritage value than AL/BE4 without supporting evidence. How were heritage issues assessed when there is no apparent knowledge of the historic importance of the site, for example: the PSLP makes no mention of the Roman road a few yards south

of AL/BE3; the medieval droveway (GGR), which runs through the site and along the ridge; and the Bronze Age palstaff found at the hospital site (National Monument Register - SMR Number/Hob UID). How can a site be scored or evaluated without at least some knowledge of the sites historic significance? This is available at <https://www.benendenvillage.org.uk/History/benweb2006.pdf> ' and advertised on the Benenden village website.

Services and Facilities: How can sites which are in the heart of the village such as 158 and 222, score the same as sites which are 3 miles distant and isolated in the country? The village has a daily bus service, continuous pavements on both sides of the street, several shops, including a post office, a general store, a butcher and a florist, as well as a pub/restaurant, village green, recreation ground, children's playground, church, memorial hall, village hall and a primary school. In spite of this sites 158 and 222, both as close to the centre as AL/BE1&2, are described as lacking services and facilities including public transport (Appendix L pp 331-332) while the sites chosen for most houses are 3 miles out of the village where there are no amenities whatsoever. LS8 is also described as being remote, but it is only one mile from the village and connected to it by a paved footpath. It is close to a bus stop, a playground, tennis courts and a community hall and it is within walking distance of a pub/restaurant. How can its Services and Facilities be offered the same score as AL/BE3&4? These assessments are not understandable except if the sites were chosen before the SA (as is the case) and the SA had to be manipulated to support those original choices.

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:

<input type="checkbox"/>	Yes, I wish to be notified of future stages of the Local Plan
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Comment

Consultee	William MacPherson ([REDACTED])
Email Address	[REDACTED]
Address	- Benenden -
Event Name	Pre-Submission Local Plan
Comment by	William MacPherson ([REDACTED])
Comment ID	PSLP_911
Response Date	01/06/21 09:22
Consultation Point	Policy AL/BE 3 Land at Benenden Hospital (south of Goddards Green Road), East End (View)
Status	Processed
Submission Type	Email
Version	0.8
Data inputter to enter their initials here	KH
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- . Looking at the issue in terms of its hectareage:
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 - according to BHS, the northern site is 3.7 ha and the southern site is 4.2 ha (see TW First Draft Local Plan comments (TWFDLP comments), Savill for BHS:DLP_4956)

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2. The plan is unsound because of the untimely publication of site allocations

Pre-Submission Local Plan, para 5.420 reads "The BNP was submitted to TWBC in October 2020 and was consulted on between 30 October and 11 December 2020." But the allocations had already been made and published by the BNP in February 2019 in its so called " Informal Draft Plan". The 2019 February allocations are virtually identical to the PSLP 2021 allocations. Para 5.420 states "The BNP proposes to include site "allocation policies that follow the approach of the site allocation policies for Benenden in this Local Plan." How can the BNP follow the PSLP's approach when its sites were already allocated?

The LP is based on the BNP and BNP allocations were made before **consultations with stakeholders**. This is not consulting in a timely fashion. For example, the PSLP requires archaeological surveys of the hospital sites *after* the designation of the sites for development. Historic England (HE) asks for the surveys to be carried out before allocation (see TWFDLP Comments DLP 4556 - "we would expect the allocation of sites following on from this Strategy policy (STR1) to be subject to appropriately robust and detailed heritage impact assessment prior to the allocations being adopted."

3. The plan is unsound because the evidence on which it is based is inaccurate or irrelevant as seen in Supporting Documents

AONB Setting Analysis report: Main Report and AONB Study Plans and Photographs Benenden Hospital/Hankinson Duckett Associates. November 2020.

See para 4.4.2, the description of the hospital site is for the *entire built up-hospital area*, minus the southerly LWS in the SEQ. It is therefore a *report on an area not submitted in the PSLP*. As a result, it draws its conclusions from areas not included in the PSLP. The conclusions are therefore unsound.

The report:

- is concerned with adding 66-72 additional dwellings in addition to the 18 already extant on the northern site and presumably in addition to the 24 for which planning permission has been granted. That is between 108 and 114 new houses. The PSLP is talking about planning 43 houses for the northern site and 49 for the south. A total of 92 new houses. The report muddies the waters, leaving no clarity.
- fails to note items of critical importance in any attempt to evaluate the landscape and historic importance of the site e.g.
- the east-west Roman Road running over Benenden Healthcare Society (BHS) land a few yards to the south of the site, and the medieval drove road (Goddards Green Road - GGR) which divides the northern site from the southern one;

- . the National Monument Register which lists a Bronze Age palstaff (SMR Number/Hob UID) found at the hospital site, (though, oddly, the report does note Scheduled Monuments in the village);
- . that the site is on an east-west ridge giving it a dominant position in relation to the AONB;
- . that the SEQ development proposes two entrances on to Green Lane and two on to GGR, see Transport Planning Associates (tpa)- October 2019 Scoping note for BHS, 1907-038 under the section headed 'Access', para 4.4 "The consented vehicle access arrangements will be retained. Therefore, vehicle access to the Site will be taken from two access points along Goddards Green Road and two on Green Lane." (This and other documents were revealed to the FEE in May 2021 as a result of the BNP Independent Examiner's queries. In spite of the Examiner's request that all such material be published on-line, this document and the KCC Highways 13 Nov 2019 "Pre-App Response" have been not been published); and
- . offers photos (B5&6) which are irrelevant to the site in question. These photos look south towards an area not up for development, and are taken from a point also not up for development. These omissions undermine the report's conclusion.
- . ***Inset Map 18 (Benenden Hospital)***, unlike other maps attached as supporting documents to the PSLP, Inset Map 18 makes no reference to the AONB boundary. This is a significant omission because both the PSLP and the BNP claim that the hospital is outside the AONB and on this basis, largely justify placing most of Benenden's housing in the East End. Because AL/BE3&4 lie on a high ridge to the north of the parish and because the AONB boundary wraps tightly round the site which bulges, like a balloon, into the AONB, development at the East End significantly affects the AONB. While TWBC acknowledges this by requesting the Hankinson Duckett Report, by publishing Inset Map 18, which omits the AONB boundary, TWBC loses a critical opportunity to show the true relevance of AL/BE 3&4 to the AONB. It could even be said that by leaving out the boundary, there is an implication that the hospital sites are genuinely 'outside' the protected area.
- . ***Previous Stages, Draft Local Plan, Benenden Overview***, p263, provides a basis for the PSLP but contains inaccuracies.
 - . There is no "pre-school/nursery" as stated in the Overview
 - . There is no "Small shop at hospital" as stated in the Overview
 - . The statement that there are tennis courts and a cafe at the site is misleading. In TWFDLP Comments, Savills requests (see DLP_ 4956 para 3.14) that "the requirement to incorporate the tennis courts and retain the sports pavilion is removed" . As for the cafe, BHS states in its comments on the LP that the cafe is for hospital use only.

Question 6

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Question 5 above. (Please note that non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Many of the PSLP's problems are associated with failure in the duty to co-operate and can therefore not be remedied.

Many are due to poor evidence or poor interpretation of evidence. This too cannot be remedied.

In summary, development on site AL/BE3 should be limited to the existing, so far unused, planning permission for 24 houses, preferably by adapting the Garland Wing, which is a building of historic value, either to a wellness centre, in accordance with its original intention, or to a row of up to 10 terraced houses. Site AL/BE4 already has 18 semi-detached houses on it, and cannot support any more. It should therefore be excluded. Housing should be allocated to sites such as 158 and 222 in

the village centre, or to LS8 in Iden Green. These sites all lie within walking distance of shops, other amenities and the primary school. Paragraphs 5.421 and 5.422 should be omitted.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)? . Yes, I wish to participate in hearing session(s)

Question 7a

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

In order to present my case and to answer those with vested interests who may seek to put forward arguments against it.

Question 8

If you have any separate comments you wish to make on the accompanying Sustainability Appraisal, please make them here.

As far as the East End of Benenden is concerned, the plan is unsound because the Sustainability Appraisal, which is the heart of the planning process, provides evidence that is often incorrect, sometimes inadequate, but always untimely because the evidence on which site allocation should depend, follows, instead of precedes, site allocation. This was first published February 2019 in the BNP's Informal Draft Plan. The allocations then made are identical (save for a few additional houses) to those now made in the PSLP. Site allocation cannot be supported in retrospect.

An examination of SA Table 58 pp 161-163 Sites AL/BE 3&4 and Appendix L pp 331-332 shows faults in the SA's evidence base.

Climate Change: AL/BE3&4 are not scored for climate change, nor are sites 158 & 222, yet, inexplicably, climate change is scored for AL/BE1&2 (Uphill and Feoffee) and for LS8. Where is the explanation for the failure to assess all sites, especially when sites 158, 222, AL/BE1&2 are all close to each other? The issue is particularly concerning in that sites AL/BE3&4 are both 3 miles distant from the village and without any amenities. Residents at these sites will be heavily car dependent and this was of concern even when only 24 houses were proposed for the site. "You will see from KCC's comments on the hybrid application (12/03130) that in consideration of this earlier application for 24 dwellings, the highways authority raised concern that all residents will be very heavily car dependent, which is contrary to a number of policy objectives, including the NPPF." (see KCC Pre-App Response, 13 Nov 2019, revealed in response to the BNP's Independent Examiner's queries and still not in the public arena).

Biodiversity: AL/BE3 is considered to be less at risk in terms of biodiversity than AL/BE4 though AL/BE 3 has two Local Wildlife Sites (LWS) while AL/BE 4 has only one. Where is the evidence to support the idea that the one is less important for biodiversity than the other?

The SA's scoring is not supported by evidence in a letter from Keith Nicholson of the Kent Wildlife Trust, former Planning and Conservation officer for the Kent Wildlife Trust, dated 4 March 2013, to TWBC Development Control Officer, Ellen Gilbert in which he states, "The 2012 survey has demonstrated that Benenden hospital LWS is more valuable than previously believed.

The applicant's consultant is now more firmly of the belief that the Site would fulfil the criteria for it to be considered a Site of Special Scientific Interest (paragraph 4.3.6.). The waxcap community is of national importance when judged against both the Reid classification (para 4.3.4.) and the JNCC

Guidelines (para 4.3.5 .)."

Nor is it supported by the view of the HW-AONB as stated in TWFDLP Comments (see OLP _3458) that the hospital LWS "includes rare and vulnerable acid grassland which should form a core area for unimproved grassland as part of a High Weald nature recovery network." Neither the KWT nor the HW-AONB offer any indication that one or other of the L WS at the hospital is of less value than the rest. Further, we now know from

(see web link.)

Regulation 18 Representation made by Benenden Healthcare Society, November 2019 that BHS intends to abolish one of the two LWS in AL/BE3, see para 3.21. that "The Society supports the requirement for long-term management of the core areas of the L WS associated with the hospital land. This includes all but the modest area within the SEQ adjoining Peek Lodge which is too constraining on the South East Quadrant redevelopment proposals. Accordingly, the soils in the area will be translocated to a nearby receptor site to try to ensure that the rare fungi can continue to thrive in this local area."

In other words, far from supporting biodiversity, the BHS plan is to reduce it in AL/BE3 and the same is true of AL/BE3 see (in the same document) para 3 .17. "In addition, as highlighted in paragraph 3 .13 above, the Society do not intend to use the area in which the garage block is located as an extension to the Local Wildlife Site (L WS) or for additional sports provision. As such, the Society request that the requirement to specifically use the land occupied by the existing garage block and manage it in the long term for the benefit of the L WS and / or sports provision is removed from the policy requirement." Given this, biodiversity scoring in Table 58 of sites AL/BE3&4 is substantially overrated. Biodiversity at both sites is under threat.

Business Growth: AL/BE3&4 are scored as if they were more favourable to business growth than AL/BE1&2 and sites 158 and 222, but all four of these last-mentioned sites are in the heart of the village where residents will have ready access to local businesses as well as to daily bus services and other services and facilities. Residents at the East End, on the other hand, will have no access to local businesses except by car.

Education: All sites in this SA are scored equally for education, except for site 158 which scores less well. This SA report compares poorly with the SA which TWBC carried out on site 158 in 2006. 158 is parallel to and just north of the Street with its exit onto New Pond Road. In 2006 site 158 was chosen in a village referendum as the site for a new C of E primary school. It was the preferred site out of a choice of two, both of which were greenfield. TWBC's 2006 SA on 158 decided (see page 18 of the Sustainability Appraisal Benenden Church of England Primary School Land Allocation DPD - Issues and Options report), that 158 was one of two top sites. "Situated adjacent to an area of ancient woodland, the site provides the potential for habitat linkages and wildlife corridors. The site is not adjacent to the CA [Conservation Area] and does not form a significant role in its setting. There are no Listed Buildings on or adjacent to the site. The site is consistent with the surrounding landscape character. There are limited views into the site and no public rights of way over the site." On page 38, we read, "This site is anticipated to have a major beneficial effect on improving educational standards and travel choice/traffic levels". In spite of the referendum result, the school was eventually built at the less preferred site and, since then, TWBC had been in consultation with 158's owners to build houses there. If, in 2006, the SA offered site 158 as one of two top sites in the village for building the new primary school where is the evidence that it's appropriateness has somehow massively declined since then? Where is the evidence site 158 is less favourable to education than all the other sites mentioned, especially given that the hospital sites, so favoured for development, are three miles distant from the village school?

Table 58 states that "the education objective does not deteriorate when considering the cumulative effects as the schools in Tenterden will be a viable option for residents in East End." Children from the East End will have priority over the between 70 and 75% of existing pupil at the school who come from outside the parish. On what basis is the assumption made that East End parents will prefer to drive their children 6 miles into Tenterden rather than drive to the primary school in their own village?

Heritage: AL/BE 3 scores slightly less well in terms of its heritage value than AL/BE4 without supporting evidence. How were heritage issues assessed when there is no apparent knowledge of the historic importance of the site, for example: the PSLP makes no mention of the Roman road a few yards south

of AL/BE3; the medieval droveway (GGR), which runs through the site and along the ridge; and the Bronze Age palstaff found at the hospital site (National Monument Register - SMR Number/Hob UID). How can a site be scored or evaluated without at least some knowledge of the sites historic significance? This is available at <https://www.benendenvillage.org.uk/History/benweb2006.pdf> ' and advertised on the Benenden village website.

Services and Facilities: How can sites which are in the heart of the village such as 158 and 222, score the same as sites which are 3 miles distant and isolated in the country? The village has a daily bus service, continuous pavements on both sides of the street, several shops, including a post office, a general store, a butcher and a florist, as well as a pub/restaurant, village green, recreation ground, children's playground, church, memorial hall, village hall and a primary school. In spite of this sites 158 and 222, both as close to the centre as AL/BE1&2, are described as lacking services and facilities including public transport (Appendix L pp 331-332) while the sites chosen for most houses are 3 miles out of the village where there are no amenities whatsoever. LS8 is also described as being remote, but it is only one mile from the village and connected to it by a paved footpath. It is close to a bus stop, a playground, tennis courts and a community hall and it is within walking distance of a pub/restaurant. How can its Services and Facilities be offered the same score as AL/BE3&4? These assessments are not understandable except if the sites were chosen before the SA (as is the case) and the SA had to be manipulated to support those original choices.

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:

<input type="checkbox"/>	Yes, I wish to be notified of future stages of the Local Plan
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Comment

Consultee	William MacPherson ([REDACTED])
Email Address	[REDACTED]
Address	- Benenden -
Event Name	Pre-Submission Local Plan
Comment by	William MacPherson ([REDACTED])
Comment ID	PSLP_913
Response Date	01/06/21 09:22
Consultation Point	Policy AL/BE 4 Land at Benenden Hospital (north of Goddards Green Road), East End (View)
Status	Processed
Submission Type	Email
Version	0.5
Data inputter to enter their initials here	KH
Question 1	
Respondent's Name and/or Organisation	Mr William Macpherson
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Paragraphs 5.420 & 5.421

Policy No. AL/BE1 - Land adjacent to New Pond Road (known as Uphill), Benenden

Policy AL/BE2 - Feoffee Cottages and Land, Walkhurst Road, Benenden

Policy AL/BE3 - Land at Benenden Hospital (south of Goddards Green Road) East End

Policy AL/BE4 - Land at Benenden Hospital (north of Goddards Green Road), east End

Sustainability Appraisal

[TWBC: this representation has been input against Policies PSTR/BE 1, AL/BE 3 and AL/BE 3 – see Comment Numbers PSLP_880, PSLP_911 and PSLP_913]

Question 4

Do you consider that the Local Plan:

Is legally compliant	No
Is sound	No
Complies with the Duty to Cooperate	No

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:	. It is not positively prepared
	. It is not effective
	. It is not justified
	. It is not consistent with national policy

Question 5

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Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

1. The plan is unsound because of inadequacies in the consultation process.

(i) Poor consultation between TWBC and other Borough Councils
A Statement of Common Ground (SoCG) between Maidstone and Tunbridge Wells Borough Councils (TWBC) is published, but nothing is apparently published in relation to Ashford Borough Council or Tonbridge and Malling Borough Council.

(ii) Poor consultation between TWBC, the parish of Benenden and the Benenden Healthcare Society (BHS), the single landowner of those sites in the East End of Benenden where most of Benenden's houses are allocated.

(iii) There is no Statement of Common Ground between TWBC and the Benenden Neighbourhood Plan (BNP) although a SoCG was listed as a supporting document to the BNP Reg 14. This is significant because the two plans show different areas for development at the East End and both plans differ from the view of BHS. BHS's position is presented to the public through its comments on the first draft of the Local Plan (TWFDLPComments) (see web link)

- . Looking at the issue in terms of its hectareage:
- according to the PSLP the northern site (AL/BE4) is 3.72 ha and the South East Quadrant (SEQ or AL/BE3) is 3.07 ha;
 - according to the Benenden Neighbourhood Plan (BNP), the northern site (called LS41 in the BNP, see para 2.9.4.2.) is 1.9 ha and SEQ (called 424 plus LS40b, see para 2.9.3.2) is 4.24 ha;
 - according to BHS, the northern site is 3.7 ha and the southern site is 4.2 ha (see TW First Draft Local Plan comments (TWFDLP comments), Savill for BHS:DLP_4956)

The hectareage varies largely according to whether Local Wildlife Sites (LWS) are included in the development area. There are four LWS at the hospital. One of these lies in the northern area (AL/BE4) and two lie in the southern area (AL/BE3). The fourth is in an area not up for development.

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Instead of being consulted, the FEE were ignored and belittled. They were informed on 11th March 2019 by the editor of the Parish Magazine (PM), husband of the Chair of the Parish Council, that "I'm of the view that much of the uncertainty has passed since the presentation of the plan to the village - to a highly favourable reception. At least we no longer have to give polite credence to *uninformed views* that fly in the face of TWBC policy and advocate direct and *pointless confrontation* with TWBC, thereby running the risk of having the entire BNDP thrown back in our faces. *The ensuing chaos hardly bears thinking about.* At least it seems the opinions now being afforded most weight are those of *people who have worked hard for two years to understand the issues* and come up with a coherent way forward."

Consultation also failed in relation to the neighbouring **parish of Biddenden**. The Clerk of Biddenden Council has repeatedly responded to Benenden Parish Council in the course of the BNP consultation process, but received only acknowledgments. A Kent County Councillor and Ashford Borough Councillor wrote an article about BNP's mismanagement of consultations with the parish of Biddenden in the Biddenden Parish Magazine, February 2021.

2. The plan is unsound because of the untimely publication of site allocations

Pre-Submission Local Plan, para 5.420 reads "The BNP was submitted to TWBC in October 2020 and was consulted on between 30 October and 11 December 2020." But the allocations had already been made and published by the BNP in February 2019 in its so called " Informal Draft Plan". The 2019 February allocations are virtually identical to the PSLP 2021 allocations. Para 5.420 states "The BNP proposes to include site "allocation policies that follow the approach of the site allocation policies for Benenden in this Local Plan." How can the BNP follow the PSLP's approach when its sites were already allocated?

The LP is based on the BNP and BNP allocations were made before **consultations with stakeholders**. This is not consulting in a timely fashion. For example, the PSLP requires archaeological surveys of the hospital sites *after* the designation of the sites for development. Historic England (HE) asks for the surveys to be carried out before allocation (see TWFDLP Comments DLP 4556 - "we would expect the allocation of sites following on from this Strategy policy (STR1) to be subject to appropriately robust and detailed heritage impact assessment prior to the allocations being adopted."

3. The plan is unsound because the evidence on which it is based is inaccurate or irrelevant as seen in Supporting Documents

AONB Setting Analysis report: Main Report and AONB Study Plans and Photographs Benenden Hospital/Hankinson Duckett Associates. November 2020.

See para 4.4.2, the description of the hospital site is for the *entire built up-hospital area*, minus the southerly LWS in the SEQ. It is therefore a *report on an area not submitted in the PSLP*. As a result, it draws its conclusions from areas not included in the PSLP. The conclusions are therefore unsound.

The report:

- is concerned with adding 66-72 additional dwellings in addition to the 18 already extant on the northern site and presumably in addition to the 24 for which planning permission has been granted. That is between 108 and 114 new houses. The PSLP is talking about planning 43 houses for the northern site and 49 for the south. A total of 92 new houses. The report muddies the waters, leaving no clarity.
- fails to note items of critical importance in any attempt to evaluate the landscape and historic importance of the site e.g.
- the east-west Roman Road running over Benenden Healthcare Society (BHS) land a few yards to the south of the site, and the medieval drove road (Goddards Green Road - GGR) which divides the northern site from the southern one;

- . the National Monument Register which lists a Bronze Age palstaff (SMR Number/Hob UID) found at the hospital site, (though, oddly, the report does note Scheduled Monuments in the village);
- . that the site is on an east-west ridge giving it a dominant position in relation to the AONB;
- . that the SEQ development proposes two entrances on to Green Lane and two on to GGR, see Transport Planning Associates (tpa)- October 2019 Scoping note for BHS, 1907-038 under the section headed 'Access', para 4.4 "The consented vehicle access arrangements will be retained. Therefore, vehicle access to the Site will be taken from two access points along Goddards Green Road and two on Green Lane." (This and other documents were revealed to the FEE in May 2021 as a result of the BNP Independent Examiner's queries. In spite of the Examiner's request that all such material be published on-line, this document and the KCC Highways 13 Nov 2019 "Pre-App Response" have been not been published); and
- . offers photos (B5&6) which are irrelevant to the site in question. These photos look south towards an area not up for development, and are taken from a point also not up for development. These omissions undermine the report's conclusion.
- . ***Inset Map 18 (Benenden Hospital)***, unlike other maps attached as supporting documents to the PSLP, Inset Map 18 makes no reference to the AONB boundary. This is a significant omission because both the PSLP and the BNP claim that the hospital is outside the AONB and on this basis, largely justify placing most of Benenden's housing in the East End. Because AL/BE3&4 lie on a high ridge to the north of the parish and because the AONB boundary wraps tightly round the site which bulges, like a balloon, into the AONB, development at the East End significantly affects the AONB. While TWBC acknowledges this by requesting the Hankinson Duckett Report, by publishing Inset Map 18, which omits the AONB boundary, TWBC loses a critical opportunity to show the true relevance of AL/BE 3&4 to the AONB. It could even be said that by leaving out the boundary, there is an implication that the hospital sites are genuinely 'outside' the protected area.
- . ***Previous Stages, Draft Local Plan, Benenden Overview***, p263, provides a basis for the PSLP but contains inaccuracies.
 - . There is no "pre-school/nursery" as stated in the Overview
 - . There is no "Small shop at hospital" as stated in the Overview
 - . The statement that there are tennis courts and a cafe at the site is misleading. In TWFDLP Comments, Savills requests (see DLP_ 4956 para 3.14) that "the requirement to incorporate the tennis courts and retain the sports pavilion is removed" . As for the cafe, BHS states in its comments on the LP that the cafe is for hospital use only.

Question 6

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Question 5 above. (Please note that non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Many of the PSLP's problems are associated with failure in the duty to co-operate and can therefore not be remedied.

Many are due to poor evidence or poor interpretation of evidence. This too cannot be remedied.

In summary, development on site AL/BE3 should be limited to the existing, so far unused, planning permission for 24 houses, preferably by adapting the Garland Wing, which is a building of historic value, either to a wellness centre, in accordance with its original intention, or to a row of up to 10 terraced houses. Site AL/BE4 already has 18 semi-detached houses on it, and cannot support any more. It should therefore be excluded. Housing should be allocated to sites such as 158 and 222 in

the village centre, or to LS8 in Iden Green. These sites all lie within walking distance of shops, other amenities and the primary school. Paragraphs 5.421 and 5.422 should be omitted.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)? . Yes, I wish to participate in hearing session(s)

Question 7a

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

In order to present my case and to answer those with vested interests who may seek to put forward arguments against it.

Question 8

If you have any separate comments you wish to make on the accompanying Sustainability Appraisal, please make them here.

As far as the East End of Benenden is concerned, the plan is unsound because the Sustainability Appraisal, which is the heart of the planning process, provides evidence that is often incorrect, sometimes inadequate, but always untimely because the evidence on which site allocation should depend, follows, instead of precedes, site allocation. This was first published February 2019 in the BNP's Informal Draft Plan. The allocations then made are identical (save for a few additional houses) to those now made in the PSLP. Site allocation cannot be supported in retrospect.

An examination of SA Table 58 pp 161-163 Sites AL/BE 3&4 and Appendix L pp 331-332 shows faults in the SA's evidence base.

Climate Change: AL/BE3&4 are not scored for climate change, nor are sites 158 & 222, yet, inexplicably, climate change is scored for AL/BE1&2 (Uphill and Feoffee) and for LS8. Where is the explanation for the failure to assess all sites, especially when sites 158, 222, AL/BE1&2 are all close to each other? The issue is particularly concerning in that sites AL/BE3&4 are both 3 miles distant from the village and without any amenities. Residents at these sites will be heavily car dependent and this was of concern even when only 24 houses were proposed for the site. "You will see from KCC's comments on the hybrid application (12/03130) that in consideration of this earlier application for 24 dwellings, the highways authority raised concern that all residents will be very heavily car dependent, which is contrary to a number of policy objectives, including the NPPF." (see KCC Pre-App Response, 13 Nov 2019, revealed in response to the BNP's Independent Examiner's queries and still not in the public arena).

Biodiversity: AL/BE3 is considered to be less at risk in terms of biodiversity than AL/BE4 though AL/BE 3 has two Local Wildlife Sites (LWS) while AL/BE 4 has only one. Where is the evidence to support the idea that the one is less important for biodiversity than the other?

The SA's scoring is not supported by evidence in a letter from Keith Nicholson of the Kent Wildlife Trust, former Planning and Conservation officer for the Kent Wildlife Trust, dated 4 March 2013, to TWBC Development Control Officer, Ellen Gilbert in which he states, "The 2012 survey has demonstrated that Benenden hospital LWS is more valuable than previously believed.

The applicant's consultant is now more firmly of the belief that the Site would fulfil the criteria for it to be considered a Site of Special Scientific Interest (paragraph 4.3.6.). The waxcap community is of national importance when judged against both the Reid classification (para 4.3.4.) and the JNCC

Guidelines (para 4.3.5 .)."

Nor is it supported by the view of the HW-AONB as stated in TWFDLP Comments (see OLP _3458) that the hospital LWS "includes rare and vulnerable acid grassland which should form a core area for unimproved grassland as part of a High Weald nature recovery network." Neither the KWT nor the HW-AONB offer any indication that one or other of the L WS at the hospital is of less value than the rest. Further, we now know from

(see web link).

Regulation 18 Representation made by Benenden Healthcare Society, November 2019 that BHS intends to abolish one of the two LWS in AL/BE3, see para 3.21. that "The Society supports the requirement for long-term management of the core areas of the L WS associated with the hospital land. This includes all but the modest area within the SEQ adjoining Peek Lodge which is too constraining on the South East Quadrant redevelopment proposals. Accordingly, the soils in the area will be translocated to a nearby receptor site to try to ensure that the rare fungi can continue to thrive in this local area."

In other words, far from supporting biodiversity, the BHS plan is to reduce it in AL/BE3 and the same is true of AL/BE3 see (in the same document) para 3 .17. "In addition, as highlighted in paragraph 3 .13 above, the Society do not intend to use the area in which the garage block is located as an extension to the Local Wildlife Site (L WS) or for additional sports provision. As such, the Society request that the requirement to specifically use the land occupied by the existing garage block and manage it in the long term for the benefit of the L WS and / or sports provision is removed from the policy requirement." Given this, biodiversity scoring in Table 58 of sites AL/BE3&4 is substantially overrated. Biodiversity at both sites is under threat.

Business Growth: AL/BE3&4 are scored as if they were more favourable to business growth than AL/BE1&2 and sites 158 and 222, but all four of these last-mentioned sites are in the heart of the village where residents will have ready access to local businesses as well as to daily bus services and other services and facilities. Residents at the East End, on the other hand, will have no access to local businesses except by car.

Education: All sites in this SA are scored equally for education, except for site 158 which scores less well. This SA report compares poorly with the SA which TWBC carried out on site 158 in 2006. 158 is parallel to and just north of the Street with its exit onto New Pond Road. In 2006 site 158 was chosen in a village referendum as the site for a new C of E primary school. It was the preferred site out of a choice of two, both of which were greenfield. TWBC's 2006 SA on 158 decided (see page 18 of the Sustainability Appraisal Benenden Church of England Primary School Land Allocation DPD - Issues and Options report), that 158 was one of two top sites. "Situated adjacent to an area of ancient woodland, the site provides the potential for habitat linkages and wildlife corridors. The site is not adjacent to the CA [Conservation Area] and does not form a significant role in its setting. There are no Listed Buildings on or adjacent to the site. The site is consistent with the surrounding landscape character. There are limited views into the site and no public rights of way over the site." On page 38, we read, "This site is anticipated to have a major beneficial effect on improving educational standards and travel choice/traffic levels". In spite of the referendum result, the school was eventually built at the less preferred site and, since then, TWBC had been in consultation with 158's owners to build houses there. If, in 2006, the SA offered site 158 as one of two top sites in the village for building the new primary school where is the evidence that it's appropriateness has somehow massively declined since then? Where is the evidence site 158 is less favourable to education than all the other sites mentioned, especially given that the hospital sites, so favoured for development, are three miles distant from the village school?

Table 58 states that "the education objective does not deteriorate when considering the cumulative effects as the schools in Tenterden will be a viable option for residents in East End." Children from the East End will have priority over the between 70 and 75% of existing pupil at the school who come from outside the parish. On what basis is the assumption made that East End parents will prefer to drive their children 6 miles into Tenterden rather than drive to the primary school in their own village?

Heritage: AL/BE 3 scores slightly less well in terms of its heritage value than AL/BE4 without supporting evidence. How were heritage issues assessed when there is no apparent knowledge of the historic importance of the site, for example: the PSLP makes no mention of the Roman road a few yards south

of AL/BE3; the medieval droveway (GGR), which runs through the site and along the ridge; and the Bronze Age palstaff found at the hospital site (National Monument Register - SMR Number/Hob UID). How can a site be scored or evaluated without at least some knowledge of the sites historic significance? This is available at <https://www.benendenvillage.org.uk/History/benweb2006.pdf> ' and advertised on the Benenden village website.

Services and Facilities: How can sites which are in the heart of the village such as 158 and 222, score the same as sites which are 3 miles distant and isolated in the country? The village has a daily bus service, continuous pavements on both sides of the street, several shops, including a post office, a general store, a butcher and a florist, as well as a pub/restaurant, village green, recreation ground, children's playground, church, memorial hall, village hall and a primary school. In spite of this sites 158 and 222, both as close to the centre as AL/BE1&2, are described as lacking services and facilities including public transport (Appendix L pp 331-332) while the sites chosen for most houses are 3 miles out of the village where there are no amenities whatsoever. LS8 is also described as being remote, but it is only one mile from the village and connected to it by a paved footpath. It is close to a bus stop, a playground, tennis courts and a community hall and it is within walking distance of a pub/restaurant. How can its Services and Facilities be offered the same score as AL/BE3&4? These assessments are not understandable except if the sites were chosen before the SA (as is the case) and the SA had to be manipulated to support those original choices.

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:

<input type="checkbox"/>	Yes, I wish to be notified of future stages of the Local Plan
--------------------------	---

Comment

Consultee	Mr Richard Maggs [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] Brenchley [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Mr Richard Maggs [REDACTED]
Comment ID	PSLP_1701
Response Date	03/06/21 15:28
Consultation Point	Policy H 9 Gypsies and Travellers (View)
Status	Processed
Submission Type	Email
Version	0.4
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Richard Maggs
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
Policy H 9 Gypsies and Travellers	
Question 4	
Do you consider that the Local Plan:	
Is sound	No
Question 4a	

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound . It is not justified because:

Question 5

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

re: Greenfields Farm, Paddock Wood

The site selected for a permanent Gypsy and Traveller site is completely unsuitable in this location. Old Hay is a privately owned single-track concrete road comprising businesses and a few private dwellings.

The road barely copes with the amount of traffic that already uses it and there are no pedestrian ways at all.

Old Hay is only connected at one end, to Pearsons Green Road which is a narrow country lane again with no pedestrian ways.

There are no facilities in this road, such as street lighting or CCTV.

The electricity supply is already at the limit of what is available.

There is no mains drainage in the road. Any failure of a large private system could cause major environmental damage to the surrounding fields and water courses.

It is therefore completely unsuitable for any further large scale domestic expansion.

Question 6

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This proposal needs to be removed completely from the Local Plan.

Question 7

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If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

No, I do not wish to participate in examination hearing session(s)

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:

Yes, I wish to be notified of future stages of the Local Plan

Comment

Consultee	Planning and Development ([REDACTED])
Email Address	[REDACTED]
Company / Organisation	Maidstone Borough Council
Address	Maidstone House King Street MAIDSTONE ME15 6JQ
Event Name	Pre-Submission Local Plan
Comment by	Maidstone Borough Council (Planning and Development [REDACTED])
Comment ID	PSLP_2258
Response Date	07/05/21 17:12
Consultation Point	Pre-Submission Local Plan (View)
Status	Processed
Submission Type	Email
Version	0.4
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Maidstone Borough Council
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

whole Plan: Duty to Cooperate

[TWBC: the full representation has been divided between comments on the whole Plan with regard to Duty to Cooperate (PSLP_2258), Policy STR1 (PSLP_2259) and Policy STR/SS1 (PSLP_2260).

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

Question 5

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

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Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

Thank you for consulting Maidstone Borough Council (MBC) on the draft Tunbridge Wells Borough Local Plan (TWBLP). Maidstone Borough Council's comments on the draft plan are detailed below.

Duty to cooperate

The Localism Act 2011 places a legal duty on planning authorities to engage constructively, actively, and on an ongoing basis, to ensure the effectiveness of Local Plan preparation in relation to strategic, cross-boundary issues. Effective and on-going joint working between strategic policy-making authorities is integral to the production of a positively prepared and justified strategy. MBC formally responded to Tunbridge Wells Borough Council's (TWBC) previous Local Plan consultations in 2017 and 2019 and has continued to be informed of, and involved in, the preparation of the most recent draft Local Plan (the subject of this formal consultation) through regular officer-level meetings. This includes meetings to consider the proposed larger settlements/garden communities. Additionally, in March 2021 MBC and TWBC agreed a statement of common ground to accompany the TWBC Regulation 19 consultation.

MBC therefore considers that the duty to cooperate in plan-making between the two authorities has been satisfied and that cooperation is ongoing.

I hope these comments are helpful and look forward to continuing, constructive dialogue on strategic, cross boundary issues as part of the duty to cooperate as our respective Local Plans progress.

Question 7

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If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

Comment

Consultee Planning and Development ([REDACTED])

Email Address [REDACTED]

Company / Organisation Maidstone Borough Council

Address Maidstone House
King Street
MAIDSTONE
ME15 6JQ

Event Name Pre-Submission Local Plan

Comment by Maidstone Borough Council (Planning and Development - [REDACTED])

Comment ID PSLP_2259

Response Date 07/05/21 17:12

Consultation Point Policy STR 1 The Development Strategy ([View](#))

Status Processed

Submission Type Email

Version 0.4

Data inputter to enter their initials here KJ

Question 1

Respondent's Name and/or Organisation Maidstone Borough Council

Question 3

To which part of the Local Plan does this representation relate? Policy

Question 3a

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy STR 1 The Development Strategy

[TWBC: the full representation has been divided between comments on the whole Plan with regard to Duty to Cooperate (PSLP_2258), Policy STR1 (PSLP_2259) and Policy STR/SS1 (PSLP_2260).

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

Question 5

Please note: *In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.*

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Thank you for consulting Maidstone Borough Council (MBC) on the draft Tunbridge Wells Borough Local Plan (TWBLP). Maidstone Borough Council's comments on the draft plan are detailed below.

Strategic issues

The following sections set out our comments on the Local Plan.

Housing

The standard methodology identifies a need for 12,204 new dwellings for the plan period from 2020 to 2038. MBC recognises that the draft TWLP proposes to fully meet this identified need over the plan period, and that TWBC are not expecting any other authorities, including MBC, to accommodate any unmet need. Additionally, we note that TWBC is seeking to meet its gypsy pitch need. This approach is fully supported. Similarly, MBC acknowledges the indication in the draft TWBLP that there is limited ability for TWBC to meet any unmet housing needs from other councils. MBC is planning to meet its own need without the need to seek to accommodate any unmet need from TWBC.

The proposed spatial strategy is one of a dispersed growth approach, with site allocations in the majority of the settlements across the borough. In addition, proposals are included for a new garden settlement in Tudeley and the expansion of Capel and Paddock Wood. This expansion is directly to the south of MBC's administrative boundary and therefore has the greatest potential effect on Maidstone Borough. The matter will be discussed further under the heading Policy STR/SS 1, below [TWBC: see PSLP_2260].

Employment

The strategy for employment growth and allocation of at least 14 hectares of land (approximately 120,000sqm) for employment use remains based on the Sevenoaks and Tunbridge Wells Economic Needs Study dated 2016. However, the strategy and quantum of land allocated to meet the borough's employment needs predominantly through extensions of the defined Key Employment Areas (KEAs) remains a logical and sensible approach which is supported by MBC. The expansion of the KEA around Maidstone Road and Paddock Wood may indeed offer opportunities for residents and businesses particularly in the south of Maidstone to utilise the planned employment offering.

MBC raises no further comments or objections in relation to the overall approach to employment.

Retail

The uncertainty surrounding the retail sector both nationally and more locally is recognised in the pre-submission Plan. MBC fully supports the flexible approach to uses in the town and other centres, including greater focus on the leisure and culture offer.

MBC is pleased to note that the 2017 Retail and Leisure Study has been updated for 2021 (RCLTCU Study 2021), recognising the current state of change within the wider retail market. This ensures that, as far as possible, the most accurate amount of floorspace is allocated for retail and leisure uses based on up-to-date evidence at the point of submission. In this particular case, the evidence does not identify a need for any allocation of land for convenience or comparison floorspace – with a focus instead on

reuse of vacant floorspace and bolstering of existing units. MBC supports this approach – particularly in the short term – but suggests that this is kept under regular review to ensure sufficient floorspace remains available to meet needs over the plan period.

MBC raises no further comments or objections in relation to the overall approach to retail.

Landscape and Green Belt.

We note that TWBC have undertaken a range of studies to consider the impact of the strategy on the AONB and the release of land in the Metropolitan Green Belt.

Flooding

The SFRA identifies that areas to the north of Paddock Wood are particularly prone to flooding. As before, MBC raises no issue with the principle of the expansion of Paddock Wood on the provision that the expansion can be suitably accommodated without further risk of flooding to the surrounding areas of Maidstone Borough, and that betterment can and will be provided in these locations where appropriate. MBC raises no further comments or objections in relation to the overall approach to flooding and flood risk mitigation.

Infrastructure and connectivity

As per the previous TWBC draft Plan consultation (Regulation 18), the growth strategy remains based on the premise of infrastructure-led development to ensure that essential infrastructure and connectivity is integral to all new development. MBC strongly supports this approach to delivering growth, particularly the emphasis on ensuring that sufficient infrastructure capacity is either available or can be provided in time to serve new development (criterion 5, policy STR5).

Transport

The strategy in relation to transport and parking intends to prioritise active and sustainable modes of transport, whilst recognising that private car ownership in the borough is currently very high and that sufficient levels of parking should be provided.

The draft Plan is supported by an Infrastructure Delivery Plan and a Transport Strategy. The following transport schemes are those which are considered necessary to support the growth identified in the plan which are relevant to Maidstone borough:

- Improved A228 Maidstone Road/Whetsted Road priority junction
- Improved A228/Whetsted Road/A228 Branbridges Road/B2160 Maidstone Road roundabout
- Improved B2160 Maidstone Road/Commercial Road priority junction

MBC recognises the need for and supports these highways improvements and will continue to engage with TWBC to assess their impacts as part of the duty to cooperate process.

In the interest of joined-up, cohesive planning, any opportunities to extend and/or join up active travel and public transport options beyond administrative boundaries, into Maidstone Borough – where sensible and feasible to do so – should be explored at all stages of the masterplanning process for the extension of Paddock Wood.

MBC raises no further comments or objections in relation to the overall approach to transport.

I hope these comments are helpful and look forward to continuing, constructive dialogue on strategic, cross boundary issues as part of the duty to cooperate as our respective Local Plans progress.

Question 7

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If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

Comment

Consultee	Planning and Development ([REDACTED])
Email Address	[REDACTED]
Company / Organisation	Maidstone Borough Council
Address	Maidstone House King Street MAIDSTONE ME15 6JQ
Event Name	Pre-Submission Local Plan
Comment by	Maidstone Borough Council (Planning and Development - [REDACTED])
Comment ID	PSLP_2260
Response Date	07/05/21 17:12
Consultation Point	Policy STR/SS 1 The Strategy for Paddock Wood, including land at east Capel (View)
Status	Processed
Submission Type	Email
Version	0.3
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Maidstone Borough Council
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy STR/SS 1 The Strategy for Paddock Wood, including land at east Capel

[TWBC: the full representation has been divided between comments on the whole Plan with regard to Duty to Cooperate (PSLP_2258), Policy STR1 (PSLP_2259) and Policy STR/SS1 (PSLP_2260).

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

Question 5

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

Thank you for consulting Maidstone Borough Council (MBC) on the draft Tunbridge Wells Borough Local Plan (TWBLP). Maidstone Borough Council's comments on the draft plan are detailed below.

The strategy for Paddock Wood, including land at east Capel (policy STR/SS 1)

It is noted that the expansion of Paddock Wood (including land at east Capel) will seek to follow Garden Settlement principles and provide flood risk solutions. The Council-led approach to masterplanning the area, which is to take the form of SPD, is also noted. MBC will of course continue to engage in the regular Strategic Sites Working Group meetings as the masterplan SPD progresses.

Policy STR/SS1 details the strategy for development at Paddock Wood and east Capel, including approximately 3,490-3,590 dwellings; 3 neighbourhood centres providing approximately 2,000sqm total; and other associated infrastructure to serve the local needs. Proposals for piecemeal development will be resisted. The overall policy approach is considered to be suitably comprehensive and MBC raises no further comments or objections in this regard.

I hope these comments are helpful and look forward to continuing, constructive dialogue on strategic, cross boundary issues as part of the duty to cooperate as our respective Local Plans progress.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

Comment

Consultee	Gregory Major ()
Email Address	
Address	
Event Name	Pre-Submission Local Plan
Comment by	Gregory Major ()
Comment ID	PSLP_1295
Response Date	04/06/21 14:15
Consultation Point	Policy AL/RTW 5 Land to the south of Speldhurst Road and west of Reynolds Lane at Caenwood Farm, Speldhurst Road (View)
Status	Processed
Submission Type	Web
Version	0.1
Question 1	
Respondent's Name and/or Organisation	Gregory and Kimberley Major
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
Paragraphs 5.47 to 5.5	
Policy AL/RTW 5 Land to the south of Speldhurst Road and west of Reynolds Lane at Caenwood Farm, Speldhurst Road	
Question 4	
Do you consider that the Local Plan:	
Is legally compliant	No
Is sound	No

Complies with the Duty to Cooperate

Don't know

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because: . It is not justified

Question 5

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Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

We OBJECT to the new Policy AL/RTW5 that was introduced into the PSLP at stage 19 of the Local Plan delivery process. Namely the removal of Green Belt land, at former Caenwood farm to the south of Speldhurst Road and west of Reynolds Lane.

We recently moved and will be directly adjacent to and on the same side of the road as the proposed development.

We object for the following reasons:

Loss of Green belt

We are disappointed that the change of use of this Green Belt has gone through with minimal public consultation and that counsellors were not given the correct amount of time to consider this proposal fully before the vote. This land is fundamental in terms of preventing sprawl of built-up areas and plays a key role in the separation of Tunbridge Wells and Southborough.

The lack of public consultation and the quick timescale of the proposal has resulted in poor visibility of such change. Having only moved here in December 2020, our survey did not show the downgrading of the Green Belt land. Being aware of this would have impacted our decision to move.

Loss of natural habitat

The land for which the proposed development covers hosts a variety of wildlife. Which would sadly be negatively impacted if the development were to go ahead. The land also surrounds and protects the Ancient woodland. It hosts a huge amount of wildlife including badgers, rabbits, deers, bats, foxes, buzzards, owls, field mice, great spotted woodpecker, green woodpecker, goldfinches, Jays, bullfinches, chaffinches, greenfinches, red wings, long tailed tits, blue tits, great tits, coal tits, marsh tits, willow tits, starlings, nuthatches, treecreepers, siskins, goldcrests, song thrush, dunnocks, robins, and wrens. Along with bees, butterflies and insects the proposed development would have a significantly detrimental impact on such species. We fear also that the downgrading of the Green Belt will add pressure to change the classification of the remaining land further exacerbating the loss of valuable countryside.

Traffic & pollution

The proposed development would create a severe impact on traffic on Speldhurst Road along with St. Johns Road. Cars are often at a standstill (idling) during peak hours which prevents us from getting in and out of our drive and greatly increases air pollution. The additional volume of traffic that will be added as a result of the planned dwellings will no doubt add to an already stressed transport network. We do not accept that the planned widening of the road will negate the issue. Moreover, the widening of the road seems to be in direct opposition of maintaining the trees and hedgerows that have TPOs. The infrastructure of Southborough town cannot handle such increase in vehicles.

Oversubscribed healthcare

Having recently moved here we were able to register at St. Andrews doctors. However, the ability to make an appointment is near enough impossible, we have not even been able to call the surgery – the line is always busy. We have seen and heard many complaints about local residents not being able to get an appointment.

Local dentists are also an issue, we have been unable to register with an NHS practice for our entire family including our 1 year old as a result of over subscription.

Adding another 100 houses will amplify this issue considerably and put peoples health at risk.

Question 6

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Question 5 above. (Please note that non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

To withdraw this policy from the plan.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

No, I do not wish to participate in examination hearing session(s)

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:

Yes, I wish to be notified of future stages of the Local Plan

Comment

Consultee	Kevin Major [REDACTED]
Email Address	[REDACTED]
Address	
Event Name	Pre-Submission Local Plan
Comment by	Kevin Major [REDACTED]
Comment ID	PSLP_729
Response Date	01/06/21 11:06
Consultation Point	Policy AL/RTW 5 Land to the south of Speldhurst Road and west of Reynolds Lane at Caenwood Farm, Speldhurst Road (View)
Status	Processed
Submission Type	Web
Version	0.3
Question 1	
Respondent's Name and/or Organisation	Kevin Major
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
AL/RTW5	
Question 4	
Do you consider that the Local Plan:	
Is legally compliant	No
Is sound	No
Complies with the Duty to Cooperate	No
Question 4a	

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:	It is not justified
	It is not consistent with national policy

Question 5

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

We strongly object to Green belt status being removed from Caenwood Farm site.

We object because this is the last Green belt land separating Tunbridge Wells and Southborough. We strongly protest against the loss of Country side protecting against urban sprawl and consequently the loss and disruption of a plethora of wild life, Badgers, Foxes, Buzzards, deer, Marsh tits, Siskin, Long tailed tits just to mention a few.

We protest against the felling of trees with Tpo's the length of Speldhurst Road. I was born, I worked and lived my life in Southborough it is always waterlogged.

We protest about the increase in traffic flow adding to the historic problems in Speldhurst Road and the A26 where the traffic is usually stationary, resulting in increased traffic that will have a negative affect on already high pollution levels and poor air quality.

We have lived in our property in Reynolds Lane for 34 years and enjoyed wonderful views across the fields overlooking Rushall, The development of Caenwood Farm will completely obliterate this view ! There for we strongly object to said proposal.

Question 7

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If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)? . No, I do not wish to participate in examination hearing session(s)

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:

Comment

Consultee	Belinda Malpas [REDACTED]
Email Address	[REDACTED]
Address	
Event Name	Pre-Submission Local Plan
Comment by	Belinda Malpas [REDACTED]
Comment ID	PSLP_1258
Response Date	04/06/21 14:25
Consultation Point	Pre-Submission Local Plan (View)
Status	Processed
Submission Type	Web
Version	0.2

Question 1

Respondent's Name and/or Organisation	Belinda Malpas
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Question 2

Agent's Name and Organisation (if applicable)	NA
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Question 3

To which part of the Local Plan does this representation relate?	Policies Map
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Question 3a

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policies Map Numbers 04, 07,08 and 09.

Question 4

Do you consider that the Local Plan:

Is legally compliant	Don't know
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Is sound	No
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Complies with the Duty to Cooperate

No

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

- . It is not positively prepared
- . It is not effective
- . It is not justified
- . It is not consistent with national policy

Question 5

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

The LP is unsustainable on the basis of population increase which is projected from 2452 people to 13700 in Capel alone. The use of private cars and vehicles will be detrimental to the environment. Proper consideration has not been given to the lack of infrastructure in the way of medical facilities, schools and transport in an area already struggling with busy and unsuitable roads. TWBC is not reacting in ways the local community need issues to be dealt with. For instance in the case of Hartlake Road as one example they have suggested that they will close it. That is not a proper solution as anyone local knows it is a regularly used road taking traffic off of the other routes through to Tonbridge and Tudeley/FOG.

It seems to me that community engagement has not entirely been effective and local community concerns are being sidelined. Proper consideration has not been given to very real concerns expressed about building on flood plains and problems which may result in moving more water downstream to Yalding, Tonbridge and beyond. Issues well documented in local and national press.

We need to protect our Green Belt and prevent urban sprawl in what is essentially a rural setting. The character of this area will be destroyed forever along with the biodiversity of the habitats and the beautiful views. All Saints Church in Tudeley is a national tourist attraction because of the very special Chagall Windows. Kent is known as the garden of England but this LP is destroying so much character and beauty and once it is gone it will never be the same again.

We talk of protecting our environment and biodiversity but this plan represents destruction on a grand scale. There should not be any building on Green Belt land as it is there to prevent urban sprawl.

Furthermore, Tonbridge and Malling are opposed to this scheme on the basis it will overload the infrastructure and have conceded the points raised in previous objections but TWBC are not properly considering the impact on Tonbridge and Malling.

Question 6

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

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Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Question 5 above. (Please note that non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Consider Brownfield and alternative sites like Castle Hill or vacant sites and offices in Tunbridge Wells. Do not build on the Green Belt and flood plains. The Site Allocation LP 2016 did not accept a need to build on the Green Belt. Don't destroy a rural Green Belt parish.

Properly consult on infrastructure, environmental and pollution issues and actively find real solutions.

Work with Capel PC and Tonbridge and Malling BC and address all the problems.

Use logic and balance in decisions rather than imposing 51% of LP housing on Capel parish.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?	<input type="checkbox"/> No, I do not wish to participate in examination hearing session(s)
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Question 8

If you have any separate comments you wish to make on the accompanying Sustainability Appraisal, please make them here.

I have to say I find it a real concern that this form completion is incredibly hard and very easy to complete wrongly let alone creating an account and the whole process of making objections. I was employed as a Lawyer for 10 years and my Son is a Graduate and we have both struggled. How can this be a fair process in terms of the considerations and objections that need to be made by local people. I cannot see that a lot of people will engage they would simply not be able to manage to complete and understand these forms the disabled, the elderly, people who are poorly educated and even educated people. This feels a very unfair process and certainly not a democratic process. The form needs to be set out more simply and be more understandable to ordinary citizens just as Lawyers learned to use more simple and understandable language when dealing with their clients.

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:	<input checked="" type="checkbox"/> Yes, I wish to be notified of future stages of the Local Plan
--	---

Comment

Consultee	Sarah Marchant [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] Tonbridge [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Sarah Marchant [REDACTED]
Comment ID	PSLP_974
Response Date	02/06/21 16:29
Consultation Point	Policy STR/SS 1 The Strategy for Paddock Wood, including land at east Capel (View)
Status	Processed
Submission Type	Web
Version	0.1
Question 1	
Respondent's Name and/or Organisation	Sarah Marchant
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
STR/SS 1	
Question 4	
Do you consider that the Local Plan:	
Is legally compliant	Don't know
Is sound	No
Complies with the Duty to Cooperate	Don't know

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

- . It is not effective
- . It is not justified
- . It is not consistent with national policy

Question 5

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This land is Green Belt land and should only be built upon if an “exceptional circumstance” exists. TWBC’s own assessments in their Sustainability Appraisal show that Paddock Wood can expand and meet most of the plan’s aims without using the Green Belt land at East Capel. There is thus no need to further threaten the Green Belt land within the parish of Capel. My comments on STR SS1 about the creation of a conurbation from Paddock Wood right across to Tonbridge is very relevant here, as is the land’s use as a flood plain. Building here, even with flood risk mitigation and “betterment” could have disastrous consequences for all, as the measures being looked at are based on old data that does not fully consider the growing impact of climate change for current and future generations.

Question 7

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If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

- . No, I do not wish to participate in examination hearing session(s)

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:

- . Yes, I wish to be notified of future stages of the Local Plan

Comment

Consultee	Sarah Marchant [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] Tonbridge [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Sarah Marchant [REDACTED]
Comment ID	PSLP_972
Response Date	02/06/21 16:24
Consultation Point	Policy STR/SS 3 The Strategy for Tudeley Village (View)
Status	Processed
Submission Type	Web
Version	0.2
Question 1	
Respondent's Name and/or Organisation	Sarah Marchant
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
Policy STR/SS 3 Strategy for Tudeley village	
Question 4	
Do you consider that the Local Plan:	
Is legally compliant	Don't know
Is sound	No
Complies with the Duty to Cooperate	Don't know

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

- . It is not effective
- . It is not justified
- . It is not consistent with national policy

Question 5

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I have lived in Five Oak Green my entire life, that is 39 years. The surrounding countryside has meant not just a space for safe recreation, exploration and relaxation, but a working environment too. My work as a stock photographer has led to me photographing everything from the macro of rolling landscapes and agricultural land to the micro details of the diverse flora and fauna in this area.

I wish to make it clear that this is not a simple case of "NIMBYism", as I'm sure cynics could regard my objections – and indeed those of the hundreds of people in the area who have been attending the Save Capel meetings and displaying posters, car stickers and banners in support of the campaign.

I understand the need for new development, but it should be done in a sustainable, sensitive way. This sudden, crass onslaught of development over Green Belt land is neither of those things. What happened to Green Belt land acting as protection between developments, to keep corridors of nature, "lungs" for the land? In the time of COVID-19, the ability to get out into the countryside for a break, to meet up with a friend as the restrictions begin to ease, and to get exercise has been an enormous boost to people's mental and physical health. Where would this solace be found if the natural world continues to be gobbled up by development? The proposed development in Tudeley and East Capel will merge Tudeley, Five Oak Green and Paddock Wood into one enormous settlement, changing the landscape forever. There could surely be more use of brown field sites, as well as proposals for pockets of development, rather than one whole new town, slap bang in the middle of Green Belt land and on the outskirts of the AONB.

There doesn't seem to have been much basic thought given beyond the convenience of one landowner offering a huge swathe of their land. One example of a basic flaw in the plan would be surrounding All Saints' Church and its world-famous Chagall stained glass windows with a modern residential development. Currently the church sits next to a few cottages, barn conversions and an oast house conversion. A beautiful snapshot of the Garden of England. Beyond the church lies a public footpath, rolling farm fields, trees, hedgerows and a view all the way to Hadlow Tower (which can also be seen from the road). The church and its windows draw visitors from across the globe and has been a compulsory stopping point when taking friends from overseas on a tour of my home area. Preservation of this piece of history should include preservation of its environment too.

There's a proposal for roads and a bike path across the landscape. This isn't the flat landscape of Norfolk, so if you want a usable bike path that's not too vertiginous, you're not going to be using the land sensitively. The only way to make a bike path accessible is to carve it into terrain to even out its gradient, thus destroying the medieval landscape.

Quite aside from the disruption caused in the construction phase, there will be a significant increase in traffic in to Tonbridge from the B2017 as these thousands of houses become inhabited – the new residents bringing with them their cars and need to commute, exacerbating the extreme traffic congestion that exists on this road every morning. There are already unacceptable levels of traffic between 7.45am to 9am on Woodgate Way, Vale Road and Pembury Road, while in Five Oak Green, the B2017 becomes

jam-packed when the primary school's day begins and ends, with parents parking their cars along the road and up Church Lane. It makes an absolute mockery of the proposal to add a new 6 form entry senior school (and all the traffic that would go with it) next door to the primary school.

Network Rail has confirmed that a station at Tudeley is not viable at present and so will not be built in this plan period. People living in Tudeley would therefore use Tonbridge Station for commuting and Tonbridge town services that will require more parking. The increase in traffic will be more than Tonbridge can cope with. Its roads are already full at peak times and can't be made wider in most places. The increased numbers of passengers on already packed commuter trains from Tonbridge Station will be unsustainable. Parking in and around Tonbridge Station will be even more difficult than it presently is.

Most people living in the proposed new garden settlements will drive privately owned cars, despite initiatives to encourage bus and bicycle use. It's hard to imagine a great increase in bus use, when current settlements are only served by hourly buses. The costs of infrastructure on the Tonbridge & Malling side of the boundary will have to be carried by Tonbridge & Malling residents whilst Tunbridge Wells will receive council tax from the residents in the new dwellings. It is not surprising that Tonbridge & Malling council has serious concerns about the proposals in the Local Plan.

The cost to Tonbridge-based businesses due to traffic issues may drive businesses from the area. There will be an increase in pressure on Tonbridge health services, amenities and car parking as residents from the new garden settlement at Tudeley will use Tonbridge as their local town, not Tunbridge Wells, because Tonbridge is so much closer.

Large parts of the developments will occur on the Medway floodplain with flood risk assessments based on old data that does not fully consider the impact of climate change on the area and its residents. Flood mitigation measures may help, but I believe that flood risks will increase. It is generally understood that covering open land with houses and roads increases the risk of flooding and decreases opportunities for draining and evaporation. Five Oak Green already has its own flooding concerns – check the height of the doorsteps in Ellis Close if you'd like a visual reminder of this – and decreasing opportunities for drainage in the surrounding landscape is a thoughtless idea. The Medway will flood more often and cause increased flood risk not just in my village, but in Tudeley, Golden Green, East Peckham, Tonbridge and Yalding.

In currently relatively sparsely-populated land, where clusters of houses line the roads, light and sound pollution is low. Throw in a couple of thousand residences (along with possible compulsory purchase orders for existing residents in long-established residences) and a secondary school and there will be a huge increase in air, light and noise pollution that will not just affect the tranquillity of Capel, but also spread across the boundary in to Tonbridge & Malling and create a visual scar across the landscape. The recent reports of tremendous light and noise pollution from the lorry park at Ashford show just what an effect this can have on residents and on the night sky. Once again, the protection and breathing space for man and beast offered by the Green Belt is kicked to the side with apparently no thought. Placing such a heavy burden of development in just one rural area must be reconsidered.

The parish currently has 950 houses and so the sheer number of new houses being placed together is difficult to comprehend. The idea that all this land is being offered by one landowner – who stunningly, then talks about managing the development of the land too if the Local Plan goes ahead in its current form – rings alarm bells. Where is the opportunity for other landowners to offer areas of land for development? The perceived ease of dealing with one landowner and one great block of land should not outweigh the value of reducing the density of the development across the borough and of allowing other landowners the benefit of a slice of the business.

The housing need calculated by the government can be reduced where it would require development of Green Belt land, unless “exceptional circumstances” exist. With brownfield sites available locally and the strong local objection to such a massive development, I would like to see TWBC use this argument of being unable to build on Green Belt land to remove the garden settlement at Tudeley from the Local Plan. TWBC should be looking to protect what is within its borough, not sacrificing a chunk of it.

While there is a mention of affordable housing and social housing in the Local Plan leaflet, there is no suggestion of the proportion of houses built to answer such need. All too often new development is undertaken to reap the highest profits and not with any regard as to whom it could benefit – see the two large new build houses in the middle of Five Oak Green, which stood empty for more than 12 months.

It is incomprehensible why TWBC is placing such a huge new development in one parish, rather than working with multiple landowners to provide sensitive areas of development to extend existing settlements in a sustainable manner, and using existing brownfield sites, in order to spread the impact of development across the borough. There is no sense of proportion in the Local Plan as it stands.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

No, I do not wish to participate in examination hearing session(s)

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:

Yes, I wish to be notified of future stages of the Local Plan

Comment

Consultee	Susan Marchant [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] Tonbridge [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Susan Marchant [REDACTED]
Comment ID	PSLP_343
Response Date	24/05/21 16:29
Consultation Point	Policy STR/SS 1 The Strategy for Paddock Wood, including land at east Capel (View)
Status	Processed
Submission Type	Web
Version	0.3
Question 1	
Respondent's Name and/or Organisation	Susan Marchant
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
STR/SS 1	
Question 4	
Do you consider that the Local Plan:	
Is legally compliant	Don't know
Is sound	No
Complies with the Duty to Cooperate	Don't know

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

- . It is not effective
- . It is not justified
- . It is not consistent with national policy

Question 5

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

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I have lived in Five Oak Green for 43 years and am dismayed at the proposals for land at East Capel. This is Green Belt land and should only be built upon if an "exceptional circumstance" exists. TWBC's own assessments in their Sustainability Appraisal show that Paddock Wood can expand and meet most of the plan's aims without using the Green Belt land at East Capel. It will merely facilitate the creation of a conurbation from Paddock Wood right across to Tonbridge and complete the destruction of a rural parish rich in heritage, agriculture and natural habitat.

The land is used as a flood plain and as such is not recommended for housing. Building here, even with flood risk mitigation could have disastrous consequences. The measures being looked at are not based on current data and do not fully consider the impact of climate change. There is no advantage to anybody in pursuing development in this area.

Question 7

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If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

- . No, I do not wish to participate in examination hearing session(s)

Future Notifications

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- . Yes, I wish to be notified of future stages of the Local Plan

Comment

Consultee	Susan Marchant [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] Tonbridge [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Susan Marchant [REDACTED]
Comment ID	PSLP_340
Response Date	24/05/21 15:49
Consultation Point	Policy STR/SS 3 The Strategy for Tudeley Village (View)
Status	Processed
Submission Type	Web
Version	0.6
Question 1	
Respondent's Name and/or Organisation	Susan Marchant
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
STR/SS 3	
Question 4	
Do you consider that the Local Plan:	
Is legally compliant	Don't know
Is sound	No
Complies with the Duty to Cooperate	Don't know

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

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I have been a resident of Five Oak Green for 43 years and apart from an apparently uncontrollable increase in lorry traffic, I have seen the development of the village progress in a sustainable way. Additional housing has grown up of course, but has not made an adverse impact on the community and in many cases has replaced or extended old dwellings or been built on rundown areas. However I strongly object to the plan now before you in all aspects.

TWBC's Draft Local Plan was a disaster for Capel parish and vigorously opposed. However the council chose to take no account of the strength of objections, or to consider alternatives and proceeded to take the plan forward to Regulation 19. The local elections in May confirmed the depth of feeling in Capel ward when the Liberal Democrat candidate, who has worked tirelessly against the proposals since they first became public, was returned with a 75% share of the vote. The incumbent who was perceived to be very lukewarm in looking after the local interests, only managed 20%.

The proposal to build on this beautiful Green Belt valley, rich in woodland, hedgerows, meadows and farmland, adjacent to an AONB, flies in the face of all that we are being urged to value as a place to help reduce the impact of climate change and promote the mental and physical health of the population. There is no need for this area to be built on, it should remain rural and the agricultural land is now more important than ever. TWBC should be protecting this heritage for the future: instead they have chosen the lazy option of dealing with one landowner and dismissing other viable areas for development. The mission statement of the estate of said landowner makes interesting reading.

"An ongoing commitment to wildlife conservation, stewardship and ecological enhancement sits at the heart of our vision for the long term management of the Estate. This commitment includes a wide variety of landscapes and habitats, from Medway valley meadows and fields, interspersed with woodland and streams to higher forested ridges. We are proud of the Estate's diversity and the many species of birds, mammals, reptiles, insects and plants that live here." (hadlow.com)

Fine words indeed, which make putting this land forward for development on this scale even more hypocritical and objectionable.

Green Belt land is designated to prevent building sprawl and provide breathing space between urban areas. If the plans for Capel parish go ahead, TWBC will needlessly destroy acres of beautiful countryside and achieve the coalescence of Tonbridge and Paddock Wood. An ugly urban sprawl, with years of chaos and disruption for local people and businesses while this is put into effect. This will have a hugely detrimental impact on the area in terms of permanent loss of agricultural wildlife habitat, damage to biodiversity, air quality, light pollution and massive increase in carbon footprint. The fact that the area is already a flood plain only seems to elicit a shrug of the shoulders and no viable measures to deal with it. There is potential for serious flooding in the parish and in the surrounding areas of Tonbridge, Yalding, Golden Green and East Peckham. The impact of climate change must be given serious consideration.

The idea that a small rural parish on the edge of the borough, 2% of the borough's population, should be forced to absorb 51% of the perceived housing requirement is illogical, unbalanced and unsustainable. The question remains as to how this need was calculated; current figures are lower than those used by the council. Who are these houses for exactly? The priority should be to meet local needs at prices local people of all age groups, at whatever stages of their lives, should be able to afford. Too many developments emphasise the 4/5 bedroom executive type dwellings, forgetting those who might need a small flat, a 2 bedroom house, someone with a disability who might like some independence. There is no evidence of a likely positive outcome or clear goals for the benefit of the people of the borough and least of all for the residents of Capel parish.

The implication is that these houses will be for people who work outside the area and who will be commuting. The recent pandemic has shown that working from home is not an impossibility, but the added burden of another 13,000 people using the local infrastructure will impinge particularly on Tonbridge, as the nearest local town, not Tunbridge Wells. Tonbridge already struggles with commuter chaos, crowded trains, parking problems and there will be added pressure on health services, schools and local amenities. In the meantime TWBC will collect the Council Tax.

Due consideration has not been given to the possibility of using other available sites. Brownfield sites, council owned buildings no longer used for the original purpose and a site at Castle Hill, close to the A21 could supply the housing required. The council seems fixated on destroying Capel parish. The council leader has already told Save Capel "You will never win". It begins to feel personal and vindictive in the extreme and I hope the inspector will be able to clearly see that this plan is unsustainable and the proposals for this site should be dismissed. Tudeley garden village should never have reached this stage.

Question 7

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Yes, I wish to be notified of future stages of the Local Plan

Comment

Consultee	Andrew Marks ([REDACTED])
Email Address	[REDACTED]
Address	[REDACTED] Benenden TN17 [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Andrew Marks ([REDACTED])
Comment ID	PSLP_2091
Response Date	04/06/21 15:00
Consultation Point	Policy AL/BE 3 Land at Benenden Hospital (south of Goddards Green Road), East End (View)
Status	Processed
Submission Type	Email
Version	0.4
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Andrew Marks
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy AL/BE 3 Land at Benenden Hospital (south of Goddards Green Road), East End

Paragraph No(s) 5.420, 5.421

Policies Map (Inset Map No(s)) 18

[TWBC: this representation has been input against Policies AL/BE 3 and AL/BE 4, please see Comment Numbers PSLP_2091 and PSLP_2094]

Question 4

Do you consider that the Local Plan:

Is legally compliant No

Is sound No

Complies with the Duty to Cooperate No

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

- . It is not positively prepared
- . It is not effective
- . It is not justified
- . It is not consistent with national policy

Question 5

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There has not been adequate cooperation with the neighbouring authorities. For Benenden East End this is particularly relevant as the community is, *de facto*, more part of Biddenden (Ashford BC) parish than of Benenden. Biddenden PC's letter of 19th April 2021, to the Independent Examiner, states many of the issues of concern which have not been addressed. The impression, expressed in the letter, that Benenden's Neighbourhood Plan is an attempt to push any imposed development out from the village is one which many East End residents will share.

Benenden is the only parish in the borough to have made its own NDP allocations. The Benenden Neighbourhood Plan (BNP) has been developed in close consultation with TWBC, with the BNP in the lead. The BNP announced its allocations in February 2019, even before inviting AECOM infrastructure consultants to produce a Strategic Environmental Assessment. Pre-Submission Local Plan, para 5.420 reads "The BNP was submitted to TWBC in October 2020 and was consulted on between 30 October and 11 December 2020." But the allocations had already been made and published in February 2019. Further, Para 5.420 states "The BNP proposes to include site allocation policies that follow the approach of the site allocation policies for Benenden in this Local Plan." BNP allocations were first published in February 2019 i.e. before LP site allocation policies.

Allocations made by the LP, when it took up the BNP's baton, are therefore inevitably linked to BNP's weaknesses. Yet if the BNP passes a referendum before acceptance of the LP, it is said that it will take precedence over the LP (see para 5.421), with the exception of its plans for the northern site at Benenden hospital, which will be overruled by the plans advanced in the LP (see Benenden Parish Council April 2021 response to Independent Examiner queries on the BNP). This is in contradiction to para 5.422 which talks of making "modifications to the LP" so that it matches the BNP

The LP is based on the BNP and BNP allocations were made before consultations with stakeholders such as the AONB. This is not consulting in a timely fashion. Further, the LP requires surveys of the hospital sites *after* the designation of the sites for development, for example, archaeological surveys (see AL/BE 3&4). Historic England (HE) asks for the surveys to be carried out *before* See HE's comments on the first draft LP (DLP_4556) - "we would expect the allocation of sites following on from this Strategy policy (STR1) to be subject to appropriately robust and detailed heritage impact assessment *prior to the allocations being adopted*."

By adopting the BNP within it, the Local Plan is not positively prepared.

The proposed allocations on the hospital owned land are not well located and will not deliver sustainable development. They will not meet the NPPF (para. 68) requirement to *locate housing where it will enhance or maintain the viability of rural communities*; there are several more suitable sites within the village of Benenden. The hospital site is also too isolated from either Benenden or Biddenden to meet the NPF advice that *development may support services in a village nearby*.

The Plan is not sound as it is based on incorrect facts; for example.

Staplehurst is not the nearest railway station to East End. At 6.7 miles, Headcorn is physically nearest, (9 minutes by car. Ref. Google Maps). Staplehurst and Etchingham are 18 and 23 minutes respectively; existing rail travellers from East End make for Headcorn, over the Castleton's Oak crossroads and there is no reason to assume that new residents would do anything significantly different.

There is no publicly accessible shop at East End; anything in the hospital is for employees and patients only. There is no regular public transport. There is no day nursery.

The reference to sites at East End as "Brownfield" (para. 5.448 and others) is inaccurate and misleading. There are no TWBC registered brownfield sites at East End. The terms brownfield and greenfield carry emotive baggage to lay people and should not be used inaccurately. Previous representations have been made with respect to these inaccuracies yet they still remain in the Local Plan.

The discrepancy between the NPPF housing allocation and the population growth projected by the ONS cannot be justified; the NPPF imposes a requirement of 12200 additional dwellings across the Borough over the planning period, whereas the ONS projection is for a population increase of 6155. Using a census average of 2.4 people per household, the housing requirement would be for only 2565.

Council Tax payers expect and deserve that their Council would robustly reject the imposition of 9635, apparently unnecessary, extra houses which seems to have no logic behind it. Neither is the Vale of Kent suited to take on shortfalls from any neighbouring borough's unwillingness or inability to meet their own allocations; being already heavily populated for a largely rural area and with extensive areas at a high flood risk. Flood management can only do so much, even without the uncertainties of a changing climate. TWBC should be actively campaigning to reduce this number rather than trying to support unsustainable and unpopular developments.

Policies AL/BE 3 & 4 are not realistic and the implied reliance on Benenden Hospital's contribution to the requirements is not justified. Over preceding decades the Hospital has withdrawn from, rather than expanded its local involvement. The shop and post office, a polling station, sharing social activities and assistance with transport are examples of this. The very existence of the need for this list of requirements, in itself, raises questions of the suitability of the site for the proposed development. With this in mind, it seems unreasonable to expect that a developer would be willing to meet the cost of such infrastructure and the Plan does not address how a robust and sustainable system could be created.

There are significant differences between the BNP and the PSLP in the extent and precise areas of the land to be developed. For example; **AL/BE3** excludes one of the 2 LWS at the site, and the BNP includes both, yet para 5.458 states "Both this policy and BNP draft Policy SSP3 broadly follow the same approach towards the potential for developing this site for a residential development." This does not appear to be the case. Further, the SHELAA treats this site twice, once including the southern LWS (and excluding Windmill Cottage) and once excluding the LWS and including Windmill Cottage (SHELAA pages 1-3 and pages 18-19). In the second instance, the suggestion is for 67-73 houses, presumably building over the LWS. The first plan is the one adopted in the PSLP and appears to be the more accurate of the two in that it describes the site as "mostly PDL". The second ignores all greenfield aspects and is almost identical to the plan in the BNP, a plan which BNP claims will prevail if it wins a referendum. Is AL/BE3 presenting us with the wrong plan? As it exists, the Local Plan cannot guarantee to prevent an adverse impact on local wildlife sites.

The visual impact, from the AONB, of further development at the hospital site may be significant. The site is on a ridge following Goddards Green Road and the existing recent development of hospital buildings is highly visible when facing north from the AONB. Further development is likely to increase this impact as both the Hospital and the SEQ housing allocation are within an enclave which intrudes into the general line of the AONB.

Question 6

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Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Question 5 above. (Please note that non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Many of the PSLP's problems are associated with failure in the duty to co-operate and can therefore not be remedied.

Many are due to poor evidence or poor interpretation of evidence. This too cannot be remedied.

In summary, development on site AL/BE3 should be limited to the existing, so far unused, planning permission for 24 houses, preferably by adapting the Garland Wing, which is a building of historic value, either to a wellness centre, in accordance with its original intention, sheltered housing, or to a row of up to 10 terraced houses. Site AL/BE4 already has 18 semi-detached houses on it, and cannot support any more. It should therefore be excluded. Housing should be allocated to sites such as 158 and 222 in the village centre, or to LS8 in Iden Green. These sites all lie within walking distance of shops, other amenities and the primary school; in better accordance with the NPPF requirements and advice. Paragraphs 5.421 and 5.422 should be omitted.

Question 7

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If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?	No, I do not wish to participate in examination hearing session(s)
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Future Notifications

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--	---

Comment

Consultee	Andrew Marks ([REDACTED])
Email Address	[REDACTED]
Address	[REDACTED] Benenden TN17 [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Andrew Marks ([REDACTED])
Comment ID	PSLP_2094
Response Date	04/06/21 15:00
Consultation Point	Policy AL/BE 4 Land at Benenden Hospital (north of Goddards Green Road), East End (View)
Status	Processed
Submission Type	Email
Version	0.3
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Andrew Marks
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy AL/BE 4 Land at Benenden Hospital (north of Goddards Green Road), East End

Paragraph No(s) 5.420, 5.421

Policies Map (Inset Map No(s)) 18

[TWBC: this representation has been input against Policies AL/BE 3 and AL/BE 4, please see Comment Numbers PSLP_2091 and PSLP_2094]

Question 4

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Is legally compliant No

Is sound No

Complies with the Duty to Cooperate No

Question 4a

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If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?	No, I do not wish to participate in examination hearing session(s)
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Future Notifications

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--	---

Comment

Consultee Judith Marks [REDACTED]
Email Address [REDACTED]
Address [REDACTED]
Benenden
[REDACTED]
Event Name Pre-Submission Local Plan
Comment by Judith Marks [REDACTED]
Comment ID PSLP_1246
Response Date 04/06/21 11:44
Consultation Point Policy STR 1 The Development Strategy ([View](#))
Status Processed
Submission Type Web
Version 0.5
Question 1

Respondent's Name and/or Organisation Mrs Judith Marks

Question 3

To which part of the Local Plan does this representation relate? Policy

Question 3a

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy STR 1 The Development Strategy

[TWBC: representation on Policy STR1 (PSLP_1246) duplicated against PSTR/BE 1 (PSLP_1800, AL/BE 3 (PSLP_1801) and AL/BE 4 (PSLP_1802)]

Question 4

Do you consider that the Local Plan:

Is legally compliant Don't know

Is sound No

Complies with the Duty to Cooperate

No

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

. It is not justified
. It is not consistent with national policy

Question 5

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

Section 4 Development Strategy Your council tax payers and the communities that make up Tunbridge Wells Borough want to protect the rural nature of the Borough, including the Green Belt and the AONB and its setting. By not challenging the national policy allocation of 12,200 dwellings (against a projected population increase of 6155 over the plan period – with average UK household size of 2.4, this amounts to 2565 households, around 20% of what has been allocated), the Borough Council is not properly representing its residents and communities. The Borough Council is elected to stand up for the communities it serves. The Council is already being asked to meet a higher need than its own population numbers indicate. They should not also be contributing towards unmet needs

4.52 Table 4 Distribution of Housing Allocations The allocation of 87-95 dwellings to Benenden is disproportionately high compared with villages of a similar size, such as Goudhurst which is allocated only 25 dwellings, or Frittenden. The NPPF Chapter 2 para 11b lays out that “strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses...” Therefore housing allocation should be objectively based on need from within the parish and not on the willingness of some landowners to profit. At the last Housing Needs Survey undertaken in Benenden a low level of requirement for additional dwellings was identified.

Benenden Parish

5.420-22 Benenden is the only parish in the borough to have made its own allocations. The Benenden Neighbourhood Plan (BNP) has been developed in close consultation with TWBC, with the BNP in the lead. The BNP announced its allocations in February 2019, even before inviting AECOM infrastructure consultants to produce a Strategic Environmental Assessment. Pre-Submission Local Plan, para 5.420 reads “The BNP was submitted to TWBC in October 2020 and was consulted on between 30 October and 11 December 2020.” But the allocations had already been made and published in February 2019. Further, Para 5.420 states “The BNP proposes to include site allocation policies that follow the approach of the site allocation policies for Benenden in this Local Plan.” BNP allocations were first published in February 2019 i.e. before LP site allocation policies.

Allocations made by the LP, when it took up the BNP’s baton, are therefore inevitably linked to BNP’s weaknesses. Yet if the BNP passes a referendum before acceptance of the LP, it is said that it will take precedence over the LP (see para 5.421), with the exception of its plans for the northern site at Benenden hospital, which will be overruled by the plans advanced in the LP (see Benenden Parish Council April 2021 response to Independent Examiner queries on the BNP). This is in contradiction to para 5.422 which talks of making “modifications to the LP” so that it matches the BNP.

Policy PSTR/BE1: The Limits to Built Development for Benenden village, as defined on Inset Map 17, appears to have been drawn after the proposed site allocation and specifically to accommodate those sites and exclude all others. If the policy is genuinely plan-led, the LBD should be set first and then sites within it identified. This LBD has been designed to “freeze” the village rather than allow for reasonable sustainable growth to meet local needs and support a healthy vibrant community.

1 Community involvement. EN1: this requirement has not been respected.

- . In Benenden, almost all new housing is slated for East End, yet the Friends of East End (FEE), were never asked to meet with the BNP steering group. The much trumpeted community involvement was largely restricted to the village and Iden Green. East End is on the border of the parish with Biddenden, and development there will affect Biddenden more than Benenden (see below).
- . See EN1 para 9 requiring the effective engagement of the local community, neighbours of sites and others. The FEE submitted three petitions, two to the BNP and one in relation to the LP. A FEE submission with 127 signatures was submitted on 4 April 2019 in response the Informal Draft NP (published on February 23, 2019), in which the allocations later adopted by the LP were first set out. A FEE submission with 167 signatures was submitted in October 2019 objecting to the first draft of the LP, and in the same month, a FEE submission with 167 signatures was submitted in relation to the Reg 16 draft BNP. See the FEE's current online petition with more than 450 signatures <https://www.change.org/EastEndFriends>
- . Instead of being consulted, the FEE were ignored and belittled. They were informed on 11 March 2019 by the editor of the Parish Magazine (PM), husband of the Chair of the Parish Council, that “I’m of the view that much of the uncertainty has passed since the presentation of the plan to the village - to a highly favourable reception. At least we no longer have to give polite credence to *uninformed views* that fly in the face of TWBC policy and advocate direct and *pointless confrontation* with TWBC, thereby running the risk of having the entire BNP thrown back in our faces. *The ensuing chaos hardly bears thinking about.* At least it seems the opinions now being afforded most weight are those of *people who have worked hard for two years to understand the issues* and come up with a coherent way forward.”
- . One of the regular articles on the BNP submitted by the chair of the BNP Steering Group appeared in January 2020. It dismisses FEE opposition suggesting only “31 residents from East End” sent in comments.
- . The core group behind the BNP has consistently tried to persuade those who support the FEE to desist. The chair of the Parish Council and the chair of the BNP Steering Group have twice asked to meet a Tunbridge Wells Alliance (TWA) Borough Councillor for the parish, once together with a TWA borough council candidate, in efforts to persuade them to adhere to the BNP's approach and not to listen to the FEE.
- . The organiser of the FEE was a member of the Steering Committee 2017/2018 as chair of the Environmental Group. She expressed strong disagreement with a Borough Councillor who lives in the village (on occasion, he deputises as chair of the Steering Group) about his wish to step up allocations in East End and suppress TWBC's wish to build 174 houses on site 158. As a result, the Steering Group chair (using his own word), “sacked” her. This is contrary to EN1 para 9, encouraging early, proactive and effective engagements and the requirement that views expressed should be properly considered.
- . Consultation also failed in relation to the neighbouring parish of Biddenden. The Clerk of Biddenden Council has repeatedly responded to BPC in the course of the BNP consultation process, but received only acknowledgments. A Kent County Councillor and Ashford Borough Councillor wrote an article about BNP's mismanagement of the parish of Biddenden in the Biddenden Parish Magazine, February 2021.
- . The LP is based on the BNP and BNP allocations were made before consultations with stakeholders such as the AONB and Historic England. This is not consulting in a timely fashion. Further, the LP requires surveys of the hospital sites *after* the designation of the sites for development, for example, archaeological surveys (see AL/BE 3&4). Historic England (HE) asks for the surveys to be carried out *before allocation*. See HE's comments on the first draft LP (DLP_4556) - “we would expect the allocation of sites following on from this Strategy policy (STR1) to be subject to appropriately robust and detailed heritage impact assessment *prior to the allocations being adopted.*”

1 The PSLP is not based on sound evidence

- . Throughout the LP process, misstatements have been made about amenities in Benenden's East End. The current version of the PSLP states that the nearest stations to East End area are Staplehurst and Etchingham (5.411) when in fact the closest station is Headcorn.
- . Others may be traced back to a submission made by traffic and highways consultants, Transport Planning Associates (TPA) on behalf of Benenden Healthcare Society Ltd. (BHS). This submission was recently disclosed in BHS's response to the Independent Examiner's queries in relation to the BNP. TPA's information is sometimes inaccurate and sometimes misleading and we consider it here in detail because it is difficult otherwise, to understand how the LP was able to continue, iteration after iteration, to relate untrue information about the hospital site.
- . In October 2019, TPA reported (para 2.6) that there was a footpath along the southern edge of Goddards Green Road (GGR) and the PSLP, para 5.452 states "There is an intermittent pavement along GGR". The GGR is a long road running from New Pond Road to Castleton's Oak crossroads, and was formerly a lane. The pavement is limited to the short section immediately outside the hospital buildings. To say that there is an intermittent pavement along GGR is misleading.
- . The TPA refers to East End as a village, which it is not. East End runs from the junction of GGR and Walkhurst Road, along the GGR to the border with Biddenden, then turns south to reach close to Hole Park in Rolvenden, then east back to Walkhurst Road at the site of the stream, then along Walkhurst Road back to GGR (see the old Electoral Roll for 2004 when East End had its own polling station). It is a large, totally rural area of several square miles, which was why it was chosen as the site for an isolation hospital in 1906. Today it contains only 76 houses scattered across the entire area. The PSLP consistently refers to East End as a hamlet. It is not, which is why BPC is able to advertise itself on its website as "Serving the people of Benenden and Iden Green" without any reference to East End.
- . The TPA says that "a day nursery is located immediately to the north of the Site within 400m." There is incorrect, yet this error is repeated in para 5.413 of the PSLP "There are also nursery/pre-school facilities at Iden Green and East End." An accurate account would state Iden Green only.
- . In the same paragraph, the PSLP states that there is a small shop at Benenden Hospital. At one time there was a small shop for in-patients, which was available to the local community, but this closed many years ago.
- . The TPA states that there are daily bus services along GGR provided by bus nos. 24 and 299, and twice a day service provided by the Hopper bus. This information is incorrect. The 2019 Hopper bus, operated by the Tenterden Social Services Hub on an experimental basis, failed in only a matter of months. While the 24 and the 299 buses pass along GGR, they do so on only one day a week, the 24 on Tuesdays and the 299 on Wednesdays. East End has almost no public transport.
- . The TPA makes several statements in relation to traffic which have fed misinformation into the system to be reflected in AL/BA3&4. This misinformation was only recently revealed when documents were provided by BHS following April 2021 queries raised by the Independent Examiner on the BNP. These documents include a TPA 'Scoping Note' on road and traffic conditions at the site and a letter written in response to this Note from KCC Highways, dated 13 Nov. 2019. The TPA states that the GGR is 7m wide at the hospital site which detracts from the fact that it is actually a winding rural lane, now called a road, and varies considerably in width. It may at some point be 7m wide, but at others, it is so narrow that two lorries have difficulty passing each other. The TPA claims that there is no need for a road safety review because there have been "no personal injury accidents" recorded within 1,000m. Castleton's Oak crossroads lie 1.5 km from the site and accidents there are frequent. The situation is exacerbated by increasing traffic at the hospital. The hospital has turned itself into an almost exclusively out-patient centre and almost all its 300 employees drive in to work from outside the parish (formerly, they were housed on site in hospital staff buildings). Kent County Council (KCC) Highways make constant and repeated attempts to lower the risk of injury at the crossroads and continue to do so, but serious road accidents continue. The TPA claims that no traffic surveys are necessary which is a point queried in the KCC Highways' email. The email talks of the "heavy car dependency" of residents in any housing in this location and says this was one of its concerns, even at the time of the original application asking for only 24 houses. The email states that BHS's plans (and therefore AL/BE 3&4) are contrary to the NPPF and to KCC's own policy objectives, and points out that the hospital has not co-operated over the idea of a minibus to provide transport from the site to Benenden. The letter calls for: traffic counts along the GGR; a wider crash analysis; and expresses concern over the proposed access points to the SE Quadrant - 2 on Green Lane and 2 on GGR.

Lastly, on trip generation, the TPA projects that 47 houses at the site will produce only 106 trips a day, though the consultants admit that they have difficulty in basing their estimate on comparable sites because there are none. These trip generation figures ignore existing traffic from local residents, from patients, from hospital staff and from the newly (January 2021) proposed housing estate at Cleveland Farm. The AL/BE 3&4 policy fails to provide a traffic count, fails to ask for a road safety review and fails to acknowledge frequent traffic accidents near the sites.

Pre-submission supporting documents also produce inaccurate and sometimes irrelevant evidence. The hospital sites are within the setting of an AONB and even overlap into it, yet Inset Map 18 (Benenden Hospital), unlike other maps attached, makes no reference to the AONB boundary. The BNP claims that the hospital is outside the AONB and on this basis, since the rest of the village is wholly within the AONB, largely justifies placing most of Benenden's housing in East End. This is misleading, since the AONB boundary wraps tightly round AL/BE3, which actually overlaps into the AONB in the southwest corner. In any event both sites affect land in the AONB. The relationship of the AONB boundary to the hospital sites is important yet it is ignored on the map. This looks like prejudice.

Hankinson Duckett Associates's AONB Setting Analysis Report (a supporting document for the PSLP, referred to as an evidence base) is, in its analysis of AL/BE3&4, unsound. The analysis argues that development at these sites will enhance the setting of the AONB. It illustrates the argument with photos of the hospital chapel and its car park. Neither chapel nor car park are in the area up for development. Incidentally, the car park shown was supposed to be temporary contractors' parking during the building of the new hospital wing and car parks, and an undertaking was made by BHS at its presentation to the local community to reinstate it to grass paddock. It can be seen that this never happened.

1 **Policies AL/BE3&4 are not consistent with the PSLP's Vision objectives, its strategies, KCC's policies, nor with the NPPF.**

The PSLP's Vision Objective 1 is : "to improve access to suitable, especially affordable housing, including for local young people and older households." But this is inconsistent with allocations AL/BE 3 &4. BHS is asking in its comments on the LP first draft, for a lower number of affordable homes because of the high cost of brownfield development. Living isolated in the countryside, families will need at least two cars. Old and young will be unable to walk to schools, shops or any other amenities. This is not a suitable site for a borough which (see para 2.16) expects the population over the age of 65 + to increase by around 40% between 2020 and 2038.

The PSLP's Vision Objective 2 is to ensure sustainable development which allocations at AL/BE 3&4 do not achieve. On the contrary, the KCC warns that even with the existing permission for 24 houses on AL/BE3, the highway authority had concerns. This is an isolated location, deep in the countryside (see KCC Highways email 13 Nov 2019). More than 24 houses in this location is not sustainable.

LBD 5.416 states "the LBD around Benenden village sets the extent of existing and planned development .." This conflicts with the recommendation that major development be instated three miles beyond the LBD, on the border with Biddenden parish.

Policy STR 2 "The Council requires the use of masterplanning, including the use of design codes and sustainable design standards where appropriate, for strategic and larger-scale developments.." This is undermined by AL/BE 3&4 which calls for a masterplan for an area not included in the PSLP and not presented. Para 1a of Policy AL/BE3 states that there is a need to "show indicatively how the other areas included within Policies AL/BE3 and AL/BE 4 can be developed to meet the overall policy requirements as set out within each of these policies, and how the future needs for Benenden Hospital will be met on areas to the north west and south west that currently comprise the hospital buildings and associated ancillary uses and is previously developed land." It is not sound to proceed with an LP where the land to be developed is not clearly indicated from the start.

A masterplan is essential to avoid current inconsistencies on the size of areas to be developed: AL/BE3 excludes one of the 2 Local Wildlife Sites (LWS) at the site, yet the BNP includes both. Para 5.458 states "Both this policy and BNP draft Policy SSP3 broadly follow the same approach towards the potential for developing this site for a residential development.." They do not. The PSLP states that in the event of a successful referendum, the BNP's proposals will prevail. If this is so, are we supposed to assume that AL/BE3 map is inaccurate?

A similar problem arises at the northern site (AL/BE4) here there are currently 18 dwellings. The proposal allows for these to be demolished and another 25 dwellings added to the site. The size of the area to be developed varies between the LP and the BNP. The LP includes the LWS in

the area to be developed but the BNP includes only a small section, but says in the event of a successful referendum the BNP plan will be over-ruled by the LP plan (see the BPC response April 2021 to the Independent Examiner's queries). This is the reverse of 5.421 & 2. It is unsound to proceed with a plan when the NP and the LP are at odds with each other.

- . The PSLP claims building will only be within existing footprints, an approach which is at odds with that of the BHS. Plans for 47 new houses in AL/BE3, presented to the village on 17th February 2020 by the hospital architects, show the buildings are not to be built within the footprint of previous buildings nor to respect LWS.
- . Policy STR 3 calls for the use of brownfield sites "within settlements" and in "sustainable locations." AL/BE 3 consists of disused medical buildings and 2 LWS with parkland and veteran trees (depending on whether this second LWS is included or not). 5.448 is therefore incorrect. The site should be described not as brownfield but as partly previously developed. It is not on the Brownfield Register. Because of its remote location and its valuable LWS sites, it is not free from constraints which could be mitigated. As such, Policy AL/BE3 does not meet the criteria needed under the NPPF, Section 11, para 117 for development in "a way that makes as much use as possible of previously-developed or 'brownfield' land." AL/BE 4 contains in-use residential housing and an LWS and therefore is not entirely brownfield.
- . Policy STR 5 states that "New residential ... development will be supported if sufficient infrastructure capacity is either available or can be provided in time to serve the development." Will this happen at AL/BE3&4? Developers themselves are to be asked provide the infrastructure at AL/BE 3&4 at some point in the future. The LP proposes to take on trust suggestions that the BHS will avoid building on the LWS and will provide play-grounds, sports facilities and tennis courts. We know from submissions following the first draft LP, that BHS is actually planning to remove one LWS entirely and that its plans include building on the LWS and beyond the foot print of previous buildings. BHS suggests, in its response to the first draft LP (DLP_4956) that it is unlikely to provide play-grounds, sports facilities and tennis courts. The PSLP's approach does not take comments to the first draft LP into account. Further, we already see BHS reneging on or substantially modifying undertakings it made when planning permission was originally granted for AL/BE3 in 2013, and where no development has yet taken place.
- . Policy STR 6 proposes to "Deliver future development in accessible locations, normally within or in close proximity to existing towns and villages across the borough." In the case of the two isolated hospital sites, the PSLP contradicts its own strategic policy and fails to offer choices in transport or to prioritise active travel and public transport. The Benenden hospital sites have no daily bus service and no active travel link to the village, and neither the PSLP nor the BHS provide credible information on how these links are to be provided. The KCC email of Nov 13 suggests that the hospital is uncooperative on the proposal to organise a minibus service and the SHELAA says of AL/BE3 that it is "Remote from a settlement centre," (unlike sites 158, 222 and LS8); that residents will rely heavily on private cars and thus air quality and travel objectives score negatively; and that, "although promoted by the policy, shared transport and active travel options are unlikely to take precedence over private vehicle use thus air quality and climate change score negatively." This is crucial. For all the talk of mitigating the remoteness of the hospital sites with a minibus link and cycle routes, nobody actually believes that any of these measures will succeed. As for the proposal to create links suitable for electric personal vehicles, such as mobility scooters (as suggested under STR 6), it is difficult to see, when the closest link with the village is a single-track lane (Walkhurst Road), how any personal electric vehicle could make that journey. The PSLP is creating, through its policies AL/BE3&4, a car dependent community. This thereby negates the sense of the LP's supporting document, Transport Strategy Review Sept 2019 which urges reducing the need to travel.
- . AL/BE3&4 also undermine TWBC's Full Council motion of July 2019 to reduce CO2 emissions. "The dominance of the car as a mode of transport can lead to congestion, more road accidents, air and noise pollution. In addition it contributes to climate change, reduces social cohesion and leads to less healthy lifestyles" (para 44 Transport Review). According to TW's own SA from 2006, if social cohesion, reduction in air pollutants, and public health were indeed the borough's priorities, site 158 would have been among those chosen for Benenden, as originally intended.
- . PSLP paras 5.453 and 5.467 state that "residents of development in this location will rely heavily on private cars." These plans runs counter to STR6 policy on the environment see paras 6.8, 6.9, 6.10, 6.11 and 6.13. It also contravenes KCC policies on climate change and the NPPF (see KCC's Nov 13, 2019 letter on this subject).

- . Para 5.414 “The parish provides two relatively large sources of employment: at Benenden Hospital and at Benenden School.” The implication is that the employment opportunities are linked somehow to the population of Benenden. There is in fact little connection. The 300 plus staff at the hospital drive into the parish along GGR to work and, since the hospital is on the parish boundary and isolated from the village, their contribution to the local economy is negligible.
- . Policy STR 6 The LP proposes to “Deliver future development in accessible locations, normally within or in close proximity to existing towns and villages across the borough.” In the case of the two isolated hospital sites, the LP contradicts its own strategic policy and fails to offer choices in transport or to prioritise active travel and public transport.
- . Cycle routes: The PSLP’s standards on the public benefits of cycling and walking are based on the Cycle Strategy Supporting Document, but these standards are undermined by site allocation in Benenden. The Cycle document states that: “When more people cycle or walk the health of the population improves and our roads become safer and less congested.” Its objectives 4 and 5 are to improve safety for cyclists and air quality for all, but AL/BE 3 & 4 will create a community, deep in the countryside, entirely dependent on the car and will contribute to poorer air quality for all. The allocation of these sites, as opposed to sites such as 158, is difficult to understand.
- . The Cycle Strategy states that fear of traffic is possibly the main factor discouraging people from cycling. National Cycle Route 18 runs from the Rolvenden Road, down Stepneyford Lane, to Green Lane, before joining the Benenden Road near the hospital, turning right and leading to Castleton’s Oak Cross roads and Gribble Bridge Lane. This route is a largely on-road ride travelling through the High Weald, using narrow, picturesque country lanes as much as possible. Green Lane/Stepneyford Lane is mentioned in TWBC’s Rural Lanes: Supplementary Planning Guidance. It is particularly high scoring in terms of its landscape, its recreational value, its natural beauty and its history. For these reasons, it is part of National Route 18. Rather than encouraging cycling, AL/BE3, which proposes two exits for this major development on GGR and two on Green Lane (where a second housing estate, at Cleveland Farm is already leading to Kent Highways calling for road widening and the elimination of grass verges - see Planning Application 20/03267/FULL) will cause an increase in those factors, identified in TW Cycle Strategy, as discouraging cyclists, namely, traffic and the loss of unspoilt country lanes. Policy AL/BE3 also contravenes Kent Structure Plan Policy ENV13: “Rural lanes which are of landscape, amenity, nature conservation, historic or archaeological importance will be protected from changes which would damage their character, and enhanced.” In any event, the cycle route is purely recreational and will not enhance the sustainability of these sites.
- . Policy STR 7 proposes, in dealing with TWBC’s 2019 legally binding commitment to manage climate change, that all development in the borough will support the Council’s target to achieve net zero emissions by 2030. It is unsound, with such a goal, to propose a major development on the parish periphery, 3 miles equidistant from two villages where there is no shop (in spite of the PLSP’s statement AL/BE 3&4) and no café (BHS says its café was built for its own use not for the use of the public - see comments on the first draft of the LP). Residents will need their cars for almost everything.
- . Policy STR1 promotes the effective use of previously developed land, having due regard to relevant Plan policies, but in promoting AL/BE3&4, the PSLP disregards STR6 (environmental goals) & STR7 (transport goals). Under the NPPF, sustainability is the priority, as the PSLP acknowledges in STR3, 4.65 “A presumption of sustainability lies at the heart of the NPPF”, but in allocating AL/BE 3&4, the PSLP fails to respect its own and the NPPF’s strategic priorities.
- . Policy STR 8 states that development should contribute to and enhance rural landscapes with particular regard to the High Weald (HW) AONB. The PSLP promotes nature conservation. Its biodiversity objective is to achieve net gains and, where possible, secure long-term management of sites for biodiversity. AL/BE3 runs counter to this strategy since the BHS has produced plans showing houses built over the LWS. It has, furthermore, produced a document requiring that one of the two LWS be dug up and removed to another unspecified location, thereby nullifying the terms of the existing Landscape and Ecology Management Plan (LEMP) for that site. Para 3.21 of the BHS submission on the first draft LP states: “The Society supports the requirement for long-term management of the core areas of LWS associated with the hospital land. This includes all but the modest area within the SEQ adjoining Peek Lodge which is too constraining on the South East Quadrant redevelopment proposals. Accordingly, the soils in the area will be translocated to a nearby receptor site to try to ensure that the rare fungi can continue to thrive in this local area.” This is a particularly significant site for biodiversity. A letter from Keith Nicholson, former Planning and Conservation officer for the Kent Wildlife Trust, dated 4 March 2013, to

TWBC Development Control Officer, Ellen Gilbert states that the hospital LWS are of national importance, mainly for the large number of different varieties of waxcaps. He states that they could well have been designated SSSI. Both in terms of waxcaps and in terms of valuable acid grassland, the hospital sites have high environmental value, see Comment DLP_3458 on the first draft of the LP, from the High Weald AONB Unit. The Benenden Hospital site “includes rare and vulnerable acid grassland which should form a core area for unimproved grassland as part of a High Weald nature recovery network.” AL/BE3&4 threaten the biodiversity of significant species in the LWS at the hospital sites, contrary to EN1.

- . The LWS to the south of AL/BE3 is included in the BNP and BPC argues that this has been done in order to protect it (see their response to the Independent Examiner April 2021). It is difficult to follow this logic. The inclusion of the site in the area to be developed suggests that it too could be under threat.
- . There is no plan showing the placement of houses on AL/BE 4, which is currently home to a large LWS and is the site of 18 habitable dwellings, almost all of them currently in use and let. The proposal allows for these to be demolished and another 25 dwellings added to the site. The PSLP includes the LWS in the area to be developed and the BNP excludes most of it. Benenden Parish Council (BPC), in its April 2021 response to the Independent Examiner, has said that, in this case of a successful referendum, the PSLP’s plan (which includes the LWS), will prevail. In other words, of the 3 LWS in AL/BE 3&4, one is slated for removal, one will be built over if the PSLP prevails and one may be built over if the BNP prevails. This runs completely contrary to STR8.
- . The PSLP claims that the hospital development “has the potential to improve the setting of the HW AONB through the delivery of a more sensitive redevelopment of existing buildings” (para 5.454), but the claim is not supported by evidence produced by Hankinson & Duckett (see above) while the HW AONB unit’s own view is the opposite. See TW first Draft LP, DLP_3458 High Weald AONB Unit (which objects to the Plan) : “....In our view the development at Benenden Hospital will have a significant effect on the setting of the AONB and the purposes of its designation, and this issue has PSLP EN1 para 5. Biodiversity and geodiversity.
- . AL/BE 3&4 run counter to this policy as stated above in relation to the LWS.
- . STR8 sets high environmental standards but these are undermined in the site allocations. This is particularly startling in the light of the July 2019 Full Council motion to recognise the climate and biodiversity emergency, in fact, the Benenden allocations put into question whether the motion was passed in good faith.
- . EN1 para 5 (Biodiversity and geodiversity) says that proposals should maximise opportunities to increase biodiversity. This goal may make sense in an urban setting, but development in the countryside, as is proposed in AL/BE 3 & 4, cannot hope to ever mitigate biodiversity loss. The destruction of trees and wild spaces, the introduction of lighting, kerbs, driveways, wider roads and narrower verges, the use of concrete, tarmac, bricks and mortar in a deeply rural setting cannot “increase biodiversity”.
- . EN1 provides for Long-term Management plans which would be satisfactory within an urban context. In a rural location like East End, such plans are no substitute for natural wild spaces. A ‘managed’ green space set among streets is less likely to promote biodiversity and less likely to conserve wildlife than ‘unmanaged’ green space. Further, the three LWS in AL/BE3 are all already part of an existing LEMP agreement, and since one or all would be removed in the case of development as outlined by BHS under AL/BE3&4, instead of creating a long-term management plan, AL/BE3&4 would all but terminate an existing one. The sentiments expressed in EN1 are mocked by AL/BE3&4.

1 Site policies

AL/BE3 excludes one of the 2 LWS at the site, and the BNP includes both, yet para 5.458 states “Both this policy and BNP draft Policy SSP3 broadly follow the same approach towards the potential for developing this site for a residential development..” This does not appear to be the case. Further, the SHELAA treats this site twice, once including the southern LWS (and excluding Windmill Cottage) and once excluding the LWS and including Windmill Cottage (SHELAA pages 1-3 and pages 18-19). In the second instance, the suggestion is for 67-73 houses, presumably building over the LWS. The first plan is the one adopted in the PSLP and appears to be the more accurate of the two in that it describes the site as “mostly PDL”. The second ignores all greenfield aspects and is almost identical to the plan in the BNP, a plan which BNP claims will prevail if it wins a referendum. Is AL/BE3 presenting us with the wrong plan?

AL/BE3 and AL/BE4 provide for a phased timetable for development of the two sites at different time intervals without calling for a comprehensive masterplan for the hospital site as a whole i.e. for the entire built up area. This is inconsistent with STR2, which requires a masterplan for large developments. The full extent of the area to be developed must be clear. See para 1a of Policy AL/BE3 which states that there is a need to “show indicatively how the other areas included within Policies AL/BE3 and AL/BE 4 can be developed to meet the overall policy requirements as set out within each of these policies, and *how the future needs for Benenden Hospital will be met on areas to the north west and south west that currently comprise the hospital buildings and associated ancillary uses and is previously developed land.*” It is not sound to proceed with an LP where the land to be developed is not indicated from the start.

AL/BE3&4 both call for a 3-mile active travel link between the site and Benenden village. This proposal has been costed (see BPC’s April 2021 reply to the Independent Examiner) at between £180,000 and £220,000 for a 3m wide tarmacked surface, plus costs to upgrade it to a bridleway, plus the costs associated with obtaining landowners’ consent or, failing that, of starting compulsory purchase proceedings which TWBC expresses reluctance to undertake because of the significant compensation costs and legal costs which would be involved. Ongoing maintenance costs are not included. No steps have been taken either by the BNP or TWBC to ascertain the willingness of landowners to give up their land although the major landowner involved wrote to BNP on 11th Sept. 2019 objecting to the plan. It is understood that he was not contacted for subsequent discussion.

AL/BE3&4 calls for the repurposing of the existing tennis courts for the use of local residents, which BHS denies it will offer for public use; for the public use of the hospital’s café; for the creation of a hospital shop (5.413); for a minibus service linking the hospital to the village (“The Society is not a transport provider” is BHS’ response); for green space, a playground and provision of a community hall - most of these policies are refuted in Savills’ comments on behalf of BHS, in the first draft of the LP, DLP_ 4956 paras 3.14, 3.18, 3.19, 3.20, 3.46 and 3.47. Rather than agreeing to such policies, the hospital is calling on TWBC to introduce a more flexible funding system to allow a *reduction* of developer costs. BHS argues these will be high because they wish to demolish existing buildings. It is unsound to propose policies which cannot be implemented. Once the sites are sold, no relevant conditions to this effect could be imposed.

1 The PSLP is unsound because of inconsistencies in the treatment of different sites.

(i) **Uphill, AL/BE1** is described as having archaeological potential (para 5.428) requiring possible mitigation measures. This is not because of historical finds on the site, but because they might be found. A listed manor house lies on the other side of New Pond Road and, according to AL/BE1, “the site lies within, or very close to the relevant impact risk zone for Parsonage Wood”, a SSSI which is, in fact, several miles away. The archaeological significance of AL/BE 3&4 is far more certain and substantial. The hospital sites are where a Bronze Age palstaff was found (see the National Monument Register - SMR Number /Hob UID)) and the sites lie close to two ancient routeways. A Roman Road runs west-east (on BHS farmland) a few yards to the south of AL/BE3 and a medieval drove road (GGR), runs west-east between the two sites. Further, two Grade II Listed Buildings are sited here, also on BHS land. The Lister Building stands a few yards to the west of AL/BE3 and Cleveland Farmhouse (the farmyard of which BHS is trying to develop separately and simultaneously as if a minor development outside the Local Plan) lies a few yards to the south. Instead of mentioning these facts, AL/BE3&4 reads (5.456 and 5.468) “Kent County Council states that the site includes significant archaeology, which could be dealt with through suitable conditions on a planning approval.” The imbalance in the treatment of the two sites is substantial and suggests confirmatory bias or prejudice.

(ii) The SHELAA assessment of site 158 suggests a potential yield of 50-65 houses, but then concludes that only the Uphill part of the site is suitable (20 houses). It states that “the remainder of the site is sensitive in landscaping terms and there is concern regarding scale and impact on the character of the landscape and settlement pattern”. This is contrary to the views of TW’s 2006 SA; to the TW 2018 document proposing 174 houses; and to the first draft of the LP. The dismissal of 158 as a suitable site is not supported by the evidence and suggests prejudice.

(iii) Site 222, west of the crossroads, was also considered in 2006, as a possible site for the new village school, though it was not one of the top two sites put to a referendum. The SHELAA suggests 222 has a potential for 76 houses. The site is considered unsuitable partly because the new LBD, if adopted, will exclude all houses west of the cross roads, when the village actually extends a considerable length along this road to the west. There is no mention of the fact that the owners of this site are offering the

pond at the south west corner of the crossroads as village green space. The dismissal of 222 is not supported by the evidence and suggests prejudice.

(iv) The SHELAA suggests a capacity of 26 houses at Site LS8 in Iden Green, stating that it lies adjacent to the recreation ground and a children's nursery and that there is a pavement on both sides of Iden Green's main road. It fails to mention that easternmost side of this pavement connects the village to the village primary school. The SHELAA dismisses the site as unsuitable saying that it is located in a remote location relative to services, facilities and public transport, but this site is far less remote than sites AL/BE 3&4. The dismissal of site LS8 is not supported by the evidence and suggests prejudice.

(v) The proposed new LBD has been constructed so as to include the new site at Uphill and to exclude 222, when in fact, the actual built development extends westwards from the crossroads and includes site 222. The LBD is ignored in respect of AL/BE3&4. Manipulation of the LBD to suit allocated sites is inappropriate.

1 Infrastructure Delivery Plan

I have carefully read the IDP March 2021, and there is no mention of any improvements to the rural infrastructure to support the proposed new growth area at East End, where there are currently no amenities and limited infrastructure. Transport and sewerage are of particular concern and impact strongly on the neighbouring parish and borough. It seems to be assumed that this is not a problem for Benenden, someone else will have to take care of it.

1 Process

As a general comment, I have found the representation process unnecessarily difficult. In fact, from the point of view of the ordinary lay-man, I would term the process 'hostile'.

- . The interactive on-line site is difficult to navigate and freezes or logs itself out at regular intervals. Resetting passwords has required a telephone call as the automated process does not seem to work.
- . Inaccuracies in earlier consultation documents have been carried forward, despite being constructively pointed out in my response. This means that the local policies for Benenden are based on unsound information, and also makes me wonder why I bothered to respond because it seems no-one has read what I wrote.
- . Tables in the Infrastructure Delivery Plan published on the TWBC website are incomplete.
- . Also some of the jargon and wording used, particularly in the Sustainability Assessment, is almost incomprehensible to the lay reader. We wish to participate constructively in this process, but it almost seems designed to discourage this.

Question 6

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Question 5 above. (Please note that non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

TWBC should challenge the allocation of 12,200 dwellings (almost four times the borough's assessed housing need), and should not plan on that basis at least until after the Sevenoaks judicial review and appeal process is complete. It should not plan a "margin" to cover unmet allocations from neighbouring boroughs.

Policy PSTR/BE 1 should be amended:

- . The allocation for Benenden should be objectively reviewed and substantially reduced to the same level as similar-sized historic villages, such as Goudhurst or Frittenden.

- . Inset Map 17: The LBD for Benenden village should be redrawn to allow for a small amount of sustainable housing development within the village.

Development on site AL/BE3 should be limited to the existing, so far unused, planning permission for 24 houses, preferably by adapting the Garland Wing, which is a heritage building of historic value, either to a wellness centre, in accordance with its original intention, or to a row of up to 10 terraced houses. Site AL/BE4 already has 18 semi-detached houses on it, and cannot support any more. It should therefore be excluded. If further housing is required in Benenden, it should be allocated to sustainable sites (such as 158 and 222 in the village centre or LS8 in Iden Green) which lie on bus routes or are within walking distance of the village centre and school.

Paragraphs 5.421 and 5.422 should be omitted.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)? . Yes, I wish to participate in hearing session(s)

Question 7a

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

In order to put over my case, and to answer those with vested interests who may seek to put forward arguments against it.

Question 8

If you have any separate comments you wish to make on the accompanying Sustainability Appraisal, please make them here.

The Sustainability Appraisal (SA) is misleading:

1. Table 58 on page 163 states that all Benenden sites "lack services, facilities and travel options". This belies the fact that AL/BE2 (Feoffee Almshouses) is close to the Street as is AL/BE1 (Uphill). Both sites are within walking distance of the bus stop for daily bus services, the post office, village shop, the primary school, the village green, the butchers, pub, community hall, church, recreation ground and children's playground. AL/BE 3 & 4 are three miles northeast of the village with no daily bus service and no amenities whatsoever.
2. The commentary on Table 58, (page 163 of the SA), states that East End sites score badly on Climate Change and Travel, yet these are the sites promoted for most houses.
3. The SA argues on page 163 that East End residents will send their children to schools in Tenterden instead of to the village primary school, and that this will lessen the otherwise seriously negative effects of the two hospital sites. This is pure conjecture and possibly wishful thinking. Tenterden Primary School is already fully subscribed for the coming academic year, and housebuilding in the town is ongoing, adding to pressure on places from within the immediate area. Benenden Primary School has a good reputation and currently between 70 and 75% of children there come from outside the parish. East End children will have precedence over these, since intake depends on the distance of a child's residence from the school. Pressure on Benenden Primary School will increase, not decrease. Further, the use of a car, whether it drives to Tenterden (5-6 miles) or to Benenden (3 miles), pollutes and deprives residents of the health-giving pleasure of walking to school. The AL/BE 3&4 are contrary to STR2, to the NPPF and to KCC policy on climate change.
4. Appendix L (pp331-2) shows Scores for Reasonable Sites in Benenden. Here we see scores for

158 and 222, two sites close to the village centre. Of 158, we read “A site that scores several neutrals with some positives, let down by its land use and landscape score impacted by a loss of a greenfield site in the AONB and lack of services and facilities including public transport at the settlement.” This SA report compares poorly with the SA TWBC carried on site 158 in 2006. 158 is parallel to and just north of the Street with its exit onto New Pond Road. In 2006 site 158 was chosen in a village referendum as the site for a new C of E primary school. It was the preferred site out of a choice of two, both of which were greenfield. TWBC’s 2006 SA on 158 decided (see page 18 of the Sustainability Appraisal Benenden Church of England Primary School Land Allocation DPD - Issues and Options report), that 158 was one of two top sites. “Situated adjacent to an area of ancient woodland, the site provides the potential for habitat linkages and wildlife corridors. The site is not adjacent to the CA and does not form a significant role in its setting. There are no Listed Buildings on or adjacent to the site. The site is consistent with the surrounding landscape character. There are limited views into the site and no public rights of way over the site.” On page 38, we read, “This site is anticipated to have a major beneficial effect on improving educational standards and travel choice/traffic levels”. In spite of the referendum result, the school was eventually built at the less preferred site and, since then, TWBC had been in consultation with 158’s owners to build houses there.

5. In April 2018, BNP Steering Committee Deputy Chair, a borough councillor, showed the committee a piece of paper from TWBC saying that TWBC wishes to build 174 houses on site 158. He committed himself to seeing these numbers reduced and the numbers at East End raised. After a meeting between representatives from the BNP group and TW planners on June 19th, 2018, the minutes reported that “At times the workshop was emotive ...” Following that meeting TW planners put site 158 on temporary hold, limiting development there to a future Local Plan by asking, in the first draft of the LP on page 270, that the Uphill site on New Pond Road, adjacent to 158 and allocated at that time as AL/BE3, should, under Clause 8, provide for vehicular access through Uphill to the site behind (158) “which may be allocated for development as part of a future Local Plan.” In the PSLP, this wording for Clause 8 has disappeared. Where is the evidence-base for such wording to be included in the first draft and excluded in the second? Why was the site considered suitable in 2006, in 2018, and in the first draft, but not suitable in the PSLP?

6. Site 222, like 158 is described in Appendix L of the PSLP’s SA as suffering from “a lack of services and facilities including public transport at the settlement.” This is inaccurate. There is a daily bus service along Benenden Street and site 222 is within easy walking distance of the bus stop, shops, pub, community hall, primary school and all other amenities.

7. Site LS8, in the heart of Iden Green is, along with site 158 and 222, a site which on-the-ground evidence suggests is eminently suitable for development, but which the SA fails to allocate. Appendix L of the SA gives LS8 virtually the same scores as Uphill (LS16 of AL/BE1) yet the latter is included for development and the former is not. The commentary states of LS8 “A number of scores are negative however, reflecting the remote location of the site from services and facilities and public transport. It scores negatively in heritage terms as the site is a relatively sizeable piece of the Iden Green Conservation Area.” This site is far less remote than sites AL/BE 3 & 4. It is one mile from the village and connected to it by a paved footpath running past a Roadside Conservation Area and then (still paved) through a field to the church and primary school. It is on a bus route and the bus stop is next to LS8. Iden Green has a community hall, tennis courts, a children’s playground and pub/restaurant. The SA information is unreliable and the PSLP’s use of it for site allocation is unwise.

8. In so far as Benenden is concerned, the sites were allocated before any sustainability appraisal was commissioned. It is not therefore a relevant factor in the allocation of sites for housing.

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:

Yes, I wish to be notified of future stages of the Local Plan

Comment

Consultee	Judith Marks [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] Benenden [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Judith Marks [REDACTED]
Comment ID	PSLP_1800
Response Date	04/06/21 11:44
Consultation Point	Policy PSTR/BE 1 The Strategy for Benenden parish (View)
Status	Processed
Submission Type	Web
Version	0.7
Question 1	
Respondent's Name and/or Organisation	Mrs Judith Marks
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
Policy PSTR/BE 1 The Strategy for Benenden parish [TWBC: representation on Policy STR1 (PSLP_1246) duplicated against PSTR/BE 1 (PSLP_1800, AL/BE 3 (PSLP_1801) and AL/BE 4 (PSLP_1802)]	
Question 4	
Do you consider that the Local Plan:	
Is legally compliant	Don't know
Is sound	No

Complies with the Duty to Cooperate

No

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

.	It is not justified
.	It is not consistent with national policy

Question 5

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

Section 4 Development Strategy Your council tax payers and the communities that make up Tunbridge Wells Borough want to protect the rural nature of the Borough, including the Green Belt and the AONB and its setting. By not challenging the national policy allocation of 12,200 dwellings (against a projected population increase of 6155 over the plan period – with average UK household size of 2.4, this amounts to 2565 households, around 20% of what has been allocated), the Borough Council is not properly representing its residents and communities. The Borough Council is elected to stand up for the communities it serves. The Council is already being asked to meet a higher need than its own population numbers indicate. They should not also be contributing towards unmet needs

4.52 Table 4 Distribution of Housing Allocations The allocation of 87-95 dwellings to Benenden is disproportionately high compared with villages of a similar size, such as Goudhurst which is allocated only 25 dwellings, or Frittenden. The NPPF Chapter 2 para 11b lays out that “strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses...” Therefore housing allocation should be objectively based on need from within the parish and not on the willingness of some landowners to profit. At the last Housing Needs Survey undertaken in Benenden a low level of requirement for additional dwellings was identified.

Benenden Parish

5.420-22 Benenden is the only parish in the borough to have made its own allocations. The Benenden Neighbourhood Plan (BNP) has been developed in close consultation with TWBC, with the BNP in the lead. The BNP announced its allocations in February 2019, even before inviting AECOM infrastructure consultants to produce a Strategic Environmental Assessment. Pre-Submission Local Plan, para 5.420 reads “The BNP was submitted to TWBC in October 2020 and was consulted on between 30 October and 11 December 2020.” But the allocations had already been made and published in February 2019. Further, Para 5.420 states “The BNP proposes to include site allocation policies that follow the approach of the site allocation policies for Benenden in this Local Plan.” BNP allocations were first published in February 2019 i.e. before LP site allocation policies.

Allocations made by the LP, when it took up the BNP’s baton, are therefore inevitably linked to BNP’s weaknesses. Yet if the BNP passes a referendum before acceptance of the LP, it is said that it will take precedence over the LP (see para 5.421), with the exception of its plans for the northern site at Benenden hospital, which will be overruled by the plans advanced in the LP (see Benenden Parish Council April 2021 response to Independent Examiner queries on the BNP). This is in contradiction to para 5.422 which talks of making “modifications to the LP” so that it matches the BNP.

Policy PSTR/BE1: The Limits to Built Development for Benenden village, as defined on Inset Map 17, appears to have been drawn after the proposed site allocation and specifically to accommodate those sites and exclude all others. If the policy is genuinely plan-led, the LBD should be set first and then sites within it identified. This LBD has been designed to “freeze” the village rather than allow for reasonable sustainable growth to meet local needs and support a healthy vibrant community.

1 Community involvement. EN1: this requirement has not been respected.

- . In Benenden, almost all new housing is slated for East End, yet the Friends of East End (FEE), were never asked to meet with the BNP steering group. The much trumpeted community involvement was largely restricted to the village and Iden Green. East End is on the border of the parish with Biddenden, and development there will affect Biddenden more than Benenden (see below).
- . See EN1 para 9 requiring the effective engagement of the local community, neighbours of sites and others. The FEE submitted three petitions, two to the BNP and one in relation to the LP. A FEE submission with 127 signatures was submitted on 4 April 2019 in response the Informal Draft NP (published on February 23, 2019), in which the allocations later adopted by the LP were first set out. A FEE submission with 167 signatures was submitted in October 2019 objecting to the first draft of the LP, and in the same month, a FEE submission with 167 signatures was submitted in relation to the Reg 16 draft BNP. See the FEE's current online petition with more than 450 signatures <https://www.change.org/EastEndFriends>
- . Instead of being consulted, the FEE were ignored and belittled. They were informed on 11 March 2019 by the editor of the Parish Magazine (PM), husband of the Chair of the Parish Council, that “I’m of the view that much of the uncertainty has passed since the presentation of the plan to the village - to a highly favourable reception. At least we no longer have to give polite credence to *uninformed views* that fly in the face of TWBC policy and advocate direct and *pointless confrontation* with TWBC, thereby running the risk of having the entire BNP thrown back in our faces. *The ensuing chaos hardly bears thinking about.* At least it seems the opinions now being afforded most weight are those of *people who have worked hard for two years to understand the issues* and come up with a coherent way forward.”
- . One of the regular articles on the BNP submitted by the chair of the BNP Steering Group appeared in January 2020. It dismisses FEE opposition suggesting only “31 residents from East End” sent in comments.
- . The core group behind the BNP has consistently tried to persuade those who support the FEE to desist. The chair of the Parish Council and the chair of the BNP Steering Group have twice asked to meet a Tunbridge Wells Alliance (TWA) Borough Councillor for the parish, once together with a TWA borough council candidate, in efforts to persuade them to adhere to the BNP's approach and not to listen to the FEE.
- . The organiser of the FEE was a member of the Steering Committee 2017/2018 as chair of the Environmental Group. She expressed strong disagreement with a Borough Councillor who lives in the village (on occasion, he deputises as chair of the Steering Group) about his wish to step up allocations in East End and suppress TWBC's wish to build 174 houses on site 158. As a result, the Steering Group chair (using his own word), “sacked” her. This is contrary to EN1 para 9, encouraging early, proactive and effective engagements and the requirement that views expressed should be properly considered.
- . Consultation also failed in relation to the neighbouring parish of Biddenden. The Clerk of Biddenden Council has repeatedly responded to BPC in the course of the BNP consultation process, but received only acknowledgments. A Kent County Councillor and Ashford Borough Councillor wrote an article about BNP's mismanagement of the parish of Biddenden in the Biddenden Parish Magazine, February 2021.
- . The LP is based on the BNP and BNP allocations were made before consultations with stakeholders such as the AONB and Historic England. This is not consulting in a timely fashion. Further, the LP requires surveys of the hospital sites *after* the designation of the sites for development, for example, archaeological surveys (see AL/BE 3&4). Historic England (HE) asks for the surveys to be carried out *before allocation*. See HE's comments on the first draft LP (DLP_4556) - “we would expect the allocation of sites following on from this Strategy policy (STR1) to be subject to appropriately robust and detailed heritage impact assessment *prior to the allocations being adopted*.”

1 The PSLP is not based on sound evidence

- . Throughout the LP process, misstatements have been made about amenities in Benenden's East End. The current version of the PSLP states that the nearest stations to East End area are Staplehurst and Etchingham (5.411) when in fact the closest station is Headcorn.
- . Others may be traced back to a submission made by traffic and highways consultants, Transport Planning Associates (TPA) on behalf of Benenden Healthcare Society Ltd. (BHS). This submission was recently disclosed in BHS's response to the Independent Examiner's queries in relation to the BNP. TPA's information is sometimes inaccurate and sometimes misleading and we consider it here in detail because it is difficult otherwise, to understand how the LP was able to continue, iteration after iteration, to relate untrue information about the hospital site.
- . In October 2019, TPA reported (para 2.6) that there was a footpath along the southern edge of Goddards Green Road (GGR) and the PSLP, para 5.452 states "There is an intermittent pavement along GGR". The GGR is a long road running from New Pond Road to Castleton's Oak crossroads, and was formerly a lane. The pavement is limited to the short section immediately outside the hospital buildings. To say that there is an intermittent pavement along GGR is misleading.
- . The TPA refers to East End as a village, which it is not. East End runs from the junction of GGR and Walkhurst Road, along the GGR to the border with Biddenden, then turns south to reach close to Hole Park in Rolvenden, then east back to Walkhurst Road at the site of the stream, then along Walkhurst Road back to GGR (see the old Electoral Roll for 2004 when East End had its own polling station). It is a large, totally rural area of several square miles, which was why it was chosen as the site for an isolation hospital in 1906. Today it contains only 76 houses scattered across the entire area. The PSLP consistently refers to East End as a hamlet. It is not, which is why BPC is able to advertise itself on its website as "Serving the people of Benenden and Iden Green" without any reference to East End.
- . The TPA says that "a day nursery is located immediately to the north of the Site within 400m." There is incorrect, yet this error is repeated in para 5.413 of the PSLP "There are also nursery/pre-school facilities at Iden Green and East End." An accurate account would state Iden Green only.
- . In the same paragraph, the PSLP states that there is a small shop at Benenden Hospital. At one time there was a small shop for in-patients, which was available to the local community, but this closed many years ago.
- . The TPA states that there are daily bus services along GGR provided by bus nos. 24 and 299, and twice a day service provided by the Hopper bus. This information is incorrect. The 2019 Hopper bus, operated by the Tenterden Social Services Hub on an experimental basis, failed in only a matter of months. While the 24 and the 299 buses pass along GGR, they do so on only one day a week, the 24 on Tuesdays and the 299 on Wednesdays. East End has almost no public transport.
- . The TPA makes several statements in relation to traffic which have fed misinformation into the system to be reflected in AL/BA3&4. This misinformation was only recently revealed when documents were provided by BHS following April 2021 queries raised by the Independent Examiner on the BNP. These documents include a TPA 'Scoping Note' on road and traffic conditions at the site and a letter written in response to this Note from KCC Highways, dated 13 Nov. 2019. The TPA states that the GGR is 7m wide at the hospital site which detracts from the fact that it is actually a winding rural lane, now called a road, and varies considerably in width. It may at some point be 7m wide, but at others, it is so narrow that two lorries have difficulty passing each other. The TPA claims that there is no need for a road safety review because there have been "no personal injury accidents" recorded within 1,000m. Castleton's Oak crossroads lie 1.5 km from the site and accidents there are frequent. The situation is exacerbated by increasing traffic at the hospital. The hospital has turned itself into an almost exclusively out-patient centre and almost all its 300 employees drive in to work from outside the parish (formerly, they were housed on site in hospital staff buildings). Kent County Council (KCC) Highways make constant and repeated attempts to lower the risk of injury at the crossroads and continue to do so, but serious road accidents continue. The TPA claims that no traffic surveys are necessary which is a point queried in the KCC Highways' email. The email talks of the "heavy car dependency" of residents in any housing in this location and says this was one of its concerns, even at the time of the original application asking for only 24 houses. The email states that BHS's plans (and therefore AL/BE 3&4) are contrary to the NPPF and to KCC's own policy objectives, and points out that the hospital has not co-operated over the idea of a minibus to provide transport from the site to Benenden. The letter calls for: traffic counts along the GGR; a wider crash analysis; and expresses concern over the proposed access points to the SE Quadrant - 2 on Green Lane and 2 on GGR.

Lastly, on trip generation, the TPA projects that 47 houses at the site will produce only 106 trips a day, though the consultants admit that they have difficulty in basing their estimate on comparable sites because there are none. These trip generation figures ignore existing traffic from local residents, from patients, from hospital staff and from the newly (January 2021) proposed housing estate at Cleveland Farm. The AL/BE 3&4 policy fails to provide a traffic count, fails to ask for a road safety review and fails to acknowledge frequent traffic accidents near the sites.

Pre-submission supporting documents also produce inaccurate and sometimes irrelevant evidence. The hospital sites are within the setting of an AONB and even overlap into it, yet Inset Map 18 (Benenden Hospital), unlike other maps attached, makes no reference to the AONB boundary. The BNP claims that the hospital is outside the AONB and on this basis, since the rest of the village is wholly within the AONB, largely justifies placing most of Benenden's housing in East End. This is misleading, since the AONB boundary wraps tightly round AL/BE3, which actually overlaps into the AONB in the southwest corner. In any event both sites affect land in the AONB. The relationship of the AONB boundary to the hospital sites is important yet it is ignored on the map. This looks like prejudice.

Hankinson Duckett Associates's AONB Setting Analysis Report (a supporting document for the PSLP, referred to as an evidence base) is, in its analysis of AL/BE3&4, unsound. The analysis argues that development at these sites will enhance the setting of the AONB. It illustrates the argument with photos of the hospital chapel and its car park. Neither chapel nor car park are in the area up for development. Incidentally, the car park shown was supposed to be temporary contractors' parking during the building of the new hospital wing and car parks, and an undertaking was made by BHS at its presentation to the local community to reinstate it to grass paddock. It can be seen that this never happened.

1 **Policies AL/BE3&4 are not consistent with the PSLP's Vision objectives, its strategies, KCC's policies, nor with the NPPF.**

The PSLP's Vision Objective 1 is : "to improve access to suitable, especially affordable housing, including for local young people and older households." But this is inconsistent with allocations AL/BE 3 &4. BHS is asking in its comments on the LP first draft, for a lower number of affordable homes because of the high cost of brownfield development. Living isolated in the countryside, families will need at least two cars. Old and young will be unable to walk to schools, shops or any other amenities. This is not a suitable site for a borough which (see para 2.16) expects the population over the age of 65 + to increase by around 40% between 2020 and 2038.

The PSLP's Vision Objective 2 is to ensure sustainable development which allocations at AL/BE 3&4 do not achieve. On the contrary, the KCC warns that even with the existing permission for 24 houses on AL/BE3, the highway authority had concerns. This is an isolated location, deep in the countryside (see KCC Highways email 13 Nov 2019). More than 24 houses in this location is not sustainable.

LBD 5.416 states "the LBD around Benenden village sets the extent of existing and planned development .." This conflicts with the recommendation that major development be instated three miles beyond the LBD, on the border with Biddenden parish.

Policy STR 2 "The Council requires the use of masterplanning, including the use of design codes and sustainable design standards where appropriate, for strategic and larger-scale developments.." This is undermined by AL/BE 3&4 which calls for a masterplan for an area not included in the PSLP and not presented. Para 1a of Policy AL/BE3 states that there is a need to "show indicatively how the other areas included within Policies AL/BE3 and AL/BE 4 can be developed to meet the overall policy requirements as set out within each of these policies, and how the future needs for Benenden Hospital will be met on areas to the north west and south west that currently comprise the hospital buildings and associated ancillary uses and is previously developed land." It is not sound to proceed with an LP where the land to be developed is not clearly indicated from the start.

A masterplan is essential to avoid current inconsistencies on the size of areas to be developed: AL/BE3 excludes one of the 2 Local Wildlife Sites (LWS) at the site, yet the BNP includes both. Para 5.458 states "Both this policy and BNP draft Policy SSP3 broadly follow the same approach towards the potential for developing this site for a residential development.." They do not. The PSLP states that in the event of a successful referendum, the BNP's proposals will prevail. If this is so, are we supposed to assume that AL/BE3 map is inaccurate?

A similar problem arises at the northern site (AL/BE4) here there are currently 18 dwellings. The proposal allows for these to be demolished and another 25 dwellings added to the site. The size of the area to be developed varies between the LP and the BNP. The LP includes the LWS in

the area to be developed but the BNP includes only a small section, but says in the event of a successful referendum the BNP plan will be over-ruled by the LP plan (see the BPC response April 2021 to the Independent Examiner's queries). This is the reverse of 5.421 & 2. It is unsound to proceed with a plan when the NP and the LP are at odds with each other.

- . The PSLP claims building will only be within existing footprints, an approach which is at odds with that of the BHS. Plans for 47 new houses in AL/BE3, presented to the village on 17th February 2020 by the hospital architects, show the buildings are not to be built within the footprint of previous buildings nor to respect LWS.
- . Policy STR 3 calls for the use of brownfield sites "within settlements" and in "sustainable locations." AL/BE 3 consists of disused medical buildings and 2 LWS with parkland and veteran trees (depending on whether this second LWS is included or not). 5.448 is therefore incorrect. The site should be described not as brownfield but as partly previously developed. It is not on the Brownfield Register. Because of its remote location and its valuable LWS sites, it is not free from constraints which could be mitigated. As such, Policy AL/BE3 does not meet the criteria needed under the NPPF, Section 11, para 117 for development in "a way that makes as much use as possible of previously-developed or 'brownfield' land." AL/BE 4 contains in-use residential housing and an LWS and therefore is not entirely brownfield.
- . Policy STR 5 states that "New residential ... development will be supported if sufficient infrastructure capacity is either available or can be provided in time to serve the development." Will this happen at AL/BE3&4? Developers themselves are to be asked provide the infrastructure at AL/BE 3&4 at some point in the future. The LP proposes to take on trust suggestions that the BHS will avoid building on the LWS and will provide play-grounds, sports facilities and tennis courts. We know from submissions following the first draft LP, that BHS is actually planning to remove one LWS entirely and that its plans include building on the LWS and beyond the foot print of previous buildings. BHS suggests, in its response to the first draft LP (DLP_4956) that it is unlikely to provide play-grounds, sports facilities and tennis courts. The PSLP's approach does not take comments to the first draft LP into account. Further, we already see BHS reneging on or substantially modifying undertakings it made when planning permission was originally granted for AL/BE3 in 2013, and where no development has yet taken place.
- . Policy STR 6 proposes to "Deliver future development in accessible locations, normally within or in close proximity to existing towns and villages across the borough." In the case of the two isolated hospital sites, the PSLP contradicts its own strategic policy and fails to offer choices in transport or to prioritise active travel and public transport. The Benenden hospital sites have no daily bus service and no active travel link to the village, and neither the PSLP nor the BHS provide credible information on how these links are to be provided. The KCC email of Nov 13 suggests that the hospital is uncooperative on the proposal to organise a minibus service and the SHELAA says of AL/BE3 that it is "Remote from a settlement centre," (unlike sites 158, 222 and LS8); that residents will rely heavily on private cars and thus air quality and travel objectives score negatively; and that, "although promoted by the policy, shared transport and active travel options are unlikely to take precedence over private vehicle use thus air quality and climate change score negatively." This is crucial. For all the talk of mitigating the remoteness of the hospital sites with a minibus link and cycle routes, nobody actually believes that any of these measures will succeed. As for the proposal to create links suitable for electric personal vehicles, such as mobility scooters (as suggested under STR 6), it is difficult to see, when the closest link with the village is a single-track lane (Walkhurst Road), how any personal electric vehicle could make that journey. The PSLP is creating, through its policies AL/BE3&4, a car dependent community. This thereby negates the sense of the LP's supporting document, Transport Strategy Review Sept 2019 which urges reducing the need to travel.
- . AL/BE3&4 also undermine TWBC's Full Council motion of July 2019 to reduce CO2 emissions. "The dominance of the car as a mode of transport can lead to congestion, more road accidents, air and noise pollution. In addition it contributes to climate change, reduces social cohesion and leads to less healthy lifestyles" (para 44 Transport Review). According to TW's own SA from 2006, if social cohesion, reduction in air pollutants, and public health were indeed the borough's priorities, site 158 would have been among those chosen for Benenden, as originally intended.
- . PSLP paras 5.453 and 5.467 state that "residents of development in this location will rely heavily on private cars." These plans runs counter to STR6 policy on the environment see paras 6.8, 6.9, 6.10, 6.11 and 6.13. It also contravenes KCC policies on climate change and the NPPF (see KCC's Nov 13, 2019 letter on this subject).

- . Para 5.414 “The parish provides two relatively large sources of employment: at Benenden Hospital and at Benenden School.” The implication is that the employment opportunities are linked somehow to the population of Benenden. There is in fact little connection. The 300 plus staff at the hospital drive into the parish along GGR to work and, since the hospital is on the parish boundary and isolated from the village, their contribution to the local economy is negligible.
- . Policy STR 6 The LP proposes to “Deliver future development in accessible locations, normally within or in close proximity to existing towns and villages across the borough.” In the case of the two isolated hospital sites, the LP contradicts its own strategic policy and fails to offer choices in transport or to prioritise active travel and public transport.
- . Cycle routes: The PSLP’s standards on the public benefits of cycling and walking are based on the Cycle Strategy Supporting Document, but these standards are undermined by site allocation in Benenden. The Cycle document states that: “When more people cycle or walk the health of the population improves and our roads become safer and less congested.” Its objectives 4 and 5 are to improve safety for cyclists and air quality for all, but AL/BE 3 & 4 will create a community, deep in the countryside, entirely dependent on the car and will contribute to poorer air quality for all. The allocation of these sites, as opposed to sites such as 158, is difficult to understand.
- . The Cycle Strategy states that fear of traffic is possibly the main factor discouraging people from cycling. National Cycle Route 18 runs from the Rolvenden Road, down Stepneyford Lane, to Green Lane, before joining the Benenden Road near the hospital, turning right and leading to Castleton’s Oak Cross roads and Gribble Bridge Lane. This route is a largely on-road ride travelling through the High Weald, using narrow, picturesque country lanes as much as possible. Green Lane/Stepneyford Lane is mentioned in TWBC’s Rural Lanes: Supplementary Planning Guidance. It is particularly high scoring in terms of its landscape, its recreational value, its natural beauty and its history. For these reasons, it is part of National Route 18. Rather than encouraging cycling, AL/BE3, which proposes two exits for this major development on GGR and two on Green Lane (where a second housing estate, at Cleveland Farm is already leading to Kent Highways calling for road widening and the elimination of grass verges - see Planning Application 20/03267/FULL) will cause an increase in those factors, identified in TW Cycle Strategy, as discouraging cyclists, namely, traffic and the loss of unspoilt country lanes. Policy AL/BE3 also contravenes Kent Structure Plan Policy ENV13: “Rural lanes which are of landscape, amenity, nature conservation, historic or archaeological importance will be protected from changes which would damage their character, and enhanced.” In any event, the cycle route is purely recreational and will not enhance the sustainability of these sites.
- . Policy STR 7 proposes, in dealing with TWBC’s 2019 legally binding commitment to manage climate change, that all development in the borough will support the Council’s target to achieve net zero emissions by 2030. It is unsound, with such a goal, to propose a major development on the parish periphery, 3 miles equidistant from two villages where there is no shop (in spite of the PLSP’s statement AL/BE 3&4) and no café (BHS says its café was built for its own use not for the use of the public - see comments on the first draft of the LP). Residents will need their cars for almost everything.
- . Policy STR1 promotes the effective use of previously developed land, having due regard to relevant Plan policies, but in promoting AL/BE3&4, the PSLP disregards STR6 (environmental goals) & STR7 (transport goals). Under the NPPF, sustainability is the priority, as the PSLP acknowledges in STR3, 4.65 “A presumption of sustainability lies at the heart of the NPPF”, but in allocating AL/BE 3&4, the PSLP fails to respect its own and the NPPF’s strategic priorities.
- . Policy STR 8 states that development should contribute to and enhance rural landscapes with particular regard to the High Weald (HW) AONB. The PSLP promotes nature conservation. Its biodiversity objective is to achieve net gains and, where possible, secure long-term management of sites for biodiversity. AL/BE3 runs counter to this strategy since the BHS has produced plans showing houses built over the LWS. It has, furthermore, produced a document requiring that one of the two LWS be dug up and removed to another unspecified location, thereby nullifying the terms of the existing Landscape and Ecology Management Plan (LEMP) for that site. Para 3.21 of the BHS submission on the first draft LP states: “The Society supports the requirement for long-term management of the core areas of LWS associated with the hospital land. This includes all but the modest area within the SEQ adjoining Peek Lodge which is too constraining on the South East Quadrant redevelopment proposals. Accordingly, the soils in the area will be translocated to a nearby receptor site to try to ensure that the rare fungi can continue to thrive in this local area.” This is a particularly significant site for biodiversity. A letter from Keith Nicholson, former Planning and Conservation officer for the Kent Wildlife Trust, dated 4 March 2013, to

TWBC Development Control Officer, Ellen Gilbert states that the hospital LWS are of national importance, mainly for the large number of different varieties of waxcaps. He states that they could well have been designated SSSI. Both in terms of waxcaps and in terms of valuable acid grassland, the hospital sites have high environmental value, see Comment DLP_3458 on the first draft of the LP, from the High Weald AONB Unit. The Benenden Hospital site “includes rare and vulnerable acid grassland which should form a core area for unimproved grassland as part of a High Weald nature recovery network.” AL/BE3&4 threaten the biodiversity of significant species in the LWS at the hospital sites, contrary to EN1.

- . The LWS to the south of AL/BE3 is included in the BNP and BPC argues that this has been done in order to protect it (see their response to the Independent Examiner April 2021). It is difficult to follow this logic. The inclusion of the site in the area to be developed suggests that it too could be under threat.
- . There is no plan showing the placement of houses on AL/BE 4, which is currently home to a large LWS and is the site of 18 habitable dwellings, almost all of them currently in use and let. The proposal allows for these to be demolished and another 25 dwellings added to the site. The PSLP includes the LWS in the area to be developed and the BNP excludes most of it. Benenden Parish Council (BPC), in its April 2021 response to the Independent Examiner, has said that, in this case of a successful referendum, the PSLP’s plan (which includes the LWS), will prevail. In other words, of the 3 LWS in AL/BE 3&4, one is slated for removal, one will be built over if the PSLP prevails and one may be built over if the BNP prevails. This runs completely contrary to STR8.
- . The PSLP claims that the hospital development “has the potential to improve the setting of the HW AONB through the delivery of a more sensitive redevelopment of existing buildings” (para 5.454), but the claim is not supported by evidence produced by Hankinson & Duckett (see above) while the HW AONB unit’s own view is the opposite. See TW first Draft LP, DLP_3458 High Weald AONB Unit (which objects to the Plan) : “....In our view the development at Benenden Hospital will have a significant effect on the setting of the AONB and the purposes of its designation, and this issue has PSLP EN1 para 5. Biodiversity and geodiversity.
- . AL/BE 3&4 run counter to this policy as stated above in relation to the LWS.
- . STR8 sets high environmental standards but these are undermined in the site allocations. This is particularly startling in the light of the July 2019 Full Council motion to recognise the climate and biodiversity emergency, in fact, the Benenden allocations put into question whether the motion was passed in good faith.
- . EN1 para 5 (Biodiversity and geodiversity) says that proposals should maximise opportunities to increase biodiversity. This goal may make sense in an urban setting, but development in the countryside, as is proposed in AL/BE 3 & 4, cannot hope to ever mitigate biodiversity loss. The destruction of trees and wild spaces, the introduction of lighting, kerbs, driveways, wider roads and narrower verges, the use of concrete, tarmac, bricks and mortar in a deeply rural setting cannot “increase biodiversity”.
- . EN1 provides for Long-term Management plans which would be satisfactory within an urban context. In a rural location like East End, such plans are no substitute for natural wild spaces. A ‘managed’ green space set among streets is less likely to promote biodiversity and less likely to conserve wildlife than ‘unmanaged’ green space. Further, the three LWS in AL/BE3 are all already part of an existing LEMP agreement, and since one or all would be removed in the case of development as outlined by BHS under AL/BE3&4, instead of creating a long-term management plan, AL/BE3&4 would all but terminate an existing one. The sentiments expressed in EN1 are mocked by AL/BE3&4.

1 Site policies

AL/BE3 excludes one of the 2 LWS at the site, and the BNP includes both, yet para 5.458 states “Both this policy and BNP draft Policy SSP3 broadly follow the same approach towards the potential for developing this site for a residential development..” This does not appear to be the case. Further, the SHELAA treats this site twice, once including the southern LWS (and excluding Windmill Cottage) and once excluding the LWS and including Windmill Cottage (SHELAA pages 1-3 and pages 18-19). In the second instance, the suggestion is for 67-73 houses, presumably building over the LWS. The first plan is the one adopted in the PSLP and appears to be the more accurate of the two in that it describes the site as “mostly PDL”. The second ignores all greenfield aspects and is almost identical to the plan in the BNP, a plan which BNP claims will prevail if it wins a referendum. Is AL/BE3 presenting us with the wrong plan?

AL/BE3 and AL/BE4 provide for a phased timetable for development of the two sites at different time intervals without calling for a comprehensive masterplan for the hospital site as a whole i.e. for the entire built up area. This is inconsistent with STR2, which requires a masterplan for large developments. The full extent of the area to be developed must be clear. See para 1a of Policy AL/BE3 which states that there is a need to “show indicatively how the other areas included within Policies AL/BE3 and AL/BE 4 can be developed to meet the overall policy requirements as set out within each of these policies, and *how the future needs for Benenden Hospital will be met on areas to the north west and south west that currently comprise the hospital buildings and associated ancillary uses and is previously developed land.*” It is not sound to proceed with an LP where the land to be developed is not indicated from the start.

AL/BE3&4 both call for a 3-mile active travel link between the site and Benenden village. This proposal has been costed (see BPC’s April 2021 reply to the Independent Examiner) at between £180,000 and £220,000 for a 3m wide tarmacked surface, plus costs to upgrade it to a bridleway, plus the costs associated with obtaining landowners’ consent or, failing that, of starting compulsory purchase proceedings which TWBC expresses reluctance to undertake because of the significant compensation costs and legal costs which would be involved. Ongoing maintenance costs are not included. No steps have been taken either by the BNP or TWBC to ascertain the willingness of landowners to give up their land although the major landowner involved wrote to BNP on 11th Sept. 2019 objecting to the plan. It is understood that he was not contacted for subsequent discussion.

AL/BE3&4 calls for the repurposing of the existing tennis courts for the use of local residents, which BHS denies it will offer for public use; for the public use of the hospital’s café; for the creation of a hospital shop (5.413); for a minibus service linking the hospital to the village (“The Society is not a transport provider” is BHS’ response); for green space, a playground and provision of a community hall - most of these policies are refuted in Savills’ comments on behalf of BHS, in the first draft of the LP, DLP_ 4956 paras 3.14, 3.18, 3.19, 3.20, 3.46 and 3.47. Rather than agreeing to such policies, the hospital is calling on TWBC to introduce a more flexible funding system to allow a *reduction* of developer costs. BHS argues these will be high because they wish to demolish existing buildings. It is unsound to propose policies which cannot be implemented. Once the sites are sold, no relevant conditions to this effect could be imposed.

1 The PSLP is unsound because of inconsistencies in the treatment of different sites.

(i) **Uphill, AL/BE1** is described as having archaeological potential (para 5.428) requiring possible mitigation measures. This is not because of historical finds on the site, but because they might be found. A listed manor house lies on the other side of New Pond Road and, according to AL/BE1, “the site lies within, or very close to the relevant impact risk zone for Parsonage Wood”, a SSSI which is, in fact, several miles away. The archaeological significance of AL/BE 3&4 is far more certain and substantial. The hospital sites are where a Bronze Age palstaff was found (see the National Monument Register - SMR Number /Hob UID)) and the sites lie close to two ancient routeways. A Roman Road runs west-east (on BHS farmland) a few yards to the south of AL/BE3 and a medieval drove road (GGR), runs west-east between the two sites. Further, two Grade II Listed Buildings are sited here, also on BHS land. The Lister Building stands a few yards to the west of AL/BE3 and Cleveland Farmhouse (the farmyard of which BHS is trying to develop separately and simultaneously as if a minor development outside the Local Plan) lies a few yards to the south. Instead of mentioning these facts, AL/BE3&4 reads (5.456 and 5.468) “Kent County Council states that the site includes significant archaeology, which could be dealt with through suitable conditions on a planning approval.” The imbalance in the treatment of the two sites is substantial and suggests confirmatory bias or prejudice.

(ii) The SHELAA assessment of site 158 suggests a potential yield of 50-65 houses, but then concludes that only the Uphill part of the site is suitable (20 houses). It states that “the remainder of the site is sensitive in landscaping terms and there is concern regarding scale and impact on the character of the landscape and settlement pattern”. This is contrary to the views of TW’s 2006 SA; to the TW 2018 document proposing 174 houses; and to the first draft of the LP. The dismissal of 158 as a suitable site is not supported by the evidence and suggests prejudice.

(iii) Site 222, west of the crossroads, was also considered in 2006, as a possible site for the new village school, though it was not one of the top two sites put to a referendum. The SHELAA suggests 222 has a potential for 76 houses. The site is considered unsuitable partly because the new LBD, if adopted, will exclude all houses west of the cross roads, when the village actually extends a considerable length along this road to the west. There is no mention of the fact that the owners of this site are offering the

pond at the south west corner of the crossroads as village green space. The dismissal of 222 is not supported by the evidence and suggests prejudice.

(iv) The SHELAA suggests a capacity of 26 houses at Site LS8 in Iden Green, stating that it lies adjacent to the recreation ground and a children's nursery and that there is a pavement on both sides of Iden Green's main road. It fails to mention that easternmost side of this pavement connects the village to the village primary school. The SHELAA dismisses the site as unsuitable saying that it is located in a remote location relative to services, facilities and public transport, but this site is far less remote than sites AL/BE 3&4. The dismissal of site LS8 is not supported by the evidence and suggests prejudice.

(v) The proposed new LBD has been constructed so as to include the new site at Uphill and to exclude 222, when in fact, the actual built development extends westwards from the crossroads and includes site 222. The LBD is ignored in respect of AL/BE3&4. Manipulation of the LBD to suit allocated sites is inappropriate.

1 Infrastructure Delivery Plan

I have carefully read the IDP March 2021, and there is no mention of any improvements to the rural infrastructure to support the proposed new growth area at East End, where there are currently no amenities and limited infrastructure. Transport and sewerage are of particular concern and impact strongly on the neighbouring parish and borough. It seems to be assumed that this is not a problem for Benenden, someone else will have to take care of it.

1 Process

As a general comment, I have found the representation process unnecessarily difficult. In fact, from the point of view of the ordinary lay-man, I would term the process 'hostile'.

- . The interactive on-line site is difficult to navigate and freezes or logs itself out at regular intervals. Resetting passwords has required a telephone call as the automated process does not seem to work.
- . Inaccuracies in earlier consultation documents have been carried forward, despite being constructively pointed out in my response. This means that the local policies for Benenden are based on unsound information, and also makes me wonder why I bothered to respond because it seems no-one has read what I wrote.
- . Tables in the Infrastructure Delivery Plan published on the TWBC website are incomplete.
- . Also some of the jargon and wording used, particularly in the Sustainability Assessment, is almost incomprehensible to the lay reader. We wish to participate constructively in this process, but it almost seems designed to discourage this.

Question 6

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Question 5 above. (Please note that non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

TWBC should challenge the allocation of 12,200 dwellings (almost four times the borough's assessed housing need), and should not plan on that basis at least until after the Sevenoaks judicial review and appeal process is complete. It should not plan a "margin" to cover unmet allocations from neighbouring boroughs.

Policy PSTR/BE 1 should be amended:

- . The allocation for Benenden should be objectively reviewed and substantially reduced to the same level as similar-sized historic villages, such as Goudhurst or Frittenden.

- . Inset Map 17: The LBD for Benenden village should be redrawn to allow for a small amount of sustainable housing development within the village.

Development on site AL/BE3 should be limited to the existing, so far unused, planning permission for 24 houses, preferably by adapting the Garland Wing, which is a heritage building of historic value, either to a wellness centre, in accordance with its original intention, or to a row of up to 10 terraced houses. Site AL/BE4 already has 18 semi-detached houses on it, and cannot support any more. It should therefore be excluded. If further housing is required in Benenden, it should be allocated to sustainable sites (such as 158 and 222 in the village centre or LS8 in Iden Green) which lie on bus routes or are within walking distance of the village centre and school.

Paragraphs 5.421 and 5.422 should be omitted.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)? . Yes, I wish to participate in hearing session(s)

Question 7a

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

In order to put over my case, and to answer those with vested interests who may seek to put forward arguments against it.

Question 8

If you have any separate comments you wish to make on the accompanying Sustainability Appraisal, please make them here.

The Sustainability Appraisal (SA) is misleading:

1. Table 58 on page 163 states that all Benenden sites "lack services, facilities and travel options". This belies the fact that AL/BE2 (Feoffee Almshouses) is close to the Street as is AL/BE1 (Uphill). Both sites are within walking distance of the bus stop for daily bus services, the post office, village shop, the primary school, the village green, the butchers, pub, community hall, church, recreation ground and children's playground. AL/BE 3 & 4 are three miles northeast of the village with no daily bus service and no amenities whatsoever.
2. The commentary on Table 58, (page 163 of the SA), states that East End sites score badly on Climate Change and Travel, yet these are the sites promoted for most houses.
3. The SA argues on page 163 that East End residents will send their children to schools in Tenterden instead of to the village primary school, and that this will lessen the otherwise seriously negative effects of the two hospital sites. This is pure conjecture and possibly wishful thinking. Tenterden Primary School is already fully subscribed for the coming academic year, and housebuilding in the town is ongoing, adding to pressure on places from within the immediate area. Benenden Primary School has a good reputation and currently between 70 and 75% of children there come from outside the parish. East End children will have precedence over these, since intake depends on the distance of a child's residence from the school. Pressure on Benenden Primary School will increase, not decrease. Further, the use of a car, whether it drives to Tenterden (5-6 miles) or to Benenden (3 miles), pollutes and deprives residents of the health-giving pleasure of walking to school. The AL/BE 3&4 are contrary to STR2, to the NPPF and to KCC policy on climate change.
4. Appendix L (pp331-2) shows Scores for Reasonable Sites in Benenden. Here we see scores for

158 and 222, two sites close to the village centre. Of 158, we read “A site that scores several neutrals with some positives, let down by its land use and landscape score impacted by a loss of a greenfield site in the AONB and lack of services and facilities including public transport at the settlement.” This SA report compares poorly with the SA TWBC carried on site 158 in 2006. 158 is parallel to and just north of the Street with its exit onto New Pond Road. In 2006 site 158 was chosen in a village referendum as the site for a new C of E primary school. It was the preferred site out of a choice of two, both of which were greenfield. TWBC’s 2006 SA on 158 decided (see page 18 of the Sustainability Appraisal Benenden Church of England Primary School Land Allocation DPD - Issues and Options report), that 158 was one of two top sites. “Situating adjacent to an area of ancient woodland, the site provides the potential for habitat linkages and wildlife corridors. The site is not adjacent to the CA and does not form a significant role in its setting. There are no Listed Buildings on or adjacent to the site. The site is consistent with the surrounding landscape character. There are limited views into the site and no public rights of way over the site.” On page 38, we read, “This site is anticipated to have a major beneficial effect on improving educational standards and travel choice/traffic levels”. In spite of the referendum result, the school was eventually built at the less preferred site and, since then, TWBC had been in consultation with 158’s owners to build houses there.

5. In April 2018, BNP Steering Committee Deputy Chair, a borough councillor, showed the committee a piece of paper from TWBC saying that TWBC wishes to build 174 houses on site 158. He committed himself to seeing these numbers reduced and the numbers at East End raised. After a meeting between representatives from the BNP group and TW planners on June 19th, 2018, the minutes reported that “At times the workshop was emotive ...” Following that meeting TW planners put site 158 on temporary hold, limiting development there to a future Local Plan by asking, in the first draft of the LP on page 270, that the Uphill site on New Pond Road, adjacent to 158 and allocated at that time as AL/BE3, should, under Clause 8, provide for vehicular access through Uphill to the site behind (158) “which may be allocated for development as part of a future Local Plan.” In the PSLP, this wording for Clause 8 has disappeared. Where is the evidence-base for such wording to be included in the first draft and excluded in the second? Why was the site considered suitable in 2006, in 2018, and in the first draft, but not suitable in the PSLP?

6. Site 222, like 158 is described in Appendix L of the PSLP’s SA as suffering from “a lack of services and facilities including public transport at the settlement.” This is inaccurate. There is a daily bus service along Benenden Street and site 222 is within easy walking distance of the bus stop, shops, pub, community hall, primary school and all other amenities.

7. Site LS8, in the heart of Iden Green is, along with site 158 and 222, a site which on-the-ground evidence suggests is eminently suitable for development, but which the SA fails to allocate. Appendix L of the SA gives LS8 virtually the same scores as Uphill (LS16 of AL/BE1) yet the latter is included for development and the former is not. The commentary states of LS8 “A number of scores are negative however, reflecting the remote location of the site from services and facilities and public transport. It scores negatively in heritage terms as the site is a relatively sizeable piece of the Iden Green Conservation Area.” This site is far less remote than sites AL/BE 3 & 4. It is one mile from the village and connected to it by a paved footpath running past a Roadside Conservation Area and then (still paved) through a field to the church and primary school. It is on a bus route and the bus stop is next to LS8. Iden Green has a community hall, tennis courts, a children’s playground and pub/restaurant. The SA information is unreliable and the PSLP’s use of it for site allocation is unwise.

8. In so far as Benenden is concerned, the sites were allocated before any sustainability appraisal was commissioned. It is not therefore a relevant factor in the allocation of sites for housing.

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:

Yes, I wish to be notified of future stages of the Local Plan

Comment

Consultee	Judith Marks [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] Benenden [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Judith Marks [REDACTED]
Comment ID	PSLP_1801
Response Date	04/06/21 11:44
Consultation Point	Policy AL/BE 3 Land at Benenden Hospital (south of Goddards Green Road), East End (View)
Status	Processed
Submission Type	Web
Version	0.6
Question 1	
Respondent's Name and/or Organisation	Mrs Judith Marks
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
Policy AL/BE 3 Land at Benenden Hospital (south of Goddards Green Road), East End [TWBC: representation on Policy STR1 (PSLP_1246) duplicated against PSTR/BE 1 (PSLP_1800, AL/BE 3 (PSLP_1801) and AL/BE 4 (PSLP_1802)]	
Question 4	
Do you consider that the Local Plan:	
Is legally compliant	Don't know
Is sound	No

No

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:	It is not justified
	It is not consistent with national policy

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

Section 4 Development Strategy Your council tax payers and the communities that make up Tunbridge Wells Borough want to protect the rural nature of the Borough, including the Green Belt and the AONB and its setting. By not challenging the national policy allocation of 12,200 dwellings (against a projected population increase of 6155 over the plan period – with average UK household size of 2.4, this amounts to 2565 households, around 20% of what has been allocated), the Borough Council is not properly representing its residents and communities. The Borough Council is elected to stand up for the communities it serves. The Council is already being asked to meet a higher need than its own population numbers indicate. They should not also be contributing towards unmet needs

4.52 Table 4 Distribution of Housing Allocations The allocation of 87-95 dwellings to Benenden is disproportionately high compared with villages of a similar size, such as Goudhurst which is allocated only 25 dwellings, or Frittenden. The NPPF Chapter 2 para 11b lays out that “strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses...” Therefore housing allocation should be objectively based on need from within the parish and not on the willingness of some landowners to profit. At the last Housing Needs Survey undertaken in Benenden a low level of requirement for additional dwellings was identified.

5.420-22 Benenden is the only parish in the borough to have made its own allocations. The Benenden Neighbourhood Plan (BNP) has been developed in close consultation with TWBC, with the BNP in the lead. The BNP announced its allocations in February 2019, even before inviting AECOM infrastructure consultants to produce a Strategic Environmental Assessment. Pre-Submission Local Plan, para 5.420 reads “The BNP was submitted to TWBC in October 2020 and was consulted on between 30 October and 11 December 2020.” But the allocations had already been made and published in February 2019. Further, Para 5.420 states “The BNP proposes to include site allocation policies that follow the approach of the site allocation policies for Benenden in this Local Plan.” BNP allocations were first published in February 2019 i.e. before LP site allocation policies.

Allocations made by the LP, when it took up the BNP's baton, are therefore inevitably linked to BNP's weaknesses. Yet if the BNP passes a referendum before acceptance of the LP, it is said that it will take precedence over the LP (see para 5.421), with the exception of its plans for the northern site at Benenden hospital, which will be overruled by the plans advanced in the LP (see Benenden Parish Council April 2021 response to Independent Examiner queries on the BNP). This is in contradiction to para 5.422 which talks of making "modifications to the LP" so that it matches the BNP.

Policy PSTR/BE1: The Limits to Built Development for Benenden village, as defined on Inset Map 17, appears to have been drawn after the proposed site allocation and specifically to accommodate those sites and exclude all others. If the policy is genuinely plan-led, the LBD should be set first and then sites within it identified. This LBD has been designed to “freeze” the village rather than allow for reasonable sustainable growth to meet local needs and support a healthy vibrant community.

1 Community involvement. EN1: this requirement has not been respected.

- . In Benenden, almost all new housing is slated for East End, yet the Friends of East End (FEE), were never asked to meet with the BNP steering group. The much trumpeted community involvement was largely restricted to the village and Iden Green. East End is on the border of the parish with Biddenden, and development there will affect Biddenden more than Benenden (see below).
- . See EN1 para 9 requiring the effective engagement of the local community, neighbours of sites and others. The FEE submitted three petitions, two to the BNP and one in relation to the LP. A FEE submission with 127 signatures was submitted on 4 April 2019 in response the Informal Draft NP (published on February 23, 2019), in which the allocations later adopted by the LP were first set out. A FEE submission with 167 signatures was submitted in October 2019 objecting to the first draft of the LP, and in the same month, a FEE submission with 167 signatures was submitted in relation to the Reg 16 draft BNP. See the FEE's current online petition with more than 450 signatures <https://www.change.org/EastEndFriends>
- . Instead of being consulted, the FEE were ignored and belittled. They were informed on 11 March 2019 by the editor of the Parish Magazine (PM), husband of the Chair of the Parish Council, that “I’m of the view that much of the uncertainty has passed since the presentation of the plan to the village - to a highly favourable reception. At least we no longer have to give polite credence to *uninformed views* that fly in the face of TWBC policy and advocate direct and *pointless confrontation* with TWBC, thereby running the risk of having the entire BNP thrown back in our faces. *The ensuing chaos hardly bears thinking about.* At least it seems the opinions now being afforded most weight are those of *people who have worked hard for two years to understand the issues* and come up with a coherent way forward.”
- . One of the regular articles on the BNP submitted by the chair of the BNP Steering Group appeared in January 2020. It dismisses FEE opposition suggesting only “31 residents from East End” sent in comments.
- . The core group behind the BNP has consistently tried to persuade those who support the FEE to desist. The chair of the Parish Council and the chair of the BNP Steering Group have twice asked to meet a Tunbridge Wells Alliance (TWA) Borough Councillor for the parish, once together with a TWA borough council candidate, in efforts to persuade them to adhere to the BNP's approach and not to listen to the FEE.
- . The organiser of the FEE was a member of the Steering Committee 2017/2018 as chair of the Environmental Group. She expressed strong disagreement with a Borough Councillor who lives in the village (on occasion, he deputises as chair of the Steering Group) about his wish to step up allocations in East End and suppress TWBC's wish to build 174 houses on site 158. As a result, the Steering Group chair (using his own word), “sacked” her. This is contrary to EN1 para 9, encouraging early, proactive and effective engagements and the requirement that views expressed should be properly considered.
- . Consultation also failed in relation to the neighbouring parish of Biddenden. The Clerk of Biddenden Council has repeatedly responded to BPC in the course of the BNP consultation process, but received only acknowledgments. A Kent County Councillor and Ashford Borough Councillor wrote an article about BNP's mismanagement of the parish of Biddenden in the Biddenden Parish Magazine, February 2021.
- . The LP is based on the BNP and BNP allocations were made before consultations with stakeholders such as the AONB and Historic England. This is not consulting in a timely fashion. Further, the LP requires surveys of the hospital sites *after* the designation of the sites for development, for example, archaeological surveys (see AL/BE 3&4). Historic England (HE) asks for the surveys to be carried out *before allocation*. See HE's comments on the first draft LP (DLP_4556) - “we would expect the allocation of sites following on from this Strategy policy (STR1) to be subject to appropriately robust and detailed heritage impact assessment *prior to the allocations being adopted.*”

1 The PSLP is not based on sound evidence

- . Throughout the LP process, misstatements have been made about amenities in Benenden's East End. The current version of the PSLP states that the nearest stations to East End area are Staplehurst and Etchingham (5.411) when in fact the closest station is Headcorn.
- . Others may be traced back to a submission made by traffic and highways consultants, Transport Planning Associates (TPA) on behalf of Benenden Healthcare Society Ltd. (BHS). This submission was recently disclosed in BHS's response to the Independent Examiner's queries in relation to the BNP. TPA's information is sometimes inaccurate and sometimes misleading and we consider it here in detail because it is difficult otherwise, to understand how the LP was able to continue, iteration after iteration, to relate untrue information about the hospital site.
- . In October 2019, TPA reported (para 2.6) that there was a footpath along the southern edge of Goddards Green Road (GGR) and the PSLP, para 5.452 states "There is an intermittent pavement along GGR". The GGR is a long road running from New Pond Road to Castleton's Oak crossroads, and was formerly a lane. The pavement is limited to the short section immediately outside the hospital buildings. To say that there is an intermittent pavement along GGR is misleading.
- . The TPA refers to East End as a village, which it is not. East End runs from the junction of GGR and Walkhurst Road, along the GGR to the border with Biddenden, then turns south to reach close to Hole Park in Rolvenden, then east back to Walkhurst Road at the site of the stream, then along Walkhurst Road back to GGR (see the old Electoral Roll for 2004 when East End had its own polling station). It is a large, totally rural area of several square miles, which was why it was chosen as the site for an isolation hospital in 1906. Today it contains only 76 houses scattered across the entire area. The PSLP consistently refers to East End as a hamlet. It is not, which is why BPC is able to advertise itself on its website as "Serving the people of Benenden and Iden Green" without any reference to East End.
- . The TPA says that "a day nursery is located immediately to the north of the Site within 400m." There is incorrect, yet this error is repeated in para 5.413 of the PSLP "There are also nursery/pre-school facilities at Iden Green and East End." An accurate account would state Iden Green only.
- . In the same paragraph, the PSLP states that there is a small shop at Benenden Hospital. At one time there was a small shop for in-patients, which was available to the local community, but this closed many years ago.
- . The TPA states that there are daily bus services along GGR provided by bus nos. 24 and 299, and twice a day service provided by the Hopper bus. This information is incorrect. The 2019 Hopper bus, operated by the Tenterden Social Services Hub on an experimental basis, failed in only a matter of months. While the 24 and the 299 buses pass along GGR, they do so on only one day a week, the 24 on Tuesdays and the 299 on Wednesdays. East End has almost no public transport.
- . The TPA makes several statements in relation to traffic which have fed misinformation into the system to be reflected in AL/BA3&4. This misinformation was only recently revealed when documents were provided by BHS following April 2021 queries raised by the Independent Examiner on the BNP. These documents include a TPA 'Scoping Note' on road and traffic conditions at the site and a letter written in response to this Note from KCC Highways, dated 13 Nov. 2019. The TPA states that the GGR is 7m wide at the hospital site which detracts from the fact that it is actually a winding rural lane, now called a road, and varies considerably in width. It may at some point be 7m wide, but at others, it is so narrow that two lorries have difficulty passing each other. The TPA claims that there is no need for a road safety review because there have been "no personal injury accidents" recorded within 1,000m. Castleton's Oak crossroads lie 1.5 km from the site and accidents there are frequent. The situation is exacerbated by increasing traffic at the hospital. The hospital has turned itself into an almost exclusively out-patient centre and almost all its 300 employees drive in to work from outside the parish (formerly, they were housed on site in hospital staff buildings). Kent County Council (KCC) Highways make constant and repeated attempts to lower the risk of injury at the crossroads and continue to do so, but serious road accidents continue. The TPA claims that no traffic surveys are necessary which is a point queried in the KCC Highways' email. The email talks of the "heavy car dependency" of residents in any housing in this location and says this was one of its concerns, even at the time of the original application asking for only 24 houses. The email states that BHS's plans (and therefore AL/BE 3&4) are contrary to the NPPF and to KCC's own policy objectives, and points out that the hospital has not co-operated over the idea of a minibus to provide transport from the site to Benenden. The letter calls for: traffic counts along the GGR; a wider crash analysis; and expresses concern over the proposed access points to the SE Quadrant - 2 on Green Lane and 2 on GGR.

Lastly, on trip generation, the TPA projects that 47 houses at the site will produce only 106 trips a day, though the consultants admit that they have difficulty in basing their estimate on comparable sites because there are none. These trip generation figures ignore existing traffic from local residents, from patients, from hospital staff and from the newly (January 2021) proposed housing estate at Cleveland Farm. The AL/BE 3&4 policy fails to provide a traffic count, fails to ask for a road safety review and fails to acknowledge frequent traffic accidents near the sites.

Pre-submission supporting documents also produce inaccurate and sometimes irrelevant evidence. The hospital sites are within the setting of an AONB and even overlap into it, yet Inset Map 18 (Benenden Hospital), unlike other maps attached, makes no reference to the AONB boundary. The BNP claims that the hospital is outside the AONB and on this basis, since the rest of the village is wholly within the AONB, largely justifies placing most of Benenden's housing in East End. This is misleading, since the AONB boundary wraps tightly round AL/BE3, which actually overlaps into the AONB in the southwest corner. In any event both sites affect land in the AONB. The relationship of the AONB boundary to the hospital sites is important yet it is ignored on the map. This looks like prejudice.

Hankinson Duckett Associates's AONB Setting Analysis Report (a supporting document for the PSLP, referred to as an evidence base) is, in its analysis of AL/BE3&4, unsound. The analysis argues that development at these sites will enhance the setting of the AONB. It illustrates the argument with photos of the hospital chapel and its car park. Neither chapel nor car park are in the area up for development. Incidentally, the car park shown was supposed to be temporary contractors' parking during the building of the new hospital wing and car parks, and an undertaking was made by BHS at its presentation to the local community to reinstate it to grass paddock. It can be seen that this never happened.

1 **Policies AL/BE3&4 are not consistent with the PSLP's Vision objectives, its strategies, KCC's policies, nor with the NPPF.**

The PSLP's Vision Objective 1 is : "to improve access to suitable, especially affordable housing, including for local young people and older households." But this is inconsistent with allocations AL/BE 3 &4. BHS is asking in its comments on the LP first draft, for a lower number of affordable homes because of the high cost of brownfield development. Living isolated in the countryside, families will need at least two cars. Old and young will be unable to walk to schools, shops or any other amenities. This is not a suitable site for a borough which (see para 2.16) expects the population over the age of 65 + to increase by around 40% between 2020 and 2038.

The PSLP's Vision Objective 2 is to ensure sustainable development which allocations at AL/BE 3&4 do not achieve. On the contrary, the KCC warns that even with the existing permission for 24 houses on AL/BE3, the highway authority had concerns. This is an isolated location, deep in the countryside (see KCC Highways email 13 Nov 2019). More than 24 houses in this location is not sustainable.

LBD 5.416 states "the LBD around Benenden village sets the extent of existing and planned development .." This conflicts with the recommendation that major development be instated three miles beyond the LBD, on the border with Biddenden parish.

Policy STR 2 "The Council requires the use of masterplanning, including the use of design codes and sustainable design standards where appropriate, for strategic and larger-scale developments.." This is undermined by AL/BE 3&4 which calls for a masterplan for an area not included in the PSLP and not presented. Para 1a of Policy AL/BE3 states that there is a need to "show indicatively how the other areas included within Policies AL/BE3 and AL/BE 4 can be developed to meet the overall policy requirements as set out within each of these policies, and how the future needs for Benenden Hospital will be met on areas to the north west and south west that currently comprise the hospital buildings and associated ancillary uses and is previously developed land." It is not sound to proceed with an LP where the land to be developed is not clearly indicated from the start.

A masterplan is essential to avoid current inconsistencies on the size of areas to be developed: AL/BE3 excludes one of the 2 Local Wildlife Sites (LWS) at the site, yet the BNP includes both. Para 5.458 states "Both this policy and BNP draft Policy SSP3 broadly follow the same approach towards the potential for developing this site for a residential development.." They do not. The PSLP states that in the event of a successful referendum, the BNP's proposals will prevail. If this is so, are we supposed to assume that AL/BE3 map is inaccurate?

A similar problem arises at the northern site (AL/BE4) here there are currently 18 dwellings. The proposal allows for these to be demolished and another 25 dwellings added to the site. The size of the area to be developed varies between the LP and the BNP. The LP includes the LWS in

the area to be developed but the BNP includes only a small section, but says in the event of a successful referendum the BNP plan will be over-ruled by the LP plan (see the BPC response April 2021 to the Independent Examiner's queries). This is the reverse of 5.421 & 2. It is unsound to proceed with a plan when the NP and the LP are at odds with each other.

- . The PSLP claims building will only be within existing footprints, an approach which is at odds with that of the BHS. Plans for 47 new houses in AL/BE3, presented to the village on 17th February 2020 by the hospital architects, show the buildings are not to be built within the footprint of previous buildings nor to respect LWS.
- . Policy STR 3 calls for the use of brownfield sites "within settlements" and in "sustainable locations." AL/BE 3 consists of disused medical buildings and 2 LWS with parkland and veteran trees (depending on whether this second LWS is included or not). 5.448 is therefore incorrect. The site should be described not as brownfield but as partly previously developed. It is not on the Brownfield Register. Because of its remote location and its valuable LWS sites, it is not free from constraints which could be mitigated. As such, Policy AL/BE3 does not meet the criteria needed under the NPPF, Section 11, para 117 for development in "a way that makes as much use as possible of previously-developed or 'brownfield' land." AL/BE 4 contains in-use residential housing and an LWS and therefore is not entirely brownfield.
- . Policy STR 5 states that "New residential ... development will be supported if sufficient infrastructure capacity is either available or can be provided in time to serve the development." Will this happen at AL/BE3&4? Developers themselves are to be asked provide the infrastructure at AL/BE 3&4 at some point in the future. The LP proposes to take on trust suggestions that the BHS will avoid building on the LWS and will provide play-grounds, sports facilities and tennis courts. We know from submissions following the first draft LP, that BHS is actually planning to remove one LWS entirely and that its plans include building on the LWS and beyond the foot print of previous buildings. BHS suggests, in its response to the first draft LP (DLP_4956) that it is unlikely to provide play-grounds, sports facilities and tennis courts. The PSLP's approach does not take comments to the first draft LP into account. Further, we already see BHS reneging on or substantially modifying undertakings it made when planning permission was originally granted for AL/BE3 in 2013, and where no development has yet taken place.
- . Policy STR 6 proposes to "Deliver future development in accessible locations, normally within or in close proximity to existing towns and villages across the borough." In the case of the two isolated hospital sites, the PSLP contradicts its own strategic policy and fails to offer choices in transport or to prioritise active travel and public transport. The Benenden hospital sites have no daily bus service and no active travel link to the village, and neither the PSLP nor the BHS provide credible information on how these links are to be provided. The KCC email of Nov 13 suggests that the hospital is uncooperative on the proposal to organise a minibus service and the SHELAA says of AL/BE3 that it is "Remote from a settlement centre," (unlike sites 158, 222 and LS8); that residents will rely heavily on private cars and thus air quality and travel objectives score negatively; and that, "although promoted by the policy, shared transport and active travel options are unlikely to take precedence over private vehicle use thus air quality and climate change score negatively." This is crucial. For all the talk of mitigating the remoteness of the hospital sites with a minibus link and cycle routes, nobody actually believes that any of these measures will succeed. As for the proposal to create links suitable for electric personal vehicles, such as mobility scooters (as suggested under STR 6), it is difficult to see, when the closest link with the village is a single-track lane (Walkhurst Road), how any personal electric vehicle could make that journey. The PSLP is creating, through its policies AL/BE3&4, a car dependent community. This thereby negates the sense of the LP's supporting document, Transport Strategy Review Sept 2019 which urges reducing the need to travel.
- . AL/BE3&4 also undermine TWBC's Full Council motion of July 2019 to reduce CO2 emissions. "The dominance of the car as a mode of transport can lead to congestion, more road accidents, air and noise pollution. In addition it contributes to climate change, reduces social cohesion and leads to less healthy lifestyles" (para 44 Transport Review). According to TW's own SA from 2006, if social cohesion, reduction in air pollutants, and public health were indeed the borough's priorities, site 158 would have been among those chosen for Benenden, as originally intended.
- . PSLP paras 5.453 and 5.467 state that "residents of development in this location will rely heavily on private cars." These plans runs counter to STR6 policy on the environment see paras 6.8, 6.9, 6.10, 6.11 and 6.13. It also contravenes KCC policies on climate change and the NPPF (see KCC's Nov 13, 2019 letter on this subject).

- . Para 5.414 “The parish provides two relatively large sources of employment: at Benenden Hospital and at Benenden School.” The implication is that the employment opportunities are linked somehow to the population of Benenden. There is in fact little connection. The 300 plus staff at the hospital drive into the parish along GGR to work and, since the hospital is on the parish boundary and isolated from the village, their contribution to the local economy is negligible.
- . Policy STR 6 The LP proposes to “Deliver future development in accessible locations, normally within or in close proximity to existing towns and villages across the borough.” In the case of the two isolated hospital sites, the LP contradicts its own strategic policy and fails to offer choices in transport or to prioritise active travel and public transport.
- . Cycle routes: The PSLP’s standards on the public benefits of cycling and walking are based on the Cycle Strategy Supporting Document, but these standards are undermined by site allocation in Benenden. The Cycle document states that: “When more people cycle or walk the health of the population improves and our roads become safer and less congested.” Its objectives 4 and 5 are to improve safety for cyclists and air quality for all, but AL/BE 3 & 4 will create a community, deep in the countryside, entirely dependent on the car and will contribute to poorer air quality for all. The allocation of these sites, as opposed to sites such as 158, is difficult to understand.
- . The Cycle Strategy states that fear of traffic is possibly the main factor discouraging people from cycling. National Cycle Route 18 runs from the Rolvenden Road, down Stepneyford Lane, to Green Lane, before joining the Benenden Road near the hospital, turning right and leading to Castleton’s Oak Cross roads and Gribble Bridge Lane. This route is a largely on-road ride travelling through the High Weald, using narrow, picturesque country lanes as much as possible. Green Lane/Stepneyford Lane is mentioned in TWBC’s Rural Lanes: Supplementary Planning Guidance. It is particularly high scoring in terms of its landscape, its recreational value, its natural beauty and its history. For these reasons, it is part of National Route 18. Rather than encouraging cycling, AL/BE3, which proposes two exits for this major development on GGR and two on Green Lane (where a second housing estate, at Cleveland Farm is already leading to Kent Highways calling for road widening and the elimination of grass verges - see Planning Application 20/03267/FULL) will cause an increase in those factors, identified in TW Cycle Strategy, as discouraging cyclists, namely, traffic and the loss of unspoilt country lanes. Policy AL/BE3 also contravenes Kent Structure Plan Policy ENV13: “Rural lanes which are of landscape, amenity, nature conservation, historic or archaeological importance will be protected from changes which would damage their character, and enhanced.” In any event, the cycle route is purely recreational and will not enhance the sustainability of these sites.
- . Policy STR 7 proposes, in dealing with TWBC’s 2019 legally binding commitment to manage climate change, that all development in the borough will support the Council’s target to achieve net zero emissions by 2030. It is unsound, with such a goal, to propose a major development on the parish periphery, 3 miles equidistant from two villages where there is no shop (in spite of the PLSP’s statement AL/BE 3&4) and no café (BHS says its café was built for its own use not for the use of the public - see comments on the first draft of the LP). Residents will need their cars for almost everything.
- . Policy STR1 promotes the effective use of previously developed land, having due regard to relevant Plan policies, but in promoting AL/BE3&4, the PSLP disregards STR6 (environmental goals) & STR7 (transport goals). Under the NPPF, sustainability is the priority, as the PSLP acknowledges in STR3, 4.65 “A presumption of sustainability lies at the heart of the NPPF”, but in allocating AL/BE 3&4, the PSLP fails to respect its own and the NPPF’s strategic priorities.
- . Policy STR 8 states that development should contribute to and enhance rural landscapes with particular regard to the High Weald (HW) AONB. The PSLP promotes nature conservation. Its biodiversity objective is to achieve net gains and, where possible, secure long-term management of sites for biodiversity. AL/BE3 runs counter to this strategy since the BHS has produced plans showing houses built over the LWS. It has, furthermore, produced a document requiring that one of the two LWS be dug up and removed to another unspecified location, thereby nullifying the terms of the existing Landscape and Ecology Management Plan (LEMP) for that site. Para 3.21 of the BHS submission on the first draft LP states: “The Society supports the requirement for long-term management of the core areas of LWS associated with the hospital land. This includes all but the modest area within the SEQ adjoining Peek Lodge which is too constraining on the South East Quadrant redevelopment proposals. Accordingly, the soils in the area will be translocated to a nearby receptor site to try to ensure that the rare fungi can continue to thrive in this local area.” This is a particularly significant site for biodiversity. A letter from Keith Nicholson, former Planning and Conservation officer for the Kent Wildlife Trust, dated 4 March 2013, to

TWBC Development Control Officer, Ellen Gilbert states that the hospital LWS are of national importance, mainly for the large number of different varieties of waxcaps. He states that they could well have been designated SSSI. Both in terms of waxcaps and in terms of valuable acid grassland, the hospital sites have high environmental value, see Comment DLP_3458 on the first draft of the LP, from the High Weald AONB Unit. The Benenden Hospital site “includes rare and vulnerable acid grassland which should form a core area for unimproved grassland as part of a High Weald nature recovery network.” AL/BE3&4 threaten the biodiversity of significant species in the LWS at the hospital sites, contrary to EN1.

- . The LWS to the south of AL/BE3 is included in the BNP and BPC argues that this has been done in order to protect it (see their response to the Independent Examiner April 2021). It is difficult to follow this logic. The inclusion of the site in the area to be developed suggests that it too could be under threat.
- . There is no plan showing the placement of houses on AL/BE 4, which is currently home to a large LWS and is the site of 18 habitable dwellings, almost all of them currently in use and let. The proposal allows for these to be demolished and another 25 dwellings added to the site. The PSLP includes the LWS in the area to be developed and the BNP excludes most of it. Benenden Parish Council (BPC), in its April 2021 response to the Independent Examiner, has said that, in this case of a successful referendum, the PSLP’s plan (which includes the LWS), will prevail. In other words, of the 3 LWS in AL/BE 3&4, one is slated for removal, one will be built over if the PSLP prevails and one may be built over if the BNP prevails. This runs completely contrary to STR8.
- . The PSLP claims that the hospital development “has the potential to improve the setting of the HW AONB through the delivery of a more sensitive redevelopment of existing buildings” (para 5.454), but the claim is not supported by evidence produced by Hankinson & Duckett (see above) while the HW AONB unit’s own view is the opposite. See TW first Draft LP, DLP_3458 High Weald AONB Unit (which objects to the Plan) : “....In our view the development at Benenden Hospital will have a significant effect on the setting of the AONB and the purposes of its designation, and this issue has PSLP EN1 para 5. Biodiversity and geodiversity.
- . AL/BE 3&4 run counter to this policy as stated above in relation to the LWS.
- . STR8 sets high environmental standards but these are undermined in the site allocations. This is particularly startling in the light of the July 2019 Full Council motion to recognise the climate and biodiversity emergency, in fact, the Benenden allocations put into question whether the motion was passed in good faith.
- . EN1 para 5 (Biodiversity and geodiversity) says that proposals should maximise opportunities to increase biodiversity. This goal may make sense in an urban setting, but development in the countryside, as is proposed in AL/BE 3 & 4, cannot hope to ever mitigate biodiversity loss. The destruction of trees and wild spaces, the introduction of lighting, kerbs, driveways, wider roads and narrower verges, the use of concrete, tarmac, bricks and mortar in a deeply rural setting cannot “increase biodiversity”.
- . EN1 provides for Long-term Management plans which would be satisfactory within an urban context. In a rural location like East End, such plans are no substitute for natural wild spaces. A ‘managed’ green space set among streets is less likely to promote biodiversity and less likely to conserve wildlife than ‘unmanaged’ green space. Further, the three LWS in AL/BE3 are all already part of an existing LEMP agreement, and since one or all would be removed in the case of development as outlined by BHS under AL/BE3&4, instead of creating a long-term management plan, AL/BE3&4 would all but terminate an existing one. The sentiments expressed in EN1 are mocked by AL/BE3&4.

1 Site policies

AL/BE3 excludes one of the 2 LWS at the site, and the BNP includes both, yet para 5.458 states “Both this policy and BNP draft Policy SSP3 broadly follow the same approach towards the potential for developing this site for a residential development..” This does not appear to be the case. Further, the SHELAA treats this site twice, once including the southern LWS (and excluding Windmill Cottage) and once excluding the LWS and including Windmill Cottage (SHELAA pages 1-3 and pages 18-19). In the second instance, the suggestion is for 67-73 houses, presumably building over the LWS. The first plan is the one adopted in the PSLP and appears to be the more accurate of the two in that it describes the site as “mostly PDL”. The second ignores all greenfield aspects and is almost identical to the plan in the BNP, a plan which BNP claims will prevail if it wins a referendum. Is AL/BE3 presenting us with the wrong plan?

AL/BE3 and AL/BE4 provide for a phased timetable for development of the two sites at different time intervals without calling for a comprehensive masterplan for the hospital site as a whole i.e. for the entire built up area. This is inconsistent with STR2, which requires a masterplan for large developments. The full extent of the area to be developed must be clear. See para 1a of Policy AL/BE3 which states that there is a need to “show indicatively how the other areas included within Policies AL/BE3 and AL/BE 4 can be developed to meet the overall policy requirements as set out within each of these policies, and *how the future needs for Benenden Hospital will be met on areas to the north west and south west that currently comprise the hospital buildings and associated ancillary uses and is previously developed land.*” It is not sound to proceed with an LP where the land to be developed is not indicated from the start.

AL/BE3&4 both call for a 3-mile active travel link between the site and Benenden village. This proposal has been costed (see BPC’s April 2021 reply to the Independent Examiner) at between £180,000 and £220,000 for a 3m wide tarmacked surface, plus costs to upgrade it to a bridleway, plus the costs associated with obtaining landowners’ consent or, failing that, of starting compulsory purchase proceedings which TWBC expresses reluctance to undertake because of the significant compensation costs and legal costs which would be involved. Ongoing maintenance costs are not included. No steps have been taken either by the BNP or TWBC to ascertain the willingness of landowners to give up their land although the major landowner involved wrote to BNP on 11th Sept. 2019 objecting to the plan. It is understood that he was not contacted for subsequent discussion.

AL/BE3&4 calls for the repurposing of the existing tennis courts for the use of local residents, which BHS denies it will offer for public use; for the public use of the hospital’s café; for the creation of a hospital shop (5.413); for a minibus service linking the hospital to the village (“The Society is not a transport provider” is BHS’ response); for green space, a playground and provision of a community hall - most of these policies are refuted in Savills’ comments on behalf of BHS, in the first draft of the LP, DLP_ 4956 paras 3.14, 3.18, 3.19, 3.20, 3.46 and 3.47. Rather than agreeing to such policies, the hospital is calling on TWBC to introduce a more flexible funding system to allow a *reduction* of developer costs. BHS argues these will be high because they wish to demolish existing buildings. It is unsound to propose policies which cannot be implemented. Once the sites are sold, no relevant conditions to this effect could be imposed.

1 The PSLP is unsound because of inconsistencies in the treatment of different sites.

(i) **Uphill, AL/BE1** is described as having archaeological potential (para 5.428) requiring possible mitigation measures. This is not because of historical finds on the site, but because they might be found. A listed manor house lies on the other side of New Pond Road and, according to AL/BE1, “the site lies within, or very close to the relevant impact risk zone for Parsonage Wood”, a SSSI which is, in fact, several miles away. The archaeological significance of AL/BE 3&4 is far more certain and substantial. The hospital sites are where a Bronze Age palstaff was found (see the National Monument Register - SMR Number /Hob UID)) and the sites lie close to two ancient routeways. A Roman Road runs west-east (on BHS farmland) a few yards to the south of AL/BE3 and a medieval drove road (GGR), runs west-east between the two sites. Further, two Grade II Listed Buildings are sited here, also on BHS land. The Lister Building stands a few yards to the west of AL/BE3 and Cleveland Farmhouse (the farmyard of which BHS is trying to develop separately and simultaneously as if a minor development outside the Local Plan) lies a few yards to the south. Instead of mentioning these facts, AL/BE3&4 reads (5.456 and 5.468) “Kent County Council states that the site includes significant archaeology, which could be dealt with through suitable conditions on a planning approval.” The imbalance in the treatment of the two sites is substantial and suggests confirmatory bias or prejudice.

(ii) The SHELAA assessment of site 158 suggests a potential yield of 50-65 houses, but then concludes that only the Uphill part of the site is suitable (20 houses). It states that “the remainder of the site is sensitive in landscaping terms and there is concern regarding scale and impact on the character of the landscape and settlement pattern”. This is contrary to the views of TW’s 2006 SA; to the TW 2018 document proposing 174 houses; and to the first draft of the LP. The dismissal of 158 as a suitable site is not supported by the evidence and suggests prejudice.

(iii) Site 222, west of the crossroads, was also considered in 2006, as a possible site for the new village school, though it was not one of the top two sites put to a referendum. The SHELAA suggests 222 has a potential for 76 houses. The site is considered unsuitable partly because the new LBD, if adopted, will exclude all houses west of the cross roads, when the village actually extends a considerable length along this road to the west. There is no mention of the fact that the owners of this site are offering the

pond at the south west corner of the crossroads as village green space. The dismissal of 222 is not supported by the evidence and suggests prejudice.

(iv) The SHELAA suggests a capacity of 26 houses at Site LS8 in Iden Green, stating that it lies adjacent to the recreation ground and a children's nursery and that there is a pavement on both sides of Iden Green's main road. It fails to mention that easternmost side of this pavement connects the village to the village primary school. The SHELAA dismisses the site as unsuitable saying that it is located in a remote location relative to services, facilities and public transport, but this site is far less remote than sites AL/BE 3&4. The dismissal of site LS8 is not supported by the evidence and suggests prejudice.

(v) The proposed new LBD has been constructed so as to include the new site at Uphill and to exclude 222, when in fact, the actual built development extends westwards from the crossroads and includes site 222. The LBD is ignored in respect of AL/BE3&4. Manipulation of the LBD to suit allocated sites is inappropriate.

1 Infrastructure Delivery Plan

I have carefully read the IDP March 2021, and there is no mention of any improvements to the rural infrastructure to support the proposed new growth area at East End, where there are currently no amenities and limited infrastructure. Transport and sewerage are of particular concern and impact strongly on the neighbouring parish and borough. It seems to be assumed that this is not a problem for Benenden, someone else will have to take care of it.

1 Process

As a general comment, I have found the representation process unnecessarily difficult. In fact, from the point of view of the ordinary lay-man, I would term the process 'hostile'.

- . The interactive on-line site is difficult to navigate and freezes or logs itself out at regular intervals. Resetting passwords has required a telephone call as the automated process does not seem to work.
- . Inaccuracies in earlier consultation documents have been carried forward, despite being constructively pointed out in my response. This means that the local policies for Benenden are based on unsound information, and also makes me wonder why I bothered to respond because it seems no-one has read what I wrote.
- . Tables in the Infrastructure Delivery Plan published on the TWBC website are incomplete.
- . Also some of the jargon and wording used, particularly in the Sustainability Assessment, is almost incomprehensible to the lay reader. We wish to participate constructively in this process, but it almost seems designed to discourage this.

Question 6

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Question 5 above. (Please note that non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

TWBC should challenge the allocation of 12,200 dwellings (almost four times the borough's assessed housing need), and should not plan on that basis at least until after the Sevenoaks judicial review and appeal process is complete. It should not plan a "margin" to cover unmet allocations from neighbouring boroughs.

Policy PSTR/BE 1 should be amended:

- . The allocation for Benenden should be objectively reviewed and substantially reduced to the same level as similar-sized historic villages, such as Goudhurst or Frittenden.

- . Inset Map 17: The LBD for Benenden village should be redrawn to allow for a small amount of sustainable housing development within the village.

Development on site AL/BE3 should be limited to the existing, so far unused, planning permission for 24 houses, preferably by adapting the Garland Wing, which is a heritage building of historic value, either to a wellness centre, in accordance with its original intention, or to a row of up to 10 terraced houses. Site AL/BE4 already has 18 semi-detached houses on it, and cannot support any more. It should therefore be excluded. If further housing is required in Benenden, it should be allocated to sustainable sites (such as 158 and 222 in the village centre or LS8 in Iden Green) which lie on bus routes or are within walking distance of the village centre and school.

Paragraphs 5.421 and 5.422 should be omitted.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)? . Yes, I wish to participate in hearing session(s)

Question 7a

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

In order to put over my case, and to answer those with vested interests who may seek to put forward arguments against it.

Question 8

If you have any separate comments you wish to make on the accompanying Sustainability Appraisal, please make them here.

The Sustainability Appraisal (SA) is misleading:

1. Table 58 on page 163 states that all Benenden sites "lack services, facilities and travel options". This belies the fact that AL/BE2 (Feoffee Almshouses) is close to the Street as is AL/BE1 (Uphill). Both sites are within walking distance of the bus stop for daily bus services, the post office, village shop, the primary school, the village green, the butchers, pub, community hall, church, recreation ground and children's playground. AL/BE 3 & 4 are three miles northeast of the village with no daily bus service and no amenities whatsoever.
2. The commentary on Table 58, (page 163 of the SA), states that East End sites score badly on Climate Change and Travel, yet these are the sites promoted for most houses.
3. The SA argues on page 163 that East End residents will send their children to schools in Tenterden instead of to the village primary school, and that this will lessen the otherwise seriously negative effects of the two hospital sites. This is pure conjecture and possibly wishful thinking. Tenterden Primary School is already fully subscribed for the coming academic year, and housebuilding in the town is ongoing, adding to pressure on places from within the immediate area. Benenden Primary School has a good reputation and currently between 70 and 75% of children there come from outside the parish. East End children will have precedence over these, since intake depends on the distance of a child's residence from the school. Pressure on Benenden Primary School will increase, not decrease. Further, the use of a car, whether it drives to Tenterden (5-6 miles) or to Benenden (3 miles), pollutes and deprives residents of the health-giving pleasure of walking to school. The AL/BE 3&4 are contrary to STR2, to the NPPF and to KCC policy on climate change.
4. Appendix L (pp331-2) shows Scores for Reasonable Sites in Benenden. Here we see scores for

158 and 222, two sites close to the village centre. Of 158, we read “A site that scores several neutrals with some positives, let down by its land use and landscape score impacted by a loss of a greenfield site in the AONB and lack of services and facilities including public transport at the settlement.” This SA report compares poorly with the SA TWBC carried on site 158 in 2006. 158 is parallel to and just north of the Street with its exit onto New Pond Road. In 2006 site 158 was chosen in a village referendum as the site for a new C of E primary school. It was the preferred site out of a choice of two, both of which were greenfield. TWBC’s 2006 SA on 158 decided (see page 18 of the Sustainability Appraisal Benenden Church of England Primary School Land Allocation DPD - Issues and Options report), that 158 was one of two top sites. “Situated adjacent to an area of ancient woodland, the site provides the potential for habitat linkages and wildlife corridors. The site is not adjacent to the CA and does not form a significant role in its setting. There are no Listed Buildings on or adjacent to the site. The site is consistent with the surrounding landscape character. There are limited views into the site and no public rights of way over the site.” On page 38, we read, “This site is anticipated to have a major beneficial effect on improving educational standards and travel choice/traffic levels”. In spite of the referendum result, the school was eventually built at the less preferred site and, since then, TWBC had been in consultation with 158’s owners to build houses there.

5. In April 2018, BNP Steering Committee Deputy Chair, a borough councillor, showed the committee a piece of paper from TWBC saying that TWBC wishes to build 174 houses on site 158. He committed himself to seeing these numbers reduced and the numbers at East End raised. After a meeting between representatives from the BNP group and TW planners on June 19th, 2018, the minutes reported that “At times the workshop was emotive ...” Following that meeting TW planners put site 158 on temporary hold, limiting development there to a future Local Plan by asking, in the first draft of the LP on page 270, that the Uphill site on New Pond Road, adjacent to 158 and allocated at that time as AL/BE3, should, under Clause 8, provide for vehicular access through Uphill to the site behind (158) “which may be allocated for development as part of a future Local Plan.” In the PSLP, this wording for Clause 8 has disappeared. Where is the evidence-base for such wording to be included in the first draft and excluded in the second? Why was the site considered suitable in 2006, in 2018, and in the first draft, but not suitable in the PSLP?

6. Site 222, like 158 is described in Appendix L of the PSLP’s SA as suffering from “a lack of services and facilities including public transport at the settlement.” This is inaccurate. There is a daily bus service along Benenden Street and site 222 is within easy walking distance of the bus stop, shops, pub, community hall, primary school and all other amenities.

7. Site LS8, in the heart of Iden Green is, along with site 158 and 222, a site which on-the-ground evidence suggests is eminently suitable for development, but which the SA fails to allocate. Appendix L of the SA gives LS8 virtually the same scores as Uphill (LS16 of AL/BE1) yet the latter is included for development and the former is not. The commentary states of LS8 “A number of scores are negative however, reflecting the remote location of the site from services and facilities and public transport. It scores negatively in heritage terms as the site is a relatively sizeable piece of the Iden Green Conservation Area.” This site is far less remote than sites AL/BE 3 & 4. It is one mile from the village and connected to it by a paved footpath running past a Roadside Conservation Area and then (still paved) through a field to the church and primary school. It is on a bus route and the bus stop is next to LS8. Iden Green has a community hall, tennis courts, a children’s playground and pub/restaurant. The SA information is unreliable and the PSLP’s use of it for site allocation is unwise.

8. In so far as Benenden is concerned, the sites were allocated before any sustainability appraisal was commissioned. It is not therefore a relevant factor in the allocation of sites for housing.

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:

Yes, I wish to be notified of future stages of the Local Plan

Comment

Consultee	Judith Marks [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] Benenden [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Judith Marks [REDACTED]
Comment ID	PSLP_1802
Response Date	04/06/21 11:44
Consultation Point	Policy AL/BE 4 Land at Benenden Hospital (north of Goddards Green Road), East End (View)
Status	Processed
Submission Type	Web
Version	0.3
Question 1	
Respondent's Name and/or Organisation	Mrs Judith Marks
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
Policy AL/BE 4 Land at Benenden Hospital (north of Goddards Green Road), East End [TWBC: representation on Policy STR1 (PSLP_1246) duplicated against PSTR/BE 1 (PSLP_1800, AL/BE 3 (PSLP_1801) and AL/BE 4 (PSLP_1802)]	
Question 4	
Do you consider that the Local Plan:	
Is legally compliant	Don't know
Is sound	No

Complies with the Duty to Cooperate

No

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

. It is not justified
. It is not consistent with national policy

Question 5

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

Section 4 Development Strategy Your council tax payers and the communities that make up Tunbridge Wells Borough want to protect the rural nature of the Borough, including the Green Belt and the AONB and its setting. By not challenging the national policy allocation of 12,200 dwellings (against a projected population increase of 6155 over the plan period – with average UK household size of 2.4, this amounts to 2565 households, around 20% of what has been allocated), the Borough Council is not properly representing its residents and communities. The Borough Council is elected to stand up for the communities it serves. The Council is already being asked to meet a higher need than its own population numbers indicate. They should not also be contributing towards unmet needs

4.52 Table 4 Distribution of Housing Allocations The allocation of 87-95 dwellings to Benenden is disproportionately high compared with villages of a similar size, such as Goudhurst which is allocated only 25 dwellings, or Frittenden. The NPPF Chapter 2 para 11b lays out that “strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses...” Therefore housing allocation should be objectively based on need from within the parish and not on the willingness of some landowners to profit. At the last Housing Needs Survey undertaken in Benenden a low level of requirement for additional dwellings was identified.

Benenden Parish

5.420-22 Benenden is the only parish in the borough to have made its own allocations. The Benenden Neighbourhood Plan (BNP) has been developed in close consultation with TWBC, with the BNP in the lead. The BNP announced its allocations in February 2019, even before inviting AECOM infrastructure consultants to produce a Strategic Environmental Assessment. Pre-Submission Local Plan, para 5.420 reads “The BNP was submitted to TWBC in October 2020 and was consulted on between 30 October and 11 December 2020.” But the allocations had already been made and published in February 2019. Further, Para 5.420 states “The BNP proposes to include site allocation policies that follow the approach of the site allocation policies for Benenden in this Local Plan.” BNP allocations were first published in February 2019 i.e. before LP site allocation policies.

Allocations made by the LP, when it took up the BNP’s baton, are therefore inevitably linked to BNP’s weaknesses. Yet if the BNP passes a referendum before acceptance of the LP, it is said that it will take precedence over the LP (see para 5.421), with the exception of its plans for the northern site at Benenden hospital, which will be overruled by the plans advanced in the LP (see Benenden Parish Council April 2021 response to Independent Examiner queries on the BNP). This is in contradiction to para 5.422 which talks of making “modifications to the LP” so that it matches the BNP.

Policy PSTR/BE1: The Limits to Built Development for Benenden village, as defined on Inset Map 17, appears to have been drawn after the proposed site allocation and specifically to accommodate those sites and exclude all others. If the policy is genuinely plan-led, the LBD should be set first and then sites within it identified. This LBD has been designed to “freeze” the village rather than allow for reasonable sustainable growth to meet local needs and support a healthy vibrant community.

1 Community involvement. EN1: this requirement has not been respected.

- . In Benenden, almost all new housing is slated for East End, yet the Friends of East End (FEE), were never asked to meet with the BNP steering group. The much trumpeted community involvement was largely restricted to the village and Iden Green. East End is on the border of the parish with Biddenden, and development there will affect Biddenden more than Benenden (see below).
- . See EN1 para 9 requiring the effective engagement of the local community, neighbours of sites and others. The FEE submitted three petitions, two to the BNP and one in relation to the LP. A FEE submission with 127 signatures was submitted on 4 April 2019 in response the Informal Draft NP (published on February 23, 2019), in which the allocations later adopted by the LP were first set out. A FEE submission with 167 signatures was submitted in October 2019 objecting to the first draft of the LP, and in the same month, a FEE submission with 167 signatures was submitted in relation to the Reg 16 draft BNP. See the FEE's current online petition with more than 450 signatures <https://www.change.org/EastEndFriends>
- . Instead of being consulted, the FEE were ignored and belittled. They were informed on 11 March 2019 by the editor of the Parish Magazine (PM), husband of the Chair of the Parish Council, that “I’m of the view that much of the uncertainty has passed since the presentation of the plan to the village - to a highly favourable reception. At least we no longer have to give polite credence to *uninformed views* that fly in the face of TWBC policy and advocate direct and *pointless confrontation* with TWBC, thereby running the risk of having the entire BNP thrown back in our faces. *The ensuing chaos hardly bears thinking about.* At least it seems the opinions now being afforded most weight are those of *people who have worked hard for two years to understand the issues* and come up with a coherent way forward.”
- . One of the regular articles on the BNP submitted by the chair of the BNP Steering Group appeared in January 2020. It dismisses FEE opposition suggesting only “31 residents from East End” sent in comments.
- . The core group behind the BNP has consistently tried to persuade those who support the FEE to desist. The chair of the Parish Council and the chair of the BNP Steering Group have twice asked to meet a Tunbridge Wells Alliance (TWA) Borough Councillor for the parish, once together with a TWA borough council candidate, in efforts to persuade them to adhere to the BNP's approach and not to listen to the FEE.
- . The organiser of the FEE was a member of the Steering Committee 2017/2018 as chair of the Environmental Group. She expressed strong disagreement with a Borough Councillor who lives in the village (on occasion, he deputises as chair of the Steering Group) about his wish to step up allocations in East End and suppress TWBC's wish to build 174 houses on site 158. As a result, the Steering Group chair (using his own word), “sacked” her. This is contrary to EN1 para 9, encouraging early, proactive and effective engagements and the requirement that views expressed should be properly considered.
- . Consultation also failed in relation to the neighbouring parish of Biddenden. The Clerk of Biddenden Council has repeatedly responded to BPC in the course of the BNP consultation process, but received only acknowledgments. A Kent County Councillor and Ashford Borough Councillor wrote an article about BNP's mismanagement of the parish of Biddenden in the Biddenden Parish Magazine, February 2021.
- . The LP is based on the BNP and BNP allocations were made before consultations with stakeholders such as the AONB and Historic England. This is not consulting in a timely fashion. Further, the LP requires surveys of the hospital sites *after* the designation of the sites for development, for example, archaeological surveys (see AL/BE 3&4). Historic England (HE) asks for the surveys to be carried out *before allocation*. See HE's comments on the first draft LP (DLP_4556) - “we would expect the allocation of sites following on from this Strategy policy (STR1) to be subject to appropriately robust and detailed heritage impact assessment *prior to the allocations being adopted*.”

1 The PSLP is not based on sound evidence

- . Throughout the LP process, misstatements have been made about amenities in Benenden's East End. The current version of the PSLP states that the nearest stations to East End area are Staplehurst and Etchingham (5.411) when in fact the closest station is Headcorn.
- . Others may be traced back to a submission made by traffic and highways consultants, Transport Planning Associates (TPA) on behalf of Benenden Healthcare Society Ltd. (BHS). This submission was recently disclosed in BHS's response to the Independent Examiner's queries in relation to the BNP. TPA's information is sometimes inaccurate and sometimes misleading and we consider it here in detail because it is difficult otherwise, to understand how the LP was able to continue, iteration after iteration, to relate untrue information about the hospital site.
- . In October 2019, TPA reported (para 2.6) that there was a footpath along the southern edge of Goddards Green Road (GGR) and the PSLP, para 5.452 states "There is an intermittent pavement along GGR". The GGR is a long road running from New Pond Road to Castleton's Oak crossroads, and was formerly a lane. The pavement is limited to the short section immediately outside the hospital buildings. To say that there is an intermittent pavement along GGR is misleading.
- . The TPA refers to East End as a village, which it is not. East End runs from the junction of GGR and Walkhurst Road, along the GGR to the border with Biddenden, then turns south to reach close to Hole Park in Rolvenden, then east back to Walkhurst Road at the site of the stream, then along Walkhurst Road back to GGR (see the old Electoral Roll for 2004 when East End had its own polling station). It is a large, totally rural area of several square miles, which was why it was chosen as the site for an isolation hospital in 1906. Today it contains only 76 houses scattered across the entire area. The PSLP consistently refers to East End as a hamlet. It is not, which is why BPC is able to advertise itself on its website as "Serving the people of Benenden and Iden Green" without any reference to East End.
- . The TPA says that "a day nursery is located immediately to the north of the Site within 400m." There is incorrect, yet this error is repeated in para 5.413 of the PSLP "There are also nursery/pre-school facilities at Iden Green and East End." An accurate account would state Iden Green only.
- . In the same paragraph, the PSLP states that there is a small shop at Benenden Hospital. At one time there was a small shop for in-patients, which was available to the local community, but this closed many years ago.
- . The TPA states that there are daily bus services along GGR provided by bus nos. 24 and 299, and twice a day service provided by the Hopper bus. This information is incorrect. The 2019 Hopper bus, operated by the Tenterden Social Services Hub on an experimental basis, failed in only a matter of months. While the 24 and the 299 buses pass along GGR, they do so on only one day a week, the 24 on Tuesdays and the 299 on Wednesdays. East End has almost no public transport.
- . The TPA makes several statements in relation to traffic which have fed misinformation into the system to be reflected in AL/BA3&4. This misinformation was only recently revealed when documents were provided by BHS following April 2021 queries raised by the Independent Examiner on the BNP. These documents include a TPA 'Scoping Note' on road and traffic conditions at the site and a letter written in response to this Note from KCC Highways, dated 13 Nov. 2019. The TPA states that the GGR is 7m wide at the hospital site which detracts from the fact that it is actually a winding rural lane, now called a road, and varies considerably in width. It may at some point be 7m wide, but at others, it is so narrow that two lorries have difficulty passing each other. The TPA claims that there is no need for a road safety review because there have been "no personal injury accidents" recorded within 1,000m. Castleton's Oak crossroads lie 1.5 km from the site and accidents there are frequent. The situation is exacerbated by increasing traffic at the hospital. The hospital has turned itself into an almost exclusively out-patient centre and almost all its 300 employees drive in to work from outside the parish (formerly, they were housed on site in hospital staff buildings). Kent County Council (KCC) Highways make constant and repeated attempts to lower the risk of injury at the crossroads and continue to do so, but serious road accidents continue. The TPA claims that no traffic surveys are necessary which is a point queried in the KCC Highways' email. The email talks of the "heavy car dependency" of residents in any housing in this location and says this was one of its concerns, even at the time of the original application asking for only 24 houses. The email states that BHS's plans (and therefore AL/BE 3&4) are contrary to the NPPF and to KCC's own policy objectives, and points out that the hospital has not co-operated over the idea of a minibus to provide transport from the site to Benenden. The letter calls for: traffic counts along the GGR; a wider crash analysis; and expresses concern over the proposed access points to the SE Quadrant - 2 on Green Lane and 2 on GGR.

Lastly, on trip generation, the TPA projects that 47 houses at the site will produce only 106 trips a day, though the consultants admit that they have difficulty in basing their estimate on comparable sites because there are none. These trip generation figures ignore existing traffic from local residents, from patients, from hospital staff and from the newly (January 2021) proposed housing estate at Cleveland Farm. The AL/BE 3&4 policy fails to provide a traffic count, fails to ask for a road safety review and fails to acknowledge frequent traffic accidents near the sites.

Pre-submission supporting documents also produce inaccurate and sometimes irrelevant evidence. The hospital sites are within the setting of an AONB and even overlap into it, yet Inset Map 18 (Benenden Hospital), unlike other maps attached, makes no reference to the AONB boundary. The BNP claims that the hospital is outside the AONB and on this basis, since the rest of the village is wholly within the AONB, largely justifies placing most of Benenden's housing in East End. This is misleading, since the AONB boundary wraps tightly round AL/BE3, which actually overlaps into the AONB in the southwest corner. In any event both sites affect land in the AONB. The relationship of the AONB boundary to the hospital sites is important yet it is ignored on the map. This looks like prejudice.

Hankinson Duckett Associates's AONB Setting Analysis Report (a supporting document for the PSLP, referred to as an evidence base) is, in its analysis of AL/BE3&4, unsound. The analysis argues that development at these sites will enhance the setting of the AONB. It illustrates the argument with photos of the hospital chapel and its car park. Neither chapel nor car park are in the area up for development. Incidentally, the car park shown was supposed to be temporary contractors' parking during the building of the new hospital wing and car parks, and an undertaking was made by BHS at its presentation to the local community to reinstate it to grass paddock. It can be seen that this never happened.

1 **Policies AL/BE3&4 are not consistent with the PSLP's Vision objectives, its strategies, KCC's policies, nor with the NPPF.**

The PSLP's Vision Objective 1 is : "to improve access to suitable, especially affordable housing, including for local young people and older households." But this is inconsistent with allocations AL/BE 3 &4. BHS is asking in its comments on the LP first draft, for a lower number of affordable homes because of the high cost of brownfield development. Living isolated in the countryside, families will need at least two cars. Old and young will be unable to walk to schools, shops or any other amenities. This is not a suitable site for a borough which (see para 2.16) expects the population over the age of 65 + to increase by around 40% between 2020 and 2038.

The PSLP's Vision Objective 2 is to ensure sustainable development which allocations at AL/BE 3&4 do not achieve. On the contrary, the KCC warns that even with the existing permission for 24 houses on AL/BE3, the highway authority had concerns. This is an isolated location, deep in the countryside (see KCC Highways email 13 Nov 2019). More than 24 houses in this location is not sustainable.

LBD 5.416 states "the LBD around Benenden village sets the extent of existing and planned development .." This conflicts with the recommendation that major development be instated three miles beyond the LBD, on the border with Biddenden parish.

Policy STR 2 "The Council requires the use of masterplanning, including the use of design codes and sustainable design standards where appropriate, for strategic and larger-scale developments.." This is undermined by AL/BE 3&4 which calls for a masterplan for an area not included in the PSLP and not presented. Para 1a of Policy AL/BE3 states that there is a need to "show indicatively how the other areas included within Policies AL/BE3 and AL/BE 4 can be developed to meet the overall policy requirements as set out within each of these policies, and how the future needs for Benenden Hospital will be met on areas to the north west and south west that currently comprise the hospital buildings and associated ancillary uses and is previously developed land." It is not sound to proceed with an LP where the land to be developed is not clearly indicated from the start.

A masterplan is essential to avoid current inconsistencies on the size of areas to be developed: AL/BE3 excludes one of the 2 Local Wildlife Sites (LWS) at the site, yet the BNP includes both. Para 5.458 states "Both this policy and BNP draft Policy SSP3 broadly follow the same approach towards the potential for developing this site for a residential development.." They do not. The PSLP states that in the event of a successful referendum, the BNP's proposals will prevail. If this is so, are we supposed to assume that AL/BE3 map is inaccurate?

A similar problem arises at the northern site (AL/BE4) here there are currently 18 dwellings. The proposal allows for these to be demolished and another 25 dwellings added to the site. The size of the area to be developed varies between the LP and the BNP. The LP includes the LWS in

the area to be developed but the BNP includes only a small section, but says in the event of a successful referendum the BNP plan will be over-ruled by the LP plan (see the BPC response April 2021 to the Independent Examiner's queries). This is the reverse of 5.421 & 2. It is unsound to proceed with a plan when the NP and the LP are at odds with each other.

- . The PSLP claims building will only be within existing footprints, an approach which is at odds with that of the BHS. Plans for 47 new houses in AL/BE3, presented to the village on 17th February 2020 by the hospital architects, show the buildings are not to be built within the footprint of previous buildings nor to respect LWS.
- . Policy STR 3 calls for the use of brownfield sites "within settlements" and in "sustainable locations." AL/BE 3 consists of disused medical buildings and 2 LWS with parkland and veteran trees (depending on whether this second LWS is included or not). 5.448 is therefore incorrect. The site should be described not as brownfield but as partly previously developed. It is not on the Brownfield Register. Because of its remote location and its valuable LWS sites, it is not free from constraints which could be mitigated. As such, Policy AL/BE3 does not meet the criteria needed under the NPPF, Section 11, para 117 for development in "a way that makes as much use as possible of previously-developed or 'brownfield' land." AL/BE 4 contains in-use residential housing and an LWS and therefore is not entirely brownfield.
- . Policy STR 5 states that "New residential ... development will be supported if sufficient infrastructure capacity is either available or can be provided in time to serve the development." Will this happen at AL/BE3&4? Developers themselves are to be asked provide the infrastructure at AL/BE 3&4 at some point in the future. The LP proposes to take on trust suggestions that the BHS will avoid building on the LWS and will provide play-grounds, sports facilities and tennis courts. We know from submissions following the first draft LP, that BHS is actually planning to remove one LWS entirely and that its plans include building on the LWS and beyond the foot print of previous buildings. BHS suggests, in its response to the first draft LP (DLP_4956) that it is unlikely to provide play-grounds, sports facilities and tennis courts. The PSLP's approach does not take comments to the first draft LP into account. Further, we already see BHS reneging on or substantially modifying undertakings it made when planning permission was originally granted for AL/BE3 in 2013, and where no development has yet taken place.
- . Policy STR 6 proposes to "Deliver future development in accessible locations, normally within or in close proximity to existing towns and villages across the borough." In the case of the two isolated hospital sites, the PSLP contradicts its own strategic policy and fails to offer choices in transport or to prioritise active travel and public transport. The Benenden hospital sites have no daily bus service and no active travel link to the village, and neither the PSLP nor the BHS provide credible information on how these links are to be provided. The KCC email of Nov 13 suggests that the hospital is uncooperative on the proposal to organise a minibus service and the SHELAA says of AL/BE3 that it is "Remote from a settlement centre," (unlike sites 158, 222 and LS8); that residents will rely heavily on private cars and thus air quality and travel objectives score negatively; and that, "although promoted by the policy, shared transport and active travel options are unlikely to take precedence over private vehicle use thus air quality and climate change score negatively." This is crucial. For all the talk of mitigating the remoteness of the hospital sites with a minibus link and cycle routes, nobody actually believes that any of these measures will succeed. As for the proposal to create links suitable for electric personal vehicles, such as mobility scooters (as suggested under STR 6), it is difficult to see, when the closest link with the village is a single-track lane (Walkhurst Road), how any personal electric vehicle could make that journey. The PSLP is creating, through its policies AL/BE3&4, a car dependent community. This thereby negates the sense of the LP's supporting document, Transport Strategy Review Sept 2019 which urges reducing the need to travel.
- . AL/BE3&4 also undermine TWBC's Full Council motion of July 2019 to reduce CO2 emissions. "The dominance of the car as a mode of transport can lead to congestion, more road accidents, air and noise pollution. In addition it contributes to climate change, reduces social cohesion and leads to less healthy lifestyles" (para 44 Transport Review). According to TW's own SA from 2006, if social cohesion, reduction in air pollutants, and public health were indeed the borough's priorities, site 158 would have been among those chosen for Benenden, as originally intended.
- . PSLP paras 5.453 and 5.467 state that "residents of development in this location will rely heavily on private cars." These plans runs counter to STR6 policy on the environment see paras 6.8, 6.9, 6.10, 6.11 and 6.13. It also contravenes KCC policies on climate change and the NPPF (see KCC's Nov 13, 2019 letter on this subject).

- . Para 5.414 “The parish provides two relatively large sources of employment: at Benenden Hospital and at Benenden School.” The implication is that the employment opportunities are linked somehow to the population of Benenden. There is in fact little connection. The 300 plus staff at the hospital drive into the parish along GGR to work and, since the hospital is on the parish boundary and isolated from the village, their contribution to the local economy is negligible.
- . Policy STR 6 The LP proposes to “Deliver future development in accessible locations, normally within or in close proximity to existing towns and villages across the borough.” In the case of the two isolated hospital sites, the LP contradicts its own strategic policy and fails to offer choices in transport or to prioritise active travel and public transport.
- . Cycle routes: The PSLP’s standards on the public benefits of cycling and walking are based on the Cycle Strategy Supporting Document, but these standards are undermined by site allocation in Benenden. The Cycle document states that: “When more people cycle or walk the health of the population improves and our roads become safer and less congested.” Its objectives 4 and 5 are to improve safety for cyclists and air quality for all, but AL/BE 3 & 4 will create a community, deep in the countryside, entirely dependent on the car and will contribute to poorer air quality for all. The allocation of these sites, as opposed to sites such as 158, is difficult to understand.
- . The Cycle Strategy states that fear of traffic is possibly the main factor discouraging people from cycling. National Cycle Route 18 runs from the Rolvenden Road, down Stepneyford Lane, to Green Lane, before joining the Benenden Road near the hospital, turning right and leading to Castleton’s Oak Cross roads and Gribble Bridge Lane. This route is a largely on-road ride travelling through the High Weald, using narrow, picturesque country lanes as much as possible. Green Lane/Stepneyford Lane is mentioned in TWBC’s Rural Lanes: Supplementary Planning Guidance. It is particularly high scoring in terms of its landscape, its recreational value, its natural beauty and its history. For these reasons, it is part of National Route 18. Rather than encouraging cycling, AL/BE3, which proposes two exits for this major development on GGR and two on Green Lane (where a second housing estate, at Cleveland Farm is already leading to Kent Highways calling for road widening and the elimination of grass verges - see Planning Application 20/03267/FULL) will cause an increase in those factors, identified in TW Cycle Strategy, as discouraging cyclists, namely, traffic and the loss of unspoilt country lanes. Policy AL/BE3 also contravenes Kent Structure Plan Policy ENV13: “Rural lanes which are of landscape, amenity, nature conservation, historic or archaeological importance will be protected from changes which would damage their character, and enhanced.” In any event, the cycle route is purely recreational and will not enhance the sustainability of these sites.
- . Policy STR 7 proposes, in dealing with TWBC’s 2019 legally binding commitment to manage climate change, that all development in the borough will support the Council’s target to achieve net zero emissions by 2030. It is unsound, with such a goal, to propose a major development on the parish periphery, 3 miles equidistant from two villages where there is no shop (in spite of the PLSP’s statement AL/BE 3&4) and no café (BHS says its café was built for its own use not for the use of the public - see comments on the first draft of the LP). Residents will need their cars for almost everything.
- . Policy STR1 promotes the effective use of previously developed land, having due regard to relevant Plan policies, but in promoting AL/BE3&4, the PSLP disregards STR6 (environmental goals) & STR7 (transport goals). Under the NPPF, sustainability is the priority, as the PSLP acknowledges in STR3, 4.65 “A presumption of sustainability lies at the heart of the NPPF”, but in allocating AL/BE 3&4, the PSLP fails to respect its own and the NPPF’s strategic priorities.
- . Policy STR 8 states that development should contribute to and enhance rural landscapes with particular regard to the High Weald (HW) AONB. The PSLP promotes nature conservation. Its biodiversity objective is to achieve net gains and, where possible, secure long-term management of sites for biodiversity. AL/BE3 runs counter to this strategy since the BHS has produced plans showing houses built over the LWS. It has, furthermore, produced a document requiring that one of the two LWS be dug up and removed to another unspecified location, thereby nullifying the terms of the existing Landscape and Ecology Management Plan (LEMP) for that site. Para 3.21 of the BHS submission on the first draft LP states: “The Society supports the requirement for long-term management of the core areas of LWS associated with the hospital land. This includes all but the modest area within the SEQ adjoining Peek Lodge which is too constraining on the South East Quadrant redevelopment proposals. Accordingly, the soils in the area will be translocated to a nearby receptor site to try to ensure that the rare fungi can continue to thrive in this local area.” This is a particularly significant site for biodiversity. A letter from Keith Nicholson, former Planning and Conservation officer for the Kent Wildlife Trust, dated 4 March 2013, to

TWBC Development Control Officer, Ellen Gilbert states that the hospital LWS are of national importance, mainly for the large number of different varieties of waxcaps. He states that they could well have been designated SSSI. Both in terms of waxcaps and in terms of valuable acid grassland, the hospital sites have high environmental value, see Comment DLP_3458 on the first draft of the LP, from the High Weald AONB Unit. The Benenden Hospital site “includes rare and vulnerable acid grassland which should form a core area for unimproved grassland as part of a High Weald nature recovery network.” AL/BE3&4 threaten the biodiversity of significant species in the LWS at the hospital sites, contrary to EN1.

- . The LWS to the south of AL/BE3 is included in the BNP and BPC argues that this has been done in order to protect it (see their response to the Independent Examiner April 2021). It is difficult to follow this logic. The inclusion of the site in the area to be developed suggests that it too could be under threat.
- . There is no plan showing the placement of houses on AL/BE 4, which is currently home to a large LWS and is the site of 18 habitable dwellings, almost all of them currently in use and let. The proposal allows for these to be demolished and another 25 dwellings added to the site. The PSLP includes the LWS in the area to be developed and the BNP excludes most of it. Benenden Parish Council (BPC), in its April 2021 response to the Independent Examiner, has said that, in this case of a successful referendum, the PSLP’s plan (which includes the LWS), will prevail. In other words, of the 3 LWS in AL/BE 3&4, one is slated for removal, one will be built over if the PSLP prevails and one may be built over if the BNP prevails. This runs completely contrary to STR8.
- . The PSLP claims that the hospital development “has the potential to improve the setting of the HW AONB through the delivery of a more sensitive redevelopment of existing buildings” (para 5.454), but the claim is not supported by evidence produced by Hankinson & Duckett (see above) while the HW AONB unit’s own view is the opposite. See TW first Draft LP, DLP_3458 High Weald AONB Unit (which objects to the Plan) : “....In our view the development at Benenden Hospital will have a significant effect on the setting of the AONB and the purposes of its designation, and this issue has PSLP EN1 para 5. Biodiversity and geodiversity.
- . AL/BE 3&4 run counter to this policy as stated above in relation to the LWS.
- . STR8 sets high environmental standards but these are undermined in the site allocations. This is particularly startling in the light of the July 2019 Full Council motion to recognise the climate and biodiversity emergency, in fact, the Benenden allocations put into question whether the motion was passed in good faith.
- . EN1 para 5 (Biodiversity and geodiversity) says that proposals should maximise opportunities to increase biodiversity. This goal may make sense in an urban setting, but development in the countryside, as is proposed in AL/BE 3 & 4, cannot hope to ever mitigate biodiversity loss. The destruction of trees and wild spaces, the introduction of lighting, kerbs, driveways, wider roads and narrower verges, the use of concrete, tarmac, bricks and mortar in a deeply rural setting cannot “increase biodiversity”.
- . EN1 provides for Long-term Management plans which would be satisfactory within an urban context. In a rural location like East End, such plans are no substitute for natural wild spaces. A ‘managed’ green space set among streets is less likely to promote biodiversity and less likely to conserve wildlife than ‘unmanaged’ green space. Further, the three LWS in AL/BE3 are all already part of an existing LEMP agreement, and since one or all would be removed in the case of development as outlined by BHS under AL/BE3&4, instead of creating a long-term management plan, AL/BE3&4 would all but terminate an existing one. The sentiments expressed in EN1 are mocked by AL/BE3&4.

1 Site policies

AL/BE3 excludes one of the 2 LWS at the site, and the BNP includes both, yet para 5.458 states “Both this policy and BNP draft Policy SSP3 broadly follow the same approach towards the potential for developing this site for a residential development..” This does not appear to be the case. Further, the SHELAA treats this site twice, once including the southern LWS (and excluding Windmill Cottage) and once excluding the LWS and including Windmill Cottage (SHELAA pages 1-3 and pages 18-19). In the second instance, the suggestion is for 67-73 houses, presumably building over the LWS. The first plan is the one adopted in the PSLP and appears to be the more accurate of the two in that it describes the site as “mostly PDL”. The second ignores all greenfield aspects and is almost identical to the plan in the BNP, a plan which BNP claims will prevail if it wins a referendum. Is AL/BE3 presenting us with the wrong plan?

AL/BE3 and AL/BE4 provide for a phased timetable for development of the two sites at different time intervals without calling for a comprehensive masterplan for the hospital site as a whole i.e. for the entire built up area. This is inconsistent with STR2, which requires a masterplan for large developments. The full extent of the area to be developed must be clear. See para 1a of Policy AL/BE3 which states that there is a need to “show indicatively how the other areas included within Policies AL/BE3 and AL/BE 4 can be developed to meet the overall policy requirements as set out within each of these policies, and *how the future needs for Benenden Hospital will be met on areas to the north west and south west that currently comprise the hospital buildings and associated ancillary uses and is previously developed land.*” It is not sound to proceed with an LP where the land to be developed is not indicated from the start.

AL/BE3&4 both call for a 3-mile active travel link between the site and Benenden village. This proposal has been costed (see BPC’s April 2021 reply to the Independent Examiner) at between £180,000 and £220,000 for a 3m wide tarmacked surface, plus costs to upgrade it to a bridleway, plus the costs associated with obtaining landowners’ consent or, failing that, of starting compulsory purchase proceedings which TWBC expresses reluctance to undertake because of the significant compensation costs and legal costs which would be involved. Ongoing maintenance costs are not included. No steps have been taken either by the BNP or TWBC to ascertain the willingness of landowners to give up their land although the major landowner involved wrote to BNP on 11th Sept. 2019 objecting to the plan. It is understood that he was not contacted for subsequent discussion.

AL/BE3&4 calls for the repurposing of the existing tennis courts for the use of local residents, which BHS denies it will offer for public use; for the public use of the hospital’s café; for the creation of a hospital shop (5.413); for a minibus service linking the hospital to the village (“The Society is not a transport provider” is BHS’ response); for green space, a playground and provision of a community hall - most of these policies are refuted in Savills’ comments on behalf of BHS, in the first draft of the LP, DLP_ 4956 paras 3.14, 3.18, 3.19, 3.20, 3.46 and 3.47. Rather than agreeing to such policies, the hospital is calling on TWBC to introduce a more flexible funding system to allow a *reduction* of developer costs. BHS argues these will be high because they wish to demolish existing buildings. It is unsound to propose policies which cannot be implemented. Once the sites are sold, no relevant conditions to this effect could be imposed.

1 The PSLP is unsound because of inconsistencies in the treatment of different sites.

(i) **Uphill, AL/BE1** is described as having archaeological potential (para 5.428) requiring possible mitigation measures. This is not because of historical finds on the site, but because they might be found. A listed manor house lies on the other side of New Pond Road and, according to AL/BE1, “the site lies within, or very close to the relevant impact risk zone for Parsonage Wood”, a SSSI which is, in fact, several miles away. The archaeological significance of AL/BE 3&4 is far more certain and substantial. The hospital sites are where a Bronze Age palstaff was found (see the National Monument Register - SMR Number /Hob UID)) and the sites lie close to two ancient routeways. A Roman Road runs west-east (on BHS farmland) a few yards to the south of AL/BE3 and a medieval drove road (GGR), runs west-east between the two sites. Further, two Grade II Listed Buildings are sited here, also on BHS land. The Lister Building stands a few yards to the west of AL/BE3 and Cleveland Farmhouse (the farmyard of which BHS is trying to develop separately and simultaneously as if a minor development outside the Local Plan) lies a few yards to the south. Instead of mentioning these facts, AL/BE3&4 reads (5.456 and 5.468) “Kent County Council states that the site includes significant archaeology, which could be dealt with through suitable conditions on a planning approval.” The imbalance in the treatment of the two sites is substantial and suggests confirmatory bias or prejudice.

(ii) The SHELAA assessment of site 158 suggests a potential yield of 50-65 houses, but then concludes that only the Uphill part of the site is suitable (20 houses). It states that “the remainder of the site is sensitive in landscaping terms and there is concern regarding scale and impact on the character of the landscape and settlement pattern”. This is contrary to the views of TW’s 2006 SA; to the TW 2018 document proposing 174 houses; and to the first draft of the LP. The dismissal of 158 as a suitable site is not supported by the evidence and suggests prejudice.

(iii) Site 222, west of the crossroads, was also considered in 2006, as a possible site for the new village school, though it was not one of the top two sites put to a referendum. The SHELAA suggests 222 has a potential for 76 houses. The site is considered unsuitable partly because the new LBD, if adopted, will exclude all houses west of the cross roads, when the village actually extends a considerable length along this road to the west. There is no mention of the fact that the owners of this site are offering the

pond at the south west corner of the crossroads as village green space. The dismissal of 222 is not supported by the evidence and suggests prejudice.

(iv) The SHELAA suggests a capacity of 26 houses at Site LS8 in Iden Green, stating that it lies adjacent to the recreation ground and a children's nursery and that there is a pavement on both sides of Iden Green's main road. It fails to mention that easternmost side of this pavement connects the village to the village primary school. The SHELAA dismisses the site as unsuitable saying that it is located in a remote location relative to services, facilities and public transport, but this site is far less remote than sites AL/BE 3&4. The dismissal of site LS8 is not supported by the evidence and suggests prejudice.

(v) The proposed new LBD has been constructed so as to include the new site at Uphill and to exclude 222, when in fact, the actual built development extends westwards from the crossroads and includes site 222. The LBD is ignored in respect of AL/BE3&4. Manipulation of the LBD to suit allocated sites is inappropriate.

1 Infrastructure Delivery Plan

I have carefully read the IDP March 2021, and there is no mention of any improvements to the rural infrastructure to support the proposed new growth area at East End, where there are currently no amenities and limited infrastructure. Transport and sewerage are of particular concern and impact strongly on the neighbouring parish and borough. It seems to be assumed that this is not a problem for Benenden, someone else will have to take care of it.

1 Process

As a general comment, I have found the representation process unnecessarily difficult. In fact, from the point of view of the ordinary lay-man, I would term the process 'hostile'.

- . The interactive on-line site is difficult to navigate and freezes or logs itself out at regular intervals. Resetting passwords has required a telephone call as the automated process does not seem to work.
- . Inaccuracies in earlier consultation documents have been carried forward, despite being constructively pointed out in my response. This means that the local policies for Benenden are based on unsound information, and also makes me wonder why I bothered to respond because it seems no-one has read what I wrote.
- . Tables in the Infrastructure Delivery Plan published on the TWBC website are incomplete.
- . Also some of the jargon and wording used, particularly in the Sustainability Assessment, is almost incomprehensible to the lay reader. We wish to participate constructively in this process, but it almost seems designed to discourage this.

Question 6

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Question 5 above. (Please note that non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

TWBC should challenge the allocation of 12,200 dwellings (almost four times the borough's assessed housing need), and should not plan on that basis at least until after the Sevenoaks judicial review and appeal process is complete. It should not plan a "margin" to cover unmet allocations from neighbouring boroughs.

Policy PSTR/BE 1 should be amended:

- . The allocation for Benenden should be objectively reviewed and substantially reduced to the same level as similar-sized historic villages, such as Goudhurst or Frittenden.

- . Inset Map 17: The LBD for Benenden village should be redrawn to allow for a small amount of sustainable housing development within the village.

Development on site AL/BE3 should be limited to the existing, so far unused, planning permission for 24 houses, preferably by adapting the Garland Wing, which is a heritage building of historic value, either to a wellness centre, in accordance with its original intention, or to a row of up to 10 terraced houses. Site AL/BE4 already has 18 semi-detached houses on it, and cannot support any more. It should therefore be excluded. If further housing is required in Benenden, it should be allocated to sustainable sites (such as 158 and 222 in the village centre or LS8 in Iden Green) which lie on bus routes or are within walking distance of the village centre and school.

Paragraphs 5.421 and 5.422 should be omitted.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)? . Yes, I wish to participate in hearing session(s)

Question 7a

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

In order to put over my case, and to answer those with vested interests who may seek to put forward arguments against it.

Question 8

If you have any separate comments you wish to make on the accompanying Sustainability Appraisal, please make them here.

The Sustainability Appraisal (SA) is misleading:

1. Table 58 on page 163 states that all Benenden sites "lack services, facilities and travel options". This belies the fact that AL/BE2 (Feoffee Almshouses) is close to the Street as is AL/BE1 (Uphill). Both sites are within walking distance of the bus stop for daily bus services, the post office, village shop, the primary school, the village green, the butchers, pub, community hall, church, recreation ground and children's playground. AL/BE 3 & 4 are three miles northeast of the village with no daily bus service and no amenities whatsoever.
2. The commentary on Table 58, (page 163 of the SA), states that East End sites score badly on Climate Change and Travel, yet these are the sites promoted for most houses.
3. The SA argues on page 163 that East End residents will send their children to schools in Tenterden instead of to the village primary school, and that this will lessen the otherwise seriously negative effects of the two hospital sites. This is pure conjecture and possibly wishful thinking. Tenterden Primary School is already fully subscribed for the coming academic year, and housebuilding in the town is ongoing, adding to pressure on places from within the immediate area. Benenden Primary School has a good reputation and currently between 70 and 75% of children there come from outside the parish. East End children will have precedence over these, since intake depends on the distance of a child's residence from the school. Pressure on Benenden Primary School will increase, not decrease. Further, the use of a car, whether it drives to Tenterden (5-6 miles) or to Benenden (3 miles), pollutes and deprives residents of the health-giving pleasure of walking to school. The AL/BE 3&4 are contrary to STR2, to the NPPF and to KCC policy on climate change.
4. Appendix L (pp331-2) shows Scores for Reasonable Sites in Benenden. Here we see scores for

158 and 222, two sites close to the village centre. Of 158, we read “A site that scores several neutrals with some positives, let down by its land use and landscape score impacted by a loss of a greenfield site in the AONB and lack of services and facilities including public transport at the settlement.” This SA report compares poorly with the SA TWBC carried on site 158 in 2006. 158 is parallel to and just north of the Street with its exit onto New Pond Road. In 2006 site 158 was chosen in a village referendum as the site for a new C of E primary school. It was the preferred site out of a choice of two, both of which were greenfield. TWBC’s 2006 SA on 158 decided (see page 18 of the Sustainability Appraisal Benenden Church of England Primary School Land Allocation DPD - Issues and Options report), that 158 was one of two top sites. “Situating adjacent to an area of ancient woodland, the site provides the potential for habitat linkages and wildlife corridors. The site is not adjacent to the CA and does not form a significant role in its setting. There are no Listed Buildings on or adjacent to the site. The site is consistent with the surrounding landscape character. There are limited views into the site and no public rights of way over the site.” On page 38, we read, “This site is anticipated to have a major beneficial effect on improving educational standards and travel choice/traffic levels”. In spite of the referendum result, the school was eventually built at the less preferred site and, since then, TWBC had been in consultation with 158’s owners to build houses there.

5. In April 2018, BNP Steering Committee Deputy Chair, a borough councillor, showed the committee a piece of paper from TWBC saying that TWBC wishes to build 174 houses on site 158. He committed himself to seeing these numbers reduced and the numbers at East End raised. After a meeting between representatives from the BNP group and TW planners on June 19th, 2018, the minutes reported that “At times the workshop was emotive ...” Following that meeting TW planners put site 158 on temporary hold, limiting development there to a future Local Plan by asking, in the first draft of the LP on page 270, that the Uphill site on New Pond Road, adjacent to 158 and allocated at that time as AL/BE3, should, under Clause 8, provide for vehicular access through Uphill to the site behind (158) “which may be allocated for development as part of a future Local Plan.” In the PSLP, this wording for Clause 8 has disappeared. Where is the evidence-base for such wording to be included in the first draft and excluded in the second? Why was the site considered suitable in 2006, in 2018, and in the first draft, but not suitable in the PSLP?

6. Site 222, like 158 is described in Appendix L of the PSLP’s SA as suffering from “a lack of services and facilities including public transport at the settlement.” This is inaccurate. There is a daily bus service along Benenden Street and site 222 is within easy walking distance of the bus stop, shops, pub, community hall, primary school and all other amenities.

7. Site LS8, in the heart of Iden Green is, along with site 158 and 222, a site which on-the-ground evidence suggests is eminently suitable for development, but which the SA fails to allocate. Appendix L of the SA gives LS8 virtually the same scores as Uphill (LS16 of AL/BE1) yet the latter is included for development and the former is not. The commentary states of LS8 “A number of scores are negative however, reflecting the remote location of the site from services and facilities and public transport. It scores negatively in heritage terms as the site is a relatively sizeable piece of the Iden Green Conservation Area.” This site is far less remote than sites AL/BE 3 & 4. It is one mile from the village and connected to it by a paved footpath running past a Roadside Conservation Area and then (still paved) through a field to the church and primary school. It is on a bus route and the bus stop is next to LS8. Iden Green has a community hall, tennis courts, a children’s playground and pub/restaurant. The SA information is unreliable and the PSLP’s use of it for site allocation is unwise.

8. In so far as Benenden is concerned, the sites were allocated before any sustainability appraisal was commissioned. It is not therefore a relevant factor in the allocation of sites for housing.

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:

Yes, I wish to be notified of future stages of the Local Plan

Comment

Consultee	Jack Marr ([REDACTED])
Email Address	[REDACTED]
Address	
Event Name	Pre-Submission Local Plan
Comment by	Jack Marr ([REDACTED])
Comment ID	PSLP_1311
Response Date	04/06/21 15:08
Consultation Point	Policy STR/SS 3 The Strategy for Tudeley Village (View)
Status	Processed
Submission Type	Web
Version	0.3
Question 1	
Respondent's Name and/or Organisation	Jack Marr
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
Policy STR/SS 3 Strategy for Tudeley Village	
Question 4	
Do you consider that the Local Plan:	
Is legally compliant	Don't know
Is sound	No
Complies with the Duty to Cooperate	Don't know
Question 4a	

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

- . It is not effective
- . It is not justified
- . It is not consistent with national policy

Question 5

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

I live nearby and have lived in the area on and off for forty years, as my family have for several generations.

We are already experiencing many issues in the area relating to overloaded infrastructure including GP surgeries and excessive traffic, and the proposed site has had repeated problems with flooding. Possible brownfield sites have not been adequately explored and alternatives have been de prioritised.

TWBC are proposing putting 50% of their housing in this area alone, with massive impacts on the local environment, particular through pollution from car use - this is an appallingly unsustainable proposal. This rural green belt parish will be completely destroyed by a 500%+ increase in population. This is entirely against Green Belt principles. 51% of local housing need is being forced on 2% of the TMBC population, a vastly disproportionate burden.

The community engagement has been utterly lacking. Despite over a thousand complaints about the Plan's impact, TMBC has completely ignored local residents and indeed added more housing to the plan. The plans were overwhelmingly rejected in consultation yet the initial 440 houses were increased to 2800 in the space of a few weeks. 97% of comments on the plan had been negative yet no steps have been taken to mitigate concerns - rather vastly more houses have been added, showing contempt for local residents.

It is situated in a high risk flood area where we already experience flooding in bad weather.

Hundreds of acres of productive agricultural land - increasingly needed - will be destroyed by the development.

While the plan is the responsibility of TWBC - who will receive the benefit of council tax - the largest impact will be on Tonbridge and Malling, who will face a vast increase in traffic, pollution, noise, environmental degradation, increased strain on already stretched medical and educational facilities and more. This is a very unreasonable move on the part of TWBC.

The purpose of the Green Belt is to prevent urban sprawl, but this project will effectively join Tonbridge and Paddock Wood. In 2016 the Inspector for the Site Allocation Local Plan stated that there was no need to allocate green belt land and did not recommend it. This plan is destructive of our collective heritage of England's rural spaces and ecosystems which especially in the South East are dwindling fast.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

Supporting Information File Ref No: SI_20

Comment

Consultee	David Marriott [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] Paddock Wood [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	David Marriott [REDACTED]
Comment ID	PSLP_328
Response Date	21/05/21 19:29
Consultation Point	Policy STR/PW 1 The Strategy for Paddock Wood (View)
Status	Processed
Submission Type	Email
Version	0.10
Files	PSLP_328-342_image3.jpg PSLP_328-342_image2.jpg PSLP_328-342_image4.jpg PSLP_328-342_image1.jpg

Data inputter to enter their initials here KH

Question 1

Respondent's Name and/or Organisation Mr David Marriott

Question 3

To which part of the Local Plan does this representation relate? Policy

Question 3a

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy STR/PW 1 The Strategy for Paddock Wood

Policy HA3 - Affordable Housing

Question 4

Do you consider that the Local Plan:

Is legally compliant Don't know

Is sound Don't know

Complies with the Duty to Cooperate Don't know

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

Question 5

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I both live and work in Paddock Wood. I live at xxxx, Maidstone Road, Paddock Wood, TN12 , address below (*TWBC Comment - full postal address redacted*) and am a director of Core Commercial on Transfesa Road. I am currently a flood warden for the town and was a Borough Councillor for 8 years.

I am not against the principal of development it just needs to be well conceived and NOT put existing residents at serious risk.

I wish to make representations to the Local Plan, in particular object to the proposed allocations for development at Paddock Wood, north of the railway line.

I object to the proposed allocations PW1 – 2, 3, 4 and 5.

I comment as follows:

1. Green belt

The majority of the proposed allocation lies within the green belt and should not be built upon. This is the CPRE green belt map (*TWBC comment - map attached as file see attachments*):

2. Flooding

A large portion of the site lies within flood zones 2 and 3, especially those areas to the east of Tudeley Brook:

(*TWBC comment - map attached as file see attachments*)

You should not allocate sites for development that are at risk of flooding or that take away flood absorption thereby throwing flood water onto development elsewhere.

Tudeley brook has its banks built up with an earth bund. In the past the brook has burst its banks and floodwater has flooded the fields to the east of the brook. An earth bank is like a levee in New Orleans and with extreme weather events (or with lack of maintenance) will break.

This is a photo I took at the junction of Tudeley Brook with Eastlands Lane on 16th February 2021 in my role as flood warden. You can see that the brook is overflowing onto Eastlands Lane and that the field is “protected” by the grassy bank but only just:

(TWBC Comment - photo attached as file see attachments)

Whatever development is placed in these areas will take away the existing soakaway absorption feature of the fields. The vegetation and agricultural nature creates a break through the clay “plug”. If you build over this area, even with “sustainable drainage”, there will be no break through the clay. Keeping voids under houses will eventually be forgotten and clog up losing their absorption.

Oversized drains to hold excessive rainwater and allow percolation dispersal as used in the recent industrial development (PMJ to Mack) on Transfesa Road does not work. This is a photo taken of Transfesa Road by the entrance to Mack on 27th December 2020:

(TWBC Comment - photo attached as file see attachments)

The Turnbull field between Transfesa Road and Lucks Lane to the east of Maidstone Road is regularly inundated. Having voids under the proposed commercial buildings or parking areas is both expensive and will eventually silt up.

3. Affordable Housing

There is a severe shortage of affordable housing in the area and it is well known that employers have to bus in staff from the Medway Towns or Hasting. When I was a councillor there was talk of increasing the provision of social housing from 25% to 40% and I would support this. The developers will cry into their soup pleading that such would not make any development unviable which is not correct – it just comes off the land price. It is important that developers actually build the social housing units than give money to the local authority to build elsewhere which can be frittered away.

4. Highways

I am advised that there is a proposal to close the road bridge of Maidstone Road over the railway line but I could not find reference to this in your documents. I assume that this is just a stupid rumour. In case however it is being slipped in through the “small print”, I strongly object. My wife is disabled and cannot walk into town. Are you suggesting she does a 5 mile drive to travel the 0.5 mile to the town centre?

5. Health Centre

The existing health centre is already over capacity and indeed even before Covid there was a 2 week wait for doctor appointments. A new health centre needs to be actually built at developers expense, opened and fully staffed before any of the proposed houses are occupied.

I hope these comments are helpful. Please confirm that these comments have been incorporated into the representations.

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Supporting Information File Ref No: SI_20

Comment

Consultee	David Marriott [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] Paddock Wood [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	David Marriott [REDACTED]
Comment ID	PSLP_342
Response Date	21/05/21 19:29
Consultation Point	Policy H 3 Affordable Housing (View)
Status	Processed
Submission Type	Email
Version	0.6
Files	PSLP_328-342_image3.jpg PSLP_328-342_image1.jpg PSLP_328-342_image4.jpg PSLP_328-342_image2.jpg

Data inputter to enter their initials here	KH
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Question 1

Respondent's Name and/or Organisation	Mr David Marriott
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Question 3

To which part of the Local Plan does this representation relate?	Policy
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Question 3a

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Policy STR/PW 1 The Strategy for Paddock Wood

Policy HA3 - Affordable Housing

Question 4

Do you consider that the Local Plan:

Is legally compliant	Don't know
Is sound	Don't know
Complies with the Duty to Cooperate	Don't know

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

Question 5

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If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

Comment

Consultee	Mr and Mrs Jonathan & Nicola Marriott [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] TONBRIDGE [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Mr and Mrs Jonathan & Nicola Marriott [REDACTED]
Comment ID	PSLP_870
Response Date	01/06/21 16:59
Consultation Point	Policy PSTR/BM 1 The Strategy for Brenchley and Matfield parish (View)
Status	Processed
Submission Type	Email
Version	0.3
Data inputter to enter their initials here	AT
Question 1	
Respondent's Name and/or Organisation	Jonathan & Nicola Marriott
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy PSTR/BM 1 The Strategy for Brenchley and Matfield parish

Paragraph No(s) 5.479 & 5.508

Question 4

Do you consider that the Local Plan:

Is legally compliant Don't know

Is sound No

Complies with the Duty to Cooperate Don't know

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because: . It is not justified
. It is not consistent with national policy

Question 5

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We submit that the PSLP is neither sound nor justified in respect of PSTR BM1 and in particular in respect of the Site Allocations within that parish, Brenchley and Matfield.

- 1 There should be no further development in Matfield. Within the last five years, planning consent has been granted for twenty dwellings (17/01142), three detached houses (18/02627) and, on AL/BM1, forty five dwellings. This represents nearly seventy dwellings, all at the north end of the village of Matfield, all within the AONB. This is a very substantial increase in the number of dwellings in Matfield, despite the fact that the Sustainability Appraisal states that, "Matfield (where all development is proposed) lacks many facilities and services, thus making the housing less suitable for the elderly or disabled." The suggestion is that "travel to Paddock Wood is more convenient from Matfield and thus there is an advantage in this proposed pattern of growth." This approach means that the traffic flow to and from Paddock Wood is increased as is the traffic flow to those places where services and facilities exist such as Brenchley village. Bus services between the villages and Paddock Wood are poor so most journeys will be made by private car. Maidstone Road and Brenchley Road are already busy and unsuitable for any but the most experienced cyclists. On that basis, it is better to build any additional housing at the central hubs, which have the necessary infrastructure, and employment opportunities, to minimise car journeys and to preserve the AONB. An additional 11-15 houses would make very little difference in Paddock Wood, which is scheduled to receive thousands of new homes, with supporting infrastructure and which is outside the AONB. We submit that any further development in Matfield is unjustified and that the PSLP is not sound in this respect.
- 2 A recent report by the CPRE, reported in The Times, 22.04.2021, states the development of green field sites in the AONBs has increased from an average of 128 acres per year for the five years to 2017 to an average of 294 acres per year for each year since that date. The High Weald AONB has seen the greatest amount of development, 932 homes having been approved since 2017. Much of this has been executive housing with only 16% being affordable. There is a real need to protect the AONB from inappropriate development and to ensure that what is built serves a local housing need.
- 3 The National Planning Policy Framework (NPPF) paragraph 115 requires that, in any decision, "great weight should be given to conserving landscape and scenic beauty in AONBs. This applies not only to developments proposed within an AONB but, if proposed, in its setting such that the AONB would be affected." The development already consented has completely changed, or will change, the character of the northern end of Matfield. AL/BM1 was originally considered to be an important part of the open character of the village. This will now be densely built upon, in

cul de sac design, contrary to the design recommendations of the High Weald AONB Management Team. The Landscape and Biodiversity Officer, commenting on the planning application for 45 homes on AL/BM1 (19/01099), said that this would constitute “a permanent change in settlement pattern” that would have “at least major adverse effect” “in the short and medium term” “although (that effect) *may* reduce in the longer term”. This must not be allowed to happen to any other part of the village. We submit that further development will be contrary to national planning policy and that damage has already been done.

- 4 Whilst any of the developments proposed or already carried out might, in themselves, constitute only “minor development”, the combination of several sites amounts to major development and affects the village and the AONB holistically. Major development in the AONB is not permitted, except in exceptional circumstances, under the terms of the NPPF. There are no such circumstances at play here so further development is again contrary to national policy.
- 5 Part of the charm and character of Matfield is that it is a very spread out, rural village. The southern approach to the village from the A21 is peppered with old houses, scattered randomly along the B2160, generally well spaced out. The Village Hall, built in the mid 1990s is in the style of a barn and is well set back behind a screen of trees and hedges, care being taken to preserve the character of the area. It is through this rural uncluttered scene that the road approaches the wide open space of Matfield village green, surrounded by a mix of old houses, all set back from the road. Any plans to develop to the south of the village would change the open rural character of the approach to the village and the village itself, which is in sharp contrast to Brenchley village where the village centre is tightly grouped around All Saints church. The contrast of the style of two villages so close together is one of the attractions of this area. The proposal to allow development on AL/BM2 close to the village hall would adversely affect the character of this AONB village and its southern approach. It will be difficult to preserve much of the hedgerow fronting the Maidstone Road because of the bend in the road, which will necessitate wide sight lines. The impact of this can be seen at Standings Close (consent number 17/01142) where the original hedge has been damaged or destroyed so that the housing is plainly visible, impinging on the first view of the listed building housing The Poet restaurant. Thus, allowing further development would be contrary to the principles of the NPPF, regarding conserving landscape and scenic beauty in the AONB.
- 6 As previously stated, the village green is very open with several large old houses, including the Grade 1 listed Matfield House, set back around its edges. This Conservation Area (CA) should be protected against any further development that might impact on its setting.
- 7 The Strategy of the PSLP for the parish of Brenchley and Matfield states (para 1) that it will set built limits for the parish’s two main villages for the Plan period to 2038. In the original draft Local Plan, the built limits for Matfield to the south west of the CA were retained. This was in order that potential further development of the site now known as AL/ BM2 would be constrained due to its proximity to the CA and its position within the High Weald AONB. The PSLP has changed this so that only the landscape buffers to the south are outside the LBD. We submit that the revised proposal is unsound. The original provision better serves the protection and enhancement of the AONB and that the entire site should remain outside the LBD.
- 8 The PSLP has allocated only one further site AL/BM2, within the Parish, AL/BM1 having already received consent. In view of the foregoing we consider that it is unnecessary and inappropriate for this to be included in the site allocation. However, in the event that the site is allocated for housing within the PSLP, we would ask the following:-
 - I. the number of dwellings allocated does not exceed 11 to minimise any adverse impact on the AONB and the CA. The dwellings should be built on the land to the south of the Village Hall so that the open rural aspect is retained adjoining the CA;
 - II. the LBD are retained as at present so that the site is excluded from them, to maximise the control of further inappropriate development within the AONB, adjacent to the CA;
 - III. Landscape buffering is extended along the western boundary of the site to protect the historic Court Farm House and views towards the site from the High Weald Landscape Trail, which runs along the footpath that is parallel to the western boundary;
 - IV. any sight lines from the site onto Maidstone Road are kept to the minimum necessary to protect the character of the southern approach to the village and hedgerows should be reinstated after the development is complete;

V. careful consideration is given to the nature of any community use of the land coloured purple on the plan. Additional parking should be kept to a minimum to prevent a green site adjacent to the CA being concreted over. Preference should be given to uses that preserve the character of the land;

VI. Provision for parking within the development site should not include parking parallel with Maidstone Road to avoid “suburbanising” the area and detracting from the character;

VII. any development should include a proportion of affordable housing and smaller units suitable for first time buyers and “downsizers”;

VIII. public transport should be improved to serve the needs of any older people who do purchase units within the development and who no longer drive so that they can readily access the facilities in the adjoining settlements;

IX. consideration should be given to the environmental implications of development. The entire site has become a haven for wildlife, particularly within the wooded areas, including badgers and dormice and many species of birds. The site also falls within the water catchment area.

Question 6

Please note: *In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.*

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Question 5 above. (Please note that non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

To make the Local Plan sound, Strategy PSTR/BM should be modified by removing the allocation of AL/BM2 and by not permitting any further allocations within Matfield in this plan period except for brownfield allocations. This is in order to protect the AONB, protect the character of Matfield and to ensure that all development is sustainable. If the development of that site is permitted then all precautions should be taken to protect the CA and the AONB, to preserve the character of the village and to ensure the necessary supporting infrastructure is in place, including public transport and medical facilities that are within easy reach of the village to minimise journeys by private car. The Limits to Built Development should remain as they are around the CA to prevent inappropriate development.

Question 7

Please note *the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.*

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

No, I do not wish to participate in examination hearing session(s)

Question 8

If you have any separate comments you wish to make on the accompanying Sustainability Appraisal, please make them here.

It is noted that, under Table 59 and the accompanying Commentary, regarding Brenchley and Matfield, “sites in Brenchley were rejected for allocation due to landscape, biodiversity and/or setting concerns for example sites 215 and LS_7”. We do not disagree that substantial development would impact on Brenchley’s landscape, but why were the same considerations not afforded to Matfield? As previously

stated, Matfield's character is defined by its open rural nature, in contrast to Brenchley. The Borough's Landscape and Biodiversity Officer has previously commented on this in connection with other proposed developments (19/01099 Consent for AL/BM1) where he refers to "the loose-knit character of Matfield and the immediate context of loose ribbon development are significant factors." That particular consent will impact hugely on the northern end of the village, which will become one block of dense housing. Matfield has no doctors (the proposed new surgery will be in Horsmonden, beyond Brenchley); there are few employment opportunities within the village; there is just one shop in the village (a speciality butchers) and there is a poor bus service. It is considered a less sustainable site but its connections to other centres, including Brenchley, are considered favourable. This will increase the traffic flows to adjoining villages, and, realistically, most journeys will be made by private car. Further development is not appropriate in terms of sustainability. For the sake of between 11 and 15 houses, these would be better placed in Paddock Wood or even Tunbridge Wells and there should certainly be no further site allocations.

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:

<input type="checkbox"/>	Yes, I wish to be notified of future stages of the Local Plan
--------------------------	---

Comment

Consultee	Dennis Marshall [REDACTED]
Email Address	[REDACTED]
Address	
Event Name	Pre-Submission Local Plan
Comment by	Dennis Marshall [REDACTED]
Comment ID	PSLP_961
Response Date	02/06/21 16:46
Consultation Point	Policy AL/HA 5 Land to the north of Birchfield Grove (View)
Status	Processed
Submission Type	Web
Version	0.1
Question 1	
Respondent's Name and/or Organisation	Dennis Marshall
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
AL/HA 5	
Question 4	
Do you consider that the Local Plan:	
Is legally compliant	Don't know
Is sound	No
Complies with the Duty to Cooperate	No
Question 4a	

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

- . It is not positively prepared
- . It is not justified
- . It is not consistent with national policy

Question 5

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

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Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

The Local Plan is not sound for the site underlying AL/HA5 for the reasons below.

AONB

This is untouched AONB. A medical centre of this scale plus parking for over 50 cars would destroy this beautiful landscape. As the site is on a ridge this will adversely impact many parts of the village. Lighting for the large car park will have a seriously detrimental visual effect and is counter to the dark skies policy in place in Birchfield Grove. In addition in 2014 an appeal to build houses on the same site was dismissed by the Inspector principally because of the need to protect the AONB. Nothing has changed since then. The current protections for wildlife, flora and fauna around Birchfield Grove will be undermined as (i) access to the site will be across a protected Ecological Mitigation Area and (ii) the medical centre itself will be built next to it. As an alternative site exists for the medical centre there can be no exception that will allow building on AONB at the land allocated to AL/HA5.

TRAFFIC CONGESTION

Siting a medical centre on this land will increase congestion in the village and, in particular, at the Crossroads as patients in the south, north and west of the village will most likely have to travel by car to the medical centre. This will also increase air pollution at the Crossroads, which is already one of the worst areas in Kent.

The increase in traffic in Birchfield Grove will also cause severe problems given that the road is designed for only 26 houses. It is twisty and narrow and completely inappropriate for access to a busy medical centre.

The junction between Birchfield Grove and Rye Road has poor sight lines and cars regularly travel at speeds in excess of 30mph. The additional traffic generated by the medical centre will make matters even worse.

ALTERNATIVE SITE

There is a viable and better suited alternative site at the King George V Playing Fields (KGV) at the Moor. It has several advantages over AL/HA 5 - for example, it has already been developed with a sports pavilion and playing fields and it is in a much less prominent position and any additional building will have a minimum impact on AONB. KGV was also proposed by TWBC in January 2021 as the site for the medical centre.

DUTY TO COOPERATE - the site underlying AL/HA5 was removed entirely from the TWBC Local Plan in January of this year following consultation with the public. It was then reinserted just ahead of the February TWBC Council meeting without any consultation with local residents. Discussions with the doctors' surgeries did, however, take place. A one sided discussion does not meet the duty to cooperate.

Question 6

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To make the Local Plan sound, the medical centre should be moved to the King George V Playing Fields at the Moor.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

No, I do not wish to participate in examination hearing session(s)

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:

Yes, I wish to be notified of future stages of the Local Plan

Comment

Consultee	Mr Ian Marshall [REDACTED]
Email Address	[REDACTED]
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Mr Ian Marshall [REDACTED]
Comment ID	PSLP_323
Response Date	21/05/21 16:45
Consultation Point	Policy AL/RTW 14 Land at Tunbridge Wells Garden Centre (View)
Status	Processed
Submission Type	Email
Version	0.3
Data inputter to enter their initials here	AT
Question 1	
Respondent's Name and/or Organisation	Ian Marshall
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy AL/RTW 14 Land at Tunbridge Wells Garden Centre

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

Question 5

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

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5.91 Existing vehicular access to the site is directly from the A26 Eridge Road to the south east corner of the site, close to the bend in the Eridge Road. The Spa Valley Railway Line is located south of the site, including a bridge that crosses the Eridge Road just south of the site access. The existing access from the site onto the Eridge Road is already dangerous with a steep slope onto a busy bend with restricted visibility. The proposed development will add considerably to the traffic using this access road and so will represent a much greater risk of accident.

There is no pedestrian footpath on the garden centre side of the Eridge Road and so the pedestrians from the houses on the development going into town will need to cross a busy road on a dangerous bend.

Therefore:

1) Traffic Safety and Hazard: Vehicle access point on A26 Eridge Road. Road Traffic Safety compromised due to additional vehicle movement volumes; with a traffic hazard as there is restricted line of sight (ref. also 5.94) Note: Existing access considered to be on apex of bend, not as defined above as 'close to the bend'. 2) Pedestrian Safety and hazard: No available pavement on the Common side of the A26 pedestrians will be crossing the A26 at a dangerous busy point

5.92 The site was released from the Green Belt, and the Development Strategy Topic Paper and Green Belt studies set out the exceptional circumstances and compensatory improvements to the remaining Green Belt to justify the changes to the boundary in this location. What to date have been the compensatory improvements to the remaining Green Belt?

The 2019 Plan describes the site as being part of a Biodiversity Opportunity Area where any development should demonstrate net gains for nature and biodiversity. Reference was also made to the DEFRA "MAGIC" website which described the area as suitable as woodpasture and parkland. Both these descriptions have been removed from the current plan.

5.93 It lies adjacent to the Royal Tunbridge Wells Conservation Area and to Tunbridge Wells Common, which is a designated Local Wildlife Site. Part of the site is also covered by the Environment Agency's Flood Zone 3.

River Grom flooding Report 2017 (Currently Correct /Relevant unless structural changes have been made) – Ref pages 7-9 Extracts: (page 7 – 2.3 para 4)To the south and east of The Pantiles, much of the area has separate surface water and foul water drainage. The surface water sewers generally discharge to watercourses which ultimately flow into the River Grom. (Page 9 – 2.4.1 para 3).... There is a Combined Sewer Overflow (CSO) from the public combined sewer in the culverted section of the River Grom that allows the combined sewer in the Pantiles area of Tunbridge Wells to discharge into it if its capacity is exceeded.

The development is in a river valley. Under present conditions High Rocks Lane regularly floods as the point where it meets Hungershall Park (and where it is presumed the proposed "emergency exit" will be for the development). As a result the road is always in a poor condition with potholes that reappear quickly after frequent repairs. The road at this point is a blind bend with no footpath so pedestrians and cyclists often veer across the roadway to avoid the potholes and create a real danger of accidents to oncoming vehicles. This situation will only get worse once a large area of the valley floor is concreted over as a result of the development.

It was recently noticed by local residents that the site currently suffers from a sewage problem. A large manhole cover had been dislodged and was surrounded by household waste which had obviously

been forced out. It is hoped that this would be resolved as part of the development, especially as the River Grom is in close proximity and there is a seasonal flooding issue in that area, as referred to above in the 2017 flooding report.

5.94 *Development would need to be sensitively designed to respect the location in proximity to the Common, the conservation area, and the topography of the site. However, it constitutes a sustainable site on the edge of the town centre and could accommodate a mix of uses, to include the retention/expansion of the existing garden centre business and the introduction of some residential development within the site. However, Kent County Council, as the local highways authority, considers that the scale of development on the site may be limited due to the current access constraints. 108 Tunbridge Wells Borough Local Plan Regulation 19 Consultation Pre-Submission Local Plan Map 14 Site Layout Plan*

Policy AL/RTW 14 Land at Tunbridge Wells Garden Centre This site, as defined on the Royal Tunbridge Wells Policies Map, is allocated for the expansion of the existing Use Class E (a) commercial use (garden centre) with an element of residential of approximately 25-30 residential dwellings, of which 30 percent shall be affordable housing. Development on the site shall accord with the following requirements:

- 1 *Means of access, including secondary and emergency means of access, to be informed by a transport statement; it is likely that the scale of any development may be limited by the quality of access arrangements that can be achieved within the confines of the site. An emergency access is likely to be required to the north;*

Planning consents often require provision of social/affordable housing under Section 106 Agreements, but invariably the developer comes back to the local authority later and pleads that it renders the scheme unviable. The 30% (eg) then falls away to 10% or less. The infrastructure requirements on this site will render development especially expensive. The contribution this site could make to meeting housing need is negligible.

Previous planning for access - Refused (89/02011/FUL | New vehicular access. New gate and 1.8m high chain link boundary fence | Wyevale Garden Centre Eridge Road Royal Tunbridge Wells Kent TN4 8HP (midkent.gov.uk) | Ref. No: 89/02011/FUL | Received: Tue 07 Nov 1989 | Validated: Thu 14 Jun 1990 | Status: Decided Council Letter 1990 - Extracts detailing the Refusal reasons: 1 a) The proposed access would be likely to create unacceptable additional hazard to traffic. 2 a) The sight lines are inadequate and would create unacceptable additional hazards to traffic 3 a) The proposal would be undesirable in an area which is predominately rural in character, and would be detrimental both to the appearance and to the rural amenities of the locality. 4 a) The proposal would be likely to be unacceptably detrimental to residential amenities of adjacent dwellings

The only change since 1990 is higher volumes of traffic on High Rocks Lane and Hungershall Park.

No known local precedents have been set for a requirement of a secondary and/or an emergency access. Example: The existing adjacent large estate has no secondary or emergency access.

Access: The suggested 'North' secondary and emergency access point will:

- . Destroy a Bio Diverse habitat, impacting the natural rural dynamic .
- . By default the access point becomes a tacit 'extra access' immediately opening onto High Rocks Lane with hazardous restricted/limited line of sight which is onto a speed de-restricted area and is a width constricted lane, plus opposite another lane entrance point; as highlighted in the council's planning permission access refusal 1990.
- . There is a high probability for this access to become a local shortcut

Proposing a Secondary and Emergency access appears to be a leverage argument to open up the site with another access point thereby ignoring the hazards identified, refer to previous valid refusal rational.

There is a high probability for dangerous additional 'on road parking' at the lower end of Hungershall Park/ corner of High Rocks lane/ Cabbage Stalk Lane. The proposed new developments at Spratsbrook Farm and the old Plant & Tools Hire site by The West Station which is to have access directly on to Eridge Road, will both increase traffic flows along this busy stretch and force drivers to find alternative routes.

Newts and a variety of amphibian wildlife have been seen in the site North aspect / River Grom area of this location.

In traffic management terms an emergency exit would require either traffic light control, or a roundabout (taking up additional land) further eroding the natural character of the area. *2. The provision of pedestrian and cycle access to the north and improved pedestrian and cycle access into the town;*

If the access point is allowed to the north, then the suggested access is onto a hazardous speed de-restricted and width restricted lane. This was one of the reasons the previous planning for access was refused.

This would also create a safety hazard for pedestrians as there is no pavement from the suggested access secondary/emergency point towards Cabbage Stalk Lane.

3. Adequate servicing and parking to serve the expanded commercial use on the site;

4. Provision of a green route through the site from east to west connecting to existing Public Rights of Way on Tunbridge Wells Common and Cabbage Stalk Lane;

Site East West access – Cabbage Stalk Lane will cause additional volume of use. This poses the following problems:

1) Compromise to safety and hazard as now a designated cycle path. Several near misses have already occurred with current multi-use volumes; as the majority of cyclists appear to disregard this lane as being a shared facility with pedestrians, pedestrians and dog walkers, plus vehicular access traffic.

2) Cyclists coming out of the new development will generally turn right into Cabbage Stalk Lane, adding to the volumes of cyclists using that lane. Furthermore, this will surely add to the number of cyclists on the Common who increasingly seem to be ignoring the “no cycling” rule there.

3) For those who might turn left into High Rocks Lane, this would add to the number of cyclists on this narrow lane with blind corners and numerous potholes - adding yet further risk to themselves, pedestrians and cars.

4) This is likely to further increase the volume of cyclists coming down the hill in Hungershall Park and towards the proposed development. Residents are increasingly concerned about the number of cyclists coming around the corner at very high speed and oblivious to the blind entrance several drives. There have been near misses recently and including one cyclist who recently came off his bike near the entrance to the drive at no. 12 Hungershall.

5. Development shall be located on the areas identified for mixed use on the site layout plan; Tunbridge Wells Borough Local Plan 109 Pre-Submission Local Plan Regulation 19 Consultation

6. Green infrastructure shall be provided on the areas shown indicatively in green on the site layout plan, and these shall be retained and enhanced. This shall include suitable buffering and enhancements to the River Grom corridor and to the setting of the adjacent Tunbridge Wells and Rusthall Common;

The plan shows a green space buffer running alongside Cabbage Stalk Lane. The current woodland buffer is substantial and therefore the developer is likely to bulldoze and excavate as much as is feasible subject to ground stability and the preservation of valuable and species trees etc. The trees provide cover and privacy for wildlife and seclusion for walkers and local residents but are not in themselves wonderful specimens but are nevertheless very important to the semi rural nature of the area. The retention of as much tree cover as possible is very important.

The River Grom flows along the Southern boundary of the plot alongside the railway line. The woodland and the river provide a habitat for deer and other wild animals. It would be desirable if the western end of the plot be preserved for wildlife, not be built upon and not used for vehicular access. *7. Regard will be given to existing hedgerows and mature trees on-site, with the layout and design of the development protecting those of most amenity value, as informed by an arboricultural survey and a landscape and visual impact assessment;*

The development will inevitably destroy and erode an established valuable bio-diverse habitat in a unique rural area.

Question 7

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If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

For office use only

If responder hasn't ticked an option on this box, data inputter to tick 'not stated' box. Not Stated

Comment

Consultee	Mr Stephen Marshall [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] Pembury Tunbridge Wells [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Mr Stephen Marshall [REDACTED]
Comment ID	PSLP_937
Response Date	01/06/21 13:18
Consultation Point	Policy AL/PE 3 Land north of the A21, south and west of Hastings Road (View)
Status	Processed
Submission Type	Other
Version	0.5
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Stephen Marshall
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy AL/PE 3 Land north of the A21, south and west of Hastings Road

Paragraph Numbers: 5.678 and 5.687

Policies Map (Inset Map Number) 66

Question 4

Do you consider that the Local Plan:

Is legally compliant	Yes
Is sound	No
Complies with the Duty to Cooperate	Yes

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because: . It is not justified

Question 5

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Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

The proposal to allow development of the fields included in the above map is not justified nor practical. Many of the proposed houses will have a very high elevation. The land is situated on a hill. Existing properties on this section of Hastings Road will be overlooked and a high elevation development will have substantial detracting impact on the surrounding area. A vast improvement to the infrastructure will be needed for example to allow substantial increased drainage from the site. Flooding of this Hastings Road section may be a serious repercussion for the road and existing properties on it some of which are situated well below street level, including my own. Flood waters will travel down the steps (next to 123) leading to Stanam Road and therefore has the risk of affecting even more properties, (as I have seen water gush down like a waterfall when drains were blocked in Hastings Road).

Also Hastings Road is already extremely busy with traffic. Parking occurs on both sides of this section of the road making access for buses and large vehicles very difficult. Increased traffic therefore from the development will impact detrimentally on the usage of the road. A single access to the site, probably on or about the Bo Peep corner opposite Henwood Green Road would be a dangerous location with speeding traffic exiting from the A21 turn off to Pembury for example. The proposed Bund to be built on the hilly location immediately adjacent to the A21 will be a blot on the landscape and there is already pollution from the A21 which is likely to increase with the development of some 80 dwelling houses. Having regard to parking, this development will almost certainly lead to more attempted parking on Hastings Road which will create more problems and hazards.

Question 6

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or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Development of land contained in the above map should be removed from the Local Plan for reasons stated above.

Question 7

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If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

No, I do not wish to participate in examination hearing session(s)

Question 8

If you have any separate comments you wish to make on the accompanying Sustainability Appraisal, please make them here.

See above Section 6

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:

Yes, I wish to be notified of future stages of the Local Plan

Supporting Information File Ref No: SI_67

Comment

Consultee	Mr W M Marshall [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] LANGTON GREEN [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Mr W M Marshall [REDACTED]
Comment ID	PSLP_1135
Response Date	03/06/21 17:31
Consultation Point	Pre-Submission Local Plan (View)
Status	Processed
Submission Type	Web
Version	0.5
Files	PSLP_1135_W M Marshall.pdf Milford House - Pre submission Local Plan Consulation Response v3.doc (3)
Question 1	
Respondent's Name and/or Organisation	William Michael Marshall & Mary Elizabeth Marshall
Question 3	
To which part of the Local Plan does this representation relate?	Policy

Question 3a

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Section 5 Place Shaping Policies

Speldhurst

PSTR/SP1

Question 4

Do you consider that the Local Plan:

Is sound

No

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because: . It is not consistent with national policy

Question 5

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Please refer to representation in the file uploaded [TWBC: copied here for ease of reference]

This letter has been prepared on behalf of Mike and Mary Marshall who reside in Milford House, Penshurst Road, Speldhurst, Tunbridge Wells, Kent, TN3 0PH in relation to Land at Milford House, Penshurst Road, Speldhurst, TN3 0PH (Call for sites Plot 94) which was submitted under the Call for Sites Program and was included as Site number 94.

Paragraph 136 of the NPPF states that 'once established, Green Belt boundaries should only be altered where exceptional circumstances are fully evidenced and justified, through the preparation or updating of plans. Strategic policies should establish the need for any changes to Green Belt boundaries, having regard to their intended permanence in the long term, so they can endure beyond the plan period. Where a need for changes to Green Belt boundaries has been established through strategic policies, detailed amendments to those boundaries may be made through non-strategic policies, including neighbourhood plans'. Paragraph 73 of the NPPF requires the Council to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old. In addition, there must be an additional buffer of between 5% and 20%, depending on the particular circumstances of the LPA.

As detailed within the Development Strategy Topic Paper, the local housing need for the borough is set out in the Housing Needs Assessment Topic Paper. This is found to be 678 dwellings per year (pa), or some 12,200 over the plan period of 2020, to 2038. In accordance with the NPPF, this is the minimum target. In terms of housing needs of neighbouring authorities, Sevenoaks District Council has sought help in meeting a need for some 1,900 dwellings that it has not found able to be met in its borough. While there is currently uncertainty as to this figure, it is nonetheless considered that the Council should assess its potential to provide for a higher level of growth.

Given the Council's inability to meet the identified housing need within the plan period, we ask you again to re-consider Site 94 as identified in Attachment 1, which in our opinion, should be removed from the greenbelt and included within the LBD boundary to encourage the development of additional residential units for the following reasons:

1. The land in question is currently residential curtilage and therefore previously developed land. Dartford Borough Council appealed against a High Court decision [2016] in which Charles George QC (sitting as a Deputy High Court Judge) found that only residential gardens "in built up areas" are greenfield land, whereas others, in the countryside, are previously developed land. Given that greenbelt is by its very nature considered countryside, and the portion of the site is garden land, it is considered that it is previously developed land and therefore there are exceptional circumstances to allow principles of erecting new buildings and alter the green belt.

2. Para.85 of the NPPF expects that local authorities should, when defining boundaries:

- ensure consistency with the Local Plan strategy for meeting identified requirements for sustainable development;
- not include land which it is unnecessary to keep permanently open;
- satisfy themselves that Green Belt boundaries will not need to be altered at the end of the development plan period; and
- define boundaries clearly, using physical features that are readily recognisable and likely to be permanent.

Despite being omitted from the Pre-submission Local Plan, Para.4.84 part 4 of the draft Tunbridge Wells Borough Local Plan 2019 states that LBD boundaries should normally follow physical features, e.g. roads, walls, field boundaries, although there may be instances where it is appropriate to cut across property curtilages to ensure that local character and/or amenities are protected. This is consistent with Para.85 with the NPPF.

In this case, the Greenbelt boundary runs through the middle of a residential garden despite being developed either side and with a well-established field boundary to the rear.

Furthermore, following the completion of the dwelling as permitted on 21 April 2021 (RN: 21/00618/FULL), two new buildings could be erected within the greenbelt in accordance with Schedule 2, Part 1 Class E Permitted development rights (buildings etc incidental to the enjoyment of a dwellinghouse) which allow the erection of a building within the curtilage of the dwellinghouse, including in an area of outstanding natural beauty, providing that the building is incidental to the dwelling house. Therefore the Council have no guarantee the land in question will remain open contrary to Para 133 of the NPPF and should encourage more sustainable forms of development to meet the overall development plan objectives in line with Para.11 of the NPPF.

3. A request to have the land adjacent to Milford House removed from the green belt has previously been made. The reasons stated in the TWBC draft local plan 071119 rejecting this site following its Call for Sites and that it was not appropriate to alter the boundary of the green belt, alludes to the fact it is let down by a lack of key services and facilities and a lack of pavement to the centre of the settlement making it less suitable for those with disabilities.

Planning permission for a new dwelling to the east of Milford House was permitted on the 21 April 2021 (RN: 21/00618/FULL) therefore there seems to be a disparity between the acceptability of external conditions such as key services solely based on where an additional building is located on site which is, in our opinion, incorrect as a scheme can include internal footways and associated infrastructure subject to the impact on openness, biodiversity etc controlled by other development plan policies.

4. The land in question is currently surrounded on three sides by existing properties some of which have been developed recently, but largely screened from them and is therefore considered to be more sensitive in terms of its impact on the Green Belt than other sites which have been selected.

For the above reasons, it is clear that there are exceptional circumstances to allow the sought alteration of the greenbelt in line with Para 136 of the NPPF and to include the land within the Limit for Built Development in Speldhurst to encourage the provision of additional residential units in line with Para 73 of the NPPF.

Should you require further information or would like further clarity with regards to the above matter, please do not hesitate to get in touch.

[TWBC: see full representation attached for site plan].

Question 6

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Question 5 above. (Please note that non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant

or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Please refer to representations in the file uploaded

[TWBC: copied from attached representation]:

For the above reasons, it is clear that there are exceptional circumstances to allow the sought alteration of the greenbelt in line with Para 136 of the NPPF and to include the land within the Limit for Built Development in Speldhurst to encourage the provision of additional residential units in line with Para 73 of the NPPF.

Question 7

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If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

No, I do not wish to participate in examination hearing session(s)

Question 8

If you have any separate comments you wish to make on the accompanying Sustainability Appraisal, please make them here.

Please refer to the document uploaded

If you would like to attach a file in support of your comments, please upload it here.

Milford House - Pre submission Local Plan Consultation Response v3.doc (3)

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:

Yes, I wish to be notified of future stages of the Local Plan

Supporting Information File Ref No: SI_31

Comment

Agent	Mr David Bedford [REDACTED]
Email Address	[REDACTED]
Company / Organisation	DHA Planning Ltd
Address	Eclipse House Eclipse Park MAIDSTONE ME14 3EN
Consultee	Mr David Masters [REDACTED]
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Event Name	Pre-Submission Local Plan
Comment by	Mr David Masters [REDACTED]
Comment ID	PSLP_481
Response Date	26/05/21 09:28
Consultation Point	Section 3: Vision and Objectives (View)
Status	Processed
Submission Type	Email
Version	0.9
Files	PSLP_481-483_DHA Planning for D Masters.pdf
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Mr D Masters
Question 2	
Agent's Name and Organisation (if applicable)	DHA Planning
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Section 3: Vision and Objectives

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

Question 5

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1.1 Introduction

1.1.1 These representations have been prepared by DHA Planning on behalf of Mr D Masters in respect of the Tunbridge Wells Borough Council Regulation 19 pre-submission Local Plan consultation.

1.1.2 Mr Masters owns Triggs Farm, Goudhurst, which is identified as an allocation for potential residential development within the pre-submission Local Plan (Policy AL/GO 2).

1.1.3 The site is located within the High Weald Area of Outstanding Natural Beauty (which washes over the whole village). However, it benefits from outline planning permission for the erection of 12 dwellings granted at appeal in January 2019.

1.1.4 Based on the current national and local planning context, we agree with the Council that the site to be suitable for formal allocation and we consider there to be a sound basis to allow development within the High Weald Area of Outstanding Natural Beauty ('AONB'). However, we consider the proposed policy requires modification for the reasons we set out within this representation.

1.1.5 We also take this opportunity to comment on wider aspects of the strategy.

1.2 Background

1.2.1 Tunbridge Wells Borough Council (TWBC) has produced a new Local Plan to guide future development within the borough. As the Council is now satisfied that it has a sound plan it proposes to submit the plan for Independent Examination following completion of this final round of consultation.

1.2.2 Once submitted, the Local Plan will be examined by an Inspector whose role is to assess whether the plan has been prepared in accordance with the Duty to Cooperate, legal and procedural requirements, and whether it is 'sound'. In this regard, the Government published a revised NPPF in February 2019, which provides that to be "sound" a local plan must be:

- 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;
- Justified – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;
- 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
- Consistent with national policy – enabling the delivery of sustainable development in accordance with the policies in this Framework.

1.2.3 This submission will comment on each of the above, highlighting where we believe modification is needed for soundness purposes.

1.2.4 In terms of legal compliance, the main requirements for the early stages of Local Plan consultation are in relation to:

- planning for community engagement;
- the sustainability appraisal (including consultation with the statutory environment consultation bodies);
- identifying significant cross boundary and inter-authority issues; and
- ensuring that the plan rests on a credible evidence base, including meeting the Act's requirement for keeping matters affecting the development of the area under review.

1.2.5 Given our client's narrow interests, we have no comment to make on matters of legal compliance.

1.3 Vision and Strategic Objectives

1.3.1 The pre-submission plan is underpinned by vision and strategic objectives. The vision states:

'Growth in new homes, jobs, and supporting infrastructure will be achieved over the plan period in a manner that respects the distinctive qualities of the borough.

The Council will work with stakeholders to maintain and improve overall living standards and access to employment, leisure, and cultural opportunities for all the borough's residents.*

In particular, the Council will improve access to suitable, especially affordable, housing, including for local young people and older households, and will develop the borough's economic strengths and range of accessible job opportunities.

Important local services, infrastructure, and amenities will be retained and, where necessary, improved, in line with community needs.

Development should help achieve the Council's goal of carbon neutrality for the borough by 2030. It should also help to conserve and enhance the borough's recognised heritage and environmental assets. All development should be of high-quality design that respects local identity and character.

Local ambitions are:

- for Royal Tunbridge Wells and Southborough, to maintain their role as the main urban area, with a mix of housing, employment, leisure, and cultural developments, including by making effective use of urban land, whilst protecting their respective distinctive natural and built environmental qualities;
- for Paddock Wood, to provide for comprehensive planned strategic growth (including on land in east Capel parish) that is fully aligned with timely infrastructure provision and which delivers significant improvements in local employment, town centre, leisure and other services/community facilities commensurate with its enhanced role, as well as ensuring that it is not vulnerable to flooding;
- for a garden settlement, to establish the potential for a new village to contribute to sustainable growth, that is: based on garden settlement principles; comprehensively planned and reflecting local character; well connected with nearby towns; providing local job opportunities, services and all necessary supporting infrastructure; with exemplary development of sustainable design;
- for other settlements, to retain their essential local character, with high-quality sustainable development that reflects their environmental context, infrastructure, and site circumstances, having due regard to local needs;
- for the countryside, to retain its landscape, biodiversity, and historic character for its own sake, as well as a setting for settlements, whilst supporting sympathetic rural enterprise'.

1.3.2 In order to deliver the vision the plan sets a number of strategic objectives:

*(1) To ensure sustainable development that contributes to both meeting housing, economic, and social needs and to conserving and enhancing the highly valued environmental qualities and amenities of the borough;**(2) To significantly boost the supply of affordable housing and ensure suitable housing for all sections of the population;**(3) To establish the role that garden settlements can make to the future delivery of development in the borough and to ensure such proposals create very high-quality living environments;**(4) To promote high-quality and well-designed development that contributes to the local identity and character and creates attractive environments;**(5) To achieve the timely delivery of all forms of infrastructure that meets the needs of development and supports the vitality of communities;*

*(6) To ensure good, safe access to jobs and services, with priority to active travel and public transport, as well as embracing new technology;**(7) To ensure that the borough is vibrant, culturally rich, and economically buoyant;**(8) To conserve and enhance the valued historic, built, and natural environments of the borough, including the High Weald Area of Outstanding Natural Beauty, and to achieve net gains for nature;**(9) To ensure that the Green Belt continues to meet its purposes, only releasing land where strict tests are met;**(10) To support the goal to make the borough carbon neutral by 2030, and minimise*

the impact of climate change on communities, the economy, and the environment;(11) To work with local communities to secure sustainable development to meet local needs, with due regard to neighbourhood plans where appropriate.

1.3.3 Response

1.3.4 Our client supports the general thrust of the vision and these objectives, which seek to meet identified housing needs and boost the supply of new affordable homes.

1.8.1 This representation has been prepared on behalf of Mr D Masters in response to the Tunbridge Wells Borough Council Pre-Submission Local Plan Consultation. The purpose being to provide comment on the Council's proposed development strategy and the associated policies.

1.8.2 In this respect, we support the aspiration to meet housing need in full and consider that a dispersed growth strategy represents the optimum means to achieve this. Furthermore, we support the inclusion of our client's site in Goudhurst, but the detailed policy requires modification if the site is to be deemed deliverable.

1.8.3 We trust the contents of this representation are clear and hope that the comments are useful in guiding the forthcoming stage of the plan making process.

[TWBC: DHA's representation on behalf of Mr D Masters has been split into three separate areas: PSLP_481 - Vision and Objectives, PSLP_482 - Section 4: The Development Strategy, and PSLP_483 - Section 5: Goudhurst Policy AL/GO 2. See also full representation attached]

Question 7

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Supporting Information File Ref No: SI_31

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Status	Processed
Submission Type	Email
Version	0.11
Files	PSLP_481-483_DHA Planning for D Masters.pdf
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Mr D Masters
Question 2	
Agent's Name and Organisation (if applicable)	DHA Planning
Question 3	
To which part of the Local Plan does this representation relate?	Policy

Question 3a

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy STR 1 The Development Strategy

Question 4a

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Question 5

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1.1 Introduction

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1.1.3 The site is located within the High Weald Area of Outstanding Natural Beauty (which washes over the whole village). However, it benefits from outline planning permission for the erection of 12 dwellings granted at appeal in January 2019.

1.1.4 Based on the current national and local planning context, we agree with the Council that the site to be suitable for formal allocation and we consider there to be a sound basis to allow development within the High Weald Area of Outstanding Natural Beauty ('AONB'). However, we consider the proposed policy requires modification for the reasons we set out within this representation.

1.4 Development Strategy and Strategic Policies (Policy STR1)

1.4.1 The purpose of the Development Strategy is to outline how much development will be provided to meet the needs of the borough and where that development will be located.

1.4.2 In terms of the amount of housing, paragraph 59 of the NPPF states that to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed. Further, to determine the number of homes needed, strategic policies should be informed by a local housing needs assessment conducted using the standard method in national planning guidance – unless exceptional circumstances justify an alternative approach which also reflects current and future demographic trends and market signals.

1.4.3 The Council confirm that their housing need target for the plan period to 2038 is 12,200 dwellings (678 dwellings per annum), which is calculated using the Governments standard method and the 2014-based household projections. We support this approach.

1.4.4 In terms of the different supply components, the Council consider that the Local Plan must (as a minimum) include additional allocations to accommodate 6,945 homes. This figure was formulated taking into account; extant planning permissions (3,313); Windfall allowances (1,670); and outstanding site allocations (276).

1.4.5 At Regulation 18 the Council subsequently applied a 10% non-delivery rate to these figures to err on the side of caution. This is not referenced within the Regulation 19 version as such requires clarification and potential modification if this provision has not been carried forward to the pre-submission plan.

[TWBC: for copy of Local Plan Figure 5 Key Diagram see full representation attached]

1.4.6 In terms of how these needs will be met, policy ST1 sets the development strategy and states:

[TWBC: PSLP Policy STR1 duplicated here - see full representation attached].

1.4.7 In terms of justification, the Council state that The Draft Local Plan consultation concluded that, having seized all reasonable opportunities for growth 'across the board', meeting the housing need can only be met if the development strategy includes the strategic growth of certain settlements. However, it goes on to state that it is evident from site assessment work that there is very little scope for adding much in the way of further housing numbers to the rural settlements. Indeed, in some cases, the scale of major developments in the AONB have been found to be unacceptably great.

1.4.8 Paddock Wood is said to be a logical choice for strategic growth for a number of reasons; being an existing service and employment centre, having a central railway station and main road links, giving wider accessibility.

1.4.9 Tudeley Village is acknowledged to involve the loss of a large area of Green Belt but this is justified because it is outside the AONB, is well located in terms of accessibility to nearby towns, would be of a scale that supports a good range of services, and can be planned in a holistic, comprehensive manner.

1.4.10 The full proposed distribution of development is set out below.

[TWBC: For copy of Local Plan Table 4 Distribution of housing allocations see full representation attached].

Response

1.4.11 Our client agrees that TWBC is capable of meeting its need in full and support this approach to plan-making.

1.4.12 In respect of the wider strategy, our client supports the general principle of proportionately spreading the benefits of growth. Adopting a pattern of dispersed growth approach would allow a number of sites to be developed at the same time, serving different segments of the local housing market, which is preferable to saturation of the market in a single area.

1.5 AONB Release

1.5.1 When dealing with AONBs, paragraph 172 of the NPPF states that great weight should be given to conserving landscape and scenic beauty. It goes on to state that planning permission should be refused for major developments in AONB areas except in exceptional circumstances and where it can be demonstrated they are in the public interest.

1.5.2 Consideration of such major applications should include an assessment of:

(1) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;(2) the cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way; and(3) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.

1.5.3 It is important to stress that footnote 55 of the NPPF is clear that for the purposes of paragraphs 172 and 173, whether a proposal is 'major development' is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined. The term has no direct correlation with the definitions set out in the Town and Country Planning (Development Management Procedure) (England) Order 2015.

1.5.4 With above criteria in mind, our clients consider there to be clear evidence of an overriding and growing housing need within the Borough. The Council's SHMA findings initially identified the future need to plan for some 678 new homes per year. In addition to the need moving forward, the previous

difficulties in keeping pace with delivery has resulted in a need to accommodate a significant number of dwellings in the short term with a deficit in five year supply.

1.5.5 With respect to the cost of, and scope for, developing elsewhere, we recognise that Tunbridge Wells is a constrained borough. There are a number of archaeological and heritage sites, including 45 Historic Parks and Gardens, 25 Conservation Areas and 11 Scheduled Ancient Monuments. In addition, there are approximately 3,000 Listed Buildings.

1.5.6 The landscape of the High Weald AONB contains numerous historic landscape features, including field patterns, settlements and ancient woodland, whilst the borough also hosts a number of, or is close to, areas of ecological importance. These include:

Ancient Woodland (approximately 16% of the borough) Circa 60 Local Wildlife Sites (approximately 11% of the borough) Ten Sites of Special Scientific Interest (SSSI) Five Local Nature Reserves (including one Community Woodland) One Regionally Important Geological Site, at Scotney Castle Quarry.

1.5.7 The nearby Ashdown Forest is a designated Special Area of Conservation (SAC) and Special Protection Area (SPA).

1.5.8 Although not an environmental constraint, the Metropolitan Green Belt covers 22% of Tunbridge Wells borough.

1.5.9 Given the above constraints, planning for housing requires the need to balance a number of core environmental and planning matters in order to reach a sensitive future development strategy. However, there is no doubt that the threshold for there being a need to develop in the AONB is patently met and with every development comes an opportunity to moderate the effects of development, buffers and the opportunity to increase public access to the land.

1.6 Housing Delivery

1.6.1 It is widely acknowledged that there is a housing crisis in this country, which has arisen as a direct consequence of too few houses being built to keep pace with a growing population. Accordingly, the Government has repeatedly indicated that 300,000 additional homes per year should be constructed.

1.6.2 It is evidence that the LPA has fallen a long way behind the required rate of delivery in the years since the NPPF was published. Indeed, the LPA's average annual housing delivery for the period 2016 to 2020 is 506 dwellings per annum, resulting in a deficit that is increasing by circa 172 dwellings per annum. Whilst the draft plan seeks to bridge this gap in delivery, we remain concerned about where a consistent level of delivery is likely to be achievable based on the pre-submission draft and the close repetition of the current Core Strategy.

1.6.3 The current Core Strategy pre-dates the publication of the NPPF, published in March 2012. The effectiveness of the strategy was in question long before this date and there is an evidenced legacy of failure of the Core Strategy that is unrelated to the introduction of the need to plan for the full objectively assessed development needs of the area. Indeed, as outlined within the table below, for the immediate five years since adoption of the Core Strategy in 2010, the LPA achieved only 829 new homes against a target of 1,500 dwellings. This amounts to just 166 dwellings per annum for the initial five year plan period.

[TWBC: for table showing housing completion rates 2010 to 2015 see full representation attached].

1.6.4 Based on this evidence, the persistent failure of the Core Strategy began long prior to the introduction of housing targets set by the SHMA and Standard Methodology. As a consequence, mirroring the early strategy with a stringent restriction of development beyond the established limits to built development is likely to result in a similar failure. Instead, a mechanism is needed to ensure that a consistent level of housing can be brought forward at all times.

1.6.5 Turning to the context following the publication of the standard methodology, the LPA's delivery rate between 2015 and 2020 has improved slightly, but not to a level that meets the recognised needs of the area. The LPA achieved 2,473 new homes against a target of 3,360 dwellings. This amounts to just 495 dwellings per annum for the five year period and a reduction on the previous five year rate.

[TWBC: for table showing housing completion rates 2015 to 2020 (statement of common ground) see full representation attached].

1.6.6 The recently published Housing Delivery Test (January 2021) results also confirm the need for the LPA to prepare a further action plan to demonstrate how delivery will be addressed moving forward.

1.6.7 In summary, there is a historic legacy of under delivery over the last decade and even with the preparation of the pre-submission plan, past delivery rates provide compelling evidence that the Core Strategy has never been effective in delivering housing at the rates needed to meet the needs of borough residents and that sites like our client's land are needed.

1.8.1 This representation has been prepared on behalf of Mr D Masters in response to the Tunbridge Wells Borough Council Pre-Submission Local Plan Consultation. The purpose being to provide comment on the Council's proposed development strategy and the associated policies.

1.8.2 In this respect, we support the aspiration to meet housing need in full and consider that a dispersed growth strategy represents the optimum means to achieve this. Furthermore, we support the inclusion of our client's site in Goudhurst, but the detailed policy requires modification if the site is to be deemed deliverable.

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Question 7

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Consultation Point	Policy AL/GO 2 Land at Triggs Farm, Cranbrook Road (View)
Status	Processed
Submission Type	Email
Version	0.8
Files	PSLP_481-483_DHA Planning for D Masters.pdf
Data inputter to enter their initials here	KJ
Question 1	
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Question 3	

To which part of the Local Plan does this representation relate?

Policy

Question 3a

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy AL/GO 2 Land at Triggs Farm, Cranbrook Road

Question 4a

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Question 5

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1.1.3 The site is located within the High Weald Area of Outstanding Natural Beauty (which washes over the whole village). However, it benefits from outline planning permission for the erection of 12 dwellings granted at appeal in January 2019.

1.1.4 Based on the current national and local planning context, we agree with the Council that the site to be suitable for formal allocation and we consider there to be a sound basis to allow development within the High Weald Area of Outstanding Natural Beauty ('AONB'). However, we consider the proposed policy requires modification for the reasons we set out within this representation.

1.7 Policy AL/GO 2 – Land at Triggs Farm, Goudhurst

1.7.1 By way of context, the land within our client's control covers an area of 1.49 ha. It constitutes an established detached dwelling (Kestrel) located within the limits to built development (LBD) and a larger cornfield situated adjacent, but outside of, the LBD boundary on the eastern fringe of Goudhurst.

[TWBC: for site location plan see full representation attached].

1.7.2 Kestrel is a large detached property. The property is broadly set at 90 degrees to the road frontage. The former cornfield where the majority of new homes are proposed is directly accessible via an existing private road and adjoins the rear boundaries of four detached properties (Merredene, Daintree, Scotney and Holly House). It extends to approximately 4 ha, albeit the allocation has been restricted to a much smaller area given the need to respond to the topography of the area.

1.7.3 South of the field is Triggs Farm, whilst to the east is Paynetts Farm. Both consist of a range of existing and converted agricultural buildings, including the listed Triggs Farmhouse.

1.7.4 Immediately west of the proposed entrance to the field is an electrical substation building. Beyond this is the sports pitch associated to Goudhurst and Kilndown Church of England School.

1.7.5 Goudhurst benefits from good access to a range of shops and services within the village centre and excellent links to nearby towns that offer enhanced employment, retail and leisure facilities. Furthermore, the site sits immediately east of Goudhurst and Kilndown Church of England Primary School.

1.7.6 Having regard to this context, proposed policy AL/GO 2 states:

'This site, as defined on the Goudhurst Policies Map, is allocated for residential development providing approximately 12 (11 net) dwellings, of which 40 percent shall be affordable housing.(1) Development on the site shall accord with the following requirements:1. Provide a new vehicular access onto Cranbrook Road, to include the demolition of the dwelling 'Kestrel';2. Development to be focused towards the flatter northern part of the site, on the area identified for residential use on the site layout plan;3. Regard to be given to existing hedgerows and mature trees on site, with the layout and design of the development protecting those of most amenity value, as informed by an arboricultural survey and landscape and visual impact assessment;4. The development shall take account of landscaping on-site and ensure provision of landscape buffers as indicated on the site layout plan;5. An archaeological desk-based assessment is required for the site;6. The development to be informed by an ecology assessment, to be submitted with the planning application;7. Contributions are to be provided to mitigate the impact of the development, in accordance with Policy PSTR/GO 1'.

Response

1.7.7 Our client supports the general thrust of the policy requirements, which largely reflects the current planning approval (reference 17/02765/OUT dated 16 August 2017 - illustrative layout below) but we seek modification to the detailed criteria and are concerned about the lack of engagement on the proposed allocation.

[TWBC: see approved illustrative layout in full representation attached].

1.7.8 Owing to the compelling housing need, we consider the below drawing provide an illustrative indication of how an alternative scheme could potentially be adapted to deliver a higher number of small units, with increased additional affordable housing and with no demonstrably greater impact on the AONB. We therefore consider the site allocation capacity should increase to 20 homes.

[TWBC: see intensified scheme in full representation attached].

1.7.9 Based on 12 homes (11 net), with 40% affordable provision, we are also concerned about the practicality of delivering 4 affordable units on site. Whilst the owner continues to explore all opportunities to secure a suitable Affordable Housing partner, this represents a significant challenge owing to the manner in which affordable units are managed. Four units, of which only two will be social rental, results in significant management costs that we understand to be prohibitive to stock acquisition. Based on this context, there should be recognition in the emerging policy that Affordable Housing may need to be provided in a more flexible tenure such that a developer may self deliver without needing to dispose of the homes to an Affordable Housing provider or by way of a commuted payment if it can be evidenced that an Affordable Housing partner cannot be secured.

1.7.10 Finally, we consider that the allocation is too prescriptive in respect of the proposed access. As part of the successful appeal, access was to be derived via the western edge of the property Kestrel. However, opportunities continue to be pursued in respect of the upgrading of the existing vehicle access track and making this safe. The benefit of this is that it would improve safety for all of those users that currently are served by the existing arrangement, including the properties to the north of the cornfield. For such a benefit to be achieved, it would require modification of the proposed wording.

1.7.11 In summary, the site is suitable, available and deliverable for development and is actively being promoted by our client. However, we object to the lack of dialogue and engagement in formulating the detailed criteria of the policy. Furthermore, to be a sound and deliverable allocation the yield of the allocation the wording should be amended as follows:

'This site, as defined on the Goudhurst Policies Map, is allocated for residential development providing approximately 20 dwellings, of which 40 percent shall be affordable housing.(1) Development on the site shall accord with the following requirements:1. Provide a safe access onto Cranbrook Road;2. Development to be focused towards the flatter northern part of the site, on the area identified for residential use on the site layout plan;3. Regard to be given to existing hedgerows and mature trees

on site, with the layout and design of the development protecting those of most amenity value, as informed by an arboricultural survey and landscape and visual impact assessment;4. The development shall take account of landscaping on-site and ensure provision of landscape buffers as indicated on the site layout plan;5. An archaeological desk-based assessment is required for the site;6. The development to be informed by an ecology assessment, to be submitted with the planning application;

7. Contributions are to be provided to mitigate the impact of the development, in accordance with Policy PSTR/GO 1'

1.8 8. Affordable housing to be provided on site, unless demonstrated that no suitable Affordable Housing provider can be secured. In such an event, there shall be a flexible approach to the Affordable Housing tenure so that it can be delivered without the need for an Affordable Housing provider, such as Shared Equity or First Homes or the onsite affordable may be replaced by a commuted sum towards provision off site Summary and Conclusions

1.8.1 This representation has been prepared on behalf of Mr D Masters in response to the Tunbridge Wells Borough Council Pre-Submission Local Plan Consultation. The purpose being to provide comment on the Council's proposed development strategy and the associated policies.

1.8.2 In this respect, we support the aspiration to meet housing need in full and consider that a dispersed growth strategy represents the optimum means to achieve this. Furthermore, we support the inclusion of our client's site in Goudhurst, but the detailed policy requires modification if the site is to be deemed deliverable.

1.8.3 We trust the contents of this representation are clear and hope that the comments are useful in guiding the forthcoming stage of the plan making process.

[TWBC: DHA's representation on behalf of Mr D Masters has been split into three separate areas: PSLP_481 - Vision and Objectives, PSLP_482 - Section 4: The Development Strategy, and PSLP_483 - Section 5: Goudhurst Policy AL/GO 2. For full representation see attached]

Question 6

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Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Question 5 above. (Please note that non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

1.7.10 Finally, we consider that the allocation is too prescriptive in respect of the proposed access. As part of the successful appeal, access was to be derived via the western edge of the property Kestral. However, opportunities continue to be pursued in respect of the upgrading of the existing vehicle access track and making this safe. The benefit of this is that it would improve safety for all of those users that currently are served by the existing arrangement, including the properties to the north of the cornfield. For such a benefit to be achieved, it would require modification of the proposed wording.

1.7.11 In summary, the site is suitable, available and deliverable for development and is actively being promoted by our client. However, we object to the lack of dialogue and engagement in formulating the detailed criteria of the policy. Furthermore, to be a sound and deliverable allocation the yield of the allocation the wording should be amended as follows:

'This site, as defined on the Goudhurst Policies Map, is allocated for residential development providing approximately 20 dwellings, of which 40 percent shall be affordable housing.(1) Development on the site shall accord with the following requirements:1. Provide a safe access onto Cranbrook Road;2. Development to be focused towards the flatter northern part of the site, on the area identified for residential use on the site layout plan;3. Regard to be given to existing hedgerows and mature trees

on site, with the layout and design of the development protecting those of most amenity value, as informed by an arboricultural survey and landscape and visual impact assessment;4. The development shall take account of landscaping on-site and ensure provision of landscape buffers as indicated on the site layout plan;5. An archaeological desk-based assessment is required for the site;6. The development to be informed by an ecology assessment, to be submitted with the planning application;

7. Contributions are to be provided to mitigate the impact of the development, in accordance with Policy PSTR/GO 1'

1.8 8. Affordable housing to be provided on site, unless demonstrated that no suitable Affordable Housing provider can be secured. In such an event, there shall be a flexible approach to the Affordable Housing tenure so that it can be delivered without the need for an Affordable Housing provider, such as Shared Equity or First Homes or the onsite affordable may be replaced by a commuted sum towards provision off site

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

Supporting Information File Ref No: SI_50

Comment

Consultee	Mr John Barsley [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Matfield Village Hall Management Committee
Address	[REDACTED] [REDACTED] Matfield [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Matfield Village Hall Management Committee [REDACTED] [REDACTED]
Comment ID	PSLP_874
Response Date	01/06/21 16:41
Consultation Point	Policy PSTR/BM 1 The Strategy for Brenchley and Matfield parish (View)
Status	Processed
Submission Type	Email
Version	0.2
Files	PSLP_874_Matfield_Village_Hall_Management_Committee_SI.pdf
Data inputter to enter their initials here	AT
Question 1	
Respondent's Name and/or Organisation	Matfield Village Hall Management Committee
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy PSTR/BM 1 The Strategy for Brenchley and Matfield parish
Paragraph No(s) 5.479-5.508

Question 4

Do you consider that the Local Plan:

Is legally compliant	No
Is sound	Don't know
Complies with the Duty to Cooperate	Don't know

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

. It is not effective
. It is not justified

Question 5

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

Representations by Matfield Village Hall Committee in respect of Tunbridge Wells Borough Council's Pre-Submission Local Plan (PSLP)

The Committee of Matfield Village Hall (MVHC) considers that the PSLP is not sound with regard to PSTR/BM1 or AL/BM2 in that the views of MVHC were not specifically sought on the PSLP, or on the previous Draft Plan, or with regard to the allocation of adjacent land for development (now AL/BM2). This is despite the Village Hall being a community hub within the Parish of Brenchley and Matfield. MVHC made comments on the Draft Local Plan but did not have the opportunity to make its wishes and requirements known through consultation. MVHC is therefore of the view that the PLP is not positively prepared in that it did not take account of MVHC's views and that the allocation of the purple land for parking is not justified or effective and that better use can be made of this for community purposes. MVHC now makes the following representations:-

1) MVHC is prepared to accept, in principle, the allocated number of houses for this site, being 11-15 units, but would object to any increase in this number, because of the impact upon the Village Hall, upon the AONB and upon the adjoining Matfield Village Green Conservation Area. MVHC would have particular concerns about the security of the Hall and the possible use of the car park for overflow parking from the development. Parking for the Village Hall should be kept entirely separate from the development.

2) MVHC notes the provision of additional car parking on the land coloured purple and designated for "community use". Whilst MVHC previously made submissions that extra parking would be beneficial for the Hall, having reviewed the situation, the allocated area would be far in excess of that needed. Instead the majority of the land coloured purple should be used for community purposes outlined in paras (3) and (4) below. Some additional parking could be provided against the south wall of the Village Hall away from the "community use" land. An aspirational sketch, suggesting a possible layout for the land to the rear of the Village Hall, included in the purple land is attached.

3) A children's play area is considered essential for the village of Matfield and it is sensible for it to be sited near the community hub that is the Village Hall. The PSLP suggests that this could be sited on some of the landscape buffering land next to the Village Hall. MVHC suggests that this is sited on the land coloured purple, visible from the road (see sketch). It could be used in combination with an area of land, adjacent to the allocated site, behind the public lavatories. This land is in the ownership of Brenchley and Matfield Parish Council and was previously used as a small, preschool playground associated with the previous Village Hall. The provision of an adjacent area of land from within the allocated site would enable a proper play area for children of primary school age and younger to be created. A donation from the developer to equip it would be welcome.

It is envisaged that an allocation of approximately six to eight parking spaces could be made on land to the north of the Village Hall and should be sufficient to serve the playground. This would enable the rest of the Village Hall car park to be secured against random parking by installing chains across the car park to the island in the middle of the car park and then to the wall of the Village Hall.

4) MVHC request that the remainder of the land designated for community use should be made available to the Village Hall for use associated with the Hall such as receptions, outside exercise classes etc. This would be accessible from the rear of the Village Hall and would be a valuable addition to community use as well as providing landscape buffering for the Conservation Area and the adjoining AONB (see sketch).

5) Access to the land to the rear of the Village Hall should be for pedestrian use only apart from access for vehicles for mowing and maintenance purposes only. The Village Hall Committee objects to the laying of any roadway for general vehicle use as this would adversely affect the landscape buffering, which is crucial in the AONB, and visually impact upon the Matfield Green Conservation Area and the use of the land for community purposes.

6) MVHC would wish to see the imposition of speed controls along the B2160, Maidstone Road, outside the development and the Village Hall, particularly with the increase in traffic serving the proposed allocated site and the playground. The site is on a bend in the road and vehicles travel at speed heading north towards Paddock Wood with the result that the entrance and exit from the Village Hall can be dangerous. With a separate entrance to the site proposed, this will be even more dangerous.

It is accepted that speed humps, islands and chicanes are not appropriate but use could be made of speed cameras and signage. A pedestrian crossing, with appropriate warning signs, would also be welcome. This would be the case even if the site is not allocated for development.

[TWBC: Sketch added as supporting document]

Question 6

Please note: *In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.*

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Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Question 5 above. (Please note that non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Please see above (5) with our Committees comments and proposed community use of the site. MHVC had not been consulted for such a major opportunity in our village

Question 7

Please note *the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.*

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

No, I do not wish to participate in examination hearing session(s)

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:

Yes, I wish to be notified of future stages of the Local Plan

Comment

Consultee	Lawrence Matthews [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] Pembury [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Lawrence Matthews [REDACTED]
Comment ID	PSLP_408
Response Date	24/05/21 08:42
Consultation Point	Policy STR/SS 3 The Strategy for Tudeley Village (View)
Status	Processed
Submission Type	Letter
Version	0.5
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Lawrence Matthews
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy STR/SS 3 The Strategy for Tudeley Village

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

Question 5

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Regulation 19 The Local Plan Re Policy STR/SS3 Proposal for a Tudeley Garden Village

I will send in the normal regulatory Form, but wished to express my views in letter form.

I have many concerns about the Local Plan, but my main objection is regarding the proposed Garden Village in Tudeley. STR/SS3.

I am a Resident in Pembury which borders the Capel area. We spent a year with my son in Golden Green, while our House was renovated. I have therefore become very familiar with the Capel using the route along the A228 to the B2017 from 5 Oak Green and Hartlake Road which crosses the Medway, which is set in this glorious Farmland.

TWBC did not address the many concerns the Community raised during the Regulation 18 consultation. 95% of the Response were against these proposals at that stage. TWBC representatives were dismissive of these objections at the meetings. Stephen Baughan the Building Inspector gave a reply at a meeting that "It was not a numbers game". Councillor McDermott told the Save Capel group that "They would never win". It is not surprising that the Conservative Council lost their Majority at the Local elections recently.

The wider concept of this Garden Village in 170 hectares of Agricultural and mixed Woodland is just wrong. The plan is to build 2,800 Homes initially on this Farmland, which had just been released from Green Belt status.

Before discussing the appropriate selection of this site, the principle that the Green Belt can be eroded like this has far reaching repercussions for the way all of our lives will be diminished if the green belt is taken and an ever-increasing Urban sprawl continues in the South East.

The specifics of why I feel that this is in the wrong locality are as follows.

INFRASTRUCTURE

There simply is not any. You have wide open Countryside at the moment.

TRANSPORT

All the roads from Five Oak Green to Tonbridge are totally congested every morning and evening. A major overhaul and a major expansion of the Road network would be needed, which I am sure that the good people of Tonbridge do not want. I also understand that BR will not entertain the idea of building a further Railway Station.

POLLUTION

Besides additional Road Traffic of all description with corresponding increases in air pollution and CO2 emissions. There will be increases in noise pollution, and not forgetting the light pollution which will transform the whole area.

WATER & SEWERAGE

Both are totally inadequate at present. A lot of investment would be needed to instal these services for a new population.

FLOOD RISK

The whole area is on, or close to Flood risk areas. Again the wrong development in the wrong area.

ENVIRONMENTAL CONCERNS

Should we not as Humans try to protect, restore, and expand our green and wild spaces, allowing nature to thrive, taking carbon from the air and boosting our health and wellbeing

This proposed new development would work against all of these principles. We have enough infrasture around the Towns of Tunbridge Wells and Tonbridge to gradually expand development , and leave this small remaining area of Green Belt for all to enjoy.

Please take some time to speak to the representatives of the save Capel campaign. They are not NIMBYS, but good people with the countryside a heart.

Question 7

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If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

For office use only

If responder hasn't ticked an option on this box, data inputter to tick 'not stated' box. Not Stated

Comment

Consultee	Lawrence Matthews [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] Pembury [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Lawrence Matthews [REDACTED]
Comment ID	PSLP_275
Response Date	22/05/21 17:51
Consultation Point	Map 31 Site Layout Plan (View)
Status	Processed
Submission Type	Web
Version	0.1
Question 1	
Respondent's Name and/or Organisation	Lawrence Matthews
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
Policy STR/SS3.Strategy for a new Garden Village in Tudeley.Map31 5.199 to end	
Question 4	
Do you consider that the Local Plan:	
Is legally compliant	Don't know
Is sound	No
Complies with the Duty to Cooperate	Don't know

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

- . It is not effective
- . It is not justified
- . It is not consistent with national policy

Question 5

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Most submissions under Regulation 18 were ignored by Council. The development is totally against the wishes of local Residents. There was little co-operation by the Council to provide timely plans for review. There was also a reluctance to engage with Tonbridge Council who do not want this Development on their border, for numerous reasons.

Question 7

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Question 8

If you have any separate comments you wish to make on the accompanying Sustainability Appraisal, please make them here.

The Vision must have been written by a PR Company, and is an insult to Residents' intelligence. It could not possibly be self-contained. The infrastructure would not be there. How could it be inspired by the Princes Foundation approach? It's two miles from Tonbridge. A walkable community? People would use their cars, vans etc. The roads around the area are already gridlocked. This would just increase the problem. The Masterplan makes provision for a railway station. BR have already stated that it would never happen. There is mention of a centre to include retail, employment and commercial services. The major stores, super markets have already said that the size of the development would not be sufficient to warrant their stores. There is mention of a new drainage system. It is currently farmland. The cost of these new services and infrastructure would be enormous starting from scratch. It is not suited on so many reasons. This includes the following.

INFRASTRUCTURE
TRANSPORT
POLLUTION, NOISE, LIGHT AND CO2 EMISSIONS
WATER AND SEWERAGE
FLOOD RISK

ENVIRONMENTAL CONCERNS. Do we really have to take an area out of the greenbelt? We need to be taking steps to keep urban sprawl to a minimum.

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:

Yes, I wish to be notified of future stages of the Local Plan

Comment

Consultee	Roger Maxted [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] Tonbridge [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Roger Maxted [REDACTED]
Comment ID	PSLP_980
Response Date	02/06/21 17:27
Consultation Point	Policy STR/SS 1 The Strategy for Paddock Wood, including land at east Capel (View)
Status	Processed
Submission Type	Web
Version	0.3
Question 1	
Respondent's Name and/or Organisation	Nicola & Roger Maxted
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
STR/SS1 for Paddock wood, including land at east Capel	
Question 4	
Do you consider that the Local Plan:	
Is legally compliant	Don't know
Is sound	No
Complies with the Duty to Cooperate	Don't know

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

- . It is not effective
- . It is not justified
- . It is not consistent with national policy

Question 5

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I moved to Golden Green in May 2003 and have noticed a considerable increase in traffic since then, especially in the daily commute from Golden Green to Tunbridge Wells. Traffic congestion is worse than ever.

School and nursery places are increasingly harder to find. In fact no new primary schools have been built in this area since we moved in.

The same is true of local GP surgeries. The nearest surgery to us closed a few years ago.

Since 2003 the services in the areas have worsened eg. the fresh water quality and the electricity supply is unreliable.

The local flooding restricts access to our home in heavy rain conditions.

The environment is being destroyed by overdevelopment of the green belt.

There are already not enough services for this overpopulated portion of the South-East of England to envisage a development of this nature.

Question 7

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If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

- . No, I do not wish to participate in examination hearing session(s)

Comment

Consultee	Roger Maxted [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] Tonbridge [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Roger Maxted [REDACTED]
Comment ID	PSLP_970
Response Date	02/06/21 17:23
Consultation Point	Policy STR/SS 3 The Strategy for Tudeley Village (View)
Status	Processed
Submission Type	Web
Version	0.2
Question 1	
Respondent's Name and/or Organisation	Roger & Nicola Maxted
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
STR/SS 3 (for Tudeley Village)	
Question 4	
Do you consider that the Local Plan:	
Is legally compliant	Don't know
Is sound	No
Complies with the Duty to Cooperate	Don't know

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

- . It is not effective
- . It is not justified
- . It is not consistent with national policy

Question 5

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My family & I moved to Golden Green in May 2003, we have worked locally and in the surrounding area so we appreciate how long it takes to travel any distance at rush hour, am, pm and at school finishing times due to traffic congestion. When we arrived in the village, our children were 2 and 4 years old. The school and nursery places were at a premium and we didn't get our first choice for primary school or nursery as they were full!. To our knowledge no further primary schools have been built within the area. When registering for a GP Surgery, again we had to register with a GP surgery further away than the nearest. The nearest surgery to us closed a few years ago.

The services in the areas have progressively deteriorated. Water supply quality and sewage blockages; 2 in our first 10 years, 4 this year alone due to new build infills on green belt land within the village. The electricity supply is also temperamental as well as broadband and phone line.

Due to regular flooding from both the River Bourne and River Medway, there is very limited access in and around the areas as roads are impassable and bus service are unable to run. We are one of the lucky ones that haven't flooded yet, it's just a matter of time and this new development will hasten this as more land is developed. The environment is being destroyed by deforestation and the ecological erosion of the natural resources can't continue. We feel that the garden of England is being destroyed by over-development.

Question 7

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If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

- . No, I do not wish to participate in examination hearing session(s)

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:

- Yes, I wish to be notified of future stages of the Local Plan

Comment

Consultee	Victoria Maxted [REDACTED]
Email Address	[REDACTED]
Address	
Event Name	Pre-Submission Local Plan
Comment by	Victoria Maxted [REDACTED]
Comment ID	PSLP_981
Response Date	02/06/21 18:13
Consultation Point	Policy STR/SS 1 The Strategy for Paddock Wood, including land at east Capel (View)
Status	Processed
Submission Type	Web
Version	0.3
Question 1	
Respondent's Name and/or Organisation	Victoria Elizabeth Maxted
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
Policy STR/SS1 for Paddock Wood, including land at East Capel	
Question 4	
Do you consider that the Local Plan:	
Is legally compliant	Don't know
Is sound	No
Complies with the Duty to Cooperate	Don't know
Question 4a	

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

- . It is not effective
- . It is not justified
- . It is not consistent with national policy

Question 5

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Weald of Kent Grammar School and Bennett Memorial School; all in the local area. Over the years I have seen many properties be built on green belt land and not brown belt. Most recently, 4 houses in Golden Green built on METROPOLITAN GREEN BELT LAND. I remember saying as a 10 year old to my parents that I should save my pocket money to buy a piece of green belt and in 10 years time, I'd be able to build a house on it. My parents told me that green belt was for protecting the environment and that everyone should build on brown belt. 12 years later, houses are popping up all over green belt and every pub seems to be being turned into houses (see East Peckham and Hadlow). I should have saved my pocket money - the environment doesn't seem to matter to you.

You can see we are damaging our environment. Look at the flooding we have. As a village, when there is heavy rain, we are blocked in to the village through the River Bourne and River Medway. Even the buses can't enter the village.

Speaking of buses and traffic. The local traffic is appalling. Weald of Kent was our nearest school (3.1 miles according to the council). School finished at 3.35pm everyday. I would not get home until 5pm due to the 208 bus. At least once a week it also would not come. I did the journey just this week (half term holidays) from Weald to Home - 12 minutes. And yet 85 minutes plus at school time. Ridiculous.

I feel that the Garden of England is being turned into a building site. Everywhere we look, there are builders and scaffolding. The Garden of England is called The Garden of England because we're suppose to have greenery and beauty. I know Tunbridge Wells has lost its ROYAL but don't let Kent lose its GARDEN. Try saving the environment.

Question 6

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Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Question 5 above. (Please note that non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Build on Brown Belt - improves the environment by protecting the environment we are SUPPOSE to be protecting.

Council Tax to go to Tonbridge and Malling - Council tax is designed to improve infrastructure in the local area. The road from Paddock Wood, Capel and Tudeley is already overcrowded with dangerous road conditions and traffic. Try putting money into the roads that YOU want to populate further.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

No, I do not wish to participate in examination hearing session(s)

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:

Yes, I wish to be notified of future stages of the Local Plan

Comment

Consultee	Victoria Maxted [REDACTED]
Email Address	[REDACTED]
Address	
Event Name	Pre-Submission Local Plan
Comment by	Victoria Maxted [REDACTED]
Comment ID	PSLP_984
Response Date	02/06/21 18:23
Consultation Point	Policy STR/SS 3 The Strategy for Tudeley Village (View)
Status	Processed
Submission Type	Web
Version	0.3

Question 1

Respondent's Name and/or Organisation Victoria Elizabeth Maxted

Question 3

To which part of the Local Plan does this representation relate? Policy

Question 3a

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy STR/SS3 Strategy for Tudeley Village

Question 4

Do you consider that the Local Plan:

Is legally compliant Don't know

Is sound No

Complies with the Duty to Cooperate Don't know

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

- . It is not effective
- . It is not justified
- . It is not consistent with national policy

Question 5

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My parents, brother and I moved to Golden Green in May 2003 when I was almost 4 years old. Golden Green is the only home I know. I have grown up here, went to Hadlow Primary School, Weald of Kent Grammar School and Bennett Memorial School; all in the local area. Over the years I have seen many properties be built on green belt land and not brown belt. Most recently, 4 houses in Golden Green built on METROPOLITAN GREEN BELT LAND. I remember saying as a 10 year old to my parents that I should save my pocket money to buy a piece of green belt and in 10 years time, I'd be able to build a house on it. My parents told me that green belt was for protecting the environment and that everyone should build on brown belt. 12 years later, houses are popping up all over green belt and every pub seems to be being turned into houses (see East Peckham and Hadlow). I should have saved my pocket money - the environment doesn't seem to matter to you.

You can see we are damaging our environment. Look at the flooding we have. As a village, when there is heavy rain, we are blocked in to the village through the River Bourne and River Medway. Even the buses can't enter the village.

Speaking of buses and traffic. The local traffic is appalling. Weald of Kent was our nearest school (3.1 miles according to the council). School finished at 3.35pm everyday. I would not get home until 5pm due to the 208 bus. At least once a week it also would not come. I did the journey just this week (half term holidays) from Weald to Home - 12 minutes. And yet 85 minutes plus at school time. Ridiculous.

I would also like to point out that school children walk around Tudeley. I did part of my Duke of Edinburgh on that stretch of road and it is deadly. I felt sorry for the people who had to get the bus to school using that road. If you build more houses, there will inevitably be more children (unless you're building 2500 retirement homes) and thus more traffic and more children needing to get an education. I cannot believe that you have actually thought this through.

I feel that the Garden of England is being turned into a building site. Everywhere we look, there are builders and scaffolding. The Garden of England is called The Garden of England because we're suppose to have greenery and beauty. I know Tunbridge Wells has lost its ROYAL but don't let Kent lose its GARDEN.

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Build on Brown Belt - improves the environment by protecting the environment we are SUPPOSE to be protecting.

Council Tax to go to Tonbridge and Malling - Council tax is designed to improve infrastructure in the local area. By building on the edge of the borough, most new residents will be using Tonbridge and Malling facilities NOT TUNBRIDGE WELLS.

The road from Paddock Wood, Capel and Tudeley is already overcrowded with dangerous road conditions and traffic. Try putting money into the roads that YOU want to populate further. If you increase traffic on that road, you need to consider the bus stops, footpaths, cycle paths and the quality of the road. When the 205 stops on Tudeley Road (B2017) in the morning and evening, it stops traffic flowing. Adding more travellers will just add to this traffic jam.

Question 7

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If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

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Future Notifications

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Yes, I wish to be notified of future stages of the Local Plan

Comment

Consultee	Caroline McAughtry ([REDACTED])
Email Address	[REDACTED]
Address	
Event Name	Pre-Submission Local Plan
Comment by	Caroline McAughtry ([REDACTED])
Comment ID	PSLP_1330
Response Date	04/06/21 15:32
Consultation Point	Policy STR/RTW 1 The Strategy for Royal Tunbridge Wells (View)
Status	Processed
Submission Type	Web
Version	0.3
Question 1	
Respondent's Name and/or Organisation	Caroline McAughtry
Question 3	
To which part of the Local Plan does this representation relate?	Paragraph(s)
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
5.91, 5.92, 5.93, 5.94	
Question 4	
Do you consider that the Local Plan:	
Is sound	No
Question 4a	
If you consider that the Local Plan is not sound, please answer this question.	

Do you consider that the Local Plan is not sound because:

Question 5

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5.91 Existing vehicular access to the site is directly from the A26 Eridge Road to the south east corner of the site, close to the bend in the Eridge Road. The Spa Valley Railway Line is located south of the site, including a bridge that crosses the Eridge Road just south of the site access. The existing access from the site onto the Eridge Road is already dangerous with a steep slope onto a busy bend with restricted visibility. The proposed development will add considerably to the traffic using this access road and so will represent a much greater risk of accident.

There is no pedestrian footpath on the garden centre side of the Eridge Road and so the pedestrians from the houses on the development going into town will need to cross a busy road on a dangerous bend.

Therefore:

1) Traffic Safety and Hazard: Vehicle access point on A26 Eridge Road. Road Traffic Safety compromised due to additional vehicle movement volumes; with a traffic hazard as there is restricted line of sight (ref. also 5.94) Note: Existing access considered to be on apex of bend, not as defined above as 'close to the bend'. 2) Pedestrian Safety and hazard: No available pavement on the Common side of the A26 pedestrians will be crossing the A26 at a dangerous busy point

5.92 The site was released from the Green Belt, and the Development Strategy Topic Paper and Green Belt studies set out the exceptional circumstances and compensatory improvements to the remaining Green Belt to justify the changes to the boundary in this location. What to date have been the compensatory improvements to the remaining Green Belt?

The 2019 Plan describes the site as being part of a Biodiversity Opportunity Area where any development should demonstrate net gains for nature and biodiversity. Reference was also made to the DEFRA "MAGIC" website which described the area as suitable as woodpasture and parkland. Both these descriptions have been removed from the current plan.

5.93 It lies adjacent to the Royal Tunbridge Wells Conservation Area and to Tunbridge Wells Common, which is a designated Local Wildlife Site. Part of the site is also covered by the Environment Agency's Flood Zone 3.

River Grom flooding Report 2017 (Currently Correct /Relevant unless structural changes have been made)– Ref pages 7-9 Extracts:(page 7 – 2.3 para 4)To the south and east of The Pantiles, much of the area has separate surface water and foul water drainage. The surface water sewers generally discharge to watercourses which ultimately flow into the River Grom.(Page 9 – 2.4.1 para 3).... There is a Combined Sewer Overflow (CSO) from the public combined sewer in the culverted section of the River Grom that allows the combined sewer in the Pantiles area of Tunbridge Wells to discharge into it if its capacity is exceeded.

The development is in a river valley. Under present conditions High Rocks Lane regularly floods as the point where it meets Hungershall Park (and where it is presumed the proposed "emergency exit" will be for the development). As a result the road is always in a poor condition with potholes that reappear quickly after frequent repairs. The road at this point is a blind bend with no footpath so pedestrians and cyclists often veer across the roadway to avoid the potholes and create a real danger

of accidents to oncoming vehicles. This situation will only get worse once a large area of the valley floor is concreted over as a result of the development.

It was recently noticed by local residents that the site currently suffers from a sewage problem. A large manhole cover had been dislodged and was surrounded by household waste which had obviously been forced out. It is hoped that this would be resolved as part of the development, especially as the River Grom is in close proximity and there is a seasonal flooding issue in that area, as referred to above in the 2017 flooding report.

5.94 *Development would need to be sensitively designed to respect the location in proximity to the Common, the conservation area, and the topography of the site. However, it constitutes a sustainable site on the edge of the town centre and could accommodate a mix of uses, to include the retention/expansion of the existing garden centre business and the introduction of some residential development within the site. However, Kent County Council, as the local highways authority, considers that the scale of development on the site may be limited due to the current access constraints. 108 Tunbridge Wells Borough Local Plan Regulation 19 Consultation Pre-Submission Local Plan Map 14 Site Layout Plan*

Policy AL/RTW 14 Land at Tunbridge Wells Garden Centre This site, as defined on the Royal Tunbridge Wells Policies Map, is allocated for the expansion of the existing Use Class E (a) commercial use (garden centre) with an element of residential of approximately 25-30 residential dwellings, of which 30 percent shall be affordable housing. Development on the site shall accord with the following requirements:

- 1 *Means of access, including secondary and emergency means of access, to be informed by a transport statement; it is likely that the scale of any development may be limited by the quality of access arrangements that can be achieved within the confines of the site. An emergency access is likely to be required to the north;*

Planning consents often require provision of social/affordable housing under Section 106 Agreements, but invariably the developer comes back to the local authority later and pleads that it renders the scheme unviable. The 30% (eg) then falls away to 10% or less. The infrastructure requirements on this site will render development especially expensive. The contribution this site could make to meeting housing need is negligible.

Previous planning for access - Refused(89/02011/FUL | New vehicular access. New gate and 1.8m high chain link boundary fence | Wyevale Garden Centre Eridge Road Royal Tunbridge Wells Kent TN4 8HP (midkent.gov.uk)) Ref. No: 89/02011/FUL | Received: Tue 07 Nov 1989 | Validated: Thu 14 Jun 1990 | Status: Decided Council Letter 1990 - Extracts detailing the Refusal reasons:1 a) The proposed access would be likely to create unacceptable additional hazard to traffic.2 a) The sight lines are inadequate and would create unacceptable additional hazards to traffic3 a) The proposal would be undesirable in an area which is predominately rural in character, and would be detrimental both to the appearance and to the rural amenities of the locality.4 a) The proposal would be likely to be unacceptably detrimental to residential amenities of adjacent dwellings

The only change since 1990 is higher volumes of traffic on High Rocks Lane and Hungershall Park.

No known local precedents have been set for a requirement of a secondary and/or an emergency access. Example: The existing adjacent large estate has no secondary or emergency access.

Access: The suggested 'North' secondary and emergency access point will:

- . Destroy a Bio Diverse habitat, impacting the natural rural dynamic .
- . By default the access point becomes a tacit 'extra access' immediately opening onto High Rocks Lane with hazardous restricted/limited line of sight which is onto a speed de-restricted area and is a width constricted lane, plus opposite another lane entrance point; as highlighted in the council's planning permission access refusal 1990.
- . There is a high probability for this access to become a local shortcut

Proposing a Secondary and Emergency access appears to be a leverage argument to open up the site with another access point thereby ignoring the hazards identified, refer to previous valid refusal rational.

There is a high probability for dangerous additional 'on road parking' at the lower end of Hungershall Park/ corner of High Rocks lane/ Cabbage Stalk Lane. The proposed new developments at Spratsbrook Farm and the old Plant & Tools Hire site by The West Station which is to have access directly on to

Eridge Road, will both increase traffic flows along this busy stretch and force drivers to find alternative routes.

Newts and a variety of amphibian wildlife have been seen in the site North aspect / River Grom area of this location.

In traffic management terms an emergency exit would require either traffic light control, or a roundabout (taking up additional land) further eroding the natural character of the area.² *The provision of pedestrian and cycle access to the north and improved pedestrian and cycle access into the town;*

If the access point is allowed to the north, then the suggested access is onto a hazardous speed de-restricted and width restricted lane. This was one of the reasons the previous planning for access was refused.

This would also create a safety hazard for pedestrians as there is no pavement from the suggested access secondary/emergency point towards Cabbage Stalk Lane.

- 1 *Adequate servicing and parking to serve the expanded commercial use on the site;*
- 2 *Provision of a green route through the site from east to west connecting to existing Public Rights of Way on Tunbridge Wells Common and Cabbage Stalk Lane; Site East West access – Cabbage Stalk Lane will cause additional volume of use. This poses the following problems:*
 - 1) *Compromise to safety and hazard as now a designated cycle path. Several near misses have already occurred with current multi-use volumes; as the majority of cyclists appear to disregard this lane as being a shared facility with pedestrians, pedestrians and dog walkers, plus vehicular access traffic.*
 - 2) *Cyclists coming out of the new development will generally turn right into Cabbage Stalk Lane, adding to the volumes of cyclists using that lane. Furthermore, this will surely add to the number of cyclists on the Common who increasingly seem to be ignoring the “no cycling” rule there.*
 - 3) *For those who might turn left into High Rocks Lane, this would add to the number of cyclists on this narrow lane with blind corners and numerous potholes - adding yet further risk to themselves, pedestrians and cars.*
 - 4) *This is likely to further increase the volume of cyclists coming down the hill in Hungershall Park and towards the proposed development. Residents are increasingly concerned about the number of cyclists coming around the corner at very high speed and oblivious to the blind entrance several drives. There have been near misses recently and including one cyclist who recently came off his bike near the entrance to the drive at no. 12 Hungershall.*

- 1 *Development shall be located on the areas identified for mixed use on the site layout plan; Tunbridge Wells Borough Local Plan 109 Pre-Submission Local Plan Regulation 19 Consultation*
- 2 *Green infrastructure shall be provided on the areas shown indicatively in green on the site layout plan, and these shall be retained and enhanced. This shall include suitable buffering and enhancements to the River Grom corridor and to the setting of the adjacent Tunbridge Wells and Rusthall Common; The plan shows a green space buffer running alongside Cabbage Stalk Lane. The current woodland buffer is substantial and therefore the developer is likely to bulldoze and excavate as much as is feasible subject to ground stability and the preservation of valuable and species trees etc. The trees provide cover and privacy for wildlife and seclusion for walkers and local residents but are not in themselves wonderful specimens but are nevertheless very important to the semi rural nature of the area. The retention of as much tree cover as possible is very important.*

The River Grom flows along the Southern boundary of the plot alongside the railway line. The woodland and the river provide a habitat for deer and other wild animals. It would be desirable if the western end of the plot be preserved for wildlife, not be built upon and not used for vehicular access.⁷ *Regard will be given to existing hedgerows and mature trees on-site, with the layout and design of the development protecting those of most amenity value, as informed by an arboricultural survey and a landscape and visual impact assessment;*

The development will inevitably destroy and erode an established valuable bio-diverse habitat in a unique rural area.

Question 7

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Comment

Consultee	Caroline McAughtry ([REDACTED])
Email Address	[REDACTED]
Address	
Event Name	Pre-Submission Local Plan
Comment by	Caroline McAughtry ([REDACTED])
Comment ID	PSLP_1338
Response Date	04/06/21 15:35
Consultation Point	Policy AL/RTW 14 Land at Tunbridge Wells Garden Centre (View)
Status	Processed
Submission Type	Web
Version	0.2
Question 1	
Respondent's Name and/or Organisation	Caroline McAughtry
Question 3	
To which part of the Local Plan does this representation relate?	Paragraph(s)
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

5.91, 5.92, 5.93, 5.94

Question 4

Do you consider that the Local Plan:

Is sound No

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

Question 5

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There is no pedestrian footpath on the garden centre side of the Eridge Road and so the pedestrians from the houses on the development going into town will need to cross a busy road on a dangerous bend.

Therefore:

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The development is in a river valley. Under present conditions High Rocks Lane regularly floods as the point where it meets Hungershall Park (and where it is presumed the proposed "emergency exit" will be for the development). As a result the road is always in a poor condition with potholes that reappear quickly after frequent repairs. The road at this point is a blind bend with no footpath so pedestrians and cyclists often veer across the roadway to avoid the potholes and create a real danger

of accidents to oncoming vehicles. This situation will only get worse once a large area of the valley floor is concreted over as a result of the development.

It was recently noticed by local residents that the site currently suffers from a sewage problem. A large manhole cover had been dislodged and was surrounded by household waste which had obviously been forced out. It is hoped that this would be resolved as part of the development, especially as the River Grom is in close proximity and there is a seasonal flooding issue in that area, as referred to above in the 2017 flooding report.

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- 1 *Means of access, including secondary and emergency means of access, to be informed by a transport statement; it is likely that the scale of any development may be limited by the quality of access arrangements that can be achieved within the confines of the site. An emergency access is likely to be required to the north;*

Planning consents often require provision of social/affordable housing under Section 106 Agreements, but invariably the developer comes back to the local authority later and pleads that it renders the scheme unviable. The 30% (eg) then falls away to 10% or less. The infrastructure requirements on this site will render development especially expensive. The contribution this site could make to meeting housing need is negligible.

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No known local precedents have been set for a requirement of a secondary and/or an emergency access. Example: The existing adjacent large estate has no secondary or emergency access.

Access: The suggested 'North' secondary and emergency access point will:

- . Destroy a Bio Diverse habitat, impacting the natural rural dynamic .
- . By default the access point becomes a tacit 'extra access' immediately opening onto High Rocks Lane with hazardous restricted/limited line of sight which is onto a speed de-restricted area and is a width constricted lane, plus opposite another lane entrance point; as highlighted in the council's planning permission access refusal 1990.
- . There is a high probability for this access to become a local shortcut

Proposing a Secondary and Emergency access appears to be a leverage argument to open up the site with another access point thereby ignoring the hazards identified, refer to previous valid refusal rational.

There is a high probability for dangerous additional 'on road parking' at the lower end of Hungershall Park/ corner of High Rocks lane/ Cabbage Stalk Lane. The proposed new developments at Spratsbrook Farm and the old Plant & Tools Hire site by The West Station which is to have access directly on to

Eridge Road, will both increase traffic flows along this busy stretch and force drivers to find alternative routes.

Newts and a variety of amphibian wildlife have been seen in the site North aspect / River Grom area of this location.

In traffic management terms an emergency exit would require either traffic light control, or a roundabout (taking up additional land) further eroding the natural character of the area.² *The provision of pedestrian and cycle access to the north and improved pedestrian and cycle access into the town;*

If the access point is allowed to the north, then the suggested access is onto a hazardous speed de-restricted and width restricted lane. This was one of the reasons the previous planning for access was refused.

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- 2 *Provision of a green route through the site from east to west connecting to existing Public Rights of Way on Tunbridge Wells Common and Cabbage Stalk Lane; Site East West access – Cabbage Stalk Lane will cause additional volume of use. This poses the following problems:*
 - 1) *Compromise to safety and hazard as now a designated cycle path. Several near misses have already occurred with current multi-use volumes; as the majority of cyclists appear to disregard this lane as being a shared facility with pedestrians, pedestrians and dog walkers, plus vehicular access traffic.*
 - 2) *Cyclists coming out of the new development will generally turn right into Cabbage Stalk Lane, adding to the volumes of cyclists using that lane. Furthermore, this will surely add to the number of cyclists on the Common who increasingly seem to be ignoring the “no cycling” rule there.*
 - 3) *For those who might turn left into High Rocks Lane, this would add to the number of cyclists on this narrow lane with blind corners and numerous potholes - adding yet further risk to themselves, pedestrians and cars.*
 - 4) *This is likely to further increase the volume of cyclists coming down the hill in Hungershall Park and towards the proposed development. Residents are increasingly concerned about the number of cyclists coming around the corner at very high speed and oblivious to the blind entrance several drives. There have been near misses recently and including one cyclist who recently came off his bike near the entrance to the drive at no. 12 Hungershall.*

- 1 *Development shall be located on the areas identified for mixed use on the site layout plan; Tunbridge Wells Borough Local Plan 109 Pre-Submission Local Plan Regulation 19 Consultation*
- 2 *Green infrastructure shall be provided on the areas shown indicatively in green on the site layout plan, and these shall be retained and enhanced. This shall include suitable buffering and enhancements to the River Grom corridor and to the setting of the adjacent Tunbridge Wells and Rusthall Common; The plan shows a green space buffer running alongside Cabbage Stalk Lane. The current woodland buffer is substantial and therefore the developer is likely to bulldoze and excavate as much as is feasible subject to ground stability and the preservation of valuable and species trees etc. The trees provide cover and privacy for wildlife and seclusion for walkers and local residents but are not in themselves wonderful specimens but are nevertheless very important to the semi rural nature of the area. The retention of as much tree cover as possible is very important.*

The River Grom flows along the Southern boundary of the plot alongside the railway line. The woodland and the river provide a habitat for deer and other wild animals. It would be desirable if the western end of the plot be preserved for wildlife, not be built upon and not used for vehicular access.⁷ *Regard will be given to existing hedgerows and mature trees on-site, with the layout and design of the development protecting those of most amenity value, as informed by an arboricultural survey and a landscape and visual impact assessment;*

The development will inevitably destroy and erode an established valuable bio-diverse habitat in a unique rural area.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)? . No, I do not wish to participate in examination hearing session(s)

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box: Yes, I wish to be notified of future stages of the Local Plan

Comment

Agent	Mr Alex Child ()
Email Address	
Company / Organisation	The Planning Bureau
Address	4th Floor 100 Holdenhurst Road Bournemouth BH8 8AQ
Consultee	()
Company / Organisation	McCarthy Stone & Churchill Retirement Living
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	McCarthy Stone & Churchill Retirement Living (-)
Comment ID	PSLP_2047
Response Date	04/06/21 14:27
Consultation Point	Policy EN 2 Sustainable Design Standards (View)
Status	Processed
Submission Type	Email
Version	0.3
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	McCarthy Stone & Churchill Retirement Living
Question 2	
Agent's Name and Organisation (if applicable)	The Planning Bureau
Question 3	
To which part of the Local Plan does this representation relate?	Policy

Question 3a

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy EN 2 Sustainable Design Standards

[TWBC: for further comments by McCarthy Stone & Churchill Retirement Living, please see Comment Numbers PSLP_2043-2047]

Question 4

Do you consider that the Local Plan:

Is legally compliant	No
Is sound	No
Complies with the Duty to Cooperate	Yes

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:	.	It is not positively prepared
	.	It is not effective
	.	It is not justified

Question 5

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

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Policy EN 2: Sustainable Design Standards

Comment

The Council details its requirements for sustainable design criteria in the wording of Policy EN 2 and its supporting text. The design standards for residential development are based around achieving a certain rating and certification by the Home Quality Mark (HQM) by the BRE.

New residential developments will be assessed and certified by an independent assessor resulting in an additional level of complexity and scrutiny in the determination of planning applications. Our concern is that the Council will have insufficient internal capacity to assess new development against the HQM or that this matter will be administered by external assessors who are not required to adhere to statutory determination deadlines. HQM certification could result in both additional cost and delay to development coming forward in the Borough.

We also have more general concerns over the recent proliferation of third-party design standards and certification and the resultant complexity in the planning system. This was behind the Government's increased emphasis on the Building Regulations to improve design and there is clear focus and momentum from Government in preparing and enhancing standards. For example, Government has recently finished consulting on interim changes in both Part F and Part L of the Building Standards through the second consultation on *The Future Buildings Standards* and it is clear the energy efficiency

requirements for domestic and non-domestic buildings will increase sharply in the coming years. Considering this, the benefit of introducing third-party assessment and certification on sustainability measures appears limited.

We note that an allowance of 1.5% to 7% of build costs have been allowed to achieve Homes Quality Mark accreditation in the *Tunbridge Wells Local Plan Viability Assessment*. The lower end of the target is unrealistic, particularly given this uplift in costs is also intended to cover climate change mitigation measures.

Question 6

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Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Question 5 above. (Please note that non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Recommendations

Sustainable design can be achieved without the need for third party certification schemes and the benefits of accreditation by the Homes Quality Mark appear limited. We would request that Policy EN2 is deleted accordingly.

Question 7

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If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)? Yes, I wish to participate in hearing session(s)

Question 7a

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If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

Aspects of the approach detailed in the Local Plan Review are of significant concern and warrant further scrutiny should they not be amended prior to Examination in Public.

McCarthy Stone & Churchill Retirement Living would however welcome the opportunity to engage and reach agreement on these matters with Council Officers.

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box: Yes, I wish to be notified of future stages of the Local Plan

Comment

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Company / Organisation	McCarthy Stone & Churchill Retirement Living
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	McCarthy Stone & Churchill Retirement Living (-)
Comment ID	PSLP_2046
Response Date	04/06/21 14:27
Consultation Point	Policy EN 3 Climate Change Mitigation and Adaptation (View)
Status	Processed
Submission Type	Email
Version	0.3
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	McCarthy Stone & Churchill Retirement Living
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To which part of the Local Plan does this representation relate?

Policy

Question 3a

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy EN 3 Climate Change Mitigation and Adaptation

[TWBC: for further comments by McCarthy Stone & Churchill Retirement Living, please see Comment Numbers PSLP_2043-2047]

Question 4

Do you consider that the Local Plan:

Is legally compliant No

Is sound No

Complies with the Duty to Cooperate Yes

Question 4a

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Do you consider that the Local Plan is not sound because:

- . It is not positively prepared
- . It is not effective
- . It is not justified

Question 5

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Policy EN 3: Climate Change Mitigation & Adaption

Comment

The Council's commitment to meeting both its and the UK Government's target of net zero carbon emissions by 2050 is commendable and detailed at length in the justification to Policy EN 3.

The policy stipulates a tiered approach towards the reduction of operational CO₂, first requiring a 10% reduction below the Target Emission Rate in Building Regulations Part L via the 'fabric first' approach. Following this there would be a further 15% reduction in operational CO₂ through on-site renewable energy generation. This is a cumulative reduction totaling 23% of operational CO₂ below Part L.

While the benefits of both the 'fabric first' and 'on-site renewables' are detailed in the supporting text to this policy, the rationale behind the requisite target percentages for each method are not. How the reduction in operational CO₂ emissions would appear to be of little relevance and it would surely be better for a developer to utilize the method that is best suited to a particular site rather than adhere to a seemingly arbitrary ratio.

We note that an allowance of 1.5% to 7% of build costs have been allowed to achieve the climate change targets in the *Tunbridge Wells Local Plan Viability Assessment*. The lower end of the target is unrealistic, particularly given this uplift in costs is also intended to cover the Homes Quality Mark accreditation.

Question 6

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That the tiered approach to the reduction in operational CO₂ emissions is substituted for a commensurate reduction (i.e. 23.5%) achieved by a method of the developer's choice.

Question 7

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If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)? . Yes, I wish to participate in hearing session(s)

Question 7a

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Aspects of the approach detailed in the Local Plan Review are of significant concern and warrant further scrutiny should they not be amended prior to Examination in Public.

McCarthy Stone & Churchill Retirement Living would however welcome the opportunity to engage and reach agreement on these matters with Council Officers.

Supporting Information File Ref No: SI_139

Comment

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Event Name	Pre-Submission Local Plan
Comment by	McCarthy Stone & Churchill Retirement Living (- [REDACTED])
Comment ID	PSLP_2044
Response Date	04/06/21 14:27
Consultation Point	Policy H 3 Affordable Housing (View)
Status	Processed
Submission Type	Email
Version	0.10
Files	PSLP_2044 Planning Bureau for McCarthy Stone and Churchill SI Review of Local Plan Viability Assessment.pdf
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	McCarthy Stone & Churchill Retirement Living
Question 2	
Agent's Name and Organisation (if applicable)	The Planning Bureau
Question 3	

To which part of the Local Plan does this representation relate?

Policy

Question 3a

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy H 3 Affordable Housing

[TWBC: for further comments by McCarthy Stone & Churchill Retirement Living, please see Comment Numbers PSLP_2043-2047]

Question 4

Do you consider that the Local Plan:

Is legally compliant No

Is sound No

Complies with the Duty to Cooperate No

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

- . It is not positively prepared
- . It is not effective
- . It is not justified
- . It is not consistent with national policy

Question 5

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Please find attached a joint representation made on behalf of McCarthy Stone and Churchill Retirement Living

We are independent and competing housebuilders specialising in retirement housing for older people. Together, we are responsible for delivering approximately 90% of England's specialist owner-occupied retirement housing. In light of this, it is appropriate to provide the Council with a single response representing our combined views on the Local Plan Consultation.

Please find attached our detailed comments with regards to the consultation. The viability report should be read in conjunction with the representation made in respect of Policy H3 "affordable housing"

[TWBC: the above text is from the covering email sent along with the representation]

Policy H3: Affordable Housing

COMMENT

The *Tunbridge Wells Borough Local Plan* is one of an alarmingly limited number that have set a differential affordable housing rate for brownfield (30%) and greenfield (40%) housing. This is of itself, highly commendable and suggests a greater focus on viability at the Plan making stage.

The wording of Policy HP3 and its justification makes it clear that a non-policy compliant level of affordable housing will only be allowed in exceptional circumstances and where sites are clearly subject to abnormal costs. It also states in the justification to the Policy that:

6.336 Where the policy requirements may not be achieved, the onus will be on the applicant to demonstrate robustly the reasons for this, and to provide a full viability assessment to support their proposals. As part of this, it will need to be shown that the correct land value was paid, as exceptional and abnormal costs should, in the first instance, be paid for through a reduced land value. The viability assessment must be provided as part of the application when originally submitted, will be made publicly available, and will be subject to review by independent viability consultants. The applicant is expected to meet the costs of this review. Where applications are made on this basis, any permission granted will be for a maximum of two years.

It is clear from the wording of the policy and its justification that the Local Authority is cognisant of the increased emphasis on Local Plan viability testing in Paragraph 54 of the NPPF. Given the Council's stance towards developer contributions and affordable housing, we find aspects of the evidence base underpinning these policies to be concerning.

The affordable housing targets set out in *Policy H3* are informed by the *Tunbridge Wells Local Plan Viability Assessment Stage 1 & 2* (LPVA) undertaken by the Dixon Searle Partnership. We note that the Stage 1 report has assessed the viability of older persons' housing typologies, which is welcomed.

In reviewing the methodology for assessing specialist older persons' housing, we note that many of the inputs align with the methodology detailed in the Briefing Note on Viability Prepared for the Retirement Housing Group (hereafter referred to as the RHG Briefing Note) by Three Dragons, although a number do not. A copy of the RHG Briefing Note has been provided as part of this submission, which could result in an unrealistic planning obligations burden in the next Local Plan. Our concerns are that the Viability Assessment has overplayed the viability of older persons' housing.

Mindful of the guidance in the PPG that is the responsibility of site owners and developers to engage in the Plan making process – McCarthy Stone and Churchill Retirement Living have provided a separate document with viability appraisals for sheltered and extra care older persons' housing typologies. **It concludes that these forms of development are not able to provide an affordable housing contribution or CIL on previously developed land in the Authority.**

On greenfield sites, both housing typologies can support a CIL rate of £150 per m² but does not generate sufficient uplift to support a 40% affordable housing contribution.

The PPG makes it clear that '*Different requirements may be set for different types or location of site or types of development*' (Paragraph: 001 Reference ID: 10-001-20190509). We are strongly of the view that it would be more appropriate to set a lower, potentially nil, affordable housing target and CIL rate for sheltered and extra care accommodation in the Borough.

The need for specialist older persons' housing detailed in the *Tunbridge Wells Housing Need Assessment* and in *Policy H6: Housing for Older People & People with Disabilities* and its supporting text. The Local Plan makes it clear that viable sites bringing these forms over development forward will be required over the Plan period. In burdening these forms of development with an unrealistic planning obligations regime, the Local Plan is considered unsound as these obligations are not justified, effective and the Plan is not positively prepared correspondingly.

[TWBC: the following text is from 'Review of Local Plan Viability Assessment for Sheltered & Extra Care Housing', which has also been attached as a supporting document]

REVIEW OF LOCAL PLAN VIABILITY ASSESSMENT FOR SHELTERED & EXTRA CARE HOUSING

1 Introduction

1.1.1 This supporting statement has been prepared on behalf of McCarthy Stone and Churchill Retirement Living, two independent and competing housebuilders specialising in housing for older people. Together, they are responsible for delivering approximately 90% of England's specialist owner-occupied retirement housing.

1.1.2 In this statement we critically appraise the evidence underpinning the affordable housing targets detailed in *Policy H3: Affordable Housing of the Tunbridge Wells Borough Local Plan (Regulation 19 Consultation)* – namely the *Tunbridge Wells Local Plan Viability Assessment Stage 1 & 2 (LPVA)* undertaken by the Dixon Searle Partnership.

1.1.3 This Statement is a focused document underpinning our representations to the Tunbridge Wells Local Plan Regulation 19 consultation on *Policy H3*. In the interest of brevity, it does not comprehensively cover Government policy on viability in Plan preparation or detail the residual land appraisal methodology at length. These matters are comprehensively covered in the LPVA.

1 Review of Local Plan Viability Study

2.1.1 The Tunbridge Wells Borough Local Plan is one of an alarmingly limited number that have set a differential affordable housing rate for brownfield (30%) and greenfield (40%) housing. This is of itself, highly commendable and suggests a greater focus on viability at the Plan making stage.

2.1.2 The wording of Policy H3 and its justification makes it clear that a non-policy compliant level of affordable housing will only be allowed in exceptional circumstances and where sites are clearly subject to abnormal costs. It also states in the justification to the Policy that:

6.336 *Where the policy requirements may not be achieved, the onus will be on the applicant to demonstrate robustly the reasons for this, and to provide a full viability assessment to support their proposals. As part of this, it will need to be shown that the correct land value was paid, as exceptional and abnormal costs should, in the first instance, be paid for through a reduced land value. The viability assessment must be provided as part of the application when originally submitted, will be made publicly available, and will be subject to review by independent viability consultants. The applicant is expected to meet the costs of this review. Where applications are made on this basis, any permission granted will be for a maximum of two years.*

2.1.3 It is clear from the wording of the policy and its justification that the Local Authority is cognisant of the increased emphasis on Local Plan viability testing in Paragraph 54 of the NPPF. Given the Council's stance towards developer contributions and affordable housing, we find aspects of the evidence base underpinning these policies to be concerning.

2.2 Older Persons' Housing Typologies

2.2.1 The affordable housing targets set out in *Policy H3* are informed by the *Tunbridge Wells Local Plan Viability Assessment Stage 1 & 2 (LPVA)* undertaken by the Dixon Searle Partnership. We note that the Stage 1 report has assessed the viability of older persons' housing typologies, which is welcomed.

2.2.2 In reviewing the methodology for assessing specialist older persons' housing, we note that many of the inputs align with the methodology detailed in the Briefing Note on Viability Prepared for the Retirement Housing Group (hereafter referred to as the RHG Briefing Note) by Three Dragons, although a number do not. A copy of the RHG Briefing Note has been provided as part of this submission, which could result in an unrealistic planning obligations burden in the next Local Plan. Our concerns are that the Viability Assessment has overplayed the viability of older persons' housing

2.2.3 Mindful of the guidance in the PPG that is the responsibility of site owners and developers to engage in the Plan making process, McCarthy Stone and Churchill Retirement Living have undertaken financial viability appraisals for sheltered and extra care older persons' housing typologies in this report to encourage dialogue with the Council.

1 Viability Appraisal Inputs

3.1 Introduction

3.1.1 McCarthy Stone and Churchill Retirement Living have considered the inputs and assumptions used in the financial viability appraisals for older persons' housing in the *Tunbridge Wells Local Plan Viability Assessment Stage 1 & Stage 2 (LPVA)*. A summary table has been provided in the table entitled: *Comparison of Appraisal Inputs* on page 6 this report.

3.1.2 Many of the inputs used in our appraisal of Sheltered and Extra Care housing typologies align with the methodology detailed in the *Briefing Note on Viability Prepared for the Retirement Housing Group* (hereafter referred to as the RHG Briefing Note) by Three Dragons. Where they differ is clearly stated in this report. A copy of the RHG Briefing Note has been provided as part of this submission.

3.2 Unit Sizes

3.2.1 Apartments for specialist older persons' housing tend to be larger than 'general needs' open market housing. The unit sizes used in the LPVS do however differ from those recommended in the RHG Briefing Note and no justification has been given for this deviation.

RHG Briefing Note Recommended Unit Sizes

1 bed

2 bed

Sheltered

50 m²

75 m²

Extra Care

65 m²

80 m²

3.3 Sales Values

3.3.1 There are currently two McCarthy Stone schemes currently selling in Tunbridge Wells - an Extra Care development (referred to as a Retirement Living Plus) at The Dairy, St. John's Road and a sheltered housing scheme (referred to as Retirement Living) at Southborough Gate, Pinewood Gardens.

3.3.2 *The Appendix III- Market Values & Assumptions Research* of the LPVS details the market prices for each of the aforementioned schemes – as advertised with a local agent. This sales values for each of the schemes are as follows:

DSP Sales Values: Tunbridge Wells

£per m²

Unit Price

The Dairy

£6,352

£431,735

Southborough Gate

£5,941

£423,000

3.3.3 The sales values used by DSP are however market prices and not the achieved prices. An element of negotiation is inherent in the housing transactions, and the achieved sales values are frequently lower than those advertised with estate agents.

3.3.4 The achieved sales values for the three closest selling schemes are detailed below:

Average Achieved Sales Values: Tunbridge Wells

£ per m²

1 bed

2 bed

The Dairy (Extra Care)

£6,116

£5475

Southborough Gate (Sheltered)

£5,430

£4,968

3.3.5 DSP advise that sales values for Extra Care and Sheltered Housing are the same as the overall upper range of values as used for the traditional market housing appraisals (£5,500 - £6,500/m²) and that even this could be considered conservative in their view.

3.3.6 The evidence from the sales values does support specialist older persons' housing achieving a premium on sales values, but not to the extent recommended by DSP. The RHG briefing note advises that Extra Care accommodation achieves an uplift on sheltered sales values – which is demonstrated in the Borough.

3.3.7 We have used the achieved sales values for the respective typologies in our assessment.

3.4 Unit Mix

3.4.1 The RHG briefing note recommends a 60:40 split for 1bed:2 beds. We have used the recommended mix.

3.5 Base Build Cost

3.5.1 We note that the *Local Plan Viability Study* uses the Median 'generally' Supported Housing BCIS costs re-based for Tunbridge Wells (5 year sample) which is £1,644 per m².

3.5.2 The sample size used for the 'generally' rate less than the 20 years we consider to be best practice and for this reason and more typically we will apply a rate specific to the number of floors proposed for a site-specific viability assumption.

3.5.3 Notwithstanding the above, we recognise that Local Plan Viability Testing is at a more generic level and we have applied the BCIS rate used in the LPVS accordingly.

3.6 Sales Rate

3.6.1 There are several specialist older persons' housing s developments that are either currently selling or have sold out recently within Tunbridge Wells.

Address

Developer

Total Units

Units Sold

Units to Sell

Date of First Sale

Sales period to date.

Rate of Sale

The Dairy, Tunbridge Wells

McCarthy Stone

48

42

6

February 2018

40 months

1.2

Southborough Gate, Tunbridge Wells

McCarthy Stone

43

32

11

May 2019

25 months

1.28

St. Giles Lodge, Tonbridge

Churchill

31

30

1

February 2018

40 months

0.75

3.6.2 The scheme with the fastest rate of sale is Southborough Gate, Tunbridge Wells. This is a 43unit sheltered scheme that has been selling since May 2019 (25 months) and has 11units left to sell or let at the time of writing. The rate of sale does however typically slow down following the initial year after opening and we note only 3 units were sold in the last 12 months.

3.6.3 A rate of sale of one unit per month, as per the RHG's best practice methodology, is considered by McCarthy Stone and Churchill Retirement Living to be, broadly speaking, an appropriate reflection of their sales rate nationally, albeit the rate of sale is lower presently.

3.7 Gross to Net

3.7.1 The RHG note stipulates a range of communal floor space between 20-30% of GIA for Sheltered and 35-40% of GIA for Extra Care.

3.7.2 The LPVA assumes communal space extending to 25% of the Gross Internal Area (GIA) for sheltered housing proposals – the mid-point of the range suggested by the RHG. The Consortium have frequently disputed the figures suggested by the RHG on this matter, contesting that a communal floorspace provision of under 25% is not representative of the sector. Our experience is that this percentage should be more than 25% of the proposed total area to cater for communal lounges, lodge manager office and guest rooms.

3.7.3 For Extra Care accommodation we would suggest that a minimum of 35% of GIA is allowed for non-saleable communal floorspace.

3.8 Benchmark Land Value

3.8.1 *The Appendix I – Local Plan & CIL Viability Assessment* – Residential Assumptions of the LPVS details the densities to which specialist older persons' housing developments will be built. It is assumed that:

- a 30 unit sheltered housing scheme will be built at 125dph which with an allowance for open space would result in a land area of 0.43 hectares.
- a 60 unit extra care scheme built at 125dph with an allowance for open space would result in a land area of 0.85 hectares.

3.8.2 While specialist older persons' accommodation is built at higher densities and 125dph is achieved on certain sites it is atypical of areas with a rural / suburban character and highly unlikely on a greenfield site - 80dph is considered more appropriate on greenfield land.

3.8.3 This viability assessment is based on a 50 unit sheltered and extra care scheme which is considered a more typically sized development.

Site Type

Benchmark Land Value

Density

OS allowance

Site Size

50 units

Site Cost

Greenfield (lower)

£250,000 per hectare

80dph

0.3

0.9

£225,000

Greenfield (upper)

£500,000 per hectare

80dph

0.3

0.9

£450,000

Industrial land (lower)

£850,000 per hectare

125 dph

0.3

0.7

£595,000

Industrial land (upper)

£1,500,000 per hectare

125 dph

0.3

0.7

£1,050,000

Commercial OOT (inc. 20% uplift)

£1,800,000 per hectare

125 dph

0.3

0.7

£1,260,000

Commercial CBD (inc. 20% uplift)

£2,250,000 per hectare

125 dph

0.3

0.7

£1,575,000

Residential Land values

£3,500,000 per hectare

125 dph

0.3

0.7

£2,450,000

3.9 Profit

3.9.1 We support the 20% profit margin allowed for in the LPVA although this should not preclude profit allowance higher than the 15-20% range for riskier proposals. Not only does this conform with the recommendations of the RHG Briefing note, but the Planning Inspectorate has also consistently concluded that an acceptable return for risk in respect of retirement living proposals is not less than 20% of gross development value. Examples include:

- . McCarthy and Stone proposal at Redditch (Appeal Ref: 3166677)
- . Churchill Retirement Living proposal at Cheam (Appeal Ref: 3159137)
- . Churchill Retirement Living scheme at West Bridgford (Appeal Ref: 3229412)

3.10 Empty Property Costs

3.10.1 Empty property costs are a function of council tax payable on finished unsold and empty property as well as the service charge which must be paid owing to longer than average sales periods for this type of proposal.

3.10.2 The Tunbridge Wells Council website details how the Council has applied the Council Tax Empty Property Premium. This advises that properties that are unoccupied are not entitled to any discount. Full council tax is payable on all properties unless specific circumstances apply. If a property should remain unoccupied for 2 years or more, an additional premium of 100% will be payable until such a time as the property is reoccupied. Properties that have been empty for more than 5 years will have an additional premium of 200%.

3.10.3 The flats at Southborough Gate, Tunbridge Wells sit within Council Tax Bands D (£1,985.94 per annum) & E (£2,427.26 per annum) for 1-bedroom flats and two- bedroom flats respectively. A typical 50-unit scheme will take over 4 years to sell out and as such substantial monies will be paid in Council Tax over this period.

3.10.4 Residents of specialist older persons' housing are also required to pay a service charge to pay for the upkeep of communal facilities and for staff costs. Service charges are higher for Extra Care accommodation because of the enhanced level of communal facilities and the increased staffing associated with on-site care. Staff and facilities need to be on-site and functional from when the first resident arrives and accordingly the companies subsidise the service charges of empty apartments while they are being sold. McCarthy Stone list their typical services charges on their website as follow:

McCarthy Stone – Typical Service Charge

1 bed per week

2 bed per week

Sheltered

£48.93

£138.27

Extra Care

£73.36

£184.31

3.10.5 Empty property costs as a result of Council Tax and Service Charge payments are therefore a substantial cost for older persons' housing. We have applied Empty Property Costs of £3k per unit of sheltered housing unit and £5k per unit of Extra Care accommodation.

3.11 Sales & Marketing Costs

3.11.1 Sales and marketing allowances for specialist housing proposals for older people are widely acknowledged to differ substantially from mainstream housing. This is due to the restricted occupancy and longer than average sales periods often extending over several years.

3.11.2 Sales and marketing activities in respect of this type of proposal are considerably more intensive and long running than mainstream housing and necessitate a sustained campaign with permanent sales staff on site over the course of typically years rather than months for mainstream housing.

3.11.3 The RHG Briefing Note advises that *"Marketing costs are typically 6% of revenue compared with 3% of revenue for general needs houses and flats."* This has been supported by a recent appeal decision in Redditch Appeal Ref: 3166677.

3.12 CIL & s106 costs

3.12.1 Tunbridge Wells Borough Council presently does not have a CIL charging schedule adopted. *The Local Plan & CIL Stage 1 Viability Assessment* however advises that a levy of £100 - £150 per m² is viable for sheltered housing across the Borough. We have tested the older person's housing typologies with these indicative CIL rates.

Comparison of Viability Input

Sheltered Housing

Extra Care Accommodation

DSP

McCarthy Stone / CRL

DSP

McCarthy Stone / CRL

Sales Values

1bed - £5,500 – 6,500 per m²

1bed - £5,430m²

1bed - £5,500 – 6,500 per m²

1bed £6,116m²

2 bed - £5,500 – 6,500 per m²

2 bed - £4,968m²

2 bed - £5,500 – 6,500 per m²

2bed £5,475m²

Unit Size

1bed- - 55m²

1bed – 50 m²

1bed- - 55m²

1bed – 65m²

2 bed -70m²

2 bed – 75 m²

2 bed -70m²

2 bed – 80m²

Benchmark Land Values

Greenfield (Lower)- £225,000

Greenfield (Lower)- £225,000

Greenfield (Lower)- £225,000

Greenfield (Lower)- £225,000

Greenfield (upper) - £450,000

Greenfield (upper) - £450,000

Greenfield (upper) - £450,000

Greenfield (upper) - £450,000

Industrial (Lower) - £595,000

Industrial (Lower) - £595,000

Industrial (Lower) - £595,000

Industrial (Lower) - £595,000

Industrial (upper)- £1,050,000

Industrial (upper)- £1,050,000

Industrial (upper)- £1,050,000

Industrial (upper)- £1,050,000

Commercial OoT - £1,260,000

Commercial OoT - £1,260,000

Commercial OoT - £1,260,000

Commercial OoT - £1,260,000

Commercial CBD - £1,575,000

Commercial CBD - £1,575,000

Commercial CBD - £1,575,000

Commercial CBD - £1,575,000

Residential - £2,450,000

Residential - £2,450,000

Residential - £2,450,000

Residential - £2,450,000

Dwellings per hectare

80dph greenfield / 125dph Brownfield

80dph greenfield / 125dph Brownfield

80dph greenfield / 125dph Brownfield

80dph greenfield / 125dph Brownfield

Dwelling Mix

70% 1-bed 30% 2-beds

60% 1-bed 40% 2-beds

70% 1-bed 30% 2-beds

60% 1-bed 40% 2-beds

No. of units

50

50

50

50

Site size

0.9ha Greenfield 0.7ha Brownfield

0.9ha Greenfield 0.7ha Brownfield

0.9ha Greenfield 0.7ha Brownfield

0.9ha Greenfield 0.7ha Brownfield

Build Period

18 Months

18 Months

18 months

18 months

Sales Period

unknown

50 months

unknown

50 months

Base Build Costs

£1,644 per m².

£1,644per m².

£1,644per m².

£1,644 per m².

Gross to Net saleable

75%

30%

unknown

35%

Contingencies

5% of build costs

5% of build costs

5% of build costs

5% of build costs

External Build Costs

10% of build costs

10% of build costs

10% of build costs

10% of build costs

Site Works

£180k Greenfield / £120k PDL

Professional Fees

10% of build costs

10% of build costs

10% of build costs

10% of build costs

Sustainable Design / Construction

4% of build costs

4% of build costs

4% of build costs

4% of build costs

Residual S106 (non-CIL)costs

£3,000 per unit

£3,000 per unit

£3,000 per unit

£3,000 per unit

CIL

£100 / £150 per m²

£100 / £150 per m²

£100 / £150 per m²

£100 / £150 per m²

Finance Costs

6.5%

6.5%

6.5%

6.5%

Profit

20%

20%

20%

20%

Agents Fee % of site value

1.5%

1.5%

1.5%

1.5%

Sales & Marketing

3%

6%

3%

6%

Legal Fees on Sale

£750 per unit

£750 per unit

£750 per unit

£750 per unit

Legal Fees (% of site value)

0.75%

0.75%

0.75%

0.75%

Empty Property Costs

unknown

£3,000 per unit

unknown

£5,000 per unit

1 Results

4.1 Older Persons' Housing Typologies

4.1.1 The outputs of the viability appraisals for older persons' housing typologies are summarised below for ease of reference. This FVA does not include any affordable housing as part of the appraisal and is therefore undertaken on the basis of a 100% private proposal.

4.1.2 We have assessed both Sheltered and Extra Care typologies against the Benchmark Land Values for Greenfield and Brownfield sites (See Chapter 3.8 of this report). We have also assessed the impact of the suggested CIL rates of £100 and £150.

Sheltered Typology

BLV

CIL Rate £ per m²

Nil

£100

£150

Greenfield (Lower)- £225,000

£797,032

£441,991

£218,004

Greenfield (upper) - £450,000

£573,271

£185,944

- £9,251

Industrial (Lower) - £595,000

£428,014

£39,154

-£157,589

Industrial (upper)- £1,050,000

-£31,868

-£427,488

-£626,837

Commercial OoT - £1,260,000

-£247,031

-£644,888

-£845,374

Commercial CBD - £1,575,000

-£571,951

-£973,216

-£1,175,428

Residential - £2,450,000

-£1,489,505

-£1,900,513

-£2,107,677

Extra Care Typology

BLV

CIL Rate £ per m²

Nil

£100

£150

Greenfield (Lower)- £225,000

£1,581,222

£1,095,569

£850,941

Greenfield (upper) - £450,000

£1,359,965

£872,047

£626,310

Industrial (Lower) - £595,000

£1,216,225

£726,968

£480,580

Industrial (upper)- £1,050,000

£762,994

£269,407

£20,817

Commercial OoT - £1,260,000

£552,526

£56,816

-£193,908

Commercial CBD - £1,575,000

£234,949

-£265,199

-£517,738

Residential - £2,450,000

-£660,981

-£1,171,335

-£1,428,427

4.1.3 All the greenfield scenarios tested result in a surplus against the benchmark land value, albeit not to the extent where a policy compliant level of affordable housing (40%) could be met.

4.1.4 On lower value previously developed land, Extra Care accommodation can still generate a surplus, but again it is not considered sufficient to deliver policy compliant levels of affordable housing (30%). It is worth noting that the high sales values achieved at The Dairy, which is located a short distance from the town centre, would be unlikely on lower value previously developed land. This would sit within the higher value area, with a commensurately higher BLV, (i.e. Commercial CBD / Residential) in which the financial viability appraisals generated a deficit.

4.1.5 Sheltered is largely unviable on previously development land, with the exception of lower value industrial with nil or £100 CIL. Again, it is unlikely that the sales values at Southborough Gate would be achieved in these locations.

4.2 Commentary on LPVS Results

4.2.1 McCarthy Stone and Churchill Retirement Living find the basis on which the affordable housing target is recommended across the Authority to be flawed. The results of the viability testing in *Chapter 3: Findings* of the LPVS overstates the viability of the older persons' housing typologies.

4.2.2 In respect of Sheltered Housing the *Stage 1 LPVS* advises that:

3.3.44 It should be acknowledged that from experience these types of schemes will tend to be on PDL, and regularly on sites with relatively high EUVs. However, the outcomes overall show that after allowing for the particular assumptions relevant to this development type, the strength of the sales values has the likely capacity to balance out, or go a considerable way towards balancing out, the higher costs associated with the construction of larger communal areas and the other adjusted (added) costs assumptions made. The typically reduced extent of external works, relative to those on general occupancy schemes, may also contribute to this balancing effect.

4.2.3 The 'balancing effect' of the higher sales values described by DSP appears to have been overstated. In determining sales values for Sheltered Housing, DSP based these on market values rather than achieved values and blended these values with Extra Care, which achieves a higher premium by virtue of the enhanced on-site care facilities. Furthermore, the sales rate used in the LPVS is unknown as the report is opaque on this matter, it is however highly likely that it was higher than the 1 unit per month currently being demonstrated by current selling schemes in Tunbridge Wells.

4.2.4 In respect of Extra Care accommodation the *Stage 1 LPVS* advises that:

3.3.48 With further increased communal areas and other appraisal adjustments made over and above those for the retirement/sheltered tests, as may be expected (and beginning to be seen through some

experience we have of site-specifics on these too), these results show viability levels beneath those schemes.

4.2.5 The LPVS acknowledges that the viability of Extra Care accommodation is more finely balanced and acknowledges that the viability may be affected by matters such as whether the development sits within use class C2 and requires an affordable housing contribution. This is welcomed however, again, we are of the view that the LPVS has overstated the viability of such schemes by determining sales values based on advertised market values rather than achieved values and applying a faster sales rate.

1 Conclusion

5.1.1 The Tunbridge Wells Borough Local Plan is one of an alarmingly limited number that have set a differential affordable housing rate for brownfield (30%) and greenfield (40%) housing. This is of itself, highly commendable and suggests a greater focus on viability at the Plan making stage.

5.1.2 The evidence we have provided in our viability appraisals for Sheltered Housing and Extra Care Housing typologies, presently the only evidence for these typologies, concludes that these forms of development should be exempt from affordable housing and CIL on previously developed sites.

5.1.3 On greenfield sites, both housing typologies can support a CIL rate of £150 per m² but does not generate sufficient uplift to support a 40% affordable housing contribution.

5.1.4 As a suggestion we would recommend a supplemental sub-clause to Policy H3 which read as follows:

i. Specialist older persons' housing including sheltered and extra care accommodation will not be required to provide an affordable housing contribution on previously developed land.

Question 6

Please note: *In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.*

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RECOMMENDATION:

The evidence we have provided in our viability appraisals for Sheltered Housing and Extra Care Housing typologies concludes that these forms of development should be exempt from affordable housing provision and CIL on previously developed sites.

As a suggestion we would recommend a supplemental sub-clause to Policy H3 which read as follows:

Specialist older persons' housing including sheltered and extra care accommodation will not be required to provide an affordable housing contribution.

Question 7

Please note *the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.*

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)? . Yes, I wish to participate in hearing session(s)

Question 7a

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If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

Aspects of the approach detailed in the Local Plan Review are of significant concern and warrant further scrutiny should they not be amended prior to Examination in Public.

McCarthy Stone & Churchill Retirement Living would however welcome the opportunity to engage and reach agreement on these matters with Council Officers.

If you would like to attach a file in support of your comments, please upload it here. [PSLP 2044 Planning Bureau for McCarthy Stone and Churchill SI Review of Local Plan Viability Assessment.pdf](#)

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box: Yes, I wish to be notified of future stages of the Local Plan

Comment

Agent	Mr Alex Child ()
Email Address	
Company / Organisation	The Planning Bureau
Address	4th Floor 100 Holdenhurst Road Bournemouth BH8 8AQ
Consultee	()
Company / Organisation	McCarthy Stone & Churchill Retirement Living
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	McCarthy Stone & Churchill Retirement Living (-)
Comment ID	PSLP_2045
Response Date	04/06/21 14:27
Consultation Point	Policy H 6 Housing for Older People and People with Disabilities (View)
Status	Processed
Submission Type	Email
Version	0.3
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	McCarthy Stone & Churchill Retirement Living
Question 2	
Agent's Name and Organisation (if applicable)	The Planning Bureau
Question 3	

To which part of the Local Plan does this representation relate?

Policy

Question 3a

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy H 6 Housing for Older People and People with Disabilities

[TWBC: for further comments by McCarthy Stone & Churchill Retirement Living, please see Comment Numbers PSLP_2043-2047]

Question 4

Do you consider that the Local Plan:

Is legally compliant Yes

Is sound Yes

Complies with the Duty to Cooperate Yes

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

- . It is not positively prepared
- . It is not effective
- . It is not justified

Question 5

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Policy H6: Housing for Older People & People with Disabilities

McCarthy Stone and Churchill Retirement Living are independent and competing housebuilders specialising in sheltered housing for older people. Together, we are responsible for delivering approximately 90% of England's specialist owner-occupied retirement housing.

Paragraph 1 of the PPG Housing for Older and Disabled people states:

"The need to provide housing for older people is critical. People are living longer lives and the proportion of older people in the population is increasing. Offering older people, a better choice of accommodation to suit their changing needs can help them live independently for longer, feel more connected to their communities and help reduce costs to the social care and health systems. Therefore, an understanding of how the ageing population affects housing needs is something to be considered from the early stages of plan-making through to decision-taking".

Paragraph: 001 Reference ID: 63-001-20190626

The *Tunbridge Wells Housing Need Assessment Topic Paper* details that the population aged 65 and over is projected to increase by 9,458 people by between 2020 and 2038, an increase of circa 40%.

It is notable that the population aged 85 and over, the demographic most likely to need long term care, is projected to increase in the Authority by 68% over the Plan period - an increase of 2,607 persons.

The *Housing Needs Assessment* assesses the need for specialist older persons' housing against the assumptions recommended in the 'Housing LIN SHOP@ tool' and Kent County Council's more local methodology, with the former advocating a need for 267 extra care units across the Plan period, and the latter 245.

We both note and commend the manner in which the housing needs of older people are comprehensively addressed in the emerging Local Plan, specifically within the wording of *Policy H6: Housing for Older People & People with Disabilities* and its supporting text. Furthermore, we support the part allocation of some strategic sites for the delivery of specialist older person's housing. We would however stress the importance of such developments being appropriately located - both representees typically bring forward development in close proximity to existing shops and services (within 0.5 miles of a town or local centre) to facilitate continued independence in later life. It is noted that paragraph 6.363 states that the need for older persons' housing will be met through a combination of site allocation policies and planning permissions on suitable sites.

We do note however that while the Housing Needs Assessment and the justification to the Local Plan considers the future need for extra care accommodation and residential care / homes provision, it does not assess demand arising over the Plan period for sheltered housing.

While the sub-section on parking provision for specialist older persons' housing advises that on-site parking will be required for these forms of accommodation, *Policy TP3: Parking Standards* does not provide a bespoke parking requirement. Specialist older persons' housing has a markedly lower levels of car ownership compared to 'general needs' housing and this should be reflected in policy. This is covered more comprehensively in our response to Policy TP3.

[TWBC: for comments on Policy TP 3, please see Comment Number PSLP_2043]

We would also, respectfully, highlight, that despite the positive manner which *Policy H6* addresses the Housing Needs of the elderly, it is undermined by the lack of consideration given to older persons' housing typologies in *Policy H3: Affordable Housing* and the *Tunbridge Wells Local Plan Viability Assessment Stage 2*. This matter is addressed comprehensively in our representation to *Policy H3* and in our supporting viability appraisal.

[TWBC: for comments on Policy H 3, please see Comment Number PSLP_2044]

Question 6

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RECOMMENDATION

- 1 To consider the future demand for other forms of specialist older persons' housing, specifically sheltered housing.
- 2 To exempt sheltered and extra care housing from affordable housing contributions in Policy H3.
- 3 To provide bespoke parking standard for sheltered and extra care accommodation in Policy TP3.

Question 7

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Question 7a

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Consultation Point	Policy TP 3 Parking Standards (View)
Status	Processed
Submission Type	Email
Version	0.4
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	McCarthy Stone & Churchill Retirement Living
Question 2	
Agent's Name and Organisation (if applicable)	The Planning Bureau
Question 3	
To which part of the Local Plan does this representation relate?	Policy

Question 3a

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Policy TP 3 Parking Standards

[TWBC: for further comments by McCarthy Stone & Churchill Retirement Living, please see Comment Numbers PSLP_2043-2047]

Question 4

Do you consider that the Local Plan:

Is legally compliant	No
Is sound	No
Complies with the Duty to Cooperate	Yes

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:	. It is not positively prepared
	. It is not effective
	. It is not justified

Question 5

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Policy TP3: Parking Standards

COMMENT

Vehicle Parking

We note that *Table 14: Residential Parking Standards* does not provide bespoke parking standards for specialist older persons' housing. At present these forms of accommodation would be required to meet the standards for one and two bedroom flats - a minimum of 1 space per unit and an additional 0.2 spaces per unit for visitors.

McCarthy Stone and Churchill Retirement Living have unrivalled experience in developing retirement housing for the elderly, having implemented well over 1000 Category II sheltered housing developments throughout England, Scotland and Wales.

It has been found that, of those residents who have given up car ownership, as the majority eventually will, a very significant proportion, of about 18%, do so at, or close to, the time that they enter this form of housing.

This reduction in car ownership is more pronounced for residents of 'Extra Care accommodation' which is specialist older persons' accommodation that is aimed at the 'frail' elderly. The average age of a resident in a McCarthy Stone 'Retirement Living Plus' (Extra development) is currently 83 years old.

The PPG Housing for Older and Disabled People attempts to define some of the forms of older persons housing to meet the “diverse needs of older people” but notes

There is a significant amount of variability in the types of specialist housing for older people. The list above provides an indication of the different types of housing available, but is not definitive. Any single development may contain a range of different types of specialist housing.

This variability will result in considerable variability in parking needs and requirements. It is contended that it would not be possible or appropriate to attempt to apply standards to all these forms of accommodation.

The residential car parking standards in Table 14 would constitute a significant level of over provision in our view and would make it extremely difficult to deliver these types of development in the most sustainable locations (i.e. within 0.5 miles of a town or local centre) as such locations tend to be spatially constrained. We do however note that Policy TP3 states that a lower parking standard can be justified within Royal Tunbridge Wells town centre.

Electric Vehicles

In respect of the standards for charging points for electric vehicles, we note that the Local Plan refers to minimum standards in the Council’s Guidance Note for applicants. As electric vehicle charging technology is progressing rapidly we feel that the provision of a quota of charging points runs a significant risk of obsolescence. The provision of cabling to car parking spaces to enable future installation of charging point in line with the wishes of residents is a more practical measure.

Cycle Parking

As referenced earlier, sheltered housing and in particular Extra Care accommodation, is used by older people who tend to be frail and are likely to have mobility difficulties. Were an older person likely to cycle on regular basis it would be unlikely they would require extra care accommodation.

A survey of 242 McCarthy and Stone Retirement Living units showed only 7 bicycles owned by residents in these apartments. This is an ownership rate of 0.0289 cycles per apartment or 1 cycle per 35 apartments.

Whilst we can understand the rationale behind encouraging cycling in the general population, we consider that a requirement for cycle spaces in specialist older persons’ housing to be inappropriate and unnecessary. Both companies provide an internal mobility scooter store for use by residents which is a far more relevant requirement and in the handful of instances that a resident has used a bicycle it can be stored in this area.

Question 6

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That for older persons housing, the standards should identify that car parking requirements are assessed on a case by case basis

- 1 To require the provision of cabling to all unallocated car parking spaces to enable future installation of electric vehicle charging points in line with demand from residents.
- 2 For cycle parking in Extra Care & Sheltered housing developments to be limited to provision for staff and visitors.

Question 7

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If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)? . Yes, I wish to participate in hearing session(s)

Question 7a

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

Aspects of the approach detailed in the Local Plan Review are of significant concern and warrant further scrutiny should they not be amended prior to Examination in Public.

McCarthy Stone & Churchill Retirement Living would however welcome the opportunity to engage and reach agreement on these matters with Council Officers.

Supporting Information File Ref No: SI_5a-c

Comment

Consultee	Norman McChesney [REDACTED]
Email Address	[REDACTED]
Address	
Event Name	Pre-Submission Local Plan
Comment by	Norman McChesney [REDACTED]
Comment ID	PSLP_128
Response Date	14/05/21 22:11
Consultation Point	Policy AL/HA 5 Land to the north of Birchfield Grove (View)
Status	Processed
Submission Type	Web
Version	0.1
Files	2.JPG 3.JPG 1.JPG

Question 1

Respondent's Name and/or Organisation	Mr Norman McChesney
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Question 3

To which part of the Local Plan does this representation relate?	Policy
--	--------

Question 3a

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy AL/HA 5

Question 4

Do you consider that the Local Plan:

Is legally compliant	Don't know
Is sound	No

Complies with the Duty to Cooperate

No

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

- . It is not positively prepared
- . It is not justified
- . It is not consistent with national policy

Question 5

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

Duty to cooperate

The Local Planning Authority (LPA) is required to cooperate consistently, actively and on an ongoing basis with other bodies during the preparation of the plan. Site 413 (the Site underlying Policy AL/HA5) was removed from the Local Plan in December 2020 after months during which well-argued points against its inclusion were made and after Kent CC Highways made strong objections to major developments given high traffic flows and severe congestion at Hawkhurst crossroads. Less than a month later, Site 413 was put back into the Local Plan to accommodate a medical centre with provision for what would likely be a substantial number of parking places. In performing such a reversal of policy over such a short period with no public consultation, the LPA has shown itself to be severely deficient in its "strategy for involving the community in the preparation and revision of plans and the consideration of planning applications" as stated in Paragraph 2.1 of the Guidance Notes.

Soundness

1 Not Positively Prepared

The strategy has not been positively prepared and this can be highlighted in two areas:

i Traffic

The LPA has not made adequate allowance for the effect of increased traffic flows. In the course of a judicial review (White House, Hawkhurst) we learn that on 4 September 2017, Ms Hubert - the Principal Transport and Development Planner in the Highways and Transportation Division of KCC - sent an email to councillors and officers of KCC and the Defendant attaching a document entitled "KCC Highways Position Statement: Development in Hawkhurst – Summary". In the email, she stated that the statement set out that KCC Highways would be objecting to any further development within Hawkhurst village boundary "owing to the impact on the already congested junction being **severe**" (Reference TW19/01271 Decision JR 11 November 2020). The proposed medical centre would unite the two existing practices in Hawkhurst with additional related facilities and substantial parking. The Site is at the very edge of the eastern part of the village and is 800 metres from the crossroads. Hawkhurst residents in the more populous areas south, west and north of the crossroads would most likely drive to the new medical centre as would the many patients living outside the village. These added traffic flows would increase pressure on the already congested crossroads and this would be compounded by tailbacks along the Rye Road leading to further congestion at its junction with Birchfield Grove where traffic flows would be significantly increased because of traffic to and from the new medical

centre. It should be noted that in relation to the application reference 19/01299 to build six bungalows opposite Birchfield Grove, KCC Highways and Transportation commented (26 July 2019) that:

“Rye Road is a busy distribution route where the last recorded speeds in connection with the development opposite [that is, Birchfield Grove], were in excess of 40 mph.”

In this context it should be noted that despite the 30mph zone being extended beyond the Birchfield Grove development, almost all vehicles exiting the village eastward accelerate to or beyond 40mph even before arriving at the Birchfield Grove junction.

Regarding Birchfield Grove itself, the sightlines both to left and right along Rye Road are poor. The width of the mouth of the road joining Rye Road is too narrow to allow a vehicle to exit safely onto Rye Road if another vehicle is turning in at the same time. Whilst this is manageable in the context of 26 dwellings (that permitted and constructed at Birchfield Grove), the situation would likely become highly dangerous, if the plan goes ahead, given the high number of traffic movements likely to be associated with a medical centre incorporating the two existing surgeries plus related facilities. Although Birchfield Grove is quite short at approximately 130 metres long, it has been constructed with appropriate minimal width and with four curves along its length to give the development a rural character. If Birchfield Grove had been planned as part of a larger development to include the current 26 dwellings plus a medical centre with its own facility for (somewhat transient) parking for staff and visitors, which is what it will become if the proposal for the Site goes ahead, such a curved road of minimal width would never have been contemplated. Birchfield Grove is of a width appropriate only to its current size and visitors' parking is limited to space for only two vehicles. Covenants allow roadside parking for vehicles delivering goods and carrying out maintenance including painting and decorating or small building works for residents at any reasonable time of day and such covenants would need to be respected if the introduction of traffic restrictions in Birchfield Grove were ever contemplated.

Birchfield Grove has a single point of access and there is no provision for an internal loop. If the proposals for the Site as outlined in the Local Plan were to go ahead, Birchfield Grove would most likely become highly congested given the high volume of through traffic to and from the proposed development with the likelihood of complete stoppage of traffic flow in the event of vehicle breakdown. The twists on the road in Birchfield Grove are sufficiently tortuous that a high level of traffic is likely to lead to vehicles mounting kerbs and pavements when faced with oncoming vehicles. This point is clearly illustrated in the first attached photo. On grounds of traffic considerations alone, this development is not sustainable.

ii AONB

The LPA has not taken proper account of the fact that Site 413 is in an especially prominent position dominating the fine AONB landscape to the north. The Site stands on the highest part of a ridge and any building on this site would be visible from miles around to the north. A medical centre with substantial parking would have a severely detrimental visual effect on the AONB. The effect would be even worse with the car park likely to be illuminated by electric lighting up to at least 8.00 pm in winter months and this, moreover, in the context of Birchfield Grove having been planned with a dark sky policy. The landscape to the north is shown in the second photo attached. The view looking south to Site 413 from a public footpath, commonly called the bridle path and close to Water Lane, is shown in the third photo. The proposed medical centre with many parked cars would stand on the green area in front of the white double gable-like frontage of what is No. 25 Birchfield Grove in the photo and would be highly visible when viewed from many parts of the surrounding countryside.

The earlier decision by the Secretary of State (13/00014) of 14 April 2014

A Planning Inspector, in the appeal against the decision of the Council to refuse application no.13/00014 (an application for the development of a larger site at the same location) dismissed an appeal against the refusal of 120 dwellings at the Site for the following reasons:

- . The development would have a materially harmful visual effect on the AONB

- . It would fail to represent the high standard of urban/rural design required by policy

The AONB reason over-rode all of the other issues raised by the appellant. Though the present plan is for a medical centre without houses, the proposed medical centre with the attendant substantial parking would fulfil the conditions that made application no. 13/00014 unacceptable in 2014. If the development were to go ahead, a highly attractive piece of open landscape located high on a ridge would be gone forever. On environmental grounds the development is not sustainable.

2 Not Justified

The strategy underlying Policy AL/HA5 cannot be justified in that it has not taken account of reasonable and indeed viable alternatives and is therefore not based on proportionate evidence as stipulated in Paragraph 3.1 of the Guidance Notes.

There are better alternative sites for a medical centre:

i King George V Playing Fields, The Moor

This site, under Policy AL/HA6, contained provision for a medical centre until it was removed in January 2021. In the current Local Plan, the site is allocated for development of a community facility. The Site Layout Plan is given in Map 48. Immediately adjacent and to the east of this site is a piece of land over an acre in size owned by Hawkhurst Parish Council who has been willing to release this land to provide a community facility which would include a medical centre. Such a plan would make efficient use of land already partly developed and there would be an economy of scale regarding parking since it would be shared by all users of the combined facility. Siting a medical centre on this site would have a significantly less harmful visual effect on the landscape than siting it on the high ridge at the edge of the village (Land north of Birchfield Grove). This site would serve the whole Moor area including Stream Lane and Horns Road as well as Moor Hill and Highgate Hill including the various streets leading off the latter. Since this whole area is more populous than that of the village east of the crossroads, pressure on the crossroads is likely to be less than if the medical centre were sited north of Birchfield Grove.

ii The Hawkhurst Community Hospital

Since this site has already been developed, siting a medical centre here would, like siting it in King George V Playing Fields, have less harmful implications. There would also be an obvious advantage through the synergy resulting from two establishments providing related services to the community and existing in the same location.

iii Hawkhurst Golf Course

The planning application for this site continues to make provision for a medical centre. This site is about 600 metres from Hawkhurst crossroads and has thus a fairly central location.

3 Not Consistent with National Policy

In Section 15 of the National Planning Policy Framework (NPPF) Paragraph 170, it is stated that planning policy and decisions should contribute to and enhance the natural and local environment by various means (six are listed) including (a) protecting and enhancing valued landscapes, (b) recognising the intrinsic character and beauty of the countryside and (e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans.

Following on from this, it is stated in Paragraph 172 that "Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks and the Broads. The scale and extent of development within these designated areas should be limited. Planning permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest."

According to the conditions that should apply to planning policy as set out in the NPPF, the siting of a medical centre in Site 413 with significant parking facilities in such a prominent position in the AONB dominating the landscape to the north is only justifiable in exceptional circumstances. It is clear from

the reasonable alternatives set out above under '2 Not Justified' that exceptional circumstances do most certainly not apply.

Question 6

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Question 5 above. (Please note that non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

The siting of a large medical centre in a prominent position in the AONB in land to the north of Birchfield Grove is so inappropriate by reason of (i) damage to AONB, (ii) unacceptable additional pressure of traffic flows on Rye Road and at the Hawkhurst crossroads and (iii) excessive and unacceptable pressure from traffic on Birchfield Grove, that the only possible modification to the Local Plan to make it sound is to remove it from the plan and reposition the medical centre at King George V Playing Fields.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?	<input type="checkbox"/> No, I do not wish to participate in examination hearing session(s)
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Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:	<input type="checkbox"/> Yes, I wish to be notified of future stages of the Local Plan
--	--

Supporting Information File Ref No: SI_42a-c

Comment

Consultee	Ruth McChesney [REDACTED]
Email Address	[REDACTED]
Address	
Event Name	Pre-Submission Local Plan
Comment by	Ruth McChesney [REDACTED]
Comment ID	PSLP_653
Response Date	28/05/21 17:37
Consultation Point	Policy AL/HA 5 Land to the north of Birchfield Grove (View)
Status	Processed
Submission Type	Web
Version	0.1
Files	IvyCourtSurgery02.jpg IvyCourtSurgery01.jpg PottersLane.JPG
Question 1	
Respondent's Name and/or Organisation	Ruth McChesney
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
Policy AL/HA 5	
Question 4	
Do you consider that the Local Plan:	
Is legally compliant	Don't know
Is sound	No

Complies with the Duty to Cooperate

No

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

- . It is not positively prepared
- . It is not justified
- . It is not consistent with national policy

Question 5

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

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My objection relates to the adverse impact that a building of the size and scale of the proposed medical centre would have on the High Weald Area of Outstanding Natural Beauty. The mass of a large building situated on the top of a slope, as it would be on this site, would dominate and overwhelm a sensitive view. To help illustrate this concern, I attach three pictures. One is of the view of the site from Potter's Lane (north north-west of the site); the other two are of the newly opened Ivy Court Surgery in Tenterden. To have a building of anything remotely approaching the size of the Tenterden Surgery on such a sensitive site would be, in my view, appalling and a gross detriment to the AONB.

It is worthy of note that even in the central town site of Tenterden, Ashford Borough Council was originally minded to oppose the planned Surgery, stating that "the proposed height, bulk and massing of the building was of substantial concern".

Question 6

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Question 5 above. (Please note that non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

The Medical Centre must be located on a more suitable site - may I suggest the King George V Playing Fields near the proposed new Community and Sports Centre?

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

No, I do not wish to participate in examination hearing session(s)

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:

Yes, I wish to be notified of future stages of the Local Plan

Comment

Consultee	Mr Ian McConnachie [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] Benenden [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Mr Ian McConnachie [REDACTED]
Comment ID	PSLP_853
Response Date	28/05/21 14:13
Consultation Point	Policy AL/BE 3 Land at Benenden Hospital (south of Goddards Green Road), East End (View)
Status	Processed
Submission Type	Other
Version	0.5
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Ian McConnachie
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy AL/BE 3 Land at Benenden Hospital (south of Goddards Green Road), East End

Paragraph Numbers 5.420 and 5.421

Inset Map 18

[TWBC: This representation has been input against Policies AL/BE 3 and AL/BE 4 - please see Comment Numbers PSLP_853 and PSLP_854]

Question 4

Do you consider that the Local Plan:

Is legally compliant	No
Is sound	No
Complies with the Duty to Cooperate	No

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:	. It is not positively prepared
	. It is not effective
	. It is not justified
	. It is not consistent with national policy

Question 5

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

This representation relates to the Pre-submission Local Plan(PSLP) and its handling of the parish of Benenden

1. The plan is unsound because of inadequacies in the consultation process.

(i) Poor consultation between TWBC and other Borough Councils

A Statement of Common Ground (SoCG) between Maidstone and Tunbridge Wells Borough Councils (TWBC) is published, but nothing is apparently published in relation to Ashford Borough Council or Tonbridge and Malling Borough Council.

(ii) Poor consultation between TWBC, the parish of Benenden and the Benenden Healthcare Society (BHS), the single landowner of those sites in the East End of Benenden where most of Benenden's houses are allocated.

(iii) There is no Statement of Common Ground between TWBC and the Benenden Neighbourhood Plan (BNP) although a SoCG was listed as a supporting document to the BNP Reg 14. This is significant *because the two plans, though identical in their choice of sites, show different areas within those sites for development at the East End, and both plans differ from the view of BHS.* BHS's position is presented to the public through its comments on the first draft of the Local Plan (TWFDLP Comments) (see (see web link)

Looking at the issue in terms of its hectareage:

- . according to the PSLP the northern site (AL/BE4) is 3.72 ha and the South East Quadrant (SEQ or AL/BE3) is 3.07 ha;
- . according to the Benenden Neighbourhood Plan (BNP), the northern site (called LS41 in the BNP, see para 2.9.4.2.) is 1.9 ha and SEQ (called 424 plus LS40b, see para 2.9.3.2) is 4.24 ha.
- . according to BHS, the northern site is 3.7 ha and the southern site is 4.2 ha (see TWFDLP comments), Savills for BHS: DLP_4956)

The hectareage varies largely according to whether Local Wildlife Sites (LWS) are included in the development area. There are four LWS at the hospital. One of these lies in the northern area (AL/BE4) and two lie in the southern area (AL/BE3). The fourth is in an area not up for development.

- . For AL/BE3, the PSLP excludes the second and the most southerly of its two Local Wildlife Sites (LWS), while the BNP includes both LWS. *Currently, Strutt and Parker are advertising to developers the larger, BNP version of the site for sale, together with Cleveland Farm.* The PSLP states that in the event of the BNP passing a referendum, its own plans for Benenden will be superseded by the BNP (see para 5.421). Which means the plan presented in the PSLP for AL/BE3 is incorrect.
- . For AL/BE4, the PSLP *includes* all the LWS at the site, while the BNP includes only a small southerly section of it. The PSLP states that in the event of the BNP passing a referendum, its own plans for Benenden will be superseded by the BNP (see para 5.421). Which means the plan presented in the PSLP for AL/BE4 is incorrect.
- . For AL/BE4, Savills' comments on behalf of the BHS (see TWFDLP comments), propose 43 dwellings for the site, which will include the LWS (see TWFDLP Comments, item DLP_4956 para 3.6), "Unlike the BNP, the TWLP is broader in the site area by providing a boundary encompassing the entire hospital site, yet aside from the discrepancy addressed previously in this representation the two allocations align in terms of proposed numbers. The Society intends to bring forward the development on the two sites identified through the BNP *and within the boundary identified in the TWLP.* The Society welcomes the consistent approach to unit numbers, and the allocation of both parcels of land through the draft BNP and the TWLP."

In terms of boundaries:

- . BHS understands (see DLP_4956, para 2.8 in TWFDLP Comments) "The North East Quadrant occupies the North East of the site, bordered to the North and East by Mockbeggar Lane, to the south by Goddards Green Lane / Benenden Road and the West by existing hospital buildings." *In other words, it includes the entire LWS in its area.*
- . To the south, BHS understands (see DLP_4956, para 2.9 in TWFDLP comments), "The South East Quadrant occupies the South East of the site, bordered to the north by Goddards Green Lane / Benenden Road, to the West by Green Lane and to the South and East by agricultural land and the High Weald AONB boundary." *In other words, it includes the whole of the more southerly of the two LWS at the site.*

This means that PSLP's AL/BE3 is inaccurate because the larger BNP plan will likely prevail, while the PSLP's AL/BE4 could be challenged by the BNP (if successful in a referendum) (see PSLP para 5.421) and substantially reduced in size. The PSLP's plans for the two hospital plans are therefore both potentially inaccurate.

A failure to coordinate and effectively consult has produced unsound documents.

(iv) **Poor consultation with stakeholders, the local community and the neighbouring parish** (possibly even more affected by the plans than Benenden). These parties have either not been consulted, or consulted after the fact or consulted but not engaged with.

- . **The Friends of the East End (FEE)** are more affected by the plans than most in the parish but they were not consulted over the development of the BNP on which the PSLP is based. The FEE are mainly residents of the East End which covers about one third of the parish and is a wholly rural location of 76 scattered households. Because it is isolated, it was chosen as the site for an isolation hospital. This now makes up a small enclave close to the border with the neighbouring parish of Biddenden.
- . The BNP Steering Committee is the only one in the borough to have made its own site allocations and these allocations were published in an Informal Draft Plan in February 2019, before consultations with the High Weald -AONB and before inviting AECOM to produce a Strategic Environmental Assessment (SEA). (N.B. Even when the HW-AONB were invited to assess sites, they were NOT asked to assess the hospital sites).
- . The FEE object strongly to the proposal to site almost all the new housing in the East End, but the BNP Steering Committee never asked to meet the FEE nor engaged with them (See EN1 para 9 requiring the effective engagement of the local community, neighbours of sites and others).
- . The FEE submitted three petitions, two to the BNP and one in relation to the LP. A FEE submission with 127 signatures was submitted on April 4th 2019 in response the IDP (published on February 23, 2019), in which the allocations, later adopted by the PSLP were first set out. A second FEE submission with 164 signatures was submitted in October 2019 objecting to the TWFDLP, and

in the same month, a third FEE submission with 167 signatures was submitted in relation to the Reg 16 draft BNP. Instead of acknowledging the strength of these views and the number of people who held them, the chair of the BNP Steering Group, who wrote a regular column in the Parish Magazine about the BNP process, wrote in January 2020, that only “31 residents from the East End” had sent in “comments”. For the strength of today’s opposition to the BNP, see the FEE’s current online petition with over 450 signatures (see web link) .

Instead of being consulted, the FEE were ignored and belittled. They were informed on 11th March 2019 by the editor of the Parish Magazine (PM), husband of the Chair of the Parish Council, that “I’m of the view that much of the uncertainty has passed since the presentation of the plan to the village - to a highly favourable reception. At least we no longer have to give polite credence to *uninformed views* that fly in the face of TWBC policy and advocate direct and *pointless confrontation* with TWBC, thereby running the risk of having the entire BNDP thrown back in our faces. The *ensuing chaos hardly bears thinking about*. At least it seems the opinions now being afforded most weight are those *of people who have worked hard for two years to understand the issues* and come up with a coherent way forward.”

Consultation also failed in relation to the neighbouring **parish of Biddenden**. The Clerk of Biddenden Council has repeatedly responded to Benenden Parish Council in the course of the BNP consultation process, but received only acknowledgments. A Kent County Councillor and Ashford Borough Councillor wrote an article about BNP’s mismanagement of consultations with the parish of Biddenden in the Biddenden Parish Magazine, February 2021.

2. The plan is unsound because of the untimely publication of site allocations

Pre-Submission Local Plan, para 5.420 reads “The BNP was submitted to TWBC in October 2020 and was consulted on between 30 October and 11 December 2020.” But the allocations had already been made and published by the BNP in February 2019 in its so called “Informal Draft Plan”. The 2019 February allocations are virtually identical to the PSLP 2021 allocations. Para 5.420 states “The BNP proposes to include site “allocation policies that follow the approach of the site allocation policies for Benenden in this Local Plan.” How can the BNP follow the PSLP’s approach when its sites were already allocated? Because the PSLP is founded on site allocations made by the BNP, the unsoundness of the latter carries over and produces unsoundness in the former.

The LP is based on the BNP and BNP allocations were made before **consultations with stakeholders**. This is not consulting in a timely fashion. For example, the PSLP requires archaeological surveys of the hospital sites *after* the designation of the sites for development. Historic England (HE) asks for the surveys to be carried out *before* allocation (see TWFDLP Comments DLP_4556 - “we would expect the allocation of sites following on from this Strategy policy (STR1) to be subject to appropriately robust and detailed heritage impact assessment *prior to the allocations being adopted*.”

3. The plan is unsound because the evidence on which it is based is inaccurate or irrelevant

Supporting Documents

AONB Setting Analysis report: Main Report and AONB Study Plans and Photographs Benenden Hospital/Hankinson Duckett Associates. November 2020.

See para 4.4.2, the description of the hospital site is for the *entire built up-hospital area*, minus the southerly LWS in the SEQ. It is therefore a *report on an area not submitted in the PSLP*. As a result, it draws its conclusions from areas not included in the PSLP. The conclusions are therefore unsound.

The report:

is concerned with adding 66-72 additional dwellings in addition to the 18 already extant on the northern site and presumably in addition to the 24 for which planning permission has been granted. That is between 108 and 114 new houses. The PSLP is talking about planning 43 houses for the northern site and 49 for the south. A total of 92 new houses. The report muddies the waters, leaving no clarity.

fails to note items of critical importance in any attempt to evaluate the landscape and historic importance of the site e.g.

- that the site is on an east-west ridge giving it a dominant position in relation to the AONB;
- the east-west Roman Road running over Benenden Healthcare Society (BHS) land a few yards to the south of the site, and the medieval drove road (Goddards Green Road - GGR) which divides the northern site from the southern one;

- . the National Monument Register which lists a Bronze Age palstaff (SMR Number/Hob UID) found at the hospital site, (though, oddly, the report does note Scheduled Monuments in the village);
- . that the SEQ development proposes two entrances on to Green Lane and two on to GGR, see Transport Planning Associates (tpa)- October 2019 Scoping note for BHS, 1907-038 under the section headed 'Access', para 4.4 "The consented vehicle access arrangements will be retained. Therefore, vehicle access to the Site will be taken from two access points along Goddards Green Road and two on Green Lane." (This and other documents were revealed to the FEE in May 2021 as a result of the BNP Independent Examiner's queries. In spite of the Examiner's request that all such material be published on-line, this document and the KCC Highways 13 Nov 2019 "Pre-App Response" have been not been published). Such entrances will seriously impact the AONB. Both Goddards Green and Green Lane are designated Rural Lanes, and, of the two, Green Lane is mentioned as a particularly high scoring lane (for its beauty and tranquillity) in *TWBC's Rural Lanes: Supplementary Planning Guidance*. Creating a series of broad entrances large enough so that an "11.4 m refuse vehicle can enter and leave the site in forward gear (see KCC Pre-App Response 13-11-19, a document revealed to the FEE as a result of the BNP Examiner's queries but not made public) would have a substantial effect on the AONB. Hankinson Duckett Associates ignore the issue (see Section 4 on Benenden in the main report and photos B1 and B2 in *Supporting Plans and Photographs , Benenden*).
- . offers photos (B5 & B6) which are irrelevant to the site in question. These photos look south towards an area not up for development, and are taken from a point also not up for development. These omissions undermine the report's conclusion.
- . ***Inset Map 18 (Benenden Hospital)***, unlike other maps attached as supporting documents to the PSLP, Inset Map 18 makes no reference to the AONB boundary. This is a significant omission because both the PSLP and the BNP claim that the hospital is outside the AONB and on this basis, largely justify placing most of Benenden's housing in the East End. Because AL/BE3&4 lie on a high ridge to the north of the parish and because the AONB boundary wraps tightly round the site which bulges, like a balloon, into the AONB, development at the East End significantly affects the AONB. While TWBC acknowledges this by requesting the Hankinson Duckett Report, by publishing Inset Map 18, which omits the AONB boundary, TWBC loses a critical opportunity to show the true relevance of AL/BE 3&4 to the AONB. It could even be said that by leaving out the boundary, there is an implication that the hospital sites are genuinely 'outside' the protected area.
- . **Previous Stages, Draft Local Plan, Benenden Overview**, p263, provides a basis for the PSLP but contains inaccuracies.
 - . There is no "pre-school/nursery" as stated in the Overview
 - . There is no "Small shop at hospital" as stated in the Overview
 - . The statement that there are tennis courts and a café at the site is misleading. In TWFDLP Comments, Savills requests (see DLP_4956 para 3.14) that "the requirement to incorporate the tennis courts and retain the sports pavilion is removed". As for the café, BHS states in its comments on the LP that the café is for hospital use only - "the existing hospital buildings ... have only been designed for hospital use". See TWFDLP detailed additional submissions from Savills "*Representation to the TWBC Draft Local Plan Regulation 18*" 2- Sept- 1Nov 2019 para 3.18 and 3.19)

4. Sustainability Appraisal

As far as the East End of Benenden is concerned, the plan is unsound because the **Sustainability Appraisal**, which is the heart of the planning process, provides evidence that is often incorrect, sometimes inadequate, but always untimely because the evidence on which site allocation should depend, follows, instead of precedes, site allocation. This was first published February 2019 in the BNP's Informal Draft Plan. The allocations then made are identical (save for a few additional houses) to those now made in the PSLP. Site allocation cannot be supported in retrospect.

An examination of SA Table 58 pp 161-163 Sites AL/BE 3&4 and Appendix L pp 331-332 shows faults in the SA's evidence base.

Climate Change: AL/BE3&4 are not scored for climate change, nor are sites 158 & 222, yet, inexplicably, climate change is scored for AL/BE1&2 (Uphill and Feoffee) and for LS8. Where is the

explanation for the failure to assess all sites, especially when sites 158, 222, AL/BE1&2 are all close to each other? The issue is particularly concerning in that sites AL/BE3&4 are both 3 miles distant from the village and without any amenities. Residents at these sites will be heavily car dependent and this was of concern even when only 24 houses were proposed for the site. "You will see from KCC's comments on the hybrid application (12/03130) that in consideration of this earlier application for 24 dwellings, the highways authority raised concern that all residents will be very heavily car dependent, which is contrary to a number of policy objectives, including the NPPF." (see KCC Pre-App Response, 13 Nov 2019, revealed in response to the BNP's Independent Examiner's queries and still not in the public arena).

Biodiversity: AL/BE3 is considered to be less at risk in terms of biodiversity than AL/BE4 though AL/BE 3 has two Local Wildlife Sites (LWS) while AL/BE 4 has only one. Where is the evidence to support the idea that the one is less important for biodiversity than the other?

The SA's scoring is not supported by evidence in a letter from Keith Nicholson of the Kent Wildlife Trust, former Planning and Conservation officer for the Kent Wildlife Trust (KWT), dated 4 March 2013, to TWBC Development Control Officer, Ellen Gilbert in which he states, "The 2012 survey has demonstrated that Benenden hospital LWS is more valuable than previously believed. The applicant's consultant is now more firmly of the belief that the Site would fulfil the criteria for it to be considered a Site of Special Scientific Interest (paragraph 4.3.6.). The waxcap community is of national importance when judged against both the Reid classification (para 4.3.4.) and the JNCC Guidelines (para 4.3.5.)."

Nor is it supported by the view of the HW-AONB as stated in TWFDLP Comments (see DLP_3458) that the hospital LWS *"includes rare and vulnerable acid grassland which should form a core area for unimproved grassland as part of a High Weald nature recovery network."* Neither the KWT nor the HW-AONB offer any indication that one or other of the LWS at the hospital is of less value than the rest. Further, we now know from (see web link),

Regulation 18 Representation made by Benenden Healthcare Society, November 2019, that BHS intends to abolish one of the two LWS in AL/BE3, see para 3.21. that "The Society supports the requirement for long-term management of the core areas of the LWS associated with the hospital land. This includes all but the modest area within the SEQ adjoining Peek Lodge which is too constraining on the South East Quadrant redevelopment proposals. Accordingly, the soils in the area will be translocated to a nearby receptor site to try to ensure that the rare fungi can continue to thrive in this local area."

In other words, far from supporting biodiversity, the BHS plan is to reduce it in AL/BE3 and the same is true of AL/BE4 see (in the same document) para 3.17. "In addition, as highlighted in paragraph 3.13 above, the Society do not intend to use the area in which the garage block is located as an extension to the Local Wildlife Site (LWS) or for additional sports provision. As such, the Society request that the requirement to specifically use the land occupied by the existing garage block and manage it in the long term for the benefit of the LWS and / or sports provision is removed from the policy requirement." Given this, biodiversity scoring in Table 58 of sites AL/BE3&4 is substantially overrated. Biodiversity at both sites is under threat.

Business Growth: AL/BE3&4 are scored as if they were more favourable to business growth than AL/BE1&2 and sites 158 and 222, but all four of these last-mentioned sites are in the heart of the village where residents will have ready access to local businesses as well as to daily bus services and other services and facilities. Residents at the East End, on the other hand, will have no access to local businesses except by car.

Education: All sites in this SA are scored equally for education, except for site 158 which scores less well. This SA report compares poorly with the SA which TWBC carried out on site 158 in 2006. 158 is parallel to and just north of the Street with its exit onto New Pond Road. In 2006 site 158 was chosen in a village referendum as the site for a new C of E primary school. It was the preferred site out of a choice of two, both of which were greenfield. TWBC's 2006 SA on 158 decided (see page 18 of the *Sustainability Appraisal Benenden Church of England Primary School Land Allocation DPD - Issues and Options* report), that 158 was one of two top sites. "Situated adjacent to an area of ancient woodland, the site provides the potential for habitat linkages and wildlife corridors. The site is not adjacent to the CA [Conservation Area] and does not form a significant role in its setting. There are no Listed Buildings on or adjacent to the site. The site is consistent with the surrounding landscape character. There are limited views into the site and no public rights of way over the site." On page 38, we read, "This site is anticipated to have a major beneficial effect on improving educational standards

and travel choice/traffic levels". In spite of the referendum result, the school was eventually built at the less preferred site and, since then, TWBC had been in consultation with 158's owners to build houses there. If, in 2006, the SA offered site 158 as one of two top sites in the village for building the new primary school, where is the evidence that it's appropriateness has somehow massively declined since then? Where is the evidence site 158 is less favourable to education than all the other sites mentioned, especially given that the hospital sites, so favoured for development, are three miles distant from the village school?

Table 58 states that "the education objective does not deteriorate when considering the cumulative effects as the schools in Tenterden will be a viable option for residents in East End." Children from the East End will have priority over the between 70 and 75% of the existing pupils at the school who come from outside the parish. On what basis is the assumption made that East End parents will prefer to drive their children 6 miles into Tenterden than drive to the primary school in their own village?

Heritage: AL/BE 3 scores slightly less well in terms of its heritage value than AL/BE4 without supporting evidence. How were heritage issues assessed when there is no apparent knowledge of the historic importance of the site, for example: the PSLP makes no mention of the Roman road a few yards south of AL/BE3; the medieval driveway (GGR), which runs through the site and along the ridge; and the Bronze Age palstaff found at the hospital site (National Monument Register - SMR Number/Hob UID). How can a site be scored or evaluated without at least some knowledge of the sites historic significance? This is available at (see web link) and advertised on the Benenden village website.

Services and Facilities: How can sites which are in the heart of the village such as 158 and 222, score the same as sites which are 3 miles distant and isolated in the country? The village has a daily bus service, continuous pavements on both sides of the street, several shops, including a post office, a general store, a butcher and a florist, as well as a pub/restaurant, village green, recreation ground, children's playground, church, memorial hall, village hall and a primary school. In spite of this, sites 158 and 222, both as close to the centre as AL/BE1&2, are described as lacking services and facilities including public transport (Appendix L pp 331-332) while the sites chosen for most houses are 3 miles out of the village where there are no amenities whatsoever. LS8 is also described as being remote, but it is only one mile from the village and connected to it by a paved footpath. It is close to a bus stop, a playground, tennis courts and a community hall and it is within walking distance of a pub/restaurant. How can its Services and Facilities be offered the same score as AL/BE3&4? These assessments are not understandable except if the sites were chosen before the SA (as is the case) and the SA had to be manipulated to support those original choices.

Question 6

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Question 5 above. (Please note that non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Many of the PSLP's problems are associated with failure in the duty to co-operate and can therefore not be remedied.

Many are due to poor evidence or poor interpretation of evidence. This too cannot be remedied.

In summary, development on site AL/BE3 should be limited to the existing, so far unused, planning permission for 24 houses, preferably by adapting the Garland Wing, which is a building of historic value, either to a wellness centre, in accordance with its original intention, or to a row of up to 10 terraced houses. Site AL/BE4 already has 18 semi-detached houses on it, and cannot support any more. It should therefore be excluded. Housing should be allocated to sites such as 158 and 222 in

the village centre, or to LS8 in Iden Green. These sites all lie within walking distance of shops, other amenities and the primary school. Paragraphs 5.421 and 5.422 should be omitted.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)? . Yes, I wish to participate in hearing session(s)

Question 7a

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

In order to present my case and to answer those with vested interests who may seek to put forward arguments against it.

Question 8

If you have any separate comments you wish to make on the accompanying Sustainability Appraisal, please make them here.

Sustainability Appraisal

As far as the East End of Benenden is concerned, the plan is unsound because the Sustainability Appraisal, which is the heart of the planning process, provides evidence that is often incorrect, sometimes inadequate, but always untimely because the evidence on which site allocation should depend, follows, instead of precedes, site allocation. This was first published February 2019 in the BNP's Informal Draft Plan. The allocations then made are identical (save for a few additional houses) to those now made in the PSLP. Site allocation cannot be supported in retrospect. An examination of SA Table 58 pp 161-163 Sites AL/BE 3&4 and Appendix L pp 331-332 shows faults in the SA's evidence base.

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Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:

<input type="checkbox"/>	Yes, I wish to be notified of future stages of the Local Plan
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Comment

Consultee	Mr Ian McConnachie [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] Benenden [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Mr Ian McConnachie [REDACTED]
Comment ID	PSLP_854
Response Date	28/05/21 14:13
Consultation Point	Policy AL/BE 4 Land at Benenden Hospital (north of Goddards Green Road), East End (View)
Status	Processed
Submission Type	Other
Version	0.3
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Ian McConnachie
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy AL/BE 4 Land at Benenden Hospital (north of Goddards Green Road), East End

Paragraph Numbers 5.420 and 5.421

Inset Map 18

[TWBC: This representation has been input against Policies AL/BE 3 and AL/BE 4 - please see Comment Numbers PSLP_853 and PSLP_854]

Question 4

Do you consider that the Local Plan:

Is legally compliant	No
Is sound	No
Complies with the Duty to Cooperate	No

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:	. It is not positively prepared
	. It is not effective
	. It is not justified
	. It is not consistent with national policy

Question 5

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

This representation relates to the Pre-submission Local Plan(PSLP) and its handling of the parish of Benenden

1. The plan is unsound because of inadequacies in the consultation process.

(i) Poor consultation between TWBC and other Borough Councils

A Statement of Common Ground (SoCG) between Maidstone and Tunbridge Wells Borough Councils (TWBC) is published, but nothing is apparently published in relation to Ashford Borough Council or Tonbridge and Malling Borough Council.

(ii) Poor consultation between TWBC, the parish of Benenden and the Benenden Healthcare Society (BHS), the single landowner of those sites in the East End of Benenden where most of Benenden's houses are allocated.

(iii) There is no Statement of Common Ground between TWBC and the Benenden Neighbourhood Plan (BNP) although a SoCG was listed as a supporting document to the BNP Reg 14. This is significant *because the two plans, though identical in their choice of sites, show different areas within those sites for development at the East End, and both plans differ from the view of BHS.* BHS's position is presented to the public through its comments on the first draft of the Local Plan (TWFDLP Comments) (see (see web link)

Looking at the issue in terms of its hectareage:

- . according to the PSLP the northern site (AL/BE4) is 3.72 ha and the South East Quadrant (SEQ or AL/BE3) is 3.07 ha;
- . according to the Benenden Neighbourhood Plan (BNP), the northern site (called LS41 in the BNP, see para 2.9.4.2.) is 1.9 ha and SEQ (called 424 plus LS40b, see para 2.9.3.2) is 4.24 ha.
- . according to BHS, the northern site is 3.7 ha and the southern site is 4.2 ha (see TWFDLP comments), Savills for BHS: DLP_4956)

The hectareage varies largely according to whether Local Wildlife Sites (LWS) are included in the development area. There are four LWS at the hospital. One of these lies in the northern area (AL/BE4) and two lie in the southern area (AL/BE3). The fourth is in an area not up for development.

- . For AL/BE3, the PSLP excludes the second and the most southerly of its two Local Wildlife Sites (LWS), while the BNP includes both LWS. *Currently, Strutt and Parker are advertising to developers the larger, BNP version of the site for sale, together with Cleveland Farm.* The PSLP states that in the event of the BNP passing a referendum, its own plans for Benenden will be superseded by the BNP (see para 5.421). Which means the plan presented in the PSLP for AL/BE3 is incorrect.
- . For AL/BE4, the PSLP *includes* all the LWS at the site, while the BNP includes only a small southerly section of it. The PSLP states that in the event of the BNP passing a referendum, its own plans for Benenden will be superseded by the BNP (see para 5.421). Which means the plan presented in the PSLP for AL/BE4 is incorrect.
- . For AL/BE4, Savills' comments on behalf of the BHS (see TWFDLP comments), propose 43 dwellings for the site, which will include the LWS (see TWFDLP Comments, item DLP_4956 para 3.6), "Unlike the BNP, the TWLP is broader in the site area by providing a boundary encompassing the entire hospital site, yet aside from the discrepancy addressed previously in this representation the two allocations align in terms of proposed numbers. The Society intends to bring forward the development on the two sites identified through the BNP *and within the boundary identified in the TWLP.* The Society welcomes the consistent approach to unit numbers, and the allocation of both parcels of land through the draft BNP and the TWLP."

In terms of boundaries:

- . BHS understands (see DLP_4956, para 2.8 in TWFDLP Comments) "The North East Quadrant occupies the North East of the site, bordered to the North and East by Mockbeggar Lane, to the south by Goddards Green Lane / Benenden Road and the West by existing hospital buildings." *In other words, it includes the entire LWS in its area.*
- . To the south, BHS understands (see DLP_4956, para 2.9 in TWFDLP comments), "The South East Quadrant occupies the South East of the site, bordered to the north by Goddards Green Lane / Benenden Road, to the West by Green Lane and to the South and East by agricultural land and the High Weald AONB boundary." *In other words, it includes the whole of the more southerly of the two LWS at the site.*

This means that PSLP's AL/BE3 is inaccurate because the larger BNP plan will likely prevail, while the PSLP's AL/BE4 could be challenged by the BNP (if successful in a referendum) (see PSLP para 5.421) and substantially reduced in size. The PSLP's plans for the two hospital plans are therefore both potentially inaccurate.

A failure to coordinate and effectively consult has produced unsound documents.

(iv) **Poor consultation with stakeholders, the local community and the neighbouring parish** (possibly even more affected by the plans than Benenden). These parties have either not been consulted, or consulted after the fact or consulted but not engaged with.

- . **The Friends of the East End (FEE)** are more affected by the plans than most in the parish but they were not consulted over the development of the BNP on which the PSLP is based. The FEE are mainly residents of the East End which covers about one third of the parish and is a wholly rural location of 76 scattered households. Because it is isolated, it was chosen as the site for an isolation hospital. This now makes up a small enclave close to the border with the neighbouring parish of Biddenden.
- . The BNP Steering Committee is the only one in the borough to have made its own site allocations and these allocations were published in an Informal Draft Plan in February 2019, before consultations with the High Weald -AONB and before inviting AECOM to produce a Strategic Environmental Assessment (SEA). (N.B. Even when the HW-AONB were invited to assess sites, they were NOT asked to assess the hospital sites).
- . The FEE object strongly to the proposal to site almost all the new housing in the East End, but the BNP Steering Committee never asked to meet the FEE nor engaged with them (See EN1 para 9 requiring the effective engagement of the local community, neighbours of sites and others).
- . The FEE submitted three petitions, two to the BNP and one in relation to the LP. A FEE submission with 127 signatures was submitted on April 4th 2019 in response the IDP (published on February 23, 2019), in which the allocations, later adopted by the PSLP were first set out. A second FEE submission with 164 signatures was submitted in October 2019 objecting to the TWFDLP, and

in the same month, a third FEE submission with 167 signatures was submitted in relation to the Reg 16 draft BNP. Instead of acknowledging the strength of these views and the number of people who held them, the chair of the BNP Steering Group, who wrote a regular column in the Parish Magazine about the BNP process, wrote in January 2020, that only “31 residents from the East End” had sent in “comments”. For the strength of today’s opposition to the BNP, see the FEE’s current online petition with over 450 signatures (see web link) .

Instead of being consulted, the FEE were ignored and belittled. They were informed on 11th March 2019 by the editor of the Parish Magazine (PM), husband of the Chair of the Parish Council, that “I’m of the view that much of the uncertainty has passed since the presentation of the plan to the village - to a highly favourable reception. At least we no longer have to give polite credence to *uninformed views* that fly in the face of TWBC policy and advocate direct and *pointless confrontation* with TWBC, thereby running the risk of having the entire BNDP thrown back in our faces. The *ensuing chaos hardly bears thinking about*. At least it seems the opinions now being afforded most weight are those *of people who have worked hard for two years to understand the issues* and come up with a coherent way forward.”

Consultation also failed in relation to the neighbouring **parish of Biddenden**. The Clerk of Biddenden Council has repeatedly responded to Benenden Parish Council in the course of the BNP consultation process, but received only acknowledgments. A Kent County Councillor and Ashford Borough Councillor wrote an article about BNP’s mismanagement of consultations with the parish of Biddenden in the Biddenden Parish Magazine, February 2021.

2. The plan is unsound because of the untimely publication of site allocations

Pre-Submission Local Plan, para 5.420 reads “The BNP was submitted to TWBC in October 2020 and was consulted on between 30 October and 11 December 2020.” But the allocations had already been made and published by the BNP in February 2019 in its so called “Informal Draft Plan”. The 2019 February allocations are virtually identical to the PSLP 2021 allocations. Para 5.420 states “The BNP proposes to include site “allocation policies that follow the approach of the site allocation policies for Benenden in this Local Plan.” How can the BNP follow the PSLP’s approach when its sites were already allocated? Because the PSLP is founded on site allocations made by the BNP, the unsoundness of the latter carries over and produces unsoundness in the former.

The LP is based on the BNP and BNP allocations were made before **consultations with stakeholders**. This is not consulting in a timely fashion. For example, the PSLP requires archaeological surveys of the hospital sites *after* the designation of the sites for development. Historic England (HE) asks for the surveys to be carried out *before* allocation (see TWFDLP Comments DLP_4556 - “we would expect the allocation of sites following on from this Strategy policy (STR1) to be subject to appropriately robust and detailed heritage impact assessment *prior to the allocations being adopted*.”

3. The plan is unsound because the evidence on which it is based is inaccurate or irrelevant

Supporting Documents

AONB Setting Analysis report: Main Report and AONB Study Plans and Photographs Benenden Hospital/Hankinson Duckett Associates. November 2020.

See para 4.4.2, the description of the hospital site is for the *entire built up-hospital area*, minus the southerly LWS in the SEQ. It is therefore a *report on an area not submitted in the PSLP*. As a result, it draws its conclusions from areas not included in the PSLP. The conclusions are therefore unsound.

The report:

is concerned with adding 66-72 additional dwellings in addition to the 18 already extant on the northern site and presumably in addition to the 24 for which planning permission has been granted. That is between 108 and 114 new houses. The PSLP is talking about planning 43 houses for the northern site and 49 for the south. A total of 92 new houses. The report muddies the waters, leaving no clarity.

fails to note items of critical importance in any attempt to evaluate the landscape and historic importance of the site e.g.

- that the site is on an east-west ridge giving it a dominant position in relation to the AONB;
- the east-west Roman Road running over Benenden Healthcare Society (BHS) land a few yards to the south of the site, and the medieval drove road (Goddards Green Road - GGR) which divides the northern site from the southern one;

- . the National Monument Register which lists a Bronze Age palstaff (SMR Number/Hob UID) found at the hospital site, (though, oddly, the report does note Scheduled Monuments in the village);
- . that the SEQ development proposes two entrances on to Green Lane and two on to GGR, see Transport Planning Associates (tpa)- October 2019 Scoping note for BHS, 1907-038 under the section headed 'Access', para 4.4 "The consented vehicle access arrangements will be retained. Therefore, vehicle access to the Site will be taken from two access points along Goddards Green Road and two on Green Lane." (This and other documents were revealed to the FEE in May 2021 as a result of the BNP Independent Examiner's queries. In spite of the Examiner's request that all such material be published on-line, this document and the KCC Highways 13 Nov 2019 "Pre-App Response" have been not been published). Such entrances will seriously impact the AONB. Both Goddards Green and Green Lane are designated Rural Lanes, and, of the two, Green Lane is mentioned as a particularly high scoring lane (for its beauty and tranquillity) in *TWBC's Rural Lanes: Supplementary Planning Guidance*. Creating a series of broad entrances large enough so that an "11.4 m refuse vehicle can enter and leave the site in forward gear (see KCC Pre-App Response 13-11-19, a document revealed to the FEE as a result of the BNP Examiner's queries but not made public) would have a substantial effect on the AONB. Hankinson Duckett Associates ignore the issue (see Section 4 on Benenden in the main report and photos B1 and B2 in *Supporting Plans and Photographs , Benenden*).
- . offers photos (B5 & B6) which are irrelevant to the site in question. These photos look south towards an area not up for development, and are taken from a point also not up for development. These omissions undermine the report's conclusion.
- . ***Inset Map 18 (Benenden Hospital)***, unlike other maps attached as supporting documents to the PSLP, Inset Map 18 makes no reference to the AONB boundary. This is a significant omission because both the PSLP and the BNP claim that the hospital is outside the AONB and on this basis, largely justify placing most of Benenden's housing in the East End. Because AL/BE3&4 lie on a high ridge to the north of the parish and because the AONB boundary wraps tightly round the site which bulges, like a balloon, into the AONB, development at the East End significantly affects the AONB. While TWBC acknowledges this by requesting the Hankinson Duckett Report, by publishing Inset Map 18, which omits the AONB boundary, TWBC loses a critical opportunity to show the true relevance of AL/BE 3&4 to the AONB. It could even be said that by leaving out the boundary, there is an implication that the hospital sites are genuinely 'outside' the protected area.
- . **Previous Stages, Draft Local Plan, Benenden Overview**, p263, provides a basis for the PSLP but contains inaccuracies.
 - . There is no "pre-school/nursery" as stated in the Overview
 - . There is no "Small shop at hospital" as stated in the Overview
 - . The statement that there are tennis courts and a café at the site is misleading. In TWFDLP Comments, Savills requests (see DLP_4956 para 3.14) that "the requirement to incorporate the tennis courts and retain the sports pavilion is removed". As for the café, BHS states in its comments on the LP that the café is for hospital use only - "the existing hospital buildings ... have only been designed for hospital use". See TWFDLP detailed additional submissions from Savills "*Representation to the TWBC Draft Local Plan Regulation 18*" 2- Sept- 1Nov 2019 para 3.18 and 3.19)

4. Sustainability Appraisal

As far as the East End of Benenden is concerned, the plan is unsound because the **Sustainability Appraisal**, which is the heart of the planning process, provides evidence that is often incorrect, sometimes inadequate, but always untimely because the evidence on which site allocation should depend, follows, instead of precedes, site allocation. This was first published February 2019 in the BNP's Informal Draft Plan. The allocations then made are identical (save for a few additional houses) to those now made in the PSLP. Site allocation cannot be supported in retrospect.

An examination of SA Table 58 pp 161-163 Sites AL/BE 3&4 and Appendix L pp 331-332 shows faults in the SA's evidence base.

Climate Change: AL/BE3&4 are not scored for climate change, nor are sites 158 & 222, yet, inexplicably, climate change is scored for AL/BE1&2 (Uphill and Feoffee) and for LS8. Where is the

explanation for the failure to assess all sites, especially when sites 158, 222, AL/BE1&2 are all close to each other? The issue is particularly concerning in that sites AL/BE3&4 are both 3 miles distant from the village and without any amenities. Residents at these sites will be heavily car dependent and this was of concern even when only 24 houses were proposed for the site. "You will see from KCC's comments on the hybrid application (12/03130) that in consideration of this earlier application for 24 dwellings, the highways authority raised concern that all residents will be very heavily car dependent, which is contrary to a number of policy objectives, including the NPPF." (see KCC Pre-App Response, 13 Nov 2019, revealed in response to the BNP's Independent Examiner's queries and still not in the public arena).

Biodiversity: AL/BE3 is considered to be less at risk in terms of biodiversity than AL/BE4 though AL/BE 3 has two Local Wildlife Sites (LWS) while AL/BE 4 has only one. Where is the evidence to support the idea that the one is less important for biodiversity than the other?

The SA's scoring is not supported by evidence in a letter from Keith Nicholson of the Kent Wildlife Trust, former Planning and Conservation officer for the Kent Wildlife Trust (KWT), dated 4 March 2013, to TWBC Development Control Officer, Ellen Gilbert in which he states, "The 2012 survey has demonstrated that Benenden hospital LWS is more valuable than previously believed. The applicant's consultant is now more firmly of the belief that the Site would fulfil the criteria for it to be considered a Site of Special Scientific Interest (paragraph 4.3.6.). The waxcap community is of national importance when judged against both the Reid classification (para 4.3.4.) and the JNCC Guidelines (para 4.3.5.)."

Nor is it supported by the view of the HW-AONB as stated in TWFDLP Comments (see DLP_3458) that the hospital LWS *"includes rare and vulnerable acid grassland which should form a core area for unimproved grassland as part of a High Weald nature recovery network."* Neither the KWT nor the HW-AONB offer any indication that one or other of the LWS at the hospital is of less value than the rest. Further, we now know from (see web link),

Regulation 18 Representation made by Benenden Healthcare Society, November 2019, that BHS intends to abolish one of the two LWS in AL/BE3, see para 3.21. that "The Society supports the requirement for long-term management of the core areas of the LWS associated with the hospital land. This includes all but the modest area within the SEQ adjoining Peek Lodge which is too constraining on the South East Quadrant redevelopment proposals. Accordingly, the soils in the area will be translocated to a nearby receptor site to try to ensure that the rare fungi can continue to thrive in this local area."

In other words, far from supporting biodiversity, the BHS plan is to reduce it in AL/BE3 and the same is true of AL/BE4 see (in the same document) para 3.17. "In addition, as highlighted in paragraph 3.13 above, the Society do not intend to use the area in which the garage block is located as an extension to the Local Wildlife Site (LWS) or for additional sports provision. As such, the Society request that the requirement to specifically use the land occupied by the existing garage block and manage it in the long term for the benefit of the LWS and / or sports provision is removed from the policy requirement." Given this, biodiversity scoring in Table 58 of sites AL/BE3&4 is substantially overrated. Biodiversity at both sites is under threat.

Business Growth: AL/BE3&4 are scored as if they were more favourable to business growth than AL/BE1&2 and sites 158 and 222, but all four of these last-mentioned sites are in the heart of the village where residents will have ready access to local businesses as well as to daily bus services and other services and facilities. Residents at the East End, on the other hand, will have no access to local businesses except by car.

Education: All sites in this SA are scored equally for education, except for site 158 which scores less well. This SA report compares poorly with the SA which TWBC carried out on site 158 in 2006. 158 is parallel to and just north of the Street with its exit onto New Pond Road. In 2006 site 158 was chosen in a village referendum as the site for a new C of E primary school. It was the preferred site out of a choice of two, both of which were greenfield. TWBC's 2006 SA on 158 decided (see page 18 of the *Sustainability Appraisal Benenden Church of England Primary School Land Allocation DPD - Issues and Options* report), that 158 was one of two top sites. "Situated adjacent to an area of ancient woodland, the site provides the potential for habitat linkages and wildlife corridors. The site is not adjacent to the CA [Conservation Area] and does not form a significant role in its setting. There are no Listed Buildings on or adjacent to the site. The site is consistent with the surrounding landscape character. There are limited views into the site and no public rights of way over the site." On page 38, we read, "This site is anticipated to have a major beneficial effect on improving educational standards

and travel choice/traffic levels". In spite of the referendum result, the school was eventually built at the less preferred site and, since then, TWBC had been in consultation with 158's owners to build houses there. If, in 2006, the SA offered site 158 as one of two top sites in the village for building the new primary school, where is the evidence that it's appropriateness has somehow massively declined since then? Where is the evidence site 158 is less favourable to education than all the other sites mentioned, especially given that the hospital sites, so favoured for development, are three miles distant from the village school?

Table 58 states that "the education objective does not deteriorate when considering the cumulative effects as the schools in Tenterden will be a viable option for residents in East End." Children from the East End will have priority over the between 70 and 75% of the existing pupils at the school who come from outside the parish. On what basis is the assumption made that East End parents will prefer to drive their children 6 miles into Tenterden than drive to the primary school in their own village?

Heritage: AL/BE 3 scores slightly less well in terms of its heritage value than AL/BE4 without supporting evidence. How were heritage issues assessed when there is no apparent knowledge of the historic importance of the site, for example: the PSLP makes no mention of the Roman road a few yards south of AL/BE3; the medieval driveway (GGR), which runs through the site and along the ridge; and the Bronze Age palstaff found at the hospital site (National Monument Register - SMR Number/Hob UID). How can a site be scored or evaluated without at least some knowledge of the sites historic significance? This is available at (see web link) and advertised on the Benenden village website.

Services and Facilities: How can sites which are in the heart of the village such as 158 and 222, score the same as sites which are 3 miles distant and isolated in the country? The village has a daily bus service, continuous pavements on both sides of the street, several shops, including a post office, a general store, a butcher and a florist, as well as a pub/restaurant, village green, recreation ground, children's playground, church, memorial hall, village hall and a primary school. In spite of this, sites 158 and 222, both as close to the centre as AL/BE1&2, are described as lacking services and facilities including public transport (Appendix L pp 331-332) while the sites chosen for most houses are 3 miles out of the village where there are no amenities whatsoever. LS8 is also described as being remote, but it is only one mile from the village and connected to it by a paved footpath. It is close to a bus stop, a playground, tennis courts and a community hall and it is within walking distance of a pub/restaurant. How can its Services and Facilities be offered the same score as AL/BE3&4? These assessments are not understandable except if the sites were chosen before the SA (as is the case) and the SA had to be manipulated to support those original choices.

Question 6

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

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Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Question 5 above. (Please note that non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Many of the PSLP's problems are associated with failure in the duty to co-operate and can therefore not be remedied.

Many are due to poor evidence or poor interpretation of evidence. This too cannot be remedied.

In summary, development on site AL/BE3 should be limited to the existing, so far unused, planning permission for 24 houses, preferably by adapting the Garland Wing, which is a building of historic value, either to a wellness centre, in accordance with its original intention, or to a row of up to 10 terraced houses. Site AL/BE4 already has 18 semi-detached houses on it, and cannot support any more. It should therefore be excluded. Housing should be allocated to sites such as 158 and 222 in

the village centre, or to LS8 in Iden Green. These sites all lie within walking distance of shops, other amenities and the primary school. Paragraphs 5.421 and 5.422 should be omitted.

Question 7

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If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)? . Yes, I wish to participate in hearing session(s)

Question 7a

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If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

In order to present my case and to answer those with vested interests who may seek to put forward arguments against it.

Question 8

If you have any separate comments you wish to make on the accompanying Sustainability Appraisal, please make them here.

Sustainability Appraisal

As far as the East End of Benenden is concerned, the plan is unsound because the Sustainability Appraisal, which is the heart of the planning process, provides evidence that is often incorrect, sometimes inadequate, but always untimely because the evidence on which site allocation should depend, follows, instead of precedes, site allocation. This was first published February 2019 in the BNP's Informal Draft Plan. The allocations then made are identical (save for a few additional houses) to those now made in the PSLP. Site allocation cannot be supported in retrospect. An examination of SA Table 58 pp 161-163 Sites AL/BE 3&4 and Appendix L pp 331-332 shows faults in the SA's evidence base.

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Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:

<input type="checkbox"/>	Yes, I wish to be notified of future stages of the Local Plan
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Comment

Consultee	Angela and Ian McEwen [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] Matfield [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Angela and Ian McEwen [REDACTED]
Comment ID	PSLP_1264
Response Date	04/06/21 13:22
Consultation Point	Policy AL/BM 2 Land at Maidstone Road (View)
Status	Processed
Submission Type	Web
Version	0.3
Question 1	
Respondent's Name and/or Organisation	Ian McEwen
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
Policy AL/BM2	
Question 4	
Do you consider that the Local Plan:	
Is legally compliant	Don't know
Is sound	No
Complies with the Duty to Cooperate	Don't know

If you consider that the Local Plan is not sound, please answer this question.

Question 5

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

The Plan's discussion of sustainability issues with regard to Matfield is misleading and therefore unsound. It states (para. 5.486) that "the level of growth takes account of its proximity to Brenchley, better travel connection to Paddock Wood, and local benefits". Although the two villages are little more than a mile apart they are not easily accessible from each other except by car. It is not feasible to walk

from Matfield to Brenchley to access education and health (or other) facilities as there is no paved path between the two villages, cycling on the narrow but fairly busy road is dangerous, and the bus service only runs once every hour and a half to two hours.

Similarly, Paddock Wood is not easily accessible from Matfield without a car. As the Plan itself states, Matfield is only 0.2 miles closer to Paddock Wood than Brenchley is. Walking is impractical, cycling is dangerous on a very busy road with much HGV traffic and bus services are no better than once an hour. Also, the Plan does not expand on what it means by the "local benefits" of Matfield; and the proposal to build additional GP facilities at Horsmonden (because existing facilities will not be able to cope with the planned growth in population) will make life more difficult (not easier) for residents of Matfield who might have to travel an additional two miles to visit a doctor.

With regard to biodiversity, Policy EN9 states that development will only be permitted where it can be demonstrated that "that completion of the development will result in a measurable long-term net gain for biodiversity". The policy sets out various ways of achieving this but states that the net gain should be a minimum of 10%. The site in AL/BM2 is currently very diverse as it has been, effectively, a wildlife reserve for many years. It supports bats, badgers, foxes and rabbits as well as a variety of birds, smaller mammals and insects. While it might be possible for development there to mitigate some of its adverse effects on biodiversity, it does not seem to be feasible that any action could be taken which would lead to a 10% gain in biodiversity once 11-15 houses had been built. In this respect, therefore, the Plan is also unsound in seeking to develop the site on Maidstone Road.

Question 6

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

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Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Question 5 above. (Please note that non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

As set out above, I consider that the Plan's proposals to develop land for housing on the area described in Polcy AL/BM2 are unsound for several reasons. My suggested modification would be to remove that location as an allocated site.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

No, I do not wish to participate in examination hearing session(s)

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:

Yes, I wish to be notified of future stages of the Local Plan

Comment

Consultee	Richard Mewett [REDACTED]
Email Address	[REDACTED]
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Richard Mewett [REDACTED]
Comment ID	PSLP_1433
Response Date	03/06/21 18:17
Consultation Point	Policy STR/SS 2 The Strategy for Paddock Wood Town Centre (View)
Status	Processed
Submission Type	Email
Version	0.3
Data inputter to enter their initials here	KH
Question 1	
Respondent's Name and/or Organisation	Richard Mewett
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy STR/SS 2 The Strategy for Paddock Wood Town Centre

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

Question 5

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

It has recently been highlighted that TWBC are proposing to permanently close Hartlake Rd due to the Capel development. I wish to strongly object to such a ridiculous proposal. To close this road will cause untold problems for residents living on the TMBC side of Hartlake, increasing both traffic congestion and length of journeys. Hartlake is the main route for thousands in the villages of East Peckham, Hadlow and Golden Green. It will also create massive problems on the A26 Hadlow Rd. The entire development of Capel is strongly objected to and will cause increased flooding problems for thousands living downhill from it. The complete disregard and contempt by planning officers of TWBC in these matters for residents within TMBC has been abhorrent from the start.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

For office use only

If responder hasn't ticked an option on this box, data inputter to tick 'not stated' box. Not Stated

Comment

Consultee	Richard Mewett [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] East Peckham [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Richard Mewett [REDACTED]
Comment ID	PSLP_1704
Response Date	04/06/21 10:44
Consultation Point	Policy STR/SS 3 The Strategy for Tudeley Village (View)
Status	Processed
Submission Type	Email
Version	0.2
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Richard Mewett
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy STR/SS 3 The Strategy for Tudeley Village

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

Question 5

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

Objection to local plan STR/SS3

I object to the proposed plans for the following reasons.

Green belt. It's supposed to be protected. TWBC will be failing their duty to do that.

Flooding. The development can only cause increased flooding downhill and downstream in East Peckham and Yalding, areas that already suffer due to over development of green belt.

Much if the development will be in a flood plain.

The pressure on the hospital which is already busy with long waiting lists.

The burden on GP's that are already very difficult to see.

Increased traffic on unsuitable roads. Hartlake Rd cannot cope with such an increase and the proposal to close it will cause chaos for the villages on the TMBC end of it.

Light pollution affecting the night sky.

Massive carbon footprint and pollution.

The destruction of countryside, wildlife, their habitats, farmland, tradition, heritage and the rural way of life.

Disproportionate allocation of housing within the borough leading to the ruin of a peaceful community.

The contempt and disregard for residents within TMBC. If TEBC want a massive development they should accept it further into their borough and accept the negative effects rather than put that misery into TMBC residents.

The entire area has not the infrastructure to cope with the proposed development.

97% of respondents opposed the local plan yet TWBC have done nothing to address this, merely made revisions that worsens matters.

Planners and councillors failing in their duty to represent their parishioners and residents.

All told, an entirely ridiculous plan showing no concern for the public or the environment.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

For office use only

If responder hasn't ticked an option on this box, data inputter to tick 'not stated' box. Not Stated

Comment

Consultee	Sophia Mikelis ([REDACTED])
Email Address	[REDACTED]
Address	
Event Name	Pre-Submission Local Plan
Comment by	Sophia Mikelis ([REDACTED])
Comment ID	PSLP_1374
Response Date	04/06/21 16:42
Consultation Point	Policy AL/RTW 14 Land at Tunbridge Wells Garden Centre (View)
Status	Processed
Submission Type	Web
Version	0.3
Question 1	
Respondent's Name and/or Organisation	Sophia Mikelis
Question 3	
To which part of the Local Plan does this representation relate?	Paragraph(s)
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

"5.91, 5.92, 5.93, 5.94"

Question 4

Do you consider that the Local Plan:

Is sound No

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because: . It is not justified

Question 5

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

5.91 Existing vehicular access to the site is directly from the A26 Eridge Road to the south east corner of the site, close to the bend in the Eridge Road. The Spa Valley Railway Line is located south of the site, including a bridge that crosses the Eridge Road just south of the site access. The existing access from the site onto the Eridge Road is already dangerous with a steep slope onto a busy bend with restricted visibility. The proposed development will add considerably to the traffic using this access road and so will represent a much greater risk of accident.

There is no pedestrian footpath on the garden centre side of the Eridge Road and so the pedestrians from the houses on the development going into town will need to cross a busy road on a dangerous bend.

Therefore:

1) Traffic Safety and Hazard: Vehicle access point on A26 Eridge Road. Road Traffic Safety compromised due to additional vehicle movement volumes; with a traffic hazard as there is restricted line of sight (ref. also 5.94) Note: Existing access considered to be on apex of bend, not as defined above as 'close to the bend'. 2) Pedestrian Safety and hazard: No available pavement on the Common side of the A26 pedestrians will be crossing the A26 at a dangerous busy point

5.92 The site was released from the Green Belt, and the Development Strategy Topic Paper and Green Belt studies set out the exceptional circumstances and compensatory improvements to the remaining Green Belt to justify the changes to the boundary in this location. What to date have been the compensatory improvements to the remaining Green Belt?

The 2019 Plan describes the site as being part of a Biodiversity Opportunity Area where any development should demonstrate net gains for nature and biodiversity. Reference was also made to the DEFRA "MAGIC" website which described the area as suitable as woodpasture and parkland. Both these descriptions have been removed from the current plan.

5.93 It lies adjacent to the Royal Tunbridge Wells Conservation Area and to Tunbridge Wells Common, which is a designated Local Wildlife Site. Part of the site is also covered by the Environment Agency's Flood Zone 3.

River Grom flooding Report 2017 (Currently Correct /Relevant unless structural changes have been made)– Ref pages 7-9 Extracts:(page 7 – 2.3 para 4)To the south and east of The Pantiles, much of the area has separate surface water and foul water drainage. The surface water sewers generally discharge to watercourses which ultimately flow into the River Grom.(Page 9 – 2.4.1 para 3).... There is a Combined Sewer Overflow (CSO) from the public combined sewer in the culverted section of the River Grom that allows the combined sewer in the Pantiles area of Tunbridge Wells to discharge into it if its capacity is exceeded.

The development is in a river valley. Under present conditions High Rocks Lane regularly floods at the point where it meets Hungershall Park (and where it is presumed the proposed "emergency exit" will be for the development). As a result the road is always in a poor condition with potholes that reappear quickly after frequent repairs. The road at this point is a blind bend with no footpath so pedestrians and cyclists often veer across the roadway to avoid the potholes and create a real danger

of accidents to oncoming vehicles. This situation will only get worse once a large area of the valley floor is concreted over as a result of the development.

It was recently noticed by local residents that the site currently suffers from a sewage problem. A large manhole cover had been dislodged and was surrounded by household waste which had obviously been forced out. It is hoped that this would be resolved as part of the development, especially as the River Grom is in close proximity and there is a seasonal flooding issue in that area, as referred to above in the 2017 flooding report.

5.94 *Development would need to be sensitively designed to respect the location in proximity to the Common, the conservation area, and the topography of the site. However, it constitutes a sustainable site on the edge of the town centre and could accommodate a mix of uses, to include the retention/expansion of the existing garden centre business and the introduction of some residential development within the site. However, Kent County Council, as the local highways authority, considers that the scale of development on the site may be limited due to the current access constraints. 108 Tunbridge Wells Borough Local Plan Regulation 19 Consultation Pre-Submission Local Plan Map 14 Site Layout Plan*

Policy AL/RTW 14 Land at Tunbridge Wells Garden Centre This site, as defined on the Royal Tunbridge Wells Policies Map, is allocated for the expansion of the existing Use Class E (a) commercial use (garden centre) with an element of residential of approximately 25-30 residential dwellings, of which 30 percent shall be affordable housing. Development on the site shall accord with the following requirements:

- 1 *Means of access, including secondary and emergency means of access, to be informed by a transport statement; it is likely that the scale of any development may be limited by the quality of access arrangements that can be achieved within the confines of the site. An emergency access is likely to be required to the north;*

Planning consents often require provision of social/affordable housing under Section 106 Agreements, but invariably the developer comes back to the local authority later and pleads that it renders the scheme unviable. The 30% (eg) then falls away to 10% or less. The infrastructure requirements on this site will render development especially expensive. The contribution this site could make to meeting housing need is negligible.

Previous planning for access - Refused(89/02011/FUL | New vehicular access. New gate and 1.8m high chain link boundary fence | Wyevale Garden Centre Eridge Road Royal Tunbridge Wells Kent TN4 8HP (midkent.gov.uk)) Ref. No: 89/02011/FUL | Received: Tue 07 Nov 1989 | Validated: Thu 14 Jun 1990 | Status: Decided Council Letter 1990 - Extracts detailing the Refusal reasons:1 a) The proposed access would be likely to create unacceptable additional hazard to traffic.2 a) The sight lines are inadequate and would create unacceptable additional hazards to traffic.3 a) The proposal would be undesirable in an area which is predominately rural in character, and would be detrimental both to the appearance and to the rural amenities of the locality.4 a) The proposal would be likely to be unacceptably detrimental to residential amenities of adjacent dwellings

The only change since 1990 is higher volumes of traffic on High Rocks Lane and Hungershall Park.

No known local precedents have been set for a requirement of a secondary and/or an emergency access. Example: The existing adjacent large estate has no secondary or emergency access.

Access: The suggested 'North' secondary and emergency access point will:

- . Destroy a Bio Diverse habitat, impacting the natural rural dynamic .
- . By default the access point becomes a tacit 'extra access' immediately opening onto High Rocks Lane with hazardous restricted/limited line of sight which is onto a speed de-restricted area and is a width constricted lane, plus opposite another lane entrance point; as highlighted in the council's planning permission access refusal 1990.
- . There is a high probability for this access to become a local shortcut

Proposing a Secondary and Emergency access appears to be a leverage argument to open up the site with another access point thereby ignoring the hazards identified, refer to previous valid refusal rational.

There is a high probability for dangerous additional 'on road parking' at the lower end of Hungershall Park/ corner of High Rocks lane/ Cabbage Stalk Lane. The proposed new developments at Spratsbrook Farm and the old Plant & Tools Hire site by The West Station which is to have access directly on to

Eridge Road, will both increase traffic flows along this busy stretch and force drivers to find alternative routes.

Newts and a variety of amphibian wildlife have been seen in the site North aspect / River Grom area of this location.

In traffic management terms an emergency exit would require either traffic light control, or a roundabout (taking up additional land) further eroding the natural character of the area.² *The provision of pedestrian and cycle access to the north and improved pedestrian and cycle access into the town;*

If the access point is allowed to the north, then the suggested access is onto a hazardous speed de-restricted and width restricted lane. This was one of the reasons the previous planning for access was refused.

This would also create a safety hazard for pedestrians as there is no pavement from the suggested access secondary/emergency point towards Cabbage Stalk Lane.

- 1 *Adequate servicing and parking to serve the expanded commercial use on the site;*
- 2 *Provision of a green route through the site from east to west connecting to existing Public Rights of Way on Tunbridge Wells Common and Cabbage Stalk Lane; Site East West access – Cabbage Stalk Lane will cause additional volume of use. This poses the following problems:*
 - 1) *Compromise to safety and hazard as now a designated cycle path. Several near misses have already occurred with current multi-use volumes; as the majority of cyclists appear to disregard this lane as being a shared facility with pedestrians, pedestrians and dog walkers, plus vehicular access traffic.*
 - 2) *Cyclists coming out of the new development will generally turn right into Cabbage Stalk Lane, adding to the volumes of cyclists using that lane. Furthermore, this will surely add to the number of cyclists on the Common who increasingly seem to be ignoring the “no cycling” rule there.*
 - 3) *For those who might turn left into High Rocks Lane, this would add to the number of cyclists on this narrow lane with blind corners and numerous potholes - adding yet further risk to themselves, pedestrians and cars.*
 - 4) *This is likely to further increase the volume of cyclists coming down the hill in Hungershall Park and towards the proposed development. Residents are increasingly concerned about the number of cyclists coming around the corner at very high speed and oblivious to the blind entrance several drives. There have been near misses recently and including one cyclist who recently came off his bike near the entrance to the drive at no. 12 Hungershall.*

- 1 *Development shall be located on the areas identified for mixed use on the site layout plan; Tunbridge Wells Borough Local Plan 109 Pre-Submission Local Plan Regulation 19 Consultation*
- 2 *Green infrastructure shall be provided on the areas shown indicatively in green on the site layout plan, and these shall be retained and enhanced. This shall include suitable buffering and enhancements to the River Grom corridor and to the setting of the adjacent Tunbridge Wells and Rusthall Common; The plan shows a green space buffer running alongside Cabbage Stalk Lane. The current woodland buffer is substantial and therefore the developer is likely to bulldoze and excavate as much as is feasible subject to ground stability and the preservation of valuable and species trees etc. The trees provide cover and privacy for wildlife and seclusion for walkers and local residents but are not in themselves wonderful specimens but are nevertheless very important to the semi rural nature of the area. The retention of as much tree cover as possible is very important.*

The River Grom flows along the Southern boundary of the plot alongside the railway line. The woodland and the river provide a habitat for deer and other wild animals. It would be desirable if the western end of the plot be preserved for wildlife, not be built upon and not used for vehicular access.⁷ *Regard will be given to existing hedgerows and mature trees on-site, with the layout and design of the development protecting those of most amenity value, as informed by an arboricultural survey and a landscape and visual impact assessment;*

The development will inevitably destroy and erode an established valuable bio-diverse habitat in a unique rural area.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)? . Yes, I wish to participate in hearing session(s)

Question 7a

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

I am a resident of the area and will be affected

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box: Yes, I wish to be notified of future stages of the Local Plan

Comment

Consultee	David Millen ([REDACTED])
Email Address	[REDACTED]
Address	- Benenden -
Event Name	Pre-Submission Local Plan
Comment by	David Millen ([REDACTED])
Comment ID	PSLP_1910
Response Date	04/06/21 14:54
Consultation Point	Policy AL/BE 1 Land adjacent to New Pond Road (known as Uphill), Benenden (View)
Status	Processed
Submission Type	Email
Version	0.8
Data inputter to enter their initials here	KH
Question 1	
Respondent's Name and/or Organisation	David Millen
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy AL/BE 1 Land adjacent to New Pond Road (known as Uphill), Benenden

Policy AL/BE2 2 Feoffee Cottages and Land, Walkhurst Road, Benenden

Policy AL/BE3 Land at Benenden Hospital (south of Goddards Green Road), East End

Policy AL/BE4 Land at Benenden Hospital (north of Goddards Green Road), East End

EN1 Sustainable Design

Sustainability Statement

[TWBC: this representation has been input against Policies AL/BE 1, AL/BE 2, AL/BE 3, AL/BE 4 and EN 1 – see Comment Numbers PSLP_1910, PSLP_1915, PSLP_1916, PSLP_1917 and PSLP_1918]

Question 4

Do you consider that the Local Plan:

Is legally compliant	No
Is sound	No
Complies with the Duty to Cooperate	No

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:	. It is not positively prepared
	. It is not effective
	. It is not justified
	. It is not consistent with national policy

Question 5

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

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Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

This representation relates to the Pre-submission Local Plan(PSLP) and its handling of the parish of Benenden

1 **The plan is unsound because of inadequacies in the consultation process.**

. Poor consultation between TWBC and other Borough Councils

A Statement of Common Ground (SoCG) between Maidstone and Tunbridge Wells Borough Councils (TWBC) is published, but nothing is apparently published in relation to Ashford Borough Council or Tonbridge and Malling Borough Council.

. **Poor consultation between TWBC, the parish of Benenden and the Benenden Healthcare Society (BHS), the single landowner of those sites in the East End of Benenden where most of Benenden's houses are allocated.**

. **There is no Statement of Common Ground between TWBC and the Benenden Neighbourhood Plan (BNP)** although a SoCG was listed as a supporting document to the BNP Reg 14. This is significant *because the two plans, though identical in their choice of sites, show different areas within those sites for development at the East End, and both plans differ from the view of BHS.* BHS's position is presented to the public through its comments on the first draft of the Local Plan (TWFDLP Comments) (see web link)

. Looking at the issue in terms of its hectareage:

. according to the PSLP the northern site (AL/BE4) is 3.72 ha and the South East Quadrant (SEQ or AL/BE3) is 3.07 ha;

. according to the Benenden Neighbourhood Plan (BNP), the northern site (called LS41in the BNP, see para 2.9.4.2.) is 1.9 ha and SEQ (called 424 plus LS40b, see para 2.9.3.2) is 4.24 ha.

- according to BHS, the northern site is 3.7 ha and the southern site is 4.2 ha (see TWFDLP comments), Savills for BHS: DLP_4956)

The hectareage varies largely according to whether Local Wildlife Sites (LWS) are included in the development area. There are four LWS at the hospital. One of these lies in the northern area (AL/BE4) and two lie in the southern area (AL/BE3). The fourth is in an area not up for development.

- For AL/BE3, the PSLP excludes the second and the most southerly of its two Local Wildlife Sites (LWS), while the BNP *includes* both LWS. *Currently, Strutt and Parker are advertising to developers the larger, BNP version of the site for sale, together with Cleveland Farm.* The PSLP states that in the event of the BNP passing a referendum, its own plans for Benenden will be superseded by the BNP (see para 5.421). Which means the plan presented in the PSLP for AL/BE3 is incorrect.
- For AL/BE4, the PSLP *includes* all the LWS at the site, while the BNP includes only a small southerly section of it. The PSLP states that in the event of the BNP passing a referendum, its own plans for Benenden will be superseded by the BNP (see para 5.421). Which means the plan presented in the PSLP for AL/BE4 is incorrect.
- For AL/BE4, Savills' comments on behalf of the BHS (see TWFDLP comments), propose 43 dwellings for the site, which will include the LWS (see TWFDLP Comments, item DLP_4956 para 3.6), "Unlike the BNP, the TWLP is broader in the site area by providing a boundary encompassing the entire hospital site, yet aside from the discrepancy addressed previously in this representation the two allocations align in terms of proposed numbers. The Society intends to bring forward the development on the two sites identified through the BNP and *within the boundary identified in the TWLP.* The Society welcomes the consistent approach to unit numbers, and the allocation of both parcels of land through the draft BNP and the TWLP."

In terms of boundaries:

- BHS understands (see DLP_4956, para 2.8 in TWFDLP Comments) "The North East Quadrant occupies the North East of the site, bordered to the North and East by Mockbeggar Lane, to the south by Goddards Green Lane / Benenden Road and the West by existing hospital buildings." *In other words, it includes the entire LWS in its area.*
- To the south, BHS understands (see DLP_4956, para 2.9 in TWFDLP comments), "The South East Quadrant occupies the South East of the site, bordered to the north by Goddards Green Lane / Benenden Road, to the West by Green Lane and to the South and East by agricultural land and the High Weald AONB boundary." *In other words, it includes the whole of the more southerly of the two LWS at the site.*

This means that PSLP's AL/BE3 is inaccurate because the larger BNP plan will likely prevail, while the PSLP's AL/BE4 could be challenged by the BNP (if successful in a referendum) (see PSLP para 5.421) and substantially reduced in size. The PSLP's plans for the two hospital plans are therefore both potentially inaccurate.

A failure to coordinate and effectively consult has produced unsound documents.

- **Poor consultation with stakeholders, the local community and the neighbouring parish** (possibly even more affected by the plans than Benenden). These parties have either not been consulted, or consulted after the fact or consulted but not engaged with.
 - **The Friends of the East End (FEE)** are more affected by the plans than most in the parish but they were not consulted over the development of the BNP on which the PSLP is based. The FEE are mainly residents of the East End which covers about one third of the parish and is a wholly rural location of 76 scattered households. Because it is isolated, it was chosen as the site for an isolation hospital. This now makes up a small enclave close to the border with the neighbouring parish of Biddenden.
 - The BNP Steering Committee is the only one in the borough to have made its own site allocations and these allocations were published in an Informal Draft Plan in February 2019, before consultations with the High Weald -AONB and before inviting AECOM to produce a Strategic Environmental Assessment (SEA). (N.B. Even when the HW-AONB were invited to assess sites, they were NOT asked to assess the hospital sites).
 - The FEE object strongly to the proposal to site almost all the new housing in the East End, but the BNP Steering Committee never asked to meet the FEE nor engaged with them (See EN1 para 9 requiring the effective engagement of the local community, neighbours of sites and others).

- The FEE submitted three petitions, two to the BNP and one in relation to the LP. A FEE submission with 127 signatures was submitted on April 4th 2019 in response to the IDP (published on February 23, 2019), in which the allocations, later adopted by the PSLP were first set out. A second FEE submission with 164 signatures was submitted in October 2019 objecting to the TWFDLP, and in the same month, a third FEE submission with 167 signatures was submitted in relation to the Reg 16 draft BNP. Instead of acknowledging the strength of these views and the number of people who held them, the chair of the BNP Steering Group, who wrote a regular column in the Parish Magazine about the BNP process, wrote in January 2020, that only “31 residents from the East End” had sent in “comments”. For the strength of today’s opposition to the BNP, see the FEE’s current online petition with over 450 signatures <https://www.change.org/EastEndFriends>.
- Instead of being consulted, the FEE were ignored and belittled. They were informed on 11th March 2019 by the editor of the Parish Magazine (PM), husband of the Chair of the Parish Council, that “I’m of the view that much of the uncertainty has passed since the presentation of the plan to the village - to a highly favourable reception. At least we no longer have to give polite credence to *uninformed views* that fly in the face of TWBC policy and advocate direct and *pointless confrontation* with TWBC, thereby running the risk of having the entire BNDP thrown back in our faces. *The ensuing chaos hardly bears thinking about*. At least it seems the opinions now being afforded most weight are those of *people who have worked hard for two years to understand the issues* and come up with a coherent way forward.”
- Consultation also failed in relation to the neighbouring **parish of Biddenden**. The Clerk of Biddenden Council has repeatedly responded to Benenden Parish Council in the course of the BNP consultation process, but received only acknowledgments. A Kent County Councillor and Ashford Borough Councillor wrote an article about BNP’s mismanagement of consultations with the parish of Biddenden in the Biddenden Parish Magazine, February 2021.

2. The plan is unsound because of the untimely publication of site allocations

- Pre-Submission Local Plan, para 5.420 reads “The BNP was submitted to TWBC in October 2020 and was consulted on between 30 October and 11 December 2020.” But the allocations had already been made and published by the BNP in February 2019 in its so called “Informal Draft Plan”. The 2019 February allocations are virtually identical to the PSLP 2021 allocations. Para 5.420 states “The BNP proposes to include site allocation policies that follow the approach of the site allocation policies for Benenden in this Local Plan.” How can the BNP follow the PSLP’s approach when its sites were already allocated? Because the PSLP is founded on site allocations made by the BNP, the unsoundness of the latter carries over and produces unsoundness in the former.
- The LP is based on the BNP and BNP allocations were made before **consultations with stakeholders**. This is not consulting in a timely fashion. For example, the PSLP requires archaeological surveys of the hospital sites *after* the designation of the sites for development. Historic England (HE) asks for the surveys to be carried out *before* allocation (see TWFDLP Comments DLP_4556 - “we would expect the allocation of sites following on from this Strategy policy (STR1) to be subject to appropriately robust and detailed heritage impact assessment *prior to the allocations being adopted*.”

3. The plan is unsound because the evidence on which it is based is inaccurate or irrelevant

Supporting Documents

- AONB Setting Analysis report: Main Report and AONB Study Plans and Photographs Benenden Hospital/Hankinson Duckett Associates**. November 2020.

See para 4.4.2, the description of the hospital site is for the *entire built up-hospital area*, minus the southerly LWS in the SEQ. It is therefore a *report on an area not submitted in the PSLP*. As a result, it draws its conclusions from areas not included in the PSLP. The conclusions are therefore unsound.

The report:

- is concerned with adding 66-72 additional dwellings in addition to the 18 already extant on the northern site and presumably in addition to the 24 for which planning permission has been granted. That is between 108 and 114 new houses. The PSLP is talking about planning 43 houses for the

northern sight and 49 for the south. A total of 92 new houses. The report muddies the waters, leaving no clarity.

- . fails to note items of critical importance in any attempt to evaluate the landscape and historic importance of the site e.g.
 - . that the site is on an east-west ridge giving it a dominant position in relation to the AONB;
 - . the east-west Roman Road running over Benenden Healthcare Society (BHS) land a few yards to the south of the site, and the medieval drove road (Goddards Green Road - GGR) which divides the northern site from the southern one;
 - . the National Monument Register which lists a Bronze Age palstaff (SMR Number/Hob UID) found at the hospital site, (though, oddly, the report does note Scheduled Monuments in the village);
 - . that the SEQ development proposes two entrances on to Green Lane and two on to GGR, see Transport Planning Associates (tpa)- October 2019 Scoping note for BHS, 1907-038 under the section headed 'Access', para 4 .4 "The consented vehicle access arrangements will be retained. Therefore, vehicle access to the Site will be taken from two access points along Goddards Green Road and two on Green Lane." (This and other documents were revealed to the FEE in May 2021 as a result of the BNP Independent Examiner's queries. In spite of the Examiner's request that all such material be published on-line, this document and the KCC Highways 13 Nov 2019 "Pre-App Response" have been not been published). Such entrances will seriously impact the AONB. Both Goddards Green and Green Lane are designated Rural Lanes, and, of the two, Green Lane is mentioned as a particularly high scoring lane (for its beauty and tranquillity) in *TWBC's Rural Lanes: Supplementary Planning Guidance*. Creating a series of broad entrances large enough so that an "11.4 m refuse vehicle can enter and leave the site in forward gear (see KCC Pre-App Response 13-11-19, a document revealed to the FEE as a result of the BNP Examiner's queries but not made public) would have a substantial effect on the AONB. Hankinson Duckett Associates ignore the issue (see Section 4 on Benenden in the main report and photos B1 and B2 in *Supporting Plans and Photographs , Benenden*).
- . offers photos (B5 & B6) which are irrelevant to the site in question. These photos look south towards an area not up for development, and are taken from a point also not up for development. These omissions undermine the report's conclusion.
- . ***Inset Map 18 (Benenden Hospital)***, unlike other maps attached as supporting documents to the PSLP, Inset Map 18 makes no reference to the AONB boundary. This is a significant omission because both the PSLP and the BNP claim that the hospital is outside the AONB and on this basis, largely justify placing most of Benenden's housing in the East End. Because AL/BE3&4 lie on a high ridge to the north of the parish and because the AONB boundary wraps tightly round the site which bulges, like a balloon, into the AONB, development at the East End significantly affects the AONB. While TWBC acknowledges this by requesting the Hankinson Duckett Report, by publishing Inset Map 18, which omits the AONB boundary, TWBC loses a critical opportunity to show the true relevance of AL/BE 3&4 to the AONB. It could even be said that by leaving out the boundary, there is an implication that the hospital sites are genuinely 'outside' the protected area.
- . ***Previous Stages, Draft Local Plan, Benenden Overview***, p263, provides a basis for the PSLP but contains inaccuracies.
 - . There is no "pre-school/nursery" as stated in the Overview
 - . There is no "Small shop at hospital" as stated in the Overview
 - . The statement that there are tennis courts and a café at the site is misleading. In TWFDLP Comments, Savills requests (see DLP_4956 para 3.14) that "the requirement to incorporate the tennis courts and retain the sports pavilion is removed". As for the café, BHS states in its comments on the LP that the café is for hospital use only - "the existing hospital buildings ... have only been designed for hospital use". See TWFDLP detailed additional submissions from Savills "*Representation to the TWBC Draft Local Plan Regulation 18*" 2- Sept- 1Nov 2019 para 3.18 and 3.19)

4. **Sustainability Appraisal**

As far as the East End of Benenden is concerned, the plan is unsound because the **Sustainability Appraisal**, which is the heart of the planning process, provides evidence that is often incorrect, sometimes inadequate, but always untimely because the evidence on which site allocation should depend, follows, instead of precedes, site allocation. This was first published February 2019 in the

BNP's Informal Draft Plan. The allocations then made are identical (save for a few additional houses) to those now made in the PSLP. Site allocation cannot be supported in retrospect.

An examination of SA Table 58 pp 161-163 Sites AL/BE 3&4 and Appendix L pp 331-332 shows faults in the SA's evidence base.

Climate Change: AL/BE3&4 are not scored for climate change, nor are sites 158 & 222, yet, inexplicably, climate change is scored for AL/BE1&2 (Uphill and Feoffee) and for LS8. Where is the explanation for the failure to assess all sites, especially when sites 158, 222, AL/BE1&2 are all close to each other? The issue is particularly concerning in that sites AL/BE3&4 are both 3 miles distant from the village and without any amenities. Residents at these sites will be heavily car dependent and this was of concern even when only 24 houses were proposed for the site. "You will see from KCC's comments on the hybrid application (12/03130) that in consideration of this earlier application for 24 dwellings, the highways authority raised concern that all residents will be very heavily car dependent, which is contrary to a number of policy objectives, including the NPPF." (see KCC Pre-App Response, 13 Nov 2019, revealed in response to the BNP's Independent Examiner's queries and still not in the public arena).

Biodiversity: AL/BE3 is considered to be less at risk in terms of biodiversity than AL/BE4 though AL/BE 3 has two Local Wildlife Sites (LWS) while AL/BE 4 has only one. Where is the evidence to support the idea that the one is less important for biodiversity than the other?

The SA's scoring is not supported by evidence in a letter from Keith Nicholson of the Kent Wildlife Trust, former Planning and Conservation officer for the Kent Wildlife Trust (KWT), dated 4 March 2013, to TWBC Development Control Officer, Ellen Gilbert in which he states, "The 2012 survey has demonstrated that Benenden hospital LWS is more valuable than previously believed. The applicant's consultant is now more firmly of the belief that the Site would fulfil the criteria for it to be considered a Site of Special Scientific Interest (paragraph 4.3.6.). The waxcap community is of national importance when judged against both the Reid classification (para 4.3.4.) and the JNCC Guidelines (para 4.3.5.)."

Nor is it supported by the view of the HW-AONB as stated in TWFDLP Comments (see DLP_3458) that the hospital LWS *"includes rare and vulnerable acid grassland which should form a core area for unimproved grassland as part of a High Weald nature recovery network."* Neither the KWT nor the HW-AONB offer any indication that one or other of the LWS at the hospital is of less value than the rest. Further, we now know from

(see web link),

Regulation 18 Representation made by Benenden Healthcare Society, November 2019, that BHS intends to abolish one of the two LWS in AL/BE3, see para 3.21. that "The Society supports the requirement for long-term management of the core areas of the LWS associated with the hospital land. This includes all but the modest area within the SEQ adjoining Peek Lodge which is too constraining on the South East Quadrant redevelopment proposals. Accordingly, the soils in the area will be translocated to a nearby receptor site to try to ensure that the rare fungi can continue to thrive in this local area."

In other words, far from supporting biodiversity, the BHS plan is to reduce it in AL/BE3 and the same is true of AL/BE4 see (in the same document) para 3.17. "In addition, as highlighted in paragraph 3.13 above, the Society do not intend to use the area in which the garage block is located as an extension to the Local Wildlife Site (LWS) or for additional sports provision. As such, the Society request that the requirement to specifically use the land occupied by the existing garage block and manage it in the long term for the benefit of the LWS and / or sports provision is removed from the policy requirement." Given this, biodiversity scoring in Table 58 of sites AL/BE3&4 is substantially overrated. Biodiversity at both sites is under threat.

Business Growth: AL/BE3&4 are scored as if they were more favourable to business growth than AL/BE1&2 and sites 158 and 222, but all four of these last-mentioned sites are in the heart of the village where residents will have ready access to local businesses as well as to daily bus services and other services and facilities. Residents at the East End, on the other hand, will have no access to local businesses except by car.

Education: All sites in this SA are scored equally for education, except for site 158 which scores less well. This SA report compares poorly with the SA which TWBC carried out on site 158 in 2006. 158 is parallel to and just north of the Street with its exit onto New Pond Road. In 2006 site 158 was chosen in a village referendum as the site for a new C of E primary school. It was the preferred site out of a

choice of two, both of which were greenfield. TWBC's 2006 SA on 158 decided (see page 18 of the *Sustainability Appraisal Benenden Church of England Primary School Land Allocation DPD - Issues and Options* report), that 158 was one of two top sites. "Situated adjacent to an area of ancient woodland, the site provides the potential for habitat linkages and wildlife corridors. The site is not adjacent to the CA [Conservation Area] and does not form a significant role in its setting. There are no Listed Buildings on or adjacent to the site. The site is consistent with the surrounding landscape character. There are limited views into the site and no public rights of way over the site." On page 38, we read, "This site is anticipated to have a major beneficial effect on improving educational standards and travel choice/traffic levels". In spite of the referendum result, the school was eventually built at the less preferred site and, since then, TWBC had been in consultation with 158's owners to build houses there. If, in 2006, the SA offered site 158 as one of two top sites in the village for building the new primary school, where is the evidence that it's appropriateness has somehow massively declined since then? Where is the evidence site 158 is less favourable to education than all the other sites mentioned, especially given that the hospital sites, so favoured for development, are three miles distant from the village school?

Table 58 states that "the education objective does not deteriorate when considering the cumulative effects as the schools in Tenterden will be a viable option for residents in East End." Children from the East End will have priority over the between 70 and 75% of the existing pupils at the school who come from outside the parish. On what basis is the assumption made that East End parents will prefer to drive their children 6 miles into Tenterden than drive to the primary school in their own village?

Heritage: AL/BE 3 scores slightly less well in terms of its heritage value than AL/BE4 without supporting evidence. How were heritage issues assessed when there is no apparent knowledge of the historic importance of the site, for example: the PSLP makes no mention of the Roman road a few yards south of AL/BE3; the medieval droveway (GGR), which runs through the site and along the ridge; and the Bronze Age palstaff found at the hospital site (National Monument Register - SMR Number/Hob UID). How can a site be scored or evaluated without at least some knowledge of the sites historic significance? This is available at <https://www.benendenvillage.org.uk/History/benweb2006.pdf>

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Services and Facilities: How can sites which are in the heart of the village such as 158 and 222, score the same as sites which are 3 miles distant and isolated in the country? The village has a daily bus service, continuous pavements on both sides of the street, several shops, including a post office, a general store, a butcher and a florist, as well as a pub/restaurant, village green, recreation ground, children's playground, church, memorial hall, village hall and a primary school. In spite of this, sites 158 and 222, both as close to the centre as AL/BE1&2, are described as lacking services and facilities including public transport (Appendix L pp 331-332) while the sites chosen for most houses are 3 miles out of the village where there are no amenities whatsoever. LS8 is also described as being remote, but it is only one mile from the village and connected to it by a paved footpath. It is close to a bus stop, a playground, tennis courts and a community hall and it is within walking distance of a pub/restaurant. How can its Services and Facilities be offered the same score as AL/BE3&4? These assessments are not understandable except if the sites were chosen before the SA (as is the case) and the SA had to be manipulated to support those original choices.

Question 6

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Question 5 above. (Please note that non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Many of the PSLP's problems are associated with failure in the duty to co-operate and can therefore not be remedied.

Many are due to poor evidence or poor interpretation of evidence. This too cannot be remedied.

In summary, development on site AL/BE3 should be limited to the existing, so far unused, planning permission for 24 houses, preferably by adapting the Garland Wing, which is a building of historic value, either to a wellness centre, in accordance with its original intention, or to a row of up to 10 terraced houses. Site AL/BE4 already has 18 semi-detached houses on it, and cannot support any more. It should therefore be excluded. Housing should be allocated to sites such as 158 and 222 in the village centre, or to LS8 in Iden Green. These sites all lie within walking distance of shops, other amenities and the primary school. Paragraphs 5.421 and 5.422 should be omitted.

Question 7

***Please note** the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.*

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

No, I do not wish to participate in examination hearing session(s)

Question 8

If you have any separate comments you wish to make on the accompanying Sustainability Appraisal, please make them here.

Sustainability Appraisal

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Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:

Yes, I wish to be notified of future stages of the Local Plan

Comment

Consultee	David Millen ([REDACTED])
Email Address	[REDACTED]
Address	- Benenden -
Event Name	Pre-Submission Local Plan
Comment by	David Millen ([REDACTED])
Comment ID	PSLP_1915
Response Date	04/06/21 14:54
Consultation Point	Policy AL/BE 2 Feoffee Cottages and land, Walkhurst Road, Benenden (View)
Status	Processed
Submission Type	Email
Version	0.5
Data inputter to enter their initials here	KH
Question 1	
Respondent's Name and/or Organisation	David Millen
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy AL/BE 1 Land adjacent to New Pond Road (known as Uphill), Benenden

Policy AL/BE2 2 Feoffee Cottages and Land, Walkhurst Road, Benenden

Policy AL/BE3 Land at Benenden Hospital (south of Goddards Green Road), East End

Policy AL/BE4 Land at Benenden Hospital (north of Goddards Green Road), East End

EN1 Sustainable Design

Sustainability Statement

[TWBC: this representation has been input against Policies AL/BE 1, AL/BE 2, AL/BE 3, AL/BE 4 and EN 1 – see Comment Numbers PSLP_1910, PSLP_1915, PSLP_1916, PSLP_1917 and PSLP_1918]

Question 4

Do you consider that the Local Plan:

Is legally compliant	No
Is sound	No
Complies with the Duty to Cooperate	No

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:	. It is not positively prepared
	. It is not effective
	. It is not justified
	. It is not consistent with national policy

Question 5

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

This representation relates to the Pre-submission Local Plan(PSLP) and its handling of the parish of Benenden

1 **The plan is unsound because of inadequacies in the consultation process.**

. Poor consultation between TWBC and other Borough Councils

A Statement of Common Ground (SoCG) between Maidstone and Tunbridge Wells Borough Councils (TWBC) is published, but nothing is apparently published in relation to Ashford Borough Council or Tonbridge and Malling Borough Council.

. **Poor consultation between TWBC, the parish of Benenden and the Benenden Healthcare Society (BHS), the single landowner of those sites in the East End of Benenden where most of Benenden's houses are allocated.**

. **There is no Statement of Common Ground between TWBC and the Benenden Neighbourhood Plan (BNP)** although a SoCG was listed as a supporting document to the BNP Reg 14. This is significant *because the two plans, though identical in their choice of sites, show different areas within those sites for development at the East End, and both plans differ from the view of BHS.* BHS's position is presented to the public through its comments on the first draft of the Local Plan (TWFDLP Comments) (see web link)

. Looking at the issue in terms of its hectareage:

. according to the PSLP the northern site (AL/BE4) is 3.72 ha and the South East Quadrant (SEQ or AL/BE3) is 3.07 ha;

. according to the Benenden Neighbourhood Plan (BNP), the northern site (called LS41 in the BNP, see para 2.9.4.2.) is 1.9 ha and SEQ (called 424 plus LS40b, see para 2.9.3.2) is 4.24 ha.

- according to BHS, the northern site is 3.7 ha and the southern site is 4.2 ha (see TWFDLP comments), Savills for BHS: DLP_4956)

The hectareage varies largely according to whether Local Wildlife Sites (LWS) are included in the development area. There are four LWS at the hospital. One of these lies in the northern area (AL/BE4) and two lie in the southern area (AL/BE3). The fourth is in an area not up for development.

- For AL/BE3, the PSLP excludes the second and the most southerly of its two Local Wildlife Sites (LWS), while the BNP *includes* both LWS. *Currently, Strutt and Parker are advertising to developers the larger, BNP version of the site for sale, together with Cleveland Farm.* The PSLP states that in the event of the BNP passing a referendum, its own plans for Benenden will be superseded by the BNP (see para 5.421). Which means the plan presented in the PSLP for AL/BE3 is incorrect.
- For AL/BE4, the PSLP *includes* all the LWS at the site, while the BNP includes only a small southerly section of it. The PSLP states that in the event of the BNP passing a referendum, its own plans for Benenden will be superseded by the BNP (see para 5.421). Which means the plan presented in the PSLP for AL/BE4 is incorrect.
- For AL/BE4, Savills' comments on behalf of the BHS (see TWFDLP comments), propose 43 dwellings for the site, which will include the LWS (see TWFDLP Comments, item DLP_4956 para 3.6), "Unlike the BNP, the TWLP is broader in the site area by providing a boundary encompassing the entire hospital site, yet aside from the discrepancy addressed previously in this representation the two allocations align in terms of proposed numbers. The Society intends to bring forward the development on the two sites identified through the BNP and *within the boundary identified in the TWLP.* The Society welcomes the consistent approach to unit numbers, and the allocation of both parcels of land through the draft BNP and the TWLP."

In terms of boundaries:

- BHS understands (see DLP_4956, para 2.8 in TWFDLP Comments) "The North East Quadrant occupies the North East of the site, bordered to the North and East by Mockbeggar Lane, to the south by Goddards Green Lane / Benenden Road and the West by existing hospital buildings." *In other words, it includes the entire LWS in its area.*
- To the south, BHS understands (see DLP_4956, para 2.9 in TWFDLP comments), "The South East Quadrant occupies the South East of the site, bordered to the north by Goddards Green Lane / Benenden Road, to the West by Green Lane and to the South and East by agricultural land and the High Weald AONB boundary." *In other words, it includes the whole of the more southerly of the two LWS at the site.*

This means that PSLP's AL/BE3 is inaccurate because the larger BNP plan will likely prevail, while the PSLP's AL/BE4 could be challenged by the BNP (if successful in a referendum) (see PSLP para 5.421) and substantially reduced in size. The PSLP's plans for the two hospital plans are therefore both potentially inaccurate.

A failure to coordinate and effectively consult has produced unsound documents.

- **Poor consultation with stakeholders, the local community and the neighbouring parish** (possibly even more affected by the plans than Benenden). These parties have either not been consulted, or consulted after the fact or consulted but not engaged with.
 - **The Friends of the East End (FEE)** are more affected by the plans than most in the parish but they were not consulted over the development of the BNP on which the PSLP is based. The FEE are mainly residents of the East End which covers about one third of the parish and is a wholly rural location of 76 scattered households. Because it is isolated, it was chosen as the site for an isolation hospital. This now makes up a small enclave close to the border with the neighbouring parish of Biddenden.
 - The BNP Steering Committee is the only one in the borough to have made its own site allocations and these allocations were published in an Informal Draft Plan in February 2019, before consultations with the High Weald -AONB and before inviting AECOM to produce a Strategic Environmental Assessment (SEA). (N.B. Even when the HW-AONB were invited to assess sites, they were NOT asked to assess the hospital sites).
 - The FEE object strongly to the proposal to site almost all the new housing in the East End, but the BNP Steering Committee never asked to meet the FEE nor engaged with them (See EN1 para 9 requiring the effective engagement of the local community, neighbours of sites and others).

- The FEE submitted three petitions, two to the BNP and one in relation to the LP. A FEE submission with 127 signatures was submitted on April 4th 2019 in response to the IDP (published on February 23, 2019), in which the allocations, later adopted by the PSLP were first set out. A second FEE submission with 164 signatures was submitted in October 2019 objecting to the TWFDLP, and in the same month, a third FEE submission with 167 signatures was submitted in relation to the Reg 16 draft BNP. Instead of acknowledging the strength of these views and the number of people who held them, the chair of the BNP Steering Group, who wrote a regular column in the Parish Magazine about the BNP process, wrote in January 2020, that only “31 residents from the East End” had sent in “comments”. For the strength of today’s opposition to the BNP, see the FEE’s current online petition with over 450 signatures <https://www.change.org/EastEndFriends>.
- Instead of being consulted, the FEE were ignored and belittled. They were informed on 11th March 2019 by the editor of the Parish Magazine (PM), husband of the Chair of the Parish Council, that “I’m of the view that much of the uncertainty has passed since the presentation of the plan to the village - to a highly favourable reception. At least we no longer have to give polite credence to *uninformed views* that fly in the face of TWBC policy and advocate direct and *pointless confrontation* with TWBC, thereby running the risk of having the entire BNDP thrown back in our faces. *The ensuing chaos hardly bears thinking about*. At least it seems the opinions now being afforded most weight are those of *people who have worked hard for two years to understand the issues* and come up with a coherent way forward.”
- Consultation also failed in relation to the neighbouring **parish of Biddenden**. The Clerk of Biddenden Council has repeatedly responded to Benenden Parish Council in the course of the BNP consultation process, but received only acknowledgments. A Kent County Councillor and Ashford Borough Councillor wrote an article about BNP’s mismanagement of consultations with the parish of Biddenden in the Biddenden Parish Magazine, February 2021.

2. The plan is unsound because of the untimely publication of site allocations

- Pre-Submission Local Plan, para 5.420 reads “The BNP was submitted to TWBC in October 2020 and was consulted on between 30 October and 11 December 2020.” But the allocations had already been made and published by the BNP in February 2019 in its so called “Informal Draft Plan”. The 2019 February allocations are virtually identical to the PSLP 2021 allocations. Para 5.420 states “The BNP proposes to include site allocation policies that follow the approach of the site allocation policies for Benenden in this Local Plan.” How can the BNP follow the PSLP’s approach when its sites were already allocated? Because the PSLP is founded on site allocations made by the BNP, the unsoundness of the latter carries over and produces unsoundness in the former.
- The LP is based on the BNP and BNP allocations were made before **consultations with stakeholders**. This is not consulting in a timely fashion. For example, the PSLP requires archaeological surveys of the hospital sites *after* the designation of the sites for development. Historic England (HE) asks for the surveys to be carried out *before* allocation (see TWFDLP Comments DLP_4556 - “we would expect the allocation of sites following on from this Strategy policy (STR1) to be subject to appropriately robust and detailed heritage impact assessment *prior to the allocations being adopted*.”

3. The plan is unsound because the evidence on which it is based is inaccurate or irrelevant

Supporting Documents

- AONB Setting Analysis report: Main Report and AONB Study Plans and Photographs Benenden Hospital/Hankinson Duckett Associates**. November 2020.

See para 4.4.2, the description of the hospital site is for the *entire built up-hospital area*, minus the southerly LWS in the SEQ. It is therefore a *report on an area not submitted in the PSLP*. As a result, it draws its conclusions from areas not included in the PSLP. The conclusions are therefore unsound.

The report:

- is concerned with adding 66-72 additional dwellings in addition to the 18 already extant on the northern site and presumably in addition to the 24 for which planning permission has been granted. That is between 108 and 114 new houses. The PSLP is talking about planning 43 houses for the

- northern sight and 49 for the south. A total of 92 new houses. The report muddies the waters, leaving no clarity.
- . fails to note items of critical importance in any attempt to evaluate the landscape and historic importance of the site e.g.
 - . that the site is on an east-west ridge giving it a dominant position in relation to the AONB;
 - . the east-west Roman Road running over Benenden Healthcare Society (BHS) land a few yards to the south of the site, and the medieval drove road (Goddards Green Road - GGR) which divides the northern site from the southern one;
 - . the National Monument Register which lists a Bronze Age palstaff (SMR Number/Hob UID) found at the hospital site, (though, oddly, the report does note Scheduled Monuments in the village);
 - . that the SEQ development proposes two entrances on to Green Lane and two on to GGR, see Transport Planning Associates (tpa)- October 2019 Scoping note for BHS, 1907-038 under the section headed 'Access', para 4 .4 "The consented vehicle access arrangements will be retained. Therefore, vehicle access to the Site will be taken from two access points along Goddards Green Road and two on Green Lane." (This and other documents were revealed to the FEE in May 2021 as a result of the BNP Independent Examiner's queries. In spite of the Examiner's request that all such material be published on-line, this document and the KCC Highways 13 Nov 2019 "Pre-App Response" have been not been published). Such entrances will seriously impact the AONB. Both Goddards Green and Green Lane are designated Rural Lanes, and, of the two, Green Lane is mentioned as a particularly high scoring lane (for its beauty and tranquillity) in *TWBC's Rural Lanes: Supplementary Planning Guidance*. Creating a series of broad entrances large enough so that an "11.4 m refuse vehicle can enter and leave the site in forward gear (see KCC Pre-App Response 13-11-19, a document revealed to the FEE as a result of the BNP Examiner's queries but not made public) would have a substantial effect on the AONB. Hankinson Duckett Associates ignore the issue (see Section 4 on Benenden in the main report and photos B1 and B2 in *Supporting Plans and Photographs , Benenden*).
 - . offers photos (B5 & B6) which are irrelevant to the site in question. These photos look south towards an area not up for development, and are taken from a point also not up for development. These omissions undermine the report's conclusion.
 - . ***Inset Map 18 (Benenden Hospital)***, unlike other maps attached as supporting documents to the PSLP, Inset Map 18 makes no reference to the AONB boundary. This is a significant omission because both the PSLP and the BNP claim that the hospital is outside the AONB and on this basis, largely justify placing most of Benenden's housing in the East End. Because AL/BE3&4 lie on a high ridge to the north of the parish and because the AONB boundary wraps tightly round the site which bulges, like a balloon, into the AONB, development at the East End significantly affects the AONB. While TWBC acknowledges this by requesting the Hankinson Duckett Report, by publishing Inset Map 18, which omits the AONB boundary, TWBC loses a critical opportunity to show the true relevance of AL/BE 3&4 to the AONB. It could even be said that by leaving out the boundary, there is an implication that the hospital sites are genuinely 'outside' the protected area.
 - . ***Previous Stages, Draft Local Plan, Benenden Overview***, p263, provides a basis for the PSLP but contains inaccuracies.
 - . There is no "pre-school/nursery" as stated in the Overview
 - . There is no "Small shop at hospital" as stated in the Overview
 - . The statement that there are tennis courts and a café at the site is misleading. In TWFDLP Comments, Savills requests (see DLP_4956 para 3.14) that "the requirement to incorporate the tennis courts and retain the sports pavilion is removed". As for the café, BHS states in its comments on the LP that the café is for hospital use only - "the existing hospital buildings ... have only been designed for hospital use". See TWFDLP detailed additional submissions from Savills "*Representation to the TWBC Draft Local Plan Regulation 18*" 2- Sept- 1Nov 2019 para 3.18 and 3.19)

4. **Sustainability Appraisal**

As far as the East End of Benenden is concerned, the plan is unsound because the **Sustainability Appraisal**, which is the heart of the planning process, provides evidence that is often incorrect, sometimes inadequate, but always untimely because the evidence on which site allocation should depend, follows, instead of precedes, site allocation. This was first published February 2019 in the

BNP's Informal Draft Plan. The allocations then made are identical (save for a few additional houses) to those now made in the PSLP. Site allocation cannot be supported in retrospect.

An examination of SA Table 58 pp 161-163 Sites AL/BE 3&4 and Appendix L pp 331-332 shows faults in the SA's evidence base.

Climate Change: AL/BE3&4 are not scored for climate change, nor are sites 158 & 222, yet, inexplicably, climate change is scored for AL/BE1&2 (Uphill and Feoffee) and for LS8. Where is the explanation for the failure to assess all sites, especially when sites 158, 222, AL/BE1&2 are all close to each other? The issue is particularly concerning in that sites AL/BE3&4 are both 3 miles distant from the village and without any amenities. Residents at these sites will be heavily car dependent and this was of concern even when only 24 houses were proposed for the site. "You will see from KCC's comments on the hybrid application (12/03130) that in consideration of this earlier application for 24 dwellings, the highways authority raised concern that all residents will be very heavily car dependent, which is contrary to a number of policy objectives, including the NPPF." (see KCC Pre-App Response, 13 Nov 2019, revealed in response to the BNP's Independent Examiner's queries and still not in the public arena).

Biodiversity: AL/BE3 is considered to be less at risk in terms of biodiversity than AL/BE4 though AL/BE 3 has two Local Wildlife Sites (LWS) while AL/BE 4 has only one. Where is the evidence to support the idea that the one is less important for biodiversity than the other?

The SA's scoring is not supported by evidence in a letter from Keith Nicholson of the Kent Wildlife Trust, former Planning and Conservation officer for the Kent Wildlife Trust (KWT), dated 4 March 2013, to TWBC Development Control Officer, Ellen Gilbert in which he states, "The 2012 survey has demonstrated that Benenden hospital LWS is more valuable than previously believed. The applicant's consultant is now more firmly of the belief that the Site would fulfil the criteria for it to be considered a Site of Special Scientific Interest (paragraph 4.3.6.). The waxcap community is of national importance when judged against both the Reid classification (para 4.3.4.) and the JNCC Guidelines (para 4.3.5.)."

Nor is it supported by the view of the HW-AONB as stated in TWFDLP Comments (see DLP_3458) that the hospital LWS *"includes rare and vulnerable acid grassland which should form a core area for unimproved grassland as part of a High Weald nature recovery network."* Neither the KWT nor the HW-AONB offer any indication that one or other of the LWS at the hospital is of less value than the rest. Further, we now know from

(see web link),

Regulation 18 Representation made by Benenden Healthcare Society, November 2019, that BHS intends to abolish one of the two LWS in AL/BE3, see para 3.21. that "The Society supports the requirement for long-term management of the core areas of the LWS associated with the hospital land. This includes all but the modest area within the SEQ adjoining Peek Lodge which is too constraining on the South East Quadrant redevelopment proposals. Accordingly, the soils in the area will be translocated to a nearby receptor site to try to ensure that the rare fungi can continue to thrive in this local area."

In other words, far from supporting biodiversity, the BHS plan is to reduce it in AL/BE3 and the same is true of AL/BE4 see (in the same document) para 3.17. "In addition, as highlighted in paragraph 3.13 above, the Society do not intend to use the area in which the garage block is located as an extension to the Local Wildlife Site (LWS) or for additional sports provision. As such, the Society request that the requirement to specifically use the land occupied by the existing garage block and manage it in the long term for the benefit of the LWS and / or sports provision is removed from the policy requirement." Given this, biodiversity scoring in Table 58 of sites AL/BE3&4 is substantially overrated. Biodiversity at both sites is under threat.

Business Growth: AL/BE3&4 are scored as if they were more favourable to business growth than AL/BE1&2 and sites 158 and 222, but all four of these last-mentioned sites are in the heart of the village where residents will have ready access to local businesses as well as to daily bus services and other services and facilities. Residents at the East End, on the other hand, will have no access to local businesses except by car.

Education: All sites in this SA are scored equally for education, except for site 158 which scores less well. This SA report compares poorly with the SA which TWBC carried out on site 158 in 2006. 158 is parallel to and just north of the Street with its exit onto New Pond Road. In 2006 site 158 was chosen in a village referendum as the site for a new C of E primary school. It was the preferred site out of a

choice of two, both of which were greenfield. TWBC's 2006 SA on 158 decided (see page 18 of the *Sustainability Appraisal Benenden Church of England Primary School Land Allocation DPD - Issues and Options* report), that 158 was one of two top sites. "Situated adjacent to an area of ancient woodland, the site provides the potential for habitat linkages and wildlife corridors. The site is not adjacent to the CA [Conservation Area] and does not form a significant role in its setting. There are no Listed Buildings on or adjacent to the site. The site is consistent with the surrounding landscape character. There are limited views into the site and no public rights of way over the site." On page 38, we read, "This site is anticipated to have a major beneficial effect on improving educational standards and travel choice/traffic levels". In spite of the referendum result, the school was eventually built at the less preferred site and, since then, TWBC had been in consultation with 158's owners to build houses there. If, in 2006, the SA offered site 158 as one of two top sites in the village for building the new primary school, where is the evidence that it's appropriateness has somehow massively declined since then? Where is the evidence site 158 is less favourable to education than all the other sites mentioned, especially given that the hospital sites, so favoured for development, are three miles distant from the village school?

Table 58 states that "the education objective does not deteriorate when considering the cumulative effects as the schools in Tenterden will be a viable option for residents in East End." Children from the East End will have priority over the between 70 and 75% of the existing pupils at the school who come from outside the parish. On what basis is the assumption made that East End parents will prefer to drive their children 6 miles into Tenterden than drive to the primary school in their own village?

Heritage: AL/BE 3 scores slightly less well in terms of its heritage value than AL/BE4 without supporting evidence. How were heritage issues assessed when there is no apparent knowledge of the historic importance of the site, for example: the PSLP makes no mention of the Roman road a few yards south of AL/BE3; the medieval droveway (GGR), which runs through the site and along the ridge; and the Bronze Age palstaff found at the hospital site (National Monument Register - SMR Number/Hob UID). How can a site be scored or evaluated without at least some knowledge of the site's historic significance? This is available at <https://www.benendenvillage.org.uk/History/benweb2006.pdf>

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Services and Facilities: How can sites which are in the heart of the village such as 158 and 222, score the same as sites which are 3 miles distant and isolated in the country? The village has a daily bus service, continuous pavements on both sides of the street, several shops, including a post office, a general store, a butcher and a florist, as well as a pub/restaurant, village green, recreation ground, children's playground, church, memorial hall, village hall and a primary school. In spite of this, sites 158 and 222, both as close to the centre as AL/BE1&2, are described as lacking services and facilities including public transport (Appendix L pp 331-332) while the sites chosen for most houses are 3 miles out of the village where there are no amenities whatsoever. LS8 is also described as being remote, but it is only one mile from the village and connected to it by a paved footpath. It is close to a bus stop, a playground, tennis courts and a community hall and it is within walking distance of a pub/restaurant. How can its Services and Facilities be offered the same score as AL/BE3&4? These assessments are not understandable except if the sites were chosen before the SA (as is the case) and the SA had to be manipulated to support those original choices.

Question 6

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Question 5 above. (Please note that non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Many of the PSLP's problems are associated with failure in the duty to co-operate and can therefore not be remedied.

Many are due to poor evidence or poor interpretation of evidence. This too cannot be remedied.

In summary, development on site AL/BE3 should be limited to the existing, so far unused, planning permission for 24 houses, preferably by adapting the Garland Wing, which is a building of historic value, either to a wellness centre, in accordance with its original intention, or to a row of up to 10 terraced houses. Site AL/BE4 already has 18 semi-detached houses on it, and cannot support any more. It should therefore be excluded. Housing should be allocated to sites such as 158 and 222 in the village centre, or to LS8 in Iden Green. These sites all lie within walking distance of shops, other amenities and the primary school. Paragraphs 5.421 and 5.422 should be omitted.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

No, I do not wish to participate in examination hearing session(s)

Question 8

If you have any separate comments you wish to make on the accompanying Sustainability Appraisal, please make them here.

Sustainability Appraisal

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Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:

Yes, I wish to be notified of future stages of the Local Plan

Comment

Consultee	David Millen ([REDACTED])
Email Address	[REDACTED]
Address	- Benenden -
Event Name	Pre-Submission Local Plan
Comment by	David Millen ([REDACTED])
Comment ID	PSLP_1916
Response Date	04/06/21 14:54
Consultation Point	Policy AL/BE 3 Land at Benenden Hospital (south of Goddards Green Road), East End (View)
Status	Processed
Submission Type	Email
Version	0.5
Data inputter to enter their initials here	KH
Question 1	
Respondent's Name and/or Organisation	David Millen
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy AL/BE 1 Land adjacent to New Pond Road (known as Uphill), Benenden

Policy AL/BE2 2 Feoffee Cottages and Land, Walkhurst Road, Benenden

Policy AL/BE3 Land at Benenden Hospital (south of Goddards Green Road), East End

Policy AL/BE4 Land at Benenden Hospital (north of Goddards Green Road), East End

EN1 Sustainable Design

Sustainability Statement

[TWBC: this representation has been input against Policies AL/BE 1, AL/BE 2, AL/BE 3, AL/BE 4 and EN 1 – see Comment Numbers PSLP_1910, PSLP_1915, PSLP_1916, PSLP_1917 and PSLP_1918]

Question 4

Do you consider that the Local Plan:

Is legally compliant	No
Is sound	No
Complies with the Duty to Cooperate	No

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:	. It is not positively prepared
	. It is not effective
	. It is not justified
	. It is not consistent with national policy

Question 5

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

This representation relates to the Pre-submission Local Plan(PSLP) and its handling of the parish of Benenden

1 **The plan is unsound because of inadequacies in the consultation process.**

. Poor consultation between TWBC and other Borough Councils

A Statement of Common Ground (SoCG) between Maidstone and Tunbridge Wells Borough Councils (TWBC) is published, but nothing is apparently published in relation to Ashford Borough Council or Tonbridge and Malling Borough Council.

. **Poor consultation between TWBC, the parish of Benenden and the Benenden Healthcare Society (BHS), the single landowner of those sites in the East End of Benenden where most of Benenden's houses are allocated.**

. **There is no Statement of Common Ground between TWBC and the Benenden Neighbourhood Plan (BNP)** although a SoCG was listed as a supporting document to the BNP Reg 14. This is significant *because the two plans, though identical in their choice of sites, show different areas within those sites for development at the East End, and both plans differ from the view of BHS.* BHS's position is presented to the public through its comments on the first draft of the Local Plan (TWFDLP Comments) (see web link)

. Looking at the issue in terms of its hectareage:

- . according to the PSLP the northern site (AL/BE4) is 3.72 ha and the South East Quadrant (SEQ or AL/BE3) is 3.07 ha;
- . according to the Benenden Neighbourhood Plan (BNP), the northern site (called LS41 in the BNP, see para 2.9.4.2.) is 1.9 ha and SEQ (called 424 plus LS40b, see para 2.9.3.2) is 4.24 ha.

- according to BHS, the northern site is 3.7 ha and the southern site is 4.2 ha (see TWFDLP comments), Savills for BHS: DLP_4956)

The hectareage varies largely according to whether Local Wildlife Sites (LWS) are included in the development area. There are four LWS at the hospital. One of these lies in the northern area (AL/BE4) and two lie in the southern area (AL/BE3). The fourth is in an area not up for development.

- For AL/BE3, the PSLP excludes the second and the most southerly of its two Local Wildlife Sites (LWS), while the BNP *includes* both LWS. *Currently, Strutt and Parker are advertising to developers the larger, BNP version of the site for sale, together with Cleveland Farm.* The PSLP states that in the event of the BNP passing a referendum, its own plans for Benenden will be superseded by the BNP (see para 5.421). Which means the plan presented in the PSLP for AL/BE3 is incorrect.
- For AL/BE4, the PSLP *includes* all the LWS at the site, while the BNP includes only a small southerly section of it. The PSLP states that in the event of the BNP passing a referendum, its own plans for Benenden will be superseded by the BNP (see para 5.421). Which means the plan presented in the PSLP for AL/BE4 is incorrect.
- For AL/BE4, Savills' comments on behalf of the BHS (see TWFDLP comments), propose 43 dwellings for the site, which will include the LWS (see TWFDLP Comments, item DLP_4956 para 3.6), "Unlike the BNP, the TWLP is broader in the site area by providing a boundary encompassing the entire hospital site, yet aside from the discrepancy addressed previously in this representation the two allocations align in terms of proposed numbers. The Society intends to bring forward the development on the two sites identified through the BNP and *within the boundary identified in the TWLP.* The Society welcomes the consistent approach to unit numbers, and the allocation of both parcels of land through the draft BNP and the TWLP."

In terms of boundaries:

- BHS understands (see DLP_4956, para 2.8 in TWFDLP Comments) "The North East Quadrant occupies the North East of the site, bordered to the North and East by Mockbeggar Lane, to the south by Goddards Green Lane / Benenden Road and the West by existing hospital buildings." *In other words, it includes the entire LWS in its area.*
- To the south, BHS understands (see DLP_4956, para 2.9 in TWFDLP comments), "The South East Quadrant occupies the South East of the site, bordered to the north by Goddards Green Lane / Benenden Road, to the West by Green Lane and to the South and East by agricultural land and the High Weald AONB boundary." *In other words, it includes the whole of the more southerly of the two LWS at the site.*

This means that PSLP's AL/BE3 is inaccurate because the larger BNP plan will likely prevail, while the PSLP's AL/BE4 could be challenged by the BNP (if successful in a referendum) (see PSLP para 5.421) and substantially reduced in size. The PSLP's plans for the two hospital plans are therefore both potentially inaccurate.

A failure to coordinate and effectively consult has produced unsound documents.

- **Poor consultation with stakeholders, the local community and the neighbouring parish** (possibly even more affected by the plans than Benenden). These parties have either not been consulted, or consulted after the fact or consulted but not engaged with.
 - **The Friends of the East End (FEE)** are more affected by the plans than most in the parish but they were not consulted over the development of the BNP on which the PSLP is based. The FEE are mainly residents of the East End which covers about one third of the parish and is a wholly rural location of 76 scattered households. Because it is isolated, it was chosen as the site for an isolation hospital. This now makes up a small enclave close to the border with the neighbouring parish of Biddenden.
 - The BNP Steering Committee is the only one in the borough to have made its own site allocations and these allocations were published in an Informal Draft Plan in February 2019, before consultations with the High Weald -AONB and before inviting AECOM to produce a Strategic Environmental Assessment (SEA). (N.B. Even when the HW-AONB were invited to assess sites, they were NOT asked to assess the hospital sites).
 - The FEE object strongly to the proposal to site almost all the new housing in the East End, but the BNP Steering Committee never asked to meet the FEE nor engaged with them (See EN1 para 9 requiring the effective engagement of the local community, neighbours of sites and others).

- The FEE submitted three petitions, two to the BNP and one in relation to the LP. A FEE submission with 127 signatures was submitted on April 4th 2019 in response to the IDP (published on February 23, 2019), in which the allocations, later adopted by the PSLP were first set out. A second FEE submission with 164 signatures was submitted in October 2019 objecting to the TWFDLP, and in the same month, a third FEE submission with 167 signatures was submitted in relation to the Reg 16 draft BNP. Instead of acknowledging the strength of these views and the number of people who held them, the chair of the BNP Steering Group, who wrote a regular column in the Parish Magazine about the BNP process, wrote in January 2020, that only “31 residents from the East End” had sent in “comments”. For the strength of today’s opposition to the BNP, see the FEE’s current online petition with over 450 signatures <https://www.change.org/EastEndFriends>.
- Instead of being consulted, the FEE were ignored and belittled. They were informed on 11th March 2019 by the editor of the Parish Magazine (PM), husband of the Chair of the Parish Council, that “I’m of the view that much of the uncertainty has passed since the presentation of the plan to the village - to a highly favourable reception. At least we no longer have to give polite credence to *uninformed views* that fly in the face of TWBC policy and advocate direct and *pointless confrontation* with TWBC, thereby running the risk of having the entire BNDP thrown back in our faces. *The ensuing chaos hardly bears thinking about*. At least it seems the opinions now being afforded most weight are those of *people who have worked hard for two years to understand the issues* and come up with a coherent way forward.”
- Consultation also failed in relation to the neighbouring **parish of Biddenden**. The Clerk of Biddenden Council has repeatedly responded to Benenden Parish Council in the course of the BNP consultation process, but received only acknowledgments. A Kent County Councillor and Ashford Borough Councillor wrote an article about BNP’s mismanagement of consultations with the parish of Biddenden in the Biddenden Parish Magazine, February 2021.

2. The plan is unsound because of the untimely publication of site allocations

- Pre-Submission Local Plan, para 5.420 reads “The BNP was submitted to TWBC in October 2020 and was consulted on between 30 October and 11 December 2020.” But the allocations had already been made and published by the BNP in February 2019 in its so called “Informal Draft Plan”. The 2019 February allocations are virtually identical to the PSLP 2021 allocations. Para 5.420 states “The BNP proposes to include site allocation policies that follow the approach of the site allocation policies for Benenden in this Local Plan.” How can the BNP follow the PSLP’s approach when its sites were already allocated? Because the PSLP is founded on site allocations made by the BNP, the unsoundness of the latter carries over and produces unsoundness in the former.
- The LP is based on the BNP and BNP allocations were made before **consultations with stakeholders**. This is not consulting in a timely fashion. For example, the PSLP requires archaeological surveys of the hospital sites *after* the designation of the sites for development. Historic England (HE) asks for the surveys to be carried out *before* allocation (see TWFDLP Comments DLP_4556 - “we would expect the allocation of sites following on from this Strategy policy (STR1) to be subject to appropriately robust and detailed heritage impact assessment *prior to the allocations being adopted*.”

3. The plan is unsound because the evidence on which it is based is inaccurate or irrelevant

Supporting Documents

- AONB Setting Analysis report: Main Report and AONB Study Plans and Photographs Benenden Hospital/Hankinson Duckett Associates**. November 2020.

See para 4.4.2, the description of the hospital site is for the *entire built up-hospital area*, minus the southerly LWS in the SEQ. It is therefore a *report on an area not submitted in the PSLP*. As a result, it draws its conclusions from areas not included in the PSLP. The conclusions are therefore unsound.

The report:

- is concerned with adding 66-72 additional dwellings in addition to the 18 already extant on the northern site and presumably in addition to the 24 for which planning permission has been granted. That is between 108 and 114 new houses. The PSLP is talking about planning 43 houses for the

- northern sight and 49 for the south. A total of 92 new houses. The report muddies the waters, leaving no clarity.
- . fails to note items of critical importance in any attempt to evaluate the landscape and historic importance of the site e.g.
 - . that the site is on an east-west ridge giving it a dominant position in relation to the AONB;
 - . the east-west Roman Road running over Benenden Healthcare Society (BHS) land a few yards to the south of the site, and the medieval drove road (Goddards Green Road - GGR) which divides the northern site from the southern one;
 - . the National Monument Register which lists a Bronze Age palstaff (SMR Number/Hob UID) found at the hospital site, (though, oddly, the report does note Scheduled Monuments in the village);
 - . that the SEQ development proposes two entrances on to Green Lane and two on to GGR, see Transport Planning Associates (tpa)- October 2019 Scoping note for BHS, 1907-038 under the section headed 'Access', para 4 .4 "The consented vehicle access arrangements will be retained. Therefore, vehicle access to the Site will be taken from two access points along Goddards Green Road and two on Green Lane." (This and other documents were revealed to the FEE in May 2021 as a result of the BNP Independent Examiner's queries. In spite of the Examiner's request that all such material be published on-line, this document and the KCC Highways 13 Nov 2019 "Pre-App Response" have been not been published). Such entrances will seriously impact the AONB. Both Goddards Green and Green Lane are designated Rural Lanes, and, of the two, Green Lane is mentioned as a particularly high scoring lane (for its beauty and tranquillity) in *TWBC's Rural Lanes: Supplementary Planning Guidance*. Creating a series of broad entrances large enough so that an "11.4 m refuse vehicle can enter and leave the site in forward gear (see KCC Pre-App Response 13-11-19, a document revealed to the FEE as a result of the BNP Examiner's queries but not made public) would have a substantial effect on the AONB. Hankinson Duckett Associates ignore the issue (see Section 4 on Benenden in the main report and photos B1 and B2 in *Supporting Plans and Photographs , Benenden*).
 - . offers photos (B5 & B6) which are irrelevant to the site in question. These photos look south towards an area not up for development, and are taken from a point also not up for development. These omissions undermine the report's conclusion.
 - . ***Inset Map 18 (Benenden Hospital)***, unlike other maps attached as supporting documents to the PSLP, Inset Map 18 makes no reference to the AONB boundary. This is a significant omission because both the PSLP and the BNP claim that the hospital is outside the AONB and on this basis, largely justify placing most of Benenden's housing in the East End. Because AL/BE3&4 lie on a high ridge to the north of the parish and because the AONB boundary wraps tightly round the site which bulges, like a balloon, into the AONB, development at the East End significantly affects the AONB. While TWBC acknowledges this by requesting the Hankinson Duckett Report, by publishing Inset Map 18, which omits the AONB boundary, TWBC loses a critical opportunity to show the true relevance of AL/BE 3&4 to the AONB. It could even be said that by leaving out the boundary, there is an implication that the hospital sites are genuinely 'outside' the protected area.
 - . ***Previous Stages, Draft Local Plan, Benenden Overview***, p263, provides a basis for the PSLP but contains inaccuracies.
 - . There is no "pre-school/nursery" as stated in the Overview
 - . There is no "Small shop at hospital" as stated in the Overview
 - . The statement that there are tennis courts and a café at the site is misleading. In TWFDLP Comments, Savills requests (see DLP_4956 para 3.14) that "the requirement to incorporate the tennis courts and retain the sports pavilion is removed". As for the café, BHS states in its comments on the LP that the café is for hospital use only - "the existing hospital buildings ... have only been designed for hospital use". See TWFDLP detailed additional submissions from Savills "*Representation to the TWBC Draft Local Plan Regulation 18*" 2- Sept- 1Nov 2019 para 3.18 and 3.19)

4. **Sustainability Appraisal**

As far as the East End of Benenden is concerned, the plan is unsound because the **Sustainability Appraisal**, which is the heart of the planning process, provides evidence that is often incorrect, sometimes inadequate, but always untimely because the evidence on which site allocation should depend, follows, instead of precedes, site allocation. This was first published February 2019 in the

BNP's Informal Draft Plan. The allocations then made are identical (save for a few additional houses) to those now made in the PSLP. Site allocation cannot be supported in retrospect.

An examination of SA Table 58 pp 161-163 Sites AL/BE 3&4 and Appendix L pp 331-332 shows faults in the SA's evidence base.

Climate Change: AL/BE3&4 are not scored for climate change, nor are sites 158 & 222, yet, inexplicably, climate change is scored for AL/BE1&2 (Uphill and Feoffee) and for LS8. Where is the explanation for the failure to assess all sites, especially when sites 158, 222, AL/BE1&2 are all close to each other? The issue is particularly concerning in that sites AL/BE3&4 are both 3 miles distant from the village and without any amenities. Residents at these sites will be heavily car dependent and this was of concern even when only 24 houses were proposed for the site. "You will see from KCC's comments on the hybrid application (12/03130) that in consideration of this earlier application for 24 dwellings, the highways authority raised concern that all residents will be very heavily car dependent, which is contrary to a number of policy objectives, including the NPPF." (see KCC Pre-App Response, 13 Nov 2019, revealed in response to the BNP's Independent Examiner's queries and still not in the public arena).

Biodiversity: AL/BE3 is considered to be less at risk in terms of biodiversity than AL/BE4 though AL/BE 3 has two Local Wildlife Sites (LWS) while AL/BE 4 has only one. Where is the evidence to support the idea that the one is less important for biodiversity than the other?

The SA's scoring is not supported by evidence in a letter from Keith Nicholson of the Kent Wildlife Trust, former Planning and Conservation officer for the Kent Wildlife Trust (KWT), dated 4 March 2013, to TWBC Development Control Officer, Ellen Gilbert in which he states, "The 2012 survey has demonstrated that Benenden hospital LWS is more valuable than previously believed. The applicant's consultant is now more firmly of the belief that the Site would fulfil the criteria for it to be considered a Site of Special Scientific Interest (paragraph 4.3.6.). The waxcap community is of national importance when judged against both the Reid classification (para 4.3.4.) and the JNCC Guidelines (para 4.3.5.)."

Nor is it supported by the view of the HW-AONB as stated in TWFDLP Comments (see DLP_3458) that the hospital LWS *"includes rare and vulnerable acid grassland which should form a core area for unimproved grassland as part of a High Weald nature recovery network."* Neither the KWT nor the HW-AONB offer any indication that one or other of the LWS at the hospital is of less value than the rest. Further, we now know from

(see web link),

Regulation 18 Representation made by Benenden Healthcare Society, November 2019, that BHS intends to abolish one of the two LWS in AL/BE3, see para 3.21. that "The Society supports the requirement for long-term management of the core areas of the LWS associated with the hospital land. This includes all but the modest area within the SEQ adjoining Peek Lodge which is too constraining on the South East Quadrant redevelopment proposals. Accordingly, the soils in the area will be translocated to a nearby receptor site to try to ensure that the rare fungi can continue to thrive in this local area."

In other words, far from supporting biodiversity, the BHS plan is to reduce it in AL/BE3 and the same is true of AL/BE4 see (in the same document) para 3.17. "In addition, as highlighted in paragraph 3.13 above, the Society do not intend to use the area in which the garage block is located as an extension to the Local Wildlife Site (LWS) or for additional sports provision. As such, the Society request that the requirement to specifically use the land occupied by the existing garage block and manage it in the long term for the benefit of the LWS and / or sports provision is removed from the policy requirement." Given this, biodiversity scoring in Table 58 of sites AL/BE3&4 is substantially overrated. Biodiversity at both sites is under threat.

Business Growth: AL/BE3&4 are scored as if they were more favourable to business growth than AL/BE1&2 and sites 158 and 222, but all four of these last-mentioned sites are in the heart of the village where residents will have ready access to local businesses as well as to daily bus services and other services and facilities. Residents at the East End, on the other hand, will have no access to local businesses except by car.

Education: All sites in this SA are scored equally for education, except for site 158 which scores less well. This SA report compares poorly with the SA which TWBC carried out on site 158 in 2006. 158 is parallel to and just north of the Street with its exit onto New Pond Road. In 2006 site 158 was chosen in a village referendum as the site for a new C of E primary school. It was the preferred site out of a

choice of two, both of which were greenfield. TWBC's 2006 SA on 158 decided (see page 18 of the *Sustainability Appraisal Benenden Church of England Primary School Land Allocation DPD - Issues and Options* report), that 158 was one of two top sites. "Situated adjacent to an area of ancient woodland, the site provides the potential for habitat linkages and wildlife corridors. The site is not adjacent to the CA [Conservation Area] and does not form a significant role in its setting. There are no Listed Buildings on or adjacent to the site. The site is consistent with the surrounding landscape character. There are limited views into the site and no public rights of way over the site." On page 38, we read, "This site is anticipated to have a major beneficial effect on improving educational standards and travel choice/traffic levels". In spite of the referendum result, the school was eventually built at the less preferred site and, since then, TWBC had been in consultation with 158's owners to build houses there. If, in 2006, the SA offered site 158 as one of two top sites in the village for building the new primary school, where is the evidence that it's appropriateness has somehow massively declined since then? Where is the evidence site 158 is less favourable to education than all the other sites mentioned, especially given that the hospital sites, so favoured for development, are three miles distant from the village school?

Table 58 states that "the education objective does not deteriorate when considering the cumulative effects as the schools in Tenterden will be a viable option for residents in East End." Children from the East End will have priority over the between 70 and 75% of the existing pupils at the school who come from outside the parish. On what basis is the assumption made that East End parents will prefer to drive their children 6 miles into Tenterden than drive to the primary school in their own village?

Heritage: AL/BE 3 scores slightly less well in terms of its heritage value than AL/BE4 without supporting evidence. How were heritage issues assessed when there is no apparent knowledge of the historic importance of the site, for example: the PSLP makes no mention of the Roman road a few yards south of AL/BE3; the medieval droveway (GGR), which runs through the site and along the ridge; and the Bronze Age palstaff found at the hospital site (National Monument Register - SMR Number/Hob UID). How can a site be scored or evaluated without at least some knowledge of the sites historic significance? This is available at <https://www.benendenvillage.org.uk/History/benweb2006.pdf>

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Services and Facilities: How can sites which are in the heart of the village such as 158 and 222, score the same as sites which are 3 miles distant and isolated in the country? The village has a daily bus service, continuous pavements on both sides of the street, several shops, including a post office, a general store, a butcher and a florist, as well as a pub/restaurant, village green, recreation ground, children's playground, church, memorial hall, village hall and a primary school. In spite of this, sites 158 and 222, both as close to the centre as AL/BE1&2, are described as lacking services and facilities including public transport (Appendix L pp 331-332) while the sites chosen for most houses are 3 miles out of the village where there are no amenities whatsoever. LS8 is also described as being remote, but it is only one mile from the village and connected to it by a paved footpath. It is close to a bus stop, a playground, tennis courts and a community hall and it is within walking distance of a pub/restaurant. How can its Services and Facilities be offered the same score as AL/BE3&4? These assessments are not understandable except if the sites were chosen before the SA (as is the case) and the SA had to be manipulated to support those original choices.

Question 6

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Question 5 above. (Please note that non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Many of the PSLP's problems are associated with failure in the duty to co-operate and can therefore not be remedied.

Many are due to poor evidence or poor interpretation of evidence. This too cannot be remedied.

In summary, development on site AL/BE3 should be limited to the existing, so far unused, planning permission for 24 houses, preferably by adapting the Garland Wing, which is a building of historic value, either to a wellness centre, in accordance with its original intention, or to a row of up to 10 terraced houses. Site AL/BE4 already has 18 semi-detached houses on it, and cannot support any more. It should therefore be excluded. Housing should be allocated to sites such as 158 and 222 in the village centre, or to LS8 in Iden Green. These sites all lie within walking distance of shops, other amenities and the primary school. Paragraphs 5.421 and 5.422 should be omitted.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

No, I do not wish to participate in examination hearing session(s)

Question 8

If you have any separate comments you wish to make on the accompanying Sustainability Appraisal, please make them here.

Sustainability Appraisal

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Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:

Yes, I wish to be notified of future stages of the Local Plan

Comment

Consultee	David Millen [REDACTED]
Email Address	[REDACTED]
Address	- Benenden -
Event Name	Pre-Submission Local Plan
Comment by	David Millen [REDACTED]
Comment ID	PSLP_1917
Response Date	04/06/21 14:54
Consultation Point	Policy AL/BE 4 Land at Benenden Hospital (north of Goddards Green Road), East End (View)
Status	Processed
Submission Type	Email
Version	0.4
Data inputter to enter their initials here	KH
Question 1	
Respondent's Name and/or Organisation	David Millen
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy AL/BE 1 Land adjacent to New Pond Road (known as Uphill), Benenden

Policy AL/BE2 2 Feoffee Cottages and Land, Walkhurst Road, Benenden

Policy AL/BE3 Land at Benenden Hospital (south of Goddards Green Road), East End

Policy AL/BE4 Land at Benenden Hospital (north of Goddards Green Road), East End

EN1 Sustainable Design

Sustainability Statement

[TWBC: this representation has been input against Policies AL/BE 1, AL/BE 2, AL/BE 3, AL/BE 4 and EN 1 – see Comment Numbers PSLP_1910, PSLP_1915, PSLP_1916, PSLP_1917 and PSLP_1918]

Question 4

Do you consider that the Local Plan:

Is legally compliant	No
Is sound	No
Complies with the Duty to Cooperate	No

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:	. It is not positively prepared
	. It is not effective
	. It is not justified
	. It is not consistent with national policy

Question 5

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

This representation relates to the Pre-submission Local Plan(PSLP) and its handling of the parish of Benenden

1 **The plan is unsound because of inadequacies in the consultation process.**

. Poor consultation between TWBC and other Borough Councils

A Statement of Common Ground (SoCG) between Maidstone and Tunbridge Wells Borough Councils (TWBC) is published, but nothing is apparently published in relation to Ashford Borough Council or Tonbridge and Malling Borough Council.

. **Poor consultation between TWBC, the parish of Benenden and the Benenden Healthcare Society (BHS), the single landowner of those sites in the East End of Benenden where most of Benenden's houses are allocated.**

. **There is no Statement of Common Ground between TWBC and the Benenden Neighbourhood Plan (BNP)** although a SoCG was listed as a supporting document to the BNP Reg 14. This is significant *because the two plans, though identical in their choice of sites, show different areas within those sites for development at the East End, and both plans differ from the view of BHS.* BHS's position is presented to the public through its comments on the first draft of the Local Plan (TWFDLP Comments) (see web link)

. Looking at the issue in terms of its hectareage:

. according to the PSLP the northern site (AL/BE4) is 3.72 ha and the South East Quadrant (SEQ or AL/BE3) is 3.07 ha;

. according to the Benenden Neighbourhood Plan (BNP), the northern site (called LS41 in the BNP, see para 2.9.4.2.) is 1.9 ha and SEQ (called 424 plus LS40b, see para 2.9.3.2) is 4.24 ha.

- according to BHS, the northern site is 3.7 ha and the southern site is 4.2 ha (see TWFDLP comments), Savills for BHS: DLP_4956)

The hectareage varies largely according to whether Local Wildlife Sites (LWS) are included in the development area. There are four LWS at the hospital. One of these lies in the northern area (AL/BE4) and two lie in the southern area (AL/BE3). The fourth is in an area not up for development.

- For AL/BE3, the PSLP excludes the second and the most southerly of its two Local Wildlife Sites (LWS), while the BNP *includes* both LWS. *Currently, Strutt and Parker are advertising to developers the larger, BNP version of the site for sale, together with Cleveland Farm.* The PSLP states that in the event of the BNP passing a referendum, its own plans for Benenden will be superseded by the BNP (see para 5.421). Which means the plan presented in the PSLP for AL/BE3 is incorrect.
- For AL/BE4, the PSLP *includes* all the LWS at the site, while the BNP includes only a small southerly section of it. The PSLP states that in the event of the BNP passing a referendum, its own plans for Benenden will be superseded by the BNP (see para 5.421). Which means the plan presented in the PSLP for AL/BE4 is incorrect.
- For AL/BE4, Savills' comments on behalf of the BHS (see TWFDLP comments), propose 43 dwellings for the site, which will include the LWS (see TWFDLP Comments, item DLP_4956 para 3.6), "Unlike the BNP, the TWLP is broader in the site area by providing a boundary encompassing the entire hospital site, yet aside from the discrepancy addressed previously in this representation the two allocations align in terms of proposed numbers. The Society intends to bring forward the development on the two sites identified through the BNP and *within the boundary identified in the TWLP.* The Society welcomes the consistent approach to unit numbers, and the allocation of both parcels of land through the draft BNP and the TWLP."

In terms of boundaries:

- BHS understands (see DLP_4956, para 2.8 in TWFDLP Comments) "The North East Quadrant occupies the North East of the site, bordered to the North and East by Mockbeggar Lane, to the south by Goddards Green Lane / Benenden Road and the West by existing hospital buildings." *In other words, it includes the entire LWS in its area.*
- To the south, BHS understands (see DLP_4956, para 2.9 in TWFDLP comments), "The South East Quadrant occupies the South East of the site, bordered to the north by Goddards Green Lane / Benenden Road, to the West by Green Lane and to the South and East by agricultural land and the High Weald AONB boundary." *In other words, it includes the whole of the more southerly of the two LWS at the site.*

This means that PSLP's AL/BE3 is inaccurate because the larger BNP plan will likely prevail, while the PSLP's AL/BE4 could be challenged by the BNP (if successful in a referendum) (see PSLP para 5.421) and substantially reduced in size. The PSLP's plans for the two hospital plans are therefore both potentially inaccurate.

A failure to coordinate and effectively consult has produced unsound documents.

- **Poor consultation with stakeholders, the local community and the neighbouring parish** (possibly even more affected by the plans than Benenden). These parties have either not been consulted, or consulted after the fact or consulted but not engaged with.
 - **The Friends of the East End (FEE)** are more affected by the plans than most in the parish but they were not consulted over the development of the BNP on which the PSLP is based. The FEE are mainly residents of the East End which covers about one third of the parish and is a wholly rural location of 76 scattered households. Because it is isolated, it was chosen as the site for an isolation hospital. This now makes up a small enclave close to the border with the neighbouring parish of Biddenden.
 - The BNP Steering Committee is the only one in the borough to have made its own site allocations and these allocations were published in an Informal Draft Plan in February 2019, before consultations with the High Weald -AONB and before inviting AECOM to produce a Strategic Environmental Assessment (SEA). (N.B. Even when the HW-AONB were invited to assess sites, they were NOT asked to assess the hospital sites).
 - The FEE object strongly to the proposal to site almost all the new housing in the East End, but the BNP Steering Committee never asked to meet the FEE nor engaged with them (See EN1 para 9 requiring the effective engagement of the local community, neighbours of sites and others).

- The FEE submitted three petitions, two to the BNP and one in relation to the LP. A FEE submission with 127 signatures was submitted on April 4th 2019 in response to the IDP (published on February 23, 2019), in which the allocations, later adopted by the PSLP were first set out. A second FEE submission with 164 signatures was submitted in October 2019 objecting to the TWFDLP, and in the same month, a third FEE submission with 167 signatures was submitted in relation to the Reg 16 draft BNP. Instead of acknowledging the strength of these views and the number of people who held them, the chair of the BNP Steering Group, who wrote a regular column in the Parish Magazine about the BNP process, wrote in January 2020, that only “31 residents from the East End” had sent in “comments”. For the strength of today’s opposition to the BNP, see the FEE’s current online petition with over 450 signatures <https://www.change.org/EastEndFriends>.
- Instead of being consulted, the FEE were ignored and belittled. They were informed on 11th March 2019 by the editor of the Parish Magazine (PM), husband of the Chair of the Parish Council, that “I’m of the view that much of the uncertainty has passed since the presentation of the plan to the village - to a highly favourable reception. At least we no longer have to give polite credence to *uninformed views* that fly in the face of TWBC policy and advocate direct and *pointless confrontation* with TWBC, thereby running the risk of having the entire BNDP thrown back in our faces. *The ensuing chaos hardly bears thinking about*. At least it seems the opinions now being afforded most weight are those of *people who have worked hard for two years to understand the issues* and come up with a coherent way forward.”
- Consultation also failed in relation to the neighbouring **parish of Biddenden**. The Clerk of Biddenden Council has repeatedly responded to Benenden Parish Council in the course of the BNP consultation process, but received only acknowledgments. A Kent County Councillor and Ashford Borough Councillor wrote an article about BNP’s mismanagement of consultations with the parish of Biddenden in the Biddenden Parish Magazine, February 2021.

2. The plan is unsound because of the untimely publication of site allocations

- Pre-Submission Local Plan, para 5.420 reads “The BNP was submitted to TWBC in October 2020 and was consulted on between 30 October and 11 December 2020.” But the allocations had already been made and published by the BNP in February 2019 in its so called “Informal Draft Plan”. The 2019 February allocations are virtually identical to the PSLP 2021 allocations. Para 5.420 states “The BNP proposes to include site allocation policies that follow the approach of the site allocation policies for Benenden in this Local Plan.” How can the BNP follow the PSLP’s approach when its sites were already allocated? Because the PSLP is founded on site allocations made by the BNP, the unsoundness of the latter carries over and produces unsoundness in the former.
- The LP is based on the BNP and BNP allocations were made before **consultations with stakeholders**. This is not consulting in a timely fashion. For example, the PSLP requires archaeological surveys of the hospital sites *after* the designation of the sites for development. Historic England (HE) asks for the surveys to be carried out *before* allocation (see TWFDLP Comments DLP_4556 - “we would expect the allocation of sites following on from this Strategy policy (STR1) to be subject to appropriately robust and detailed heritage impact assessment *prior to the allocations being adopted*.”

3. The plan is unsound because the evidence on which it is based is inaccurate or irrelevant

Supporting Documents

- AONB Setting Analysis report: Main Report and AONB Study Plans and Photographs Benenden Hospital/Hankinson Duckett Associates**. November 2020.

See para 4.4.2, the description of the hospital site is for the *entire built up-hospital area*, minus the southerly LWS in the SEQ. It is therefore a *report on an area not submitted in the PSLP*. As a result, it draws its conclusions from areas not included in the PSLP. The conclusions are therefore unsound.

The report:

- is concerned with adding 66-72 additional dwellings in addition to the 18 already extant on the northern site and presumably in addition to the 24 for which planning permission has been granted. That is between 108 and 114 new houses. The PSLP is talking about planning 43 houses for the

- northern sight and 49 for the south. A total of 92 new houses. The report muddies the waters, leaving no clarity.
- . fails to note items of critical importance in any attempt to evaluate the landscape and historic importance of the site e.g.
 - . that the site is on an east-west ridge giving it a dominant position in relation to the AONB;
 - . the east-west Roman Road running over Benenden Healthcare Society (BHS) land a few yards to the south of the site, and the medieval drove road (Goddards Green Road - GGR) which divides the northern site from the southern one;
 - . the National Monument Register which lists a Bronze Age palstaff (SMR Number/Hob UID) found at the hospital site, (though, oddly, the report does note Scheduled Monuments in the village);
 - . that the SEQ development proposes two entrances on to Green Lane and two on to GGR, see Transport Planning Associates (tpa)- October 2019 Scoping note for BHS, 1907-038 under the section headed 'Access', para 4 .4 "The consented vehicle access arrangements will be retained. Therefore, vehicle access to the Site will be taken from two access points along Goddards Green Road and two on Green Lane." (This and other documents were revealed to the FEE in May 2021 as a result of the BNP Independent Examiner's queries. In spite of the Examiner's request that all such material be published on-line, this document and the KCC Highways 13 Nov 2019 "Pre-App Response" have been not been published). Such entrances will seriously impact the AONB. Both Goddards Green and Green Lane are designated Rural Lanes, and, of the two, Green Lane is mentioned as a particularly high scoring lane (for its beauty and tranquillity) in *TWBC's Rural Lanes: Supplementary Planning Guidance*. Creating a series of broad entrances large enough so that an "11.4 m refuse vehicle can enter and leave the site in forward gear (see KCC Pre-App Response 13-11-19, a document revealed to the FEE as a result of the BNP Examiner's queries but not made public) would have a substantial effect on the AONB. Hankinson Duckett Associates ignore the issue (see Section 4 on Benenden in the main report and photos B1 and B2 in *Supporting Plans and Photographs , Benenden*).
 - . offers photos (B5 & B6) which are irrelevant to the site in question. These photos look south towards an area not up for development, and are taken from a point also not up for development. These omissions undermine the report's conclusion.
 - . ***Inset Map 18 (Benenden Hospital)***, unlike other maps attached as supporting documents to the PSLP, Inset Map 18 makes no reference to the AONB boundary. This is a significant omission because both the PSLP and the BNP claim that the hospital is outside the AONB and on this basis, largely justify placing most of Benenden's housing in the East End. Because AL/BE3&4 lie on a high ridge to the north of the parish and because the AONB boundary wraps tightly round the site which bulges, like a balloon, into the AONB, development at the East End significantly affects the AONB. While TWBC acknowledges this by requesting the Hankinson Duckett Report, by publishing Inset Map 18, which omits the AONB boundary, TWBC loses a critical opportunity to show the true relevance of AL/BE 3&4 to the AONB. It could even be said that by leaving out the boundary, there is an implication that the hospital sites are genuinely 'outside' the protected area.
 - . ***Previous Stages, Draft Local Plan, Benenden Overview***, p263, provides a basis for the PSLP but contains inaccuracies.
 - . There is no "pre-school/nursery" as stated in the Overview
 - . There is no "Small shop at hospital" as stated in the Overview
 - . The statement that there are tennis courts and a café at the site is misleading. In TWFDLP Comments, Savills requests (see DLP_4956 para 3.14) that "the requirement to incorporate the tennis courts and retain the sports pavilion is removed". As for the café, BHS states in its comments on the LP that the café is for hospital use only - "the existing hospital buildings ... have only been designed for hospital use". See TWFDLP detailed additional submissions from Savills "*Representation to the TWBC Draft Local Plan Regulation 18*" 2- Sept- 1Nov 2019 para 3.18 and 3.19)

4. **Sustainability Appraisal**

As far as the East End of Benenden is concerned, the plan is unsound because the **Sustainability Appraisal**, which is the heart of the planning process, provides evidence that is often incorrect, sometimes inadequate, but always untimely because the evidence on which site allocation should depend, follows, instead of precedes, site allocation. This was first published February 2019 in the

BNP's Informal Draft Plan. The allocations then made are identical (save for a few additional houses) to those now made in the PSLP. Site allocation cannot be supported in retrospect.

An examination of SA Table 58 pp 161-163 Sites AL/BE 3&4 and Appendix L pp 331-332 shows faults in the SA's evidence base.

Climate Change: AL/BE3&4 are not scored for climate change, nor are sites 158 & 222, yet, inexplicably, climate change is scored for AL/BE1&2 (Uphill and Feoffee) and for LS8. Where is the explanation for the failure to assess all sites, especially when sites 158, 222, AL/BE1&2 are all close to each other? The issue is particularly concerning in that sites AL/BE3&4 are both 3 miles distant from the village and without any amenities. Residents at these sites will be heavily car dependent and this was of concern even when only 24 houses were proposed for the site. "You will see from KCC's comments on the hybrid application (12/03130) that in consideration of this earlier application for 24 dwellings, the highways authority raised concern that all residents will be very heavily car dependent, which is contrary to a number of policy objectives, including the NPPF." (see KCC Pre-App Response, 13 Nov 2019, revealed in response to the BNP's Independent Examiner's queries and still not in the public arena).

Biodiversity: AL/BE3 is considered to be less at risk in terms of biodiversity than AL/BE4 though AL/BE 3 has two Local Wildlife Sites (LWS) while AL/BE 4 has only one. Where is the evidence to support the idea that the one is less important for biodiversity than the other?

The SA's scoring is not supported by evidence in a letter from Keith Nicholson of the Kent Wildlife Trust, former Planning and Conservation officer for the Kent Wildlife Trust (KWT), dated 4 March 2013, to TWBC Development Control Officer, Ellen Gilbert in which he states, "The 2012 survey has demonstrated that Benenden hospital LWS is more valuable than previously believed. The applicant's consultant is now more firmly of the belief that the Site would fulfil the criteria for it to be considered a Site of Special Scientific Interest (paragraph 4.3.6.). The waxcap community is of national importance when judged against both the Reid classification (para 4.3.4.) and the JNCC Guidelines (para 4.3.5.)."

Nor is it supported by the view of the HW-AONB as stated in TWFDLP Comments (see DLP_3458) that the hospital LWS *"includes rare and vulnerable acid grassland which should form a core area for unimproved grassland as part of a High Weald nature recovery network."* Neither the KWT nor the HW-AONB offer any indication that one or other of the LWS at the hospital is of less value than the rest. Further, we now know from

(see web link),

Regulation 18 Representation made by Benenden Healthcare Society, November 2019, that BHS intends to abolish one of the two LWS in AL/BE3, see para 3.21. that "The Society supports the requirement for long-term management of the core areas of the LWS associated with the hospital land. This includes all but the modest area within the SEQ adjoining Peek Lodge which is too constraining on the South East Quadrant redevelopment proposals. Accordingly, the soils in the area will be translocated to a nearby receptor site to try to ensure that the rare fungi can continue to thrive in this local area."

In other words, far from supporting biodiversity, the BHS plan is to reduce it in AL/BE3 and the same is true of AL/BE4 see (in the same document) para 3.17. "In addition, as highlighted in paragraph 3.13 above, the Society do not intend to use the area in which the garage block is located as an extension to the Local Wildlife Site (LWS) or for additional sports provision. As such, the Society request that the requirement to specifically use the land occupied by the existing garage block and manage it in the long term for the benefit of the LWS and / or sports provision is removed from the policy requirement." Given this, biodiversity scoring in Table 58 of sites AL/BE3&4 is substantially overrated. Biodiversity at both sites is under threat.

Business Growth: AL/BE3&4 are scored as if they were more favourable to business growth than AL/BE1&2 and sites 158 and 222, but all four of these last-mentioned sites are in the heart of the village where residents will have ready access to local businesses as well as to daily bus services and other services and facilities. Residents at the East End, on the other hand, will have no access to local businesses except by car.

Education: All sites in this SA are scored equally for education, except for site 158 which scores less well. This SA report compares poorly with the SA which TWBC carried out on site 158 in 2006. 158 is parallel to and just north of the Street with its exit onto New Pond Road. In 2006 site 158 was chosen in a village referendum as the site for a new C of E primary school. It was the preferred site out of a

choice of two, both of which were greenfield. TWBC's 2006 SA on 158 decided (see page 18 of the *Sustainability Appraisal Benenden Church of England Primary School Land Allocation DPD - Issues and Options* report), that 158 was one of two top sites. "Situated adjacent to an area of ancient woodland, the site provides the potential for habitat linkages and wildlife corridors. The site is not adjacent to the CA [Conservation Area] and does not form a significant role in its setting. There are no Listed Buildings on or adjacent to the site. The site is consistent with the surrounding landscape character. There are limited views into the site and no public rights of way over the site." On page 38, we read, "This site is anticipated to have a major beneficial effect on improving educational standards and travel choice/traffic levels". In spite of the referendum result, the school was eventually built at the less preferred site and, since then, TWBC had been in consultation with 158's owners to build houses there. If, in 2006, the SA offered site 158 as one of two top sites in the village for building the new primary school, where is the evidence that it's appropriateness has somehow massively declined since then? Where is the evidence site 158 is less favourable to education than all the other sites mentioned, especially given that the hospital sites, so favoured for development, are three miles distant from the village school?

Table 58 states that "the education objective does not deteriorate when considering the cumulative effects as the schools in Tenterden will be a viable option for residents in East End." Children from the East End will have priority over the between 70 and 75% of the existing pupils at the school who come from outside the parish. On what basis is the assumption made that East End parents will prefer to drive their children 6 miles into Tenterden than drive to the primary school in their own village?

Heritage: AL/BE 3 scores slightly less well in terms of its heritage value than AL/BE4 without supporting evidence. How were heritage issues assessed when there is no apparent knowledge of the historic importance of the site, for example: the PSLP makes no mention of the Roman road a few yards south of AL/BE3; the medieval droveway (GGR), which runs through the site and along the ridge; and the Bronze Age palstaff found at the hospital site (National Monument Register - SMR Number/Hob UID). How can a site be scored or evaluated without at least some knowledge of the sites historic significance? This is available at <https://www.benendenvillage.org.uk/History/benweb2006.pdf>

and advertised on the Benenden village website.

Services and Facilities: How can sites which are in the heart of the village such as 158 and 222, score the same as sites which are 3 miles distant and isolated in the country? The village has a daily bus service, continuous pavements on both sides of the street, several shops, including a post office, a general store, a butcher and a florist, as well as a pub/restaurant, village green, recreation ground, children's playground, church, memorial hall, village hall and a primary school. In spite of this, sites 158 and 222, both as close to the centre as AL/BE1&2, are described as lacking services and facilities including public transport (Appendix L pp 331-332) while the sites chosen for most houses are 3 miles out of the village where there are no amenities whatsoever. LS8 is also described as being remote, but it is only one mile from the village and connected to it by a paved footpath. It is close to a bus stop, a playground, tennis courts and a community hall and it is within walking distance of a pub/restaurant. How can its Services and Facilities be offered the same score as AL/BE3&4? These assessments are not understandable except if the sites were chosen before the SA (as is the case) and the SA had to be manipulated to support those original choices.

Question 6

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Question 5 above. (Please note that non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Many of the PSLP's problems are associated with failure in the duty to co-operate and can therefore not be remedied.

Many are due to poor evidence or poor interpretation of evidence. This too cannot be remedied.

In summary, development on site AL/BE3 should be limited to the existing, so far unused, planning permission for 24 houses, preferably by adapting the Garland Wing, which is a building of historic value, either to a wellness centre, in accordance with its original intention, or to a row of up to 10 terraced houses. Site AL/BE4 already has 18 semi-detached houses on it, and cannot support any more. It should therefore be excluded. Housing should be allocated to sites such as 158 and 222 in the village centre, or to LS8 in Iden Green. These sites all lie within walking distance of shops, other amenities and the primary school. Paragraphs 5.421 and 5.422 should be omitted.

Question 7

***Please note** the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.*

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

No, I do not wish to participate in examination hearing session(s)

Question 8

If you have any separate comments you wish to make on the accompanying Sustainability Appraisal, please make them here.

Sustainability Appraisal

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Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:

Yes, I wish to be notified of future stages of the Local Plan

Comment

Consultee	David Millen [REDACTED]
Email Address	[REDACTED]
Address	- Benenden -
Event Name	Pre-Submission Local Plan
Comment by	David Millen [REDACTED]
Comment ID	PSLP_1918
Response Date	04/06/21 14:54
Consultation Point	Policy EN 1 Sustainable Design (View)
Status	Processed
Submission Type	Email
Version	0.5
Data inputter to enter their initials here	KH
Question 1	
Respondent's Name and/or Organisation	David Millen
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy AL/BE 1 Land adjacent to New Pond Road (known as Uphill), Benenden

Policy AL/BE2 2 Feoffee Cottages and Land, Walkhurst Road, Benenden

Policy AL/BE3 Land at Benenden Hospital (south of Goddards Green Road), East End

Policy AL/BE4 Land at Benenden Hospital (north of Goddards Green Road), East End

EN1 Sustainable Design

Sustainability Statement

[TWBC: this representation has been input against Policies AL/BE 1, AL/BE 2, AL/BE 3, AL/BE 4 and EN 1 – see Comment Numbers PSLP_1910, PSLP_1915, PSLP_1916, PSLP_1917 and PSLP_1918]

Question 4

Do you consider that the Local Plan:

Is legally compliant	No
Is sound	No
Complies with the Duty to Cooperate	No

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:	. It is not positively prepared
	. It is not effective
	. It is not justified
	. It is not consistent with national policy

Question 5

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

This representation relates to the Pre-submission Local Plan(PSLP) and its handling of the parish of Benenden

1 **The plan is unsound because of inadequacies in the consultation process.**

. Poor consultation between TWBC and other Borough Councils

A Statement of Common Ground (SoCG) between Maidstone and Tunbridge Wells Borough Councils (TWBC) is published, but nothing is apparently published in relation to Ashford Borough Council or Tonbridge and Malling Borough Council.

. **Poor consultation between TWBC, the parish of Benenden and the Benenden Healthcare Society (BHS), the single landowner of those sites in the East End of Benenden where most of Benenden's houses are allocated.**

. **There is no Statement of Common Ground between TWBC and the Benenden Neighbourhood Plan (BNP)** although a SoCG was listed as a supporting document to the BNP Reg 14. This is significant *because the two plans, though identical in their choice of sites, show different areas within those sites for development at the East End, and both plans differ from the view of BHS.* BHS's position is presented to the public through its comments on the first draft of the Local Plan (TWFDLP Comments) (see web link)

. Looking at the issue in terms of its hectareage:

. according to the PSLP the northern site (AL/BE4) is 3.72 ha and the South East Quadrant (SEQ or AL/BE3) is 3.07 ha;

. according to the Benenden Neighbourhood Plan (BNP), the northern site (called LS41 in the BNP, see para 2.9.4.2.) is 1.9 ha and SEQ (called 424 plus LS40b, see para 2.9.3.2) is 4.24 ha.

- according to BHS, the northern site is 3.7 ha and the southern site is 4.2 ha (see TWFDLP comments), Savills for BHS: DLP_4956)

The hectareage varies largely according to whether Local Wildlife Sites (LWS) are included in the development area. There are four LWS at the hospital. One of these lies in the northern area (AL/BE4) and two lie in the southern area (AL/BE3). The fourth is in an area not up for development.

- For AL/BE3, the PSLP excludes the second and the most southerly of its two Local Wildlife Sites (LWS), while the BNP *includes* both LWS. *Currently, Strutt and Parker are advertising to developers the larger, BNP version of the site for sale, together with Cleveland Farm.* The PSLP states that in the event of the BNP passing a referendum, its own plans for Benenden will be superseded by the BNP (see para 5.421). Which means the plan presented in the PSLP for AL/BE3 is incorrect.
- For AL/BE4, the PSLP *includes* all the LWS at the site, while the BNP includes only a small southerly section of it. The PSLP states that in the event of the BNP passing a referendum, its own plans for Benenden will be superseded by the BNP (see para 5.421). Which means the plan presented in the PSLP for AL/BE4 is incorrect.
- For AL/BE4, Savills' comments on behalf of the BHS (see TWFDLP comments), propose 43 dwellings for the site, which will include the LWS (see TWFDLP Comments, item DLP_4956 para 3.6), "Unlike the BNP, the TWLP is broader in the site area by providing a boundary encompassing the entire hospital site, yet aside from the discrepancy addressed previously in this representation the two allocations align in terms of proposed numbers. The Society intends to bring forward the development on the two sites identified through the BNP and *within the boundary identified in the TWLP.* The Society welcomes the consistent approach to unit numbers, and the allocation of both parcels of land through the draft BNP and the TWLP."

In terms of boundaries:

- BHS understands (see DLP_4956, para 2.8 in TWFDLP Comments) "The North East Quadrant occupies the North East of the site, bordered to the North and East by Mockbeggar Lane, to the south by Goddards Green Lane / Benenden Road and the West by existing hospital buildings." *In other words, it includes the entire LWS in its area.*
- To the south, BHS understands (see DLP_4956, para 2.9 in TWFDLP comments), "The South East Quadrant occupies the South East of the site, bordered to the north by Goddards Green Lane / Benenden Road, to the West by Green Lane and to the South and East by agricultural land and the High Weald AONB boundary." *In other words, it includes the whole of the more southerly of the two LWS at the site.*

This means that PSLP's AL/BE3 is inaccurate because the larger BNP plan will likely prevail, while the PSLP's AL/BE4 could be challenged by the BNP (if successful in a referendum) (see PSLP para 5.421) and substantially reduced in size. The PSLP's plans for the two hospital plans are therefore both potentially inaccurate.

A failure to coordinate and effectively consult has produced unsound documents.

- **Poor consultation with stakeholders, the local community and the neighbouring parish** (possibly even more affected by the plans than Benenden). These parties have either not been consulted, or consulted after the fact or consulted but not engaged with.
 - **The Friends of the East End (FEE)** are more affected by the plans than most in the parish but they were not consulted over the development of the BNP on which the PSLP is based. The FEE are mainly residents of the East End which covers about one third of the parish and is a wholly rural location of 76 scattered households. Because it is isolated, it was chosen as the site for an isolation hospital. This now makes up a small enclave close to the border with the neighbouring parish of Biddenden.
 - The BNP Steering Committee is the only one in the borough to have made its own site allocations and these allocations were published in an Informal Draft Plan in February 2019, before consultations with the High Weald -AONB and before inviting AECOM to produce a Strategic Environmental Assessment (SEA). (N.B. Even when the HW-AONB were invited to assess sites, they were NOT asked to assess the hospital sites).
 - The FEE object strongly to the proposal to site almost all the new housing in the East End, but the BNP Steering Committee never asked to meet the FEE nor engaged with them (See EN1 para 9 requiring the effective engagement of the local community, neighbours of sites and others).

- The FEE submitted three petitions, two to the BNP and one in relation to the LP. A FEE submission with 127 signatures was submitted on April 4th 2019 in response to the IDP (published on February 23, 2019), in which the allocations, later adopted by the PSLP were first set out. A second FEE submission with 164 signatures was submitted in October 2019 objecting to the TWFDLP, and in the same month, a third FEE submission with 167 signatures was submitted in relation to the Reg 16 draft BNP. Instead of acknowledging the strength of these views and the number of people who held them, the chair of the BNP Steering Group, who wrote a regular column in the Parish Magazine about the BNP process, wrote in January 2020, that only “31 residents from the East End” had sent in “comments”. For the strength of today’s opposition to the BNP, see the FEE’s current online petition with over 450 signatures <https://www.change.org/EastEndFriends>.
- Instead of being consulted, the FEE were ignored and belittled. They were informed on 11th March 2019 by the editor of the Parish Magazine (PM), husband of the Chair of the Parish Council, that “I’m of the view that much of the uncertainty has passed since the presentation of the plan to the village - to a highly favourable reception. At least we no longer have to give polite credence to *uninformed views* that fly in the face of TWBC policy and advocate direct and *pointless confrontation* with TWBC, thereby running the risk of having the entire BNDP thrown back in our faces. *The ensuing chaos hardly bears thinking about*. At least it seems the opinions now being afforded most weight are those of *people who have worked hard for two years to understand the issues* and come up with a coherent way forward.”
- Consultation also failed in relation to the neighbouring **parish of Biddenden**. The Clerk of Biddenden Council has repeatedly responded to Benenden Parish Council in the course of the BNP consultation process, but received only acknowledgments. A Kent County Councillor and Ashford Borough Councillor wrote an article about BNP’s mismanagement of consultations with the parish of Biddenden in the Biddenden Parish Magazine, February 2021.

2. The plan is unsound because of the untimely publication of site allocations

- Pre-Submission Local Plan, para 5.420 reads “The BNP was submitted to TWBC in October 2020 and was consulted on between 30 October and 11 December 2020.” But the allocations had already been made and published by the BNP in February 2019 in its so called “Informal Draft Plan”. The 2019 February allocations are virtually identical to the PSLP 2021 allocations. Para 5.420 states “The BNP proposes to include site “allocation policies that follow the approach of the site allocation policies for Benenden in this Local Plan.” How can the BNP follow the PSLP’s approach when its sites were already allocated? Because the PSLP is founded on site allocations made by the BNP, the unsoundness of the latter carries over and produces unsoundness in the former.
- The LP is based on the BNP and BNP allocations were made before **consultations with stakeholders**. This is not consulting in a timely fashion. For example, the PSLP requires archaeological surveys of the hospital sites *after* the designation of the sites for development. Historic England (HE) asks for the surveys to be carried out *before* allocation (see TWFDLP Comments DLP_4556 - “we would expect the allocation of sites following on from this Strategy policy (STR1) to be subject to appropriately robust and detailed heritage impact assessment *prior to the allocations being adopted*.”

3. The plan is unsound because the evidence on which it is based is inaccurate or irrelevant

Supporting Documents

- AONB Setting Analysis report: Main Report and AONB Study Plans and Photographs Benenden Hospital/Hankinson Duckett Associates**. November 2020.

See para 4.4.2, the description of the hospital site is for the *entire built up-hospital area*, minus the southerly LWS in the SEQ. It is therefore a *report on an area not submitted in the PSLP*. As a result, it draws its conclusions from areas not included in the PSLP. The conclusions are therefore unsound.

The report:

- is concerned with adding 66-72 additional dwellings in addition to the 18 already extant on the northern site and presumably in addition to the 24 for which planning permission has been granted. That is between 108 and 114 new houses. The PSLP is talking about planning 43 houses for the

- northern sight and 49 for the south. A total of 92 new houses. The report muddies the waters, leaving no clarity.
- . fails to note items of critical importance in any attempt to evaluate the landscape and historic importance of the site e.g.
 - . that the site is on an east-west ridge giving it a dominant position in relation to the AONB;
 - . the east-west Roman Road running over Benenden Healthcare Society (BHS) land a few yards to the south of the site, and the medieval drove road (Goddards Green Road - GGR) which divides the northern site from the southern one;
 - . the National Monument Register which lists a Bronze Age palstaff (SMR Number/Hob UID) found at the hospital site, (though, oddly, the report does note Scheduled Monuments in the village);
 - . that the SEQ development proposes two entrances on to Green Lane and two on to GGR, see Transport Planning Associates (tpa)- October 2019 Scoping note for BHS, 1907-038 under the section headed 'Access', para 4 .4 "The consented vehicle access arrangements will be retained. Therefore, vehicle access to the Site will be taken from two access points along Goddards Green Road and two on Green Lane." (This and other documents were revealed to the FEE in May 2021 as a result of the BNP Independent Examiner's queries. In spite of the Examiner's request that all such material be published on-line, this document and the KCC Highways 13 Nov 2019 "Pre-App Response" have been not been published). Such entrances will seriously impact the AONB. Both Goddards Green and Green Lane are designated Rural Lanes, and, of the two, Green Lane is mentioned as a particularly high scoring lane (for its beauty and tranquillity) in *TWBC's Rural Lanes: Supplementary Planning Guidance*. Creating a series of broad entrances large enough so that an "11.4 m refuse vehicle can enter and leave the site in forward gear (see KCC Pre-App Response 13-11-19, a document revealed to the FEE as a result of the BNP Examiner's queries but not made public) would have a substantial effect on the AONB. Hankinson Duckett Associates ignore the issue (see Section 4 on Benenden in the main report and photos B1 and B2 in *Supporting Plans and Photographs* , Benenden).
 - . offers photos (B5 & B6) which are irrelevant to the site in question. These photos look south towards an area not up for development, and are taken from a point also not up for development. These omissions undermine the report's conclusion.
 - . ***Inset Map 18 (Benenden Hospital)***, unlike other maps attached as supporting documents to the PSLP, Inset Map 18 makes no reference to the AONB boundary. This is a significant omission because both the PSLP and the BNP claim that the hospital is outside the AONB and on this basis, largely justify placing most of Benenden's housing in the East End. Because AL/BE3&4 lie on a high ridge to the north of the parish and because the AONB boundary wraps tightly round the site which bulges, like a balloon, into the AONB, development at the East End significantly affects the AONB. While TWBC acknowledges this by requesting the Hankinson Duckett Report, by publishing Inset Map 18, which omits the AONB boundary, TWBC loses a critical opportunity to show the true relevance of AL/BE 3&4 to the AONB. It could even be said that by leaving out the boundary, there is an implication that the hospital sites are genuinely 'outside' the protected area.
 - . ***Previous Stages, Draft Local Plan, Benenden Overview***, p263, provides a basis for the PSLP but contains inaccuracies.
 - . There is no "pre-school/nursery" as stated in the Overview
 - . There is no "Small shop at hospital" as stated in the Overview
 - . The statement that there are tennis courts and a café at the site is misleading. In TWFDLP Comments, Savills requests (see DLP_4956 para 3.14) that "the requirement to incorporate the tennis courts and retain the sports pavilion is removed". As for the café, BHS states in its comments on the LP that the café is for hospital use only - "the existing hospital buildings ... have only been designed for hospital use". See TWFDLP detailed additional submissions from Savills "*Representation to the TWBC Draft Local Plan Regulation 18*" 2- Sept- 1Nov 2019 para 3.18 and 3.19)

4. **Sustainability Appraisal**

As far as the East End of Benenden is concerned, the plan is unsound because the **Sustainability Appraisal**, which is the heart of the planning process, provides evidence that is often incorrect, sometimes inadequate, but always untimely because the evidence on which site allocation should depend, follows, instead of precedes, site allocation. This was first published February 2019 in the

BNP's Informal Draft Plan. The allocations then made are identical (save for a few additional houses) to those now made in the PSLP. Site allocation cannot be supported in retrospect.

An examination of SA Table 58 pp 161-163 Sites AL/BE 3&4 and Appendix L pp 331-332 shows faults in the SA's evidence base.

Climate Change: AL/BE3&4 are not scored for climate change, nor are sites 158 & 222, yet, inexplicably, climate change is scored for AL/BE1&2 (Uphill and Feoffee) and for LS8. Where is the explanation for the failure to assess all sites, especially when sites 158, 222, AL/BE1&2 are all close to each other? The issue is particularly concerning in that sites AL/BE3&4 are both 3 miles distant from the village and without any amenities. Residents at these sites will be heavily car dependent and this was of concern even when only 24 houses were proposed for the site. "You will see from KCC's comments on the hybrid application (12/03130) that in consideration of this earlier application for 24 dwellings, the highways authority raised concern that all residents will be very heavily car dependent, which is contrary to a number of policy objectives, including the NPPF." (see KCC Pre-App Response, 13 Nov 2019, revealed in response to the BNP's Independent Examiner's queries and still not in the public arena).

Biodiversity: AL/BE3 is considered to be less at risk in terms of biodiversity than AL/BE4 though AL/BE 3 has two Local Wildlife Sites (LWS) while AL/BE 4 has only one. Where is the evidence to support the idea that the one is less important for biodiversity than the other?

The SA's scoring is not supported by evidence in a letter from Keith Nicholson of the Kent Wildlife Trust, former Planning and Conservation officer for the Kent Wildlife Trust (KWT), dated 4 March 2013, to TWBC Development Control Officer, Ellen Gilbert in which he states, "The 2012 survey has demonstrated that Benenden hospital LWS is more valuable than previously believed. The applicant's consultant is now more firmly of the belief that the Site would fulfil the criteria for it to be considered a Site of Special Scientific Interest (paragraph 4.3.6.). The waxcap community is of national importance when judged against both the Reid classification (para 4.3.4.) and the JNCC Guidelines (para 4.3.5.)."

Nor is it supported by the view of the HW-AONB as stated in TWFDLP Comments (see DLP_3458) that the hospital LWS *"includes rare and vulnerable acid grassland which should form a core area for unimproved grassland as part of a High Weald nature recovery network."* Neither the KWT nor the HW-AONB offer any indication that one or other of the LWS at the hospital is of less value than the rest. Further, we now know from

(see web link),

Regulation 18 Representation made by Benenden Healthcare Society, November 2019, that BHS intends to abolish one of the two LWS in AL/BE3, see para 3.21. that "The Society supports the requirement for long-term management of the core areas of the LWS associated with the hospital land. This includes all but the modest area within the SEQ adjoining Peek Lodge which is too constraining on the South East Quadrant redevelopment proposals. Accordingly, the soils in the area will be translocated to a nearby receptor site to try to ensure that the rare fungi can continue to thrive in this local area."

In other words, far from supporting biodiversity, the BHS plan is to reduce it in AL/BE3 and the same is true of AL/BE4 see (in the same document) para 3.17. "In addition, as highlighted in paragraph 3.13 above, the Society do not intend to use the area in which the garage block is located as an extension to the Local Wildlife Site (LWS) or for additional sports provision. As such, the Society request that the requirement to specifically use the land occupied by the existing garage block and manage it in the long term for the benefit of the LWS and / or sports provision is removed from the policy requirement." Given this, biodiversity scoring in Table 58 of sites AL/BE3&4 is substantially overrated. Biodiversity at both sites is under threat.

Business Growth: AL/BE3&4 are scored as if they were more favourable to business growth than AL/BE1&2 and sites 158 and 222, but all four of these last-mentioned sites are in the heart of the village where residents will have ready access to local businesses as well as to daily bus services and other services and facilities. Residents at the East End, on the other hand, will have no access to local businesses except by car.

Education: All sites in this SA are scored equally for education, except for site 158 which scores less well. This SA report compares poorly with the SA which TWBC carried out on site 158 in 2006. 158 is parallel to and just north of the Street with its exit onto New Pond Road. In 2006 site 158 was chosen in a village referendum as the site for a new C of E primary school. It was the preferred site out of a

choice of two, both of which were greenfield. TWBC's 2006 SA on 158 decided (see page 18 of the *Sustainability Appraisal Benenden Church of England Primary School Land Allocation DPD - Issues and Options* report), that 158 was one of two top sites. "Situated adjacent to an area of ancient woodland, the site provides the potential for habitat linkages and wildlife corridors. The site is not adjacent to the CA [Conservation Area] and does not form a significant role in its setting. There are no Listed Buildings on or adjacent to the site. The site is consistent with the surrounding landscape character. There are limited views into the site and no public rights of way over the site." On page 38, we read, "This site is anticipated to have a major beneficial effect on improving educational standards and travel choice/traffic levels". In spite of the referendum result, the school was eventually built at the less preferred site and, since then, TWBC had been in consultation with 158's owners to build houses there. If, in 2006, the SA offered site 158 as one of two top sites in the village for building the new primary school, where is the evidence that it's appropriateness has somehow massively declined since then? Where is the evidence site 158 is less favourable to education than all the other sites mentioned, especially given that the hospital sites, so favoured for development, are three miles distant from the village school?

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Question 6

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Question 5 above. (Please note that non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Many of the PSLP's problems are associated with failure in the duty to co-operate and can therefore not be remedied.

Many are due to poor evidence or poor interpretation of evidence. This too cannot be remedied.

In summary, development on site AL/BE3 should be limited to the existing, so far unused, planning permission for 24 houses, preferably by adapting the Garland Wing, which is a building of historic value, either to a wellness centre, in accordance with its original intention, or to a row of up to 10 terraced houses. Site AL/BE4 already has 18 semi-detached houses on it, and cannot support any more. It should therefore be excluded. Housing should be allocated to sites such as 158 and 222 in the village centre, or to LS8 in Iden Green. These sites all lie within walking distance of shops, other amenities and the primary school. Paragraphs 5.421 and 5.422 should be omitted.

Question 7

***Please note** the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.*

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

No, I do not wish to participate in examination hearing session(s)

Question 8

If you have any separate comments you wish to make on the accompanying Sustainability Appraisal, please make them here.

Sustainability Appraisal

As far as the East End of Benenden is concerned, the plan is unsound because the Sustainability Appraisal, which is the heart of the planning process, provides evidence that is often incorrect, sometimes inadequate, but always untimely because the evidence on which site allocation should depend, follows, instead of precedes, site allocation. This was first published February 2019 in the BNP's Informal Draft Plan. The allocations then made are identical (save for a few additional houses) to those now made in the PSLP. Site allocation cannot be supported in retrospect.

An examination of SA Table 58 pp 161-163 Sites AL/BE 3&4 and Appendix L pp 331-332 shows faults in the SA's evidence base.

Climate Change: AL/BE3&4 are not scored for climate change, nor are sites 158 & 222, yet, inexplicably, climate change is scored for AL/BE1&2 (Uphill and Feoffee) and for LS8. Where is the explanation for the failure to assess all sites, especially when sites 158, 222, AL/BE1&2 are all close to each other? The issue is particularly concerning in that sites AL/BE3&4 are both 3 miles distant from the village and without any amenities. Residents at these sites will be heavily car dependent and this was of concern even when only 24 houses were proposed for the site. "You will see from KCC's comments on the hybrid application (12/03130) that in consideration of this earlier application for 24 dwellings, the highways authority raised concern that all residents will be very heavily car dependent, which is contrary to a number of policy objectives, including the NPPF." (see KCC Pre-App Response, 13 Nov 2019, revealed in response to the BNP's Independent Examiner's queries and still not in the public arena).

Biodiversity: AL/BE3 is considered to be less at risk in terms of biodiversity than AL/BE4 though AL/BE 3 has two Local Wildlife Sites (LWS) while AL/BE 4 has only one. Where is the evidence to support the idea that the one is less important for biodiversity than the other?

The SA's scoring is not supported by evidence in a letter from Keith Nicholson of the Kent Wildlife Trust, former Planning and Conservation officer for the Kent Wildlife Trust (KWT), dated 4 March 2013, to TWBC Development Control Officer, Ellen Gilbert in which he states, "The 2012 survey has demonstrated that Benenden hospital LWS is more valuable than previously believed. The applicant's consultant is now more firmly of the belief that the Site would fulfil the criteria for it to be considered a Site of Special Scientific Interest (paragraph 4.3.6.). The waxcap community is of national importance when judged against both the Reid classification (para 4.3.4.) and the JNCC Guidelines (para 4.3.5.)." Nor is it supported by the view of the HW-AONB as stated in TWFDLP Comments (see DLP_3458) that the hospital LWS "includes rare and vulnerable acid grassland which should form a core area for

unimproved grassland as part of a High Weald nature recovery network.” Neither the KWT nor the HW-AONB offer any indication that one or other of the LWS at the hospital is of less value than the rest. Further, we now know from

(see web link),

Regulation 18 Representation made by Benenden Healthcare Society, November 2019, that BHS intends to abolish one of the two LWS in AL/BE3, see para 3.21. that “The Society supports the requirement for long-term management of the core areas of the LWS associated with the hospital land. This includes all but the modest area within the SEQ adjoining Peek Lodge which is too constraining on the South East Quadrant redevelopment proposals. Accordingly, the soils in the area will be translocated to a nearby receptor site to try to ensure that the rare fungi can continue to thrive in this local area.”

In other words, far from supporting biodiversity, the BHS plan is to reduce it in AL/BE3 and the same is true of AL/BE4 see (in the same document) para 3.17. “In addition, as highlighted in paragraph 3.13 above, the Society do not intend to use the area in which the garage block is located as an extension to the Local Wildlife Site (LWS) or for additional sports provision. As such, the Society request that the requirement to specifically use the land occupied by the existing garage block and manage it in the long term for the benefit of the LWS and / or sports provision is removed from the policy requirement.” Given this, biodiversity scoring in Table 58 of sites AL/BE3&4 is substantially overrated. Biodiversity at both sites is under threat.

Business Growth: AL/BE3&4 are scored as if they were more favourable to business growth than AL/BE1&2 and sites 158 and 222, but all four of these last-mentioned sites are in the heart of the village where residents will have ready access to local businesses as well as to daily bus services and other services and facilities. Residents at the East End, on the other hand, will have no access to local businesses except by car.

Education: All sites in this SA are scored equally for education, except for site 158 which scores less well. This SA report compares poorly with the SA which TWBC carried out on site 158 in 2006. 158 is parallel to and just north of the Street with its exit onto New Pond Road. In 2006 site 158 was chosen in a village referendum as the site for a new C of E primary school. It was the preferred site out of a choice of two, both of which were greenfield. TWBC’s 2006 SA on 158 decided (see page 18 of the Sustainability Appraisal Benenden Church of England Primary School Land Allocation DPD - Issues and Options report), that 158 was one of two top sites. “Situated adjacent to an area of ancient woodland, the site provides the potential for habitat linkages and wildlife corridors. The site is not adjacent to the CA [Conservation Area] and does not form a significant role in its setting. There are no Listed Buildings on or adjacent to the site. The site is consistent with the surrounding landscape character. There are limited views into the site and no public rights of way over the site.” On page 38, we read, “This site is anticipated to have a major beneficial effect on improving educational standards and travel choice/traffic levels”. In spite of the referendum result, the school was eventually built at the less preferred site and, since then, TWBC had been in consultation with 158’s owners to build houses there. If, in 2006, the SA offered site 158 as one of two top sites in the village for building the new primary school, where is the evidence that it’s appropriateness has somehow massively declined since then? Where is the evidence site 158 is less favourable to education than all the other sites mentioned, especially given that the hospital sites, so favoured for development, are three miles distant from the village school?

Table 58 states that “the education objective does not deteriorate when considering the cumulative effects as the schools in Tenterden will be a viable option for residents in East End.” Children from the East End will have priority over the between 70 and 75% of the existing pupils at the school who come from outside the parish. On what basis is the assumption made that East End parents will prefer to drive their children 6 miles into Tenterden than drive to the primary school in their own village?

Heritage: AL/BE 3 scores slightly less well in terms of its heritage value than AL/BE4 without supporting evidence. How were heritage issues assessed when there is no apparent knowledge of the historic importance of the site, for example: the PSLP makes no mention of the Roman road a few yards south of AL/BE3; the medieval droveway (GGR), which runs through the site and along the ridge; and the Bronze Age palstaff found at the hospital site (National Monument Register - SMR Number/Hob UID).

How can a site be scored or evaluated without at least some knowledge of the sites historic significance? This is available at <https://www.benendenvillage.org.uk/History/benweb2006.pdf> and advertised on the Benenden village website.

Services and Facilities: How can sites which are in the heart of the village such as 158 and 222, score the same as sites which are 3 miles distant and isolated in the country? The village has a daily bus service, continuous pavements on both sides of the street, several shops, including a post office, a general store, a butcher and a florist, as well as a pub/restaurant, village green, recreation ground, children's playground, church, memorial hall, village hall and a primary school. In spite of this, sites 158 and 222, both as close to the centre as AL/BE1&2, are described as lacking services and facilities including public transport (Appendix L pp 331-332) while the sites chosen for most houses are 3 miles out of the village where there are no amenities whatsoever. LS8 is also described as being remote, but it is only one mile from the village and connected to it by a paved footpath. It is close to a bus stop, a playground, tennis courts and a community hall and it is within walking distance of a pub/restaurant. How can its Services and Facilities be offered the same score as AL/BE3&4? These assessments are not understandable except if the sites were chosen before the SA (as is the case) and the SA had to be manipulated to support those original choices.

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:

Yes, I wish to be notified of future stages of the Local Plan

Comment

Consultee	Andrew Milligan [REDACTED]
Email Address	[REDACTED]
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Andrew Milligan [REDACTED]
Comment ID	PSLP_875
Response Date	21/05/21 21:27
Consultation Point	Policy STR/SS 2 The Strategy for Paddock Wood Town Centre (View)
Status	Processed
Submission Type	Email
Version	0.3
Data inputter to enter their initials here	KH
Question 1	
Respondent's Name and/or Organisation	Andrew Milligan
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy STR/SS 2 The Strategy for Paddock Wood Town Centre

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

Question 5

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

As a resident of 40+ years in east Peckham the proposal to turn the paddock wood rail bridge to bus access only is beyond ridiculous.

This route is used by east Peckham residents to access paddock wood for rail, shops, friends houses, services including the health centre and vets

A through route to the matfield, and then the surrounding villages including brenchley

But also for access to a21 and beyond

The idea to close the bridge to everything except buses is to be frank absolutely ridiculous.... please try and access try and access the services named above but go the route you have suggested but take in mind the extra traffic due to the houses that are being built..

Reality is paddock wood will lose out and business will not be supported and this would be a shame

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

For office use only

If responder hasn't ticked an option on this box, data inputter to tick 'not stated' box. Not Stated

Supporting Information File Ref No: SI_119a-m

Comment

Agent	Mr Steve Brown [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Woolf Bond Planning
Address	The Mitfords Basingstoke Road READING RG7 1AT
Consultee	[REDACTED]
Company / Organisation	Millwood Designer Homes Ltd
Address	Bordyke End 59 East Street Tonbridge TN9 1HA
Event Name	Pre-Submission Local Plan
Comment by	Millwood Designer Homes Ltd [REDACTED]
Comment ID	PSLP_1883
Response Date	03/06/21 14:23
Consultation Point	Policy STR 1 The Development Strategy (View)
Status	Processed
Submission Type	Email
Version	0.6
Files	App 10 Examiners Report on the Examination of NEA S1 10th Dec 2020.pdf WBP Reps for Millwood - Hawkhurst - 3 June 2021.pdf App 03 Sevenoaks Final Report Mar 2020.pdf App 01b 5416-LLB-RP-L-0002-S4-P02 Landscape Statement.pdf App 06 St Albans v Hunston Properties 2013 EWCA Civ 1610.pdf App 08 Tandridge Inspector-Preliminary-Conclusions-Advice.pdf App 05 Calverton v Nottingham City 2015 EWHC 1078 Admin.pdf App 01a Millwood TW Local Plan Reps - Hawkhurst - 14 Nov 2019.pdf App 02 Inspectors letter to Tonbridge and Malling 15.12.20.pdf App 04 Sevenoaks DC v CLG [2020] EWHC 3054.pdf App 09 Uttlesford Post stage 1 hearings letter to the Council 10.1.20 .pdf App 07 Hundal v S Bucks DC 2012 EWHC 7912 Admin.pdf App 01c 5416-LLB-ZZ-XX-DR-L-0001-S4-P02 Landscape Principles.pdf

Data inputter to enter their initials here KJ

Question 1

Respondent's Name and/or Organisation Millwood Designer Homes Ltd

Question 2

Agent's Name and Organisation (if applicable) Woolf Bond Planning

Question 3

To which part of the Local Plan does this representation relate? Policy

Question 3a

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy STR 1 The Development Strategy

[TWBC: full representation attached has been separated into Policy STR1 (PSLP_1883, Policy STR9 (PSLP_1884), Policy PSTR/HA1 (PSLP_1885) and Policy STR/SS3 (PSLP_1886). See also appendices attached].

Question 4

Do you consider that the Local Plan:

Is legally compliant No

Is sound No

Complies with the Duty to Cooperate No

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

- . It is not positively prepared
- . It is not effective
- . It is not justified
- . It is not consistent with national policy

Question 5

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

1. INTRODUCTION

1.1 Our clients (Millwood Designer Homes Ltd) control the land at Chittenden Fields, north of High Street (A268), Hawkhurst. This site has been promoted through earlier stages in the Local Plan as an additional location for growth in the Borough, taking account of its credentials as a sustainable location for growth adjoining the acknowledged suitability of Hawkhurst, as indicated in the Council's SHLAA. In contrast to other locations, the development of new homes at the site will ensure the embedment of behaviour associated with the sustainable living unlike other locations in the Borough, especially the new community proposed at Tudeley Village.

1.2 Further to our submissions on earlier stages in the preparation of the Local Plan, the Council has failed to provide an appropriate strategy which seeks to meet the Borough's development needs, especially with respect of housing." Consequently, for the reasons outlined in these submissions, it is not considered that the Draft Submission Plan adequately addresses the Borough's housing needs in locations which are accessible to existing infrastructure and services such as those available at Hawkhurst which include those relating to health, education, leisure, retail and employment and will support the continuation of them as advocated by paragraph 77 of the NPPF. Such locations should be considered in advance of the unjustified removal of land from the Green Belt which as detailed in the representations would be wholly consistent with the approach of national policy in the NPPF. We therefore advocate changes to the Local Plan to address these matters.

1.3 Having regard to the concerns with respect of the appropriateness of the approach and its challenges of delivering sustainable growth, we therefore advocate the removal of the proposed allocation at Tudeley Village and the allocation of deliverable sites in sustainable locations, including land controlled by our client's at Chittenden Fields, Hawkhurst. The site affords a sustainable opportunity in helping to meet identified housing needs and could provide for circa 70 dwellings, in a landscape setting, within walking distance from local services and facilities.

1.4 For the reasons detailed in this submission, growth at Chittenden Fields, Hawkhurst due to its relationship with existing development and facilities would result in achievement of sustainable development. Furthermore, the proximity of the Chittenden Fields site to services and facilities that residents will need to undertake their daily life ensures that sustainable behaviours are embedded in residents from initial occupation of the homes. This therefore contrasts with that at Tudeley Village which due to the limitations of these in the local area will result in need for longer journeys to undertake daily lives, which are therefore likely to result in increased use of the car. Once this behaviour becomes the norm for residents in Tudeley, it will be harder to encourage them to switch to more sustainable alternatives once they become available.

1.5 The reports and documents submitted with this representation demonstrate the suitability of the approach advocated. As detailed in the representations, this land is not subject to constraints which would prevent its delivery for development at an early stage during the plan period should this be confirmed through the examination of the Plan.

1.6 We also have several comments/representations on the policies within the Draft Submission Tunbridge Wells Borough Local Plan which should be addressed prior to its submission for examination by the Secretary of State.

2. REPRESENTATIONS AND SUPPORTING INFORMATION

2.1 Our comments upon the various draft policies and proposals are set out below and are accompanied by the following Documents:

- Duly Completed Response Form.
- Copy of submissions on behalf of Millwood Designer Homes to the Council's Draft Local Plan Regulation 18 Consultation (November 2019) (appendix 1)
- Copy of Inspector's assessment of the Tunbridge & Malling Local Plan (15th December 2020) (appendix 2)
- Inspector's Report into Examination of the Sevenoaks Local Plan (2nd March 2020) (appendix 3)
- Sevenoaks DC v Secretary of State for Communities, Housing & Local Government [2020] EWHC 3054 (appendix 4)
- Calverton PC v Nottinghamshire County Council [2015] EWHC 1078 (Admin) (appendix 5)
- St Albans City & District v Hunston Properties [2013] EWCA Civ 1610 (appendix 6)
- Hundal v South Bucks DC [2012] EWHC 7912 (Admin) (appendix 7)
- Tandridge LP Inspector's interim

conclusions (11th December 2020) (appendix 8)• Uttlesford Local Plan post Stage 1 hearings Inspector's letter to Council 10th January 2020 (appendix 9)• North Essex Authorities (Braintree, Colchester & Tendring) Inspector's Report (10th December 2020) (appendix 10)

2.2 Our client's representations upon the Draft Local Plan can be summarised as relating to the following:

Policy

Representation

Policy STR1: The Development Strategy and extent of Built Development Limits

Objection

Policy STR9: Green Belt

Objection

Policy STR/HA1: The Strategy for Hawkhurst Parish and the omission of land at Chittenden Fields as a housing allocation for 70 dwellings.

Objection

Policy STR/SS3: The Strategy for Tudeley Village

Objection

Omission site – Land at Chittenden Fields, north of High Street (A268), Hawkhurst (SHLAA ref 2) – failure to include as an allocation in policy STR/HA1

Objection

3. OVERARCHING POSITION

3.1 We have a strong belief in the principle of the plan-led system and in setting out our representations upon these policies, we hope to be able to work with the Council between now and the formal submission of the Draft Local Plan pursuant to Regulation 22 of The Town and County Planning (Local Planning) (England) Regulations 2012 (as amended), to ensure the Local Plan satisfies the tests of soundness at paragraph 35 of the NPPF.

3.2 We have considerable experience and expertise in dealing with and realising development schemes through the planning system. In this context, a principal constraint to the timely delivery of housing is the way in which policies for the allocation of sites have been formulated.

3.3 Local Plans must be capable of delivering from the point at which they are adopted. This means scrutinising the policy wording to ensure the Plans are sound and that the allocations contained therein are capable of being delivered at the point envisaged. This is particularly the case in relation to the need for Councils to collate a robust evidence base to justify the imposition of certain policies and/or their wording so as not to over burden and/or stifle sustainable and appropriate development.

3.4 In this instance, the draft Local Plan needs to be amended in order to ensure it robustly plans for the delivery of sufficient housing to address a housing requirement established in accordance with national planning policy and guidance. This therefore indicates that the Plan must seek to deliver the minimum of 14,364 dwellings between 2020 and 2039 rather than 12,204 dwellings from 2020 to 2038 as currently envisaged.

3.5 To address this requirement for additional homes, we contend that land at Chittenden Fields, Hawkhurst should be allocated for residential development (SHLAA ref 2). This site can accommodate 70 dwellings and as indicated in these representations and the supporting documents would be a sustainable addition to the village.

3.6 The representations also highlight a failure of the Local Plan as currently drafted to contribute towards addressing the acknowledged unmet needs of neighbouring authorities and the allocation of Chittenden Fields, Hawkhurst, can also supply homes to resolve this issue.

3.7 As detailed in the representations, the Chittenden Fields site would be a logical addition to the existing development in Hawkhurst and should be included in the defined extent of the village. This requires consequential amendments to the Limits to Build development for Hawkhurst as defined on the Local Plan Proposals Map (Inset Map 15).

3.8 We also advocate other revisions to the Draft Submission Local Plan to ensure it is consistent with the evidence base prepared by the Council.

3.9 We are concerned to ensure that the Local Plan is robust, and it is in this context that we set out our representations.

4. THE NPPF TESTS OF SOUNDNESS

4.1 Section 3 of the NPPF (Feb 2019) sets out the principal components to be included in Local Plans. Paragraph 35 requires that to be “sound” a DPD should be positively prepared, justified, effective and consistent with national policy.

4.2 A positively prepared plan provides 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 practical to do so and is consistent with achieving sustainable development.

4.3 In order to be justified, the Draft Submission Local Plan must have an appropriate strategy, taking into account reasonable alternatives and be based on proportionate evidence.

4.4 Effective means the document must be deliverable over the plan period and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred and evidenced by the statements of common ground.

4.5 The Local Plan should seek to meet the Council’s full housing need. However, we have concerns regarding the rationale for and robustness of the housing numbers the Council is seeking to accommodate within the Draft Submission Local Plan. We also have concerns regarding the appropriateness of the sites selected for contributing towards addressing the Borough’s development needs.

4.6 For the reasons set out in these representations there are several shortcomings with the Plan, as currently drafted, that result in the need for amendments.

4.7 These amendments relate to the need to increase the level of housing provision within a more appropriate plan period, thereby ensuring the emerging plan is consistent with the Government’s planning advice and policy. They also advocate changes to the extent of the defined settlement area of Hawkhurst together with amendments to other policies of the plan.

4.8 These amendments would reflect our view of the clear sustainability advantages of growth at Hawkhurst (Consistent with paragraph 77 of NPPF) in preference to unsustainable locations where development conflicts with the approach of the NPPF i.e. Tudeley Village. In the case of Tudeley village, due to its identification in advance of locations which are to be preferred having regard to the approach of the NPPF, we contend that the new settlement proposal should be omitted from the Plan with the site retained in the Green Belt.

4.9 Furthermore, to address the additional identified housing need, we advocate that land at Chittenden Fields, north of Highs Street, Hawkhurst (SHLAA ref 2) should be included as an additional allocation within draft policy PSTR/HA1.

4.10 The remainder of this submission is focused on providing responses to the Council’s draft policies in the Local Plan.

5. POLICY STR1: THE DEVELOPMENT STRATEGY

Representations

The Housing Requirement and Plan Period and robustness of supply

5.1 Policy STR1 indicates that the Local Plan must accommodate land for at least 12,204 dwellings and 14 hectares of employment land over the period 2020-2038. The accompanying Housing Needs Assessment Topic Paper details the derivation of this housing requirement through determining the area’s minimum Local Housing Need consistent with the NPPF (Appendix 1). The appendix (page36) of the Housing Needs Topic Paper recognises that the equivalent annual figure (678dpa) which derives the overall plan requirement of 12,204 is the result of a 40% cap within step 3 of the Standard Method Calculation (PPG ID ref 2a-004-202021216).

5.2 The PPG (ID ref 2a-007-20190220) is clear that application of the 40% cap within step 3 of the Standard Method does not reduce an area’s housing need. It confirms that the area’s housing need

remains the uncapped figure which the authority should seek to address at the earliest opportunity, including through an early review. To avoid an early review the authority should consider the scope that the area could address the uncapped housing need of the area, especially as the Housing Needs Topic Paper (paragraphs 2.25 and 2.26) recognises that the areas' high median workplace affordability ratio was influenced by wider macro-economic factors and housing needs associated with London, and the wider South East. The failure to consider the scope for a higher housing requirement through either inclusion of the uncapped housing requirement or an alternative uplift to contribute towards addressing acknowledged unmet housing needs of other authorities is a key concern that the draft Submitted Plan is inconsistent with National Policy.

5.3 The Housing Needs Topic Paper (paragraph 2.15) suggests that the Borough's uncapped housing need is for 741dpa (Page 35 of the Topic Paper indicates that the figure is 749dpa), rather than the 678dpa that the authority commits to delivery within policy STR1.

5.4 The Housing Needs Topic Paper (Step 2 as shown in appendix 1 (page 35)) indicates that the median workplace affordability ratio relied upon within the calculation is 12.76. This was the figure issued in March 2019 and related to 2018. However on 25th March 2021, the 2020 based affordability ratios were issued and this indicates that the figure for Tunbridge Wells Borough is now 13.27. The application of the approach in Step 2 of the Standard Method (PPG IS ref 2a-004-20201216) means that the 13.27 affordability ratio results in an increase of 57.9375% above the household projections, rather than 54.75% as detailed in the Topic Paper.

5.5 Using the same annual average increase in households (2020-30) which the authority has used in their Topic Paper (484.3) means that the correct uncapped housing need for the Borough would be 765dpa (484.3×1.579375). The revised uncapped figure using the latest affordability ratios is therefore 12.8% above the 678dpa within the draft Submission Local Plan. This is consequently the figure the authority should have included as the minimum requirement as it would have exceeded the capped figure which would therefore contribute towards needs arising in other authorities. This is explained further below.

5.6 In addition to challenging the failure to consider address the Borough's uncapped housing need of 765dpa, we dispute the reasonableness of the expected Plan period and its consistency with the obligation to provide strategic policy for at least 15 years post adoption (NPPF, paragraph 22).

Housing Needs of other Authorities

5.7 As indicated above, the uncapped housing need for the Borough is 765dpa compared to the capped figure of 678dpa. We contend that the authority should have used the uncapped housing requirement as the basis for determining the Borough's annual housing needs as it provides a greater boost towards meeting the Borough's housing needs consistent with the NPPF (paragraph 60).

5.8 In addition, paragraph 60 is clear that in determining an areas' housing needs account should be taken of any requirements which cannot be addressed by neighbouring authorities. The Council's Duty to Co-operate (DtC) Statement summarises the discussions and engagement that the authority has had with other bodies pursuant to the Duty to Co-operate. The DtC Statement is clear that Sevenoaks District has identified a clear challenge for that authority to meet its' housing needs. Whilst the DtC Statement indicates that Tunbridge Wells Borough does not consider it can contribute towards addressing unmet housing needs from Sevenoaks district, it is clear that had the authority incorporated the uncapped housing need of 765dpa, rather than 678dpa the difference of 87 dwellings annually could have made a valuable contribution towards the significant unmet needs of Sevenoaks District.

5.9 A review of the Council's Sustainability Appraisal which considered the impacts of uncapped housing growth (growth strategies 10 & 11) indicates that the overall impacts of these would be similar to that of the draft submission Local Plan. It is therefore clear that delivery growth consistent with the uncapped housing needs is therefore a reasonable and justified approach. For the reasons detailed in the representations, had the draft Submission Local Plan included the Chittenden Fields, Hawkhurst site, this would have made a useful contribution towards meeting the Borough's housing needs, including those of adjoining authorities which have yet to be addressed.

5.10 The DtC Statement indicates that part of the justification for not providing additional homes in Tunbridge Wells Borough is the need to await the outcome of Sevenoaks District's challenge of the conclusions in the Inspector's Report detailing the examination of the Sevenoaks Local Plan that the authority had failed to comply with the Duty to Co-operate.

5.11 The Inspector's Report into the Sevenoaks Local Plan Examination (March 2020) (appendix 3) is clear (paragraph 28) that on 11th April 2019 it received a request from Sevenoaks DC to make a contribution towards unmet housing needs. Details of this request are not however included within appendix B6 of the Council's DtC Statement. Given that this is highlighted as an important event by the Sevenoaks Local Plan Inspector, it is concerning that this is not referenced within Tunbridge Wells' analysis.

5.12 The Sevenoaks Local Plan Inspector was clear as to the significant extent of unmet housing need (potentially at least 1,316 dwellings as indicated in paragraph 14). Furthermore that Inspector was clear that there had been a failure to effectively engage with neighbouring authorities, notwithstanding the preparation of Statements of Common Ground with other bodies and the engagement in an external peer review of the acceptability of their approach. The Sevenoaks Inspector is clear that it is a matter of planning judgment whether the DtC obligation within the Planning legislation has been achieved (Paragraph 16).

5.13 Sevenoaks District Council's approach to the Duty to Co-operate was further assessed through the subsequent Court judgement (appendix 4). This refers to the specific actions that Sevenoaks undertook with neighbouring authorities including Tunbridge Wells (paragraph 7), the preparation of Statements of Common Ground and the independent review by a former Inspector (paragraph 19). Whilst this implied that the authority had Achieved the Duty, the Courts nevertheless confirmed that through the formal examination process, the Inspector had rightly reached their own judgement and subsequent conclusions that the Plan had failed the legal test.

5.14 Although the DtC Statement accompanying the Tunbridge Wells Plan indicates that they were awaiting the conclusions of the Court with respect of whether there would be any unmet need in Sevenoaks District, it is not considered that this is a robust position for the authority to take.

5.15 The Council's avoidance of any contribution towards Sevenoaks unmet housing needs reflects the position of Tonbridge & Malling BC (who adjoin both Sevenoaks and Tunbridge Wells). The Inspector examining the submitted Tonbridge & Malling Local Plan reported their conclusions in December 2020 (Appendix 2). In paragraph 4, the TMBC LP Inspector states:

The Council explained at the hearings that it was not clear until SDC's Regulation 19 plan was published in December 2018 what the scale of unmet need was and even then it was not certain as the plan had not been examined by an Inspector and the housing requirement found sound. The Tonbridge and Malling Regulation 19 plan was submitted for examination in January 2019 to meet the transitional deadline set out in paragraph 214 of annex 1 to the July 2018 and February 2019 versions of the National Planning Policy Framework (the Framework).

5.16 The Inspector (paragraphs 6 and 7) clarifies the timing of TMBC's knowledge of the expected deficit in Sevenoaks District. These state:

6. However, it appears from the evidence before us that the Council knew for a number of years, prior to the submission of their plan for examination, that it was highly unlikely that SDC would be able to meet its housing requirement in full. Despite this there is no evidence that the Council engaged in any meaningful discussions with SDC to consider how the strategic matter of unmet need could be resolved. Instead the Council has relied on the fact that SDC did not formally ask them for help. However, from the evidence it seems that SDC chose not to make any formal request for help because they knew that the answer from Tonbridge and Malling would be 'no' due to 'constraints'¹. We consider Tonbridge and Malling were complicit with this for having said no without any active, ongoing and constructive engagement. This is not indicative of an attempt by Tonbridge and Malling Council to engage constructively or actively to resolve this issue.

7. Indeed, the Council accepted at the hearings that they knew of the unmet need much earlier than December 2018, but say that they could not do anything as the unmet need was a large range and there was an expectation that it would have been met by SDC through increased densities on allocated sites. SDC's Regulation 18 plan which it consulted on, between July and September 2018, identified a need for 13,960 dwellings and identified sites to meet between 6,582 and 13,382 dwellings². So, at this stage it was clear there was a likely shortfall of around 600 dwellings, and this was the best case scenario. At worst it was closer to approximately 7000. In the submitted Regulation 19 plan the unmet need was in the order of 3,392 dwellings.

5.17 The TMBC LP Inspector (appendix 2) was clear (paragraph 15) that the authority was fully aware that Sevenoaks District had an element of unmet housing need and it was subsequently a requirement

for the authority to actively and constructively engage in solutions through the Duty. As a result of the failure by TMBC with respect of the Duty, the Inspector examining that Local Plan concluded that that document had failed in obligation within statute with respect of the Duty to Co-operate.

5.18 The TMBC LP Inspector's conclusions with respect of the failure of the Duty was likewise irrespective of any Statements of Common Ground or Memorandum of Understanding that had been prepared.

5.19 Having regard to the clear longstanding indications that Sevenoaks District could not meet its housing needs, the approach of Tunbridge Wells Borough as indicated in their DtC Statement (page 18), it is not considered reasonable as it should not await the outcome of Sevenoaks' challenge through the Court. Instead, as acknowledged through the Council's own Sustainability Appraisal it is clear that Tunbridge Wells Borough could readily accommodate and address their uncapped housing need. In such an instance, the authority could have been clear that the difference between the capped and uncapped housing requirements (678dpa and 765dpa respectively) whilst making a contribution towards significantly boosting the supply of housing would have also been included as a means of addressing unresolved needs of others.

5.20 Having regard to the consistency of the approach of Tunbridge Wells to that rejected by the Inspector in Tonbridge & Malling that there was uncertainty over the extent of shortfall arising in Sevenoaks District and their corresponding inability to address it equally applies in Tunbridge Wells Borough, it is contended that this plan has also failed in addressing the statutory obligation with respect of the Duty.

5.21 As with the conclusions of the Inspectors' who examined both Sevenoaks and the Tonbridge & Malling Local Plans, this must likewise confirm that Tunbridge Wells' Local Plan has failed the Duty and must consequently be withdrawn. This is because as recognised by both these Inspectors' once the Plan has been submitted there is no solution available to the Inspector for addressing the statutory test with respect of the Duty (Section 33A of the Planning & Compulsory Purchase Act 2004 (as amended)). Therefore the Plan should be found not to be legally compliant and should not be examined further.

5.22 If the Inspector nevertheless considers that the Plan has complied with the Statutory test associated with the Duty, we nevertheless contend that the Borough's housing need should be increased from the current 678dpa to 765dpa as this has been examined through the Sustainability Appraisal and the increase of 87dpa would make a valuable contribution towards addressing longstanding and unresolved housing needs arising in the adjoining Sevenoaks District.

Robustness of the Plan Period

5.23 Although the Council's latest Local Development Scheme (February 2021) indicates that consultation on the Draft Submission Plan is to occur from 26th March until 21st May 2021 (now 4th June 2021), followed by submission in July 2021 and adoption in June 2022, this is not considered realistic.

5.24 A review of the time taken for the examination of Strategic Local Plans consulted upon and submitted for examination since the original NPPF was published in March 2012 (Data on progress of Strategic Local Plans until 1st March 2021 from Local Plans: the examination process - GOV.UK (www.gov.uk)) indicates that on average the period from submission through to the document's adoption was 581 days (i.e. 1 year 7 months) (for the more than 200 Strategic documents found sound until 1st March 2021).

5.25 The average period from consultation on a draft Submission Plan until its adoption was 764 days (i.e. over 2 years).

5.26 Alternatively, when considering the 8 Strategic Local Plans submitted for examination since the end of the transition period in paragraph 214 of the 2019 NPPF (Submitted on or before 24th January 2019), these have taken 575 days (1 year 7 months) from consultation through to adoption or 457 days from submission to adoption (1 year 3 months).

As this is a very small sample size, it is clear that a longer timeframe for the document's examination would be more realistic.

5.27 As consultation on the Draft Submission Plan commenced in March 2021, allowing at least 2 years until adoption indicates that this would not occur until April 2023. With submission expected in summer 2021, the larger sample size indicates that adoption would not occur until early 2023.

5.28 To ensure consistency of the Plan with the requirements of NPPF paragraph 22, the Strategic policies (including STR1) should therefore look ahead a minimum 15 years from adoption of the Local Plan, that will be to at least March 2039, an additional year longer than the currently envisaged timeframe.

5.29 If the Borough's housing requirement was increased by the current capped requirement, this would result in the need for a further 678 dwellings in the Plan. However, we contend that if the event that the Inspector concludes Tunbridge Wells Borough has complied with the Duty to Co-operate, that to make a contribution towards unmet housing needs in adjoining authorities, the Borough's housing requirement is increased from 678dpa to 756dpa. This uplift together with an extended plan period which reflects a robust period for examination of the draft Submission Local Plan indicates that rather requiring 12,204 dwellings from 2020 to 2038, this should be increased to 14,364 dwellings from 2020 to 2039. This is consequently an increase of 2,162 dwellings. A proportion of these additional homes could be delivered through the allocation of the land at Chittenden Fields, north of High Street, Hawkhurst. For the reasons detailed above, a March 2039 end date would provide for 15 years after the 2023/24 monitoring period during which adoption could be realistic anticipated.

Robustness of Housing Land Supply

5.30 The Council (Table 3 of Draft Submission Plan) indicates that to achieve its housing requirement of 12,204, after deducting existing commitments (permissions (3,313 dwellings)) together with windfalls (1,670 dwellings) sites for at least 7,721 dwellings should be identified. The information in Table 4 of the Draft Submission Plan indicates that the document includes allocations that can deliver between 8,076 and 8,461 dwellings. 5.31 For the reasons detailed in the representation to policy STR/SS3, we do not consider that the Allocation at Tudeley has been justified. The contribution of this within the plan period (2,100 dwellings) should therefore be omitted. Therefore, the actual number of homes allocated in the plan is consequently between 5,976 and 6,361 dwellings. 5.32 In addition, as the response above, indicates, rather than requiring the delivery of 12,204 dwellings, we contend that the authority should instead plan for at least 14,364 dwellings. Therefore, having regard to the increased requirement (to ensure the authority makes a contribution towards unmet needs of other authorities together with providing for the minimum 15 years post adoption required by the NPPF (paragraph 22) instead of having to identify land to accommodate at least 7,721 dwellings the Council assessed as needed, the authority actually needs to identify land for 9,883 dwellings. It is therefore clear, irrespective of the unjustified allocation of Tudeley that further sites are needed. One site which should be included as an allocation is the land controlled by our clients at Chittenden Fields, north of High Street, Hawkhurst. The suitability of this is detailed in the section with respect of the omission site.

Conclusions

5.33 The approach of policy STR1 is therefore not sound as it fails to provide for at least 15 years post adoption together with a failure to plan for a requirement which reflects the Government's objectives of significantly boosting the supply of housing.

5.34 This would be achieved through seeking to address the uncapped rather than capped local housing need as the difference would make a contribution towards addressing unmet housing needs of neighbouring authorities. The information in Table 4 of the Draft Submission Plan indicates that the document includes allocations that can deliver between 8,076 and 8,461 dwellings.

5.31 For the reasons detailed in the representation to policy STR/SS3, we do not consider that the Allocation at Tudeley has been justified. The contribution of this within the plan period (2,100 dwellings) should therefore be omitted. Therefore, the actual number of homes allocated in the plan is consequently between 5,976 and 6,361 dwellings.

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Conclusions

5.33 The approach of policy STR1 is therefore not sound as it fails to provide for at least 15 years post adoption together with a failure to plan for a requirement which reflects the Government's objectives of significantly boosting the supply of housing.

5.34 This would be achieved through seeking to address the uncapped rather than capped local housing need as the difference would make a contribution towards addressing unmet housing needs of neighbouring authorities.

10. OVERALL CONCLUSIONS

10.1. Our representations to the draft submission Local Plan have identified a number of concerns with the document as drafted, especially with respect of its soundness.

10.2. As indicated in the representations, changes to policies of the Plan are advocated, including the borough's housing requirement in policy STR1.

10.3. To ensure adequate supply of housing arises, the land at Chittenden Fields, north of High Street, Hawkhurst should be included as a housing allocation for approximately 70 dwellings.

10.4. These matters can be addressed through Main Modifications to the Plan allowing for a Sound Plan.

11. FINAL REMARKS

11.1. We trust the above comments are of assistance in preparing the necessary main modifications to provide for a sound Local Plan.

11.2. We welcome the opportunity to engage in constructive dialogue with the Council in relation to our observations, including the allocation of our client's site at Chittenden Fields, Hawkhurst.

11.3. Additionally, we confirm that we wish to be notified of each further step in the preparation of the Local Plan, including its submission to the Inspectorate for examination.

Question 6

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Question 5 above. (Please note that non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Changes sought to the Local Plan with respect of the Borough's development requirements in policy STR1.

5.35 The Plan therefore as currently prepared does not comply with the Duty to Co-operate through a failure to effectively consider how unmet housing needs of neighbouring authorities, especially Sevenoaks District is to be addressed.

5.36 The Council has not actively engaged with Sevenoaks and like Tonbridge & Malling (whose Plan has also been found to fail the Duty) it is clear that the approach of Tunbridge Wells is insufficient with their legal obligations. The plan should consequently be withdrawn, and the authority tasked with demonstrating compliance with the duty.

5.37 Irrespective of the failure to comply with the Duty to Co-operate, it is our opinion that the Policy cannot be said to be sound on the basis for the reasons summarised as follows:

a) It is not positively prepared as it does not seek to address the borough's housing needs, therefore further sites should be allocated; b) It is not positively prepared as it fails to boost the supply of housing

by seeking to address the uncapped housing need derived through local housing need. This failure is compounded by the lack of identification of further sites to contribute towards addressing unmet need of neighbouring authorities;c) It is not justified with regard to the timeframe that the examination of the Local Plan will take resulting in a delayed adoption of the document;d) It is not justified with respect of the inclusion of land at Tudeley Village to which we object (the reasons are detailed later); ande) It is also inconsistent with national policy in the failure to both boost housing supply and make a contribution towards addressing the housing needs of neighbouring authorities as required by paragraph 60 of the NPPF.

5.38 In order to address these matters of soundness, several amendments are suggested:

1. That policy STR1 is amended to:A) ensure that the plan period is 2020 to 2039.B) That the housing requirement is increased to 14,364 dwellings; andC) That reference to a new garden settlement at Tudeley Village is removed from the plan.
2. That consequential amendments are made to the document to reflect these revisions.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)? . Yes, I wish to participate in hearing session(s)

Question 7a

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

To clarify any points the Inspector has with respect of the detailed representations submitted

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box: Yes, I wish to be notified of future stages of the Local Plan

Supporting Information File Ref No: SI_112a-o

Comment

Agent	Mr Steve Brown [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Woolf Bond Planning
Address	The Mitfords Basingstoke Road READING RG7 1AT
Consultee	[REDACTED]
Company / Organisation	Millwood Designer Homes Ltd
Address	Bordyke End 59 East Street Tonbridge TN9 1HA
Event Name	Pre-Submission Local Plan
Comment by	Millwood Designer Homes Ltd [REDACTED]
Comment ID	PSLP_1859
Response Date	03/06/21 14:44
Consultation Point	Policy STR 1 The Development Strategy (View)
Status	Processed
Submission Type	Email
Version	0.6
Files	APP02I~1.PDF WBP Reps for Millwood - Benenden - 3 June 2021.pdf APP08T~1.PDF App 07 Hundal v S Bucks DC 2012 EWHC 7912 Admin.pdf App 04 Sevenoaks DC v CLG [2020] EWHC 3054.pdf App 11 PP SPG Benenden Iden Green CAA.pdf App 01c Figure 3 Landscape.pdf APP01A~1.PDF (1) APP06S~1.PDF APP09U~1.PDF App 01d P318 LP 1001 - Site Location Plan.pdf App 05 Calverton v Nottingham City 2015 EWHC 1078 Admin.pdf App 03 Sevenoaks Final Report Mar 2020.pdf APP01B~1.PDF APP10E~1.PDF

Data inputter to enter their initials here KJ

Question 1

Respondent's Name and/or Organisation Millwood Designer Homes Ltd

Question 2

Agent's Name and Organisation (if applicable) Woolf Bond Planning

Question 3

To which part of the Local Plan does this representation relate? Policy

Question 3a

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy STR 1 The Development Strategy

[TWBC: full representation attached has been separated into Policy STR1 (PSLP_1859, Policy STR9 (PSLP_1868), Policy PSTR/BE1 (PSLP_1869), Policy STR/SS3 (PSLP_1870) and Policy EN15 (PSLP_1872). See also appendices attached].

Question 4

Do you consider that the Local Plan:

Is legally compliant No

Is sound No

Complies with the Duty to Cooperate No

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

- . It is not positively prepared
- . It is not effective
- . It is not justified
- . It is not consistent with national policy

Question 5

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

1. INTRODUCTION

1.1 Our client's (Millwood Designer Homes Ltd) control the land on the west side of Iden Green Road, Benenden (Site Ref: 222). This site has been promoted through the earlier stages in the Local Plan as an additional location for growth in the Borough, taking account its credentials as a sustainable location for growth adjoining the acknowledged suitability of Benenden, as indicated in the Council's SHLAA. In contrast to other locations, the development of new homes at the site will ensure the embedment of behaviour associated with the sustainable living unlike other locations in the Borough, especially the new community proposed at Tudeley Village.

1.2 Further to our submissions on earlier stages in the preparation of the Local Plan, the Council has failed to provide an appropriate strategy which seeks to meet the Borough's development needs, especially with respect of housing." Consequently, for the reasons outlined in these submissions, it is not considered that the Draft Submission Plan adequately addresses the Borough's housing needs in locations which are accessible to existing infrastructure and services such as those available at Benenden which include those relating to education, leisure and retail and will support the continuation of them as advocated by paragraph 77 of the NPPF. Such locations should be considered in advance of the unjustified removal of land from the Green Belt which as detailed in the representations would be wholly consistent with the approach of national policy in the NPPF. We therefore advocate changes to the Local Plan to address these matters.

1.3 Having regard to the concerns with respect of the appropriateness of the approach and its challenges of delivering sustainable growth, we therefore advocate the removal of the proposed allocation at Tudeley Village and the allocation of deliverable sites in sustainable locations, including land controlled by our client's to the west of Iden Green Road, Benenden. The site affords a sustainable opportunity in helping to meet identified housing needs and could provide for approximately 28 dwellings, within walking distance from local services and facilities.

1.4 For the reasons detailed in this submission, growth at Benenden would support the long-term provision of services within the village reflecting the approach advocated in the NPPF (paragraph 77). This would result in the achievement of sustainable development.

1.5 The reports and documents submitted with this representation demonstrate the suitability of the approach advocated. As detailed in the representations, this land is not subject to constraints which would prevent its delivery for development at an early stage during the emerging plan period should this be confirmed through the examination of the Plan.

1.6 We also have several comments/representations on the policies within the Draft Submission Tunbridge Wells Borough Local Plan which should be addressed prior to its submission for examination by the Secretary of State.

2. REPRESENTATIONS AND SUPPORTING INFORMATION

2.1. Our comments upon the various draft policies and proposals are set out below and are accompanied by the following Documents:

- Duly Completed Response Form.
- Copy of submissions on behalf of Millwood Designer Homes to the Council's Draft Local Plan Regulation 18 Consultation (November 2019) (appendix 1)
- Copy of Inspector's assessment of the Tonbridge & Malling Local Plan (15th December 2020) (appendix 2)
- Inspector's Report into Examination of the Sevenoaks Local Plan (2nd March 2020) (appendix 3)
- Sevenoaks DC v Secretary of State for Communities, Housing & Local Government [2020] EWHC 3054 (appendix 4)
- Calverton PC v Nottinghamshire County Council [2015] EWHC 1078 (Admin) (appendix 5)
- St Albans City & District v Hunston Properties [2013] EWCA Civ 1610 (appendix 6)
- Hundal v South Bucks DC [2012] EWHC 7912 (Admin) (appendix 7)
- Tandridge LP Inspector's interim conclusions (11th December 2020) (appendix 8)
- Uttlesford Local Plan post Stage 1 hearings Inspector's letter to Council 10th January 2020 (appendix 9)
- North Essex Authorities (Braintree, Colchester & Tendring) Inspector's Report (10th December 2020) (appendix 10)
- Benenden and Iden Green Conservation Areas Appraisal (April 2005) (appendix 11)

2.2. Our client's representations upon the Draft Local Plan can be summarised as relating to the following:

Policy

Representation

Policy STR1: The Development Strategy and extent of Built Development Limits

Objection

Policy STR9: Green Belt

Objection

Policy PSTR/BE1: The Strategy for Benenden Parish and the omission of land west of Iden Green Road as a housing allocation

Objection

Policy STR/SS3: The Strategy for Tudeley Village

Objection

Policy EN15: Local Green Space

Objection

Omission site – Land west of Iden Green Road, Benenden (SHLAA ref 222) – failure to include as an allocation in policy PSTR/BE1

Objection

3. OVERARCHING POSITION

3.1. We have a strong belief in the principle of the plan-led system and in setting out our representations upon these policies, we hope to be able to work with the Council between now and the formal submission of the Draft Local Plan pursuant to Regulation 22 of The Town and County Planning (Local Planning) (England) Regulations 2012 (as amended), to ensure the Local Plan satisfies the tests of soundness at paragraph 35 of the NPPF.

3.2. We have considerable experience and expertise in dealing with and realising development schemes through the planning system. In this context, a principal constraint to the timely delivery of housing is the way in which policies for the allocation of sites have been formulated.

3.3. Local Plans must be capable of delivering from the point at which they are adopted. This means scrutinising the policy wording to ensure the Plans are sound and that the allocations contained therein are capable of being delivered at the point envisaged. This is particularly the case in relation to the need for Councils to collate a robust evidence base to justify the imposition of certain policies and/or their wording so as not to over burden and/or stifle sustainable and appropriate development.

3.4. In this instance, the draft Local Plan needs to be amended in order to ensure it robustly plans for the delivery of sufficient housing to address a housing requirement established in accordance with national planning policy and guidance. This therefore indicates that the Plan must seek to deliver the minimum of 14,364 dwellings between 2020 and 2039 rather than 12,204 dwellings from 2020 to 2038 as currently envisaged.

3.5. To address this requirement for additional homes, we contend that land on the west side of Iden Green Road, Benenden, should be allocated for residential development (SHLAA Ref 222). This site can accommodate 28 dwellings and as indicated in these representations and the supporting documents would be a sustainable addition to the village.

3.6. The representations also highlight a failure of the plan as currently drafted to contribute towards addressing the acknowledged unmet needs of neighbouring authorities and the allocation of land of the west side of Iden Green Road, Benenden can also supply homes to resolve this issue. As detailed in the representations, the land west of Iden Green Road site would be a logical addition to the existing development in Benenden and should consequently be included in the defined extent of the village.

3.7. We also advocate other revisions to the Draft Submission Local Plan to ensure it is consistent with the evidence base prepared by the authority.

3.8. We are concerned to ensure that the Local Plan is robust, and it is in this context that we set out our representations.

4. THE NPPF TESTS OF SOUNDNESS

4.1. Section 3 of the NPPF (Feb 2019) sets out the principal components to be included in Local Plans. Paragraph 35 requires that to be “sound” a DPD should be positively prepared, justified, effective and consistent with national policy.

4.2. A positively prepared plan provides 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 practical to do so and is consistent with achieving sustainable development.

4.3. In order to be justified, the Draft Submission Local Plan must have an appropriate strategy, taking into account reasonable alternatives and be based on proportionate evidence.

4.4. Effective means the document must be deliverable over the plan period and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred and evidenced by the statements of common ground.

4.5. The Local Plan should seek to meet the Council's full housing need. However, we have concerns regarding the rationale for and robustness of the housing numbers the Council is seeking to accommodate within the Draft Submission Local Plan. We also have concerns regarding the appropriateness of the sites selected for contributing towards addressing the Borough's development needs.

4.6. For the reasons set out in these representations there are several shortcomings with the Plan, as currently drafted, that result in the need for amendments.

4.7. These amendments relate to the need to increase the level of housing provision within a more appropriate plan period, thereby ensuring the emerging plan is consistent with the Government's planning advice and policy. They also advocate changes to the extent of the defined settlement area of Benenden together with amendments to other policies of the plan.

4.8. These amendments would reflect our view of the clear sustainability advantages of growth at Benenden (Consistent with paragraph 77 of the NPPF) in preference to unsustainable locations where development conflicts with the approach of the NPPF i.e. Tudeley Village. In the case of Tudeley village, due to its identification in advance of locations which are to be preferred having regard to the approach of the NPPF, we contend that the new settlement proposal should be omitted from the Plan with the site retained in the Green Belt.

4.9. Furthermore, to address the additional identified housing need, we advocate that land on the west side of Iden Green Road, Benenden (SHLAA ref 222) should be included as an additional allocation within draft policy PSTR/BE1.

4.10. The remainder of this submission is focused on providing responses to the Council's draft policies in the Local Plan.

5. POLICY STR1: THE DEVELOPMENT STRATEGY

Representations

The Housing Requirement and Plan Period and robustness of supply

5.1. Policy STR1 indicates that the Local Plan must accommodate land for at least 12,204 dwellings and 14 hectares of employment land over the period 2020-2038. The accompanying Housing Needs Assessment Topic Paper details the derivation of this housing requirement through determining the area's minimum Local Housing Need consistent with the NPPF (Appendix 1). The appendix (Page 36) of the Housing Needs Topic Paper recognises that the equivalent annual figure (678dpa) which derives the overall plan requirement of 12,204 is the result of a 40% cap within step 3 of the Standard Method Calculation (PPG ID ref 2a-004-202021216).

5.2. The PPG (ID ref 2a-007-20190220) is clear that application of the 40% cap within step 3 of the Standard Method does not reduce an area's housing need. It confirms that the area's housing need remains the uncapped figure which the authority should seek to address at the earliest opportunity, including through an early review.

5.3. To avoid an early review the authority should consider the scope that the area could address the uncapped housing need of the area, especially as the Housing Needs Topic Paper (paragraphs 2.25 and 2.26) recognises that the areas' high median workplace affordability ratio was influenced by wider macro-economic factors and housing needs associated with London, and the wider South East.

5.4. The failure to consider the scope for a higher housing requirement through either inclusion of the uncapped housing requirement or an alternative uplift to contribute towards addressing acknowledged unmet housing needs of other authorities is a key concern that the draft Submitted Plan is inconsistent with National Policy.

5.5. The Housing Needs Topic Paper (paragraph 2.15) suggests that the Borough's uncapped housing need is for 741dpa (Page 35 of the Topic Paper indicates that the figure is 749dpa), rather than the 678dpa that the authority commits to delivery within policy STR1.

5.6. The Housing Needs Topic Paper (Step 2 as shown in appendix 1 (page 35)) indicates that the median workplace affordability ratio relied upon within the calculation is 12.76. This was the figure issued in March 2019 and related to 2018. However on 25th March 2021, the 2020 based affordability ratios were issued and this indicates that the figure for Tunbridge Wells Borough is now 13.27. The application of the approach in Step 2 of the Standard Method (PPG IS ref 2a-004-20201216) means that the 13.27 affordability ratio results in an increase of 57.9375% above the household projections, rather than 54.75% as detailed in the Topic Paper.

5.7. Using the same annual average increase in households (2020-30) which the authority has used in their Topic Paper (484.3) means that the correct uncapped housing need for the Borough would be 765dpa (484.3×1.579375). The revised uncapped figure using the latest affordability ratios is therefore 12.8% above the 678dpa within the draft Submission Local Plan. This is consequently the figure the Council should have included as the minimum requirement as it would have exceeded the capped figure which would therefore contribute towards needs arising in other authorities. This is explained further below.

5.8. In addition to challenging the failure to consider address the Borough's uncapped housing need of 765dpa, we dispute the reasonableness of the expected Plan period and its consistency with the obligation to provide strategic policy for at least 15 years post adoption (NPPF, paragraph 22).

Housing needs of other authorities

5.9. As indicated above, the uncapped housing need for the Borough is 765dpa compared to the capped figure of 678dpa. We contend that the authority should have used the uncapped housing requirement as the basis for determining the Borough's annual housing needs as it provides a greater boost towards meeting the Borough's housing needs consistent with the NPPF (paragraph 60).

5.10. In addition, paragraph 60 is clear that in determining an areas' housing needs account should be taken of any requirements which cannot be addressed by neighbouring authorities. The Council's Duty to Co-operate (DtC) Statement summarises the discussions and engagement that the authority has had with other bodies pursuant to the Duty to Co-operate. The DtC Statement is clear that Sevenoaks District has identified a clear challenge for that authority to meet its' housing needs.

5.11. Whilst the DtC Statement indicates that Tunbridge Wells Borough does not consider it can contribute towards addressing unmet housing needs from Sevenoaks district, it is clear that had the authority incorporated the uncapped housing need of 765dpa, rather than 678dpa the difference of 87 dwellings annually could have made a valuable contribution towards the significant unmet needs of Sevenoaks District.

5.12. A review of the Council's Sustainability Appraisal which considered the impacts of uncapped housing growth (growth strategies 10 & 11) indicates that the overall impacts of these would be similar to that of the draft submission Local Plan. It is therefore clear that delivery growth consistent with the uncapped housing needs is therefore a reasonable and justified approach.

5.13. For the reasons detailed in the representations, had the draft Submission Local Plan included the land west of Iden Green Road, Benenden site, this would have made a useful contribution towards meeting the Borough's housing needs, including those of adjoining authorities which have yet to be addressed.

5.14. The DtC Statement indicates that part of the justification for not providing additional homes in Tunbridge Wells Borough is the need to await the outcome of Sevenoaks District's challenge of the conclusions in the Inspector's Report detailing the examination of the Sevenoaks Local Plan that the authority had failed to comply with the Duty to Co-operate.

5.15. The Inspector's Report into the Sevenoaks Local Plan Examination (March 2020) (appendix 3) is clear (paragraph 28) that on 11th April 2019 it received a request from Sevenoaks DC to make a contribution towards unmet housing needs. Details of this request are not however included within

appendix B6 of the Council's DtC Statement. Given that this is highlighted as an important event by the Sevenoaks Local Plan Inspector, it is concerning that this is not referenced within Tunbridge Wells's analysis.

5.16. The Sevenoaks Local Plan Inspector was clear as to the significant extent of unmet housing need (potentially at least 1,316 dwellings as indicated in paragraph 14). Furthermore that Inspector was clear that there had been a failure to effectively engage with neighbouring authorities, notwithstanding the preparation of Statements of Common Ground with other bodies and the engagement in an external peer review of the acceptability of their approach. The Sevenoaks Inspector is clear that it is a matter of planning judgment whether the DtC obligation within the Planning legislation has been achieved (Paragraph 16).

5.17. Sevenoaks District Council's approach to the Duty to Co-operate was further assessed through the subsequent Court judgement (appendix 4). This refers to the specific actions that Sevenoaks undertook with neighbouring authorities including Tunbridge Wells (paragraph 7), the preparation of Statements of Common Ground and the independent review by a former Inspector (paragraph 19). Whilst this implied that the authority had Achieved the Duty, the Courts nevertheless confirmed that through the formal examination process, the Inspector had rightly reached their own judgement and subsequent conclusions that the Plan had failed the legal test.

5.18. Although the DtC Statement accompanying the Tunbridge Wells Plan indicates that they were awaiting the conclusions of the Court with respect of whether there would be any unmet need in Sevenoaks District, it is not considered that this is a robust position for the authority to take.

5.19. The Council's avoidance of any contribution towards Sevenoaks unmet housing needs reflects the position of Tonbridge & Malling BC (who adjoin both Sevenoaks and Tunbridge Wells).

5.20. The Inspector examining the submitted Tonbridge & Malling Local Plan reported their conclusions in December 2020 (Appendix 2). In paragraph 4, the TMBC LP Inspector states:

The Council explained at the hearings that it was not clear until SDC's Regulation 19 plan was published in December 2018 what the scale of unmet need was and even then it was not certain as the plan had not been examined by an Inspector and the housing requirement found sound. The Tonbridge and Malling Regulation 19 plan was submitted for examination in January 2019 to meet the transitional deadline set out in paragraph 214 of annex 1 to the July 2018 and February 2019 versions of the National Planning Policy Framework (the Framework).

5.21. The Inspector (paragraphs 6 and 7) clarifies the timing of TMBC's knowledge of the expected deficit in Sevenoaks District. These state:

6. However, it appears from the evidence before us that the Council knew for a number of years, prior to the submission of their plan for examination, that it was highly unlikely that SDC would be able to meet its housing requirement in full. Despite this there is no evidence that the Council engaged in any meaningful discussions with SDC to consider how the strategic matter of unmet need could be resolved. Instead the Council has relied on the fact that SDC did not formally ask them for help. However, from the evidence it seems that SDC chose not to make any formal request for help because they knew that the answer from Tonbridge and Maling would be 'no' due to 'constraints'¹. We consider Tonbridge and Malling were complicit with this for having said no without any active, ongoing and constructive engagement. This is not indicative of an attempt by Tonbridge and Malling Council to engage constructively or actively to resolve this issue.

7. Indeed, the Council accepted at the hearings that they knew of the unmet need much earlier than December 2018, but say that they could not do anything as the unmet need was a large range and there was an expectation that it would have been met by SDC through increased densities on allocated sites. SDC's Regulation 18 plan which it consulted on, between July and September 2018, identified a need for 13,960 dwellings and identified sites to meet between 6,582 and 13,382 dwellings². So, at this stage it was clear there was a likely shortfall of around 600 dwellings, and this was the best case scenario. At worst it was closer to approximately 7000. In the submitted Regulation 19 plan the unmet need was in the order of 3,392 dwellings.

5.22. The TMBC LP Inspector (appendix 2) was clear (paragraph 15) that the authority was fully aware that Sevenoaks District had an element of unmet housing need and it was subsequently a requirement for the authority to actively and constructively engage in solutions through the Duty. As a result of the failure by TMBC with respect of the Duty, the Inspector examining that Local Plan concluded that that document had failed in obligation within statute with respect of the Duty to Co-operate.

5.23. The TMBC LP Inspector's conclusions with respect of the failure of the Duty was likewise irrespective of any Statements of Common Ground or Memorandum of Understanding that had been prepared.

5.24. Having regard to the clear longstanding indications that Sevenoaks District could not meet its housing needs, the approach of Tunbridge Wells Borough as indicated in their DtC Statement (page 18), it is not considered reasonable as it should not await the outcome of Sevenoaks' challenge through the Court. Instead, as acknowledged through the Council's own Sustainability Appraisal it is clear that Tunbridge Wells Borough could readily accommodate and address their uncapped housing need. In such an instance, the authority could have been clear that the difference between the capped and uncapped housing requirements (678dpa and 765dpa respectively) whilst making a contribution towards significantly boosting the supply of housing would have also been included as a means of addressing unresolved needs of others.

5.25. Having regard to the consistency of the approach of Tunbridge Wells to that rejected by the Inspector in Tonbridge & Malling that there was uncertainty over the extent of shortfall arising in Sevenoaks District and their corresponding inability to address it equally applies in Tunbridge Wells Borough, it is contended that this plan has also failed in addressing the statutory obligation with respect of the Duty.

5.26. As with the conclusions of the Inspectors' who examined both Sevenoaks and the Tonbridge & Malling Local Plans, this must likewise confirm that Tunbridge Wells' Local Plan has failed the Duty and must consequently be withdrawn. This is because as recognised by both these Inspectors' once the Plan has been submitted there is no solution available to the Inspector for addressing the statutory test with respect of the Duty (Section 33A of the Planning & Compulsory Purchase Act 2004 (as amended)). Therefore, the Plan should be found not to be legally compliant and should not be examined further.

5.27. If the Inspector nevertheless considers that the Plan has complied with the Statutory test associated with the Duty, we nevertheless contend that the Borough's housing need should be increased from the current 678dpa to 765dpa as this has been examined through the Sustainability Appraisal and the increase of 87dpa would make a valuable contribution towards addressing longstanding and unresolved housing needs arising in the adjoining Sevenoaks District.

Robustness of Plan period

5.28. Although the Council's latest Local Development Scheme (February 2021) indicates that consultation on the Draft Submission Plan is to occur from 26th March until 21st May 2021 followed by submission in July 2021 and adoption in June 2022, this is not considered realistic.

5.29. A review of the time taken for the examination of Strategic Local Plans consulted upon and submitted for examination since the original NPPF was published in March 2012 (Data on progress of Strategic Local Plans until 1st March 2021 from Local Plans: the examination process - GOV.UK (www.gov.uk)) indicates that on average the period from submission through to the document's adoption was 581 days (i.e. 1 year 7 months) (for the more than 200 Strategic documents found sound until 1st March 2021).

5.30. The average period from consultation on a draft Submission Plan until its adoption was 764 days (i.e. over 2 years).

5.31. Alternatively, when considering the 8 Strategic Local Plans submitted for examination since the end of the transition period in paragraph 214 of the 2019 NPPF (Submitted on or before 24th January 2019), these have taken 575 days (1 year 7 months) from consultation through to adoption or 457 days from submission to adoption (1 year 3 months). As this is a very small sample size, it is clear that a longer timeframe for the document's examination would be more realistic.

5.32. As consultation on the Draft Submission Plan commenced in March 2021, allowing at least 2 years until adoption indicates that this would not occur until April 2023. With submission expected in summer 2021, the larger sample size indicates that adoption would not occur until early 2023.

5.33. To ensure consistency of the Plan with the requirements of NPPF paragraph 22, the Strategic policies (including STR1) should therefore look ahead a minimum 15 years from adoption of the Local Plan, that will be to at least March 2039, an additional year longer than the currently envisaged timeframe.

5.34. If the Borough's housing requirement was increased by the current capped requirement, this would result in the need for a further 678 dwellings in the Plan. However, we contend that if the event that the Inspector concludes Tunbridge Wells Borough has complied with the Duty to Co-operate, that to make a contribution towards unmet housing needs in adjoining authorities, the Borough's housing requirement is increased from 678dpa to 756dpa.

5.35. This uplift together with an extended plan period which reflects a robust period for examination of the draft Submission Local Plan indicates that rather requiring 12,204 dwellings from 2020 to 2038, this should be increased to 14,364 dwellings from 2020 to 2039. This is consequently an increase of 2,162 dwellings. A proportion of these additional homes could be delivered through the allocation of the land west of Iden Green Road, Benenden. For the reasons detailed above, a March 2039 end date would provide for 15 years after the 2023/24 monitoring period during which adoption could be realistic anticipated.

Robustness of Housing Land Supply

5.36. The Council (Table 3 of Draft Submission Plan) indicates that to achieve its housing requirement of 12,204, after deducting existing commitments (permissions (3,313 dwellings)) together with windfalls (1,670 dwellings) sites for at least 7,721 dwellings should be identified. The information in Table 4 of the Draft Submission Plan indicates that the document includes allocations that can deliver between 8,076 and 8,461 dwellings.

5.37. For the reasons detailed in the representation to policy STR/SS3, we do not consider that the Allocation at Tudeley has been justified. The contribution of this within the plan period (2,100 dwellings) should therefore be omitted. Therefore, the actual number of homes allocated in the plan is consequently between 5,976 and 6,361 dwellings.

5.38. In addition, as the response above, indicates, rather than requiring the delivery of 12,204 dwellings, we contend that the authority should instead plan for at least 14,364 dwellings. Therefore, having regard to the increased requirement (to ensure the authority makes a contribution towards unmet needs of other authorities together with providing for the minimum 15 years post adoption required by the NPPF (paragraph 22) instead of having to identify land to accommodate at least 7,721 dwellings the Council assessed as needed, the authority actually needs to identify land for 9,883 dwellings.

5.39. It is therefore clear, irrespective of the unjustified allocation of Tudeley that further sites are needed. One site which should be included as an allocation is the land controlled by our clients on land west of Iden Green Road, Benenden. The suitability of this is detailed in the section with respect of the omission site.

Conclusions

5.40. The approach of policy STR1 is therefore not sound as it fails to provide for at least 15 years post adoption together with a failure to plan for a requirement which reflects the Government's objectives of significantly boosting the supply of housing. This would be achieved through seeking to address the uncapped rather than capped local housing need as the difference would make a contribution towards addressing unmet housing needs of neighbouring authorities.

11. OVERALL CONCLUSIONS

11.1. The representations to the draft submission Local Plan have identified a number of concerns with the document as drafted, especially with respect of its soundness.

11.2. As indicated in the representations, changes to policies of the Plan are advocated, including the borough's housing requirement in policy STR1.

11.3. To ensure adequate supply of housing arises, the land west of Iden Green Road, Benenden should be included as a housing allocation.

11.4. These matters can consequently be addressed through Main Modifications to the plan allowing for a Sound Plan.

12. FINAL REMARKS

12.1. We trust the above comments are of assistance in preparing the necessary main modifications to provide for a sound Local Plan.

12.2. We welcome the opportunity to engage in constructive dialogue with the Council in relation to our observations, including the allocation of land west of Iden Green Road, Benenden for housing.

12.3. Additionally, we confirm that we wish to be notified of each further step in the preparation of the Local Plan, including its submission to the Inspectorate for examination.

Question 6

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Question 5 above. (Please note that non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Changes sought to the Local Plan with respect of the Borough's development requirements in policy STR1.

5.41. The Plan therefore as currently prepared does not comply with the Duty to Co-operate through a failure to effectively consider how unmet housing needs of neighbouring authorities, especially Sevenoaks District is to be addressed. The authority has not actively engaged with Sevenoaks and like Tonbridge & Malling (whose plan has also been found to fail the Duty) it is clear that the approach of Tunbridge Wells is insufficient with their legal obligations. The plan should consequently be withdrawn, and the authority tasked with demonstrating compliance with the duty.

5.42. Irrespective of the failure to comply with the Duty to Co-operate, the policy is not sound with respect of:

a) It is not positively prepared as it does not seek to address the borough's housing needs, therefore further sites should be allocated;b) It is not positively prepared as it fails to boost the supply of housing by seeking to address the uncapped housing need derived through local housing need. This failure is compounded by the lack of identification of further sites to contribute towards addressing unmet need of neighbouring authorities;c) It is not justified with regard to the timeframe that the examination of the Local Plan will take resulting in a delayed adoption of the document;d) It is not justified with respect of the inclusion of land at Tudeley Village to which we object (the reasons are detailed later); and
e) It is also inconsistent with national policy in the failure to both boost housing supply and make a contribution towards addressing the housing needs of neighbouring authorities as required by paragraph 60 of the NPPF.

5.43. To address these matters of soundness, several amendments are proposed. The proposed changes are.

1. That policy STR1 is amended to:

A) ensure that the plan period is 2020 to 2039.B) That the housing requirement is increased to 14,364 dwellings; andC) That reference to a new garden settlement at Tudeley Village is removed from the plan.

2. That consequential amendments are made to the document to reflect these revisions.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

Yes, I wish to participate in hearing session(s)

Question 7a

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

To clarify any points the Inspector has with respect of the detailed representations submitted

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:

Yes, I wish to be notified of future stages of the Local Plan

Supporting Information File Ref No: SI_109a-n

Comment

Agent	Mr Steve Brown [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Woolf Bond Planning
Address	[REDACTED] [REDACTED] READING [REDACTED]
Consultee	[REDACTED]
Company / Organisation	Millwood Designer Homes Ltd
Address	[REDACTED] [REDACTED] Tonbridge [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Millwood Designer Homes Ltd [REDACTED]
Comment ID	PSLP_1839
Response Date	03/06/21 14:53
Consultation Point	Policy STR 1 The Development Strategy (View)
Status	Processed
Submission Type	Email
Version	0.10
Files	App 05 Calverton v Nottingham City 2015 EWHC 1078 Admin.pdf APP01A~1.PDF App 07 Hundal v S Bucks DC 2012 EWHC 7912 Admin.pdf WBP Reps for Millwood - Rusthall - 3 June 2021.pdf App 01b P352 Rusthall - Access improvements.pdf APP09U~1.PDF App 04 Sevenoaks DC v CLG [2020] EWHC 3054.pdf APP02I~1.PDF APP10E~1.PDF App 03 Sevenoaks Final Report Mar 2020.pdf APP08T~1.PDF APP06S~1.PDF App 01d Home Farm - Site Context Plan WBP2.pdf App 01c Plan WBP1 - Land at Home Farm, Rusthall.pdf

Data inputter to enter their initials here KJ

Question 1

Respondent's Name and/or Organisation Millwood Designer Homes Ltd

Question 2

Agent's Name and Organisation (if applicable) Woolf Bond Planning

Question 3

To which part of the Local Plan does this representation relate? Policy

Question 3a

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy STR 1 The Development Strategy

[TWBC: full representation attached has been separated into Policy STR1 (PSLP_1839, Policy STR9 (PSLP_1848), Policy PSTR/RU1 (PSLP_1856) and Policy STR/SS3 (PSLP_1857). See also appendices attached].

Question 4

Do you consider that the Local Plan:

Is legally compliant No

Is sound No

Complies with the Duty to Cooperate No

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

- . It is not positively prepared
- . It is not effective
- . It is not justified
- . It is not consistent with national policy

Question 5

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

1. INTRODUCTION

1.1 Our clients (Millwood Designer Homes Ltd) control the land at Home Farm, Lower Green Road, Rusthall (SHLAA Site Ref: 60). This site has been promoted through earlier stages in the Local Plan as an additional location for growth in the Borough, taking account its credentials as a sustainable location for growth adjoining the acknowledged suitability of Rusthall, as indicated in the Council's SHLAA. In contrast to other locations, the development of new homes at the site will ensure the embedment of behaviour associated with the sustainable living unlike other locations in the Borough, especially the new community proposed at Tudeley Village.

1.2 Further to our submissions on earlier stages in the preparation of the Local Plan, the Council has failed to provide an appropriate strategy which seeks to meet the Borough's development needs, especially with respect of housing." Consequently, for the reasons outlined in these submissions, it is not considered that the Draft Submission Plan adequately addresses the Borough's housing needs in locations which are accessible to existing infrastructure and services such as those available at Rusthall which include those relating to health, education, leisure, retail and employment. Such locations should be considered in advance of the unjustified removal of land from the Green Belt which as detailed in the representations would be wholly consistent with the approach of national policy in the NPPF. We therefore advocate changes to the Local Plan to address these matters.

1.3 Have regard to the concerns with respect of the appropriateness of the approach and its challenges of delivering sustainable growth, we therefore advocate the removal of the proposed allocation at Tudeley Village with replacement with an allocation at Home Farm, Rusthall. For the reasons detailed in this submission, growth at Home Farm, Rusthall due to its relationship with existing development and facilities would result in achievement of sustainable development. Furthermore, the proximity of the Home Farm site to services and facilities that residents will need to undertake their daily life ensures that sustainable behaviours are embedded in residents from initial occupation of the homes.

1.4 This contrasts with that at Tudeley Village which due to the limitations of these in the local area will result in need for longer journeys to undertake daily lives, which are therefore likely to result in increased use of the car. Once this behaviour becomes the normal for residents in Tudeley, it will be harder to encourage them to switch to more sustainable alternatives once they become available.

1.5 The reports and documents submitted with this representation demonstrate the suitability of the approach advocated. As detailed in the representations, this land is not subject to constraints which would prevent its delivery for development at an early stage during the emerging plan period should this be confirmed through the examination of the Plan.

1.6 We also have several comments/representations on the policies within the Draft Submission Tunbridge Wells Borough Local Plan which should be addressed prior to its submission for examination by the Secretary of State.

2. REPRESENTATIONS AND SUPPORTING INFORMATION

2.1 Our comments upon the various draft policies and proposals are set out below and are accompanied by the following Documents:

- Duly Completed Response Form.
- Copy of submissions on behalf of Millwood Designer Homes to the Council's Draft Local Plan Regulation 18 Consultation (November 2019) (Appendix 1)
- Copy of Inspector's assessment of the Tonbridge & Malling Local Plan (15th December 2020) (Appendix 2)
- Inspector's Report into Examination of the Sevenoaks Local Plan (2nd March 2020) (Appendix 3)
- Sevenoaks DC v Secretary of State for Communities, Housing & Local Government [2020] EWHC 3054 (Appendix 4)
- Calverton PC v Nottinghamshire County Council [2015] EWHC 1078 (Admin) (Appendix 5)
- St Albans City & District v Hunston Properties [2013] EWCA Civ 1610 (Appendix 6)
- Hundal v South Bucks DC [2012] EWHC 7912 (Admin) (Appendix 7)
- Tandridge LP Inspector's interim conclusions (11th December 2020) (Appendix 8)
- Uttlesford Local Plan post Stage 1 hearings Inspector's letter to Council 10th January 2020 (Appendix 9)
- North Essex Authorities (Braintree, Colchester & Tendring) Inspector's Report (10th December 2020) (Appendix 10)

2.2 Our client's representations upon the Draft Local Plan can be summarised as relating to the following:

Policy

Representation

Policy STR1: The Development Strategy and extent of Built Developments

Objection

Policy STR8: Conserving and enhancing the natural, built, and historic environment

Objection

Policy STR9: Green Belt

Objection

Policy PSTR/RU1: The Strategy for Rusthall Parish and the omission of land at Home Farm, Lower Green Road (Site Ref: 60)

Objection

Policy STR/SS3: The Strategy for Tudeley Village

Objection

Omission site – Land at Home Farm, Lower Green Road, Rusthall (SHLAA Ref 60) – failure to include as an allocation in policy PSTR/RU1

Objection

3. OVERARCHING POSITION

3.1 We have a strong belief in the principle of the plan-led system and in setting out our representations upon these policies, we hope to be able to work with the Council between now and the formal submission of the Draft Local Plan pursuant to Regulation 22 of The Town and County Planning (Local Planning) (England) Regulations 2012 (as amended), to ensure the Local Plan satisfies the tests of soundness at paragraph 35 of the NPPF.

3.2 We have considerable experience and expertise in dealing with and realising development schemes through the planning system. In this context, a principal constraint to the timely delivery of housing is the way in which policies for the allocation of sites have been formulated.

3.3 Local Plans must be capable of delivering from the point at which they are adopted. This means scrutinising the policy wording to ensure the Plans are sound and that the allocations contained therein are capable of being delivered at the point envisaged. This is particularly the case in relation to the need for Councils to collate a robust evidence base to justify the imposition of certain policies and/or their wording so as not to over burden and/or stifle sustainable and appropriate development.

3.4 In this instance, the draft Local Plan needs to be amended in order to ensure it robustly plans for the delivery of sufficient housing to address a housing requirement established in accordance with national planning policy and guidance. This therefore indicates that the Plan must seek to deliver the minimum of 14,364 dwellings between 2020 and 2039 rather than 12,204 dwellings from 2020 to 2038 as currently envisaged.

3.5 To address this requirement for additional homes, we contend that land at Home Farm, Lower Green Road, Rusthall should be allocated for residential development (SHLAA ref 60). This site can accommodate 25 dwellings (including a policy-compliant level of affordable housing) and as indicated in these representations and the supporting documents would be a sustainable addition to the village.

3.6 The representations also highlight a failure of the plan as currently drafted to contribute towards addressing the acknowledged unmet needs of neighbouring authorities and the allocation of Home Farm, Rusthall can also supply homes to resolve this issue.

3.7 As detailed in the representations, the Home Farm site would be a logical addition to the existing development in Rusthall and should consequently be included in the defined extent of the village, alongside its removal from the Green Belt.

3.8 We also advocate other revisions to the Draft Submission Local Plan to ensure it is consistent with the evidence base prepared by the authority.

3.9 We are concerned to ensure that the Local Plan is robust, and it is in this context that we set out our representations.

4. THE NPPF TESTS OF SOUNDNESS

4.1 Section 3 of the NPPF (Feb 2019) sets out the principal components to be included in Local Plans. Paragraph 35 requires that to be “sound” a DPD should be positively prepared, justified, effective and consistent with national policy.

4.2 A positively prepared plan provides 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 practical to do so and is consistent with achieving sustainable development.

4.3 In order to be justified, the Draft Submission Local Plan must have an appropriate strategy, taking into account reasonable alternatives and be based on proportionate evidence.

4.4 Effective means the document must be deliverable over the plan period and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred and evidenced by the statements of common ground.

4.5 The Local Plan should seek to meet the Council’s full housing need. However, we have concerns regarding the rationale for and robustness of the housing numbers the Council is seeking to accommodate within the Draft Submission Local Plan. We also have concerns regarding the appropriateness of the sites selected for contributing towards addressing the Borough’s development needs.

4.6 For the reasons set out in these representations there are several shortcomings with the Plan, as currently drafted, that result in the need for amendments.

4.7 These amendments relate to the need to increase the level of housing provision within a more appropriate plan period, thereby ensuring the emerging plan is consistent with the Government’s planning advice and policy. They also advocated changes to the extent of the defined settlement area of Rusthall alongside consequential revisions to the Green Belt together with amendments to other policies of the plan.

4.8 These amendments would reflect our view of the clear sustainability advantages of growth at Rusthall in preference to unsustainable locations where development conflicts with the approach of the NPPF i.e. Tudeley Village. In the case of Tudeley village, due to its identification in advance of locations which are to be preferred having regard to the approach of the NPPF, we contend that the new settlement proposal should be omitted from the Plan with the site retained in the Green Belt.

4.9 Furthermore, to address the additional identified housing need, we advocate that land at Home Farm, Lower Green Road, Rusthall (SHLAA Ref 60) should be included as an additional allocation within draft policy PSTR/RU1.

4.10 The remainder of this submission is focused on providing responses to the Council’s draft policies in the Local Plan.

5. POLICY STR1: THE DEVELOPMENT STRATEGY

Representations

The Housing Requirement and Plan Period - Robustness of Supply

5.1 Policy STR1 indicates that the Local Plan must accommodate land for at least 12,204 dwellings and 14 hectares of employment land over the period 2020-2038. The accompanying Housing Needs Assessment Topic Paper details the derivation of this housing requirement through determining the area’s minimum Local Housing Need consistent with the NPPF (Appendix 1). The appendix (Page 36) of the Housing Needs Topic Paper recognises that the equivalent annual figure (678dpa) which derives the overall plan requirement of 12,204 is the result of a 40% cap within step 3 of the Standard Method Calculation (PPG ID ref 2a-004-202021216).

5.2 The PPG (ID ref 2a-007-20190220) is clear that application of the 40% cap within step 3 of the Standard Method does not reduce an area’s housing need. It confirms that the area’s housing need remains the uncapped figure which the authority should seek to address at the earliest opportunity, including through an early review. To avoid an early review the authority should consider the scope that the area could address the uncapped housing need of the area, especially as the Housing Needs Topic Paper (paragraphs 2.25 and 2.26) recognises that the areas’ high median workplace affordability ratio was influenced by wider macro-economic factors and housing needs associated with London, and the wider South-East.

5.3 The failure to consider the scope for a higher housing requirement through either inclusion of the uncapped housing requirement or an alternative uplift to contribute towards addressing acknowledged unmet housing needs of other authorities is a key concern that the draft Submitted Plan is inconsistent with National Policy.

5.4 The Housing Needs Topic Paper (paragraph 2.15) suggests that the Borough's uncapped housing need is for 741dpa (Page 35 of the Topic Paper indicates that the figure is 749dpa), rather than the 678dpa that the Council commits to delivery within policy STR1.

5.5 The Housing Needs Topic Paper (Step 2 as shown in appendix 1 (page 35)) indicates that the median workplace affordability ratio relied upon within the calculation is 12.76. This was the figure issued in March 2019 and related to 2018. However on 25th March 2021, the 2020 based affordability ratios were issued and this indicates that the figure for Tunbridge Wells Borough is now 13.27. The application of the approach in Step 2 of the Standard Method (PPG IS ref 2a-004-20201216) means that the 13.27 affordability ratio results in an increase of 57.9375% above the household projections, rather than 54.75% as detailed in the Topic Paper.

5.6 Using the same annual average increase in households (2020-30) which the authority has used in their Topic Paper (484.3) means that the correct uncapped housing need for the Borough would be 765dpa (484.3 x 1.579375). The revised uncapped figure using the latest affordability ratios is therefore 12.8% above the 678dpa within the draft Submission Local Plan. This is consequently the Council should have included as the minimum requirement as it would have exceeded the capped figure which would therefore contribute towards needs arising in other authorities. This is explained further below.

5.7 In addition to challenging the failure to consider address the Borough's uncapped housing need of 765dpa, we dispute the reasonableness of the expected Plan period and its consistency with the obligation to provide strategic policy for at least 15 years post adoption (NPPF, paragraph 22).

Housing needs of Other Authorities

5.8 As indicated above, the uncapped housing need for the Borough is 765dpa compared to the capped figure of 678dpa. We contend that the authority should have used the uncapped housing requirement as the basis for determining the Borough's annual housing needs as it provides a greater boost towards meeting the Borough's housing needs consistent with the NPPF (paragraph 60).

5.9 Paragraph 60 is clear that in determining an areas' housing needs account should be taken of any requirements which cannot be addressed by neighbouring authorities. The Council's Duty to Co-operate (DtC) Statement summarises the discussions and engagement that the authority has had with other bodies pursuant to the Duty to Co-operate. The DtC Statement is clear that Sevenoaks District has identified a clear challenge for that authority to meet its' housing needs.

5.10 Whilst the DtC Statement indicates that Tunbridge Wells Borough does not consider it can contribute towards addressing unmet housing needs from Sevenoaks district, it is clear that had the authority incorporated the uncapped housing need of 765dpa, rather than 678dpa the difference of 87 dwellings annually could have made a valuable contribution towards the significant unmet needs of Sevenoaks District.

5.11 A review of the Council's Sustainability Appraisal which considered the impacts of uncapped housing growth (growth strategies 10 & 11) indicates that the overall impacts of these would be similar to that of the draft submission Local Plan. It is therefore clear that delivery growth consistent with the uncapped housing needs is therefore a reasonable and justified approach. For the reasons detailed in the representations, had the draft Submission Local Plan included the Home Farm, Rusthall site, this would have made a useful contribution towards meeting the Borough's housing needs, including those of adjoining authorities which have yet to be addressed.

5.12 The DtC Statement indicates that part of the justification for not providing additional homes in Tunbridge Wells Borough is the need to await the outcome of Sevenoaks District's challenge of the conclusions in the Inspector's Report detailing the examination of the Sevenoaks Local Plan that the authority had failed to comply with the Duty to Co-operate.

5.13 The Inspector's Report into the Sevenoaks Local Plan Examination (March 2020) (appendix 3) is clear (paragraph 28) that on 11th April 2019 it received a request from Sevenoaks DC to make a contribution towards unmet housing needs. Details of this request are not however included within appendix B6 of the Council's DtC Statement. Given that this is highlighted as an important event by

the Sevenoaks Local Plan Inspector, it is concerning that this is not referenced within Tunbridge Wells's analysis.

5.14 The Sevenoaks Local Plan Inspector was clear as to the significant extent of unmet housing need (potentially at least 1,316 dwellings as indicated in paragraph 14). Furthermore that Inspector was clear that there had been a failure to effectively engage with neighbouring authorities, notwithstanding the preparation of Statements of Common Ground with other bodies and the engagement in an external peer review of the acceptability of their approach. The Sevenoaks Inspector is clear that it is a matter of planning judgment whether the DtC obligation within the Planning legislation has been achieved (Paragraph 16).

5.15 Sevenoaks District Council's approach to the Duty to Co-operate was further assessed through the subsequent Court judgement (appendix 4). This refers to the specific actions that Sevenoaks undertook with neighbouring authorities including Tunbridge Wells (paragraph 7), the preparation of Statements of Common Ground and the independent review by a former Inspector (paragraph 19). Whilst this implied that the authority had Achieved the Duty, the Courts nevertheless confirmed that through the formal examination process, the Inspector had rightly reached their own judgement and subsequent conclusions that the Plan had failed the legal test.

5.16 Although the DtC Statement accompanying the Tunbridge Wells Plan indicates that they were awaiting the conclusions of the Court with respect of whether there would be any unmet need in Sevenoaks District, it is not considered that this is a robust position for the Council to take.

5.17 The Council's avoidance of any contribution towards Sevenoaks unmet housing needs reflects the position of Tonbridge & Malling BC (who adjoin both Sevenoaks and Tunbridge Wells). The Inspector examining the submitted Tonbridge & Malling Local Plan reported their conclusions in December 2020 (Appendix 2). In paragraph 4, the TMBC LP Inspector states:

The Council explained at the hearings that it was not clear until SDC's Regulation 19 plan was published in December 2018 what the scale of unmet need was and even then it was not certain as the plan had not been examined by an Inspector and the housing requirement found sound. The Tonbridge and Malling Regulation 19 plan was submitted for examination in January 2019 to meet the transitional deadline set out in paragraph 214 of annex 1 to the July 2018 and February 2019 versions of the National Planning Policy Framework (the Framework).

5.18 The Inspector (paragraphs 6 and 7) clarifies the timing of TMBC's knowledge of the expected deficit in Sevenoaks District. These state:

"6. However, it appears from the evidence before us that the Council knew for a number of years, prior to the submission of their plan for examination, that it was highly unlikely that SDC would be able to meet its housing requirement in full. Despite this there is no evidence that the Council engaged in any meaningful discussions with SDC to consider how the strategic matter of unmet need could be resolved. Instead the Council has relied on the fact that SDC did not formally ask them for help. However, from the evidence it seems that SDC chose not to make any formal request for help because they knew that the answer from Tonbridge and Malling would be 'no' due to 'constraints'¹. We consider Tonbridge and Malling were complicit with this for having said no without any active, ongoing and constructive engagement. This is not indicative of an attempt by Tonbridge and Malling Council to engage constructively or actively to resolve this issue.

7. Indeed, the Council accepted at the hearings that they knew of the unmet need much earlier than December 2018, but say that they could not do anything as the unmet need was a large range and there was an expectation that it would have been met by SDC through increased densities on allocated sites. SDC's Regulation 18 plan which it consulted on, between July and September 2018, identified a need for 13,960 dwellings and identified sites to meet between 6,582 and 13,382 dwellings². So, at this stage it was clear there was a likely shortfall of around 600 dwellings, and this was the best case scenario. At worst it was closer to approximately 7000. In the submitted Regulation 19 plan the unmet need was in the order of 3,392 dwellings."

5.19 The TMBC LP Inspector (appendix 2) was clear (paragraph 15) that the authority was fully aware that Sevenoaks District had an element of unmet housing need and it was subsequently a requirement for the authority to actively and constructively engage in solutions through the Duty.

5.20 As a result of the failure by TMBC with respect of the Duty, the Inspector examining that Local Plan concluded that that document had failed in obligation within statute with respect of the Duty to Co-operate.

5.21 The TMBC LP Inspector's conclusions with respect of the failure of the Duty was likewise irrespective of any Statements of Common Ground or Memorandum of Understanding that had been prepared.

5.22 Having regard to the clear longstanding indications that Sevenoaks District could not meet its housing needs, the approach of Tunbridge Wells Borough as indicated in their DtC Statement (page 18), it is not considered reasonable as it should not await the outcome of Sevenoaks' challenge through the Court. Instead, as acknowledged through the Council's own Sustainability Appraisal it is clear that Tunbridge Wells Borough could readily accommodate and address their uncapped housing need. In such an instance, the authority could have been clear that the difference between the capped and uncapped housing requirements (678dpa and 765dpa respectively) whilst making a contribution towards significantly boosting the supply of housing would have also been included as a means of addressing unresolved needs of others.

5.23 Having regard to the consistency of the approach of Tunbridge Wells to that rejected by the Inspector in Tonbridge & Malling that there was uncertainty over the extent of shortfall arising in Sevenoaks District and their corresponding inability to address it equally applies in Tunbridge Wells Borough, it is contended that this plan has also failed in addressing the statutory obligation with respect of the Duty.

5.24 As with the conclusions of the Inspectors' who examined both Sevenoaks and the Tonbridge & Malling Local Plans, this must likewise confirm that Tunbridge Wells' Local Plan has failed the Duty and must consequently be withdrawn. This is because as recognised by both these Inspectors' once the Plan has been submitted there is no solution available to the Inspector for addressing the statutory test with respect of the Duty (Section 33A of the Planning & Compulsory Purchase Act 2004 (as amended)). Accordingly, the Plan should be found not to be legally compliant and should not be examined further.

5.25 If the Inspector nevertheless considers that the Plan has complied with the Statutory test associated with the Duty, we nevertheless contend that the Borough's housing need should be increased from the current 678dpa to 765dpa as this has been examined through the Sustainability Appraisal and the increase of 87dpa would make a valuable contribution towards addressing longstanding and unresolved housing needs arising in the adjoining Sevenoaks District.

Robustness of Plan period

5.26 Although the Council's latest Local Development Scheme (February 2021) indicates that consultation on the Draft Submission Plan is to occur from 26th March until 21st May 2021 followed by submission in July 2021 and adoption in June 2022, this is not considered realistic.

5.27 A review of the time taken for the examination of Strategic Local Plans consulted upon and submitted for examination since the original NPPF was published in March 2012 (Data on progress of Strategic Local Plans until 1st March 2021 from Local Plans: the examination process - GOV.UK (www.gov.uk)) indicates that on average the period from submission through to the document's adoption was 581 days (i.e. 1 year 7 months) (for the more than 200 Strategic documents found sound until 1st March 2021).

5.28 The average period from consultation on a draft Submission Plan until its adoption was 764 days (i.e. over 2 years).

5.29 Alternatively, when considering the 8 Strategic Local Plans submitted for examination since the end of the transition period in paragraph 214 of the 2019 NPPF (Submitted on or before 24th January 2019), these have taken 575 days (1 year 7 months) from consultation through to adoption or 457 days from submission to adoption (1 year 3 months). As this is a very small sample size, it is clear that a longer timeframe for the document's examination would be more realistic.

5.30 As consultation on the Draft Submission Plan commenced in March 2021, allowing at least 2 years until adoption indicates that this would not occur until April 2023. With submission expected in summer 2021, the larger sample size indicates that adoption would not occur until early 2023.

5.31 To ensure consistency of the Plan with the requirements of NPPF paragraph 22, the Strategic policies (including STR1) should therefore look ahead a minimum 15 years from adoption of the Local Plan, that will be to at least March 2039, an additional year longer than the currently envisaged timeframe.

5.32 If the Borough's housing requirement was increased by the current capped requirement, this would result in the need for a further 678 dwellings in the Plan. However, we contend that if the event that the Inspector concludes Tunbridge Wells Borough has complied with the Duty to Co-operate, that to make a contribution towards unmet housing needs in adjoining authorities, the Borough's housing requirement is increased from 678dpa to 756dpa. This uplift together with an extended plan period which reflects a robust period for examination of the draft Submission Local Plan indicates that rather requiring 12,204 dwellings from 2020 to 2038, this should be increased to 14,364 dwellings from 2020 to 2039. This is consequently an increase of 2,162 dwellings. A proportion of these additional homes could be delivered through the allocation of the land at Home Farm, Lower Green Road, Rusthall.

5.33 For the reasons detailed above, a March 2039 end date would provide for 15 years after the 2023/24 monitoring period during which adoption could be realistic anticipated.

Robustness of Housing Land Supply

5.34 The Council (Table 3 of Draft Submission Plan) indicates that to achieve its housing requirement of 12,204, after deducting existing commitments (permissions (3,313 dwellings)) together with windfalls (1,670 dwellings) sites for at least 7,721 dwellings should be identified. The information in Table 4 of the Draft Submission Plan indicates that the document includes allocations that can deliver between 8,076 and 8,461 dwellings.

5.35 For the reasons detailed in the representation to policy STR/SS3, we do not consider that the Allocation at Tudeley has been justified. The contribution of this within the plan period (2,100 dwellings) should therefore be omitted. Therefore, the actual number of homes allocated in the Plan is consequently between 5,976 and 6,361 dwellings.

5.36 In addition, as the response above, indicates, rather than requiring the delivery of 12,204 dwellings, we contend that the authority should instead plan for at least 14,364 dwellings. Therefore, having regard to the increased requirement (to ensure the authority makes a contribution towards unmet needs of other authorities together with providing for the minimum 15 years post adoption required by the NPPF (paragraph 22) instead of having to identify land to accommodate at least 7,721 dwellings the Council assessed as needed, the authority actually needs to identify land for 9,883 dwellings.

5.37 It is therefore clear, irrespective of the unjustified allocation of Tudeley that further sites are needed. One site which should be included as an allocation is the land controlled by our clients at Home Farm, Lower Green Road, Rusthall. The suitability of this is detailed in the section with respect of the omission site.

Conclusions

5.38 The approach of policy STR1 is therefore not sound as it fails to provide for at least 15 years post adoption together with a failure to plan for a requirement which reflects the Government's objectives of significantly boosting the supply of housing. This would be achieved through seeking to address the uncapped rather than capped local housing need as the difference would make a contribution towards addressing unmet housing needs of neighbouring authorities.

10. OVERALL CONCLUSIONS

10.1. The representations to the draft submission Local Plan have identified a number of concerns with the document as drafted, especially with respect of its soundness.

10.2. As indicated in the representations, changes to policies of the Plan are advocated, including the borough's housing requirement in policy STR1.

10.3. To ensure adequate supply of housing arises, the land at Home Farm, Lower Green Road, Rusthall (Site Ref: 60) should be included as an allocation.

10.4. These matters can consequently be addressed through Main Modifications to the Plan allowing for a Sound Plan.

11. FINAL REMARKS

11.1. We trust the above comments are of assistance in preparing the necessary main modifications to provide for a sound Local Plan.

11.2. We welcome the opportunity to engage in constructive dialogue with the Council in relation to our observations, including the allocation of our client's site at Home Farm, Rusthall (Site Ref: 60).

11.3. Additionally, we confirm that we wish to be notified of each further step in the preparation of the Local Plan, including its submission to the Inspectorate for examination.

Question 6

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Question 5 above. (Please note that non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Changes sought to the Local Plan with respect of the Borough's development requirements in policy STR1.

5.39 The Plan therefore as currently prepared does not comply with the Duty to Co-operate through a failure to effectively consider how unmet housing needs of neighbouring authorities, especially Sevenoaks District is to be addressed. The authority has not actively engaged with Sevenoaks and like Tonbridge & Malling (whose plan has also been found to fail the Duty) it is clear that the approach of Tunbridge Wells is insufficient with their legal obligations. The plan should consequently be withdrawn, and the authority tasked with demonstrating compliance with the duty.

5.40 Irrespective of the failure to comply with the Duty to Co-operate, the policy is not sound with respect of:

a) It is not positively prepared as it does not seek to address the borough's housing needs, therefore further sites should be allocated;b) It is not positively prepared as it fails to boost the supply of housing by seeking to address the uncapped housing need derived through local housing need. This failure is compounded by the lack of identification of further sites to contribute towards addressing unmet need of neighbouring authorities;c) It is not justified with regard to the timeframe that the examination of the Local Plan will take resulting in a delayed adoption of the document;d) It is not justified with respect of the inclusion of land at Tudeley Village to which we object (the reasons are detailed later); and
e) It is also inconsistent with national policy in the failure to both boost housing supply and make a contribution towards addressing the housing needs of neighbouring authorities as required by paragraph 60 of the NPPF.

5.41 To address these matters of soundness, several amendments are proposed. The proposed changes are.

1. That policy STR1 is amended to:

A) ensure that the plan period is 2020 to 2039.B) That the housing requirement is increased to 14,364 dwellings; andC) That reference to a new garden settlement at Tudeley Village is removed from the plan.

2. That consequential amendments are made to the document to reflect these revisions.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

Yes, I wish to participate in hearing session(s)

Question 7a

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

To clarify any points the Inspector has with respect of the detailed representations submitted

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:

Yes, I wish to be notified of future stages of the Local Plan

Supporting Information File Ref No: SI_116a-j

Comment

Agent	Mr Steve Brown [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Woolf Bond Planning
Address	The Mitfords Basingstoke Road READING RG7 1AT
Consultee	[REDACTED]
Company / Organisation	Millwood Designer Homes Ltd
Address	Bordyke End 59 East Street Tonbridge TN9 1HA
Event Name	Pre-Submission Local Plan
Comment by	Millwood Designer Homes Ltd [REDACTED]
Comment ID	PSLP_1876
Response Date	03/06/21 16:15
Consultation Point	Policy STR 1 The Development Strategy (View)
Status	Processed
Submission Type	Email
Version	0.6
Files	App 05 St Albans v Hunston Properties 2013 EWCA Civ 1610.pdf App 04 Calverton v Nottingham City 2015 EWHC 1078 Admin.pdf App 07 Tandridge Inspector-Preliminary-Conclusions-Advice.pdf App 09 Examiners Report on the Examination of NEA S1 10th Dec 2020.pdf WBP Reps for Millwood - Matfield - 3 June 2021.pdf App 08 Uttlesford Post stage 1 hearings letter to the Council 10.1.20 .pdf App 03 Sevenoaks DC v CLG [2020] EWHC 3054.pdf App 06 Hundal v S Bucks DC 2012 EWHC 7912 Admin.pdf App 02 Sevenoaks Final Report Mar 2020.pdf App 01 Inspectors letter to Tonbridge and Malling 15.12.20.pdf
Data inputter to enter their initials here	KJ
Question 1	

Respondent's Name and/or Organisation Millwood Designer Homes Ltd

Question 2

Agent's Name and Organisation (if applicable) Woolf Bond Planning

Question 3

To which part of the Local Plan does this representation relate? Policy

Question 3a

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy STR 1 The Development Strategy

[TWBC: full representation attached has been separated into Policy STR1 (PSLP_1876, Policy STR9 (PSLP_1879), Policy PSTR/BM1 (PSLP_1881) and Policy STR/SS3 (PSLP_1882). See also appendices attached].

Question 4

Do you consider that the Local Plan:

Is legally compliant No

Is sound No

Complies with the Duty to Cooperate No

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

- . It is not positively prepared
- . It is not effective
- . It is not justified
- . It is not consistent with national policy

Question 5

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

1. INTRODUCTION

1.1 Our clients (Millwood Designer Homes Ltd) have a controlling interest in land at Ashes Plantation, Maidstone Road, Matfield (Site Ref: 353).

1.2 The site was allocated in the Regulation 18 Draft Local Plan (Sept 2019) as a suitable and sustainable location to provide for 30-60 dwellings under Policy AL/BM3.

1.3 The council's decision to deallocate the site is not supported by the evidence base including this site assessment set out in the sustainability appraisal. Accordingly, the site should be reinstated as a housing allocation on similar terms to the wording set out in former Policy AL/BM3.

1.4 For the reasons set out below, we are of the view that the Council has failed to provide an appropriate strategy which seeks to meet the Borough's development needs, especially with respect of housing. Consequently, for the reasons outlined in these submissions, it is not considered that the Draft Submission Plan adequately addresses the Borough's housing needs in locations which are accessible to existing infrastructure and services such as those available at Matfield. Such locations should be considered in advance of the unjustified removal of land from the Green Belt which as detailed in the representations, which approach would be wholly consistent with the approach of national policy in the NPPF. We therefore advocate changes to the Local Plan to address these matters.

1.5 Having regard to the concerns with respect of the appropriateness of the approach and its challenges of delivering sustainable growth, we therefore advocate the removal of the proposed allocation at Tudeley Village and the allocation of deliverable sites in sustainable locations, including land controlled by our client at Ashes Plantation, Matfield. The site affords a logical opportunity in helping to meet identified housing needs and could provide for up to 60 dwellings, to include a policy-compliant level of affordable housing.

2. REPRESENTATIONS AND SUPPORTING INFORMATION

2.1 Our comments upon the various draft policies and proposals are set out below and are accompanied by the following Documents:

- Duly Completed Response Form.
- Copy of Inspector's assessment of the Tonbridge & Malling Local Plan (15th December 2020) (appendix 1)
- Inspector's Report into Examination of the Sevenoaks Local Plan (2nd March 2020) (appendix 2)
- Sevenoaks DC v Secretary of State for Communities, Housing & Local Government [2020] EWHC 3054 (appendix 3)
- Calverton PC v Nottinghamshire County Council [2015] EWHC 1078 (Admin) (appendix 4)
- St Albans City & District v Hunston Properties [2013] EWCA Civ 1610 (appendix 5)
- Hundal v South Bucks DC [2012] EWHC 7912 (Admin) (appendix 6)
- Tandridge LP Inspector's interim conclusions (11th December 2020) (appendix 7)
- Uttlesford Local Plan post Stage 1 hearings Inspector's letter to Council 10th January 2020 (appendix 8)
- North Essex Authorities (Braintree, Colchester & Tendring) Inspector's Report (10th December 2020) (appendix 9)

2.2 Our client's representations upon the Draft Local Plan can be summarised as relating to the following:

Policy

Representation

Policy STR1: The Development Strategy and extent of Built Development Limits

Objection

Policy STR9: Green Belt

Objection

Policy PSTR/BM1: The Strategy for Brenchley and Matfield Parish and the omission of land at Ashes Plantation as a housing allocation for up to 60 dwellings.

Objection

Policy STR/SS3: The Strategy for Tudeley Village

Objection

Omission site – Land at Ashes Plantation, Maidstone Road, Matfield (SHLAA Ref: 353)

Objection

3. OVERARCHING POSITION

3.1 We have a strong belief in the principle of the plan-led system and in setting out our representations upon these polices, we hope to be able to work with the Council between now and the formal submission of the Draft Local Plan pursuant to Regulation 22 of The Town and County Planning (Local Planning) (England) Regulations 2012 (as amended), to ensure the Local Plan satisfies the tests of soundness at paragraph 35 of the NPPF.

3.2 We have considerable experience and expertise in dealing with and realising development schemes through the planning system. In this context, a principal constraint to the timely delivery of housing is the way in which policies for the allocation of sites have been formulated.

3.3 Local Plans must be capable of delivering from the point at which they are adopted. This means scrutinising the policy wording to ensure the Plans are sound and that the allocations contained therein are capable of being delivered at the point envisaged. This is particularly the case in relation to the need for Councils to collate a robust evidence base to justify the imposition of certain policies and/or their wording so as not to over burden and/or stifle sustainable and appropriate development.

3.4 In this instance, the draft Local Plan needs to be amended in order to ensure it robustly plans for the delivery of sufficient housing to address a housing requirement established in accordance with national planning policy and guidance. This therefore indicates that the Plan must seek to deliver the minimum of 14,364 dwellings between 2020 and 2039 rather than 12,204 dwellings from 2020 to 2038 as currently envisaged.

3.5 To address this requirement for additional homes, we contend that land at Ashes Plantation, Maidstone Road, Matfield (SHELAA Ref: 353) should be allocated for housing development.

3.6 Our representations also highlight a failure of the Local Plan as currently drafted to contribute towards addressing the acknowledged unmet needs of neighbouring authorities and the allocation of Site Ref: 353 (Reg 18 Local Plan allocation Ref: AL/BM3), can also supply homes to resolve this issue.

3.7 As detailed in the representations, the site represents a logical addition to the existing development in Matfield and should be included in the defined extent of the village. This requires consequential amendments to the Limits to Build development for Matfield as defined on the Local Plan Proposals Map (Inset Map 21).

3.8 We also advocate other revisions to the Draft Submission Local Plan to ensure it is consistent with the evidence base prepared by the Council.

3.9 We are concerned to ensure that the Local Plan is robust, and it is in this context that we set out our representations.

4. THE NPPF TESTS OF SOUNDNESS

4.1 Section 3 of the NPPF (Feb 2019) sets out the principal components to be included in Local Plans. Paragraph 35 requires that to be “sound” a DPD should be positively prepared, justified, effective and consistent with national policy.

4.2 A positively prepared plan provides 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 practical to do so and is consistent with achieving sustainable development.

4.3 In order to be justified, the Draft Submission Local Plan must have an appropriate strategy, taking into account reasonable alternatives and be based on proportionate evidence.

4.4 Effective means the document must be deliverable over the plan period and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred and evidenced by the statements of common ground.

4.5 The Local Plan should seek to meet the Council's full housing need. However, we have concerns regarding the rationale for and robustness of the housing numbers the Council is seeking to accommodate within the Draft Submission Local Plan. We also have concerns regarding the appropriateness of the sites selected for contributing towards addressing the Borough's development needs.

4.6 For the reasons set out in these representations there are several shortcomings with the Plan, as currently drafted, that result in the need for amendments.

4.7 These amendments relate to the need to increase the level of housing provision within a more appropriate plan period, thereby ensuring the emerging plan is consistent with the Government's planning advice and policy. They also advocate changes to the extent of the defined settlement area of Matfield together with amendments to other policies of the plan.

4.8 These amendments would reflect the view taken by the Council in allocation the site at the Regulation 18 stage in preference to locations where development conflicts with the approach of the NPPF i.e. Tudeley Village. In the case of Tudeley village, due to its identification in advance of locations which are to be preferred having regard to the approach of the NPPF, we contend that the new settlement proposal should be omitted from the Plan with the site retained in the Green Belt.

4.9 The remainder of this submission is focused on providing responses to the Council's draft policies in the Local Plan.

5. POLICY STR1: THE DEVELOPMENT STRATEGY

Representations

The Housing Requirement and Plan Period and robustness of supply

5.1 Policy STR1 indicates that the Local Plan must accommodate land for at least 12,204 dwellings and 14 hectares of employment land over the period 2020-2038. The accompanying Housing Needs Assessment Topic Paper details the derivation of this housing requirement through determining the area's minimum Local Housing Need consistent with the NPPF (Appendix 1). The appendix (Page 36) of the Housing Needs Topic Paper recognises that the equivalent annual figure (678dpa) which derives the overall plan requirement of 12,204 is the result of a 40% cap within step 3 of the Standard Method Calculation (PPG ID ref 2a-004-202021216).

5.2 The PPG (ID ref 2a-007-20190220) is clear that application of the 40% cap within step 3 of the Standard Method does not reduce an area's housing need. It confirms that the area's housing need remains the uncapped figure which the authority should seek to address at the earliest opportunity, including through an early review. To avoid an early review the authority should consider the scope that the area could address the uncapped housing need of the area, especially as the Housing Needs Topic Paper (paragraphs 2.25 and 2.26) recognises that the areas' high median workplace affordability ratio was influenced by wider macro-economic factors and housing needs associated with London, and the wider South East. The failure to consider the scope for a higher housing requirement through either inclusion of the uncapped housing requirement or an alternative uplift to contribute towards addressing acknowledged unmet housing needs of other authorities is a key concern that the draft Submitted Plan is inconsistent with National Policy.

5.3 The Housing Needs Topic Paper (paragraph 2.15) suggests that the Borough's uncapped housing need is for 741dpa (Page 35 of the Topic Paper indicates that the figure is 749dpa), rather than the 678dpa that the authority commits to delivery within policy STR1.

5.4 The Housing Needs Topic Paper (Step 2 as shown in appendix 1 (page 35)) indicates that the median workplace affordability ratio relied upon within the calculation is 12.76. This was the figure issued in March 2019 and related to 2018. However on 25th March 2021, the 2020 based affordability ratios were issued and this indicates that the figure for Tunbridge Wells Borough is now 13.27. The application of the approach in Step 2 of the Standard Method (PPG IS ref 2a-004-20201216) means that the 13.27 affordability ratio results in an increase of 57.9375% above the household projections, rather than 54.75% as detailed in the Topic Paper.

5.5 Using the same annual average increase in households (2020-30) which the authority has used in their Topic Paper (484.3) means that the correct uncapped housing need for the Borough would be 765dpa (484.3 x 1.579375). The revised uncapped figure using the latest affordability ratios is therefore 12.8% above the 678dpa within the draft Submission Local Plan. This is consequently the figure the authority should have included as the minimum requirement as it would have exceeded the capped figure which would therefore contribute towards needs arising in other authorities. This is explained further below.

5.6 In addition to challenging the failure to consider address the Borough's uncapped housing need of 765dpa, we dispute the reasonableness of the expected Plan period and its consistency with the obligation to provide strategic policy for at least 15 years post adoption (NPPF, paragraph 22).

Housing Needs of other Authorities

5.7 As indicated above, the uncapped housing need for the Borough is 765dpa compared to the capped figure of 678dpa.

5.8 We consider that the Council should have used the uncapped housing requirement as the basis for determining the Borough's annual housing needs as it provides a greater boost towards meeting the Borough's housing needs consistent with the NPPF (paragraph 60).

5.9 In addition, paragraph 60 is clear that in determining an areas' housing needs account should be taken of any requirements which cannot be addressed by neighbouring authorities.

5.10 The Council's Duty to Co-operate (DtC) Statement summarises the discussions and engagement that the authority has had with other bodies pursuant to the Duty to Co-operate. The DtC Statement is clear that Sevenoaks District has identified a clear challenge for that authority to meet its' housing needs. Whilst the DtC Statement indicates that Tunbridge Wells Borough does not consider it can contribute towards addressing unmet housing needs from Sevenoaks district, it is clear that had the Council incorporated the uncapped housing need of 765dpa, rather than 678dpa the difference of 87 dwellings annually could have made a valuable contribution towards the significant unmet needs of Sevenoaks District.

5.11 A review of the Council's Sustainability Appraisal which considered the impacts of uncapped housing growth (growth strategies 10 & 11) indicates that the overall impacts of these would be similar to that of the draft submission Local Plan. It is therefore clear that delivery growth consistent with the uncapped housing needs is therefore a reasonable and justified approach.

5.12 For the reasons detailed in the representations, had the draft Submission Local Plan included the Ashes Plantation site (SHELAA Ref: 353), this would have made a useful contribution towards meeting the Borough's housing needs, including those of adjoining authorities which have yet to be addressed.

5.13 The DtC Statement indicates that part of the justification for not providing additional homes in Tunbridge Wells Borough is the need to await the outcome of Sevenoaks District's challenge of the conclusions in the Inspector's Report detailing the examination of the Sevenoaks Local Plan that the Council had failed to comply with the Duty to Co-operate.

5.14 The Inspector's Report into the Sevenoaks Local Plan Examination (March 2020) (appendix 2) is clear (paragraph 28) that on 11th April 2019 it received a request from Sevenoaks DC to make a contribution towards unmet housing needs. Details of this request are not however included within appendix B6 of the Council's DtC Statement. Given that this is highlighted as an important event by the Sevenoaks Local Plan Inspector, it is concerning that this is not referenced within Tunbridge Well's analysis.

5.15 The Sevenoaks Local Plan Inspector was clear as to the significant extent of unmet housing need (potentially at least 1,316 dwellings as indicated in paragraph 14). Furthermore, the Inspector was clear that there had been a failure to effectively engage with neighbouring authorities, notwithstanding the preparation of Statements of Common Ground with other bodies and the engagement in an external peer review of the acceptability of their approach.

5.16 The Sevenoaks Inspector is clear that it is a matter of planning judgment whether the DtC obligation within the Planning legislation has been achieved (Paragraph 16).

5.17 Sevenoaks District Council's approach to the Duty to Co-operate was further assessed through the subsequent Court judgement (appendix 3). This refers to the specific actions that Sevenoaks undertook with neighbouring authorities including Tunbridge Wells (paragraph 7), the preparation of Statements of Common Ground and the independent review by a former Inspector (paragraph 19). Whilst this implied that the Council had achieved the Duty, the Courts nevertheless confirmed that through the formal examination process, the Inspector had rightly reached their own judgement and subsequent conclusions that the Plan had failed the legal test.

5.18 Although the DtC Statement accompanying the Tunbridge Wells Plan indicates that they were awaiting the conclusions of the Court with respect of whether there would be any unmet need in Sevenoaks District, it is not considered that this is a robust position for the authority to take.

5.19 The Council's avoidance of any contribution towards Sevenoaks unmet housing needs reflects the position of Tonbridge & Malling BC (who adjoin both Sevenoaks and Tunbridge Wells). The Inspector examining the submitted Tonbridge & Malling Local Plan reported their conclusions in December 2020 (Appendix 1). In paragraph 4, the TMBC LP Inspector states:

The Council explained at the hearings that it was not clear until SDC's Regulation 19 plan was published in December 2018 what the scale of unmet need was and even then it was not certain as the plan had not been examined by an Inspector and the housing requirement found sound. The Tonbridge and Malling Regulation 19 plan was submitted for examination in January 2019 to meet the transitional deadline set out in paragraph 214 of annex 1 to the July 2018 and February 2019 versions of the National Planning Policy Framework (the Framework).

5.20 The Inspector (paragraphs 6 and 7) clarifies the timing of TMBC's knowledge of the expected deficit in Sevenoaks District. These state:

6. However, it appears from the evidence before us that the Council knew for a number of years, prior to the submission of their plan for examination, that it was highly unlikely that SDC would be able to meet its housing requirement in full. Despite this there is no evidence that the Council engaged in any meaningful discussions with SDC to consider how the strategic matter of unmet need could be resolved. Instead the Council has relied on the fact that SDC did not formally ask them for help. However, from the evidence it seems that SDC chose not to make any formal request for help because they knew that the answer from Tonbridge and Malling would be 'no' due to 'constraints'¹. We consider Tonbridge and Malling were complicit with this for having said no without any active, ongoing and constructive engagement. This is not indicative of an attempt by Tonbridge and Malling Council to engage constructively or actively to resolve this issue.

7. Indeed, the Council accepted at the hearings that they knew of the unmet need much earlier than December 2018, but say that they could not do anything as the unmet need was a large range and there was an expectation that it would have been met by SDC through increased densities on allocated sites. SDC's Regulation 18 plan which it consulted on, between July and September 2018, identified a need for 13,960 dwellings and identified sites to meet between 6,582 and 13,382 dwellings². So, at this stage it was clear there was a likely shortfall of around 600 dwellings, and this was the best case scenario. At worst it was closer to approximately 7000. In the submitted Regulation 19 plan the unmet need was in the order of 3,392 dwellings.

5.21 The TMBC LP Inspector (appendix 1) was clear (paragraph 15) that the authority was fully aware that Sevenoaks District had an element of unmet housing need and it was subsequently a requirement for the authority to actively and constructively engage in solutions through the Duty. As a result of the failure by TMBC with respect of the Duty, the Inspector examining that Local Plan concluded that that document had failed in obligation within statute with respect of the Duty to Co-operate.

5.22 The TMBC LP Inspector's conclusions with respect of the failure of the Duty was likewise irrespective of any Statements of Common Ground or Memorandum of Understanding that had been prepared.

5.23 Having regard to the clear longstanding indications that Sevenoaks District could not meet its housing needs, the approach of Tunbridge Wells Borough as indicated in their DtC Statement (page 18), it is not considered reasonable as it should not await the outcome of Sevenoaks' challenge through the Court. Instead, as acknowledged through the Council's own Sustainability Appraisal it is clear that Tunbridge Wells Borough could readily accommodate and address their uncapped housing need. In such an instance, the authority could have been clear that the difference between the capped and uncapped housing requirements (678dpa and 765dpa respectively) whilst making a contribution towards significantly boosting the supply of housing would have also been included as a means of addressing unresolved needs of others.

5.24 Having regard to the consistency of the approach of Tunbridge Wells to that rejected by the Inspector in Tonbridge & Malling that there was uncertainty over the extent of shortfall arising in Sevenoaks District and their corresponding inability to address it equally applies in Tunbridge Wells Borough, it is contended that this plan has also failed in addressing the statutory obligation with respect of the Duty.

5.25 As with the conclusions of the Inspectors' who examined both Sevenoaks and the Tonbridge & Malling Local Plans, this must likewise confirm that Tunbridge Wells' Local Plan has failed the Duty and must consequently be withdrawn. This is because as recognised by both these Inspectors' once the Plan has been submitted there is no solution available to the Inspector for addressing the statutory test with respect of the Duty (Section 33A of the Planning & Compulsory Purchase Act 2004 (as amended)). Therefore the Plan should be found not to be legally compliant and should not be examined further.

5.26 If the Inspector nevertheless considers that the Plan has complied with the Statutory test associated with the Duty, we nevertheless contend that the Borough's housing need should be increased from the current 678dpa to 765dpa as this has been examined through the Sustainability Appraisal and the increase of 87dpa would make a valuable contribution towards addressing longstanding and unresolved housing needs arising in the adjoining Sevenoaks District.

Robustness of the Plan Period

5.27 Although the Council's latest Local Development Scheme (February 2021) indicates that consultation on the Draft Submission Plan is to occur from 26th March until 21st May 2021 (now 4th June 2021), followed by submission in July 2021 and adoption in June 2022, this is not considered realistic.

5.28 A review of the time taken for the examination of Strategic Local Plans consulted upon and submitted for examination since the original NPPF was published in March 2012 (Data on progress of Strategic Local Plans until 1st March 2021 from Local Plans: the examination process - GOV.UK (www.gov.uk)) indicates that on average the period from submission through to the document's adoption was 581 days (i.e. 1 year 7 months) (for the more than 200 Strategic documents found sound until 1st March 2021).

5.29 The average period from consultation on a draft Submission Plan until its adoption was 764 days (i.e. over 2 years).

5.30 Alternatively, when considering the 8 Strategic Local Plans submitted for examination since the end of the transition period in paragraph 214 of the 2019 NPPF (Submitted on or before 24th January 2019), these have taken 575 days (1 year 7 months) from consultation through to adoption or 457 days from submission to adoption (1 year 3 months). As this is a very small sample size, it is clear that a longer timeframe for the document's examination would be more realistic.

5.31 As consultation on the Draft Submission Plan commenced in March 2021, allowing at least 2 years until adoption indicates that this would not occur until April 2023. With submission expected in summer 2021, the larger sample size indicates that adoption would not occur until early 2023.

5.32 To ensure consistency of the Plan with the requirements of NPPF paragraph 22, the Strategic policies (including STR1) should therefore look ahead a minimum 15 years from adoption of the Local Plan, that will be to at least March 2039, an additional year longer than the currently envisaged timeframe.

5.33 If the Borough's housing requirement was increased by the current capped requirement, this would result in the need for a further 678 dwellings in the Plan. However, we contend that if the event that the Inspector concludes Tunbridge Wells Borough has complied with the Duty to Co-operate, that to make a contribution towards unmet housing needs in adjoining authorities, the Borough's housing requirement is increased from 678dpa to 756dpa. This uplift together with an extended plan period which reflects a robust period for examination of the draft Submission Local Plan indicates that rather requiring 12,204 dwellings from 2020 to 2038, this should be increased to 14,364 dwellings from 2020 to 2039. This is an increase of 2,162 dwellings. A proportion of these additional homes could be delivered through the allocation of the land at Ashes Plantation, Matfield. For the reasons detailed above, a March 2039 end date would provide for 15 years after the 2023/24 monitoring period during which adoption could be realistic anticipated.

Robustness of Housing Land Supply

5.34 The Council (Table 3 of Draft Submission Plan) indicates that to achieve its housing requirement of 12,204, after deducting existing commitments (permissions (3,313 dwellings)) together with windfalls (1,670 dwellings) sites for at least 7,221 dwellings should be identified. The information in Table 4 of the Draft Submission Plan indicates that the document includes allocations that can deliver between 8,076 and 8,461 dwellings.

5.35 For the reasons detailed in the representation to policy STR/SS3, we do not consider that the Allocation at Tudeley has been justified. The contribution of this within the plan period (2,100 dwellings) should therefore be omitted. Therefore, the actual number of homes allocated in the plan is consequently between 5,976 and 6,361 dwellings.

5.36 In addition, as the response above, indicates, rather than requiring the delivery of 12,204 dwellings, we contend that the authority should instead plan for at least 14,364 dwellings. Therefore, having regard to the increased requirement (to ensure the authority makes a contribution towards unmet

needs of other authorities together with providing for the minimum 15 years post adoption required by the NPPF (paragraph 22) instead of having to identify land to accommodate at least 7,721 dwellings the Council assessed as needed, the authority actually needs to identify land for 9,883 dwellings. It is therefore clear, irrespective of the unjustified allocation of Tudeley that further sites are needed.

5.37 One site which should be included as an allocation is the land controlled by our client at Ashes Plantation, Matfield.

Conclusions

5.38 The approach of policy STR1 is therefore not sound as it fails to provide for at least 15 years post adoption together with a failure to plan for a requirement which reflects the Government's objectives of significantly boosting the supply of housing.

5.39 This would be achieved through seeking to address the uncapped rather than capped local housing need as the difference would make a contribution towards addressing unmet housing needs of neighbouring authorities.

10. OVERALL CONCLUSIONS

10.1. Our representations to the draft submission Local Plan have identified a number of concerns with the document as drafted, especially with respect of its soundness.

10.2. As indicated in the representations, changes to policies of the Plan are advocated, including the borough's housing requirement in policy STR1.

10.3. To ensure adequate supply of housing arises, the land at Ashes Plantation, Maidstone Road, Matfield should be included as a housing allocation for up to 60 dwellings.

10.4. These matters can be addressed through Main Modifications to the Plan allowing for a Sound Plan.

11. FINAL REMARKS

11.1. We trust the above comments are of assistance in preparing the necessary main modifications to provide for a sound Local Plan.

11.2. We welcome the opportunity to engage in constructive dialogue with the Council in relation to our observations, including the allocation of our client's site at Ashes Plantation, Matfield (Site Ref: 353).

11.3. Additionally, we confirm that we wish to be notified of each further step in the preparation of the Local Plan, including its submission to the Inspectorate for examination.

Question 6

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Question 5 above. (Please note that non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Changes sought to the Local Plan with respect of the Borough's development requirements in policy STR1.

5.40 The Plan therefore as currently prepared does not comply with the Duty to Co-operate through a failure to effectively consider how unmet housing needs of neighbouring authorities, especially Sevenoaks District is to be addressed.

5.41 The Council has not actively engaged with Sevenoaks and like Tonbridge & Malling (whose Plan has also been found to fail the Duty) it is clear that the approach of Tunbridge Wells is insufficient with their legal obligations. The plan should consequently be withdrawn, and the authority tasked with demonstrating compliance with the duty.

5.42 Irrespective of the failure to comply with the Duty to Co-operate, it is our opinion that the Policy cannot be said to be sound on the basis for the reasons summarised as follows:

a) It is not positively prepared as it does not seek to address the borough's housing needs, therefore further sites should be allocated;b) It is not positively prepared as it fails to boost the supply of housing by seeking to address the uncapped housing need derived through local housing need. This failure is compounded by the lack of identification of further sites to contribute towards addressing unmet need of neighbouring authorities;c) It is not justified with regard to the timeframe that the examination of the Local Plan will take resulting in a delayed adoption of the document;d) It is not justified with respect of the inclusion of land at Tudeley Village to which we object (the reasons are detailed later); ande) It is also inconsistent with national policy in the failure to both boost housing supply and make a contribution towards addressing the housing needs of neighbouring authorities as required by paragraph 60 of the NPPF.

5.43 In order to address these matters of soundness, several amendments are suggested:

1. That policy STR1 is amended to:

A) ensure that the plan period is 2020 to 2039.B) That the housing requirement is increased to 14,364 dwellings; andC) That reference to a new garden settlement at Tudeley Village is removed from the plan.

2. That consequential amendments are made to the document to reflect these revisions.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)? . Yes, I wish to participate in hearing session(s)

Question 7a

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

To clarify any points the Inspector has with respect of the detailed representations submitted

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box: Yes, I wish to be notified of future stages of the Local Plan

Supporting Information File Ref No: SI_116a-j

Comment

Agent	Mr Steve Brown [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Woolf Bond Planning
Address	The Mitfords Basingstoke Road READING RG7 1AT
Consultee	[REDACTED]
Company / Organisation	Millwood Designer Homes Ltd
Address	Bordyke End 59 East Street Tonbridge TN9 1HA
Event Name	Pre-Submission Local Plan
Comment by	Millwood Designer Homes Ltd [REDACTED]
Comment ID	PSLP_1879
Response Date	03/06/21 16:15
Consultation Point	Policy STR 9 Green Belt (View)
Status	Processed
Submission Type	Email
Version	0.5
Files	App 03 Sevenoaks DC v CLG [2020] EWHC 3054.pdf App 06 Hundal v S Bucks DC 2012 EWHC 7912 Admin.pdf WBP Reps for Millwood - Matfield - 3 June 2021.pdf App 04 Calverton v Nottingham City 2015 EWHC 1078 Admin.pdf App 08 Uttlesford Post stage 1 hearings letter to the Council 10.1.20 .pdf App 07 Tandridge Inspector-Preliminary-Conclusions-Advice.pdf App 09 Examiners Report on the Examination of NEA S1 10th Dec 2020.pdf App 02 Sevenoaks Final Report Mar 2020.pdf App 01 Inspectors letter to Tonbridge and Malling 15.12.20.pdf App 05 St Albans v Hunston Properties 2013 EWCA Civ 1610.pdf
Data inputter to enter their initials here	KJ
Question 1	

Respondent's Name and/or Organisation Millwood Designer Homes Ltd

Question 2

Agent's Name and Organisation (if applicable) Woolf Bond Planning

Question 3

To which part of the Local Plan does this representation relate? Policy

Question 3a

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy STR 9 Green Belt

[TWBC: full representation attached has been separated into Policy STR1 (PSLP_1876, Policy STR9 (PSLP_1879), Policy PSTR/BM1 (PSLP_1881) and Policy STR/SS3 (PSLP_1882). See also appendices attached].

Question 4

Do you consider that the Local Plan:

Is legally compliant No

Is sound No

Complies with the Duty to Cooperate No

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

- . It is not positively prepared
- . It is not effective
- . It is not justified
- . It is not consistent with national policy

Question 5

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

1. INTRODUCTION

1.1 Our clients (Millwood Designer Homes Ltd) have a controlling interest in land at Ashes Plantation, Maidstone Road, Matfield (Site Ref: 353).

1.2 The site was allocated in the Regulation 18 Draft Local Plan (Sept 2019) as a suitable and sustainable location to provide for 30-60 dwellings under Policy AL/BM3.

1.3 The council's decision to deallocate the site is not supported by the evidence base including this site assessment set out in the sustainability appraisal. Accordingly, the site should be reinstated as a housing allocation on similar terms to the wording set out in former Policy AL/BM3.

1.4 For the reasons set out below, we are of the view that the Council has failed to provide an appropriate strategy which seeks to meet the Borough's development needs, especially with respect of housing. Consequently, for the reasons outlined in these submissions, it is not considered that the Draft Submission Plan adequately addresses the Borough's housing needs in locations which are accessible to existing infrastructure and services such as those available at Matfield. Such locations should be considered in advance of the unjustified removal of land from the Green Belt which as detailed in the representations, which approach would be wholly consistent with the approach of national policy in the NPPF. We therefore advocate changes to the Local Plan to address these matters.

1.5 Having regard to the concerns with respect of the appropriateness of the approach and its challenges of delivering sustainable growth, we therefore advocate the removal of the proposed allocation at Tudeley Village and the allocation of deliverable sites in sustainable locations, including land controlled by our client at Ashes Plantation, Matfield. The site affords a logical opportunity in helping to meet identified housing needs and could provide for up to 60 dwellings, to include a policy-compliant level of affordable housing.

2. REPRESENTATIONS AND SUPPORTING INFORMATION

2.1 Our comments upon the various draft policies and proposals are set out below and are accompanied by the following Documents:

- Duly Completed Response Form.
- Copy of Inspector's assessment of the Tonbridge & Malling Local Plan (15th December 2020) (appendix 1)
- Inspector's Report into Examination of the Sevenoaks Local Plan (2nd March 2020) (appendix 2)
- Sevenoaks DC v Secretary of State for Communities, Housing & Local Government [2020] EWHC 3054 (appendix 3)
- Calverton PC v Nottinghamshire County Council [2015] EWHC 1078 (Admin) (appendix 4)
- St Albans City & District v Hunston Properties [2013] EWCA Civ 1610 (appendix 5)
- Hundal v South Bucks DC [2012] EWHC 7912 (Admin) (appendix 6)
- Tandridge LP Inspector's interim conclusions (11th December 2020) (appendix 7)
- Uttlesford Local Plan post Stage 1 hearings Inspector's letter to Council 10th January 2020 (appendix 8)
- North Essex Authorities (Braintree, Colchester & Tendring) Inspector's Report (10th December 2020) (appendix 9)

2.2 Our client's representations upon the Draft Local Plan can be summarised as relating to the following:

Policy

Representation

Policy STR1: The Development Strategy and extent of Built Development Limits

Objection

Policy STR9: Green Belt

Objection

Policy PSTR/BM1: The Strategy for Brenchley and Matfield Parish and the omission of land at Ashes Plantation as a housing allocation for up to 60 dwellings.

Objection

Policy STR/SS3: The Strategy for Tudeley Village

Objection

Omission site – Land at Ashes Plantation, Maidstone Road, Matfield (SHLAA Ref: 353)

Objection

3. OVERARCHING POSITION

3.1 We have a strong belief in the principle of the plan-led system and in setting out our representations upon these policies, we hope to be able to work with the Council between now and the formal submission of the Draft Local Plan pursuant to Regulation 22 of The Town and County Planning (Local Planning) (England) Regulations 2012 (as amended), to ensure the Local Plan satisfies the tests of soundness at paragraph 35 of the NPPF.

3.2 We have considerable experience and expertise in dealing with and realising development schemes through the planning system. In this context, a principal constraint to the timely delivery of housing is the way in which policies for the allocation of sites have been formulated.

3.3 Local Plans must be capable of delivering from the point at which they are adopted. This means scrutinising the policy wording to ensure the Plans are sound and that the allocations contained therein are capable of being delivered at the point envisaged. This is particularly the case in relation to the need for Councils to collate a robust evidence base to justify the imposition of certain policies and/or their wording so as not to over burden and/or stifle sustainable and appropriate development.

3.4 In this instance, the draft Local Plan needs to be amended in order to ensure it robustly plans for the delivery of sufficient housing to address a housing requirement established in accordance with national planning policy and guidance. This therefore indicates that the Plan must seek to deliver the minimum of 14,364 dwellings between 2020 and 2039 rather than 12,204 dwellings from 2020 to 2038 as currently envisaged.

3.5 To address this requirement for additional homes, we contend that land at Ashes Plantation, Maidstone Road, Matfield (SHELAA Ref: 353) should be allocated for housing development.

3.6 Our representations also highlight a failure of the Local Plan as currently drafted to contribute towards addressing the acknowledged unmet needs of neighbouring authorities and the allocation of Site Ref: 353 (Reg 18 Local Plan allocation Ref: AL/BM3), can also supply homes to resolve this issue.

3.7 As detailed in the representations, the site represents a logical addition to the existing development in Matfield and should be included in the defined extent of the village. This requires consequential amendments to the Limits to Build development for Matfield as defined on the Local Plan Proposals Map (Inset Map 21).

3.8 We also advocate other revisions to the Draft Submission Local Plan to ensure it is consistent with the evidence base prepared by the Council.

3.9 We are concerned to ensure that the Local Plan is robust, and it is in this context that we set out our representations.

4. THE NPPF TESTS OF SOUNDNESS

4.1 Section 3 of the NPPF (Feb 2019) sets out the principal components to be included in Local Plans. Paragraph 35 requires that to be “sound” a DPD should be positively prepared, justified, effective and consistent with national policy.

4.2 A positively prepared plan provides 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 practical to do so and is consistent with achieving sustainable development.

4.3 In order to be justified, the Draft Submission Local Plan must have an appropriate strategy, taking into account reasonable alternatives and be based on proportionate evidence.

4.4 Effective means the document must be deliverable over the plan period and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred and evidenced by the statements of common ground.

4.5 The Local Plan should seek to meet the Council's full housing need. However, we have concerns regarding the rationale for and robustness of the housing numbers the Council is seeking to accommodate within the Draft Submission Local Plan. We also have concerns regarding the appropriateness of the sites selected for contributing towards addressing the Borough's development needs.

4.6 For the reasons set out in these representations there are several shortcomings with the Plan, as currently drafted, that result in the need for amendments.

4.7 These amendments relate to the need to increase the level of housing provision within a more appropriate plan period, thereby ensuring the emerging plan is consistent with the Government's planning advice and policy. They also advocate changes to the extent of the defined settlement area of Matfield together with amendments to other policies of the plan.

4.8 These amendments would reflect the view taken by the Council in allocation the site at the Regulation 18 stage in preference to locations where development conflicts with the approach of the NPPF i.e. Tudeley Village. In the case of Tudeley village, due to its identification in advance of locations which are to be preferred having regard to the approach of the NPPF, we contend that the new settlement proposal should be omitted from the Plan with the site retained in the Green Belt.

4.9 The remainder of this submission is focused on providing responses to the Council's draft policies in the Local Plan.

6. POLICY STR9: GREEN BELT

6.1. Through policy STR9, the Council seeks to remove land from the Green Belt for the delivery of a garden community at Tudeley in contrast to locations beyond the Green Belt like Matfield. Growth at Matfield would be consistent with the approach of the NPPF (paragraph 77) which emphasises the importance of development in villages to support long term viability of services.

6.2. Additional development at Matfield would be consistent with the Green Belt guidance in the NPPF (paragraph 138) which emphasises the importance of identify villages beyond the Green Belt in preference to the unjustified removal of land within this designation. As indicated below, we do not consider that the authority has justified the removal of Tudeley from the Green Belt when there are other more sustainable options as detailed in paragraph 138 of the NPPF, including additional growth at the village of Matfield.

6.3. For the reasons detailed below, we object to the proposal in that it entails the removal of very significant areas from the Green Belt for which there is no justification. This is both with respect of the scale of housing and other development envisaged. Furthermore, as indicated in the Council's Viability Assessment, development of Tudeley Village is only viable where property values exceeding that expected elsewhere in the Borough are achieved. This poor viability of the scheme provides a further justification why very special circumstances are not demonstrated to indicate that Tudeley should be removed from the Green Belt. In contrast development at Ashes Plantation, Matfield, is viable at property values expected elsewhere in the Borough.

6.4. The NPPF is clear (paragraph 137) of the need to fully consider all options before contemplating removal of land from the Green Belt. Paragraph 138 also emphasises that where Green Belt revisions are envisaged the consequences for the achievement of sustainable development must be examined, including with respect of villages beyond the Green Belt. As noted, paragraph 77 of the NPPF supports growth of villages as this would help maintain their services.

6.5. The Council's choice of Tudeley village does not accord with the preference detailed in the NPPF, whereas growth at Matfield would.

6.6. Additionally, the Stage 2 Viability Assessment is clear that whilst the necessary infrastructure and affordable housing is viable for the scale of development proposed at Paddock Wood, it is less clear that this applies at Tudeley. This is especially noticeable as whilst Tudeley village is reliant upon a number of strategic transport improvements which are also necessary for Paddock Wood's growth i.e. the Colt Hill bypass, unlike the later it is not expected to contribute towards its funding. Nevertheless, the development proposed at Tudeley has fewer scenarios where development is viable (primarily at the lowest existing land value and highest market value of the homes). As detailed in the representation of policy STR/SS3 it is not considered that the authority's identification of Tudeley Village is justified with respect of other matters, not just inconsistency with the advice in the NPPF concerning preferred locations for removal from the Green Belt.

Consideration of whether justification of the Exceptional Circumstances required by the NPPF (paragraphs 133–139) to revise the Borough's Green Belt boundaries exists.

6.7. The Council in advancing revisions to its Green Belt under a duty (imposed by Section 39(2) of the Planning & Compulsory Purchase Act 2004) to exercise the function associated with the preparation of local development document with objective of contributing to the achievement of sustainable development. This is a positive obligation (Jay J Calverton (Appendix 4 paragraph 10)).

6.8. Planning policy makes provision for changes to be made to the Green Belt. Changes to the Green Belt are permitted through a review of a local plan (Revised NPPF, paragraph 136). To make a change to the Green Belt boundary in the local plan there have to be "exceptional circumstances". Development needs that take up land such as housing and employment can be an exceptional circumstance to justify a review of a Green Belt boundary. This principle has been acknowledged in Hunston, in the Court of Appeal (Appendix 5) where Sir David Keene observed at [21]:

"In principle, a shortage of housing land when compared to the needs of an area is capable of amounting to very special circumstances."

6.9. At paragraph 10 of his judgement, Sir David Keene also said in respect of earlier NPPF (2012) paragraphs 87 and 88 that:

"The framework does not seek to define further what "other considerations" might outweigh the damage to the Green Belt, but in principle there seems no reason why in certain circumstances a shortfall in housing land supply might not do so."

6.10. In the Calverton case (Appendix 4) Jay J also reinforced these points finding at paragraph 44:

"The issue is whether, in the existence of planning judgement and in the overall context of the positive statutory duty to achieve sustainable development, exceptional circumstances existed to justify the release of Green Belt."

6.11. In the Hundal case (Appendix 6) paragraph 50 confirmed that the failure to meet needs since a Green Belt boundary had been defined could also amount to exceptional circumstances:

"The overriding policy of PPG2 is that the Green Belt boundaries should remain fixed once they have been validly determined. It is only if a relevant circumstance occurs that requires a change in the future for planning purposes that the circumstance will be an exceptional circumstance. An obvious example would be if, in the present case, the First Defendant had determined that it could not meet the projected housing requirements for its area up to 2031 without using Green Belt land. In that case, for the purposes of the Core Strategy, the exceptional circumstance may have been made out (assuming no other practical alternatives). At that point, a subsidiary question may arise as to which land that was currently within the Green Belt should now be freed for development. In making that latter decision, I accept that the fact that land had recently and erroneously been included within the Green Belt when the local plan was developed might be a relevant consideration in deciding where the boundary had changed but it would be highly unlikely to be the only or the dominant factor".

6.12. The Council advocates revisions to the Green Belt, as there are insufficient opportunities to deliver the necessary growth without resorting to the Borough's Green Belt. Accordingly, exceptional circumstances do exist. However whilst housing/employment development needs can, as a matter of planning judgement, as well as the desire to promote, plan and achieve sustainable patterns of development, amount to exceptional circumstances through the development plan review process this must be demonstrated by clear evidence of a need and that there are no other more sustainable solutions towards its addressing (see paragraph 138 of NPPF). Such an approach would be consistent with Section 39(2) and national policy (NPPF paragraphs 136 and 137).

6.13. As outlined within this statement, development at Tudeley village will not result in delivery of sustainable development and this further confirms that exceptional circumstances do not exist. This contrasts with the land at Ashes Plantation, Matfield, where development will help support the existing services of the village consistent with paragraph 77 of the NPPF.

6.14. The Calverton case (Appendix 4) helpfully sets out the matters to examine in establishing exceptional circumstances in the context of national policy and the positive obligation in section 39(2) to plan for sustainable development. The judgement at paragraph 51 states:

"In a case such as the present, it seems to me that, having undertaken the first-stage of the Hunston approach (sc. assessing objectively assessed need), the planning judgments involved in the ascertainment of exceptional circumstances in the context of both national policy and the positive obligation located in section 39(2) should, at least ideally, identify and then grapple with the following matters: (i) the acuteness/intensity of the objectively assessed need (matters of degree may be important); (ii) the inherent constraints on supply/availability of land prima facie suitable for sustainable development; (iii) (on the facts of this case) the consequent difficulties in achieving sustainable development without impinging on the Green Belt; (iv) the nature and extent of the harm to this Green Belt (or those parts of it which would be lost if the boundaries were reviewed); and (v) the extent to

which the consequent impacts on the purposes of the Green Belt may be ameliorated or reduced to the lowest reasonably practicable extent”.

6.15. Each of these 5 matters are interrelated and applying to Tunbridge Wells Borough the following points arise:

(i) the acuteness/intensity of the objectively assessed needs (matters of degree may be important);(ii) the inherent constraints on supply/availability of land prima facie suitable for sustainable development;

6.16. Matters (i) and (ii) are confirmed as the Council has demonstrated that its Local Housing Need cannot be resolved without relying upon the Green Belt. However matter (ii) also needs to have regard to whether the release of land will achieve sustainable development through consideration of the approach outlined in paragraph 138 of the NPPF.

(iii) (On the facts of this case) the consequent difficulties in achieving sustainable development without impinging on the Green Belt.

6.17. The Council's Draft Submission Local Plan has demonstrated that it cannot address its housing needs without considering locations in the Green Belt. Therefore, there is an identified difficulty to meeting the Borough's development needs without impinging on the Green Belt. However, any release must contribute towards the achievement of sustainable development as indicated in paragraph 138 of the NPPF. This includes consideration of growth in villages beyond the Green Belt which is sustainable as it supports services as envisaged by paragraph 77 of the NPPF.

(iv) The nature and extent of the harm to this Green Belt (all those parts of it which would be lost if the boundaries were reviewed); and

6.18. The Council commissioned a Green Belt Review (Stages 1 and 2). This considered whether the land now envisaged for removal from the Green Belt served the relevant purposes. Tudeley village lies within parcels BA3 and BA4. The Study concluded that all these parcels served Green Belt purposes and consequently there was no justification for their removal. The Stage 3 Report (page 70) confirms that the removal of Tudeley village will be harmful to the Green Belt. Consequently, it is clear that the envisaged removal would be harmful to the wider Green Belt, and consequently should be avoided.

(v) The extent to which the consequent impact on the purposes of the Green Belt maybe ameliorated or reduced to the lowest reasonably practicable extent.

6.19. The proposed Green Belt boundaries envisaged in the Draft Submission Local Plan do not reflect the requirements in the NPPF (paragraph 139).

6.20. Whilst the Stage 3 Study (pages 70 and 71) suggests measures to reduce impact, these are applicable to any site and do not demonstrate how the Tudeley scheme has been specifically designated to ensure that the impact associated with the removal of the site can be ameliorated or reduced to its lowest reasonably practicable extent.

6.21. This reinforces my view that there are no exceptional circumstances supporting a change to the Green Belt here.

6.22. Exceptional circumstances do not exist for the removal of Tudeley village. Whilst a matter of planning judgement, the Council cannot therefore make such a judgement as this would not be consistent with their statutory duty (section 39(2)) and the revised NPPF. The points raised above confirm that exceptional circumstances do not exist, are not soundly based and therefore do not support revisions to the Green Belt at Tudeley Village.

6.23. In contrast, land beyond the Green Belt adjoining the village of Matfield would be a sustainable and appropriate location for growth consistent with paragraph 77 of the NPPF. In such instance, exceptional circumstances do not need to be demonstrated as the site at Matfield lies beyond the Green Belt.

10. OVERALL CONCLUSIONS

10.1. Our representations to the draft submission Local Plan have identified a number of concerns with the document as drafted, especially with respect of its soundness.

10.2. As indicated in the representations, changes to policies of the Plan are advocated, including the borough's housing requirement in policy STR1.

10.3. To ensure adequate supply of housing arises, the land at Ashes Plantation, Maidstone Road, Matfield should be included as a housing allocation for up to 60 dwellings.

10.4. These matters can be addressed through Main Modifications to the Plan allowing for a Sound Plan.

11. FINAL REMARKS

11.1. We trust the above comments are of assistance in preparing the necessary main modifications to provide for a sound Local Plan.

11.2. We welcome the opportunity to engage in constructive dialogue with the Council in relation to our observations, including the allocation of our client's site at Ashes Plantation, Matfield (Site Ref: 353).

11.3. Additionally, we confirm that we wish to be notified of each further step in the preparation of the Local Plan, including its submission to the Inspectorate for examination.

Question 6

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Question 5 above. (Please note that non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Changes sought to the Local Plan with respect of the approach to Tudeley village in policy STR8

6.24. The Plan therefore as currently prepared is not sound with respect of:

a) It is not justified as the evidence does not support the removal of land at Tudeley for the garden community; and b) It is also inconsistent with national policy in the approach does not adequately reflect the guidance on considering all sustainable opportunities within the Green Belt before contemplating poorly located greenfield sites like Tudeley. It is therefore contrary to paragraphs 137 and 138 of the NPPF.

6.25. To address these matters of soundness, a range of amendments are proposed. The proposed changes are.

1. That reference to Tudeley village is omitted from policy STR8, alongside consequential amendments to other parts of the plan i.e. the policies map to ensure that the Tudeley site is retained in the Green Belt.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If your representation is seeking a modification to the Plan, do you consider . Yes, I wish to participate in hearing session(s)

it necessary to participate
in examination hearing
session(s)?

Question 7a

***Please note** the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.*

If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

To clarify any points the Inspector has with respect of the detailed representations submitted

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:

Yes, I wish to be notified of future stages of the Local Plan

Supporting Information File Ref No: SI_109a-n

Comment

Agent	Mr Steve Brown [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Woolf Bond Planning
Address	[REDACTED] [REDACTED] READING [REDACTED]
Consultee	[REDACTED]
Company / Organisation	Millwood Designer Homes Ltd
Address	[REDACTED] [REDACTED] Tonbridge [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Millwood Designer Homes Ltd [REDACTED]
Comment ID	PSLP_1848
Response Date	03/06/21 14:53
Consultation Point	Policy STR 9 Green Belt (View)
Status	Processed
Submission Type	Email
Version	0.8
Files	APP02I~1.PDF APP06S~1.PDF App 05 Calverton v Nottingham City 2015 EWHC 1078 Admin.pdf App 01b P352 Rusthall - Access improvements.pdf APP09U~1.PDF App 07 Hundal v S Bucks DC 2012 EWHC 7912 Admin.pdf App 04 Sevenoaks DC v CLG [2020] EWHC 3054.pdf WBP Reps for Millwood - Rusthall - 3 June 2021.pdf App 01c Plan WBP1 - Land at Home Farm, Rusthall.pdf App 03 Sevenoaks Final Report Mar 2020.pdf APP10E~1.PDF APP01A~1.PDF App 01d Home Farm - Site Context Plan WBP2.pdf APP08T~1.PDF

Data inputter to enter their initials here KJ

Question 1

Respondent's Name and/or Organisation Millwood Designer Homes Ltd

Question 2

Agent's Name and Organisation (if applicable) Woolf Bond Planning

Question 3

To which part of the Local Plan does this representation relate? Policy

Question 3a

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy STR 9 Green Belt

[TWBC: full representation attached has been separated into Policy STR1 (PSLP_1839, Policy STR9 (PSLP_1848), Policy PSTR/RU1 (PSLP_1856) and Policy STR/SS3 (PSLP_1857). See also appendices attached].

Question 4

Do you consider that the Local Plan:

Is legally compliant No

Is sound No

Complies with the Duty to Cooperate No

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

- . It is not positively prepared
- . It is not effective
- . It is not justified
- . It is not consistent with national policy

Question 5

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

1. INTRODUCTION

1.1 Our clients (Millwood Designer Homes Ltd) control the land at Home Farm, Lower Green Road, Rusthall (SHLAA Site Ref: 60). This site has been promoted through earlier stages in the Local Plan as an additional location for growth in the Borough, taking account its credentials as a sustainable location for growth adjoining the acknowledged suitability of Rusthall, as indicated in the Council's SHLAA. In contrast to other locations, the development of new homes at the site will ensure the embedment of behaviour associated with the sustainable living unlike other locations in the Borough, especially the new community proposed at Tudeley Village.

1.2 Further to our submissions on earlier stages in the preparation of the Local Plan, the Council has failed to provide an appropriate strategy which seeks to meet the Borough's development needs, especially with respect of housing." Consequently, for the reasons outlined in these submissions, it is not considered that the Draft Submission Plan adequately addresses the Borough's housing needs in locations which are accessible to existing infrastructure and services such as those available at Rusthall which include those relating to health, education, leisure, retail and employment. Such locations should be considered in advance of the unjustified removal of land from the Green Belt which as detailed in the representations would be wholly consistent with the approach of national policy in the NPPF. We therefore advocate changes to the Local Plan to address these matters.

1.3 Have regard to the concerns with respect of the appropriateness of the approach and its challenges of delivering sustainable growth, we therefore advocate the removal of the proposed allocation at Tudeley Village with replacement with an allocation at Home Farm, Rusthall. For the reasons detailed in this submission, growth at Home Farm, Rusthall due to its relationship with existing development and facilities would result in achievement of sustainable development. Furthermore, the proximity of the Home Farm site to services and facilities that residents will need to undertake their daily life ensures that sustainable behaviours are embedded in residents from initial occupation of the homes.

1.4 This contrasts with that at Tudeley Village which due to the limitations of these in the local area will result in need for longer journeys to undertake daily lives, which are therefore likely to result in increased use of the car. Once this behaviour becomes the normal for residents in Tudeley, it will be harder to encourage them to switch to more sustainable alternatives once they become available.

1.5 The reports and documents submitted with this representation demonstrate the suitability of the approach advocated. As detailed in the representations, this land is not subject to constraints which would prevent its delivery for development at an early stage during the emerging plan period should this be confirmed through the examination of the Plan.

1.6 We also have several comments/representations on the policies within the Draft Submission Tunbridge Wells Borough Local Plan which should be addressed prior to its submission for examination by the Secretary of State.

2. REPRESENTATIONS AND SUPPORTING INFORMATION

2.1 Our comments upon the various draft policies and proposals are set out below and are accompanied by the following Documents:

- Duly Completed Response Form.
- Copy of submissions on behalf of Millwood Designer Homes to the Council's Draft Local Plan Regulation 18 Consultation (November 2019) (Appendix 1)
- Copy of Inspector's assessment of the Tonbridge & Malling Local Plan (15th December 2020) (Appendix 2)
- Inspector's Report into Examination of the Sevenoaks Local Plan (2nd March 2020) (Appendix 3)
- Sevenoaks DC v Secretary of State for Communities, Housing & Local Government [2020] EWHC 3054 (Appendix 4)
- Calverton PC v Nottinghamshire County Council [2015] EWHC 1078 (Admin) (Appendix 5)
- St Albans City & District v Hunston Properties [2013] EWCA Civ 1610 (Appendix 6)
- Hundal v South Bucks DC [2012] EWHC 7912 (Admin) (Appendix 7)
- Tandridge LP Inspector's interim conclusions (11th December 2020) (Appendix 8)
- Uttlesford Local Plan post Stage 1 hearings Inspector's letter to Council 10th January 2020 (Appendix 9)
- North Essex Authorities (Braintree, Colchester & Tendring) Inspector's Report (10th December 2020) (Appendix 10)

2.2 Our client's representations upon the Draft Local Plan can be summarised as relating to the following:

Policy

Representation

Policy STR1: The Development Strategy and extent of Built Developments

Objection

Policy STR8: Conserving and enhancing the natural, built, and historic environment

Objection

Policy STR9: Green Belt

Objection

Policy PSTR/RU1: The Strategy for Rusthall Parish and the omission of land at Home Farm, Lower Green Road (Site Ref: 60)

Objection

Policy STR/SS3: The Strategy for Tudeley Village

Objection

Omission site – Land at Home Farm, Lower Green Road, Rusthall (SHLAA Ref 60) – failure to include as an allocation in policy PSTR/RU1

Objection

3. OVERARCHING POSITION

3.1 We have a strong belief in the principle of the plan-led system and in setting out our representations upon these policies, we hope to be able to work with the Council between now and the formal submission of the Draft Local Plan pursuant to Regulation 22 of The Town and County Planning (Local Planning) (England) Regulations 2012 (as amended), to ensure the Local Plan satisfies the tests of soundness at paragraph 35 of the NPPF.

3.2 We have considerable experience and expertise in dealing with and realising development schemes through the planning system. In this context, a principal constraint to the timely delivery of housing is the way in which policies for the allocation of sites have been formulated.

3.3 Local Plans must be capable of delivering from the point at which they are adopted. This means scrutinising the policy wording to ensure the Plans are sound and that the allocations contained therein are capable of being delivered at the point envisaged. This is particularly the case in relation to the need for Councils to collate a robust evidence base to justify the imposition of certain policies and/or their wording so as not to over burden and/or stifle sustainable and appropriate development.

3.4 In this instance, the draft Local Plan needs to be amended in order to ensure it robustly plans for the delivery of sufficient housing to address a housing requirement established in accordance with national planning policy and guidance. This therefore indicates that the Plan must seek to deliver the minimum of 14,364 dwellings between 2020 and 2039 rather than 12,204 dwellings from 2020 to 2038 as currently envisaged.

3.5 To address this requirement for additional homes, we contend that land at Home Farm, Lower Green Road, Rusthall should be allocated for residential development (SHLAA ref 60). This site can accommodate 25 dwellings (including a policy-compliant level of affordable housing) and as indicated in these representations and the supporting documents would be a sustainable addition to the village.

3.6 The representations also highlight a failure of the plan as currently drafted to contribute towards addressing the acknowledged unmet needs of neighbouring authorities and the allocation of Home Farm, Rusthall can also supply homes to resolve this issue.

3.7 As detailed in the representations, the Home Farm site would be a logical addition to the existing development in Rusthall and should consequently be included in the defined extent of the village, alongside its removal from the Green Belt.

3.8 We also advocate other revisions to the Draft Submission Local Plan to ensure it is consistent with the evidence base prepared by the authority.

3.9 We are concerned to ensure that the Local Plan is robust, and it is in this context that we set out our representations.

4. THE NPPF TESTS OF SOUNDNESS

4.1 Section 3 of the NPPF (Feb 2019) sets out the principal components to be included in Local Plans. Paragraph 35 requires that to be “sound” a DPD should be positively prepared, justified, effective and consistent with national policy.

4.2 A positively prepared plan provides 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 practical to do so and is consistent with achieving sustainable development.

4.3 In order to be justified, the Draft Submission Local Plan must have an appropriate strategy, taking into account reasonable alternatives and be based on proportionate evidence.

4.4 Effective means the document must be deliverable over the plan period and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred and evidenced by the statements of common ground.

4.5 The Local Plan should seek to meet the Council’s full housing need. However, we have concerns regarding the rationale for and robustness of the housing numbers the Council is seeking to accommodate within the Draft Submission Local Plan. We also have concerns regarding the appropriateness of the sites selected for contributing towards addressing the Borough’s development needs.

4.6 For the reasons set out in these representations there are several shortcomings with the Plan, as currently drafted, that result in the need for amendments.

4.7 These amendments relate to the need to increase the level of housing provision within a more appropriate plan period, thereby ensuring the emerging plan is consistent with the Government’s planning advice and policy. They also advocated changes to the extent of the defined settlement area of Rusthall alongside consequential revisions to the Green Belt together with amendments to other policies of the plan.

4.8 These amendments would reflect our view of the clear sustainability advantages of growth at Rusthall in preference to unsustainable locations where development conflicts with the approach of the NPPF i.e. Tudeley Village. In the case of Tudeley village, due to its identification in advance of locations which are to be preferred having regard to the approach of the NPPF, we contend that the new settlement proposal should be omitted from the Plan with the site retained in the Green Belt.

4.9 Furthermore, to address the additional identified housing need, we advocate that land at Home Farm, Lower Green Road, Rusthall (SHLAA Ref 60) should be included as an additional allocation within draft policy PSTR/RU1.

4.10 The remainder of this submission is focused on providing responses to the Council’s draft policies in the Local Plan.

6. POLICY STR9: GREEN BELT

6.1. Through policy STR9, the Council seeks to remove land from the Green Belt for the delivery of a garden community at Tudeley whereas it does not propose the exclusion of the Home Farm, Lower Green Road, Rusthall.

6.2. For the reasons detailed below, we object to the proposal in that it entails the removal of very significant areas from the Green Belt for which there is no justification. This is both with respect of the scale of housing and other development envisaged. Furthermore, as indicated in the Council’s Viability Assessment, development of Tudeley Village is only viable where property values exceeding that expected elsewhere in the Borough are achieved. This poor viability of the scheme provides a further justification why very special circumstances are not demonstrated to indicate that Tudeley should be removed from the Green Belt. In contrast development at Home Farm is viable at property values expected elsewhere in the Borough.

6.3. The NPPF is clear (paragraph 137) of the need to fully consider all options before contemplating removal of land from the Green Belt. Paragraph 138 also emphasises that where Green Belt revisions are envisaged the consequences for the achievement of sustainable development must be examined. The paragraph is clear that:

“Where it has been concluded that it is necessary to release Green Belt land for development, plans should give first consideration to land which is previously development and/or is well served by public transport.”

6.4. The Council's choice of Tudeley village does not accord with either of these criteria, whereas Home Farm, Rusthall with its relationship to existing services and facilities in the village, and its containment from the wider countryside beyond, does accord with this advice.

6.5. Additionally, whilst not directly relevant to the Home Farm, Rusthall site. It is recognised that the authority has accepted major employment growth north of Longfield Road, Royal Tunbridge Wells which is within both the AONB and Green Belt although there were clear opportunities for development in attractive areas for commercial development outside of both designations (at Paddock Wood).

6.6. This is therefore an illustration that given the need for development in the Borough, be this either employment or housing can justify major development in both designations.

6.7. Although the Home Farm site does not represent major development, the Council's acceptance of major growth within both the AONB and Green Belt is nevertheless an illustration that development is acceptable, especially where, in the case of the Home Farm site, it would have limited impact upon the Green Belt. This therefore confirms the preference for sites in sustainable locations like Home Farm, Rusthall in contrast with the unsuitability of Tudeley Village.

6.8. Additionally, the Stage 2 Viability Assessment (appendix IIa) is clear that whilst the necessary infrastructure and affordable housing is viable for the scale of development proposed at Paddock Wood, it is less clear that this applies at Tudeley.

6.9. This is especially noticeable as whilst Tudeley village is reliant upon a number of strategic transport improvements which are also necessary for Paddock Wood's growth i.e. the Colt Hill bypass, unlike the later it is not expected to contribute towards its funding. Nevertheless, the development proposed at Tudeley has fewer scenarios where development is viable (primarily at the lowest existing land value and highest market value of the homes).

6.10. As detailed in the representation of policy STR/SS3 it is not considered that the authority's identification of Tudeley Village is justified with respect of other matters, not just inconsistency with the advice in the NPPF concerning preferred locations for removal from the Green Belt.

Consideration of whether justification of the Exceptional Circumstances required by the NPPF (paragraphs 133–139) to revise the Borough's Green Belt boundaries exists.

6.11. The Council in advancing revisions to its Green Belt under a duty (imposed by Section 39(2) of the Planning & Compulsory Purchase Act 2004) to exercise the function associated with the preparation of local development document with objective of contributing to the achievement of sustainable development. This is a positive obligation (Jay J Calverton (Appendix 5 paragraph 10)).

6.12. Planning policy makes provision for changes to be made to the Green Belt. Changes to the Green Belt are permitted through a review of a local plan (Revised NPPF, paragraph 136). To make a change to the Green Belt boundary in the local plan there have to be "exceptional circumstances". Development needs that take up land such as housing and employment can be an exceptional circumstance to justify a review of a Green Belt boundary. This principle has been acknowledged in Hunston, in the Court of Appeal (Appendix 6) where Sir David Keene observed at [21]:

"In principle, a shortage of housing land when compared to the needs of an area is capable of amounting to very special circumstances."

6.13. At paragraph 10 of his judgement, Sir David Keene also said in respect of earlier NPPF (2012) paragraphs 87 and 88 that:

"The framework does not seek to define further what "other considerations" might outweigh the damage to the Green Belt, but in principle there seems no reason why in certain circumstances a shortfall in housing land supply might not do so."

6.14. In the Calverton case (Appendix 5) Jay J also reinforced these points finding at paragraph 44: "The issue is whether, in the existence of planning judgement and in the overall context of the positive statutory duty to achieve sustainable development, exceptional circumstances existed to justify the release of Green Belt."

6.15. In the Hundal case (Appendix 7) paragraph 50 confirmed that the failure to meet needs since a Green Belt boundary had been defined could also amount to exceptional circumstances:

"The overriding policy of PPG2 is that the Green Belt boundaries should remain fixed once they have been validly determined. It is only if a relevant circumstance occurs that requires a change in the future

for planning purposes that the circumstance will be an exceptional circumstance. An obvious example would be if, in the present case, the First Defendant had determined that it could not meet the projected housing requirements for its area up to 2031 without using Green Belt land. In that case, for the purposes of the Core Strategy, the exceptional circumstance may have been made out (assuming no other practical alternatives). At that point, a subsidiary question may arise as to which land that was currently within the Green Belt should now be freed for development. In making that latter decision, I accept that the fact that land had recently and erroneously been included within the Green Belt when the local plan was developed might be a relevant consideration in deciding where the boundary had changed but it would be highly unlikely to be the only or the dominant factor”.

6.16. The Council advocates revisions to the Green Belt, as there are insufficient opportunities to deliver the necessary growth without resorting to the Borough's Green Belt. Accordingly, exceptional circumstances do exist. However whilst housing/employment development needs can, as a matter of planning judgement, as well as the desire to promote, plan and achieve sustainable patterns of development, amount to exceptional circumstances through the development plan review process this must be demonstrated by clear evidence of a need and that there are no other more sustainable solutions towards its addressing (see paragraph 138 of NPPF). Such an approach would be consistent with Section 39(2) and national policy (NPPF paragraphs 136 and 137).

6.17. As outlined within this statement, development at Tudeley village will not result in delivery of sustainable development and this further confirms that exceptional circumstances do not exist. This contrasts with Home Farm, Lower Green Road, Rusthall where sustainable development will be achieved and therefore exceptional circumstances can be demonstrated.

6.18. The Calverton case (Appendix 5) helpfully sets out the matters to examine in establishing exceptional circumstances in the context of national policy and the positive obligation in section 39(2) to plan for sustainable development. The judgement at paragraph 51 states:

“In a case such as the present, it seems to me that, having undertaken the first-stage of the Hunston approach (sc. assessing objectively assessed need), the planning judgments involved in the ascertainment of exceptional circumstances in the context of both national policy and the positive obligation located in section 39(2) should, at least ideally, identify and then grapple with the following matters: (i) the acuteness/intensity of the objectively assessed need (matters of degree may be important); (ii) the inherent constraints on supply/availability of land prima facie suitable for sustainable development; (iii) (on the facts of this case) the consequent difficulties in achieving sustainable development without impinging on the Green Belt; (iv) the nature and extent of the harm to this Green Belt (or those parts of it which would be lost if the boundaries were reviewed); and (v) the extent to which the consequent impacts on the purposes of the Green Belt may be ameliorated or reduced to the lowest reasonably practicable extent”.

6.19. Each of these 5 matters are interrelated and applying to Tunbridge Wells Borough the following points arise:

(i) the acuteness/intensity of the objectively assessed needs (matters of degree may be important);(ii) the inherent constraints on supply/availability of land prima facie suitable for sustainable development;

6.20. Matters (i) and (ii) are confirmed as the Council has demonstrated that its Local Housing Need can be resolved without relying upon the Green Belt. However matter (ii) also needs to have regard to whether the release of land will achieve sustainable development through consideration of the approach outlined in paragraph 138 of the NPPF.

(iii) (On the facts of this case) the consequent difficulties in achieving sustainable development without impinging on the Green Belt.

6.21. The Council's Draft Submission Local Plan has demonstrated that it cannot address its housing needs without considering locations in the Green Belt. Therefore, there is an identified difficulty to meeting the Borough's development needs without impinging on the Green Belt. However, any release must contribute towards the achievement of sustainable development as indicated in paragraph 138 of the NPPF.

(iv) The nature and extent of the harm to this Green Belt (all those parts of it which would be lost if the boundaries were reviewed); and

6.22. The Council commissioned a Green Belt Review (Stages 1 and 2). This considered whether the land now envisaged for removal from the Green Belt served the relevant purposes. Tudeley village lies within parcels BA3 and BA4. The Study concluded that all these parcels served Green Belt purposes and consequently there was no justification for their removal.

6.23. The Stage 3 Report (page 70) confirms that the removal of Tudeley village will be harmful to the Green Belt. Consequently, it is clear that the envisaged removal would be harmful to the wider Green Belt, and consequently should be avoided.

6.24. In contrast the Council's Stage 2 Green Belt appraisal for the parcel containing our client's Home Farm site (assessed parcel ref RU2a) indicates that it only has a moderate contribution towards the Green Belt. This is therefore a lower rating than that contended to apply to the Site in the Council's Site Assessments (page 6 of Rusthall parishes appraisals). It is therefore clear that the Home Farm site can be removed from the Green Belt with limited harm.

(v) The extent to which the consequent impact on the purposes of the Green Belt maybe ameliorated or reduced to the lowest reasonably practicable extent.

6.25. The proposed Green Belt boundaries envisaged in the Draft Submission Local Plan do not reflect the requirements in the NPPF (paragraph 139).

6.26. Whilst the Stage 3 Study (pages 70 and 71) suggests measures to reduce impact, these are applicable to any site and do not demonstrate how the Tudeley scheme has been specifically designated to ensure that the impact associated with the removal of the site can be ameliorated or reduced to its lowest reasonably practicable extent.

6.27. This reinforces our view that there are no exceptional circumstances supporting a change to the Green Belt here.

6.28. Exceptional circumstances do not exist for the removal of Tudeley village. Whilst a matter of planning judgement, the Council cannot therefore make such a judgement as this would not be consistent with their statutory duty (section 39(2)) and the revised NPPF.

6.29. The points raised above confirm that exceptional circumstances do not exist, are not soundly based and therefore do not support revisions to the Green Belt at Tudeley Village. In contrasts, the Home Farm, Rusthall site can readily be removed from the Green Belt as exceptional circumstances can be demonstrated.

10. OVERALL CONCLUSIONS

10.1. The representations to the draft submission Local Plan have identified a number of concerns with the document as drafted, especially with respect of its soundness.

10.2. As indicated in the representations, changes to policies of the Plan are advocated, including the borough's housing requirement in policy STR1.

10.3. To ensure adequate supply of housing arises, the land at Home Farm, Lower Green Road, Rusthall (Site Ref: 60) should be included as an allocation.

10.4. These matters can consequently be addressed through Main Modifications to the Plan allowing for a Sound Plan.

11. FINAL REMARKS

11.1. We trust the above comments are of assistance in preparing the necessary main modifications to provide for a sound Local Plan.

11.2. We welcome the opportunity to engage in constructive dialogue with the Council in relation to our observations, including the allocation of our client's site at Home Farm, Rusthall (Site Ref: 60).

11.3. Additionally, we confirm that we wish to be notified of each further step in the preparation of the Local Plan, including its submission to the Inspectorate for examination.

Question 6

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Question 5 above. (Please note that non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Changes sought to the Local Plan with respect of the approach to Tudeley village in policy STR8

6.30. The Plan therefore as currently prepared in not sound with respect of:

a) It is not justified as the evidence does not support the removal of land at Tudeley for the garden community; and b) It is also inconsistent with national policy in the approach does not adequately reflect the guidance on considering all sustainable opportunities within the Green Belt before contemplating poorly located greenfield sites like Tudeley. It is therefore contrary to paragraphs 137 and 138 of the NPPF.

6.31. To address these matters of soundness, a range of amendments are proposed. The proposed changes are.

1. That reference to Tudeley village is omitted from policy STR8, alongside consequential amendments to other parts of the plan i.e. the policies map to ensure that the Tudeley site is retained in the Green Belt.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)? . Yes, I wish to participate in hearing session(s)

Question 7a

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

To clarify any points the Inspector has with respect of the detailed representations submitted

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box: Yes, I wish to be notified of future stages of the Local Plan

Supporting Information File Ref No: SI_119a-m

Comment

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Company / Organisation	Millwood Designer Homes Ltd
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Event Name	Pre-Submission Local Plan
Comment by	Millwood Designer Homes Ltd [REDACTED]
Comment ID	PSLP_1884
Response Date	03/06/21 14:23
Consultation Point	Policy STR 9 Green Belt (View)
Status	Processed
Submission Type	Email
Version	0.6
Files	App 03 Sevenoaks Final Report Mar 2020.pdf App 01b 5416-LLB-RP-L-0002-S4-P02 Landscape Statement.pdf App 06 St Albans v Hunston Properties 2013 EWCA Civ 1610.pdf App 09 Uttlesford Post stage 1 hearings letter to the Council 10.1.20 .pdf App 07 Hundal v S Bucks DC 2012 EWHC 7912 Admin.pdf App 01c 5416-LLB-ZZ-XX-DR-L-0001-S4-P02 Landscape Principles.pdf App 08 Tandridge Inspector-Preliminary-Conclusions-Advice.pdf App 01a Millwood TW Local Plan Reps - Hawkhurst - 14 Nov 2019.pdf App 05 Calverton v Nottingham City 2015 EWHC 1078 Admin.pdf WBP Reps for Millwood - Hawkhurst - 3 June 2021.pdf App 10 Examiners Report on the Examination of NEA S1 10th Dec 2020.pdf App 04 Sevenoaks DC v CLG [2020] EWHC 3054.pdf App 02 Inspectors letter to Tonbridge and Malling 15.12.20.pdf

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Question 1

Respondent's Name and/or Organisation Millwood Designer Homes Ltd

Question 2

Agent's Name and Organisation (if applicable) Woolf Bond Planning

Question 3

To which part of the Local Plan does this representation relate? Policy

Question 3a

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy STR 9 Green Belt

[TWBC: full representation attached has been separated into Policy STR1 (PSLP_1883, Policy STR9 (PSLP_1884), Policy PSTR/HA1 (PSLP_1885) and Policy STR/SS3 (PSLP_1886). See also appendices attached].

Question 4

Do you consider that the Local Plan:

Is legally compliant No

Is sound No

Complies with the Duty to Cooperate No

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

- . It is not positively prepared
- . It is not effective
- . It is not justified
- . It is not consistent with national policy

Question 5

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

1. INTRODUCTION

1.1 Our clients (Millwood Designer Homes Ltd) control the land at Chittenden Fields, north of High Street (A268), Hawkhurst. This site has been promoted through earlier stages in the Local Plan as an additional location for growth in the Borough, taking account of its credentials as a sustainable location for growth adjoining the acknowledged suitability of Hawkhurst, as indicated in the Council's SHLAA. In contrast to other locations, the development of new homes at the site will ensure the embedment of behaviour associated with the sustainable living unlike other locations in the Borough, especially the new community proposed at Tudeley Village.

1.2 Further to our submissions on earlier stages in the preparation of the Local Plan, the Council has failed to provide an appropriate strategy which seeks to meet the Borough's development needs, especially with respect of housing." Consequently, for the reasons outlined in these submissions, it is not considered that the Draft Submission Plan adequately addresses the Borough's housing needs in locations which are accessible to existing infrastructure and services such as those available at Hawkhurst which include those relating to health, education, leisure, retail and employment and will support the continuation of them as advocated by paragraph 77 of the NPPF. Such locations should be considered in advance of the unjustified removal of land from the Green Belt which as detailed in the representations would be wholly consistent with the approach of national policy in the NPPF. We therefore advocate changes to the Local Plan to address these matters.

1.3 Having regard to the concerns with respect of the appropriateness of the approach and its challenges of delivering sustainable growth, we therefore advocate the removal of the proposed allocation at Tudeley Village and the allocation of deliverable sites in sustainable locations, including land controlled by our client's at Chittenden Fields, Hawkhurst. The site affords a sustainable opportunity in helping to meet identified housing needs and could provide for circa 70 dwellings, in a landscape setting, within walking distance from local services and facilities.

1.4 For the reasons detailed in this submission, growth at Chittenden Fields, Hawkhurst due to its relationship with existing development and facilities would result in achievement of sustainable development. Furthermore, the proximity of the Chittenden Fields site to services and facilities that residents will need to undertake their daily life ensures that sustainable behaviours are embedded in residents from initial occupation of the homes. This therefore contrasts with that at Tudeley Village which due to the limitations of these in the local area will result in need for longer journeys to undertake daily lives, which are therefore likely to result in increased use of the car. Once this behaviour becomes the norm for residents in Tudeley, it will be harder to encourage them to switch to more sustainable alternatives once they become available.

1.5 The reports and documents submitted with this representation demonstrate the suitability of the approach advocated. As detailed in the representations, this land is not subject to constraints which would prevent its delivery for development at an early stage during the plan period should this be confirmed through the examination of the Plan.

1.6 We also have several comments/representations on the policies within the Draft Submission Tunbridge Wells Borough Local Plan which should be addressed prior to its submission for examination by the Secretary of State.

2. REPRESENTATIONS AND SUPPORTING INFORMATION

2.1 Our comments upon the various draft policies and proposals are set out below and are accompanied by the following Documents:

- Duly Completed Response Form.
- Copy of submissions on behalf of Millwood Designer Homes to the Council's Draft Local Plan Regulation 18 Consultation (November 2019) (appendix 1)
- Copy of Inspector's assessment of the Tunbridge & Malling Local Plan (15th December 2020) (appendix 2)
- Inspector's Report into Examination of the Sevenoaks Local Plan (2nd March 2020) (appendix 3)
- Sevenoaks DC v Secretary of State for Communities, Housing & Local Government [2020] EWHC 3054 (appendix 4)
- Calverton PC v Nottinghamshire County Council [2015] EWHC 1078 (Admin) (appendix 5)
- St Albans City & District v Hunston Properties [2013] EWCA Civ 1610 (appendix 6)
- Hundal v South Bucks DC [2012] EWHC 7912 (Admin) (appendix 7)
- Tandridge LP Inspector's interim

conclusions (11th December 2020) (appendix 8)• Uttlesford Local Plan post Stage 1 hearings Inspector's letter to Council 10th January 2020 (appendix 9)• North Essex Authorities (Braintree, Colchester & Tendring) Inspector's Report (10th December 2020) (appendix 10)

2.2 Our client's representations upon the Draft Local Plan can be summarised as relating to the following:

Policy

Representation

Policy STR1: The Development Strategy and extent of Built Development Limits

Objection

Policy STR9: Green Belt

Objection

Policy STR/HA1: The Strategy for Hawkhurst Parish and the omission of land at Chittenden Fields as a housing allocation for 70 dwellings.

Objection

Policy STR/SS3: The Strategy for Tudeley Village

Objection

Omission site – Land at Chittenden Fields, north of High Street (A268), Hawkhurst (SHLAA ref 2) – failure to include as an allocation in policy STR/HA1

Objection

3. OVERARCHING POSITION

3.1 We have a strong belief in the principle of the plan-led system and in setting out our representations upon these policies, we hope to be able to work with the Council between now and the formal submission of the Draft Local Plan pursuant to Regulation 22 of The Town and County Planning (Local Planning) (England) Regulations 2012 (as amended), to ensure the Local Plan satisfies the tests of soundness at paragraph 35 of the NPPF.

3.2 We have considerable experience and expertise in dealing with and realising development schemes through the planning system. In this context, a principal constraint to the timely delivery of housing is the way in which policies for the allocation of sites have been formulated.

3.3 Local Plans must be capable of delivering from the point at which they are adopted. This means scrutinising the policy wording to ensure the Plans are sound and that the allocations contained therein are capable of being delivered at the point envisaged. This is particularly the case in relation to the need for Councils to collate a robust evidence base to justify the imposition of certain policies and/or their wording so as not to over burden and/or stifle sustainable and appropriate development.

3.4 In this instance, the draft Local Plan needs to be amended in order to ensure it robustly plans for the delivery of sufficient housing to address a housing requirement established in accordance with national planning policy and guidance. This therefore indicates that the Plan must seek to deliver the minimum of 14,364 dwellings between 2020 and 2039 rather than 12,204 dwellings from 2020 to 2038 as currently envisaged.

3.5 To address this requirement for additional homes, we contend that land at Chittenden Fields, Hawkhurst should be allocated for residential development (SHLAA ref 2). This site can accommodate 70 dwellings and as indicated in these representations and the supporting documents would be a sustainable addition to the village.

3.6 The representations also highlight a failure of the Local Plan as currently drafted to contribute towards addressing the acknowledged unmet needs of neighbouring authorities and the allocation of Chittenden Fields, Hawkhurst, can also supply homes to resolve this issue.

3.7 As detailed in the representations, the Chittenden Fields site would be a logical addition to the existing development in Hawkhurst and should be included in the defined extent of the village. This requires consequential amendments to the Limits to Build development for Hawkhurst as defined on the Local Plan Proposals Map (Inset Map 15).

3.8 We also advocate other revisions to the Draft Submission Local Plan to ensure it is consistent with the evidence base prepared by the Council.

3.9 We are concerned to ensure that the Local Plan is robust, and it is in this context that we set out our representations.

4. THE NPPF TESTS OF SOUNDNESS

4.1 Section 3 of the NPPF (Feb 2019) sets out the principal components to be included in Local Plans. Paragraph 35 requires that to be “sound” a DPD should be positively prepared, justified, effective and consistent with national policy.

4.2 A positively prepared plan provides 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 practical to do so and is consistent with achieving sustainable development.

4.3 In order to be justified, the Draft Submission Local Plan must have an appropriate strategy, taking into account reasonable alternatives and be based on proportionate evidence.

4.4 Effective means the document must be deliverable over the plan period and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred and evidenced by the statements of common ground.

4.5 The Local Plan should seek to meet the Council’s full housing need. However, we have concerns regarding the rationale for and robustness of the housing numbers the Council is seeking to accommodate within the Draft Submission Local Plan. We also have concerns regarding the appropriateness of the sites selected for contributing towards addressing the Borough’s development needs.

4.6 For the reasons set out in these representations there are several shortcomings with the Plan, as currently drafted, that result in the need for amendments.

4.7 These amendments relate to the need to increase the level of housing provision within a more appropriate plan period, thereby ensuring the emerging plan is consistent with the Government’s planning advice and policy. They also advocate changes to the extent of the defined settlement area of Hawkhurst together with amendments to other policies of the plan.

4.8 These amendments would reflect our view of the clear sustainability advantages of growth at Hawkhurst (Consistent with paragraph 77 of NPPF) in preference to unsustainable locations where development conflicts with the approach of the NPPF i.e. Tudeley Village. In the case of Tudeley village, due to its identification in advance of locations which are to be preferred having regard to the approach of the NPPF, we contend that the new settlement proposal should be omitted from the Plan with the site retained in the Green Belt.

4.9 Furthermore, to address the additional identified housing need, we advocate that land at Chittenden Fields, north of Highs Street, Hawkhurst (SHLAA ref 2) should be included as an additional allocation within draft policy PSTR/HA1.

4.10 The remainder of this submission is focused on providing responses to the Council’s draft policies in the Local Plan.

6. POLICY STR9: GREEN BELT

6.1 Through policy STR9, the Council seeks to remove land from the Green Belt for the delivery of a garden community at Tudeley in contrast to locations beyond the Green Belt like Hawkhurst. Growth of Hawkhurst would be consistent with the approach of the NPPF (paragraph 77) which emphasises the importance of development in villages to support long term viability of services.

6.2 Additional development at Hawkhurst would be consistent with the Green Belt guidance in the NPPF (paragraph 138) which emphasises the importance of identify villages beyond the Green Belt in preference to the unjustified removal of land within this designation. As indicated below, we do not consider that the authority has justified the removal of Tudeley from the Green Belt when there are other more sustainable options as detailed in paragraph 138 of the NPPF, including additional growth at the village of Hawkhurst.

6.3 For the reasons detailed below, we object to the proposal in that it entails the removal of very significant areas from the Green Belt for which there is no justification. This is both with respect of the

scale of housing and other development envisaged. Furthermore, as indicated in the Council's Viability Assessment, development of Tudeley Village is only viable where property values exceeding that expected elsewhere in the Borough are achieved. This poor viability of the scheme provides a further justification why very special circumstances are not demonstrated to indicate that Tudeley should be removed from the Green Belt. In contrast development at Chittenden Fields is viable at property values expected elsewhere in the Borough.

6.4 The NPPF is clear (paragraph 137) of the need to fully consider all options before contemplating removal of land from the Green Belt. Paragraph 138 also emphasises that where Green Belt revisions are envisaged the consequences for the achievement of sustainable development must be examined, including with respect of villages beyond the Green Belt. As noted, paragraph 77 of the NPPF supports growth of villages as this would help maintain their services.

6.5 The Council's choice of Tudeley village does not accord with the preference detailed in the NPPF, whereas growth at Hawkhurst would.

6.6 Additionally, the Stage 2 Viability Assessment (appendix IIa) is clear that whilst the necessary infrastructure and affordable housing is viable for the scale of development proposed at Paddock Wood, it is less clear that this applies at Tudeley. This is especially noticeable as whilst Tudeley village is reliant upon a number of strategic transport improvements which are also necessary for Paddock Wood's growth i.e. the Colt Hill bypass, unlike the latter it is not expected to contribute towards its funding. Nevertheless, the development proposed at Tudeley has fewer scenarios where development is viable (primarily at the lowest existing land value and highest market value of the homes). As detailed in the representation of policy STR/SS3 it is not considered that the authority's identification of Tudeley Village is justified with respect of other matters, not just inconsistency with the advice in the NPPF concerning preferred locations for removal from the Green Belt.

Consideration of whether justification of the Exceptional Circumstances required by the NPPF (paragraphs 133–139) to revise the Borough's Green Belt boundaries exists.

6.7 The Council in advancing revisions to its Green Belt under a duty (imposed by Section 39(2) of the Planning & Compulsory Purchase Act 2004) to exercise the function associated with the preparation of local development document with objective of contributing to the achievement of sustainable development. This is a positive obligation (Jay J Calverton (Appendix 5 paragraph 10)).

6.8 Planning policy makes provision for changes to be made to the Green Belt. Changes to the Green Belt are permitted through a review of a local plan (Revised NPPF, paragraph 136). To make a change to the Green Belt boundary in the local plan there have to be "exceptional circumstances". Development needs that take up land such as housing and employment can be an exceptional circumstance to justify a review of a Green Belt boundary. This principle has been acknowledged in Hunston, in the Court of Appeal (Appendix 6) where Sir David Keene observed at [21]:

"In principle, a shortage of housing land when compared to the needs of an area is capable of amounting to very special circumstances."

6.9 At paragraph 10 of his judgement, Sir David Keene also said in respect of earlier NPPF (2012) paragraphs 87 and 88 that:

"The framework does not seek to define further what "other considerations" might outweigh the damage to the Green Belt, but in principle there seems no reason why in certain circumstances a shortfall in housing land supply might not do so."

6.10 In the Calverton case (Appendix 5) Jay J also reinforced these points finding at paragraph 44:

"The issue is whether, in the existence of planning judgement and in the overall context of the positive statutory duty to achieve sustainable development, exceptional circumstances existed to justify the release of Green Belt."

6.11 In the Hundal case (Appendix 7) paragraph 50 confirmed that the failure to meet needs since a Green Belt boundary had been defined could also amount to exceptional circumstances:

"The overriding policy of PPG2 is that the Green Belt boundaries should remain fixed once they have been validly determined. It is only if a relevant circumstance occurs that requires a change in the future for planning purposes that the circumstance will be an exceptional circumstance. An obvious example would be if, in the present case, the First Defendant had determined that it could not meet the projected housing requirements for its area up to 2031 without using Green Belt land. In that case, for the

purposes of the Core Strategy, the exceptional circumstance may have been made out (assuming no other practical alternatives). At that point, a subsidiary question may arise as to which land that was currently within the Green Belt should now be freed for development. In making that latter decision, I accept that the fact that land had recently and erroneously been included within the Green Belt when the local plan was developed might be a relevant consideration in deciding where the boundary had changed but it would be highly unlikely to be the only or the dominant factor”.

6.12 The Council advocates revisions to the Green Belt, as there are insufficient opportunities to deliver the necessary growth without resorting to the Borough's Green Belt. Accordingly, exceptional circumstances do exist. However whilst housing/employment development needs can, as a matter of planning judgement, as well as the desire to promote, plan and achieve sustainable patterns of development, amount to exceptional circumstances through the development plan review process this must be demonstrated by clear evidence of a need and that there are no other more sustainable solutions towards its addressing (see paragraph 138 of NPPF). Such an approach would be consistent with Section 39(2) and national policy (NPPF paragraphs 136 and 137).

6.13 As outlined within this statement, development at Tudeley village will not result in delivery of sustainable development and this further confirms that exceptional circumstances do not exist. This contrasts with the land at Chittenden Fields, Hawkhurst where development will help support the existing services of the village consistent with paragraph 77 of the NPPF.

6.14 The Calverton case (Appendix 5) helpfully sets out the matters to examine in establishing exceptional circumstances in the context of national policy and the positive obligation in section 39(2) to plan for sustainable development. The judgement at paragraph 51 states:

“In a case such as the present, it seems to me that, having undertaken the first-stage of the Hunston approach (sc. assessing objectively assessed need), the planning judgments involved in the ascertainment of exceptional circumstances in the context of both national policy and the positive obligation located in section 39(2) should, at least ideally, identify and then grapple with the following matters: (i) the acuteness/intensity of the objectively assessed need (matters of degree may be important); (ii) the inherent constraints on supply/availability of land prima facie suitable for sustainable development; (iii) (on the facts of this case) the consequent difficulties in achieving sustainable development without impinging on the Green Belt; (iv) the nature and extent of the harm to this Green Belt (or those parts of it which would be lost if the boundaries were reviewed); and (v) the extent to which the consequent impacts on the purposes of the Green Belt may be ameliorated or reduced to the lowest reasonably practicable extent”.

6.15 Each of these 5 matters are interrelated and applying to Tunbridge Wells Borough the following points arise:

(i) the acuteness/intensity of the objectively assessed needs (matters of degree may be important);(ii) the inherent constraints on supply/availability of land prima facie suitable for sustainable development;

6.16 Matters (i) and (ii) are confirmed as the Council has demonstrated that its Local Housing Need cannot be resolved without relying upon the Green Belt. However matter (ii) also needs to have regard to whether the release of land will achieve sustainable development through consideration of the approach outlined in paragraph 138 of the NPPF.

(iii) (On the facts of this case) the consequent difficulties in achieving sustainable development without impinging on the Green Belt.

6.17 The Council's Draft Submission Local Plan has demonstrated that it cannot address its housing needs without considering locations in the Green Belt. Therefore, there is an identified difficulty to meeting the Borough's development needs without impinging on the Green Belt. However, any release must contribute towards the achievement of sustainable development as indicated in paragraph 138 of the NPPF. This includes consideration of growth in villages beyond the Green Belt which is sustainable as it supports services as envisaged by paragraph 77 of the NPPF.

(iv) The nature and extent of the harm to this Green Belt (all those parts of it which would be lost if the boundaries were reviewed); and

6.18 The Council commissioned a Green Belt Review (Stages 1 and 2). This considered whether the land now envisaged for removal from the Green Belt served the relevant purposes. Tudeley village lies within parcels BA3 and BA4. The Study concluded that all these parcels served Green Belt purposes and consequently there was no justification for their removal. The Stage 3 Report (page 70) confirms

that the removal of Tudeley village will be harmful to the Green Belt. Consequently, it is clear that the envisaged removal would be harmful to the wider Green Belt, and consequently should be avoided.

(v) The extent to which the consequent impact on the purposes of the Green Belt maybe ameliorated or reduced to the lowest reasonably practicable extent.

6.19 The proposed Green Belt boundaries envisaged in the Draft Submission Local Plan do not reflect the requirements in the NPPF (paragraph 139).

6.20 Whilst the Stage 3 Study (pages 70 and 71) suggests measures to reduce impact, these are applicable to any site and do not demonstrate how the Tudeley scheme has been specifically designated to ensure that the impact associated with the removal of the site can be ameliorated or reduced to its lowest reasonably practicable extent.

6.21 This reinforces my view that there are no exceptional circumstances supporting a change to the Green Belt here.

6.22 Exceptional circumstances do not exist for the removal of Tudeley village. Whilst a matter of planning judgement, the Council cannot therefore make such a judgement as this would not be consistent with their statutory duty (section 39(2)) and the revised NPPF. The points raised above confirm that exceptional circumstances do not exist, are not soundly based and therefore do not support revisions to the Green Belt at Tudeley Village.

6.23 In contrast, land beyond the Green Belt adjoining the village of Hawkhurst would be a sustainable and appropriate location for growth consistent with paragraph 77 of the NPPF. In such instance, exceptional circumstances do not need to be demonstrated as the site at Hawkhurst lies beyond the Green Belt.

10. OVERALL CONCLUSIONS

10.1. Our representations to the draft submission Local Plan have identified a number of concerns with the document as drafted, especially with respect of its soundness.

10.2. As indicated in the representations, changes to policies of the Plan are advocated, including the borough's housing requirement in policy STR1.

10.3. To ensure adequate supply of housing arises, the land at Chittenden Fields, north of High Street, Hawkhurst should be included as a housing allocation for approximately 70 dwellings.

10.4. These matters can be addressed through Main Modifications to the Plan allowing for a Sound Plan.

11. FINAL REMARKS

11.1. We trust the above comments are of assistance in preparing the necessary main modifications to provide for a sound Local Plan.

11.2. We welcome the opportunity to engage in constructive dialogue with the Council in relation to our observations, including the allocation of our client's site at Chittenden Fields, Hawkhurst.

11.3. Additionally, we confirm that we wish to be notified of each further step in the preparation of the Local Plan, including its submission to the Inspectorate for examination.

Question 6

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

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or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Changes sought to the Local Plan with respect of the approach to Tudeley village in policy STR8

6.24 The Plan therefore as currently prepared in not sound with respect of:

a) It is not justified as the evidence does not support the removal of land at Tudeley for the garden community; and b) It is also inconsistent with national policy in the approach does not adequately reflect the guidance on considering all sustainable opportunities within the Green Belt before contemplating poorly located greenfield sites like Tudeley. It is therefore contrary to paragraphs 137 and 138 of the NPPF.

6.25 To address these matters of soundness, a range of amendments are proposed. The proposed changes are.

1. That reference to Tudeley village is omitted from policy STR8, alongside consequential amendments to other parts of the plan i.e. the policies map to ensure that the Tudeley site is retained in the Green Belt.

Question 7

***Please note** the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.*

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)? . Yes, I wish to participate in hearing session(s)

Question 7a

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If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

To clarify any points the Inspector has with respect of the detailed representations submitted

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box: Yes, I wish to be notified of future stages of the Local Plan

Supporting Information File Ref No: SI_112a-o

Comment

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Event Name	Pre-Submission Local Plan
Comment by	Millwood Designer Homes Ltd [REDACTED]
Comment ID	PSLP_1868
Response Date	03/06/21 14:44
Consultation Point	Policy STR 9 Green Belt (View)
Status	Processed
Submission Type	Email
Version	0.4
Files	App 07 Hundal v S Bucks DC 2012 EWHC 7912 Admin.pdf APP09U~1.PDF APP02I~1.PDF APP06S~1.PDF WBP Reps for Millwood - Benenden - 3 June 2021.pdf APP01B~1.PDF App 04 Sevenoaks DC v CLG [2020] EWHC 3054.pdf App 11 PP SPG Benenden Iden Green CAA.pdf APP01A~1.PDF (1) App 01c Figure 3 Landscape.pdf APP10E~1.PDF App 01d P318 LP 1001 - Site Location Plan.pdf App 03 Sevenoaks Final Report Mar 2020.pdf App 05 Calverton v Nottingham City 2015 EWHC 1078 Admin.pdf APP08T~1.PDF

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Question 1

Respondent's Name and/or Organisation Millwood Designer Homes Ltd

Question 2

Agent's Name and Organisation (if applicable) Woolf Bond Planning

Question 3

To which part of the Local Plan does this representation relate? Policy

Question 3a

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy STR 9 Green Belt

[TWBC: full representation attached has been separated into Policy STR1 (PSLP_1859, Policy STR9 (PSLP_1868), Policy PSTR/BE1 (PSLP_1869), Policy STR/SS3 (PSLP_1870) and Policy EN15 (PSLP_1872). See also appendices attached].

Question 4

Do you consider that the Local Plan:

Is legally compliant No

Is sound No

Complies with the Duty to Cooperate No

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

- . It is not positively prepared
- . It is not effective
- . It is not justified
- . It is not consistent with national policy

Question 5

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

1. INTRODUCTION

1.1 Our client's (Millwood Designer Homes Ltd) control the land on the west side of Iden Green Road, Benenden (Site Ref: 222). This site has been promoted through the earlier stages in the Local Plan as an additional location for growth in the Borough, taking account its credentials as a sustainable location for growth adjoining the acknowledged suitability of Benenden, as indicated in the Council's SHLAA. In contrast to other locations, the development of new homes at the site will ensure the embedment of behaviour associated with the sustainable living unlike other locations in the Borough, especially the new community proposed at Tudeley Village.

1.2 Further to our submissions on earlier stages in the preparation of the Local Plan, the Council has failed to provide an appropriate strategy which seeks to meet the Borough's development needs, especially with respect of housing." Consequently, for the reasons outlined in these submissions, it is not considered that the Draft Submission Plan adequately addresses the Borough's housing needs in locations which are accessible to existing infrastructure and services such as those available at Benenden which include those relating to education, leisure and retail and will support the continuation of them as advocated by paragraph 77 of the NPPF. Such locations should be considered in advance of the unjustified removal of land from the Green Belt which as detailed in the representations would be wholly consistent with the approach of national policy in the NPPF. We therefore advocate changes to the Local Plan to address these matters.

1.3 Having regard to the concerns with respect of the appropriateness of the approach and its challenges of delivering sustainable growth, we therefore advocate the removal of the proposed allocation at Tudeley Village and the allocation of deliverable sites in sustainable locations, including land controlled by our client's to the west of Iden Green Road, Benenden. The site affords a sustainable opportunity in helping to meet identified housing needs and could provide for approximately 28 dwellings, within walking distance from local services and facilities.

1.4 For the reasons detailed in this submission, growth at Benenden would support the long-term provision of services within the village reflecting the approach advocated in the NPPF (paragraph 77). This would result in the achievement of sustainable development.

1.5 The reports and documents submitted with this representation demonstrate the suitability of the approach advocated. As detailed in the representations, this land is not subject to constraints which would prevent its delivery for development at an early stage during the emerging plan period should this be confirmed through the examination of the Plan.

1.6 We also have several comments/representations on the policies within the Draft Submission Tunbridge Wells Borough Local Plan which should be addressed prior to its submission for examination by the Secretary of State.

2. REPRESENTATIONS AND SUPPORTING INFORMATION

2.1. Our comments upon the various draft policies and proposals are set out below and are accompanied by the following Documents:

- Duly Completed Response Form.
- Copy of submissions on behalf of Millwood Designer Homes to the Council's Draft Local Plan Regulation 18 Consultation (November 2019) (appendix 1)
- Copy of Inspector's assessment of the Tonbridge & Malling Local Plan (15th December 2020) (appendix 2)
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- North Essex Authorities (Braintree, Colchester & Tendring) Inspector's Report (10th December 2020) (appendix 10)
- Benenden and Iden Green Conservation Areas Appraisal (April 2005) (appendix 11)

2.2. Our client's representations upon the Draft Local Plan can be summarised as relating to the following:

Policy

Representation

Policy STR1: The Development Strategy and extent of Built Development Limits

Objection

Policy STR9: Green Belt

Objection

Policy PSTR/BE1: The Strategy for Benenden Parish and the omission of land west of Iden Green Road as a housing allocation

Objection

Policy STR/SS3: The Strategy for Tudeley Village

Objection

Policy EN15: Local Green Space

Objection

Omission site – Land west of Iden Green Road, Benenden (SHLAA ref 222) – failure to include as an allocation in policy PSTR/BE1

Objection

3. OVERARCHING POSITION

3.1. We have a strong belief in the principle of the plan-led system and in setting out our representations upon these policies, we hope to be able to work with the Council between now and the formal submission of the Draft Local Plan pursuant to Regulation 22 of The Town and County Planning (Local Planning) (England) Regulations 2012 (as amended), to ensure the Local Plan satisfies the tests of soundness at paragraph 35 of the NPPF.

3.2. We have considerable experience and expertise in dealing with and realising development schemes through the planning system. In this context, a principal constraint to the timely delivery of housing is the way in which policies for the allocation of sites have been formulated.

3.3. Local Plans must be capable of delivering from the point at which they are adopted. This means scrutinising the policy wording to ensure the Plans are sound and that the allocations contained therein are capable of being delivered at the point envisaged. This is particularly the case in relation to the need for Councils to collate a robust evidence base to justify the imposition of certain policies and/or their wording so as not to over burden and/or stifle sustainable and appropriate development.

3.4. In this instance, the draft Local Plan needs to be amended in order to ensure it robustly plans for the delivery of sufficient housing to address a housing requirement established in accordance with national planning policy and guidance. This therefore indicates that the Plan must seek to deliver the minimum of 14,364 dwellings between 2020 and 2039 rather than 12,204 dwellings from 2020 to 2038 as currently envisaged.

3.5. To address this requirement for additional homes, we contend that land on the west side of Iden Green Road, Benenden, should be allocated for residential development (SHLAA Ref 222). This site can accommodate 28 dwellings and as indicated in these representations and the supporting documents would be a sustainable addition to the village.

3.6. The representations also highlight a failure of the plan as currently drafted to contribute towards addressing the acknowledged unmet needs of neighbouring authorities and the allocation of land of the west side of Iden Green Road, Benenden can also supply homes to resolve this issue. As detailed in the representations, the land west of Iden Green Road site would be a logical addition to the existing development in Benenden and should consequently be included in the defined extent of the village.

3.7. We also advocate other revisions to the Draft Submission Local Plan to ensure it is consistent with the evidence base prepared by the authority.

3.8. We are concerned to ensure that the Local Plan is robust, and it is in this context that we set out our representations.

4. THE NPPF TESTS OF SOUNDNESS

4.1. Section 3 of the NPPF (Feb 2019) sets out the principal components to be included in Local Plans. Paragraph 35 requires that to be “sound” a DPD should be positively prepared, justified, effective and consistent with national policy.

4.2. A positively prepared plan provides 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 practical to do so and is consistent with achieving sustainable development.

4.3. In order to be justified, the Draft Submission Local Plan must have an appropriate strategy, taking into account reasonable alternatives and be based on proportionate evidence.

4.4. Effective means the document must be deliverable over the plan period and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred and evidenced by the statements of common ground.

4.5. The Local Plan should seek to meet the Council's full housing need. However, we have concerns regarding the rationale for and robustness of the housing numbers the Council is seeking to accommodate within the Draft Submission Local Plan. We also have concerns regarding the appropriateness of the sites selected for contributing towards addressing the Borough's development needs.

4.6. For the reasons set out in these representations there are several shortcomings with the Plan, as currently drafted, that result in the need for amendments.

4.7. These amendments relate to the need to increase the level of housing provision within a more appropriate plan period, thereby ensuring the emerging plan is consistent with the Government's planning advice and policy. They also advocate changes to the extent of the defined settlement area of Benenden together with amendments to other policies of the plan.

4.8. These amendments would reflect our view of the clear sustainability advantages of growth at Benenden (Consistent with paragraph 77 of the NPPF) in preference to unsustainable locations where development conflicts with the approach of the NPPF i.e. Tudeley Village. In the case of Tudeley village, due to its identification in advance of locations which are to be preferred having regard to the approach of the NPPF, we contend that the new settlement proposal should be omitted from the Plan with the site retained in the Green Belt.

4.9. Furthermore, to address the additional identified housing need, we advocate that land on the west side of Iden Green Road, Benenden (SHLAA ref 222) should be included as an additional allocation within draft policy PSTR/BE1.

4.10. The remainder of this submission is focused on providing responses to the Council's draft policies in the Local Plan.

6. POLICY STR9: GREEN BELT

6.1. Through policy STR9, the Council seeks to remove land from the Green Belt for the delivery of a garden community at Tudeley in contrast to locations beyond the Green Belt like Benenden. Growth of Benenden would be consistent with the approach of the NPPF (paragraph 77) which emphasises the importance of development in villages to support long term viability of services.

6.2. Additional development at Benenden would be consistent with the Green Belt guidance in the NPPF (paragraph 138) which emphasises the importance of identify villages beyond the Green Belt in preference to the unjustified removal of land within this designation. As indicated below, we do not consider that the authority has justified the removal of Tudeley from the Green Belt when there are other more sustainable options as detailed in paragraph 138 of the NPPF, including additional growth at the village of Benenden.

6.3. Therefore, for the reasons detailed below, we object to the Tudeley proposal in that it entails the removal of very significant areas from the Green Belt for which there is no justification. This is both with respect of the scale of housing and other development envisaged. Furthermore, as indicated in the Council's Viability Assessment, development of Tudeley Village is only viable where property values exceeding that expected elsewhere in the Borough are achieved. This poor viability of the scheme provides a further justification why very special circumstances are not demonstrated to indicate that Tudeley should be removed from the Green Belt. In contrast development at on land west of Iden Green Road is viable at property values expected elsewhere in the Borough.

6.4. The NPPF is clear (paragraph 137) of the need to fully consider all options before contemplating removal of land from the Green Belt. Paragraph 138 also emphasises that where Green Belt revisions are envisaged the consequences for the achievement of sustainable development must be examined, including with respect of villages beyond the Green Belt. As noted, paragraph 77 of the NPPF supports growth of villages as this would help maintain their services.

6.5. Therefore, the Council's choice of Tudeley village does not accord with the preference detailed in the NPPF, whereas growth at Benenden would.

6.6. Furthermore, the Stage 2 Viability Assessment (appendix IIa) is clear that whilst the necessary infrastructure and affordable housing is viable for the scale of development proposed at Paddock Wood, it is less clear that this applies at Tudeley. This is especially noticeable as whilst Tudeley village is reliant upon a number of strategic transport improvements which are also necessary for Paddock Wood's growth i.e. the Colt Hill bypass, unlike the later it is not expected to contribute towards its funding. Nevertheless, the development proposed at Tudeley has fewer scenarios where development is viable (primarily at the lowest existing land value and highest market value of the homes). As detailed in the representation of policy STR/SS3 it is not considered that the authority's identification of Tudeley Village is justified with respect of other matters, not just inconsistency with the advice in the NPPF concerning preferred locations for removal from the Green Belt.

Consideration of whether justification of the Exceptional Circumstances required by the NPPF (paragraphs 133–139) to revise the Borough's Green Belt boundaries exists.

6.7. The Council in advancing revisions to its Green Belt under a duty (imposed by Section 39(2) of the Planning & Compulsory Purchase Act 2004) to exercise the function associated with the preparation of local development document with objective of contributing to the achievement of sustainable development. This is a positive obligation (Jay J Calverton (Appendix 5 paragraph 10)).

6.8. Planning policy makes provision for changes to be made to the Green Belt. Changes to the Green Belt are permitted through a review of a local plan (Revised NPPF, paragraph 136). To make a change to the Green Belt boundary in the local plan there have to be "exceptional circumstances". Development needs that take up land such as housing and employment can be an exceptional circumstance to justify a review of a Green Belt boundary. This principle has been acknowledged in Hunston, in the Court of Appeal (Appendix 6) where Sir David Keene observed at [21]:

"In principle, a shortage of housing land when compared to the needs of an area is capable of amounting to very special circumstances."

6.9. At paragraph 10 of his judgement, Sir David Keene also said in respect of earlier NPPF (2012) paragraphs 87 and 88 that:

"The framework does not seek to define further what "other considerations" might outweigh the damage to the Green Belt, but in principle there seems no reason why in certain circumstances a shortfall in housing land supply might not do so."

6.10. In the Calverton case (Appendix 5) Jay J also reinforced these points finding at paragraph 44:

"The issue is whether, in the existence of planning judgement and in the overall context of the positive statutory duty to achieve sustainable development, exceptional circumstances existed to justify the release of Green Belt."

6.11. In the Hundal case (Appendix 7) paragraph 50 confirmed that the failure to meet needs since a Green Belt boundary had been defined could also amount to exceptional circumstances:

"The overriding policy of PPG2 is that the Green Belt boundaries should remain fixed once they have been validly determined. It is only if a relevant circumstance occurs that requires a change in the future for planning purposes that the circumstance will be an exceptional circumstance. An obvious example would be if, in the present case, the First Defendant had determined that it could not meet the projected housing requirements for its area up to 2031 without using Green Belt land. In that case, for the purposes of the Core Strategy, the exceptional circumstance may have been made out (assuming no other practical alternatives). At that point, a subsidiary question may arise as to which land that was currently within the Green Belt should now be freed for development. In making that latter decision, I accept that the fact that land had recently and erroneously been included within the Green Belt when the local plan was developed might be a relevant consideration in deciding where the boundary had changed but it would be highly unlikely to be the only or the dominant factor".

6.12. The Council advocates revisions to the Green Belt, as there are insufficient opportunities to deliver the necessary growth without resorting to the Borough's Green Belt. Accordingly, exceptional circumstances do exist.

6.13. However, whilst housing/employment development needs can, as a matter of planning judgement, as well as the desire to promote, plan and achieve sustainable patterns of development, amount to exceptional circumstances through the development plan review process this must be demonstrated by clear evidence of a need and that there are no other more sustainable solutions towards its addressing (see paragraph 138 of NPPF). Such an approach would be consistent with Section 39(2) and national policy (NPPF paragraphs 136 and 137).

6.14. As outlined within this statement, development at Tudeley village will not result in delivery of sustainable development and this further confirms that exceptional circumstances do not exist. This contrasts with the land west of Iden Green Road, Benenden where development will help support the existing services of the village consistent with paragraph 77 of the NPPF.

6.15. The Calverton case (Appendix 5) helpfully sets out the matters to examine in establishing exceptional circumstances in the context of national policy and the positive obligation in section 39(2) to plan for sustainable development. The judgement at paragraph 51 states:

"In a case such as the present, it seems to me that, having undertaken the first-stage of the Hunston approach (sc. assessing objectively assessed need), the planning judgments involved in the ascertainment of exceptional circumstances in the context of both national policy and the positive obligation located in section 39(2) should, at least ideally, identify and then grapple with the following matters: (i) the acuteness/intensity of the objectively assessed need (matters of degree may be important); (ii) the inherent constraints on supply/availability of land prima facie suitable for sustainable development; (iii) (on the facts of this case) the consequent difficulties in achieving sustainable development without impinging on the Green Belt; (iv) the nature and extent of the harm to this Green Belt (or those parts of it which would be lost if the boundaries were reviewed); and (v) the extent to which the consequent impacts on the purposes of the Green Belt may be ameliorated or reduced to the lowest reasonably practicable extent".

6.16. Each of these 5 matters are interrelated and applying to Tunbridge Wells Borough the following points arise:

(i) the acuteness/intensity of the objectively assessed needs (matters of degree may be important); (ii) the inherent constraints on supply/availability of land prima facie suitable for sustainable development;

6.17. Matters (i) and (ii) are confirmed as the Council has demonstrated that its Local Housing Need cannot be resolved without relying upon the Green Belt. However matter (ii) also needs to have regard to whether the release of land will achieve sustainable development through consideration of the approach outlined in paragraph 138 of the NPPF.

(iii) (On the facts of this case) the consequent difficulties in achieving sustainable development without impinging on the Green Belt.

6.18. The Council's Draft Submission Local Plan has demonstrated that it cannot address its housing needs without considering locations in the Green Belt. Therefore, there is an identified difficulty to meeting the Borough's development needs without impinging on the Green Belt. However, any release must contribute towards the achievement of sustainable development as indicated in paragraph 138 of the NPPF. This includes consideration of growth in villages beyond the Green Belt which is sustainable as it supports services as envisaged by paragraph 77 of the NPPF

(iv) The nature and extent of the harm to this Green Belt (all those parts of it which would be lost if the boundaries were reviewed); and

6.19. The Council commissioned a Green Belt Review (Stages 1 and 2). This considered whether the land now envisaged for removal from the Green Belt served the relevant purposes. Tudeley village lies within parcels BA3 and BA4. The Study concluded that all these parcels served Green Belt purposes and consequently there was no justification for their removal. The Stage 3 Report (page 70) confirms that the removal of Tudeley village will be harmful to the Green Belt. Consequently, it is clear that the envisaged removal would be harmful to the wider Green Belt, and consequently should be avoided.

(v) The extent to which the consequent impact on the purposes of the Green Belt maybe ameliorated or reduced to the lowest reasonably practicable extent.

6.20. The proposed Green Belt boundaries envisaged in the Draft Submission Local Plan do not reflect the requirements in the NPPF (paragraph 139).

6.21. Whilst the Stage 3 Study (pages 70 and 71) suggests measures to reduce impact, these are applicable to any site and do not demonstrate how the Tudeley scheme has been specifically designed to ensure that the impact associated with the removal of the site can be ameliorated or reduced to its lowest reasonably practicable extent.

6.22. This reinforces my view that there are no exceptional circumstances supporting a change to the Green Belt here.

6.23. Exceptional circumstances do not exist for the removal of Tudeley village. Whilst a matter of planning judgement, the Council cannot therefore make such a judgement as this would not be consistent with their statutory duty (section 39(2)) and the revised NPPF. The points raised above confirm that exceptional circumstances do not exist, are not soundly based and therefore do not support revisions to the Green Belt at Tudeley Village.

6.24. In contrast, land beyond the Green Belt adjoining the village of Benenden would be a sustainable and appropriate location for growth consistent with paragraph 77 of the NPPF. In such instance, exceptional circumstances do not need to be demonstrated as the site at Benenden lies beyond the Green Belt.

11. OVERALL CONCLUSIONS

11.1. The representations to the draft submission Local Plan have identified a number of concerns with the document as drafted, especially with respect of its soundness.

11.2. As indicated in the representations, changes to policies of the Plan are advocated, including the borough's housing requirement in policy STR1.

11.3. To ensure adequate supply of housing arises, the land west of Iden Green Road, Benenden should be included as a housing allocation.

11.4. These matters can consequently be addressed through Main Modifications to the plan allowing for a Sound Plan.

12. FINAL REMARKS

12.1. We trust the above comments are of assistance in preparing the necessary main modifications to provide for a sound Local Plan.

12.2. We welcome the opportunity to engage in constructive dialogue with the Council in relation to our observations, including the allocation of land west of Iden Green Road, Benenden for housing.

12.3. Additionally, we confirm that we wish to be notified of each further step in the preparation of the Local Plan, including its submission to the Inspectorate for examination.

Question 6

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Question 5 above. (Please note that non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Changes sought to the Local Plan with respect of the approach to Tudeley village in policy STR8.

6.25. The Plan therefore as currently prepared is not sound with respect of:

a) It is not justified as the evidence does not support the removal of land at Tudeley for the garden community; and b) It is also inconsistent with national policy in the approach does not adequately reflect the guidance on considering all sustainable opportunities within the Green Belt before contemplating poorly located greenfield sites like Tudeley. It is therefore contrary to paragraphs 137 and 138 of the NPPF.

6.26. To address these matters of soundness, a range of amendments are proposed. The proposed changes are.

1. That reference to Tudeley village is omitted from policy STR8, alongside consequential amendments to other parts of the plan i.e. the policies map to ensure that the Tudeley site is retained in the Green Belt.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)? . Yes, I wish to participate in hearing session(s)

Question 7a

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

To clarify any points the Inspector has with respect of the detailed representations submitted

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box: Yes, I wish to be notified of future stages of the Local Plan

Supporting Information File Ref No: SI_109a-n

Comment

Agent	Mr Steve Brown [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Woolf Bond Planning
Address	[REDACTED] [REDACTED] READING [REDACTED]
Consultee	[REDACTED]
Company / Organisation	Millwood Designer Homes Ltd
Address	[REDACTED] [REDACTED] Tonbridge [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Millwood Designer Homes Ltd [REDACTED]
Comment ID	PSLP_1857
Response Date	03/06/21 14:53
Consultation Point	Policy STR/SS 3 The Strategy for Tudeley Village (View)
Status	Processed
Submission Type	Email
Version	0.8
Files	App 01b P352 Rusthall - Access improvements.pdf App 01c Plan WBP1 - Land at Home Farm, Rusthall.pdf App 05 Calverton v Nottingham City 2015 EWHC 1078 Admin.pdf WBP Reps for Millwood - Rusthall - 3 June 2021.pdf App 07 Hundal v S Bucks DC 2012 EWHC 7912 Admin.pdf App 01d Home Farm - Site Context Plan WBP2.pdf App 04 Sevenoaks DC v CLG [2020] EWHC 3054.pdf APP08T~1.PDF APP10E~1.PDF App 03 Sevenoaks Final Report Mar 2020.pdf APP09U~1.PDF APP01A~1.PDF APP02I~1.PDF

Data inputter to enter their initials here KJ

Question 1

Respondent's Name and/or Organisation Millwood Designer Homes Ltd

Question 2

Agent's Name and Organisation (if applicable) Woolf Bond Planning

Question 3

To which part of the Local Plan does this representation relate? Policy

Question 3a

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy STR/SS 3 The Strategy for Tudeley Village

[TWBC: full representation attached has been separated into Policy STR1 (PSLP_1839, Policy STR9 (PSLP_1848), Policy PSTR/RU1 (PSLP_1856) and Policy STR/SS3 (PSLP_1857). See also appendices attached].

Question 4

Do you consider that the Local Plan:

Is legally compliant No

Is sound No

Complies with the Duty to Cooperate No

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

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legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

1. INTRODUCTION

1.1 Our clients (Millwood Designer Homes Ltd) control the land at Home Farm, Lower Green Road, Rusthall (SHLAA Site Ref: 60). This site has been promoted through earlier stages in the Local Plan as an additional location for growth in the Borough, taking account its credentials as a sustainable location for growth adjoining the acknowledged suitability of Rusthall, as indicated in the Council's SHLAA. In contrast to other locations, the development of new homes at the site will ensure the embedment of behaviour associated with the sustainable living unlike other locations in the Borough, especially the new community proposed at Tudeley Village.

1.2 Further to our submissions on earlier stages in the preparation of the Local Plan, the Council has failed to provide an appropriate strategy which seeks to meet the Borough's development needs, especially with respect of housing." Consequently, for the reasons outlined in these submissions, it is not considered that the Draft Submission Plan adequately addresses the Borough's housing needs in locations which are accessible to existing infrastructure and services such as those available at Rusthall which include those relating to health, education, leisure, retail and employment. Such locations should be considered in advance of the unjustified removal of land from the Green Belt which as detailed in the representations would be wholly consistent with the approach of national policy in the NPPF. We therefore advocate changes to the Local Plan to address these matters.

1.3 Have regard to the concerns with respect of the appropriateness of the approach and its challenges of delivering sustainable growth, we therefore advocate the removal of the proposed allocation at Tudeley Village with replacement with an allocation at Home Farm, Rusthall. For the reasons detailed in this submission, growth at Home Farm, Rusthall due to its relationship with existing development and facilities would result in achievement of sustainable development. Furthermore, the proximity of the Home Farm site to services and facilities that residents will need to undertake their daily life ensures that sustainable behaviours are embedded in residents from initial occupation of the homes.

1.4 This contrasts with that at Tudeley Village which due to the limitations of these in the local area will result in need for longer journeys to undertake daily lives, which are therefore likely to result in increased use of the car. Once this behaviour becomes the normal for residents in Tudeley, it will be harder to encourage them to switch to more sustainable alternatives once they become available.

1.5 The reports and documents submitted with this representation demonstrate the suitability of the approach advocated. As detailed in the representations, this land is not subject to constraints which would prevent its delivery for development at an early stage during the emerging plan period should this be confirmed through the examination of the Plan.

1.6 We also have several comments/representations on the policies within the Draft Submission Tunbridge Wells Borough Local Plan which should be addressed prior to its submission for examination by the Secretary of State.

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2.2 Our client's representations upon the Draft Local Plan can be summarised as relating to the following:

Policy

Representation

Policy STR1: The Development Strategy and extent of Built Developments

Objection

Policy STR8: Conserving and enhancing the natural, built, and historic environment

Objection

Policy STR9: Green Belt

Objection

Policy PSTR/RU1: The Strategy for Rusthall Parish and the omission of land at Home Farm, Lower Green Road (Site Ref: 60)

Objection

Policy STR/SS3: The Strategy for Tudeley Village

Objection

Omission site – Land at Home Farm, Lower Green Road, Rusthall (SHLAA Ref 60) – failure to include as an allocation in policy PSTR/RU1

Objection

3. OVERARCHING POSITION

3.1 We have a strong belief in the principle of the plan-led system and in setting out our representations upon these policies, we hope to be able to work with the Council between now and the formal submission of the Draft Local Plan pursuant to Regulation 22 of The Town and County Planning (Local Planning) (England) Regulations 2012 (as amended), to ensure the Local Plan satisfies the tests of soundness at paragraph 35 of the NPPF.

3.2 We have considerable experience and expertise in dealing with and realising development schemes through the planning system. In this context, a principal constraint to the timely delivery of housing is the way in which policies for the allocation of sites have been formulated.

3.3 Local Plans must be capable of delivering from the point at which they are adopted. This means scrutinising the policy wording to ensure the Plans are sound and that the allocations contained therein are capable of being delivered at the point envisaged. This is particularly the case in relation to the need for Councils to collate a robust evidence base to justify the imposition of certain policies and/or their wording so as not to over burden and/or stifle sustainable and appropriate development.

3.4 In this instance, the draft Local Plan needs to be amended in order to ensure it robustly plans for the delivery of sufficient housing to address a housing requirement established in accordance with national planning policy and guidance. This therefore indicates that the Plan must seek to deliver the minimum of 14,364 dwellings between 2020 and 2039 rather than 12,204 dwellings from 2020 to 2038 as currently envisaged.

3.5 To address this requirement for additional homes, we contend that land at Home Farm, Lower Green Road, Rusthall should be allocated for residential development (SHLAA ref 60). This site can accommodate 25 dwellings (including a policy-compliant level of affordable housing) and as indicated in these representations and the supporting documents would be a sustainable addition to the village.

3.6 The representations also highlight a failure of the plan as currently drafted to contribute towards addressing the acknowledged unmet needs of neighbouring authorities and the allocation of Home Farm, Rusthall can also supply homes to resolve this issue.

3.7 As detailed in the representations, the Home Farm site would be a logical addition to the existing development in Rusthall and should consequently be included in the defined extent of the village, alongside its removal from the Green Belt.

3.8 We also advocate other revisions to the Draft Submission Local Plan to ensure it is consistent with the evidence base prepared by the authority.

3.9 We are concerned to ensure that the Local Plan is robust, and it is in this context that we set out our representations.

4. THE NPPF TESTS OF SOUNDNESS

4.1 Section 3 of the NPPF (Feb 2019) sets out the principal components to be included in Local Plans. Paragraph 35 requires that to be “sound” a DPD should be positively prepared, justified, effective and consistent with national policy.

4.2 A positively prepared plan provides 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 practical to do so and is consistent with achieving sustainable development.

4.3 In order to be justified, the Draft Submission Local Plan must have an appropriate strategy, taking into account reasonable alternatives and be based on proportionate evidence.

4.4 Effective means the document must be deliverable over the plan period and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred and evidenced by the statements of common ground.

4.5 The Local Plan should seek to meet the Council’s full housing need. However, we have concerns regarding the rationale for and robustness of the housing numbers the Council is seeking to accommodate within the Draft Submission Local Plan. We also have concerns regarding the appropriateness of the sites selected for contributing towards addressing the Borough’s development needs.

4.6 For the reasons set out in these representations there are several shortcomings with the Plan, as currently drafted, that result in the need for amendments.

4.7 These amendments relate to the need to increase the level of housing provision within a more appropriate plan period, thereby ensuring the emerging plan is consistent with the Government’s planning advice and policy. They also advocated changes to the extent of the defined settlement area of Rusthall alongside consequential revisions to the Green Belt together with amendments to other policies of the plan.

4.8 These amendments would reflect our view of the clear sustainability advantages of growth at Rusthall in preference to unsustainable locations where development conflicts with the approach of the NPPF i.e. Tudeley Village. In the case of Tudeley village, due to its identification in advance of locations which are to be preferred having regard to the approach of the NPPF, we contend that the new settlement proposal should be omitted from the Plan with the site retained in the Green Belt.

4.9 Furthermore, to address the additional identified housing need, we advocate that land at Home Farm, Lower Green Road, Rusthall (SHLAA Ref 60) should be included as an additional allocation within draft policy PSTR/RU1.

4.10 The remainder of this submission is focused on providing responses to the Council’s draft policies in the Local Plan.

8. POLICY STR/SS3: THE STRATEGY FOR TUDELEY VILLAGE

8.1. Through policy STR/SS3, the Council seeks to remove land from the Green Belt for the delivery of a new village at Tudeley.

8.2. For the reasons detailed below, we object to the proposal in that it entails the removal of very significant areas from the Green Belt for which there is no justification. This is both with respect of the scale of housing development envisaged as detailed in the representation to policy STR9. As we do not consider that very special circumstances have been demonstrated, this is a further indication that no revision to the Green Belt should occur at Tudeley as detailed in the representation to policy STR9.

8.3. As noted in the SA, to enable the delivery of Tudeley, significant infrastructure improvements will be required. This includes provision of new offsite roads (a new link road to the A228 and A228 improvements) to serve the site together with utility services, education, community, health and leisure facilities. For these factors, no indication has been provided in the current Draft infrastructure Delivery Plan of the costs or delivery mechanism of these investments. Without this information there is no certainty that the Plan can be delivered and consequently would be effective.

8.4. The Plans prepared by both Uttlesford Council (appendix 9) and the North Essex Authorities (appendix 10) failed with respect of some of the new settlements envisaged as the costs assumed were unrealistic and did not include sufficient contingency. The Tandridge Local Plan has significant

doubts with respect of the uncertainty of funding the major new road infrastructure associated with the South Godstone Garden Village, following a rejected HIF bid (appendix 8).

8.5. Although the Council has prepared information with respect of costs and delivery mechanisms for Tudeley, as indicates earlier in this submission the new settlement is not expected to contribute towards all the necessary infrastructure i.e. the Colts Hill off-line improvement (This is only included in the financial appraisals for development at Paddock Wood) which is required alongside the Five Oak Green bypass (which Tudeley is expected to contribute towards) (See the Viability assessment schedules in Appendix II of the Stage 2 Viability Appraisal). Furthermore, notwithstanding the financial viability assessments not including all infrastructure, development at Tudeley is not as viable as indicated under the same range of variables as other schemes. Tudeley is reliant on lower existing land values and higher property values to show it is viable. The limited evidence that development at Tudeley is viable is a further indication of the unsuitability of the current strategy.

8.6. Exceptional circumstances do not exist for the removal of Tudeley village. Whilst a matter of planning judgement, the Council cannot therefore make such a judgement as this would not be consistent with their statutory duty (section 39(2)) and the revised NPPF. The points raised above confirm that exceptional circumstances do not exist, are not soundly based and therefore do not support revisions to the Green Belt at Tudeley Village.

10. OVERALL CONCLUSIONS

10.1. The representations to the draft submission Local Plan have identified a number of concerns with the document as drafted, especially with respect of its soundness.

10.2. As indicated in the representations, changes to policies of the Plan are advocated, including the borough's housing requirement in policy STR1.

10.3. To ensure adequate supply of housing arises, the land at Home Farm, Lower Green Road, Rusthall (Site Ref: 60) should be included as an allocation.

10.4. These matters can consequently be addressed through Main Modifications to the Plan allowing for a Sound Plan.

11. FINAL REMARKS

11.1. We trust the above comments are of assistance in preparing the necessary main modifications to provide for a sound Local Plan.

11.2. We welcome the opportunity to engage in constructive dialogue with the Council in relation to our observations, including the allocation of our client's site at Home Farm, Rusthall (Site Ref: 60).

11.3. Additionally, we confirm that we wish to be notified of each further step in the preparation of the Local Plan, including its submission to the Inspectorate for examination.

Question 6

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Question 5 above. (Please note that non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Changes sought to the Local Plan with respect of the approach to Tudeley village in policy STR/SS3

8.7. The Plan therefore as currently prepared is not sound with respect of:

a) It is not justified as the evidence does not support the removal of land at Tudeley for the garden community; and

b) It is also inconsistent with national policy in the approach does not adequately reflect the guidance on considering all sustainable opportunities within the Green Belt before contemplating poorly located greenfield sites like Tudeley. It is therefore contrary to paragraphs 137 and 138 of the NPPF.

8.8. To address these matters of soundness, a range of amendments are proposed. The proposed changes are.

1. That policy STR/SS3 is omitted from Local Plan, alongside consequential amendments to other parts of the plan i.e. the policies map to ensure that the Tudeley site is retained in the Green Belt.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)? . Yes, I wish to participate in hearing session(s)

Question 7a

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

To clarify any points the Inspector has with respect of the detailed representations submitted

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box: Yes, I wish to be notified of future stages of the Local Plan

Supporting Information File Ref No: SI_116a-j

Comment

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Company / Organisation	Millwood Designer Homes Ltd
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Event Name	Pre-Submission Local Plan
Comment by	Millwood Designer Homes Ltd [REDACTED]
Comment ID	PSLP_1882
Response Date	03/06/21 16:15
Consultation Point	Policy STR/SS 3 The Strategy for Tudeley Village (View)
Status	Processed
Submission Type	Email
Version	0.4
Files	App 01 Inspectors letter to Tonbridge and Malling 15.12.20.pdf WBP Reps for Millwood - Matfield - 3 June 2021.pdf App 09 Examiners Report on the Examination of NEA S1 10th Dec 2020.pdf App 05 St Albans v Hunston Properties 2013 EWCA Civ 1610.pdf App 07 Tandridge Inspector-Preliminary-Conclusions-Advice.pdf App 04 Calverton v Nottingham City 2015 EWHC 1078 Admin.pdf App 06 Hundal v S Bucks DC 2012 EWHC 7912 Admin.pdf App 02 Sevenoaks Final Report Mar 2020.pdf App 03 Sevenoaks DC v CLG [2020] EWHC 3054.pdf App 08 Uttlesford Post stage 1 hearings letter to the Council 10.1.20 .pdf
Data inputter to enter their initials here	KJ
Question 1	

Respondent's Name and/or Organisation Millwood Designer Homes Ltd

Question 2

Agent's Name and Organisation (if applicable) Woolf Bond Planning

Question 3

To which part of the Local Plan does this representation relate? Policy

Question 3a

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy STR/SS 3 The Strategy for Tudeley Village

[TWBC: full representation attached has been separated into Policy STR1 (PSLP_1876, Policy STR9 (PSLP_1879), Policy PSTR/BM1 (PSLP_1881) and Policy STR/SS3 (PSLP_1882). See also appendices attached].

Question 4

Do you consider that the Local Plan:

Is legally compliant No

Is sound No

Complies with the Duty to Cooperate No

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

- . It is not positively prepared
- . It is not effective
- . It is not justified
- . It is not consistent with national policy

Question 5

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

1. INTRODUCTION

1.1 Our clients (Millwood Designer Homes Ltd) have a controlling interest in land at Ashes Plantation, Maidstone Road, Matfield (Site Ref: 353).

1.2 The site was allocated in the Regulation 18 Draft Local Plan (Sept 2019) as a suitable and sustainable location to provide for 30-60 dwellings under Policy AL/BM3.

1.3 The council's decision to deallocate the site is not supported by the evidence base including this site assessment set out in the sustainability appraisal. Accordingly, the site should be reinstated as a housing allocation on similar terms to the wording set out in former Policy AL/BM3.

1.4 For the reasons set out below, we are of the view that the Council has failed to provide an appropriate strategy which seeks to meet the Borough's development needs, especially with respect of housing. Consequently, for the reasons outlined in these submissions, it is not considered that the Draft Submission Plan adequately addresses the Borough's housing needs in locations which are accessible to existing infrastructure and services such as those available at Matfield. Such locations should be considered in advance of the unjustified removal of land from the Green Belt which as detailed in the representations, which approach would be wholly consistent with the approach of national policy in the NPPF. We therefore advocate changes to the Local Plan to address these matters.

1.5 Having regard to the concerns with respect of the appropriateness of the approach and its challenges of delivering sustainable growth, we therefore advocate the removal of the proposed allocation at Tudeley Village and the allocation of deliverable sites in sustainable locations, including land controlled by our client at Ashes Plantation, Matfield. The site affords a logical opportunity in helping to meet identified housing needs and could provide for up to 60 dwellings, to include a policy-compliant level of affordable housing.

2. REPRESENTATIONS AND SUPPORTING INFORMATION

2.1 Our comments upon the various draft policies and proposals are set out below and are accompanied by the following Documents:

- Duly Completed Response Form.
- Copy of Inspector's assessment of the Tonbridge & Malling Local Plan (15th December 2020) (appendix 1)
- Inspector's Report into Examination of the Sevenoaks Local Plan (2nd March 2020) (appendix 2)
- Sevenoaks DC v Secretary of State for Communities, Housing & Local Government [2020] EWHC 3054 (appendix 3)
- Calverton PC v Nottinghamshire County Council [2015] EWHC 1078 (Admin) (appendix 4)
- St Albans City & District v Hunston Properties [2013] EWCA Civ 1610 (appendix 5)
- Hundal v South Bucks DC [2012] EWHC 7912 (Admin) (appendix 6)
- Tandridge LP Inspector's interim conclusions (11th December 2020) (appendix 7)
- Uttlesford Local Plan post Stage 1 hearings Inspector's letter to Council 10th January 2020 (appendix 8)
- North Essex Authorities (Braintree, Colchester & Tendring) Inspector's Report (10th December 2020) (appendix 9)

2.2 Our client's representations upon the Draft Local Plan can be summarised as relating to the following:

Policy

Representation

Policy STR1: The Development Strategy and extent of Built Development Limits

Objection

Policy STR9: Green Belt

Objection

Policy PSTR/BM1: The Strategy for Brenchley and Matfield Parish and the omission of land at Ashes Plantation as a housing allocation for up to 60 dwellings.

Objection

Policy STR/SS3: The Strategy for Tudeley Village

Objection

Omission site – Land at Ashes Plantation, Maidstone Road, Matfield (SHLAA Ref: 353)

Objection

3. OVERARCHING POSITION

3.1 We have a strong belief in the principle of the plan-led system and in setting out our representations upon these polices, we hope to be able to work with the Council between now and the formal submission of the Draft Local Plan pursuant to Regulation 22 of The Town and County Planning (Local Planning) (England) Regulations 2012 (as amended), to ensure the Local Plan satisfies the tests of soundness at paragraph 35 of the NPPF.

3.2 We have considerable experience and expertise in dealing with and realising development schemes through the planning system. In this context, a principal constraint to the timely delivery of housing is the way in which policies for the allocation of sites have been formulated.

3.3 Local Plans must be capable of delivering from the point at which they are adopted. This means scrutinising the policy wording to ensure the Plans are sound and that the allocations contained therein are capable of being delivered at the point envisaged. This is particularly the case in relation to the need for Councils to collate a robust evidence base to justify the imposition of certain policies and/or their wording so as not to over burden and/or stifle sustainable and appropriate development.

3.4 In this instance, the draft Local Plan needs to be amended in order to ensure it robustly plans for the delivery of sufficient housing to address a housing requirement established in accordance with national planning policy and guidance. This therefore indicates that the Plan must seek to deliver the minimum of 14,364 dwellings between 2020 and 2039 rather than 12,204 dwellings from 2020 to 2038 as currently envisaged.

3.5 To address this requirement for additional homes, we contend that land at Ashes Plantation, Maidstone Road, Matfield (SHELAA Ref: 353) should be allocated for housing development.

3.6 Our representations also highlight a failure of the Local Plan as currently drafted to contribute towards addressing the acknowledged unmet needs of neighbouring authorities and the allocation of Site Ref: 353 (Reg 18 Local Plan allocation Ref: AL/BM3), can also supply homes to resolve this issue.

3.7 As detailed in the representations, the site represents a logical addition to the existing development in Matfield and should be included in the defined extent of the village. This requires consequential amendments to the Limits to Build development for Matfield as defined on the Local Plan Proposals Map (Inset Map 21).

3.8 We also advocate other revisions to the Draft Submission Local Plan to ensure it is consistent with the evidence base prepared by the Council.

3.9 We are concerned to ensure that the Local Plan is robust, and it is in this context that we set out our representations.

4. THE NPPF TESTS OF SOUNDNESS

4.1 Section 3 of the NPPF (Feb 2019) sets out the principal components to be included in Local Plans. Paragraph 35 requires that to be “sound” a DPD should be positively prepared, justified, effective and consistent with national policy.

4.2 A positively prepared plan provides 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 practical to do so and is consistent with achieving sustainable development.

4.3 In order to be justified, the Draft Submission Local Plan must have an appropriate strategy, taking into account reasonable alternatives and be based on proportionate evidence.

4.4 Effective means the document must be deliverable over the plan period and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred and evidenced by the statements of common ground.

4.5 The Local Plan should seek to meet the Council's full housing need. However, we have concerns regarding the rationale for and robustness of the housing numbers the Council is seeking to accommodate within the Draft Submission Local Plan. We also have concerns regarding the appropriateness of the sites selected for contributing towards addressing the Borough's development needs.

4.6 For the reasons set out in these representations there are several shortcomings with the Plan, as currently drafted, that result in the need for amendments.

4.7 These amendments relate to the need to increase the level of housing provision within a more appropriate plan period, thereby ensuring the emerging plan is consistent with the Government's planning advice and policy. They also advocate changes to the extent of the defined settlement area of Matfield together with amendments to other policies of the plan.

4.8 These amendments would reflect the view taken by the Council in allocation the site at the Regulation 18 stage in preference to locations where development conflicts with the approach of the NPPF i.e. Tudeley Village. In the case of Tudeley village, due to its identification in advance of locations which are to be preferred having regard to the approach of the NPPF, we contend that the new settlement proposal should be omitted from the Plan with the site retained in the Green Belt.

4.9 The remainder of this submission is focused on providing responses to the Council's draft policies in the Local Plan.

8. POLICY STR/SS3: THE STRATEGY FOR TUDELEY VILLAGE

8.1. Through policy STR/SS3, the Council seeks to remove land from the Green Belt for the delivery of a new village at Tudeley.

8.2. For the reasons detailed below, we object to the proposal in that it entails the removal of very significant areas from the Green Belt for which there is no justification. This is both with respect of the scale of housing development envisaged as detailed in the representation to policy STR9. As we do not consider that very special circumstances have been demonstrated, this is a further indication that no revision to the Green Belt should occur at Tudeley as detailed in the representation to policy STR9.

8.3. As noted in the SA, to enable the delivery of Tudeley, significant infrastructure improvements will be required. This includes provision of new offsite roads (a new link road to the A228 and A228 improvements) to serve the site together with utility services, education, community, health and leisure facilities. For these factors, no indication has been provided in the current Draft infrastructure Delivery Plan of the costs or delivery mechanism of these investments. Without this information there is no certainty that the Plan can be delivered and consequently would be effective.

8.4. The Plans prepared by both Uttlesford Council (appendix 8) and the North Essex Authorities (appendix 9) failed with respect of some of the new settlements envisaged as the costs assumed were unrealistic and did not include sufficient contingency.

8.5. The Tandridge Local Plan has significant doubts with respect of the uncertainty of funding the major new road infrastructure associated with the South Godstone Garden Village, following a rejected HIF bid (appendix 7).

8.6. Although the Council has prepared information with respect of costs and delivery mechanisms for Tudeley, as indicates earlier in this submission the new settlement is not expected to contribute towards all the necessary infrastructure i.e. the Colts Hill off-line improvement (This is only included in the financial appraisals for development at Paddock Wood) which is required alongside the Five Oak Green bypass (which Tudeley is expected to contribute towards) (See the Viability assessment schedules in Appendix II of the Stage 2 Viability Appraisal). Furthermore, and notwithstanding the financial viability assessments not including all infrastructure, development at Tudeley is not as viable as indicated under the same range of variables as other schemes. Tudeley is reliant on lower existing land values and higher property values to show it is viable. The limited evidence that development at Tudeley is viable is a further indication of the unsuitability of the current strategy.

8.7. Exceptional circumstances do not exist for the removal of Tudeley village. Whilst a matter of planning judgement, the Council cannot therefore make such a judgement as this would not be consistent with their statutory duty (section 39(2)) and the revised NPPF. The points raised above confirm that exceptional circumstances do not exist, are not soundly based and therefore do not support revisions to the Green Belt at Tudeley Village.

10. OVERALL CONCLUSIONS

10.1. Our representations to the draft submission Local Plan have identified a number of concerns with the document as drafted, especially with respect of its soundness.

10.2. As indicated in the representations, changes to policies of the Plan are advocated, including the borough's housing requirement in policy STR1.

10.3. To ensure adequate supply of housing arises, the land at Ashes Plantation, Maidstone Road, Matfield should be included as a housing allocation for up to 60 dwellings.

10.4. These matters can be addressed through Main Modifications to the Plan allowing for a Sound Plan.

11. FINAL REMARKS

11.1. We trust the above comments are of assistance in preparing the necessary main modifications to provide for a sound Local Plan.

11.2. We welcome the opportunity to engage in constructive dialogue with the Council in relation to our observations, including the allocation of our client's site at Ashes Plantation, Matfield (Site Ref: 353).

11.3. Additionally, we confirm that we wish to be notified of each further step in the preparation of the Local Plan, including its submission to the Inspectorate for examination.

Question 6

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Changes sought to the Local Plan with respect of the approach to Tudeley village in policy STR/SS3

8.8. To address these matters of soundness, a range of amendments are proposed: a) It is not justified as the evidence does not support the removal of land at Tudeley for the garden community; and

b) It is also inconsistent with national policy in the approach does not adequately reflect the guidance on considering all sustainable opportunities within the Green Belt before contemplating poorly located greenfield sites like Tudeley. It is therefore contrary to paragraphs 137 and 138 of the NPPF.

8.9. To address these matters of soundness, a range of amendments are proposed. The proposed changes are.

1. That policy STR/SS3 is omitted from Local Plan, alongside consequential amendments to other parts of the plan i.e. the policies map to ensure that the Tudeley site is retained in the Green Belt.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

Yes, I wish to participate in hearing session(s)

Question 7a

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

To clarify any points the Inspector has with respect of the detailed representations submitted

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:

Yes, I wish to be notified of future stages of the Local Plan

Supporting Information File Ref No: SI_119a-m

Comment

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Event Name	Pre-Submission Local Plan
Comment by	Millwood Designer Homes Ltd [REDACTED]
Comment ID	PSLP_1886
Response Date	03/06/21 14:23
Consultation Point	Policy STR/SS 3 The Strategy for Tudeley Village (View)
Status	Processed
Submission Type	Email
Version	0.4
Files	App 09 Uttlesford Post stage 1 hearings letter to the Council 10.1.20 .pdf WBP Reps for Millwood - Hawkhurst - 3 June 2021.pdf App 06 St Albans v Hunston Properties 2013 EWCA Civ 1610.pdf App 04 Sevenoaks DC v CLG [2020] EWHC 3054.pdf App 01a Millwood TW Local Plan Reps - Hawkhurst - 14 Nov 2019.pdf App 08 Tandridge Inspector-Preliminary-Conclusions-Advice.pdf App 10 Examiners Report on the Examination of NEA S1 10th Dec 2020.pdf App 01b 5416-LLB-RP-L-0002-S4-P02 Landscape Statement.pdf App 05 Calverton v Nottingham City 2015 EWHC 1078 Admin.pdf App 02 Inspectors letter to Tonbridge and Malling 15.12.20.pdf App 07 Hundal v S Bucks DC 2012 EWHC 7912 Admin.pdf App 03 Sevenoaks Final Report Mar 2020.pdf App 01c 5416-LLB-ZZ-XX-DR-L-0001-S4-P02 Landscape Principles.pdf

Data inputter to enter their initials here KJ

Question 1

Respondent's Name and/or Organisation Millwood Designer Homes Ltd

Question 2

Agent's Name and Organisation (if applicable) Woolf Bond Planning

Question 3

To which part of the Local Plan does this representation relate? Policy

Question 3a

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy STR/SS 3 The Strategy for Tudeley Village

[TWBC: full representation attached has been separated into Policy STR1 (PSLP_1883, Policy STR9 (PSLP_1884), Policy PSTR/HA1 (PSLP_1885) and Policy STR/SS3 (PSLP_1886). See also appendices attached].

Question 4

Do you consider that the Local Plan:

Is legally compliant No

Is sound No

Complies with the Duty to Cooperate No

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

- . It is not positively prepared
- . It is not effective
- . It is not justified
- . It is not consistent with national policy

Question 5

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

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Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

1. INTRODUCTION

1.1 Our clients (Millwood Designer Homes Ltd) control the land at Chittenden Fields, north of High Street (A268), Hawkhurst. This site has been promoted through earlier stages in the Local Plan as an additional location for growth in the Borough, taking account of its credentials as a sustainable location for growth adjoining the acknowledged suitability of Hawkhurst, as indicated in the Council's SHLAA. In contrast to other locations, the development of new homes at the site will ensure the embedment of behaviour associated with the sustainable living unlike other locations in the Borough, especially the new community proposed at Tudeley Village.

1.2 Further to our submissions on earlier stages in the preparation of the Local Plan, the Council has failed to provide an appropriate strategy which seeks to meet the Borough's development needs, especially with respect of housing." Consequently, for the reasons outlined in these submissions, it is not considered that the Draft Submission Plan adequately addresses the Borough's housing needs in locations which are accessible to existing infrastructure and services such as those available at Hawkhurst which include those relating to health, education, leisure, retail and employment and will support the continuation of them as advocated by paragraph 77 of the NPPF. Such locations should be considered in advance of the unjustified removal of land from the Green Belt which as detailed in the representations would be wholly consistent with the approach of national policy in the NPPF. We therefore advocate changes to the Local Plan to address these matters.

1.3 Having regard to the concerns with respect of the appropriateness of the approach and its challenges of delivering sustainable growth, we therefore advocate the removal of the proposed allocation at Tudeley Village and the allocation of deliverable sites in sustainable locations, including land controlled by our client's at Chittenden Fields, Hawkhurst. The site affords a sustainable opportunity in helping to meet identified housing needs and could provide for circa 70 dwellings, in a landscape setting, within walking distance from local services and facilities.

1.4 For the reasons detailed in this submission, growth at Chittenden Fields, Hawkhurst due to its relationship with existing development and facilities would result in achievement of sustainable development. Furthermore, the proximity of the Chittenden Fields site to services and facilities that residents will need to undertake their daily life ensures that sustainable behaviours are embedded in residents from initial occupation of the homes. This therefore contrasts with that at Tudeley Village which due to the limitations of these in the local area will result in need for longer journeys to undertake daily lives, which are therefore likely to result in increased use of the car. Once this behaviour becomes the norm for residents in Tudeley, it will be harder to encourage them to switch to more sustainable alternatives once they become available.

1.5 The reports and documents submitted with this representation demonstrate the suitability of the approach advocated. As detailed in the representations, this land is not subject to constraints which would prevent its delivery for development at an early stage during the plan period should this be confirmed through the examination of the Plan.

1.6 We also have several comments/representations on the policies within the Draft Submission Tunbridge Wells Borough Local Plan which should be addressed prior to its submission for examination by the Secretary of State.

2. REPRESENTATIONS AND SUPPORTING INFORMATION

2.1 Our comments upon the various draft policies and proposals are set out below and are accompanied by the following Documents:

- Duly Completed Response Form.
- Copy of submissions on behalf of Millwood Designer Homes to the Council's Draft Local Plan Regulation 18 Consultation (November 2019) (appendix 1)
- Copy of Inspector's assessment of the Tunbridge & Malling Local Plan (15th December 2020) (appendix 2)
- Inspector's Report into Examination of the Sevenoaks Local Plan (2nd March 2020) (appendix 3)
- Sevenoaks DC v Secretary of State for Communities, Housing & Local Government [2020] EWHC 3054 (appendix 4)
- Calverton PC v Nottinghamshire County Council [2015] EWHC 1078 (Admin) (appendix 5)
- St Albans City & District v Hunston Properties [2013] EWCA Civ 1610 (appendix 6)
- Hundal v South Bucks DC [2012] EWHC 7912 (Admin) (appendix 7)
- Tandridge LP Inspector's interim

conclusions (11th December 2020) (appendix 8)• Uttlesford Local Plan post Stage 1 hearings Inspector's letter to Council 10th January 2020 (appendix 9)• North Essex Authorities (Braintree, Colchester & Tendring) Inspector's Report (10th December 2020) (appendix 10)

2.2 Our client's representations upon the Draft Local Plan can be summarised as relating to the following:

Policy

Representation

Policy STR1: The Development Strategy and extent of Built Development Limits

Objection

Policy STR9: Green Belt

Objection

Policy STR/HA1: The Strategy for Hawkhurst Parish and the omission of land at Chittenden Fields as a housing allocation for 70 dwellings.

Objection

Policy STR/SS3: The Strategy for Tudeley Village

Objection

Omission site – Land at Chittenden Fields, north of High Street (A268), Hawkhurst (SHLAA ref 2) – failure to include as an allocation in policy STR/HA1

Objection

3. OVERARCHING POSITION

3.1 We have a strong belief in the principle of the plan-led system and in setting out our representations upon these policies, we hope to be able to work with the Council between now and the formal submission of the Draft Local Plan pursuant to Regulation 22 of The Town and County Planning (Local Planning) (England) Regulations 2012 (as amended), to ensure the Local Plan satisfies the tests of soundness at paragraph 35 of the NPPF.

3.2 We have considerable experience and expertise in dealing with and realising development schemes through the planning system. In this context, a principal constraint to the timely delivery of housing is the way in which policies for the allocation of sites have been formulated.

3.3 Local Plans must be capable of delivering from the point at which they are adopted. This means scrutinising the policy wording to ensure the Plans are sound and that the allocations contained therein are capable of being delivered at the point envisaged. This is particularly the case in relation to the need for Councils to collate a robust evidence base to justify the imposition of certain policies and/or their wording so as not to over burden and/or stifle sustainable and appropriate development.

3.4 In this instance, the draft Local Plan needs to be amended in order to ensure it robustly plans for the delivery of sufficient housing to address a housing requirement established in accordance with national planning policy and guidance. This therefore indicates that the Plan must seek to deliver the minimum of 14,364 dwellings between 2020 and 2039 rather than 12,204 dwellings from 2020 to 2038 as currently envisaged.

3.5 To address this requirement for additional homes, we contend that land at Chittenden Fields, Hawkhurst should be allocated for residential development (SHLAA ref 2). This site can accommodate 70 dwellings and as indicated in these representations and the supporting documents would be a sustainable addition to the village.

3.6 The representations also highlight a failure of the Local Plan as currently drafted to contribute towards addressing the acknowledged unmet needs of neighbouring authorities and the allocation of Chittenden Fields, Hawkhurst, can also supply homes to resolve this issue.

3.7 As detailed in the representations, the Chittenden Fields site would be a logical addition to the existing development in Hawkhurst and should be included in the defined extent of the village. This requires consequential amendments to the Limits to Build development for Hawkhurst as defined on the Local Plan Proposals Map (Inset Map 15).

3.8 We also advocate other revisions to the Draft Submission Local Plan to ensure it is consistent with the evidence base prepared by the Council.

3.9 We are concerned to ensure that the Local Plan is robust, and it is in this context that we set out our representations.

4. THE NPPF TESTS OF SOUNDNESS

4.1 Section 3 of the NPPF (Feb 2019) sets out the principal components to be included in Local Plans. Paragraph 35 requires that to be “sound” a DPD should be positively prepared, justified, effective and consistent with national policy.

4.2 A positively prepared plan provides 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 practical to do so and is consistent with achieving sustainable development.

4.3 In order to be justified, the Draft Submission Local Plan must have an appropriate strategy, taking into account reasonable alternatives and be based on proportionate evidence.

4.4 Effective means the document must be deliverable over the plan period and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred and evidenced by the statements of common ground.

4.5 The Local Plan should seek to meet the Council’s full housing need. However, we have concerns regarding the rationale for and robustness of the housing numbers the Council is seeking to accommodate within the Draft Submission Local Plan. We also have concerns regarding the appropriateness of the sites selected for contributing towards addressing the Borough’s development needs.

4.6 For the reasons set out in these representations there are several shortcomings with the Plan, as currently drafted, that result in the need for amendments.

4.7 These amendments relate to the need to increase the level of housing provision within a more appropriate plan period, thereby ensuring the emerging plan is consistent with the Government’s planning advice and policy. They also advocate changes to the extent of the defined settlement area of Hawkhurst together with amendments to other policies of the plan.

4.8 These amendments would reflect our view of the clear sustainability advantages of growth at Hawkhurst (Consistent with paragraph 77 of NPPF) in preference to unsustainable locations where development conflicts with the approach of the NPPF i.e. Tudeley Village. In the case of Tudeley village, due to its identification in advance of locations which are to be preferred having regard to the approach of the NPPF, we contend that the new settlement proposal should be omitted from the Plan with the site retained in the Green Belt.

4.9 Furthermore, to address the additional identified housing need, we advocate that land at Chittenden Fields, north of Highs Street, Hawkhurst (SHLAA ref 2) should be included as an additional allocation within draft policy PSTR/HA1.

4.10 The remainder of this submission is focused on providing responses to the Council’s draft policies in the Local Plan.

8. POLICY STR/SS3: THE STRATEGY FOR TUDELEY VILLAGE

8.1. Through policy STR/SS3, the Council seeks to remove land from the Green Belt for the delivery of a new village at Tudeley.

8.2. For the reasons detailed below, we object to the proposal in that it entails the removal of very significant areas from the Green Belt for which there is no justification. This is both with respect of the scale of housing development envisaged as detailed in the representation to policy STR9. As we do not consider that very special circumstances have been demonstrated, this is a further indication that no revision to the Green Belt should occur at Tudeley as detailed in the representation to policy STR9.

8.3. As noted in the SA, to enable the delivery of Tudeley, significant infrastructure improvements will be required. This includes provision of new offsite roads (a new link road to the A228 and A228 improvements) to serve the site together with utility services, education, community, health and leisure

facilities. For these factors, no indication has been provided in the current Draft infrastructure Delivery Plan of the costs or delivery mechanism of these investments. Without this information there is no certainty that the Plan can be delivered and consequently would be effective.

8.4. The Plans prepared by both Uttlesford Council (appendix 9) and the North Essex Authorities (appendix 10) failed with respect of some of the new settlements envisaged as the costs assumed were unrealistic and did not include sufficient contingency.

8.5. The Tandridge Local Plan has significant doubts with respect of the uncertainty of funding the major new road infrastructure associated with the South Godstone Garden Village, following a rejected HIF bid (appendix 8).

8.6. Although the Council has prepared information with respect of costs and delivery mechanisms for Tudeley, as indicates earlier in this submission the new settlement is not expected to contribute towards all the necessary infrastructure i.e. the Colts Hill off-line improvement (This is only included in the financial appraisals for development at Paddock Wood) which is required alongside the Five Oak Green bypass (which Tudeley is expected to contribute towards) (See the Viability assessment schedules in Appendix II of the Stage 2 Viability Appraisal). Furthermore, and notwithstanding the financial viability assessments not including all infrastructure, development at Tudeley is not as viable as indicated under the same range of variables as other schemes. Tudeley is reliant on lower existing land values and higher property values to show it is viable. The limited evidence that development at Tudeley is viable is a further indication of the unsuitability of the current strategy.

8.7. Exceptional circumstances do not exist for the removal of Tudeley village. Whilst a matter of planning judgement, the Council cannot therefore make such a judgement as this would not be consistent with their statutory duty (section 39(2)) and the revised NPPF. The points raised above confirm that exceptional circumstances do not exist, are not soundly based and therefore do not support revisions to the Green Belt at Tudeley Village.

10. OVERALL CONCLUSIONS

10.1. Our representations to the draft submission Local Plan have identified a number of concerns with the document as drafted, especially with respect of its soundness.

10.2. As indicated in the representations, changes to policies of the Plan are advocated, including the borough's housing requirement in policy STR1.

10.3. To ensure adequate supply of housing arises, the land at Chittenden Fields, north of High Street, Hawkhurst should be included as a housing allocation for approximately 70 dwellings.

10.4. These matters can be addressed through Main Modifications to the Plan allowing for a Sound Plan.

11. FINAL REMARKS

11.1. We trust the above comments are of assistance in preparing the necessary main modifications to provide for a sound Local Plan.

11.2. We welcome the opportunity to engage in constructive dialogue with the Council in relation to our observations, including the allocation of our client's site at Chittenden Fields, Hawkhurst.

11.3. Additionally, we confirm that we wish to be notified of each further step in the preparation of the Local Plan, including its submission to the Inspectorate for examination.

Question 6

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Question 5 above. (Please note that non-compliance with the duty to cooperate is incapable of modification at

examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Changes sought to the Local Plan with respect of the approach to Tudeley village in policy STR/SS3

8.8. To address these matters of soundness, a range of amendments are proposed:

a) It is not justified as the evidence does not support the removal of land at Tudeley for the garden community; and b) It is also inconsistent with national policy in the approach does not adequately reflect the guidance on considering all sustainable opportunities within the Green Belt before contemplating poorly located greenfield sites like Tudeley. It is therefore contrary to paragraphs 137 and 138 of the NPPF.

8.9. To address these matters of soundness, a range of amendments are proposed. The proposed changes are.

1. That policy STR/SS3 is omitted from Local Plan, alongside consequential amendments to other parts of the plan i.e. the policies map to ensure that the Tudeley site is retained in the Green Belt.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)? . Yes, I wish to participate in hearing session(s)

Question 7a

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

To clarify any points the Inspector has with respect of the detailed representations submitted

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box: Yes, I wish to be notified of future stages of the Local Plan

Supporting Information File Ref No: SI_112a-o

Comment

Agent	Mr Steve Brown [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Woolf Bond Planning
Address	The Mitfords Basingstoke Road READING RG7 1AT
Consultee	[REDACTED]
Company / Organisation	Millwood Designer Homes Ltd
Address	Bordyke End 59 East Street Tonbridge TN9 1HA
Event Name	Pre-Submission Local Plan
Comment by	Millwood Designer Homes Ltd [REDACTED]
Comment ID	PSLP_1870
Response Date	03/06/21 14:44
Consultation Point	Policy STR/SS 3 The Strategy for Tudeley Village (View)
Status	Processed
Submission Type	Email
Version	0.4
Files	APP06S~1.PDF APP10E~1.PDF App 01d P318 LP 1001 - Site Location Plan.pdf App 04 Sevenoaks DC v CLG [2020] EWHC 3054.pdf APP08T~1.PDF APP02I~1.PDF App 03 Sevenoaks Final Report Mar 2020.pdf App 05 Calverton v Nottingham City 2015 EWHC 1078 Admin.pdf APP09U~1.PDF APP01A~1.PDF (1) APP01B~1.PDF App 11 PP SPG Benenden Iden Green CAA.pdf App 01c Figure 3 Landscape.pdf App 07 Hundal v S Bucks DC 2012 EWHC 7912 Admin.pdf

Data inputter to enter their initials here KJ

Question 1

Respondent's Name and/or Organisation Millwood Designer Homes Ltd

Question 2

Agent's Name and Organisation (if applicable) Woolf Bond Planning

Question 3

To which part of the Local Plan does this representation relate? Policy

Question 3a

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy STR/SS 3 The Strategy for Tudeley Village

[TWBC: full representation attached has been separated into Policy STR1 (PSLP_1859, Policy STR9 (PSLP_1868), Policy PSTR/BE1 (PSLP_1869), Policy STR/SS3 (PSLP_1870) and Policy EN15 (PSLP_1872). See also appendices attached].

Question 4

Do you consider that the Local Plan:

Is legally compliant No

Is sound No

Complies with the Duty to Cooperate No

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

- . It is not positively prepared
- . It is not effective
- . It is not justified
- . It is not consistent with national policy

Question 5

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the

legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

1. INTRODUCTION

1.1 Our client's (Millwood Designer Homes Ltd) control the land on the west side of Iden Green Road, Benenden (Site Ref: 222). This site has been promoted through the earlier stages in the Local Plan as an additional location for growth in the Borough, taking account its credentials as a sustainable location for growth adjoining the acknowledged suitability of Benenden, as indicated in the Council's SHLAA. In contrast to other locations, the development of new homes at the site will ensure the embedment of behaviour associated with the sustainable living unlike other locations in the Borough, especially the new community proposed at Tudeley Village.

1.2 Further to our submissions on earlier stages in the preparation of the Local Plan, the Council has failed to provide an appropriate strategy which seeks to meet the Borough's development needs, especially with respect of housing." Consequently, for the reasons outlined in these submissions, it is not considered that the Draft Submission Plan adequately addresses the Borough's housing needs in locations which are accessible to existing infrastructure and services such as those available at Benenden which include those relating to education, leisure and retail and will support the continuation of them as advocated by paragraph 77 of the NPPF. Such locations should be considered in advance of the unjustified removal of land from the Green Belt which as detailed in the representations would be wholly consistent with the approach of national policy in the NPPF. We therefore advocate changes to the Local Plan to address these matters.

1.3 Having regard to the concerns with respect of the appropriateness of the approach and its challenges of delivering sustainable growth, we therefore advocate the removal of the proposed allocation at Tudeley Village and the allocation of deliverable sites in sustainable locations, including land controlled by our client's to the west of Iden Green Road, Benenden. The site affords a sustainable opportunity in helping to meet identified housing needs and could provide for approximately 28 dwellings, within walking distance from local services and facilities.

1.4 For the reasons detailed in this submission, growth at Benenden would support the long-term provision of services within the village reflecting the approach advocated in the NPPF (paragraph 77). This would result in the achievement of sustainable development.

1.5 The reports and documents submitted with this representation demonstrate the suitability of the approach advocated. As detailed in the representations, this land is not subject to constraints which would prevent its delivery for development at an early stage during the emerging plan period should this be confirmed through the examination of the Plan.

1.6 We also have several comments/representations on the policies within the Draft Submission Tunbridge Wells Borough Local Plan which should be addressed prior to its submission for examination by the Secretary of State.

2. REPRESENTATIONS AND SUPPORTING INFORMATION

2.1. Our comments upon the various draft policies and proposals are set out below and are accompanied by the following Documents:

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- Uttlesford Local Plan post Stage 1 hearings Inspector's letter to Council 10th January 2020 (appendix 9)
- North Essex Authorities (Braintree, Colchester & Tendring) Inspector's Report (10th December 2020) (appendix 10)
- Benenden and Iden Green Conservation Areas Appraisal (April 2005) (appendix 11)

2.2. Our client's representations upon the Draft Local Plan can be summarised as relating to the following:

Policy

Representation

Policy STR1: The Development Strategy and extent of Built Development Limits

Objection

Policy STR9: Green Belt

Objection

Policy PSTR/BE1: The Strategy for Benenden Parish and the omission of land west of Iden Green Road as a housing allocation

Objection

Policy STR/SS3: The Strategy for Tudeley Village

Objection

Policy EN15: Local Green Space

Objection

Omission site – Land west of Iden Green Road, Benenden (SHLAA ref 222) – failure to include as an allocation in policy PSTR/BE1

Objection

3. OVERARCHING POSITION

3.1. We have a strong belief in the principle of the plan-led system and in setting out our representations upon these policies, we hope to be able to work with the Council between now and the formal submission of the Draft Local Plan pursuant to Regulation 22 of The Town and County Planning (Local Planning) (England) Regulations 2012 (as amended), to ensure the Local Plan satisfies the tests of soundness at paragraph 35 of the NPPF.

3.2. We have considerable experience and expertise in dealing with and realising development schemes through the planning system. In this context, a principal constraint to the timely delivery of housing is the way in which policies for the allocation of sites have been formulated.

3.3. Local Plans must be capable of delivering from the point at which they are adopted. This means scrutinising the policy wording to ensure the Plans are sound and that the allocations contained therein are capable of being delivered at the point envisaged. This is particularly the case in relation to the need for Councils to collate a robust evidence base to justify the imposition of certain policies and/or their wording so as not to over burden and/or stifle sustainable and appropriate development.

3.4. In this instance, the draft Local Plan needs to be amended in order to ensure it robustly plans for the delivery of sufficient housing to address a housing requirement established in accordance with national planning policy and guidance. This therefore indicates that the Plan must seek to deliver the minimum of 14,364 dwellings between 2020 and 2039 rather than 12,204 dwellings from 2020 to 2038 as currently envisaged.

3.5. To address this requirement for additional homes, we contend that land on the west side of Iden Green Road, Benenden, should be allocated for residential development (SHLAA Ref 222). This site can accommodate 28 dwellings and as indicated in these representations and the supporting documents would be a sustainable addition to the village.

3.6. The representations also highlight a failure of the plan as currently drafted to contribute towards addressing the acknowledged unmet needs of neighbouring authorities and the allocation of land of the west side of Iden Green Road, Benenden can also supply homes to resolve this issue. As detailed in the representations, the land west of Iden Green Road site would be a logical addition to the existing development in Benenden and should consequently be included in the defined extent of the village.

3.7. We also advocate other revisions to the Draft Submission Local Plan to ensure it is consistent with the evidence base prepared by the authority.

3.8. We are concerned to ensure that the Local Plan is robust, and it is in this context that we set out our representations.

4. THE NPPF TESTS OF SOUNDNESS

4.1. Section 3 of the NPPF (Feb 2019) sets out the principal components to be included in Local Plans. Paragraph 35 requires that to be “sound” a DPD should be positively prepared, justified, effective and consistent with national policy.

4.2. A positively prepared plan provides 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 practical to do so and is consistent with achieving sustainable development.

4.3. In order to be justified, the Draft Submission Local Plan must have an appropriate strategy, taking into account reasonable alternatives and be based on proportionate evidence.

4.4. Effective means the document must be deliverable over the plan period and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred and evidenced by the statements of common ground.

4.5. The Local Plan should seek to meet the Council's full housing need. However, we have concerns regarding the rationale for and robustness of the housing numbers the Council is seeking to accommodate within the Draft Submission Local Plan. We also have concerns regarding the appropriateness of the sites selected for contributing towards addressing the Borough's development needs.

4.6. For the reasons set out in these representations there are several shortcomings with the Plan, as currently drafted, that result in the need for amendments.

4.7. These amendments relate to the need to increase the level of housing provision within a more appropriate plan period, thereby ensuring the emerging plan is consistent with the Government's planning advice and policy. They also advocate changes to the extent of the defined settlement area of Benenden together with amendments to other policies of the plan.

4.8. These amendments would reflect our view of the clear sustainability advantages of growth at Benenden (Consistent with paragraph 77 of the NPPF) in preference to unsustainable locations where development conflicts with the approach of the NPPF i.e. Tudeley Village. In the case of Tudeley village, due to its identification in advance of locations which are to be preferred having regard to the approach of the NPPF, we contend that the new settlement proposal should be omitted from the Plan with the site retained in the Green Belt.

4.9. Furthermore, to address the additional identified housing need, we advocate that land on the west side of Iden Green Road, Benenden (SHLAA ref 222) should be included as an additional allocation within draft policy PSTR/BE1.

4.10. The remainder of this submission is focused on providing responses to the Council's draft policies in the Local Plan.

8. POLICY STR/SS3: THE STRATEGY FOR TUDELEY VILLAGE

8.1. Through policy STR/SS3, the Council seeks to remove land from the Green Belt for the delivery of a new village at Tudeley.

8.2. For the reasons detailed below, we object to the proposal in that it entails the removal of very significant areas from the Green Belt for which there is no justification. This is both with respect of the scale of housing development envisaged as detailed in the representation to policy STR9. As we do not consider that very special circumstances have been demonstrated, this is a further indication that no revision to the Green Belt should occur at Tudeley as detailed in the representation to policy STR9.

8.3. As noted in the SA, to enable the delivery of Tudeley, significant infrastructure improvements will be required. This includes provision of new offsite roads (a new link road to the A228 and A228 improvements) to serve the site together with utility services, education, community, health and leisure facilities. For these factors, no indication has been provided in the current Draft infrastructure Delivery Plan of the costs or delivery mechanism of these investments. Without this information there is no certainty that the Plan can be delivered and consequently would be effective.

8.4. The Plans prepared by both Uttlesford Council (appendix 9) and the North Essex Authorities (appendix 10) failed with respect of some of the new settlements envisaged as the costs assumed were unrealistic and did not include sufficient contingency.

8.5. The Tandridge Local Plan has significant doubts with respect of the uncertainty of funding the major new road infrastructure associated with the South Godstone Garden Village, following a rejected HIF bid (appendix 8).

8.6. Although the Council has prepared information with respect of costs and delivery mechanisms for Tudeley, as indicates earlier in this submission the new settlement is not expected to contribute towards all the necessary infrastructure i.e. the Colts Hill off-line improvement (This is only included in the financial appraisals for development at Paddock Wood) which is required alongside the Five Oak Green bypass (which Tudeley is expected to contribute towards) (See the Viability assessment schedules in Appendix II of the Stage 2 Viability Appraisal).

8.7. Furthermore, and notwithstanding the financial viability assessments not including all infrastructure, development at Tudeley is not as viable as indicated under the same range of variables as other schemes.

8.8. Tudeley is reliant on lower existing land values and higher property values to show it is viable. The limited evidence that development at Tudeley is viable is a further indication of the unsuitability of the current strategy.

8.9. Exceptional circumstances do not exist for the removal of Tudeley village. Whilst a matter of planning judgement, the Council cannot therefore make such a judgement as this would not be consistent with their statutory duty (section 39(2)) and the revised NPPF.

8.10. The points raised above confirm that exceptional circumstances do not exist, are not soundly based and therefore do not support revisions to the Green Belt at Tudeley Village.

11. OVERALL CONCLUSIONS

11.1. The representations to the draft submission Local Plan have identified a number of concerns with the document as drafted, especially with respect of its soundness.

11.2. As indicated in the representations, changes to policies of the Plan are advocated, including the borough's housing requirement in policy STR1.

11.3. To ensure adequate supply of housing arises, the land west of Iden Green Road, Benenden should be included as a housing allocation.

11.4. These matters can consequently be addressed through Main Modifications to the plan allowing for a Sound Plan.

12. FINAL REMARKS

12.1. We trust the above comments are of assistance in preparing the necessary main modifications to provide for a sound Local Plan.

12.2. We welcome the opportunity to engage in constructive dialogue with the Council in relation to our observations, including the allocation of land west of Iden Green Road, Benenden for housing.

12.3. Additionally, we confirm that we wish to be notified of each further step in the preparation of the Local Plan, including its submission to the Inspectorate for examination.

Question 6

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Question 5 above. (Please note that non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Changes sought to the Local Plan with respect of the approach to Tudeley village in policy STR/SS3

8.11. The Plan therefore as currently prepared is not sound with respect of:

a) It is not justified as the evidence does not support the removal of land at Tudeley for the garden community; and b) It is also inconsistent with national policy in the approach does not adequately reflect the guidance on considering all sustainable opportunities within the Green Belt before contemplating poorly located greenfield sites like Tudeley. It is therefore contrary to paragraphs 137 and 138 of the NPPF.

8.12. To address these matters of soundness, a range of amendments are proposed. The proposed changes are.

1. That policy STR/SS3 is omitted from Local Plan, alongside consequential amendments to other parts of the plan i.e. the policies map to ensure that the Tudeley site is retained in the Green Belt.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)? . Yes, I wish to participate in hearing session(s)

Question 7a

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

To clarify any points the Inspector has with respect of the detailed representations submitted

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box: Yes, I wish to be notified of future stages of the Local Plan

Supporting Information File Ref No: SI_119a-m

Comment

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Event Name	Pre-Submission Local Plan
Comment by	Millwood Designer Homes Ltd [REDACTED]
Comment ID	PSLP_1885
Response Date	03/06/21 14:23
Consultation Point	Policy STR/HA 1 The Strategy for Hawkhurst parish (View)
Status	Processed
Submission Type	Email
Version	0.4
Files	App 05 Calverton v Nottingham City 2015 EWHC 1078 Admin.pdf App 07 Hundal v S Bucks DC 2012 EWHC 7912 Admin.pdf App 09 Uttlesford Post stage 1 hearings letter to the Council 10.1.20 .pdf WBP Reps for Millwood - Hawkhurst - 3 June 2021.pdf App 10 Examiners Report on the Examination of NEA S1 10th Dec 2020.pdf App 01a Millwood TW Local Plan Reps - Hawkhurst - 14 Nov 2019.pdf App 03 Sevenoaks Final Report Mar 2020.pdf App 08 Tandridge Inspector-Preliminary-Conclusions-Advice.pdf App 01b 5416-LLB-RP-L-0002-S4-P02 Landscape Statement.pdf App 06 St Albans v Hunston Properties 2013 EWCA Civ 1610.pdf App 04 Sevenoaks DC v CLG [2020] EWHC 3054.pdf App 01c 5416-LLB-ZZ-XX-DR-L-0001-S4-P02 Landscape Principles.pdf App 02 Inspectors letter to Tonbridge and Malling 15.12.20.pdf

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Question 1

Respondent's Name and/or Organisation Millwood Designer Homes Ltd

Question 2

Agent's Name and Organisation (if applicable) Woolf Bond Planning

Question 3

To which part of the Local Plan does this representation relate? Policy

Question 3a

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy STR/HA 1 The Strategy for Hawkhurst parish

[TWBC: full representation attached has been separated into Policy STR1 (PSLP_1883, Policy STR9 (PSLP_1884), Policy PSTR/HA1 (PSLP_1885) and Policy STR/SS3 (PSLP_1886). See also appendices attached].

Question 4

Do you consider that the Local Plan:

Is legally compliant No

Is sound No

Complies with the Duty to Cooperate No

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

- . It is not positively prepared
- . It is not effective
- . It is not justified
- . It is not consistent with national policy

Question 5

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

1. INTRODUCTION

1.1 Our clients (Millwood Designer Homes Ltd) control the land at Chittenden Fields, north of High Street (A268), Hawkhurst. This site has been promoted through earlier stages in the Local Plan as an additional location for growth in the Borough, taking account of its credentials as a sustainable location for growth adjoining the acknowledged suitability of Hawkhurst, as indicated in the Council's SHLAA. In contrast to other locations, the development of new homes at the site will ensure the embedment of behaviour associated with the sustainable living unlike other locations in the Borough, especially the new community proposed at Tudeley Village.

1.2 Further to our submissions on earlier stages in the preparation of the Local Plan, the Council has failed to provide an appropriate strategy which seeks to meet the Borough's development needs, especially with respect of housing." Consequently, for the reasons outlined in these submissions, it is not considered that the Draft Submission Plan adequately addresses the Borough's housing needs in locations which are accessible to existing infrastructure and services such as those available at Hawkhurst which include those relating to health, education, leisure, retail and employment and will support the continuation of them as advocated by paragraph 77 of the NPPF. Such locations should be considered in advance of the unjustified removal of land from the Green Belt which as detailed in the representations would be wholly consistent with the approach of national policy in the NPPF. We therefore advocate changes to the Local Plan to address these matters.

1.3 Having regard to the concerns with respect of the appropriateness of the approach and its challenges of delivering sustainable growth, we therefore advocate the removal of the proposed allocation at Tudeley Village and the allocation of deliverable sites in sustainable locations, including land controlled by our client's at Chittenden Fields, Hawkhurst. The site affords a sustainable opportunity in helping to meet identified housing needs and could provide for circa 70 dwellings, in a landscape setting, within walking distance from local services and facilities.

1.4 For the reasons detailed in this submission, growth at Chittenden Fields, Hawkhurst due to its relationship with existing development and facilities would result in achievement of sustainable development. Furthermore, the proximity of the Chittenden Fields site to services and facilities that residents will need to undertake their daily life ensures that sustainable behaviours are embedded in residents from initial occupation of the homes. This therefore contrasts with that at Tudeley Village which due to the limitations of these in the local area will result in need for longer journeys to undertake daily lives, which are therefore likely to result in increased use of the car. Once this behaviour becomes the norm for residents in Tudeley, it will be harder to encourage them to switch to more sustainable alternatives once they become available.

1.5 The reports and documents submitted with this representation demonstrate the suitability of the approach advocated. As detailed in the representations, this land is not subject to constraints which would prevent its delivery for development at an early stage during the plan period should this be confirmed through the examination of the Plan.

1.6 We also have several comments/representations on the policies within the Draft Submission Tunbridge Wells Borough Local Plan which should be addressed prior to its submission for examination by the Secretary of State.

2. REPRESENTATIONS AND SUPPORTING INFORMATION

2.1 Our comments upon the various draft policies and proposals are set out below and are accompanied by the following Documents:

- Duly Completed Response Form.
- Copy of submissions on behalf of Millwood Designer Homes to the Council's Draft Local Plan Regulation 18 Consultation (November 2019) (appendix 1)
- Copy of Inspector's assessment of the Tunbridge & Malling Local Plan (15th December 2020) (appendix 2)
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- St Albans City & District v Hunston Properties [2013] EWCA Civ 1610 (appendix 6)
- Hundal v South Bucks DC [2012] EWHC 7912 (Admin) (appendix 7)
- Tandridge LP Inspector's interim

conclusions (11th December 2020) (appendix 8)• Uttlesford Local Plan post Stage 1 hearings Inspector's letter to Council 10th January 2020 (appendix 9)• North Essex Authorities (Braintree, Colchester & Tendring) Inspector's Report (10th December 2020) (appendix 10)

2.2 Our client's representations upon the Draft Local Plan can be summarised as relating to the following:

Policy

Representation

Policy STR1: The Development Strategy and extent of Built Development Limits

Objection

Policy STR9: Green Belt

Objection

Policy STR/HA1: The Strategy for Hawkhurst Parish and the omission of land at Chittenden Fields as a housing allocation for 70 dwellings.

Objection

Policy STR/SS3: The Strategy for Tudeley Village

Objection

Omission site – Land at Chittenden Fields, north of High Street (A268), Hawkhurst (SHLAA ref 2) – failure to include as an allocation in policy STR/HA1

Objection

3. OVERARCHING POSITION

3.1 We have a strong belief in the principle of the plan-led system and in setting out our representations upon these policies, we hope to be able to work with the Council between now and the formal submission of the Draft Local Plan pursuant to Regulation 22 of The Town and County Planning (Local Planning) (England) Regulations 2012 (as amended), to ensure the Local Plan satisfies the tests of soundness at paragraph 35 of the NPPF.

3.2 We have considerable experience and expertise in dealing with and realising development schemes through the planning system. In this context, a principal constraint to the timely delivery of housing is the way in which policies for the allocation of sites have been formulated.

3.3 Local Plans must be capable of delivering from the point at which they are adopted. This means scrutinising the policy wording to ensure the Plans are sound and that the allocations contained therein are capable of being delivered at the point envisaged. This is particularly the case in relation to the need for Councils to collate a robust evidence base to justify the imposition of certain policies and/or their wording so as not to over burden and/or stifle sustainable and appropriate development.

3.4 In this instance, the draft Local Plan needs to be amended in order to ensure it robustly plans for the delivery of sufficient housing to address a housing requirement established in accordance with national planning policy and guidance. This therefore indicates that the Plan must seek to deliver the minimum of 14,364 dwellings between 2020 and 2039 rather than 12,204 dwellings from 2020 to 2038 as currently envisaged.

3.5 To address this requirement for additional homes, we contend that land at Chittenden Fields, Hawkhurst should be allocated for residential development (SHLAA ref 2). This site can accommodate 70 dwellings and as indicated in these representations and the supporting documents would be a sustainable addition to the village.

3.6 The representations also highlight a failure of the Local Plan as currently drafted to contribute towards addressing the acknowledged unmet needs of neighbouring authorities and the allocation of Chittenden Fields, Hawkhurst, can also supply homes to resolve this issue.

3.7 As detailed in the representations, the Chittenden Fields site would be a logical addition to the existing development in Hawkhurst and should be included in the defined extent of the village. This requires consequential amendments to the Limits to Build development for Hawkhurst as defined on the Local Plan Proposals Map (Inset Map 15).

3.8 We also advocate other revisions to the Draft Submission Local Plan to ensure it is consistent with the evidence base prepared by the Council.

3.9 We are concerned to ensure that the Local Plan is robust, and it is in this context that we set out our representations.

4. THE NPPF TESTS OF SOUNDNESS

4.1 Section 3 of the NPPF (Feb 2019) sets out the principal components to be included in Local Plans. Paragraph 35 requires that to be “sound” a DPD should be positively prepared, justified, effective and consistent with national policy.

4.2 A positively prepared plan provides 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 practical to do so and is consistent with achieving sustainable development.

4.3 In order to be justified, the Draft Submission Local Plan must have an appropriate strategy, taking into account reasonable alternatives and be based on proportionate evidence.

4.4 Effective means the document must be deliverable over the plan period and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred and evidenced by the statements of common ground.

4.5 The Local Plan should seek to meet the Council’s full housing need. However, we have concerns regarding the rationale for and robustness of the housing numbers the Council is seeking to accommodate within the Draft Submission Local Plan. We also have concerns regarding the appropriateness of the sites selected for contributing towards addressing the Borough’s development needs.

4.6 For the reasons set out in these representations there are several shortcomings with the Plan, as currently drafted, that result in the need for amendments.

4.7 These amendments relate to the need to increase the level of housing provision within a more appropriate plan period, thereby ensuring the emerging plan is consistent with the Government’s planning advice and policy. They also advocate changes to the extent of the defined settlement area of Hawkhurst together with amendments to other policies of the plan.

4.8 These amendments would reflect our view of the clear sustainability advantages of growth at Hawkhurst (Consistent with paragraph 77 of NPPF) in preference to unsustainable locations where development conflicts with the approach of the NPPF i.e. Tudeley Village. In the case of Tudeley village, due to its identification in advance of locations which are to be preferred having regard to the approach of the NPPF, we contend that the new settlement proposal should be omitted from the Plan with the site retained in the Green Belt.

4.9 Furthermore, to address the additional identified housing need, we advocate that land at Chittenden Fields, north of Highs Street, Hawkhurst (SHLAA ref 2) should be included as an additional allocation within draft policy PSTR/HA1.

4.10 The remainder of this submission is focused on providing responses to the Council’s draft policies in the Local Plan.

7. POLICY STR/HA1: THE STRATEGY FOR HAWKHURST PARISH

7.1 This policy provides an overview of the allocations and development proposed for the parish of Hawkhurst. To be consistent with the amendments advocated elsewhere in these representations it is essential that the policy is revised to ensure that it reflects the changes associated with the allocation of land at Chittenden Fields, north of High Street, Hawkhurst.

9. OMISSION SITE: FAILURE TO INCLUDE ALLOCATION OF LAND AT CHITTENDEN FIELDS, NORTH OF HIGH STREET (A268), HAWKHURST AS AN ALLOCATION WITHIN THE LOCAL PLAN CONSISTENT WITH POLICY STR/HA1 (SHLAA REF 2)

9.1. Through the other representations submitted to the policies of the Plan, there is a need to allocate additional land for housing development. Having regard to those representations and the earlier

promotion of the land at Chittenden Fields, north of High Street, Hawkhurst for residential development, it is clear that this is a suitable location for allocation. The reasons for this are detailed below.

9.2. Millwood Designer Homes Ltd has a controlling interest in land at Chittenden Fields, Hawkhurst which extends to approximately 3ha. The site has been assessed in the Council's Strategic Housing and Economic Land Availability Assessment ("SHELAA") under Site Ref: 2.

9.3. Millwood Designer Homes Ltd is a local developer that has won multiple awards for its high-quality scheme designs. They are committed to securing high quality schemes that secure the best form of development for their sites.

9.4. We have undertaken a thorough assessment of the character of the site and surrounding area and consider that it affords a sustainable development opportunity for up to approximately 70 dwellings.

9.5. The site is located within the confines of existing built development. It is not within a 'gap' and forms part of the built-up area.

9.6. Overall, the site has no physical constraints, and is well-related to the existing residential development. It is in close enough proximity to Hawkhurst to be able to walk to the centre, such that it affords a sustainable location in helping to meet identified housing needs whilst providing for sustainable patterns of growth.

Landscape

9.7. The Council's SHELAA assessed the site as being unsuitable in landscape terms, which assessment draws upon the landscape analysis set out in the Landscape Sensitivity Assessment undertaken by LUC on behalf of the Council (July 2018).

9.8. The Landscape Sensitivity Assessment included the site within sub-area Ha1. Whilst it is acknowledged that the site has some landscape sensitivities (as is the case with the majority (if not all) of greenfield allocations on the edge of settlements), the site has identifiable and defensible boundaries and could be developed sensitively, with a focus on a high quality landscaping strategy which would mitigate the landscape impact.

9.9. Our client instructed consultants Lloyd Bore Ltd to undertake an assessment of the suitability of the scheme to accommodate housing development. Their findings are set out in the accompanying Landscape and Visual Statement (Nov 2019) which concludes that the site has a high landscape capacity to accommodate development. Paragraph 7.5 states as follows.

"...the site is already very well contained and screened visually from the wider landscape, and offers good opportunities for mitigation, enhancement and successful integration with the existing development pattern of the village."

9.10. Paragraph 7.6 further adds that the site is not prominent in the wider AONB landscape.

9.11. Paragraph 7.8 concludes in relation to the acceptability of developing the site for housing in landscape terms as follows:

"... the impact on the AONB of an appropriately designed development on Chittenden Field would in fact be very limited.."

9.12. This analysis addresses the landscape comments in the Council's SHELAA and sets out the landscape capacity of the site to accommodate housing development.

Highways, Accessibility and Sustainability

9.13. A Transport Assessment has been undertaken in order to assess the highway and sustainability merits of the site for housing development, which matters were set out in our previously submitted representations in November 2019 (Appendix 1 refers).

9.14. In locational terms, the merits of the site include its proximity to the main retail facilities and bus stops are located in the centre of Hawkhurst which is 790m east of Chittenden Fields and therefore within walking distance.

9.15. There is a private school near to the site and a community hospital is located about 625m west of the site.

9.16. Other facilities such as golf club, public house and a church are also located within an easy walking distance, between the site and central Hawkhurst.

- 9.17. The nearest bus stops to Chittenden Fields are located on the A268 High Street approximately 150m east of the site (both east and westbound).
- 9.18. There are also bus stops (both east and westbound) located approximately 740m to the east of the site in Hawkhurst.
- 9.19. Overall, there are at least three buses per hour passing the site. Two of these run in two directions, therefore the overall frequency of buses passing the site is five per hour (two-way) on a weekday. However, they do not all stop at the nearest bus stops to the site.
- 9.20. There is a wide highways verge on the A268 adjacent to the site and therefore, there is the ability to introduce more formal bus stops with shelters on the A268 adjacent to the site to serve the bus routes that already pass the site.
- 9.21. The proposed means of vehicular access to serve development of the site for housing could be provided from the A268 via a new simple priority junction.
- 9.22. The visibility splays achievable from the site access to the nearside of the carriageway at present are 2.4m x 120m to the left (to the east) and 2.4m x 120m to the right (to the west). This fully complies with the DMRB standard for a road subject to a 40mph speed limit.
- 9.23. The access road would be extended into the site from the southern boundary to provide a surfaced road of 5.5m wide with 2m footways on both sides to the potential development site. The access road would have an average gradient of 1 in 12 between the back of footway level and development site, which would be adequate for use by large vehicles.
- 9.24. An impact assessment has been undertaken on the assumption of developing the site for up to approximately 100 dwellings. This has been undertaken as a sensitivity test in order to ensure trip rates are assessed at a maximum level.
- 9.25. This amount of development would generate an extra circa 550 vehicle trips (two-way) per weekday (two-way).
- 9.26. On the basis of the foregoing, the site is demonstrated to be in a sustainable location.
- 9.27. We consider that part of the solution to addressing the identified shortfall is to allocate land at Chittenden Fields, north of High Street, Hawkhurst for residential development alongside consequential changes to Inset Map 15.

10. OVERALL CONCLUSIONS

- 10.1. Our representations to the draft submission Local Plan have identified a number of concerns with the document as drafted, especially with respect of its soundness.
- 10.2. As indicated in the representations, changes to policies of the Plan are advocated, including the borough's housing requirement in policy STR1.
- 10.3. To ensure adequate supply of housing arises, the land at Chittenden Fields, north of High Street, Hawkhurst should be included as a housing allocation for approximately 70 dwellings.
- 10.4. These matters can be addressed through Main Modifications to the Plan allowing for a Sound Plan.

11. FINAL REMARKS

- 11.1. We trust the above comments are of assistance in preparing the necessary main modifications to provide for a sound Local Plan.
- 11.2. We welcome the opportunity to engage in constructive dialogue with the Council in relation to our observations, including the allocation of our client's site at Chittenden Fields, Hawkhurst.
- 11.3. Additionally, we confirm that we wish to be notified of each further step in the preparation of the Local Plan, including its submission to the Inspectorate for examination.

Question 6

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Question 5 above. (Please note that non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Changes sought to the Local Plan with respect of the policy STR/HA1

7.2 The Plan therefore as currently prepared is not sound with respect of:

a) Not positively prepared as the policy (alongside others in the document) fails to meet the areas housing needs, including a contribution towards unmet needs of neighbouring authorities, b) Is not justified as the evidence does not support the exclusion of the Chittenden Fields site whereas other sites are included which are inconsistent with the assessments and appraisals of the Council; and c) The policy is not consistent with national policy as it fails to deliver sufficient housing to meet the Borough's needs, including that arising in neighbouring ones.

7.3 To address these matters of soundness, several amendments are proposed. The proposed changes are.

1. That policy STR/HA1 (and STR1 and Inset Map 15 relating to the Limits to Built Development) is amended to ensure that it acknowledges the allocation of land at Chittenden Fields, north of High Street, Hawkhurst as a development site for circa 70 dwellings, with consequential amendments made to the document reflecting its identification.

Change sought to the Local Plan.

9.28. To ensure that the plan is therefore sound as detailed in the representations, land at Chittenden Fields, north of High Street, Hawkhurst should be included as a residential allocation with consequential amendments to settlement boundaries.

9.29. The dwellings to the West of Hawkhurst, north and south of High Street, to include the omission site at Chittenden Fields (Site Ref: 2), extending to the west up to and including Hawkhurst Community Hospital, should be included within a revised settlement boundary. This represents a logical and sensible approach to defining the LBD at Hawkhurst.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)? . Yes, I wish to participate in hearing session(s)

Question 7a

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

To clarify any points the Inspector has with respect of the detailed representations submitted

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:

Yes, I wish to be notified of future stages of the Local Plan

Supporting Information File Ref No: SI_112a-o

Comment

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Event Name	Pre-Submission Local Plan
Comment by	Millwood Designer Homes Ltd [REDACTED]
Comment ID	PSLP_1869
Response Date	03/06/21 14:44
Consultation Point	Policy PSTR/BE 1 The Strategy for Benenden parish (View)
Status	Processed
Submission Type	Email
Version	0.6
Files	APP01B~1.PDF App 04 Sevenoaks DC v CLG [2020] EWHC 3054.pdf APP01A~1.PDF (1) App 11 PP SPG Benenden Iden Green CAA.pdf APP08T~1.PDF App 07 Hundal v S Bucks DC 2012 EWHC 7912 Admin.pdf APP09U~1.PDF APP02I~1.PDF WBP Reps for Millwood - Benenden - 3 June 2021.pdf App 01c Figure 3 Landscape.pdf APP06S~1.PDF APP10E~1.PDF App 05 Calverton v Nottingham City 2015 EWHC 1078 Admin.pdf App 01d P318 LP 1001 - Site Location Plan.pdf

Data inputter to enter their initials here KJ

Question 1

Respondent's Name and/or Organisation Millwood Designer Homes Ltd

Question 2

Agent's Name and Organisation (if applicable) Woolf Bond Planning

Question 3

To which part of the Local Plan does this representation relate? Policy

Question 3a

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy PSTR/BE 1 The Strategy for Benenden parish

[TWBC: full representation attached has been separated into Policy STR1 (PSLP_1859, Policy STR9 (PSLP_1868), Policy PSTR/BE1 (PSLP_1869), Policy STR/SS3 (PSLP_1870) and Policy EN15 (PSLP_1872). See also appendices attached].

Question 4

Do you consider that the Local Plan:

Is legally compliant No

Is sound No

Complies with the Duty to Cooperate No

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

- . It is not positively prepared
- . It is not effective
- . It is not justified
- . It is not consistent with national policy

Question 5

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the

legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

1. INTRODUCTION

1.1 Our client's (Millwood Designer Homes Ltd) control the land on the west side of Iden Green Road, Benenden (Site Ref: 222). This site has been promoted through the earlier stages in the Local Plan as an additional location for growth in the Borough, taking account its credentials as a sustainable location for growth adjoining the acknowledged suitability of Benenden, as indicated in the Council's SHLAA. In contrast to other locations, the development of new homes at the site will ensure the embedment of behaviour associated with the sustainable living unlike other locations in the Borough, especially the new community proposed at Tudeley Village.

1.2 Further to our submissions on earlier stages in the preparation of the Local Plan, the Council has failed to provide an appropriate strategy which seeks to meet the Borough's development needs, especially with respect of housing." Consequently, for the reasons outlined in these submissions, it is not considered that the Draft Submission Plan adequately addresses the Borough's housing needs in locations which are accessible to existing infrastructure and services such as those available at Benenden which include those relating to education, leisure and retail and will support the continuation of them as advocated by paragraph 77 of the NPPF. Such locations should be considered in advance of the unjustified removal of land from the Green Belt which as detailed in the representations would be wholly consistent with the approach of national policy in the NPPF. We therefore advocate changes to the Local Plan to address these matters.

1.3 Having regard to the concerns with respect of the appropriateness of the approach and its challenges of delivering sustainable growth, we therefore advocate the removal of the proposed allocation at Tudeley Village and the allocation of deliverable sites in sustainable locations, including land controlled by our client's to the west of Iden Green Road, Benenden. The site affords a sustainable opportunity in helping to meet identified housing needs and could provide for approximately 28 dwellings, within walking distance from local services and facilities.

1.4 For the reasons detailed in this submission, growth at Benenden would support the long-term provision of services within the village reflecting the approach advocated in the NPPF (paragraph 77). This would result in the achievement of sustainable development.

1.5 The reports and documents submitted with this representation demonstrate the suitability of the approach advocated. As detailed in the representations, this land is not subject to constraints which would prevent its delivery for development at an early stage during the emerging plan period should this be confirmed through the examination of the Plan.

1.6 We also have several comments/representations on the policies within the Draft Submission Tunbridge Wells Borough Local Plan which should be addressed prior to its submission for examination by the Secretary of State.

2. REPRESENTATIONS AND SUPPORTING INFORMATION

2.1. Our comments upon the various draft policies and proposals are set out below and are accompanied by the following Documents:

- Duly Completed Response Form.
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- Copy of Inspector's assessment of the Tonbridge & Malling Local Plan (15th December 2020) (appendix 2)
- Inspector's Report into Examination of the Sevenoaks Local Plan (2nd March 2020) (appendix 3)
- Sevenoaks DC v Secretary of State for Communities, Housing & Local Government [2020] EWHC 3054 (appendix 4)
- Calverton PC v Nottinghamshire County Council [2015] EWHC 1078 (Admin) (appendix 5)
- St Albans City & District v Hunston Properties [2013] EWCA Civ 1610 (appendix 6)
- Hundal v South Bucks DC [2012] EWHC 7912 (Admin) (appendix 7)
- Tandridge LP Inspector's interim conclusions (11th December 2020) (appendix 8)
- Uttlesford Local Plan post Stage 1 hearings Inspector's letter to Council 10th January 2020 (appendix 9)
- North Essex Authorities (Braintree, Colchester & Tendring) Inspector's Report (10th December 2020) (appendix 10)
- Benenden and Iden Green Conservation Areas Appraisal (April 2005) (appendix 11)

2.2. Our client's representations upon the Draft Local Plan can be summarised as relating to the following:

Policy

Representation

Policy STR1: The Development Strategy and extent of Built Development Limits

Objection

Policy STR9: Green Belt

Objection

Policy PSTR/BE1: The Strategy for Benenden Parish and the omission of land west of Iden Green Road as a housing allocation

Objection

Policy STR/SS3: The Strategy for Tudeley Village

Objection

Policy EN15: Local Green Space

Objection

Omission site – Land west of Iden Green Road, Benenden (SHLAA ref 222) – failure to include as an allocation in policy PSTR/BE1

Objection

3. OVERARCHING POSITION

3.1. We have a strong belief in the principle of the plan-led system and in setting out our representations upon these policies, we hope to be able to work with the Council between now and the formal submission of the Draft Local Plan pursuant to Regulation 22 of The Town and County Planning (Local Planning) (England) Regulations 2012 (as amended), to ensure the Local Plan satisfies the tests of soundness at paragraph 35 of the NPPF.

3.2. We have considerable experience and expertise in dealing with and realising development schemes through the planning system. In this context, a principal constraint to the timely delivery of housing is the way in which policies for the allocation of sites have been formulated.

3.3. Local Plans must be capable of delivering from the point at which they are adopted. This means scrutinising the policy wording to ensure the Plans are sound and that the allocations contained therein are capable of being delivered at the point envisaged. This is particularly the case in relation to the need for Councils to collate a robust evidence base to justify the imposition of certain policies and/or their wording so as not to over burden and/or stifle sustainable and appropriate development.

3.4. In this instance, the draft Local Plan needs to be amended in order to ensure it robustly plans for the delivery of sufficient housing to address a housing requirement established in accordance with national planning policy and guidance. This therefore indicates that the Plan must seek to deliver the minimum of 14,364 dwellings between 2020 and 2039 rather than 12,204 dwellings from 2020 to 2038 as currently envisaged.

3.5. To address this requirement for additional homes, we contend that land on the west side of Iden Green Road, Benenden, should be allocated for residential development (SHLAA Ref 222). This site can accommodate 28 dwellings and as indicated in these representations and the supporting documents would be a sustainable addition to the village.

3.6. The representations also highlight a failure of the plan as currently drafted to contribute towards addressing the acknowledged unmet needs of neighbouring authorities and the allocation of land of the west side of Iden Green Road, Benenden can also supply homes to resolve this issue. As detailed in the representations, the land west of Iden Green Road site would be a logical addition to the existing development in Benenden and should consequently be included in the defined extent of the village.

3.7. We also advocate other revisions to the Draft Submission Local Plan to ensure it is consistent with the evidence base prepared by the authority.

3.8. We are concerned to ensure that the Local Plan is robust, and it is in this context that we set out our representations.

4. THE NPPF TESTS OF SOUNDNESS

4.1. Section 3 of the NPPF (Feb 2019) sets out the principal components to be included in Local Plans. Paragraph 35 requires that to be “sound” a DPD should be positively prepared, justified, effective and consistent with national policy.

4.2. A positively prepared plan provides 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 practical to do so and is consistent with achieving sustainable development.

4.3. In order to be justified, the Draft Submission Local Plan must have an appropriate strategy, taking into account reasonable alternatives and be based on proportionate evidence.

4.4. Effective means the document must be deliverable over the plan period and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred and evidenced by the statements of common ground.

4.5. The Local Plan should seek to meet the Council's full housing need. However, we have concerns regarding the rationale for and robustness of the housing numbers the Council is seeking to accommodate within the Draft Submission Local Plan. We also have concerns regarding the appropriateness of the sites selected for contributing towards addressing the Borough's development needs.

4.6. For the reasons set out in these representations there are several shortcomings with the Plan, as currently drafted, that result in the need for amendments.

4.7. These amendments relate to the need to increase the level of housing provision within a more appropriate plan period, thereby ensuring the emerging plan is consistent with the Government's planning advice and policy. They also advocate changes to the extent of the defined settlement area of Benenden together with amendments to other policies of the plan.

4.8. These amendments would reflect our view of the clear sustainability advantages of growth at Benenden (Consistent with paragraph 77 of the NPPF) in preference to unsustainable locations where development conflicts with the approach of the NPPF i.e. Tudeley Village. In the case of Tudeley village, due to its identification in advance of locations which are to be preferred having regard to the approach of the NPPF, we contend that the new settlement proposal should be omitted from the Plan with the site retained in the Green Belt.

4.9. Furthermore, to address the additional identified housing need, we advocate that land on the west side of Iden Green Road, Benenden (SHLAA ref 222) should be included as an additional allocation within draft policy PSTR/BE1.

4.10. The remainder of this submission is focused on providing responses to the Council's draft policies in the Local Plan.

7. POLICY PSTR/BE1: THE STRATEGY FOR BENENDEN PARISH

7.1. This policy provides an overview of the allocations and development proposed for the parish of Benenden. To be consistent with the amendments advocated elsewhere in these representations it is essential that the policy is revised to ensure that it reflects the changes associated with the allocation of land west of Iden Green Road, Benenden for residential development.

10. OMISSION SITE: FAILURE TO INCLUDE ALLOCATION OF LAND WEST OF IDEN GREEN ROAD, BENENDEN AS AN ALLOCATION WITHIN THE LOCAL PLAN CONSISTENT WITH POLICY PSTR/BE1 (SHLAA ref 222)

General

10.1. Through the other representations submitted to the policies of the plan, there is a need to allocate additional land for housing development. Having regard to the representations and the earlier promotion of land west of Iden Green Road, Benenden for residential development, it is clear that this is a suitable location for allocation. These reasons for this are detailed below.

10.2. Millwood Designer Homes has a controlling interest in land to the west of Iden Green Road which extends to approximately 2.5ha.

10.3. The site has been assessed in the Council's Strategic Housing and Economic Land Availability Assessment (“SHELAA”) under Site Ref: 222.

10.4. We have undertaken a thorough assessment of the character of the site and surrounding area and consider that it affords a sustainable development opportunity for approximately 28 dwellings, to include the creation of a larger publicly accessible area of green space and reinstatement of the pond in the north east corner of the site.

10.5. We consider this would enhance the public realm and would enable a high-quality scheme for a small number of dwellings to be located within walking distance from local services and facilities, helping to further sustain and support local businesses.

10.6. Plans and particulars are enclosed in support of our representations, which seek the allocation of the site for approximately 28 dwellings as follows.

- Development of the site for housing and a large publicly accessible area of green space provides an opportunity to enhance the appearance of part of the Conservation Area through the creation of an attractive and sensitively designed residential extension to the village.

- A scheme can also be designed in relation to the desirability of preserving the setting of the listed buildings considered to be affected and the special character and appearance of the Benenden Conservation Area. • Figure 3 has been prepared following a detailed review of the landscape character of the site and surrounding area and enables the retention of substantial trees on the site, most notably the lime trees along the frontage. • A suite of ecological surveys has been undertaken across the site throughout spring and summer 2018, including an Extended Phase 1 Habitat survey, bat surveys, reptile surveys and great crested newt surveys. • The majority of the site comprises semi-improved grassland of limited ecological value. Several semi-mature trees, principally oak, are present in and around the site. These have some ecological value, offer potential bat roosting opportunities, as well as sites for nesting birds. • The pond on the northern boundary is relatively small and although it contains water, is becoming choked with sediment and debris. It also contains a large area of the highly invasive New Zealand pygmy weed. • There are ample opportunities within the site to provide ecological enhancement measures. These will need to include improvements for the slow worm population as well as improvement to the newt pond – possibly dredging it out and removing the pygmy weed. • The Parish has highlighted in their assessment of the site, the potential benefit of developing this site is enhancing the pond, which would have not only an ecological benefit, but would improve the Conservation Area, thus positively supporting the local heritage value. These benefits are unique to this site in being able to deliver environmental benefits in addition to the social and economic benefits brought about through the provision of new housing.

10.7. We consider that part of the solution to addressing the identified shortfall is to allocate land west of Iden Green Road, Benenden for residential development alongside consequential changes to the policy map.

11. OVERALL CONCLUSIONS

11.1. The representations to the draft submission Local Plan have identified a number of concerns with the document as drafted, especially with respect of its soundness.

11.2. As indicated in the representations, changes to policies of the Plan are advocated, including the borough's housing requirement in policy STR1.

11.3. To ensure adequate supply of housing arises, the land west of Iden Green Road, Benenden should be included as a housing allocation.

11.4. These matters can consequently be addressed through Main Modifications to the plan allowing for a Sound Plan.

12. FINAL REMARKS

12.1. We trust the above comments are of assistance in preparing the necessary main modifications to provide for a sound Local Plan.

12.2. We welcome the opportunity to engage in constructive dialogue with the Council in relation to our observations, including the allocation of land west of Iden Green Road, Benenden for housing.

12.3. Additionally, we confirm that we wish to be notified of each further step in the preparation of the Local Plan, including its submission to the Inspectorate for examination.

Question 6

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Question 5 above. (Please note that non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Changes sought to the Local Plan with respect of the policy PSTR/BE1

7.2. The Plan therefore as currently prepared is not sound with respect of:

a) Not positively prepared as the policy (alongside others in the document) fails to meet the areas housing needs, including a contribution towards unmet needs of neighbouring authorities, b) Is not justified as the evidence does not support the exclusion of the land west of Iden Green Road site whereas other sites are included which are inconsistent with the assessments and appraisals of the Council; and c) The policy is not consistent with national policy as it fails to deliver sufficient housing to meet the Borough's needs, including that arising in neighbouring ones.

7.3. To address these matters of soundness, several amendments are proposed. The proposed changes are.

1. That policy PSTR/BE1 is amended to ensure that it acknowledges the allocation of land west of Iden Green Road, Benenden as a development site with consequential amendments made to the document reflecting its identification.

Change sought to the Local Plan.

10.8. To ensure that the plan is therefore sound as detailed in the representations, land west of Iden Green Road, Benenden should be included as a residential allocation with consequential amendments to settlement boundaries.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)? . Yes, I wish to participate in hearing session(s)

Question 7a

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

To clarify any points the Inspector has with respect of the detailed representations submitted

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:

Yes, I wish to be notified of future stages of the Local Plan

Supporting Information File Ref No: SI_116a-j

Comment

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Company / Organisation	Woolf Bond Planning
Address	The Mitfords Basingstoke Road READING RG7 1AT
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Event Name	Pre-Submission Local Plan
Comment by	Millwood Designer Homes Ltd [REDACTED]
Comment ID	PSLP_1881
Response Date	03/06/21 16:15
Consultation Point	Policy PSTR/BM 1 The Strategy for Brenchley and Matfield parish (View)
Status	Processed
Submission Type	Email
Version	0.4
Files	App 07 Tandridge Inspector-Preliminary-Conclusions-Advice.pdf App 06 Hundal v S Bucks DC 2012 EWHC 7912 Admin.pdf App 09 Examiners Report on the Examination of NEA S1 10th Dec 2020.pdf App 03 Sevenoaks DC v CLG [2020] EWHC 3054.pdf WBP Reps for Millwood - Matfield - 3 June 2021.pdf App 01 Inspectors letter to Tonbridge and Malling 15.12.20.pdf App 05 St Albans v Hunston Properties 2013 EWCA Civ 1610.pdf App 04 Calverton v Nottingham City 2015 EWHC 1078 Admin.pdf App 02 Sevenoaks Final Report Mar 2020.pdf App 08 Uttlesford Post stage 1 hearings letter to the Council 10.1.20 .pdf
Data inputter to enter their initials here	KJ
Question 1	

Respondent's Name and/or Organisation Millwood Designer Homes Ltd

Question 2

Agent's Name and Organisation (if applicable) Woolf Bond Planning

Question 3

To which part of the Local Plan does this representation relate? Policy

Question 3a

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

PSTR/BM 1 The Strategy for Brenchley and Matfield parish

[TWBC: full representation attached has been separated into Policy STR1 (PSLP_1876, Policy STR9 (PSLP_1879), Policy PSTR/BM1 (PSLP_1881) and Policy STR/SS3 (PSLP_1882). See also appendices attached].

Question 4

Do you consider that the Local Plan:

Is legally compliant No

Is sound No

Complies with the Duty to Cooperate No

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

- . It is not positively prepared
- . It is not effective
- . It is not justified
- . It is not consistent with national policy

Question 5

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

1. INTRODUCTION

1.1 Our clients (Millwood Designer Homes Ltd) have a controlling interest in land at Ashes Plantation, Maidstone Road, Matfield (Site Ref: 353).

1.2 The site was allocated in the Regulation 18 Draft Local Plan (Sept 2019) as a suitable and sustainable location to provide for 30-60 dwellings under Policy AL/BM3.

1.3 The council's decision to deallocate the site is not supported by the evidence base including this site assessment set out in the sustainability appraisal. Accordingly, the site should be reinstated as a housing allocation on similar terms to the wording set out in former Policy AL/BM3.

1.4 For the reasons set out below, we are of the view that the Council has failed to provide an appropriate strategy which seeks to meet the Borough's development needs, especially with respect of housing. Consequently, for the reasons outlined in these submissions, it is not considered that the Draft Submission Plan adequately addresses the Borough's housing needs in locations which are accessible to existing infrastructure and services such as those available at Matfield. Such locations should be considered in advance of the unjustified removal of land from the Green Belt which as detailed in the representations, which approach would be wholly consistent with the approach of national policy in the NPPF. We therefore advocate changes to the Local Plan to address these matters.

1.5 Having regard to the concerns with respect of the appropriateness of the approach and its challenges of delivering sustainable growth, we therefore advocate the removal of the proposed allocation at Tudeley Village and the allocation of deliverable sites in sustainable locations, including land controlled by our client at Ashes Plantation, Matfield. The site affords a logical opportunity in helping to meet identified housing needs and could provide for up to 60 dwellings, to include a policy-compliant level of affordable housing.

2. REPRESENTATIONS AND SUPPORTING INFORMATION

2.1 Our comments upon the various draft policies and proposals are set out below and are accompanied by the following Documents:

- Duly Completed Response Form.
- Copy of Inspector's assessment of the Tonbridge & Malling Local Plan (15th December 2020) (appendix 1)
- Inspector's Report into Examination of the Sevenoaks Local Plan (2nd March 2020) (appendix 2)
- Sevenoaks DC v Secretary of State for Communities, Housing & Local Government [2020] EWHC 3054 (appendix 3)
- Calverton PC v Nottinghamshire County Council [2015] EWHC 1078 (Admin) (appendix 4)
- St Albans City & District v Hunston Properties [2013] EWCA Civ 1610 (appendix 5)
- Hundal v South Bucks DC [2012] EWHC 7912 (Admin) (appendix 6)
- Tandridge LP Inspector's interim conclusions (11th December 2020) (appendix 7)
- Uttlesford Local Plan post Stage 1 hearings Inspector's letter to Council 10th January 2020 (appendix 8)
- North Essex Authorities (Braintree, Colchester & Tendring) Inspector's Report (10th December 2020) (appendix 9)

2.2 Our client's representations upon the Draft Local Plan can be summarised as relating to the following:

Policy

Representation

Policy STR1: The Development Strategy and extent of Built Development Limits

Objection

Policy STR9: Green Belt

Objection

Policy PSTR/BM1: The Strategy for Brenchley and Matfield Parish and the omission of land at Ashes Plantation as a housing allocation for up to 60 dwellings.

Objection

Policy STR/SS3: The Strategy for Tudeley Village

Objection

Omission site – Land at Ashes Plantation, Maidstone Road, Matfield (SHLAA Ref: 353)

Objection

3. OVERARCHING POSITION

3.1 We have a strong belief in the principle of the plan-led system and in setting out our representations upon these polices, we hope to be able to work with the Council between now and the formal submission of the Draft Local Plan pursuant to Regulation 22 of The Town and County Planning (Local Planning) (England) Regulations 2012 (as amended), to ensure the Local Plan satisfies the tests of soundness at paragraph 35 of the NPPF.

3.2 We have considerable experience and expertise in dealing with and realising development schemes through the planning system. In this context, a principal constraint to the timely delivery of housing is the way in which policies for the allocation of sites have been formulated.

3.3 Local Plans must be capable of delivering from the point at which they are adopted. This means scrutinising the policy wording to ensure the Plans are sound and that the allocations contained therein are capable of being delivered at the point envisaged. This is particularly the case in relation to the need for Councils to collate a robust evidence base to justify the imposition of certain policies and/or their wording so as not to over burden and/or stifle sustainable and appropriate development.

3.4 In this instance, the draft Local Plan needs to be amended in order to ensure it robustly plans for the delivery of sufficient housing to address a housing requirement established in accordance with national planning policy and guidance. This therefore indicates that the Plan must seek to deliver the minimum of 14,364 dwellings between 2020 and 2039 rather than 12,204 dwellings from 2020 to 2038 as currently envisaged.

3.5 To address this requirement for additional homes, we contend that land at Ashes Plantation, Maidstone Road, Matfield (SHELAA Ref: 353) should be allocated for housing development.

3.6 Our representations also highlight a failure of the Local Plan as currently drafted to contribute towards addressing the acknowledged unmet needs of neighbouring authorities and the allocation of Site Ref: 353 (Reg 18 Local Plan allocation Ref: AL/BM3), can also supply homes to resolve this issue.

3.7 As detailed in the representations, the site represents a logical addition to the existing development in Matfield and should be included in the defined extent of the village. This requires consequential amendments to the Limits to Build development for Matfield as defined on the Local Plan Proposals Map (Inset Map 21).

3.8 We also advocate other revisions to the Draft Submission Local Plan to ensure it is consistent with the evidence base prepared by the Council.

3.9 We are concerned to ensure that the Local Plan is robust, and it is in this context that we set out our representations.

4. THE NPPF TESTS OF SOUNDNESS

4.1 Section 3 of the NPPF (Feb 2019) sets out the principal components to be included in Local Plans. Paragraph 35 requires that to be “sound” a DPD should be positively prepared, justified, effective and consistent with national policy.

4.2 A positively prepared plan provides 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 practical to do so and is consistent with achieving sustainable development.

4.3 In order to be justified, the Draft Submission Local Plan must have an appropriate strategy, taking into account reasonable alternatives and be based on proportionate evidence.

4.4 Effective means the document must be deliverable over the plan period and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred and evidenced by the statements of common ground.

4.5 The Local Plan should seek to meet the Council's full housing need. However, we have concerns regarding the rationale for and robustness of the housing numbers the Council is seeking to accommodate within the Draft Submission Local Plan. We also have concerns regarding the appropriateness of the sites selected for contributing towards addressing the Borough's development needs.

4.6 For the reasons set out in these representations there are several shortcomings with the Plan, as currently drafted, that result in the need for amendments.

4.7 These amendments relate to the need to increase the level of housing provision within a more appropriate plan period, thereby ensuring the emerging plan is consistent with the Government's planning advice and policy. They also advocate changes to the extent of the defined settlement area of Matfield together with amendments to other policies of the plan.

4.8 These amendments would reflect the view taken by the Council in allocation the site at the Regulation 18 stage in preference to locations where development conflicts with the approach of the NPPF i.e. Tudeley Village. In the case of Tudeley village, due to its identification in advance of locations which are to be preferred having regard to the approach of the NPPF, we contend that the new settlement proposal should be omitted from the Plan with the site retained in the Green Belt.

4.9 The remainder of this submission is focused on providing responses to the Council's draft policies in the Local Plan.

7. POLICY PSTR/BM1: THE STRATEGY FOR THE PARISH OF BENCHLEY AND MATFIELD

7.1. This policy provides an overview of the allocations and development proposed for the parish of Brenchley and Matfield.

7.2. In order to be consistent with the amendments advocated elsewhere in these representations in it essential that the policy is revised to ensure that it reflects the changes associated with the allocation of land at Ashes Plantation, Maidstone Road, Matfield.

9. OMISSION SITE: FAILURE TO INCLUDE ALLOCATION OF LAND AT ASHES PLANTATION, MAIDSTONE ROAD, MATFIELD AS AN ALLOCATION WITHIN POLICY PSTR/BM1 (SHLAA SITE REF 353)

9.1. Through the other representations submitted to the policies of the Plan, there is a need to allocate additional land for housing development.

9.2. Informed by the evidence based to the regulation 18 draught local plan it is clear that the site at Ashes plantation, Maidstone Rd, Matfield should be reinstated as a housing allocation for approximately 60 dwellings.

9.3. Their site was identified as an appropriate location to accommodate housing growth under Policy AL/BM3 of the Regulation Draft Local Plan, the content of which was informed by a Sustainability Appraisal ("SA") and the 'Limits to Built development' Topic Paper (Aug 2019).

9.4. Figure 16 in the Topic Paper includes the site within the settlement boundary, the designation of which was justified through be sustainability appraisal.

9.5. The omission of the site in the Regulation 19 version of the Local Plan is not justified when assessed against the reasonable alternatives.

9.6. Page 168 of the Feb 2021 SA to the Regulation 19 Local Plan states in relation to the site as follows:

"Since Draft Local Plan stage, cumulative impact scores for landscape and heritage have been improved following the removal of Site 253 for allocation. Site 353 was a relatively large site in a location out of keeping with the existing settlement pattern with some adverse landscape impacts, as well as having regard to the overall limited services role of the settlement."

9.7. However, when the site assessment at Appendix L on page 199 of the SA to the Regulation 18 draft Local Plan is compared with the more recent version on page 335 at Appendix M of the SA to the Regulation 19 Local Plan, there has been no change to the sites score as set out in the matrices. As such, there is no sound basis or evidential support for the deletion of the site as a housing allocation.

9.8. Paragraphs 5.483 to 5.487 provide the context in support of providing further growth at Matfield, where development would, inter alia, help support and sustain local shops, public houses, and other services, including the primary school.

9.9. The site represents a logical extension to the LBD and development can be designed in a landscape setting in order that it relates well to the settlement pattern. Moreover, and in accordance with the approach set out at Policy AL/BM3 of the Regulation draft Local Plan, development can come forward that would be sympathetic to the form and character of the settlement and its rural surrounds.

9.10. As to highways, we are seeking a flexible approach to the reinstatement of Policy AL/BM3 to allow for access to be taken either from Maidstone Road or from Oakfield Road.

9.11. Overall, the opportunities provided by development of the site for housing include as follows:

- Provision of new homes that will help to support and sustain local services and facilities
- Provide much needed affordable housing to meet identified local needs
- Reducing the need to remove land from the Green Belt
- Create and enhance amenity space within the development that can be used by existing and future residents
- Create recreational walking routes within the site to provide an attractive environment for local residents whilst increasing access to the countryside

10. OVERALL CONCLUSIONS

10.1. Our representations to the draft submission Local Plan have identified a number of concerns with the document as drafted, especially with respect of its soundness.

10.2. As indicated in the representations, changes to policies of the Plan are advocated, including the borough's housing requirement in policy STR1.

10.3. To ensure adequate supply of housing arises, the land at Ashes Plantation, Maidstone Road, Matfield should be included as a housing allocation for up to 60 dwellings.

10.4. These matters can be addressed through Main Modifications to the Plan allowing for a Sound Plan.

11. FINAL REMARKS

11.1. We trust the above comments are of assistance in preparing the necessary main modifications to provide for a sound Local Plan.

11.2. We welcome the opportunity to engage in constructive dialogue with the Council in relation to our observations, including the allocation of our client's site at Ashes Plantation, Matfield (Site Ref: 353).

11.3. Additionally, we confirm that we wish to be notified of each further step in the preparation of the Local Plan, including its submission to the Inspectorate for examination.

Question 6

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Question 5 above. (Please note that non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Changes sought to the Local Plan with respect of the policy PSTR/BM1

7.3. As drafted, the Plan cannot be said to be sound having regard to the following:

a) Not positively prepared as the policy (alongside others in the document) fails to meet the areas housing needs, including a contribution towards unmet needs of neighbouring authorities, b) Is not justified as the evidence does not support the omission of land at Ashes Plantation, Maidstone Road, Matfield as a housing allocation, when other sites are included which are inconsistent with the assessments and appraisals of the Council; and c) The policy is not consistent with national policy as it fails to deliver sufficient housing to meet the Borough's needs, including that arising in neighbouring ones.

7.4. To address these matters of soundness, several amendments are proposed. The proposed changes are.

1. That policy PSTR/BM1 (and STR1 and Inset Map 21 relating to the Limits to Built Development) is amended to ensure that it identifies the allocation of land at Ashes Plantation, Maidstone Road, Matfield as a development site for circa 60 dwellings, with policy wording akin to that set out under Policy AL/BM3 of the Regulation draft Local Plan reinstated.

Change sought to the Local Plan.

9.12. For the reasons set out above, we consider that part of the solution to addressing the identified shortfall in the provision and delivery of housing across the Borough, is to reinstate this site as a housing allocation (Reg 18 draft Local Plan Policy AL/BM3 (with a flexible approach to the means of access)) with consequential amendments to the LBD as shown on Inset Map 21.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)? . Yes, I wish to participate in hearing session(s)

Question 7a

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

To clarify any points the Inspector has with respect of the detailed representations submitted

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box: Yes, I wish to be notified of future stages of the Local Plan

Supporting Information File Ref No: SI_109a-n

Comment

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Address	[REDACTED] [REDACTED] Tonbridge [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Millwood Designer Homes Ltd [REDACTED]
Comment ID	PSLP_1856
Response Date	03/06/21 14:53
Consultation Point	Policy PSTR/RU 1 The Strategy for Rusthall parish (View)
Status	Processed
Submission Type	Email
Version	0.7
Files	App 01b P352 Rusthall - Access improvements.pdf App 05 Calverton v Nottingham City 2015 EWHC 1078 Admin.pdf App 01c Plan WBP1 - Land at Home Farm, Rusthall.pdf WBP Reps for Millwood - Rusthall - 3 June 2021.pdf App 03 Sevenoaks Final Report Mar 2020.pdf App 04 Sevenoaks DC v CLG [2020] EWHC 3054.pdf APP10E~1.PDF APP09U~1.PDF App 07 Hundal v S Bucks DC 2012 EWHC 7912 Admin.pdf App 01d Home Farm - Site Context Plan WBP2.pdf APP08T~1.PDF APP02I~1.PDF APP06S~1.PDF

Data inputter to enter their initials here KJ

Question 1

Respondent's Name and/or Organisation Millwood Designer Homes Ltd

Question 2

Agent's Name and Organisation (if applicable) Woolf Bond Planning

Question 3

To which part of the Local Plan does this representation relate? Policy

Question 3a

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy PSTR/RU 1 The Strategy for Rusthall parish

[TWBC: full representation attached has been separated into Policy STR1 (PSLP_1839, Policy STR9 (PSLP_1848), Policy PSTR/RU1 (PSLP_1856) and Policy STR/SS3 (PSLP_1857). See also appendices attached].

Question 4

Do you consider that the Local Plan:

Is legally compliant No

Is sound No

Complies with the Duty to Cooperate No

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

- . It is not positively prepared
- . It is not effective
- . It is not justified
- . It is not consistent with national policy

Question 5

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the

legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

1. INTRODUCTION

1.1 Our clients (Millwood Designer Homes Ltd) control the land at Home Farm, Lower Green Road, Rusthall (SHLAA Site Ref: 60). This site has been promoted through earlier stages in the Local Plan as an additional location for growth in the Borough, taking account its credentials as a sustainable location for growth adjoining the acknowledged suitability of Rusthall, as indicated in the Council's SHLAA. In contrast to other locations, the development of new homes at the site will ensure the embedment of behaviour associated with the sustainable living unlike other locations in the Borough, especially the new community proposed at Tudeley Village.

1.2 Further to our submissions on earlier stages in the preparation of the Local Plan, the Council has failed to provide an appropriate strategy which seeks to meet the Borough's development needs, especially with respect of housing." Consequently, for the reasons outlined in these submissions, it is not considered that the Draft Submission Plan adequately addresses the Borough's housing needs in locations which are accessible to existing infrastructure and services such as those available at Rusthall which include those relating to health, education, leisure, retail and employment. Such locations should be considered in advance of the unjustified removal of land from the Green Belt which as detailed in the representations would be wholly consistent with the approach of national policy in the NPPF. We therefore advocate changes to the Local Plan to address these matters.

1.3 Have regard to the concerns with respect of the appropriateness of the approach and its challenges of delivering sustainable growth, we therefore advocate the removal of the proposed allocation at Tudeley Village with replacement with an allocation at Home Farm, Rusthall. For the reasons detailed in this submission, growth at Home Farm, Rusthall due to its relationship with existing development and facilities would result in achievement of sustainable development. Furthermore, the proximity of the Home Farm site to services and facilities that residents will need to undertake their daily life ensures that sustainable behaviours are embedded in residents from initial occupation of the homes.

1.4 This contrasts with that at Tudeley Village which due to the limitations of these in the local area will result in need for longer journeys to undertake daily lives, which are therefore likely to result in increased use of the car. Once this behaviour becomes the normal for residents in Tudeley, it will be harder to encourage them to switch to more sustainable alternatives once they become available.

1.5 The reports and documents submitted with this representation demonstrate the suitability of the approach advocated. As detailed in the representations, this land is not subject to constraints which would prevent its delivery for development at an early stage during the emerging plan period should this be confirmed through the examination of the Plan.

1.6 We also have several comments/representations on the policies within the Draft Submission Tunbridge Wells Borough Local Plan which should be addressed prior to its submission for examination by the Secretary of State.

2. REPRESENTATIONS AND SUPPORTING INFORMATION

2.1 Our comments upon the various draft policies and proposals are set out below and are accompanied by the following Documents:

- Duly Completed Response Form.
- Copy of submissions on behalf of Millwood Designer Homes to the Council's Draft Local Plan Regulation 18 Consultation (November 2019) (Appendix 1)
- Copy of Inspector's assessment of the Tonbridge & Malling Local Plan (15th December 2020) (Appendix 2)
- Inspector's Report into Examination of the Sevenoaks Local Plan (2nd March 2020) (Appendix 3)
- Sevenoaks DC v Secretary of State for Communities, Housing & Local Government [2020] EWHC 3054 (Appendix 4)
- Calverton PC v Nottinghamshire County Council [2015] EWHC 1078 (Admin) (Appendix 5)
- St Albans City & District v Hunston Properties [2013] EWCA Civ 1610 (Appendix 6)
- Hundal v South Bucks DC [2012] EWHC 7912 (Admin) (Appendix 7)
- Tandridge LP Inspector's interim conclusions (11th December 2020) (Appendix 8)
- Uttlesford Local Plan post Stage 1 hearings Inspector's letter to Council 10th January 2020 (Appendix 9)
- North Essex Authorities (Braintree, Colchester & Tendring) Inspector's Report (10th December 2020) (Appendix 10)

2.2 Our client's representations upon the Draft Local Plan can be summarised as relating to the following:

Policy

Representation

Policy STR1: The Development Strategy and extent of Built Developments

Objection

Policy STR8: Conserving and enhancing the natural, built, and historic environment

Objection

Policy STR9: Green Belt

Objection

Policy PSTR/RU1: The Strategy for Rusthall Parish and the omission of land at Home Farm, Lower Green Road (Site Ref: 60)

Objection

Policy STR/SS3: The Strategy for Tudeley Village

Objection

Omission site – Land at Home Farm, Lower Green Road, Rusthall (SHLAA Ref 60) – failure to include as an allocation in policy PSTR/RU1

Objection

3. OVERARCHING POSITION

3.1 We have a strong belief in the principle of the plan-led system and in setting out our representations upon these policies, we hope to be able to work with the Council between now and the formal submission of the Draft Local Plan pursuant to Regulation 22 of The Town and County Planning (Local Planning) (England) Regulations 2012 (as amended), to ensure the Local Plan satisfies the tests of soundness at paragraph 35 of the NPPF.

3.2 We have considerable experience and expertise in dealing with and realising development schemes through the planning system. In this context, a principal constraint to the timely delivery of housing is the way in which policies for the allocation of sites have been formulated.

3.3 Local Plans must be capable of delivering from the point at which they are adopted. This means scrutinising the policy wording to ensure the Plans are sound and that the allocations contained therein are capable of being delivered at the point envisaged. This is particularly the case in relation to the need for Councils to collate a robust evidence base to justify the imposition of certain policies and/or their wording so as not to over burden and/or stifle sustainable and appropriate development.

3.4 In this instance, the draft Local Plan needs to be amended in order to ensure it robustly plans for the delivery of sufficient housing to address a housing requirement established in accordance with national planning policy and guidance. This therefore indicates that the Plan must seek to deliver the minimum of 14,364 dwellings between 2020 and 2039 rather than 12,204 dwellings from 2020 to 2038 as currently envisaged.

3.5 To address this requirement for additional homes, we contend that land at Home Farm, Lower Green Road, Rusthall should be allocated for residential development (SHLAA ref 60). This site can accommodate 25 dwellings (including a policy-compliant level of affordable housing) and as indicated in these representations and the supporting documents would be a sustainable addition to the village.

3.6 The representations also highlight a failure of the plan as currently drafted to contribute towards addressing the acknowledged unmet needs of neighbouring authorities and the allocation of Home Farm, Rusthall can also supply homes to resolve this issue.

3.7 As detailed in the representations, the Home Farm site would be a logical addition to the existing development in Rusthall and should consequently be included in the defined extent of the village, alongside its removal from the Green Belt.

3.8 We also advocate other revisions to the Draft Submission Local Plan to ensure it is consistent with the evidence base prepared by the authority.

3.9 We are concerned to ensure that the Local Plan is robust, and it is in this context that we set out our representations.

4. THE NPPF TESTS OF SOUNDNESS

4.1 Section 3 of the NPPF (Feb 2019) sets out the principal components to be included in Local Plans. Paragraph 35 requires that to be “sound” a DPD should be positively prepared, justified, effective and consistent with national policy.

4.2 A positively prepared plan provides 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 practical to do so and is consistent with achieving sustainable development.

4.3 In order to be justified, the Draft Submission Local Plan must have an appropriate strategy, taking into account reasonable alternatives and be based on proportionate evidence.

4.4 Effective means the document must be deliverable over the plan period and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred and evidenced by the statements of common ground.

4.5 The Local Plan should seek to meet the Council’s full housing need. However, we have concerns regarding the rationale for and robustness of the housing numbers the Council is seeking to accommodate within the Draft Submission Local Plan. We also have concerns regarding the appropriateness of the sites selected for contributing towards addressing the Borough’s development needs.

4.6 For the reasons set out in these representations there are several shortcomings with the Plan, as currently drafted, that result in the need for amendments.

4.7 These amendments relate to the need to increase the level of housing provision within a more appropriate plan period, thereby ensuring the emerging plan is consistent with the Government’s planning advice and policy. They also advocated changes to the extent of the defined settlement area of Rusthall alongside consequential revisions to the Green Belt together with amendments to other policies of the plan.

4.8 These amendments would reflect our view of the clear sustainability advantages of growth at Rusthall in preference to unsustainable locations where development conflicts with the approach of the NPPF i.e. Tudeley Village. In the case of Tudeley village, due to its identification in advance of locations which are to be preferred having regard to the approach of the NPPF, we contend that the new settlement proposal should be omitted from the Plan with the site retained in the Green Belt.

4.9 Furthermore, to address the additional identified housing need, we advocate that land at Home Farm, Lower Green Road, Rusthall (SHLAA Ref 60) should be included as an additional allocation within draft policy PSTR/RU1.

4.10 The remainder of this submission is focused on providing responses to the Council’s draft policies in the Local Plan.

7. POLICY PSTR/RU1: THE STRATEGY FOR RUSTHALL PARISH

7.1 This policy provides an overview of the allocations and development proposed for the parish of Rusthall.

7.2 In order to be consistent with the amendments advocated elsewhere in these representations it is essential that the policy is revised to ensure that it reflects the changes associated with the allocation of Home Farm, Lower Green Road.

9. OMISSION SITE: FAILURE TO INCLUDE ALLOCATION OF LAND AT HOME FARM, LOWER GREEN ROAD, RUSTHALL AS AN ALLOCATION WITHIN THE LOCAL PLAN CONSISTENT WITH POLICY PSTR/BE1 (SHLAA ref 222)

General

9.1. Through the other representations submitted to the policies of the plan, there is a need to allocate additional land for housing development. Having regard to the representations and the earlier promotion of the Home Farm site for residential development, it is clear that this is a suitable location for allocation. These reasons for this are detailed below.

9.2. Our client’s site comprising land at Home Farm, Lower Green Road, Rusthall (SHLAA Site Ref: 60) is submitted as an additional housing allocation. The Site is edged red on Plan WBP1 attached and extends to approximately 1.3ha.

9.3. We have undertaken a thorough assessment of the character of the site and surrounding area and consider that it affords a sustainable development opportunity for approximately 25 dwellings.

9.4. The site is well related to the urban area and is well contained from the wider Green Belt, which conclusion is supported by the Council's assessment of the site as set out in Appendix A of the Council's Green Belt Study (Stage 2) (LUC) (July 2017). This indicates that assessed parcel 2b of this study (which includes the Home Farm site controlled by our clients) made the following contributions to the purposes of Green Belt.

[TWBC: see full representation attached for table showing 'extract of the assessment of parcel RU1a in the Stage 2 Green Belt Study (2017)]

9.5. Consequently, the maximum contribution of the parcel including our clients' site is a "moderate contribution".

9.6. Whilst the Stage 2 assessment indicates that the maximum contribution of the site to Green Belt purposes is moderate, within the Site Assessment Study for our clients' land (SHLAA site ref 60), the conclusion is that its release would have a moderate – high harm. This is therefore inconsistent with the finding of the Council's own assessment.

9.7. Furthermore, the Site Assessment Study suggests that there is a significant concern regarding the ability to provide a safe and satisfactory means of access to the site. However, the response to the preferred options consultation (appendix 1) included details indicating that a safe and satisfactory access can readily be achieved for the site (Accompanying Plan No. P352/MDR explains how improvements to the site access can be achieved in order to provide for a safe means of access to serve development of the site for housing). Therefore, the reasons why the Council discounted the suitability are not supported by the further information submitted through the preparation of the Plan.

9.8. Development of the site for approximately 25 dwellings would enable a high-quality housing scheme to be located within walking distance from local services and facilities, including the High Street which is within an easy 0.5km walk to the south of the site.

9.9. Access can be readily achieved from Lower Green Road, and there is a pedestrian footway to the High Street which enables safe and convenient access to local services and facilities by foot.

9.10. The site is also within a short 0.25km walk to a bus stop which provides regular services to Tunbridge Wells.

9.11. The proximity of the site to local services is shown on supporting Site Context Plan No. WBP2 included with the representations.

9.12. Overall, the site has no physical constraints, and is well-related to the existing residential development. It is in close proximity to local services and facilities such that it affords a sustainable location in helping to meet identified housing needs whilst providing for sustainable patterns of growth.

9.13. We therefore consider that part of the solution to addressing the identified shortfall is to allocate land at Home Farm, Lower Green Road, Rusthall for residential development alongside consequential changes to the Policy Map.

10. OVERALL CONCLUSIONS

10.1. The representations to the draft submission Local Plan have identified a number of concerns with the document as drafted, especially with respect of its soundness.

10.2. As indicated in the representations, changes to policies of the Plan are advocated, including the borough's housing requirement in policy STR1.

10.3. To ensure adequate supply of housing arises, the land at Home Farm, Lower Green Road, Rusthall (Site Ref: 60) should be included as an allocation.

10.4. These matters can consequently be addressed through Main Modifications to the Plan allowing for a Sound Plan.

11. FINAL REMARKS

11.1. We trust the above comments are of assistance in preparing the necessary main modifications to provide for a sound Local Plan.

11.2. We welcome the opportunity to engage in constructive dialogue with the Council in relation to our observations, including the allocation of our client's site at Home Farm, Rusthall (Site Ref: 60).

11.3. Additionally, we confirm that we wish to be notified of each further step in the preparation of the Local Plan, including its submission to the Inspectorate for examination.

Question 6

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Question 5 above. (Please note that non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Changes sought to the Local Plan with respect of the Policy PSTR/RU1

7.3 The Plan therefore as currently prepared is not sound with respect of:

a) Not positively prepared as the policy (alongside others in the document) fails to meet the areas housing needs, including a contribution towards unmet needs of neighbouring authorities, b) Is not justified as the evidence does not support the exclusion of the Home Farm site whereas other sites are included which are inconsistent with the assessments and appraisals of the Council; and c) The policy is not consistent with national policy as it fails to deliver sufficient housing to meet the Borough's needs, including that arising in neighbouring ones.

7.4 To address these matters of soundness, several amendments are proposed. The proposed changes are.

1. That policy PSTR/RU1 and STR1 relating to the Limits of Build development is amended to ensure that it acknowledges the allocation of Home Farm, Rusthall as a development site with consequential amendments made to the document reflecting its identification.

Change sought to the Local Plan

9.14. To ensure that the plan is therefore sound as detailed in the representations, land at Home Farm, Lower Green Road, Rusthall should be included as a residential allocation for circa 25 dwellings, with consequential amendments to settlement boundaries.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)? . Yes, I wish to participate in hearing session(s)

Question 7a

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

To clarify any points the Inspector has with respect of the detailed representations submitted

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:

Yes, I wish to be notified of future stages of the Local Plan

Supporting Information File Ref No: SI_112a-o

Comment

Agent	Mr Steve Brown [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Woolf Bond Planning
Address	The Mitfords Basingstoke Road READING RG7 1AT
Consultee	[REDACTED]
Company / Organisation	Millwood Designer Homes Ltd
Address	Bordyke End 59 East Street Tonbridge TN9 1HA
Event Name	Pre-Submission Local Plan
Comment by	Millwood Designer Homes Ltd [REDACTED]
Comment ID	PSLP_1872
Response Date	03/06/21 14:44
Consultation Point	Policy EN 15 Local Green Space (View)
Status	Processed
Submission Type	Email
Version	0.4
Files	APP01A~1.PDF (1) APP06S~1.PDF App 01d P318 LP 1001 - Site Location Plan.pdf App 03 Sevenoaks Final Report Mar 2020.pdf APP02I~1.PDF WBP Reps for Millwood - Benenden - 3 June 2021.pdf App 04 Sevenoaks DC v CLG [2020] EWHC 3054.pdf App 07 Hundal v S Bucks DC 2012 EWHC 7912 Admin.pdf APP10E~1.PDF App 01c Figure 3 Landscape.pdf APP08T~1.PDF APP09U~1.PDF APP01B~1.PDF App 11 PP SPG Benenden Iden Green CAA.pdf App 05 Calverton v Nottingham City 2015 EWHC 1078 Admin.pdf

Data inputter to enter their initials here KJ

Question 1

Respondent's Name and/or Organisation Millwood Designer Homes Ltd

Question 2

Agent's Name and Organisation (if applicable) Woolf Bond Planning

Question 3

To which part of the Local Plan does this representation relate? Policy

Question 3a

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy EN 15 Local Green Space

[TWBC: full representation attached has been separated into Policy STR1 (PSLP_1859, Policy STR9 (PSLP_1868), Policy PSTR/BE1 (PSLP_1869), Policy STR/SS3 (PSLP_1870) and Policy EN15 (PSLP_1872). See also appendices attached].

Question 4

Do you consider that the Local Plan:

Is legally compliant No

Is sound No

Complies with the Duty to Cooperate No

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

- . It is not positively prepared
- . It is not effective
- . It is not justified
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Question 5

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1. INTRODUCTION

1.1 Our client's (Millwood Designer Homes Ltd) control the land on the west side of Iden Green Road, Benenden (Site Ref: 222). This site has been promoted through the earlier stages in the Local Plan as an additional location for growth in the Borough, taking account its credentials as a sustainable location for growth adjoining the acknowledged suitability of Benenden, as indicated in the Council's SHLAA. In contrast to other locations, the development of new homes at the site will ensure the embedment of behaviour associated with the sustainable living unlike other locations in the Borough, especially the new community proposed at Tudeley Village.

1.2 Further to our submissions on earlier stages in the preparation of the Local Plan, the Council has failed to provide an appropriate strategy which seeks to meet the Borough's development needs, especially with respect of housing." Consequently, for the reasons outlined in these submissions, it is not considered that the Draft Submission Plan adequately addresses the Borough's housing needs in locations which are accessible to existing infrastructure and services such as those available at Benenden which include those relating to education, leisure and retail and will support the continuation of them as advocated by paragraph 77 of the NPPF. Such locations should be considered in advance of the unjustified removal of land from the Green Belt which as detailed in the representations would be wholly consistent with the approach of national policy in the NPPF. We therefore advocate changes to the Local Plan to address these matters.

1.3 Having regard to the concerns with respect of the appropriateness of the approach and its challenges of delivering sustainable growth, we therefore advocate the removal of the proposed allocation at Tudeley Village and the allocation of deliverable sites in sustainable locations, including land controlled by our client's to the west of Iden Green Road, Benenden. The site affords a sustainable opportunity in helping to meet identified housing needs and could provide for approximately 28 dwellings, within walking distance from local services and facilities.

1.4 For the reasons detailed in this submission, growth at Benenden would support the long-term provision of services within the village reflecting the approach advocated in the NPPF (paragraph 77). This would result in the achievement of sustainable development.

1.5 The reports and documents submitted with this representation demonstrate the suitability of the approach advocated. As detailed in the representations, this land is not subject to constraints which would prevent its delivery for development at an early stage during the emerging plan period should this be confirmed through the examination of the Plan.

1.6 We also have several comments/representations on the policies within the Draft Submission Tunbridge Wells Borough Local Plan which should be addressed prior to its submission for examination by the Secretary of State.

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- North Essex Authorities (Braintree, Colchester & Tendring) Inspector's Report (10th December 2020) (appendix 10)
- Benenden and Iden Green Conservation Areas Appraisal (April 2005) (appendix 11)

2.2. Our client's representations upon the Draft Local Plan can be summarised as relating to the following:

Policy

Representation

Policy STR1: The Development Strategy and extent of Built Development Limits

Objection

Policy STR9: Green Belt

Objection

Policy PSTR/BE1: The Strategy for Benenden Parish and the omission of land west of Iden Green Road as a housing allocation

Objection

Policy STR/SS3: The Strategy for Tudeley Village

Objection

Policy EN15: Local Green Space

Objection

Omission site – Land west of Iden Green Road, Benenden (SHLAA ref 222) – failure to include as an allocation in policy PSTR/BE1

Objection

3. OVERARCHING POSITION

3.1. We have a strong belief in the principle of the plan-led system and in setting out our representations upon these policies, we hope to be able to work with the Council between now and the formal submission of the Draft Local Plan pursuant to Regulation 22 of The Town and County Planning (Local Planning) (England) Regulations 2012 (as amended), to ensure the Local Plan satisfies the tests of soundness at paragraph 35 of the NPPF.

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3.3. Local Plans must be capable of delivering from the point at which they are adopted. This means scrutinising the policy wording to ensure the Plans are sound and that the allocations contained therein are capable of being delivered at the point envisaged. This is particularly the case in relation to the need for Councils to collate a robust evidence base to justify the imposition of certain policies and/or their wording so as not to over burden and/or stifle sustainable and appropriate development.

3.4. In this instance, the draft Local Plan needs to be amended in order to ensure it robustly plans for the delivery of sufficient housing to address a housing requirement established in accordance with national planning policy and guidance. This therefore indicates that the Plan must seek to deliver the minimum of 14,364 dwellings between 2020 and 2039 rather than 12,204 dwellings from 2020 to 2038 as currently envisaged.

3.5. To address this requirement for additional homes, we contend that land on the west side of Iden Green Road, Benenden, should be allocated for residential development (SHLAA Ref 222). This site can accommodate 28 dwellings and as indicated in these representations and the supporting documents would be a sustainable addition to the village.

3.6. The representations also highlight a failure of the plan as currently drafted to contribute towards addressing the acknowledged unmet needs of neighbouring authorities and the allocation of land of the west side of Iden Green Road, Benenden can also supply homes to resolve this issue. As detailed in the representations, the land west of Iden Green Road site would be a logical addition to the existing development in Benenden and should consequently be included in the defined extent of the village.

3.7. We also advocate other revisions to the Draft Submission Local Plan to ensure it is consistent with the evidence base prepared by the authority.

3.8. We are concerned to ensure that the Local Plan is robust, and it is in this context that we set out our representations.

4. THE NPPF TESTS OF SOUNDNESS

4.1. Section 3 of the NPPF (Feb 2019) sets out the principal components to be included in Local Plans. Paragraph 35 requires that to be “sound” a DPD should be positively prepared, justified, effective and consistent with national policy.

4.2. A positively prepared plan provides 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 practical to do so and is consistent with achieving sustainable development.

4.3. In order to be justified, the Draft Submission Local Plan must have an appropriate strategy, taking into account reasonable alternatives and be based on proportionate evidence.

4.4. Effective means the document must be deliverable over the plan period and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred and evidenced by the statements of common ground.

4.5. The Local Plan should seek to meet the Council's full housing need. However, we have concerns regarding the rationale for and robustness of the housing numbers the Council is seeking to accommodate within the Draft Submission Local Plan. We also have concerns regarding the appropriateness of the sites selected for contributing towards addressing the Borough's development needs.

4.6. For the reasons set out in these representations there are several shortcomings with the Plan, as currently drafted, that result in the need for amendments.

4.7. These amendments relate to the need to increase the level of housing provision within a more appropriate plan period, thereby ensuring the emerging plan is consistent with the Government's planning advice and policy. They also advocate changes to the extent of the defined settlement area of Benenden together with amendments to other policies of the plan.

4.8. These amendments would reflect our view of the clear sustainability advantages of growth at Benenden (Consistent with paragraph 77 of the NPPF) in preference to unsustainable locations where development conflicts with the approach of the NPPF i.e. Tudeley Village. In the case of Tudeley village, due to its identification in advance of locations which are to be preferred having regard to the approach of the NPPF, we contend that the new settlement proposal should be omitted from the Plan with the site retained in the Green Belt.

4.9. Furthermore, to address the additional identified housing need, we advocate that land on the west side of Iden Green Road, Benenden (SHLAA ref 222) should be included as an additional allocation within draft policy PSTR/BE1.

4.10. The remainder of this submission is focused on providing responses to the Council's draft policies in the Local Plan.

9. POLICY EN15: LOCAL GREEN SPACE

9.1. Through policy EN15, the Council seeks to define areas of local green, including our clients land west of Iden Green Road, Benenden (Referred to in plan as New Pond Corner) (Ref AS_45).

9.2. For the reasons detailed below, we object to the designation of site AS_45 as Local Green Space. Whilst the NPPF (paragraphs 99 and 100) and associated PPG (ID ref 37-005-20140306 to 37-022-20140306) provides guidance on the designation of local Green Space, as indicated in the representation to the earlier draft Local Plan (appendix 1), we do not consider that the authority has justified either the inclusion of the policy, and especially that it should not apply to our clients' land (site ref AS_45).

9.3. Whilst the NPPF and PPG recognises that local green space can be designated, it is not considered that the schedule which appraises each potential site provides the necessary robust evidence to substantiate the conclusions reached.

9.4. As outlined below, the Council has consequently not provided any justification for including site AS_45 as a local green space within policy EN15. The failure of the Council to demonstrate that AS_45 warrants designation as Local Green Space is considered to be illustrative of the unjustified nature of the policy as a whole and therefore it should be omitted from the Plan.

9.5. The Council's methodology requires that proposed Local Green Space areas must generally meet all five criteria in order to be designated as Local Green Space, unless the site is already sufficiently protected. The five criteria are summarised as

1. The site is not the subject of planning permission. 2. The site is not allocated or proposed for development other than for the inclusion of a Local Green Space. 3. The site is not an extensive tract of land (generally greater than 20 hectares). 4. The site is in reasonably close proximity to the community it serves.

5. The site is demonstrably special to the local community (because of its beauty, local historic significance, recreational value, tranquility, or richness of wildlife).

9.6. The fifth criteria is sub-divided into 5 sub-parts, the approach to which is set out on pages 6 and 7 of the Council's Local Green Space Designation Methodology (February 2021) document.

9.7. The Council's consideration of sites in Benenden is set out on pages 2 to 7 of the Local Green Space Assessment Update.

9.8. The site is assessed as Site ref AS_45 (New Pond Corner). The Council suggest the site satisfies the criteria for Local Green Space designation.

9.9. Under the assessment sub-heading "Note" the assessment states in relation to the site as follows:

While it is acknowledged that this site is within a Conservation Area, it is considered that, given the limited reference to it in the Conservation Area Appraisal, this site benefits from further Local Green Space protection. In addition, the designation is supported by the local community because of its special value to the local community. This area contributes to the character/setting and local visual amenity of the settlement, being on the border of the main settlement, by providing an important green space gap between development. This area also includes a pond, green open space, and is bordered by significant trees and hedgerows.

9.10. We dispute this analysis, including for the reasons set out in the accompanying Heritage and Local Green Space Assessment undertaken by RPS (Nov 2019).

9.11. The assessment is set out in section 2 of the Statement, which includes the following commentary in relation to Site AS_45:

"This site contributes to the conservation area in a limited way. Its contribution is associated to the sense of openness that it provides when viewed from The Street because of the narrow views through the trees and hedges that line the northern boundary of the site. There are no clear views of the site from The Street. The sense of openness is a perception of the space rather than a close or immediate experience. From within Iden Green Road, there is only a very limited sense of the field to the west because the hedges are dense and prevent views into the site. There are no public rights of way through the area and so opportunities to increase the perception of the area are not possible.

There is no historic significance to the area. It is not connected to other designated areas such as The Homestead or undesignated heritage such as The Grange. It has no role in the development or social history of the settlement.

It makes a modest contribution to the settings of nearby listed buildings and the CA."

9.12. As to whether inclusion of the site as a Local Green Space is justified pursuant to criterion 5, the RPS Statement is quite clear that it is not, concluding as follows:

"No. There is little to no townscape value to the site because it is not visible within the streetscene. There is no public access to allow any perception of the character or quality of the space. It does contribute to the significance of the CA and the nearby LBs to a limited degree but this contribution is protected already through existing designations and the PLBCAA."

9.13. For all of the reasons set out above, the proposed designation of land west of Iden Green Road, Benenden as a Local Green Space is not justified having regard to the tests of soundness at paragraph 35 of the NPPF. This includes consideration of the Conservation Area Appraisal (appendix 12) (See figures 1, 3 and paragraphs 5.6 & 5.7).

9.14. There is consequently no justification that the site achieves any of the specific requirements of paragraph 100 (b). Whilst the schedule suggests that the site is potentially special to the community, there is no evidence of how or why it is having regard to the examples provided.

11. OVERALL CONCLUSIONS

11.1. The representations to the draft submission Local Plan have identified a number of concerns with the document as drafted, especially with respect of its soundness.

11.2. As indicated in the representations, changes to policies of the Plan are advocated, including the borough's housing requirement in policy STR1.

11.3. To ensure adequate supply of housing arises, the land west of Iden Green Road, Benenden should be included as a housing allocation.

11.4. These matters can consequently be addressed through Main Modifications to the plan allowing for a Sound Plan.

12. FINAL REMARKS

12.1. We trust the above comments are of assistance in preparing the necessary main modifications to provide for a sound Local Plan.

12.2. We welcome the opportunity to engage in constructive dialogue with the Council in relation to our observations, including the allocation of land west of Iden Green Road, Benenden for housing.

12.3. Additionally, we confirm that we wish to be notified of each further step in the preparation of the Local Plan, including its submission to the Inspectorate for examination.

Question 6

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Question 5 above. (Please note that non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Changes sought to the Local Plan with respect of the approach to Local Green Space in policy EN15

9.15. The Plan therefore as currently prepared is not sound with respect of:

c) It is not justified as there is no evidence to support the inclusion of our clients land within the policy; and d) It is also inconsistent with national policy as the Council has not followed the advice in the NPPF and PPG to substantiate the policy. It is therefore contrary to paragraph 100(b) of the NPPF.

9.16. To address these matters of soundness, a range of amendments are proposed. The proposed changes are.

1. That in the first instance, that policy EN15 is omitted from Local Plan, alongside consequential amendments to other parts of the plan i.e. the policies map to ensure that all local green space sites are removed from the policies map; or 2. If policy EN15 is to be retained, that our client's site on land west of Iden Green Road, Benenden (site ref AS_45) is excluded from Policy EN15 as there is no evidence to support its inclusion.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)? . Yes, I wish to participate in hearing session(s)

Question 7a

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

To clarify any points the Inspector has with respect of the detailed representations submitted

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box: Yes, I wish to be notified of future stages of the Local Plan

Comment

Agent	Andrew Teage [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Cushman Wakefield
Address	No 1 Marsden Street Manchester M2 1HW
Consultee	Ministry of Justice [REDACTED]
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Ministry of Justice [REDACTED]
Comment ID	PSLP_969
Response Date	02/06/21 13:12
Consultation Point	Policy STR 1 The Development Strategy (View)
Status	Processed
Submission Type	Email
Version	0.6
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Ministry of Justice
Question 2	
Agent's Name and Organisation (if applicable)	Andrew Teage, Cushman & Wakefield
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy STR 1 The Development Strategy

Paragraph Nos. 4.39, 4.40, 4.41, 4.48

[TWBC: see also PSLP_976 under Policy STR 3 Brownfield Land]

Question 4

Do you consider that the Local Plan:

Is sound

No

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

- . It is not positively prepared
- . It is not justified

Question 5

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

Paragraphs 4.39, 4.40, 4.41, 4.48 of the Local Plan place great emphasis on maintaining the integrity of the Green Belt and High Weald Area of Outstanding Natural Beauty (AONB), confirming that these are critical considerations in the distribution of development, and that the effective use of brownfield and urban land across the borough can make a significant contribution to avoid unacceptable impacts on these protected areas, and in doing so deliver overall sustainability benefits.

As a result, the development strategy set out in Policy STR 1 has been refined from that of the Draft Local Plan to provide greater urban intensification/brownfield site development.

Given the importance that is placed on the effective use of brownfield and urban land in the NPPF1 and in the explanatory text that supports Policy STR1, it is strange that the Council is relying on a windfall allowance to deliver a considerable proportion of its development need from such a significant land use category, particularly when there are large previously developed sites such as HMP Blantyre House, Horden, Goudhurst located within the Borough that may become available for alternative development during the plan period. It should also be recognised that whilst HMP Blantyre House is located outside of the Goudhurst Limits to Built Development, it is not located within the Greenbelt or the High Weald AONB, which the Local Plan is seeking to protect.

HMP Blantyre House is in the ownership of the Ministry of Justice and is a substantial property that extends to 11.75 hectares. It has incrementally developed over time from its original use as a Fegan Home for Boys, through its conversion to a Detention Centre for young offenders, before its final conversion to a resettlement prison for long term prisoners, which was designed to prepare men for their eventual release through training, education and lifestyle skills. The Blantyre House estate is therefore much more than just the main residential accommodation; it has a range of subsidiary buildings and infrastructure that extend the developed footprint of the site comprising some 26 buildings, a swimming pool, farm area, and associated hardstanding and car parking, all of which is consistent with the definition of previously developed land contained within Annex 2 of the NPPF2.

Blantyre House officially closed as a resettlement prison in 2019 and had been vacant for more than 2 years prior to that. Substantial decommissioning of the site has also been undertaken. The Ministry of Justice is currently considering the property's appropriateness for alternative secure accommodation uses within the same use class (C2a), but the property may become surplus to requirements during the plan period, at which point it will be marketed and sold for alternative uses.

This substantial, previously developed site would, at this point in time enter a new chapter in its lifecycle, and a new future use would need to be found otherwise there is a significant risk that it will fall into dereliction, which would disbenefit local residents and harm the local environment. This would be contrary to the Council's policy direction that such land can make a significant contribution to the development needs of the Borough, thereby avoiding unacceptable impacts on protected areas such as the Greenbelt and High Weald AONB, and in doing so deliver overall sustainability benefits.

Leaving the future of such a substantial previously developed land asset to be resolved through the windfall allowance of the Local Plan is not considered to represent positive planning, and is certainly not the most effective strategy for finding the right solution for the re-purposing/re-use/re-development of such an important previously developed site.

It is recognised that the Council has considered HMP Blantyre House as a reasonable alternative for a garden settlement³, as well as a reasonable alternative development site for the settlement of Goudhurst⁴, and have concluded that it does not merit formal allocation within the Local Plan. The principal reason for this being that the site's accessibility was not considered to be sufficiently positive.

The MoJ does not believe that this assessment outcome has considered all reasonable alternatives to finding the optimum planning outturn for such a large previously developed site in the countryside and outside the Green Belt and High Weald AONB. The Local Plan therefore fails to make appropriate provision for the proper assessment of such sites by means of an appropriate and proportionate evaluation of their future alternative use.

Table 62 in Appendix O of the Sustainability Appraisal of the Pre-Submission Local Plan (February 2021) determines that the site has a positive score against both the Land Use objective and health assessment, which should in themselves suggest that greater attention should be paid to the future of this significant brownfield asset in the Countryside. Furthermore, Table 62 identifies that setting issues and heritage asset issues may need consideration, alongside concern surrounding its accessibility and remote location. These issues are not unsurmountable and with due care and proper consideration, sustainable site-based solutions will be able to be found that will ensure that such an important previously developed property and land asset does not fall into dereliction. For example, the Council recognise in the commentary on Goudhurst reasonable alternative sites on page 173 of the Sustainability Appraisal that the nearest train station at Marden is relatively near but the direct bus service is poor, which is a situation that can be positively addressed through the consideration of specific site based sustainable travel options and investment.

Positive, effective, and clear policy guidance is required on the future of such substantial previously developed sites outside of Limits to Development, rather than leaving the future of such important assets to windfall opportunities, which is an approach that clearly leads to the risk that such valuable brownfield assets will fall into dereliction.

Providing positive, effective, and clear policy guidance on the future of such substantial previously developed sites approach is clearly aligned and consistent with national policy and advice, specifically paragraph 118. and 79. of the National Planning Policy Framework (NPPF) where planning policies should:

118. (a) encourage multiple benefits from both urban and rural land, including through mixed use schemes and taking opportunities to achieve net environmental gains – such as developments that would enable new habitat creation or improve public access to the countryside; 118. (d) promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained, and available sites could be used more effectively; and 79. (c) re-use redundant or disused buildings and enhance their immediate setting.

Paragraph 119 of the NPPF further supports the case for specific policy guidance for substantial previously developed sites outside of Limits to Development and not within the Green Belt or High Weald AONB. This paragraph makes it clear that local planning authorities should take a proactive role in identifying and helping to bring forward land that may be suitable for meeting development needs, including suitable sites held in public ownership where this can help to bring more land forward

for meeting development needs and/or secure better development outcomes. HMP Blantyre House is currently within public ownership (MoJ) and the landowner, MoJ, has previously made it clear to the Council that the property may become surplus to requirements during the plan period.

For the Local Plan to be positively prepared and justified, specific attention must be paid to substantial previously developed sites such as HMP Blantyre House that lie outside of Limits to Development but are not within the Green Belt or High Weald AONB.

Question 6

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Question 5 above. (Please note that non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

An additional policy criterion 10. should be added into policy STR1 that safeguards substantial previously developed sites that are located in the Countryside but not within the Green Belt or High Weald AONB for future development, where such development will make an important contribution to meeting the development needs of the Borough over the whole of the Plan period.

The following wording for the additional policy criterion 10. is suggested as follows:

10. Safeguard substantial previously developed sites that are located in the Countryside but outside of the Green Belt or High Weald AONB for future development, where such development will make an important contribution to meeting the development needs of the Borough over the whole of the Plan period and can demonstrate through a site wide masterplan that there will be no material or adverse effect on the character and amenities of the surrounding area, including an assessment against criteria 3. of Policy STR3 Brownfield Land.

Supporting explanatory text should be added in support of this additional criterion, which recognises the contribution that such sites can make to the future development needs of the Borough and assist in reducing unacceptable impacts on protected areas such as the Greenbelt and High Weald AONB and in doing so deliver overall sustainability benefits. Without such safeguards there is a significant risk that these sites will fall into dereliction, resulting in disbenefits to local residents and harm to the local environment, particularly the Greenbelt and High Weald AONB.

A new table 6. should be added to clearly identify these substantial previously developed sites that are located in the Countryside but not within the Green Belt or High Weald AONB. HMP Blantyre House should be included within this table.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)? Yes, I wish to participate in hearing session(s)

Question 7a

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

On the basis that the property may become surplus to requirements during the plan period, and as a responsible public sector landowner⁵, MoJ considers it important that every opportunity is given to exploring all reasonable approaches to achieving the optimum planning outturn for such a large previously developed site in the countryside. Having the ability for MoJ's planning advisors Cushman & Wakefield to participate in the relevant hearing sessions represents positive planning to the MoJ, particularly in working with the Council and Inspector to achieve the most effective strategy and solution for the future re-purposing/re-use/re-development of such an important previously developed site.

Question 8

If you have any separate comments you wish to make on the accompanying Sustainability Appraisal, please make them here.

Reiterating our representations made in question 5. above, it is recognised that the Council has considered HMP Blantyre House as a reasonable alternative for a garden settlement⁶, as well as a reasonable alternative development site for the settlement of Goudhurst⁷, and have concluded that it does not merit formal allocation within the Local Plan. The principal reason for this being that the site's accessibility was not considered to be sufficiently positive.

The MoJ does not believe that this assessment outcome has considered all reasonable alternatives to finding the optimum planning outturn for such a large previously developed site in the countryside and outside the Green Belt and High Weald AONB. The Local Plan therefore fails to make appropriate provision for the proper assessment of such sites by means of an appropriate and proportionate evaluation of its future alternative use.

Table 62 in Appendix O of the Sustainability Appraisal of the Pre-Submission Local Plan (February 2021) determines that the site has a positive score against both the Land Use objective and health assessment, which should in themselves suggest that greater attention should be paid to the future of this significant brownfield asset in the Countryside. Furthermore, Table 62 identifies that setting issues and heritage asset issues may need consideration, alongside the concern surrounding its accessibility and remote location. These issues are not unsurmountable and with due care and proper consideration, sustainable site based solutions will be able to be found that will ensure that such important previously developed property and land assets do not fall into dereliction. For example, the Council recognise in the commentary on Goudhurst reasonable alternative sites on page 173 of the Sustainability Appraisal that the nearest train station at Marden is relatively near but the direct bus service is poor, which is a situation that can be positively addressed through the consideration of specific site based sustainable travel options and investment.

Positive, effective, and clear policy guidance is required on the future of such substantial previously developed sites outside of Limits to Development and not within the Green Belt or High Weald AONB, rather than leaving the future of such important assets to windfall opportunities, which is an approach that clearly leads to the risk that such valuable brownfield assets will fall into dereliction.

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:

Yes, I wish to be notified of future stages of the Local Plan

Comment

Agent	Andrew Teage [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Cushman Wakefield
Address	No 1 Marsden Street Manchester M2 1HW
Consultee	Ministry of Justice [REDACTED]
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Ministry of Justice [REDACTED]
Comment ID	PSLP_976
Response Date	02/06/21 13:12
Consultation Point	Policy STR 3 Brownfield Land (View)
Status	Processed
Submission Type	Email
Version	0.4
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Ministry of Justice
Question 2	
Agent's Name and Organisation (if applicable)	Andrew Teage, Cushman & Wakefield
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy STR 3 Brownfield Land

Paragraph Nus. 4.68, 4.69, 4.70 and 4.71

[TWBC: see also PSLP_969 under Policy STR 1 The Development Strategy]

Question 4

Do you consider that the Local Plan:

Is sound

No

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

.	It is not positively prepared
.	It is not justified

Question 5

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

MoJ are supportive of the principles of paragraphs 4.68, 4.69, 4.70, 4.71 of the Local Plan, which seek to make as much use as possible (optimal use) of suitable PDL (previously developed land)/brownfield sites and under-utilised land that serve to protect the Borough's important heritage, landscape qualities and designations (AONB), and Green Belt.

MoJ welcomes the Council's recognition at paragraph 4.71 that brownfield/PDL sites outside of Limits to Built Development will come forward for development but within the context of land in its ownership at HMP Blantyre House, Horden, Goudhurst does not agree that the future of substantial brownfield/PDL sites located within the countryside but outside of the Greenbelt and High Weald AONB should be left to consideration as part of the Local Plan's windfall allowance.

To reiterate MoJ's response to Policy STR1, and given the importance that is placed on the effective use of brownfield and urban land in the NPPF1, Policy STR1, and Policy STR3, it is strange that the Council is relying on a windfall allowance to deliver a considerable proportion of its development need from such a significant land use category, particularly when there are large previously developed sites such as HMP Blantyre House, Horden, Goudhurst located within the Borough that may become available for alternative development during the plan period.

HMP Blantyre House is in the ownership of the Ministry of Justice and is a substantial property that extends to 11.75 hectares. It has incrementally developed over time from its original use as a Fegan Home for Boys, through its conversion to a Detention Centre for young offenders, before its final conversion to a resettlement prison for long term prisoners, which was designed to prepare men for their eventual release through training, education and lifestyle skills. The Blantyre House estate is therefore much more than just the main residential accommodation; it has a range of subsidiary buildings and infrastructure that extend the developed footprint of the site comprising some 26 buildings, a swimming pool, farm area, and associated hardstanding and car parking, all of which is consistent with the definition of previously developed land contained within Annex 2 of the NPPF2.

Blantyre House officially closed as a resettlement prison in 2019 and had been vacant more than 2 years prior to that. Substantial decommissioning of the site has also been undertaken. The Ministry of Justice is currently considering the property's appropriateness for alternative secure accommodation uses within the same use class (C2a) but the property may become surplus to requirements during the plan period, at which point it will be marketed and sold for alternative uses.

This substantial, previously developed site would, at this point in time enter a new chapter and a new future use would need to be found, otherwise there is a significant risk that it will fall into dereliction, which would disbenefit local residents and harm the local environment. This would be contrary to the Council's policy direction that such land can make a significant contribution to the development needs of the Borough, thereby avoiding unacceptable impacts on protected areas such as the Greenbelt and High Weald AONB, and in doing so deliver overall sustainability benefits.

Leaving the future of such a substantial previously developed land asset to be resolved through the windfall allowance of the Local Plan is not considered to represent positive planning, and is certainly not the most effective strategy for finding the right solution for the re-purposing/re-use/re-development of such an important previously developed site.

It is recognised that the Council has considered HMP Blantyre House as a reasonable alternative for a garden settlement³, as well as a reasonable alternative development site for the settlement of Goudhurst⁴, and have concluded that it does not merit formal allocation within the Local Plan. The principal reason for this being that the sites accessibility was not considered to be sufficiently positive.

The MoJ does not believe that this assessment outcome has considered all reasonable alternatives to finding the optimum planning outcome for such a large previously developed site in the countryside and outside the Green Belt and High Weald AONB. The Local Plan therefore fails to make appropriate provision for the proper assessment of such sites by means of an appropriate and proportionate evaluation of its future alternative use.

Table 62 in Appendix O of the Sustainability Appraisal of the Pre-Submission Local Plan (February 2021) determines that the site has a positive score against both the Land Use objective and health assessment, which should in themselves suggest that greater attention should be paid to the future of this significant brownfield asset in the Countryside. Furthermore, Table 62 identifies that setting issues and heritage asset issues may need consideration, alongside concern surrounding its accessibility and remote location. These issues are not unsurmountable and with due care and proper consideration, sustainable site-based solutions will be able to be found that will ensure that such an important previously developed property and land asset does not fall into dereliction. For example, the Council recognise in the commentary on Goudhurst reasonable alternative sites on page 173 of the Sustainability Appraisal that the nearest train station at Marden is relatively near but the direct bus service is poor, which is a situation that can be positively addressed through the consideration of specific site based sustainable travel options and investment.

Positive, effective, and clear policy guidance is required on the future of such substantial previously developed sites outside of Limits to Development, rather than leaving the future of such important assets to windfall opportunities, which is an approach that clearly leads to the risk that such valuable brownfield assets will fall into dereliction.

Providing positive, effective, and clear policy guidance on the future of such substantial previously developed sites approach is clearly aligned and consistent with national policy and advice, specifically paragraph 118. and 79. of the National Planning Policy Framework (NPPF) where planning policies should:

118. (a) encourage multiple benefits from both urban and rural land, including through mixed use schemes and taking opportunities to achieve net environmental gains – such as developments that would enable new habitat creation or improve public access to the countryside; 118. (d) promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained, and available sites could be used more effectively; and 79. (c) re-use redundant or disused buildings and enhance their immediate setting.

Paragraph 119 of the NPPF further supports the case for specific policy guidance for substantial previously developed sites outside of Limits to Development and not within the Green Belt or High Weald AONB. This paragraph makes it clear that local planning authorities should take a proactive role in identifying and helping to bring forward land that may be suitable for meeting development needs, including suitable sites held in public ownership where this can help to bring more land forward

for meeting development needs and/or secure better development outcomes. HMP Blantyre House is currently within public ownership (MoJ) and the landowner, MoJ, has previously made it clear to the Council that the property may become surplus to requirements during the plan period.

For the Local Plan to be positively prepared and justified, specific attention must be paid to substantial previously developed sites such as HMP Blantyre House that lie outside of Limits to Development but are not within the Green Belt or High Weald AONB.

2 land which is or was occupied by a permanent structure, including the curtilage of the developed land and any associated fixed surface infrastructure.³ Table 27 Sustainability Appraisal of the Pre-Submission Local Plan February 2021.⁴ Table 62 and Appendix O Sustainability Appraisal of the Pre-Submission Local Plan February 2021.

Question 6

Please note: *In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.*

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Question 5 above. (Please note that non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

MoJ does not consider that Policy STR3 requires any amendments because it believes that its suggested amendment to Policy STR1 addresses the current Local Plan shortcomings in relation to being positively prepared and justified (as set out in MoJ's response to Policy STR1).

MoJ does however consider that a new paragraph is added to the explanatory text that precedes Policy STR3. This text should make clear the positive contribution that substantial previously developed sites outside of Limits to Development and not within the Green Belt or High Weald AONB can make to the future development needs of the Borough, which will assist in reducing unacceptable impacts on protected areas such as the Greenbelt and High Weald AONB, and in doing so deliver overall sustainability benefits.

This explanatory text should be linked back to the suggested new criterion 10. of Policy STR1, which for the purposes of comprehensiveness is repeated here:

10. Safeguard substantial previously developed sites that are located in the Countryside but outside of the Green Belt or High Weald AONB for future development, where such development will make an important contribution to meeting the development needs of the Borough over the whole of the Plan period and can demonstrate through a site wide masterplan that there will be no material or adverse effect on the character and amenities of the surrounding area, including an assessment against criteria 3. of Policy STR3 Brownfield Land.

Question 7

Please note *the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.*

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)? Yes, I wish to participate in hearing session(s)

Question 7a

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

On the basis that the property may become surplus to requirements during the plan period, and as a responsible public sector landowner⁵, MoJ considers it important that every opportunity is given to exploring all reasonable approaches to achieving the optimum planning outturn for such a large previously developed site in the countryside. Having the ability for MoJ's planning advisors Cushman & Wakefield to participate in the relevant hearing sessions represents positive planning to the MoJ, particularly in working with the Council and Inspector to achieve the most effective strategy and solution for the future re-purposing/re-use/re-development of such an important previously developed site.

Question 8

If you have any separate comments you wish to make on the accompanying Sustainability Appraisal, please make them here.

Reiterating our representations made in question 5. above, it is recognised that the Council has considered HMP Blantyre House as a reasonable alternative for a garden settlement⁶, as well as a reasonable alternative development site for the settlement of Goudhurst⁷, and have concluded that it does not merit formal allocation within the Local Plan. The principal reason for this being that the site's accessibility was not considered to be sufficiently positive.

The MoJ does not believe that this assessment outcome has considered all reasonable alternatives to finding the optimum planning outturn for such a large previously developed site in the countryside and outside the Green Belt and High Weald AONB. The Local Plan therefore fails to make appropriate provision for the proper assessment of such sites by means of an appropriate and proportionate evaluation of its future alternative use.

Table 62 in Appendix O of the Sustainability Appraisal of the Pre-Submission Local Plan (February 2021) determines that the site has a positive score against both the Land Use objective and health assessment, which should in themselves suggest that greater attention should be paid to the future of this significant brownfield asset in the Countryside. Furthermore, Table 62 identifies that setting issues and heritage asset issues may need consideration, alongside the concern surrounding its accessibility and remote location. These issues are not unsurmountable and with due care and proper consideration, sustainable site based solutions will be able to be found that will ensure that such important previously developed property and land assets do not fall into dereliction. For example, the Council recognise in the commentary on Goudhurst reasonable alternative sites on page 173 of the Sustainability Appraisal that the nearest train station at Marden is relatively near but the direct bus service is poor, which is a situation that can be positively addressed through the consideration of specific site based sustainable travel options and investment.

Positive, effective, and clear policy guidance is required on the future of such substantial previously developed sites outside of Limits to Development and not within the Green Belt or High Weald AONB, rather than leaving the future of such important assets to windfall opportunities, which is an approach that clearly leads to the risk that such valuable brownfield assets will fall into dereliction.

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:

Yes, I wish to be notified of future stages of the Local Plan

Comment

Consultee	Mr Raymond Moon [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] Paddock Wood [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Mr Raymond Moon [REDACTED]
Comment ID	PSLP_390
Response Date	02/06/21 14:54
Consultation Point	Pre-Submission Local Plan (View)
Status	Processed
Submission Type	Web
Version	0.1
Question 1	
Respondent's Name and/or Organisation	Raymond Moon (Personal Capacity)
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

2.Setting the Scene.

Pg21.Paragraphs: 2.4, 2.17-2.19,2.21-2.27, 2.33,2.34, 2.41

Section 3. Vision and Objectives.

pg29.

3.3 section2. 3.8

Vision and Strategic Objectives 1,

Vision and Strategic Objectives 2

Section 4: The Development Strategy and Strategic Policies

The Development Strategy

Policy STR 1

The Development Strategy

Policy STR 3

Brownfield Land

Policy STR 4

Ensuring Comprehensive Development

Policy STR 6

Transport and Parking

Policy STR 7

Climate Change

Policy STR 9

Green Belt

Section5: Place Shaping Policies Introduction

Pg 166. The Strategy for Paddock Wood.

5.239, 5.240, 5.241, 5.242, 5.244,

Policy STR/PW 1 The Strategy for Paddock Wood

4., 7, 8.

Allocation Policies for PW Land at Mascalls

Section 6:Developmet Management Policies.

Pg 324. Sustainable design

7.

1 Highway safety and Access

2

3 Crime Reduction, 9 Community Engagement

Design checklist to support the design criteria in Policy EN 1 1. Design, character, and site context

Climate Change Mitigation and Adaption

Climate change mitigation

6.32, 6.36,

Policy EN 3 Climate Change

Mitigation and Adaption

Policy EN 5

Heritage Assets

PG 353 Natural Environment

6.138

Pg 357 Protection of Designated sites and Habitats

Local sites

6.153.

Pg 381 Policy EN 21 Air Quality

Pg 387 Development and Flood Risk

6.277

Pg388 Policy H 1 & Pg 401 H 3

Housing Mix 6.326

Pg 428 Policy ED 1

The Key Employment Areas Paddock Wood Eldon way and PW Transfesa etc

Pg 466 Public Car Parks

Pg 468 Policy TP 5 Safe Guarding railway land

The former PW to Hawkhurst (Hop Pickers) Line

Question 4

Do you consider that the Local Plan:

Is legally compliant No

Is sound No

Complies with the Duty to Cooperate No

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

- . It is not positively prepared
- . It is not effective
- . It is not justified
- . It is not consistent with national policy

Question 5

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

Section 2 Setting the Scene.

The settlements of the borough

Pg21 2.4 Paddock Wood. This opening statement highlights the many reasons why the amount of the proposed new dwellings 3,590+ are not sustainable within the area of Paddock Wood (PW). This number represents over 50% of the proposed Borough allocation and disproportionate to the allocation to other parishes and Towns in the Borough. Its is unfair and unjustified and damages the environment. There is no present bus station in Paddock Wood and the present mainline station has no direct link with the provision of bus routes needed to tempt present and future motor vehicle users to use public transport or cycles as we lead into a Zero carbon future. Our present secondary school Mascals can not sustain the present developments in PW and neither 3,590 new houses. Our present sports centre at Putlands is not adequate and the proposed new centre appears to serve Capel rather than the new residents of PW. We need a new police station to replace our present one which was demolished to make way for more housing in the town.

The strategy of the North of PW serving Large employment appears to have been abandoned in favour of new residential development. These new houses are in a high flood risk area and would create a pinch point over the present railway bridge if residents wish to use the present towns services ie. retail and access to schools, surgery's the present sports centre. There is a present HGV weight restriction on the bridge in appreciation of the increased traffic over the years. More houses North of PW will only make matters worse.

Housing affordability:

2.17 this paragraph highlights the worsening provision of the affordability of housing in PW where present house prices make many new houses in PW unaffordable to local residents. Present new 1 bed apartments in PW are priced at £252k to £275k beyond the reach of local residents. Social housing at 60% of market value is basically non-existent and the social housing allocation should be nearer 100% to cope with future housing needs after the economic consequences of the pandemic start to kick in over the next few years in PW and the Borough. Paragraphs 2.17 – 2.19 give the evidence that the affordable housing is far from affordable! The Draft Local plan does not adequately address this problem in the Borough and unfairly burdens PW with the new housing allocation.

Housing Types.

2.21. No mention is made to the new provision of any suitable bungalow type houses in the plan for PW. With have an ageing population and to reduce pressure on all our health services we should be planning for more of these types of houses. We have a real shortage in PW.

Infrastructure Key Issue/ challenge.

This particular serious issue in PW only warrants two paragraphs 2.22- 2.23.

2.22. The present 3 new developments approved in PW are seriously lacking in new infrastructure to sustain them in the future and the proposed new 3,590 dwellings need a new integrated network for the present residents and new residents in the years ahead covered in the plan.. The present incompetence of the provision provided by Southern Water (SW) for these new developments gives no one in the Town the confidence that SW will deliver on these new houses. Table 2. Lists some fine promises of the types of infrastructure to be delivered but the residents are still waiting on previous promises. Words are not enough, we have been failed and will not accept failure again. We need guarantees in the plan that the Utilities will deliver before any more houses are built in PW.

2.24 -2.26. The present borough council has not worked with our present developers in delivering the conditions imposed at the last public enquiry and the present Councils Infrastructure Delivery Plan only glosses over the need **"It is recognised that there are different infrastructure needs for different settlements and parishes across the borough, such as flood mitigation, sport and recreation provision, and internet accessibility, especially in rural areas; these will need to be considered and addressed accordingly"** There are no concrete proposals in the plan to address these complex issues and problems.

Natural, built, and historic environment Key issue/challenge: Green Belt, conserving and enhancing the borough's recognised heritage and environmental assets, and achieving net gains for nature.

2.27. Much of the land around PW is designated Green Belt Land (GBL) including land surrounding our local villages such as Capel, Horsmonden, Brenchley, Matfield. The prospect of PW linking directly with Tonbridge via Capel is a real possibility and unsustainable. Urban sprawl is a real possibility and 407.576Ha of GBL will be de-designated. 148.194Ha of this in the borough will be allocated for PW and East Capel. Foal Hurst Wood owned by Paddock Wood Town Council has resident Dormouse and other wildlife and a natural habitat for plants which has no mention of future protection in the plan. Coupled with the present unfair allocation of new dwellings represents a massive destruction of our present Green and Open spaces and existing footpaths in the surrounding countryside.

Flooding Key issue/challenge: ensuring growth can be accommodated without further risk to areas vulnerable to flooding and, if possible, to provide betterment.

A key element of objection in this statement is the suggestion **"if possible to provide betterment"**. If you are providing new housing on high Flood risk areas in PW and the Borough than it is only logical that it is not sustainable unless improvements are made in the infrastructure.

2.33. Much of the allocated land especially North of the railway line has been put in High Flood Risk areas category 2 and 3a. The present 3 developments in PW have added to the flooding issues and the proposed mitigation for the new houses is again unsustainable. A promised masterplan at the last public enquiry to co ordinate flood protection and mitigation was not implemented. In stead of bland promises the residents of PW need actions and real infrastructure.

Transport Key issue/challenge: promoting different transport options to accommodate future growth, ease congestion, and where possible, improve air quality

Again a key element of objection to this statement is **"and where possible, improve air quality"**. If any potential road improvements in PW to sustain the new 3,590 dwellings are proposed then our existing air quality should not be reduced but improved.

2.34. How will TWBC address these **"The borough faces significant transport challenges, particularly in terms of managing existing congestion and future growth, as well as needing to respond to the impacts of air quality and climate change"**. The existing pinch point over the railway line bridge is not addressed and no proposal put forward that make sense or provision for the future. HGV traffic around our local lanes and roads is causing present massive congestion and air pollution and with the projected increase of commuters in the Town will also mean more congestion and air pollution and inadequate parking at the PW mainline station. More housing in our local villages will put more pressure on the present parking in PW.

Economy Key issue/challenge: supporting the needs of the local economy so that it can continue to be competitive, and creating a range of local job opportunities

2.41 As we come out of a pandemic our National and Local economy has been devastated and this aspect needs to be seriously addressed in the plan. To put it bluntly we have plenty of words but no detail or how we intend to create more local jobs in the PW area or rebuild the High Street (Commercial Road). A user friendly High Street has not been addressed for the future and with the recent approval of a new area behind the Commercial Road for housing places the whole future of the High Street in jeopardy. The best place to improve the economy is North of the railway line and this has been ignored in the plan.

In short Section 2. Setting the Scene, creates its own statement and doubts to question the sustainability of the new 3590 houses in PW and the size of the unfair allocation. The whole plan regarding PW should be revisited and provide more detail and sustainability for the future 30 years.

Section 3. Vision and Objectives.

Pg29. Vision.

3.3 section 2.

This section highlights the many reasons why Paddock Wood cannot sustain the proposed new dwellings in the plan. With the present new dwellings being built in the Town the infrastructure capacity **"general concerns about the infrastructure capacity (water supply, sewerage, schools, health, and leisure facilities, etc.) to support growth"** cannot cope now and any further new houses will compound the problem. If the TWBC cannot get it right with these present new houses how can it give the residents the confidence that it will get it right for 2030. Can the phrase "active travel" be explained in relation to reduce carbon emissions by 2030 a target set by TWBC.

3.8. Paddock wood is picked out **"It has a distinct identity and the potential to enhance these and its supporting services and facilities through growth, subject to due care in relation to connectivity and flood risk matters"** This very sentence gives a sound argument that these various points are a very good reason why the new dwellings in PW are unsustainable. The character of Paddock Wood will disappear and the flood risk will increase so how on ever can PW be suitable for so many more new houses. TWBC are just attempting to justify their quota at the detriment of the residents of PW.

Vision and Strategic Objectives 1

Vision (Statement)

“Local ambitions are: “

“for Paddock Wood, to provide for comprehensive planned strategic growth (including on land in east Capel parish) that is fully aligned with timely infrastructure provision and which delivers significant improvements in local employment, town centre, leisure and other services/community facilities commensurate with its enhanced role, as well as ensuring that it is not vulnerable to flooding”

“for a garden settlement, to establish the potential for a new village to contribute to sustainable growth, that is: based on garden settlement principles; comprehensively planned and reflecting local character; well connected with nearby towns; providing local job opportunities, services and all necessary supporting infrastructure; with exemplary development of sustainable design”

Once again this statement appears to be purely designed to justify the number of houses to be allocated to PW and Capel and no real detail in the Plan to inform the residents how it will be achieved without harm to the present character of the present communities and indeed the new residents. PW and Capel are just filling the TWBC quota and the provision not being balanced across the Borough.

Vision and Strategic Objectives 2

Strategic Objectives (Statement)

- 1 Where is the evidence for this that it is achievable in PW? The present approved development in the town is not sustainable now, so what hope in the future with this plan.
- 2 We need more Social Housing in the Borough and the proposed affordable housing in relation to present prices in PW supplied by TWBC figures will make any future affordable housing out of the range of local residents and Key workers such as those working in the NHS.
- 3 The proposed garden settlement in Capel is not sustainable as regards the new infrastructure required and the threat to our Green and Open spaces in the Borough. Where is the justification to dump it on Capel's residents and not to consider other locations in the Borough.
- 4 Every new development “ chops” down existing trees and they should be incorporated into the design layouts. Cough Cooper houses built in the 1960's in PW where all built on orchards but many of the trees were saved and left in the new houses back gardens. We should demand that happens now and not see houses crammed in to meet the financial needs of the developers.
- 5 Over the years in PW with all the new housing the infrastructure has never been completed before the houses are built! The failure to achieve this threatens the very “vitality” of the communities.
- 6 With the proposed new residents our present road networks will not cope and the suggested proposals are impractical. The very presence of a Railway Line bridge at the heart of the town limits the number of houses PW can sustain without overcrowding the Town centre and making it a transport nightmare.
- 7 Please explain how?
- 8 Please explain how TWBC proposes to protect Foal Hurst Wood (FHW) our local Nature reserve owned by PWTC with the proposed new development surrounding it. Has light pollution been considered and the threat to wildlife migration across our Green and Open spaces. What threat is there to the present Dormouse population in FHW?
- 9 GB land is being released in this plan to solely meet the quota for TWBC. Show us where these tests have been made to justify it.
- 10 Climate change is making the risk of flooding more likely in PW so why build houses on the existing flood plain and enhance the impact of Climate change in the future and the residents pay the price for the Boroughs allocation.
- 11 This objective has been totally ignored to this day with past development in the town with the PWTC and residents ignored on many issues such as future surface water management and waste water management.

Everyone of these objectives are unachievable within the supporting documents in the DLP and seem only designed to support the plan and not address the real issues associated with the new development. Decide where we can put the new houses then adjust the objectives to suit that proposal. Its not honest or sustainable.

Section 4: The Development Strategy and Strategic Policies

Introduction

4.2 “One of the principal functions of the Local Plan is to set out the amount of future development being planned for, where it is to be located, and its nature, following the Vision and Strategic Objectives”By considering the failures in the plan in Section 3 Vision and Objectives this section logically is therefore flawed and unsustainable for the same reasons mentioned in the last section. Decide where we can put the new houses then build the argument with the attached documents to provide them. This approach is not sustainable for the future growth of PW.

The Development Strategy

Housing needs.

4.10 The figures provided by the TWBC are potentially over stated and the evidence is not conclusive with the need for 12,200 new dwellings in the Borough and an unfair proportion for PW and Capel.

4.11. The Council states it has considered alternative approaches and alternative locations so if the present allocation is unsustainable then it must object to the national default standard method. We need more houses for our children and grand children but with out the improved infrastructure before any houses are built it is unsustainable for the future. Draft local Plans are designed to achieve this and this one fails on so many levels.

Economic needs.

4.19. There is no mention of the effects of Covid on the local economy and unemployment is likely to rise. There should be no new residential housing North of the railway only retail as in previous Local Plans. The flood risk a very good reason with the real threat of Climate change in the future.

4.39. Where is the real evidence that all of the Brownfield sites have been considered. In the Borough and real note made of the windfall sites.

4.44. PW is not a a logical choice for strategic growth and the previous comments made concerning the sustainability of the allocation in PW reinforce this view. The very presence of the railway bridge hinders this growth so only retail development North of the railway is the logical choice. No mention of a possible new bridge?

Policy STR 1

The Development Strategy (statement)

Over the period of 2020-2038 the brunt of the allocation of 12,204 is being imposed on PW and Capel and is clearly unsustainable.

The proposed expansion of PW and Capel is within existing flood risk areas so what solutions are proposed other than more ponds on new developments that then feed into existing infrastructure networks that cannot cope. At present in PW Southern Water has failed the residents in every count on the present construction of 3 developments at Church Road, Green Lane and Badsell Road.

4.58. No draft plan should be based on **“It is also assumed that existing employment space will essentially be retained (with a small reduction at Paddock Wood, just to the north of the train station) and that there is scope for the intensification or extension of some of these to help meet more local needs.”** Objectives should be in place to achieve this not assumptions!

Policy STR 3

Brownfield Land (Statement)

Where is the real evidence that Brownfield land is being considered across the Borough rather than Greenfield build in PW and Capel?

a-g. These list all the reasons why Brownfield development could be unacceptable but logically they should also apply to the proposed new dwellings in PW. Within the plan they seem not to apply. Why the mismatch In policy in the DLP?

Policy STR 4

Ensuring Comprehensive Development (Statement)

“A comprehensive approach to site development will be expected to ensure the good planning of the area and, in relation to allocated sites, to ensure that the policy provisions, read as a whole, are achieved. Where sites have several land use elements or are in multiple ownerships,

this will be secured by an appropriate means of masterplanning, the form of which will include consideration of”

the strategic significance of the proposal

the extent of different land uses proposed across the overall site

whether there are multiple land ownerships forming the allocation.

Within this part of the DLP, mention is made of Masterplans and these must **make** proper consideration of the proposed urban expansion of Tudeley village and Paddock Wood and provide a joined up masterplan to link the two proposals together. In all circumstances full consideration must be given to the policy requirements such as access and connectivity, open space, drainage and other infrastructure, as well as affordable housing) relating to the site as a whole, with a phasing plan where appropriate, will be achieved. Delivery **must be** secured through a legal agreement with all the Utilities and stakeholders such as KCC schools provision, the developers, being required to sign a legal agreement to ensure they are in place before any development takes place within the Masterplan. Deadline dates must be included in this legal agreement. A previous masterplan was promised by TWBC and it never happened!

“The Council strongly encourages, and will have regard to, the level of engagement of relevant stakeholders, including the local community, town or parish councils, service providers, environmental organisations, and other interested parties, in the preparation of masterplans or similar framework documents.” **“The council strongly encourages”** is not strong enough to ensure the masterplans are acted on and completed as part of the DLP. The council must ensure legally that the level of engagement of relevant stakeholders, including the local community, town or parish councils, service providers, environmental organisations, and other interested parties, in the preparation of masterplans or similar framework documents, commit to the plans Vision and Objectives. Failure to do so will result in unsustainable development in PW and Capel.

Infrastructure and Connectivity

4.88 Mention is made that the Infrastructure has been separated into 3 main categories:

“Physical infrastructure (such as highways and public realm improvements); community infrastructure (such as schools, adult social services, and cultural facilities); and green, grey, and blue infrastructure (such as play spaces, natural and semi-natural open space, and sports pitches, as well as other essential infrastructure such as flood mitigation, utilities, and digital connectivity)”

All of the three colour designations mention aspects of the infrastructure to be implemented but no reference to the utilities that will monitor or police, that these improvements are actioned within the plan.

4.91 “The Local Plan Vision is clear” The local plan **Vision** is far from clear, rather than expected **“expected that future infrastructure to mitigate the impact of development, or in the case of the strategic sites at Paddock Wood to deliver 'betterment' in flooding terms to particular areas, should be largely funded by development to ensure that the development is acceptable in planning terms.”** It must read **“it will ensure by legal means”–that future infrastructure etc.** To date in PW, TWBC and the utilities have failed on this objective relating to improving the infrastructure by betterment. The present situation regarding the utility Southern Water provision is late and totally inadequate for the present and future needs of the Town. This must not happen in the future with this DLP.

4.95. This paragraph mentions critical and essential projects to be in place before development takes place, but how do TWBC intend to implement this, rather than just “words”? Transport and Education has not been detailed and the present proposals have not been fully agreed with KCC. What legal powers do TWBC have against developers and utilities and the ability to challenge when they do not deliver key aspects of this plan.

Health

This mentions provision of new medical facilities or expansion in PW but where is the guarantee that it will happen to sustain the new houses. It is a must!!

Water

Who is going to pay for additional capacity at the present water treatment works to accommodate the new houses in PW and Capel? Where are the plans for new locations and funding requirements. Words are not enough we need concrete commitments not empty promises.

Sport and Recreation: Where is mention made of a new sports hub in PW as it appears it will serve PW and Capel of which they should have their facilities within the DLP. Sharing will cause access problems on our already congested roads travelling between the two locations to a shared sports hub. There is also no mention of the present proposed PW NHP provision currently in negotiation with TWBC.

Transport and Parking

4.98 The present NPPF states that significant development should be focused on locations that can be made sustainable by limiting travel and offering choice of transport modes. With the Railway bridge playing a significant pinch point to access to the town it is not feasible or practical to limit access to South of the railway just to justify the sustainability of the new housing within in the plan. There is at present a petition asking residents to object to the proposals concerning restricted access to the town and its lack of consultation with PW residents. It's a clear case of implementing solutions to just get the end result, more houses in PW that are just not sustainable.

Policy STR 6

Transport and Parking (statement).

- 1 **a) Active travel. Active travel (walking and cycling, and emerging electrical personal vehicles) will be prioritised through:**
- 2 **The development and delivery of the strategic sites (Paddock Wood and east Capel, and Tudeley Village) proposed in this Local Plan will have integrated active travel as a fundamental element to their layout and design, so that settlements are easy to navigate on foot or by bike, both in new development and through existing areas of settlements to access their centres and services**

The provision of this section relates to the Borough "Council's Local Cycling and Walking Infrastructure Plan". The implementation of this infrastructure plan proposes restrictions to the access to the Town via the Railway Bridge , restricting vehicle use and HGV use which already has a weight restriction. This plan appears to propose various new initiatives concerning pedestrian access and cycle access but in reality they are being implemented to justify the new development North of the railway. The bridge is a pinch point and clearly represents a barrier to the number of houses that are sustainable in the DLP. The new Cycling and walking plan is designed to mitigate this barrier and total disregard of the resulting consequences for the Towns residents. No car access means a journey into the Town centre via the Badsell road which will in turn cause more congestion into the Town from that direction. Buses will be allowed but PW does not have an integrated bus station with the rail station to try and tempt residents away from cars and use public transport. The strategy is clearly not joined up and the walking infrastructure plan has not gone to consultation to the local residents especially those living at present North of the Railway. Another good reason not to have new residential housing North of the railway which is part of the DLP. The only reason it has been proposed is to meet the allocation from TWBC. It plainly does not make common sense and should be opposed.

- 1 Who will pay for these new provisions as we come out of the Covid pandemic? The national debt is massive and many councils and utilities' will just not have the finances. There has to be a funding commitment via Government who are imposing the housing allocations across the country. Failure to do this should mean no new development in PW or within the whole Borough.
- 2 **Public transport.**
- 3 **"Establishing rapid bus/transport links, including from Paddock Wood to Royal Tunbridge Wells, Paddock Wood to Tonbridge (via Tudeley Village), and Royal Tunbridge Wells to Tonbridge, and ensuring that the design of these strategic sites provides for attractive bus services with convenient access to the highway network:**

Who is going to fund these rapid bus/transport links within this DLP and ensure we have attractive bus services with convenient access to existing highway networks. Will the service be subsidised by KCC or is it again just words and no real substance in the proposals?

- 1 Working with network rail again is " Pie in the Sky" as they have their own agenda but it seems convenient to suggest it can happen in the future as part of this DLP. Has there been any negotiations with Network Rail and any commitment to provide capital funds to make it happen in the future as part of this DLP. Where's the evidence?

Car parking

Policy TP 3: Parking Standards

To revitalise our local high street and commercial centres after Covid the Borough must implement a free parking strategy across the board including PW car parks to give a boost to our local retailers and encourage people back to the shops in our community's.

Policy STR 7

Climate Change (statement)

The Borough must implement these changes as part of its net zero target by 2030.

1 3. Implementing proactive policy on climate change adaptation

“a. protecting existing green spaces and creating new, appropriate green infrastructure whilst balancing the need for built development”

Show us the proposals and evidence that this is achievable with the present dwelling allocation for PW within the DLP. Where are these sustainable Drainage Systems at present in PW?

1 Partner engagement

This looks great on paper but in reality it has never happened yet in PW with all the new houses over the last 50 years. Who is going to lead and integrate these partner engagements? At present Southern Water and the present developers ignore the residents of PW and PWTC when dealing with the failures of these partners to provide present sustainable development in PW and stick to their previous promises made in past Local Plans to previous Inspectors and recent planning applications. The Borough is failing the residents of PW.

Policy STR 9

Green Belt (statement)

The Borough's Green Belt

4.128 Overall, some 5.71% of the Green Belt within the borough has been de-designated. Table 6 Green Belt Sites Policy Number Site Address S

STR/SS 1 Paddock Wood (including land at Removed -148.194 2.077 east Capel)

STR/SS 3 Tudeley Village Removed

To accommodate the boroughs housing allocation the above areas of GBL have been removed and there is no evidence or justification to agree to the reduction of our green and Open Spaces. This removal is purely designed to allow the TWBC to meet the new dwelling allocation and again highlights the unsustainability of the present proposals in the DLP.

Within the NPPF the proposed new development within the Green Belt is inappropriate and will harm the GB. Once you have lost Green Open Space in the GB it takes years to replace and is not viable. The only reason to take GBL is to meet the housing allocation and ignore the future damage. This use of GBL is inappropriate and I object to its inclusion in the DLP.

Section5: Place Shaping Policies Introduction

Paddock Wood

Pg 166. The Strategy for Paddock Wood.

5.239 This paragraph clearly states the importance of identifying the flood risk in the area and the importance to recognise this when agreeing planning applications and the policies in this DLP. The most risk is North of the railway and no residential development should be allowed in this allocation as in previous Local Plans with only commercial development being acceptable.

5.240 The release of the GBL west of Paddock Wood and none of the exceptional circumstances justify this release set out in Policy STR/SS 1. The only justification is to allow the allocation of new dwellings to meet the TWBC allocation and the unchallenged Government Allocation.

5.241 This is a false statement regarding the number of presently agreed houses which is at least 1400 new dwellings within the last Local Plan. It should also take into account the number of windfall houses built in PW during that time and the pressure put on the existing inadequate infrastructure.

5.242 The significant growth planned for PW 3,490-3,590 dwellings will significantly change the existing character of the Town and is not sustainable as regards the present provision of medical facilities and capacity at the primary school and Mascalls School. The present Town centre will also not be able to sustain the new houses. In short the allocation is disproportionate to the overall TWBC allocation and this document seeks to justify the figures by false statements and attached documents. The number was picked out the sky and then make it sustainable.

5.244 There is frequent mention of a Masterplan through out this whole document to again support the allocation of 3,590 houses and there is no detail of the plan and the legal requirement put on developers and other utilities and stakeholders in the Town. A previous masterplan was promised for PW and it did not happen. The detail of the masterplan must be presented and agreed in this DLP.

Policy STR/PW 1

The Strategy for Paddock Wood

- 1 Mention is made to Affordable housing but no mention of the need for Social housing as we come out of the Pandemic. The affordable housing in PW not affordable to many residents even with the present TWBC policy on its provision to developers. The TWBC is missing its target on this provision. We need more Social housing.
- 2 Flood mitigation at present on the existing new developments predominantly relies on drainage ponds which is not sustainable in the future as we experience Climate Change and more extreme weather events. The fact is they are being built on high Flood risk areas and should not be allowed. There has to be a limit to how many houses that are sustainable within the present infrastructure.
- 3 No mention is made to protection of Foal Hurst Wood nature reserve owned by PWTC as more houses are built around its boundary. Light pollution is a major threat to the present wildlife that exist in the wood including resident Dormouse.

Allocation policies for Paddock Wood

Land at Mascalls Farm

5.253 The protection of Foal Hurst Wood and the link to Brick Kiln Wood should be included to protect the present Dormouse population in FHW.

5.255 The site allocation of 400 homes is over intensive and unsustainable within the DLP

5.256, 5.257 These statements highlight the probability that the allocation of 3,590 will be exceeded as the duration of the plan progresses and the limit of 3590 must not be breached.

Policy AL/PW 1

Land at Mascalls Farm

This development already has planning permission so why is it in the DLP and appears to be open to consultation, it is not!

Section 6: Development Management Policies

Policy EN 1

Pg 324.Sustainable Design

- 1 This mentions the needs of occupiers in relation to their changing circumstances as they grow older or life changes at any age, without needing to move House. New dwellings as part of TWBC policy should adopt “**Life Time Home Standards**” for all new build across the Borough in the DLP. This also should include the inclusion of new bungalows in any new development allocation including Social Housing. Developers need to be forced to include new Bungalow dwellings in the DLP allocation.

Within this whole policy the main theme is “should” relating to the policy provision and it should be replaced by “**must**”. This gives a clear commitment to ensure that the policy statements are not just words to be ignored but to be acted on.

- 1 **Highway safety and access**
- 2 Due to the unfair allocation of 3,590 new dwellings in PW it will result in a massive impact, with congestion around the town including Badsell Road. The Local Cycling and Walking Infrastructure Plan Phase 2 has proposals to ban cars using the Railway bridge to access the Town centre. The rerouting of traffic via the Badsell road to access the Town centre will increase congestion

along the Badsell Road. This proposal has also not been subject to direct consultation with the residents of PW. This should be implemented by TWBC before this DLP Consultation is reviewed after the closing date of Friday 4th June 2021.

3 Crime reduction

Paddock Wood has just seen its present Police station demolished for new housing and results in no direct police presence in the Town. With the proposed 3,590 new dwellings there is a clear need for a new police station to serve the increasing community. This should form part of the need within the DLP.

1 Community engagement

At present numerous planning applications are ignored by TWBC when PWTC and residents clearly object to them regarding past policy on local plans. The recent approval of the Churchill development in the town centre clearly went against previous policy and PWTC objections. We need closer liaison with TWBC planning office and our elected Borough Councillors who make the real decisions and to stop us being continually ignored. We live local and need to be listened to and supported.

Design checklist to support the design criteria in Policy EN 1 1. Design, character, and site context

All of these questions look fine on paper but what is the process if any have the answer of no! Hopefully if only one is not met then the design of any new development would be rejected.

The residents again need that commitment from TWBC as part of the DLP.

Climate Change Mitigation and Adaptation

Climate change mitigation

6.32 The statement is to be supported identifying the greatest challenge the world and our local communities in the Borough face in the near future up to 2030 and beyond. The modelling produced by the Utilities need to be challenged and subject to rigorous scrutiny as regards events over a 100 years etc. These events are occurring more often and any new development must have the required infrastructure to cope with these extreme events.

6.36 This statement is not forceful enough when : The Local Authority **expects** developers to undertake a 'fabric first' approach to reduce overall CO2 emissions from buildings. Developers "**must**" replacing the expects to implement these policy statements.

As part of this statement it should include the policy to ensure that all the Towns including Paddock Wood and Parishes within the Borough implement a local A Carbon Free Footprint to meet the Borough target of 2030. This policy should be implemented with subsidies from the Borough to help the communities create their local policies in support of the Borough policy of carbon free by 2030.

Policy EN 3 Climate Change

Mitigation and Adaptation

I broadly support the Policy EN3 but enforcement is the key with any new development being subject to scrutiny and enforcement from the Borough. It is responsibility of TWBC to implement this and not the Town and Parish clerks. Who is meant to ensure that any conditions imposed on developers as a result of these fine words in the DLP are actually complied with?

Policy EN 5

Heritage Assets

Within this policy statement the Wesley Centre in Paddock Wood should be clearly mentioned and protected for the future.

Pg 353.Natural Environment

Requirements and processes for planning applications

6.138 These are fine policy statements but who again enforces the developers to put them into practice. Within the DLP allocation of 3590 new houses in PW all of this development is on present green and open space and existing countryside. That environment is destroyed with no regard to the resident wildlife and natural trees and plants. TWBC should demand the developers provide such elements as hedgehog highways between the dwellings to help the Hedgehogs adapt to their new environment. Existing trees must be incorporated into the design of the new developments.

Pg357 Protection of Designated Sites and Habitats

Local sites

6.153 The local nature reserve owned by Paddock Wood Town Council PWTC **must** be mentioned in this policy statement to protect the woodland and its resident wildlife and habitat against over development and encroachment on its existing boundary's.

Pg381. Policy EN 21

Air Quality

TWBC must implement this policy statement across the borough as more and more houses are built in this DLP including PW. The present bus services in the rural areas are totally inadequate and an integrated bus and railway network will encourage more public transport use and improve air quality.

Pg 387 Development and Flood Risk

6.277 This statement needs to be reviewed as most of the proposed new development in PW within this DLP is in a high area of flood risk. "**The Strategy for Paddock Wood and east Capel and STR/SS 3**" is totally unsustainable and supports the argument the allocation of 3,590 is not sustainable when considering all the policy statements in this DLP. The number of new dwellings is not proportionate to the rest of the Borough in meeting its total allocation of 12,000 plus new dwellings. Paddock Wood just cannot cope with this large number of new houses and it should be reduced.

Pg388 Policy EN 25

Flood Risk

Where it is proven that the mitigation is not sustainable then the development should not be allowed as part of the DLP. Failure to do so will mean increased flooding in areas such as PW and Capel and the residents will pick up the cost, not the developers or the TWBC.

Pg 397.Policy H 1 & Pg401 H 3

Housing Mix

6.326 Within this policy statement there is no mention of the provision of Social Housing in the borough. As a matter of urgency this must be included after the pandemic and covid and hopefully the rebuilding of the economy.

Pg 428 Policy ED 1

The Key Employment Areas

Paddock Wood Eldon Way and West of Maidstone Road

Paddock Wood Transfesa Road East and West

Both of these locations identify the present local key employment areas in PW and should be maintained. The proposal within the DLP to provide residential dwellings North of the railway bridge in PW contradicts this policy. This type of Commercial development is more suited to high risk flood areas in PW as describe in the DLP and not for new residential development in the same area.

Pg 466 Public Car Parks

The introduction of free parking should be implemented as part of this DLP for all the Borough public car parks. To rebuild the local economy across the borough and support our local retailers after the Pandemic and Covid. We need our residents to shop local and this policy will support that goal.

Pg468 Policy TP 5

Safeguarding Railway Land

The former Paddock Wood to Hawkhurst (Hop Pickers) line

This policy is fully supported within the DLP and supports PWTC in setting out a strategy to try and enhance and improve the route for future recreational use including walking along the route, where possible to Hawkhurst.

Personal Note.

When considering all the various statements included in these sections of the DLP it is so plainly obvious that many of the statements contradict themselves in justifying the new housing allocation. The Borough has quite frankly built the reasons why the allocation in PW and Capel is not sustainable and across the Borough. The point is will the safe guards be implemented in the DLP and the fine words acted on in the future, past history makes me think not. PW will change for the worse for ever!!! The Borough must stand back and review its present DLP.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)? . Yes, I wish to participate in hearing session(s)

Question 7a

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If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

I am a Paddock Wood Town Councillor and these comments are based on a personal opinion and view on the various sections and paragraphs within the Draft Local Plan. They do not represent the views of the Town Council

This Tunbridge Wells Local Plan is probably the most controversial consultation to be submitted to the residents of Paddock Wood and the whole of TWBC to date. The plan is brief and has no exact detail in the documents justification for so many proposed new dwellings in the Borough. In fact some of the policies and statements made in the DLP contradict each other and in reality build their own reasons to why the proposed new 3,590 dwellings are unsustainable around the Town.

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box: Yes, I wish to be notified of future stages of the Local Plan

Comment

Consultee	Mr Raymond Moon ([REDACTED])
Email Address	[REDACTED]
Address	[REDACTED] Paddock Wood TN12 [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Mr Raymond Moon ([REDACTED])
Comment ID	PSLP_2280
Response Date	02/06/21 14:54
Consultation Point	Section 2: Setting the Scene (View)
Status	Processed
Submission Type	Web
Version	0.3

Data inputter to enter their initials here HB

Question 1

Respondent's Name and/or Organisation Raymond Moon

Question 3

To which part of the Local Plan does this representation relate? Paragraph(s)

Question 3a

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Section 2: Setting the Scene

Pg21. Paragraphs: 2.4, 2.17-2.19, 2.21-2.27, 2.33, 2.34, 2.41

Question 4

Do you consider that the Local Plan:

Is legally compliant No

Is sound No

Complies with the Duty to Cooperate No

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

- . It is not positively prepared
- . It is not effective
- . It is not justified
- . It is not consistent with national policy

Question 5

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

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Section 2 Setting the Scene.

The settlements of the borough

Pg21 2.4 Paddock Wood. This opening statement highlights the many reasons why the amount of the proposed new dwellings 3,590+ are not sustainable within the area of Paddock Wood (PW). This number represents over 50% of the proposed Borough allocation and disproportionate to the allocation to other parishes and Towns in the Borough. Its is unfair and unjustified and damages the environment. There is no present bus station in Paddock Wood and the present mainline station has no direct link with the provision of bus routes needed to tempt present and future motor vehicle users to use public transport or cycles as we lead into a Zero carbon future. Our present secondary school Mascals can not sustain the present developments in PW and neither 3,590 new houses. Our present sports centre at Putlands is not adequate and the proposed new centre appears to serve Capel rather than the new residents of PW. We need a new police station to replace our present one which was demolished to make way for more housing in the town.

The strategy of the North of PW serving Large employment appears to have been abandoned in favour of new residential development. These new houses are in a high flood risk area and would create a pinch point over the present railway bridge if residents wish to use the present towns services ie. retail and access to schools, surgery's the present sports centre. There is a present HGV weight restriction on the bridge in appreciation of the increased traffic over the years. More houses North of PW will only make matters worse.

Housing affordability:

2.17 this paragraph highlights the worsening provision of the affordability of housing in PW where present house prices make many new houses in PW unaffordable to local residents. Present new 1 bed apartments in PW are priced at £252k to £275k beyond the reach of local residents. Social housing at 60% of market value is basically non existent and the social housing allocation should be nearer 100% to cope with future housing needs after the economic consequences of the pandemic start to kick in over the nest few years in PW and the Borough. Paragraphs 2.17 – 2.19 give the evidence that the affordable housing is far from affordable! The Draft Local plan does not adequately address this problem in the Borough and unfairly burdens PW with the new housing allocation.

Housing Types.

2.21. No mention is made to the new provision of any suitable bungalow type houses in the plan for PW. With have an ageing population and to reduce pressure on all our health services we should be planning for more of these types of houses. We have a real shortage in PW.

Infrastructure Key Issue/ challenge.

This particular serious issue in PW only warrants two paragraphs 2.22- 2.23.

2.22. The present 3 new developments approved in PW are seriously lacking in new infrastructure to sustain them in the future and the proposed new 3,590 dwellings need a new integrated network for the present residents and new residents in the years ahead covered in the plan.. The present incompetence of the provision provided by Southern Water (SW) for these new developments gives no one in the Town the confidence that SW will deliver on these new houses. Table 2. Lists some fine promises of the types of infrastructure to be delivered but the residents are still waiting on previous promises. Words are not enough, we have been failed and will not accept failure again. We need guarantees in the plan that the Utilities will deliver before any more houses are built in PW.

2.24 -2.26. The present borough council has not worked with our present developers in delivering the conditions imposed at the last public enquiry and the present Councils Infrastructure Delivery Plan only glosses over the need **“It is recognised that there are different infrastructure needs for different settlements and parishes across the borough, such as flood mitigation, sport and recreation provision, and internet accessibility, especially in rural areas; these will need to be considered and addressed accordingly”** There are no concrete proposals in the plan to address these complex issues and problems.

Natural, built, and historic environment Key issue/challenge: Green Belt, conserving and enhancing the borough’s recognised heritage and environmental assets, and achieving net gains for nature.

2.27. Much of the land around PW is designated Green Belt Land (GBL) including land surrounding our local villages such as Capel, Horsmonden, Brenchley , Matfield. The prospect of PW linking directly with Tonbridge via Capel is a real possibility and unsustainable. Urban sprawl is a real possibility and 407.576Ha of GBL will be de designated. 148.194Ha of this in the borough will be allocated for PW and East Capel. Foal Hurst Wood owned by Paddock Wood Town Council has resident Dormouse and other wildlife and a natural habitat for plants which has no mention of future protection in the plan. Coup[led with the present unfair allocation of new dwellings represents a massive destruction of our present Green and Open spaces and existing footpaths in the surrounding countryside.

Flooding Key issue/challenge: ensuring growth can be accommodated without further risk to areas vulnerable to flooding and, if possible, to provide betterment.

A key element of objection in this statement is the suggestion **“if possible to provide betterment”**. If you are providing new housing on high Flood risk areas in PW and the Borough than it is only logical that it is not sustainable unless improvements are made in the infrastructure.

2.33. Much of the allocated land especially North of the railway line has been put in Hgh Flood Risk areas category 2 and 3a. The present 3 developments in PW have added to the flooding issues and the proposed mitigation for the new houses is again unstainable. A promised masterplan at the last public enquiry to co ordinate flood protection and mitigation was not implemented. In stead of bland promises the residents of PW need actions and real infrastructure.

Transport Key issue/challenge: promoting different transport options to accommodate future growth, ease congestion, and where possible, improve air quality

Again a key element of objection to this statement is **“and where possible, improve air quality”**. If any potential road improvements in PW to sustain the new 3,590 dwellings are proposed then our existing air quality should not be reduced but improved.

2.34. How will TWBC address these **“The borough faces significant transport challenges, particularly in terms of managing existing congestion and future growth, as well as needing to respond to the impacts of air quality and climate change”**. The existing pinch point over the railway line bridge is not addressed and no proposal put forward that make sense or provision for the future. HGV traffic around our local lanes and roads is causing present massive congestion and air pollution and with the projected increase of commuters in the Town will also mean more congestion and air pollution and inadequate parking at the PW mainline station. More housing in our local villages will put more pressure on the present parking in PW.

Economy Key issue/challenge: supporting the needs of the local economy so that it can continue to be competitive, and creating a range of local job opportunities

2.41 As we come out of a pandemic our National and Local economy has been devastated and this aspect needs to be seriously addressed in the plan. To put it bluntly we have plenty of words but no detail or how we intend to create more local jobs in the PW area or rebuild the High Street (Commercial Road). A user friendly High Street has not been addressed for the future and with the recent approval of a new area behind the Commercial Road for housing places the whole future of the High Street in jeopardy. The best place to improve the economy is North of the railway line and this has been ignored in the plan.

In short Section 2. Setting the Scene, creates its own statement and doubts to question the sustainability of the new 3590 houses in PW and the size of the unfair allocation. The whole plan regarding PW should be revisited and provide more detail and sustainability for the future 30 years.

Question 7

***Please note** the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.*

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

Comment

Consultee	Mr Raymond Moon ()
Email Address	
Address	<div></div> <div>Paddock Wood</div> <div>TN12 </div>
Event Name	Pre-Submission Local Plan
Comment by	Mr Raymond Moon ()
Comment ID	PSLP_2281
Response Date	02/06/21 14:54
Consultation Point	Section 3: Vision and Objectives (View)
Status	Processed
Submission Type	Web
Version	0.2
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Raymond Moon
Question 3	
To which part of the Local Plan does this representation relate?	Paragraph(s)
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
Section 3: Vision and Objectives	
pg29. Paragraphs: 3.3 and 3.8	
Question 4	
Do you consider that the Local Plan:	

Is legally compliant	No
Is sound	No
Complies with the Duty to Cooperate	No

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

- . It is not positively prepared
- . It is not effective
- . It is not justified
- . It is not consistent with national policy

Question 5

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Section 3. Vision and Objectives.

Pg29. Vision.

3.3 section 2.

This section highlights the many reasons why Paddock Wood cannot sustain the proposed new dwellings in the plan. With the present new dwellings being built in the Town the infrastructure capacity **“general concerns about the infrastructure capacity (water supply, sewerage, schools, health, and leisure facilities, etc.) to support growth”** cannot cope now and any further new houses with compound the problem. If the TWBC cannot get it right with these present new houses how can it give the residents the confidence that it will get it right for 2030. Can the phrase “active travel” be explained in relation to reduce carbon emissions by 2030 a target set by TWBC.

3.8. Paddock wood is picked out **“It has a distinct identity and the potential to enhance these and its supporting services and facilities through growth, subject to due care in relation to connectivity and flood risk matters”** This very sentence gives a sound argument that these various points are a very good reason why the new dwellings in PW are unsustainable. The character of Paddock Wood will disappear and the flood risk will increase so how on ever can PW be suitable for so many more new houses. TWBC are just attempting to justify their quota at the detriment of the residents of PW.

Question 7

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Comment

Consultee	Mr Raymond Moon ([REDACTED])
Email Address	[REDACTED]
Address	[REDACTED] Paddock Wood TN12 [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Mr Raymond Moon ([REDACTED])
Comment ID	PSLP_2284
Response Date	02/06/21 14:54
Consultation Point	Vision and Strategic Objectives 1 Vision (View)
Status	Processed
Submission Type	Web
Version	0.3

Data inputter to enter their initials here HB

Question 1

Respondent's Name and/or Organisation Raymond Moon

Question 3a

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Vision and Strategic Objectives 1 - Vision

Question 4

Do you consider that the Local Plan:

Is legally compliant	No
Is sound	No
Complies with the Duty to Cooperate	No

Question 4a

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Vision and Strategic Objectives 1

Vision (Statement)

“Local ambitions are: “

“for Paddock Wood, to provide for comprehensive planned strategic growth (including on land in east Capel parish) that is fully aligned with timely infrastructure provision and which delivers significant improvements in local employment, town centre, leisure and other services/community facilities commensurate with its enhanced role, as well as ensuring that it is not vulnerable to flooding”

“for a garden settlement, to establish the potential for a new village to contribute to sustainable growth, that is: based on garden settlement principles; comprehensively planned and reflecting local character; well connected with nearby towns; providing local job opportunities, services and all necessary supporting infrastructure; with exemplary development of sustainable design”

Once again this statement appears to be purely designed to justify the number of houses to be allocated to PW and Capel and no real detail in the Plan to inform the residents how it will be achieved without harm to the present character of the present communities and indeed the new residents. PW and Capel are just filling the TWBC quota and the provision not being balanced across the Borough.

Question 7

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If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

Comment

Consultee	Mr Raymond Moon ([REDACTED])
Email Address	[REDACTED]
Address	[REDACTED] Paddock Wood TN12 [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Mr Raymond Moon ([REDACTED])
Comment ID	PSLP_2285
Response Date	02/06/21 14:54
Consultation Point	Vision and Strategic Objectives 2 Strategic Objectives (View)
Status	Processed
Submission Type	Web
Version	0.2
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Raymond Moon
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Vision and Strategic Objectives 2 - Strategic Objectives

Question 4

Do you consider that the Local Plan:

Is legally compliant	No
Is sound	No
Complies with the Duty to Cooperate	No

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

- Do you consider that the Local Plan is not sound because:**
- . It is not positively prepared
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 - . It is not justified
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Question 5

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Vision and Strategic Objectives 2

Strategic Objectives (Statement)

- 1 Where is the evidence for this that it is achievable in PW? The present approved development in the town is not sustainable now, so what hope in the future with this plan.
- 2 We need more Social Housing in the Borough and the proposed affordable housing in relation to present prices in PW supplied by TWBC figures will make any future affordable housing out of the range of local residents and Key workers such as those working in the NHS.
- 3 The proposed garden settlement in Capel is not sustainable as regards the new infrastructure required and the threat to our Green and Open spaces in the Borough. Where is the justification to dump it on Capel's residents and not to consider other locations in the Borough.
- 4 Every new development "chops" down existing trees and they should be incorporated into the design layouts. Cough Cooper houses built in the 1960's in PW where all built on orchards but many of the trees were saved and left in the new houses back gardens. We should demand that happens now and not see houses crammed in to meet the financial needs of the developers.
- 5 Over the years in PW with all the new housing the infrastructure has never been completed before the houses are built! The failure to achieve this threatens the very "vitality" of the communities.
- 6 With the proposed new residents our present road networks will not cope and the suggested proposals are impractical. The very presence of a Railway Line bridge at the heart of the town limits the number of houses PW can sustain without overcrowding the Town centre and making it a transport nightmare.
- 7 Please explain how?
- 8 Please explain how TWBC proposes to protect Foal Hurst Wood (FHW) our local Nature reserve owned by PWTC with the proposed new development surrounding it. Has light pollution been considered and the threat to wildlife migration across our Green and Open spaces. What threat is there to the present Dormouse population in FHW?
- 9 GB land is being released in this plan to solely meet the quota for TWBC. Show us where these tests have been made to justify it.
- 10 Climate change is making the risk of flooding more likely in PW so why build houses on the existing flood plain and enhance the impact of Climate change in the future and the residents pay the price for the Boroughs allocation.
- 11 This objective has been totally ignored to this day with past development in the town with the PWTC and residents ignored on many issues such as future surface water management and waste water management.

Everyone of these objectives are unachievable within the supporting documents in the DLP and seem only designed to support the plan and not address the real issues associated with the new development. Decide where we can put the new houses then adjust the objectives to suit that proposal. Its not honest or sustainable.

Question 7

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Comment

Consultee	Mr Raymond Moon ([REDACTED])
Email Address	[REDACTED]
Address	[REDACTED] Paddock Wood TN12 [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Mr Raymond Moon ([REDACTED])
Comment ID	PSLP_2286
Response Date	02/06/21 14:54
Consultation Point	Section 4: The Development Strategy and Strategic Policies (View)
Status	Processed
Submission Type	Web
Version	0.2
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Raymond Moon
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Section 4: The Development Strategy and Strategic Policies

Question 4

Do you consider that the Local Plan:

Is legally compliant	No
Is sound	No
Complies with the Duty to Cooperate	No

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

- Do you consider that the Local Plan is not sound because:**
- . It is not positively prepared
 - . It is not effective
 - . It is not justified
 - . It is not consistent with national policy

Question 5

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Section 4: The Development Strategy and Strategic Policies

Introduction

4.2 “One of the principal functions of the Local Plan is to set out the amount of future development being planned for, where it is to be located, and its nature, following the Vision and Strategic Objectives”By considering the failures in the plan in Section 3 Vision and Objectives this section logically is therefore flawed and unsustainable for the same reasons mentioned in the last section. Decide where we can put the new houses then build the argument with the attached documents to provide them. This approach is not sustainable for the future growth of PW.

The Development Strategy

Housing needs.

4.10 The figures provided by the TWBC are potentially over stated and the evidence is not conclusive with the need for 12,200 new dwellings in the Borough and an unfair proportion for PW and Capel.

4.11. The Council states it has considered alternative approaches and alternative locations so if the present allocation is unsustainable then it must object to the national default standard method. We need more houses for our children and grand children but with out the improved infrastructure before any houses are built it is unsustainable for the future. Draft local Plans are designed to achieve this and this one fails on so many levels.

Economic needs.

4.19. There is no mention of the effects of Covid on the local economy and unemployment is likely to rise. There should be no new residential housing North of the railway only retail as in previous Local Plans. The flood risk a very good reason with the real threat of Climate change in the future.

4.39. Where is the real evidence that all of the Brownfield sites have been considered. In the Borough and real note made of the windfall sites.

4.44. PW is not a a logical choice for strategic growth and the previous comments made concerning the sustainability of the allocation in PW reinforce this view. The very presence of the railway bridge hinders this growth so only retail development North of the railway is the logical choice. No mention of a possible new bridge?

Infrastructure and Connectivity

4.88 Mention is made that the Infrastructure has been separated into 3 main catogories:

“Physical infrastructure (such as highways and public realm improvements); community infrastructure (such as schools, adult social services, and cultural facilities); and green, grey, and blue infrastructure (such as play spaces, natural and semi-natural open space, and sports pitches, as well as other essential infrastructure such as flood mitigation, utilities, and digital connectivity)”

All of the three colour designations mention aspects of the infrastructure to be implemented but no reference to the utilities that will monitor or police, that these improvements are actioned within the plan.

4.91 “The Local Plan Vision is clear”The local plan **Vision** is far from clear, rather than expected **“expected that future infrastructure to mitigate the impact of development, or in the case of the strategic sites at Paddock Wood to deliver 'betterment' in flooding terms to particular areas, should be largely funded by development to ensure that the development is acceptable in planning terms.”**It must read **“it will ensure by legal means”–that future infrastructure etc.** To date in PW, TWBC and the utilities have failed on this objective relating to improving the infrastructure by betterment. The present situation regarding the utility Southern Water provision is late and totally inadequate for the present and future needs of the Town. This must not happen in the future with this DLP.

4.95.This paragraph mentions critical and essential projects to be in place before development takes place, but how do TWBC intend to implement this , rather than just “words”? Transport and Education has not been detailed and the present proposals have not been fully agreed with KCC. What legal powers do TWBC have against developers and utilities and the ability to challenge when they do not deliver key aspects of this plan.

Health

This mentions provision of new medical facilities or expansion in PW but where is the guarantee that it will happen to sustain the new houses. It is a must!!

Water

Who is going to pay for additional capacity at the present water treatment works to accommodate the new houses in PW and Capel? Where are the plans for new locations and funding requirements. Words are not enough we need concrete commitments not empty promises.

Sport and Recreation: Where is mention made of a new sports hub in PW as it appears it will serve PW and Capel of which they should have their facilities within the DLP. Sharing will cause access problems on our already congested roads travelling between the two locations to a shared sports hub. There is also no mentioned of the present proposed PW NHP provision currently in negotiation with TWBC.

Transport and Parking

4.98 The present NPPF states that significant development should be focused on locations that can be made sustainable by limiting travel and offering choice of transport modes. With the Railway bridge playing a significant pinch point to access to the town it is not feasible or practical to limit access to South of the railway just to justify the sustainability of the new housing within in the plan. There is at present a petition asking residents to object to the proposals concerning restricted access to the town and its lack of consultation with PW residents. It's a clear case of implementing solutions to just get the end result, more houses in PW that are just not sustainable.

Question 7

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If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

Comment

Consultee	Mr Raymond Moon ([REDACTED])
Email Address	[REDACTED]
Address	[REDACTED] Paddock Wood TN12 [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Mr Raymond Moon ([REDACTED])
Comment ID	PSLP_2282
Response Date	02/06/21 14:54
Consultation Point	Policy STR 1 The Development Strategy (View)
Status	Processed
Submission Type	Web
Version	0.3

Data inputter to enter their initials here HB

Question 1

Respondent's Name and/or Organisation Raymond Moon

Question 3

To which part of the Local Plan does this representation relate? Policy

Question 3a

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy STR 1 The Development Strategy

Question 4

Do you consider that the Local Plan:

Is legally compliant No

Is sound	No
Complies with the Duty to Cooperate	No

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:	. It is not positively prepared
	. It is not effective
	. It is not justified
	. It is not consistent with national policy

Question 5

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Policy STR 1

The Development Strategy (statement)

Over the period of 2020-2038 the brunt of the allocation of 12,204 is being imposed on PW and Capel and is clearly unsustainable.

The proposed expansion of PW and Capel is within existing flood risk areas so what solutions are proposed other than more ponds on new developments that then feed into existing infrastructure networks that cannot cope. At present in PW Southern Water has failed the residents in every count on the present construction of 3 developments at Church Road, Green Lane and Badsell Road.

4.58. No draft plan should be based on “It is also assumed that existing employment space will essentially be retained (with a small reduction at Paddock Wood, just to the north of the train station) and that there is scope for the intensification or extension of some of these to help meet more local needs.” Objectives should be in place to achieve this not assumptions!

Question 7

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If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

Comment

Consultee	Mr Raymond Moon ([REDACTED])
Email Address	[REDACTED]
Address	[REDACTED] Paddock Wood TN12 [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Mr Raymond Moon ([REDACTED])
Comment ID	PSLP_2283
Response Date	02/06/21 14:54
Consultation Point	Policy STR 3 Brownfield Land (View)
Status	Processed
Submission Type	Web
Version	0.2

Data inputter to enter their initials here HB

Question 1

Respondent's Name and/or Organisation Raymond Moon

Question 3

To which part of the Local Plan does this representation relate? Policy

Question 3a

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy STR 3 Brownfield Land

Question 4

Do you consider that the Local Plan:

Is legally compliant No

Is sound No

Complies with the Duty to Cooperate

No

Question 4a

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Question 5

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Policy STR 3

Brownfield Land (Statement)

Where is the real evidence that Brownfield land is being considered across the Borough rather than Greenfield build in PW and Capel?

a-g. These list all the reasons why Brownfield development could be unacceptable but logically they should also apply to the proposed new dwellings in PW. Within the plan they seem not to apply. Why the mismatch in policy in the DLP?

Question 7

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Comment

Consultee	Mr Raymond Moon ([REDACTED])
Email Address	[REDACTED]
Address	[REDACTED] Paddock Wood TN12 [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Mr Raymond Moon ([REDACTED])
Comment ID	PSLP_2287
Response Date	02/06/21 14:54
Consultation Point	Policy STR 4 Ensuring Comprehensive Development (View)
Status	Processed
Submission Type	Web
Version	0.2
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Raymond Moon
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
Policy STR 4 Ensuring Comprehensive Development	
Question 4	
Do you consider that the Local Plan:	
Is legally compliant	No
Is sound	No

Complies with the Duty to Cooperate

No

Question 4a

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Question 5

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Policy STR 4

Ensuring Comprehensive Development (Statement)

“A comprehensive approach to site development will be expected to ensure the good planning of the area and, in relation to allocated sites, to ensure that the policy provisions, read as a whole, are achieved. Where sites have several land use elements or are in multiple ownerships, this will be secured by an appropriate means of masterplanning, the form of which will include consideration of”

the strategic significance of the proposal

the extent of different land uses proposed across the overall site

whether there are multiple land ownerships forming the allocation.

Within this part of the DLP, mention is made of Masterplans and these must **make** proper consideration of the proposed urban expansion of Tudeley village and Paddock Wood and provide a joined up masterplan to link the two proposals together. In all circumstances full consideration must be given to the policy requirements such as access and connectivity, open space, drainage and other infrastructure, as well as affordable housing) relating to the site as a whole, with a phasing plan where appropriate, will be achieved. Delivery **must be** secured through a legal agreement with all the Utilities and stakeholders such as KCC schools provision, the developers, being required to sign a legal agreement to ensure they are in place before any development takes place within the Masterplan. Deadline dates must be included in this legal agreement. A previous masterplan was promised by TWBC and it never happened!

“The Council strongly encourages, and will have regard to, the level of engagement of relevant stakeholders, including the local community, town or parish councils, service providers, environmental organisations, and other interested parties, in the preparation of masterplans or similar framework documents.” “The council strongly encourages” is not strong enough to ensure the masterplans are acted on and completed as part of the DLP. The council must ensure legally that the level of engagement of relevant stakeholders, including the local community, town or parish councils, service providers, environmental organisations, and other interested parties, in the preparation of masterplans or similar framework documents, commit to the plans Vision and Objectives. Failure to do so will result in unsustainable development in PW and Capel.

Question 7

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If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

Comment

Consultee	Mr Raymond Moon ([REDACTED])
Email Address	[REDACTED]
Address	[REDACTED] Paddock Wood TN12 [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Mr Raymond Moon ([REDACTED])
Comment ID	PSLP_2288
Response Date	02/06/21 14:54
Consultation Point	Policy STR 6 Transport and Parking (View)
Status	Processed
Submission Type	Web
Version	0.2
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Raymond Moon
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
Policy STR 6 Transport and Parking	
Question 4	
Do you consider that the Local Plan:	
Is legally compliant	No
Is sound	No

Complies with the Duty to Cooperate

No

Question 4a

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Policy STR 6

Transport and Parking (statement).

- 1 a) Active travel. Active travel (walking and cycling, and emerging electrical personal vehicles) will be prioritised through:
- 2 The development and delivery of the strategic sites (Paddock Wood and east Capel, and Tudeley Village) proposed in this Local Plan will have integrated active travel as a fundamental element to their layout and design, so that settlements are easy to navigate on foot or by bike, both in new development and through existing areas of settlements to access their centres and services

The provision of this section relates to the Borough "Council's Local Cycling and Walking Infrastructure Plan". The implementation of this infrastructure plan proposes restrictions to the access to the Town via the Railway Bridge , restricting vehicle use and HGV use which already has a weight restriction. This plan appears to propose various new initiatives concerning pedestrian access and cycle access but in reality they are being implemented to justify the new development North of the railway. The bridge is a pinch point and clearly represents a barrier to the number of houses that are sustainable in the DLP. The new Cycling and walking plan is designed to mitigate this barrier and total disregard of the resulting consequences for the Towns residents. No car access means a journey into the Town centre via the Badsell road which will in turn cause more congestion into the Town from that direction. Buses will be allowed but PW does not have an integrated bus station with the rail station to try and tempt residents away from cars and use public transport. The strategy is clearly not joined up and the walking infrastructure plan has not gone to consultation to the local residents especially those living at present North of the Railway. Another good reason not to have new residential housing North of the railway which is part of the DLP. The only reason it has been proposed is to meet the allocation from TWBC. It plainly does not make common sense and should be opposed.

- 1 Who will pay for these new provisions as we come out of the Covid pandemic? The national debt is massive and many councils and utilities' will just not have the finances. There has to be a funding commitment via Government who are imposing the housing allocations across the country. Failure to do this should mean no new development in PW or within the whole Borough.
- 2 Public transport.
- 3 "Establishing rapid bus/transport links, including from Paddock Wood to Royal Tunbridge Wells, Paddock Wood to Tonbridge (via Tudeley Village), and Royal Tunbridge Wells to Tonbridge, and ensuring that the design of these strategic sites provides for attractive bus services with convenient access to the highway network:

Who is going to fund these rapid bus/transport links within this DLP and ensure we have attractive bus services with convenient access to existing highway networks. Will the service be subsidised by KCC or is it again just words and no real substance in the proposals?

- 1 Working with network rail again is “Pie in the Sky” as they have their own agenda but it seems convenient to suggest it can happen in the future as part of this DLP. Has there been any negotiations with Network Rail and any commitment to provide capital funds to make it happen in the future as part of this DLP. Where’s the evidence?

Question 7

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Comment

Consultee	Mr Raymond Moon ([REDACTED])
Email Address	[REDACTED]
Address	[REDACTED] Paddock Wood TN12 [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Mr Raymond Moon ([REDACTED])
Comment ID	PSLP_2290
Response Date	02/06/21 14:54
Consultation Point	Policy STR 7 Climate Change (View)
Status	Processed
Submission Type	Web
Version	0.2
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Raymond Moon
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
Policy STR 7 Climate Change	
Question 4	
Do you consider that the Local Plan:	
Is legally compliant	No
Is sound	No

Complies with the Duty to Cooperate

No

Question 4a

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Policy STR 7

Climate Change (statement)

The Borough must implement these changes as part of its net zero target by 2030.

1 3. Implementing proactive policy on climate change adaptation

“a. protecting existing green spaces and creating new, appropriate green infrastructure whilst balancing the need for built development”

Show us the proposals and evidence that this is achievable with the present dwelling allocation for PW within the DLP. Where are these sustainable Drainage Systems at present in PW?

1 Partner engagement

This looks great on paper but in reality it has never happened yet in PW with all the new houses over the last 50 years. Who is going to lead and integrate these partner engagements? At present Southern Water and the present developers ignore the residents of PW and PWTC when dealing with the failures of these partners to provide present sustainable development in PW and stick to their previous promises made in past Local Plans to previous Inspectors and recent planning applications. The Borough is failing the residents of PW.

Question 7

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Comment

Consultee	Mr Raymond Moon ([REDACTED])
Email Address	[REDACTED]
Address	[REDACTED] Paddock Wood TN12 [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Mr Raymond Moon ([REDACTED])
Comment ID	PSLP_2291
Response Date	02/06/21 14:54
Consultation Point	Policy STR 9 Green Belt (View)
Status	Processed
Submission Type	Web
Version	0.2
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Raymond Moon
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
Policy STR 9 Green Belt	
Question 4	
Do you consider that the Local Plan:	
Is legally compliant	No
Is sound	No

Complies with the Duty to Cooperate

No

Question 4a

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Policy STR 9

Green Belt (statement)

The Borough's Green Belt

4.128 Overall, some 5.71% of the Green Belt within the borough has been de-designated. Table 6 Green Belt Sites Policy Number Site Address S

STR/SS 1 Paddock Wood (including land at Removed -148.194 2.077 east Capel)

STR/SS 3 Tudeley Village Removed

To accommodate the boroughs housing allocation the above areas of GBL have been removed and there is no evidence or justification to agree to the reduction of our green and Open Spaces. This removal is purely designed to allow the TWBC to meet the new dwelling allocation and again highlights the unsustainability of the present proposals in the DLP.

Within the NPPF the proposed new development within the Green Belt is inappropriate and will harm the GB. Once you have lost Green Open Space in the GB it takes years to replace and is not viable. The only reason to take GBL is to meet the housing allocation and ignore the future damage. This use of GBL is inappropriate and I object to its inclusion in the DLP.

Question 7

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If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

Comment

Consultee	Mr Raymond Moon ()
Email Address	
Address	 Paddock Wood TN12
Event Name	Pre-Submission Local Plan
Comment by	Mr Raymond Moon ()
Comment ID	PSLP_2292
Response Date	02/06/21 14:54
Consultation Point	Policy STR/PW 1 The Strategy for Paddock Wood (View)
Status	Processed
Submission Type	Web
Version	0.2
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Raymond Moon
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
Policy STR/PW 1 The Strategy for Paddock Wood	
Question 4	
Do you consider that the Local Plan:	
Is legally compliant	No
Is sound	No

Question 4a

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Section5: Place Shaping Policies Introduction

Paddock Wood

Pg 166. The Strategy for Paddock Wood.

5.239 This paragraph clearly states the importance of identifying the flood risk in the area and the importance to recognise this when agreeing planning applications and the policies in this DLP. The most risk is North of the railway and no residential development should be allowed in this allocation as in previous Local Plans with only commercial development being acceptable.

5.240 The release of the GBL west of Paddock Wood and none of the exceptional circumstances justify this release set out in Policy STR/SS 1. The only justification is to allow the allocation of new dwellings to meet the TWBC allocation and the unchallenged Government Allocation.

5.241 This is a false statement regarding the number of presently agreed houses which is at least 1400 new dwellings within the last Local Plan. It should also take into account the number of windfall houses built in PW during that time and the pressure put on the existing inadequate infrastructure.

5.242 The significant growth planned for PW 3,490-3,590 dwellings will significantly change the existing character of the Town and is not sustainable as regards the present provision of medical facilities and capacity at the primary school and Mascalls School. The present Town centre will also not be able to sustain the new houses. In short the allocation is disproportionate to the overall TWBC allocation and this document seeks to justify the figures by false statements and attached documents. The number was picked out the sky and then make it sustainable.

5.244 There is frequent mention of a Masterplan through out this whole document to again support the allocation of 3,590 houses and there is no detail of the plan and the legal requirement put on developers and other utilities and stakeholders in the Town. A previous masterplan was promised for PW and it did not happen. The detail of the masterplan must be presented and agreed in this DLP.

Policy STR/PW 1

The Strategy for Paddock Wood

- 1 Mention is made to Affordable housing but no mention of the need for Social housing as we come out of the Pandemic. The affordable housing in PW not affordable to many residents even with the present TWBC policy on its provision to developers. The TWBC is missing its target on this provision. We need more Social housing.
- 2 Flood mitigation at present on the existing new developments predominantly relies on drainage ponds which is not sustainable in the future as we experience Climate Change and more extreme

weather events. The fact is they are being built on high Flood risk areas and should not be allowed. There has to be a limit to how many houses that are sustainable within the present infrastructure.

- 3 No mention is made to protection of Foal Hurst Wood nature reserve owned by PWTC as more houses are built around its boundary. Light pollution is a major threat to the present wildlife that exist in the wood including resident Dormouse.

Question 7

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Comment

Consultee	Mr Raymond Moon ([REDACTED])
Email Address	[REDACTED]
Address	[REDACTED] Paddock Wood TN12 [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Mr Raymond Moon ([REDACTED])
Comment ID	PSLP_2293
Response Date	02/06/21 14:54
Consultation Point	Policy AL/PW 1 Land at Mascalls Farm (View)
Status	Processed
Submission Type	Web
Version	0.2
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Raymond Moon
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
Policy AL/PW 1 Land at Mascalls Farm	
Question 4	
Do you consider that the Local Plan:	
Is legally compliant	No
Is sound	No

Complies with the Duty to Cooperate

No

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

- . It is not positively prepared
- . It is not effective
- . It is not justified
- . It is not consistent with national policy

Question 5

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Allocation policies for Paddock Wood

Land at Mascalls Farm (AL/PW1)

5.253 The protection of Foal Hurst Wood and the link to Brick Kiln Wood should be included to protect the present Dormouse population in FHW.

5.255 The site allocation of 400 homes is over intensive and unsustainable within the DLP

5.256, 5.257 These statements highlight the probability that the allocation of 3,590 will be exceeded as the duration of the plan progresses and the limit of 3590 must not be breached.

Policy AL/PW 1

Land at Mascalls Farm

This development already has planning permission so why is it in the DLP and appears to be open to consultation, it is not!

Question 7

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Comment

Consultee	Mr Raymond Moon ([REDACTED])
Email Address	[REDACTED]
Address	[REDACTED] Paddock Wood TN12 [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Mr Raymond Moon ([REDACTED])
Comment ID	PSLP_2294
Response Date	02/06/21 14:54
Consultation Point	Policy EN 1 Sustainable Design (View)
Status	Processed
Submission Type	Web
Version	0.2
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Raymond Moon
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
Policy EN 1 Sustainable Design	
Question 4	
Do you consider that the Local Plan:	
Is legally compliant	No
Is sound	No

Complies with the Duty to Cooperate

No

Question 4a

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Section 6: Development Management Policies

Policy EN 1

Pg 324.Sustainable Design

- 1 This mentions the needs of occupiers in relation to their changing circumstances as they grow older or life changes at any age, without needing to move House. New dwellings as part of TWBC policy should adopt "**Life Time Home Standards**" for all new build across the Borough in the DLP. This also should include the inclusion of new bungalows in any new development allocation including Social Housing. Developers need to be forced to include new Bungalow dwellings in the DLP allocation.

Within this whole policy the main theme is "should" relating to the policy provision and it should be replaced by "**must**". This gives a clear commitment to ensure that the policy statements are not just words to be ignored but to be acted on.

- 1 **Highway safety and access**

- 2 Due to the unfair allocation of 3,590 new dwellings in PW it will result in a massive impact, with congestion around the town including Badsell Road. The Local Cycling and Walking Infrastructure Plan Phase 2 has proposals to ban cars using the Railway bridge to access the Town centre. The rerouting of traffic via the Badsell road to access the Town centre will increase congestion along the Badsell Road. This proposal has also not been subject to direct consultation with the residents of PW. This should be implemented by TWBC before this DLP Consultation is reviewed after the closing date of Friday 4th June 2021.

- 3 **Crime reduction**

Paddock Wood has just seen its present Police station demolished for new housing and results in no direct police presence in the Town. With the proposed 3,590 new dwellings there is a clear need for a new police station to serve the increasing community. This should form part of the need within the DLP.

- 1 **Community engagement**

At present numerous planning applications are ignored by TWBC when PWTC and residents clearly object to them regarding past policy on local plans. The recent approval of the Churchill development in the town centre clearly went against previous policy and PWTC objections. We need closer liaison with TWBC planning office and our elected Borough Councillors who make the real decisions and to stop us being continually ignored. We live local and need to be listened to and supported.

Design checklist to support the design criteria in Policy EN 1 1. Design, character, and site context

All of these questions look fine on paper but what is the process if any have the answer of no! Hopefully if only one is not met then the design of any new development would be rejected.

The residents again need that commitment from TWBC as part of the DLP.

Climate Change Mitigation and Adaptation

Climate change mitigation

6.32 The statement is to be supported identifying the greatest challenge the world and our local communities in the Borough face in the near future up to 2030 and beyond. The modelling produced by the Utilities need to be challenged and subject to rigorous scrutiny as regards events over a 100 years etc. These events are occurring more often and any new development must have the required infrastructure to cope with these extreme events.

6.36 This statement is not forceful enough when : The Local Authority **expects** developers to undertake a 'fabric first' approach to reduce overall CO2 emissions from buildings. Developers "**must**" replacing the expects to implement these policy statements.

As part of this statement it should include the policy to ensure that all the Towns including Paddock Wood and Parishes within the Borough implement a local A Carbon Free Footprint to meet the Borough target of 2030. This policy should be implemented with subsidies from the Borough to help the communities create their local policies in support of the Borough policy of carbon free by 2030.

Question 7

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Comment

Consultee	Mr Raymond Moon ([REDACTED])
Email Address	[REDACTED]
Address	[REDACTED] Paddock Wood TN12 [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Mr Raymond Moon ([REDACTED])
Comment ID	PSLP_2295
Response Date	02/06/21 14:54
Consultation Point	Policy EN 3 Climate Change Mitigation and Adaptation (View)
Status	Processed
Submission Type	Web
Version	0.2
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Raymond Moon
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
Policy EN 3 Climate Change Mitigation and Adaptation	
Question 4	
Do you consider that the Local Plan:	
Is legally compliant	No
Is sound	No

Complies with the Duty to Cooperate

No

Question 4a

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Policy EN 3 Climate Change

Mitigation and Adaptation

I broadly support the Policy EN3 but enforcement is the key with any new development being subject to scrutiny and enforcement from the Borough. It is responsibility of TWBC to implement this and not the Town and Parish clerks. Who is meant to ensure that any conditions imposed on developers as a result of these fine words in the DLP are actually complied with?

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Comment

Consultee	Mr Raymond Moon ()
Email Address	
Address	<div></div> <div>Paddock Wood</div> <div>TN12</div>
Event Name	Pre-Submission Local Plan
Comment by	Mr Raymond Moon ()
Comment ID	PSLP_2296
Response Date	02/06/21 14:54
Consultation Point	Policy EN 5 Heritage Assets (View)
Status	Processed
Submission Type	Web
Version	0.2
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Raymond Moon
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
Policy EN 5 Heritage Assets	
Question 4	
Do you consider that the Local Plan:	
Is legally compliant	No
Is sound	No

Complies with the Duty to Cooperate

No

Question 4a

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Policy EN 5

Heritage Assets

Within this policy statement the Wesley Centre in Paddock Wood should be clearly mentioned and protected for the future.

Pg 353.Natural Environment

Requirements and processes for planning applications

6.138 These are fine policy statements but who again enforces the developers to put them into practice. Within the DLP allocation of 3590 new houses in PW all of this development is on present green and open space and existing countryside. That environment is destroyed with no regard to the resident wildlife and natural trees and plants. TWBC should demand the developers provide such elements as hedgehog highways between the dwellings to help the Hedgehogs adapt to their new environment. Existing trees must be incorporated into the design of the new developments.

Pg357 Protection of Designated Sites and Habitats

Local sites

6.153 The local nature reserve owned by Paddock Wood Town Council PWTC **must** be mentioned in this policy statement to protect the woodland and its resident wildlife and habitat against over development and encroachment on its existing boundary's.

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Comment

Consultee	Mr Raymond Moon ()
Email Address	
Address	<div></div> <div>Paddock Wood</div> <div>TN12 </div>
Event Name	Pre-Submission Local Plan
Comment by	Mr Raymond Moon ()
Comment ID	PSLP_2297
Response Date	02/06/21 14:54
Consultation Point	Policy EN 21 Air Quality (View)
Status	Processed
Submission Type	Web
Version	0.2
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Raymond Moon
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
Policy EN 21 Air Quality	
Question 4	
Do you consider that the Local Plan:	
Is legally compliant	No
Is sound	No

Complies with the Duty to Cooperate

No

Question 4a

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Pg381. Policy EN 21

Air Quality

TWBC must implement this policy statement across the borough as more and more houses are built in this DLP including PW. The present bus services in the rural areas are totally inadequate and an integrated bus and railway network will encourage more public transport use and improve air quality.

Pg 387 Development and Flood Risk

6.277 This statement needs to be reviewed as most of the proposed new development in PW within this DLP is in a high area of flood risk. “**The Strategy for Paddock Wood and east Capel and STR/SS 3**” is totally unsustainable and supports the argument the allocation of 3,590 is not sustainable when considering all the policy statements in this DLP. The number of new dwellings is not proportionate to the rest of the Borough in meeting its total allocation of 12,000 plus new dwellings. Paddock Wood just cannot cope with this large number of new houses and it should be reduced.

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Comment

Consultee	Mr Raymond Moon ([REDACTED])
Email Address	[REDACTED]
Address	[REDACTED] Paddock Wood TN12 [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Mr Raymond Moon ([REDACTED])
Comment ID	PSLP_2298
Response Date	02/06/21 14:54
Consultation Point	Policy EN 25 Flood Risk (View)
Status	Processed
Submission Type	Web
Version	0.2
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Raymond Moon
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
Policy EN 25 Flood Risk	
Question 4	
Do you consider that the Local Plan:	
Is legally compliant	No
Is sound	No

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No

Question 4a

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Pg388 Policy EN 25

Flood Risk

Where it is proven that the mitigation is not sustainable then the development should not be allowed as part of the DLP. Failure to do so will mean increased flooding in areas such as PW and Capel and the residents will pick up the cost, not the developers or the TWBC.

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Comment

Consultee	Mr Raymond Moon ([REDACTED])
Email Address	[REDACTED]
Address	[REDACTED] Paddock Wood TN12 [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Mr Raymond Moon ([REDACTED])
Comment ID	PSLP_2299
Response Date	02/06/21 14:54
Consultation Point	Policy H 1 Housing Mix (View)
Status	Processed
Submission Type	Web
Version	0.2
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Raymond Moon
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
Policy H 1 Housing Mix	
Question 4	
Do you consider that the Local Plan:	
Is legally compliant	No
Is sound	No

Complies with the Duty to Cooperate

No

Question 4a

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Pg 397.Policy H 1 & Pg401 H 3

Housing Mix

6.326 Within this policy statement there is no mention of the provision of Social Housing in the borough. As a matter of urgency this must be included after the pandemic and covid and hopefully the rebuilding of the economy.

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Comment

Consultee	Mr Raymond Moon ([REDACTED])
Email Address	[REDACTED]
Address	[REDACTED] Paddock Wood TN12 [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Mr Raymond Moon ([REDACTED])
Comment ID	PSLP_2300
Response Date	02/06/21 14:54
Consultation Point	Policy H 3 Affordable Housing (View)
Status	Processed
Submission Type	Web
Version	0.2
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Raymond Moon
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
Policy H 3 Affordable Housing	
Question 4	
Do you consider that the Local Plan:	
Is legally compliant	No
Is sound	No

Complies with the Duty to Cooperate

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Question 4a

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Comment

Consultee	Mr Raymond Moon ([REDACTED])
Email Address	[REDACTED]
Address	[REDACTED] Paddock Wood TN12 [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Mr Raymond Moon ([REDACTED])
Comment ID	PSLP_2301
Response Date	02/06/21 14:54
Consultation Point	Policy ED 1 The Key Employment Areas (View)
Status	Processed
Submission Type	Web
Version	0.2
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Raymond Moon
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
Policy ED 1 The Key Employment Areas	
Question 4	
Do you consider that the Local Plan:	
Is legally compliant	No
Is sound	No

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Question 4a

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Pg 428 Policy ED 1

The Key Employment Areas

Paddock Wood Eldon Way and West of Maidstone Road

Paddock Wood Transfesa Road East and West

Both of these locations identify the present local key employment areas in PW and should be maintained. The proposal within the DLP to provide residential dwellings North of the railway bridge in PW contradicts this policy. This type of Commercial development is more suited to high risk flood areas in PW as describe in the DLP and not for new residential development in the same area.

Pg 466 Public Car Parks

The introduction of free parking should be implemented as part of this DLP for all the Borough public car parks. To rebuild the local economy across the borough and support our local retailers after the Pandemic and Covid. We need our residents to shop local and this policy will support that goal.

Question 7

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Comment

Consultee	Mr Raymond Moon ([REDACTED])
Email Address	[REDACTED]
Address	[REDACTED] Paddock Wood TN12 [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Mr Raymond Moon ([REDACTED])
Comment ID	PSLP_2289
Response Date	02/06/21 14:54
Consultation Point	Policy TP 3 Parking Standards (View)
Status	Processed
Submission Type	Web
Version	0.2
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Raymond Moon
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
Policy TP 3 Parking Standards	
Question 4	
Do you consider that the Local Plan:	
Is legally compliant	No
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Car parking

Policy TP 3: Parking Standards

To revitalise our local high street and commercial centres after Covid the Borough must implement a free parking strategy across the board including PW car parks to give a boost to our local retailers and encourage people back to the shops in our community's.

Question 7

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Comment

Consultee	Mr Raymond Moon ([REDACTED])
Email Address	[REDACTED]
Address	[REDACTED] Paddock Wood TN12 [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Mr Raymond Moon ([REDACTED])
Comment ID	PSLP_2302
Response Date	02/06/21 14:54
Consultation Point	Policy TP 5 Safeguarding Railway Land (View)
Status	Processed
Submission Type	Web
Version	0.2
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Raymond Moon
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
Policy TP 5 Safeguarding Railway Land	
Question 4	
Do you consider that the Local Plan:	
Is legally compliant	No
Is sound	No

Complies with the Duty to Cooperate

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Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

Pg468 Policy TP 5

Safeguarding Railway Land

The former Paddock Wood to Hawkhurst (Hop Pickers) line

This policy is fully supported within the DLP and supports PWTC in setting out a strategy to try and enhance and improve the route for future recreational use including walking along the route, where possible to Hawkhurst.

Personal Note.

When considering all the various statements included in these sections of the DLP it is so plainly obvious that many of the statements contradict themselves in justifying the new housing allocation. The Borough has quite frankly built the reasons why the allocation in PW and Capel is not sustainable and across the Borough. The point is will the safe guards be implemented in the DLP and the fine words acted on in the future, past history makes me think not. PW will change for the worse for ever!!! The Borough must stand back and review its present DLP.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

Comment

Consultee	Iain Morgan [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] Cranbrook [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Iain Morgan [REDACTED]
Comment ID	PSLP_1846
Response Date	03/06/21 22:08
Consultation Point	Policy AL/SA 1 Land on the south side of Sayville, Rye Road and west of Marsh Quarter Lane, Sandhurst (View)
Status	Processed
Submission Type	Email
Version	0.6
Data inputter to enter their initials here	KH
Question 1	
Respondent's Name and/or Organisation	Iain J Morgan
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy AL/SA 1 Land on the south side of Sayville, Rye Road and west of Marsh Quarter Lane, Sandhurst

Question 4

Do you consider that the Local Plan:

Is legally compliant Don't know

Is sound No

Complies with the Duty to Cooperate Don't know

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because: . It is not consistent with national policy

Question 5

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

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Policy AL/SA 1 contained within the local plan is not consistent with national planning policy, see comments in 6 below.

Question 6

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

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Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Question 5 above. (Please note that non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Allocation policies for Sandhurst Parish:

Policy AL/SA 1 contained within the local plan is not consistent with national planning policy in that it would not constitute sustainable development in the context of the National Planning Policy Framework ("NPPF"). Paragraph 172 of the NPPF states that great weight should be given to conserving landscape and scenic beauty in Areas of Outstanding Natural Beauty ("AONB") as they have the highest status of protection. The development of this site will represent the loss of a medieval field and result in a harmful level of encroachment into the countryside, resulting in significant harm to the character and appearance of the High Weald AONB. It will be harmful to visual amenity, an existing public right of way (WC295) and will cause significant harm to the rural character of the locality. In addition it would affect the setting of a Grade II listed post-medieval historic farmstead.

There is at present a planning application for the development of 15 dwellings on the land subject to Policy AL/SA 1, under which the statutory consultees have identified in their responses that the development of the site would result in harm on the following grounds:

• Significant harm to High Weald Area AONB • Harm to green belt openness • Significant harm to setting of public right of way and visual impact • Harm to Ecology (Trees) • Harm to conservation area and setting of a listed building

Paragraph 5.771 provides that the location of the site 'would form a logical extension to Sandhurst village' – this is not the case. Development of the site would adversely affect the landscape both visually and functionally by virtue of its location beyond the built-up area of Sandhurst village, which is essentially a linear settlement in character, with the existing development contained to the ridgeline. Policy AL/SA 1 would result in harmful encroachment of development far beyond the existing built environment of the village, into greenbelt and the AONB, causing significant harm to the rural character of the AONB. Indeed planning permission has previously been refused for the development of the site on account of this harm, albeit for a larger scheme.

In the light of the above, Policy AL/SA 1 should be removed from the local plan.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

No, I do not wish to participate in examination hearing session(s)

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:

Yes, I wish to be notified of future stages of the Local Plan

Comment

Consultee	Mr Trevor Moulton [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] Brenchley [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Mr Trevor Moulton [REDACTED]
Comment ID	PSLP_956
Response Date	01/06/21 19:39
Consultation Point	Policy H 9 Gypsies and Travellers (View)
Status	Processed
Submission Type	Email
Version	0.4
Data inputter to enter their initials here	KH
Question 1	
Respondent's Name and/or Organisation	Mr Trevor Moulton
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
Policy H 9 Gypsies and Travellers	
Question 4	
Do you consider that the Local Plan:	
Is sound	No
Question 4a	

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound . It is not justified because:

Question 5

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

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I wish to object strongly to this planning application.

There has been zero obvious sign that the application had gone ahead. There has been zero obvious sign that proper notifications have been made to the residents who would be potentially affected by the application and therefore proper time to make representations would have been potentially missed.

Pearsons Green Road leads onto Old Hay and the entrance to the proposed site. Both Old Hay and Pearsons Green Road are used extensively by large lorries, skip lorries and private vehicles reaching homes and also the West Kent Shooting School.

Pearsons Green Road is a 60 MPH country road and is very busy, to add further traffic would be both dangerous and would further destroy the road surface. I would expect that there would be a large growth in scrap metal vans on the roads also.

The road surface due to current use is some of the worst in the county and I have on occasion had the need to make a claim to the council for damage to my vehicle, this would rise exponentially.

In addition, adding a large site in Old Hay will inevitably grow, there is no mention of stables but that would be fully expected and there would then be extremely dangerous horse buggies & trotting on roads which are totally unsuited to the sport, causing significant delays and extreme danger as horses meet 18 wheeled articulated vehicles not to mention the terrible road surface, parts of which have already collapsed in the past.

The increased disruption, traffic and road safety and noise implications mean this application should be rejected in its entirety. The immediate local infrastructure is unable to support such a large increase and residents on Pearsons Green Road.

(TWBC Comment - comments received from the consultee by post on 3rd June 221 have been added to the comments received by email on the 1st June 2021)

Question 7

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If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)? . No, I do not wish to participate in examination hearing session(s)

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:

Yes, I wish to be notified of future stages of the Local Plan

Comment

Consultee	Mrs Jan Mulrenan [REDACTED]
Email Address	[REDACTED]
Address	
Event Name	Pre-Submission Local Plan
Comment by	Mrs Jan Mulrenan [REDACTED]
Comment ID	PSLP_16
Response Date	31/03/21 21:40
Consultation Point	Policy AL/CRS 6 Land south of The Street, Sissinghurst (View)
Status	Processed
Submission Type	Web
Version	0.1
Question 1	
Respondent's Name and/or Organisation	Jan Mulrenan
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
Policy AL/CRS 6	
Question 4	
Do you consider that the Local Plan:	
Is legally compliant	Don't know
Is sound	Don't know
Complies with the Duty to Cooperate	Don't know
Question 4a	

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

Question 5

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

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I think the highways assessment is of crucial importance in this case. When this site was first considered vehicular access depended on demolishing two garages belonging to properties on The Street on the south side. The planning department should take note of the position and rights of the tennis club, the owners of the garages and the owner of the disused paddock. Three sheep have been grazed there within the past four years so the identity of the paddock's owner /user must surely be established before any work is undertaken.

Question 6

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Please see my comments above.

Question 7

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If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

No, I do not wish to participate in examination hearing session(s)

Future Notifications

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Yes, I wish to be notified of future stages of the Local Plan

Comment

Consultee	Mrs Jan Mulrenan [REDACTED]
Email Address	[REDACTED]
Address	
Event Name	Pre-Submission Local Plan
Comment by	Mrs Jan Mulrenan [REDACTED]
Comment ID	PSLP_17
Response Date	31/03/21 21:56
Consultation Point	Policy AL/CRS 7 Land at the corner of Frittenden Road and Common Road, Sissinghurst (View)
Status	Processed
Submission Type	Web
Version	0.2
Question 1	
Respondent's Name and/or Organisation	Jan Mulrenan
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
Policy AL/CRS 7: Land at the corner of Frittenden Road and Common Road, Sissinghurst	
Question 4	
Do you consider that the Local Plan:	
Is legally compliant	Don't know
Is sound	Don't know
Complies with the Duty to Cooperate	Don't know
Question 4a	

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

Question 5

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My concern here is with the single point of vehicular access onto Common Road.

Common Road gives access on its western side to the village primary school, and so is very busy at school run times with vehicles parking against the hedge where there is no footpath, as well as in the school's parking area. It also gives access to Bramling Gardens on the eastern side. Just a short distance further north of these access points Common Road is crossed by Frittenden Road at a staggered junction. There is not enough space for another access road with adequate sight lines, I think, given the bend in Common Road. A path for pedestrians will also be necessary.

Question 6

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See above.

Question 7

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If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

No, I do not wish to participate in examination hearing session(s)

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:

Yes, I wish to be notified of future stages of the Local Plan

Comment

Consultee	Mr G Munn [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] ROYAL TUNBRIDGE WELLS [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Mr G Munn [REDACTED]
Comment ID	PSLP_693
Response Date	01/06/21 19:07
Consultation Point	Policy H 6 Housing for Older People and People with Disabilities (View)
Status	Processed
Submission Type	Email
Version	0.5
Question 1	
Respondent's Name and/or Organisation	Mr Graham Munn
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
Policy H 6 Housing for Older People and People with Disabilities Paragraph 6.366	
Question 4	
Do you consider that the Local Plan:	
Is legally compliant	Don't know
Is sound	No

Complies with the Duty to Cooperate

Don't know

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

- . It is not positively prepared
- . It is not consistent with national policy

Question 5

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

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Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

I believe that it is unsound in relation to housing for older people in Policy H6 particularly in point 5.

Point 5 is ambiguous on the whether sites specifically allocated for specialist housing for older people should be "in accessible locations" or not. Its wording, due to its punctuation, and length make the intentions of the policy unclear.

On this basis I think that the Policy is not yet fully in accord with the NPPF.

NPPF paragraph 127 states that "Planning policies and decisions should ensure that developments..... f) create places that are safe, inclusive and accessible and which promote health and well-being etc"

Therefore I consider that Policy H6 is not fully in accord with NPPF.

I would think that housing for older people should be sited in locations that can be accessible on foot (or in a scooter)by the residents and by their visitors for reasons of safety, inclusiveness and accessibility. For example there should be adequate all-weather pavements between the site and local amenities that would be of particular use to the residents such as medical centres, pharmacies , convenience stores and bus stops.

Question 7

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If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

- . No, I do not wish to participate in examination hearing session(s)

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:

- Yes, I wish to be notified of future stages of the Local Plan

Supporting Information File Ref No: SI_40

Comment

Agent	Miss Wakako Hirose [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Rapleys Llp
Address	[REDACTED] LONDON [REDACTED]
Consultee	Mr David Munns [REDACTED]
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Mr David Munns [REDACTED]
Comment ID	PSLP_581
Response Date	28/05/21 11:49
Consultation Point	Policy STR/RTW 1 The Strategy for Royal Tunbridge Wells (View)
Status	Processed
Submission Type	Email
Version	0.7
Files	PSLP_581 Rapleys for Mr Munns SI-1 Site location plan.pdf
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	David Munns
Question 2	
Agent's Name and Organisation (if applicable)	Rapleys LLP
Question 3	
To which part of the Local Plan does this representation relate?	Policy

Question 3a

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy STR/RTW 1 The Strategy for Royal Tunbridge Wells

Inset Map 1

Question 4

Do you consider that the Local Plan:

Is legally compliant	Yes
Is sound	No
Complies with the Duty to Cooperate	Don't know

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:	. It is not positively prepared
	. It is not consistent with national policy

Question 5

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

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Re: Tunbridge Wells Pre-Submission Local Plan Consultation – Representations on behalf of Mr D Munns regarding Grosvenor Garage Mitsubishi, 123 - 125 St James' Road, Tunbridge Wells TN1 2HG

We act on behalf of Mr David Munns, the owner and operator of Grosvenor Garage Mitsubishi, 123-125 St James' Road, Tunbridge Wells, TN1 2HG (the 'Site') and have been instructed to submit representations to the current consultation on the Pre-Submission Local Plan ('the draft Local Plan').

Background

The Site is owned and currently operated by our client as a Mitsubishi car dealership. The Site will be available for redevelopment in June 2022, as Mitsubishi Motors are withdrawing from selling new vehicles in Europe in September 2021 and the current business will be wound down from then to a closure in June 2022. As such, these representations are being submitted to ensure that there is a positive planning policy framework for the Site which would support and facilitate its redevelopment.

The Site and Surroundings

The Site extends to 0.126ha and is located on the eastern corner of the Junction of St James' Road, Quarry Road and Grosvenor Bridge, located approximately 0.6 miles to the north of Tunbridge Wells Town Centre. It is located within the main urban area of Royal Tunbridge Wells as the principal town and administrative centre as defined in the draft Local Plan.

The Site is bound by St James' Road to the north, Stratford Street to the east, a residential property on Stratford Street and commercial units on Quarry Road to the south and Quarry Road to the west. Please find enclosed a site location plan (ref: SJR-TW_SLP01), showing the Site location and the extent of our client's ownership.

The Site's existing use is a car showroom/dealership (Sui Generis) and is therefore "previously developed land". The site is currently occupied by a mixture of single and double storey buildings with a forecourt fronting St James' Road and parking spaces on the roof of the building accessed via Stratford Street.

The surrounding area is predominantly residential, generally characterised by 2-3 storey residential properties on the eastern side of St James' Road and Quarry Road and more modern 6 storey apartment blocks on the western side, recently or under construction (with the latter being a consented residential development on land opposite the Site).

The Site is an accessible and sustainable location, being within walking distance of facilities and services in Tunbridge Wells Town Centre and a Neighbourhood Centre and in close proximity to the 21st Century Cycle Route.

It is therefore considered that the Site represents a significant opportunity for redevelopment as previously developed land in the urban area of Tunbridge Wells and regeneration of the prominent junction location with use and scale commensurate with the recent development in the area.

The Site's Availability, Suitability and Achievability

The National Planning Policy Framework ('the NPPF') requires that planning policies should identify a sufficient supply and mix of sites, taking into account their availability, suitability and likely economic viability with regard to meeting housing needs. It further requires that planning policies should identify a supply of specific, deliverable sites for years one to five of the plan period, and specific developable sites or broad locations for growth, for years 6-10 and, where possible, for years 11-15 of the plan. The NPPF defines that to be considered deliverable, sites for housing should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that the housing will be delivered on the site within five years.

As confirmed above, the Site will be available for redevelopment when the current operation ceases in June 2022. With the landowner's intention to promote the Site for redevelopment now with marketing of the Site to commence within the next 5-7 months, the Site has a realistic prospect of being delivered in the first five years of the Plan period, subject to a developer being identified and necessary planning permission.

It is considered that the Site is suitable and achievable for residential development, potentially with commercial use on the ground floor for the following reasons:

- . The Site is previously developed land within the Limits to Built Development ('LBD') within the main urban area of Royal Tunbridge Wells in the adopted and the draft Local Plans, where the NPPF and the draft Local plan prioritises for meeting housing needs. Vision and Strategic Objective 1, Policy STR1 and Policy STR/RTW1 of the draft Local Plan promote the effective use of urban and previously developed land in meeting the identified housing needs.
- . The existing buildings on the Site were converted from a storage building and subsequently extended through the redevelopment of part of the Site between the 1980s and 1990s as a car showroom. Therefore, the existing buildings and the Site configuration are bespoke to the operation of the Site as a car showroom. Therefore, the optimum reuse of the Site would be achieved through redevelopment of the Site.
- . The Site is a sustainable location for residential use, as it is located within the existing residential area of the Neighbourhood Centre, within walking distance of Tunbridge Wells town centre and in close proximity to the existing cycle route.
- . The Site's existing use as a car showroom is not safeguarded as designated employment land in the existing Local Plan and the draft Local Plan. As such, in principle, the Site's redevelopment for alternative residential development does not conflict with the existing or emerging land use policy.
- . There are no known constraints which would preclude the Site's redevelopment for residential development.

The above demonstrates that the Site is available and suitable for housing development and is achievable with a realistic prospect that housing development is delivered within the first five years of

the Plan period. The Site is a deliverable housing site, which should be allocated for residential development in the emerging Local Plan in line with the NPPF and the draft policies which seek to meet the housing needs through the effective use of previously developed land in the urban area of Tunbridge Wells.

Meeting the Housing Need

The draft Local Plan proposes to meet the identified housing need from the following sources:

- . The number of dwellings that already have planning permission;
- . Sites that are already identified within the Site Allocations Local Plan 2016, but which have not yet been implemented, and
- . 'Windfall' – non-allocated sites – which are small sites that are not identified in plans but come forward in line with the general, rather than site-specific policies.

The draft Local Plan describes windfall sites as a reliable source of supply, as the occurrence of these and likely future trends has been carefully reviewed and there is compelling evidence that such sites will continue to provide a reliable source of supply. Of 12,204 dwellings identified as the housing need, the draft Local Plan relies on windfall sites to deliver 1,670 units and the minimum total allocations for 7,221 units. Furthermore, it also notes that the potential for unmet needs elsewhere outside the Borough needs to be considered. As such the number of dwellings to be delivered through allocations are the minimum requirement.

Policy STR/RTW 1 of the draft Local Plan seeks to deliver additional housing through the redevelopment and intensification of windfall development within the defined LBD in Royal Tunbridge Wells in addition to allocations. Therefore, the Site's redevelopment for housing could come forward as a windfall site. The Borough's Development Strategy Paper for Pre-Submission Local Plan (2021) identifies that the suitable previously developed land and underutilised land within the LBD have already been allocated in the adopted Local Plan documents, resulting in limiting the number of remaining such suitable sites for additional allocations in the emerging Local Plan. As the Site is previously developed land within the LBD and is a deliverable housing site as demonstrated above, it should be allocated for residential development so that the Site's opportunity to contribute to meeting the housing needs is secured through the Local Plan. The NPPF also supports this approach and states that Local Plans "should positively seek opportunities to meet the development needs of their area".

In terms of the Site's capacity, based on the Site area, context and accessibility and the density of recent residential developments in the area, it is considered that the Site has a potential to deliver circa 25 units, subject to the design process and the mix of units. The allocation of the Site would be in line with the NPPF which advises that small and medium sized sites can make an important contribution to meeting housing development of an area, and are often built-out relatively quickly. Indeed, the site allocations within the Local Plan includes sites as small as having a capacity to deliver 9 units.

Conclusion

To conclude, these representations seek the allocation of the Site for residential development on the basis that:

- . It is previously developed land within the BDL of the urban area of Tunbridge Wells in a sustainable location;
- . It is available and suitable for housing development with a realistic prospect that it is delivered within five years of the Plan period; and
- . It has the significant opportunity to contribute to meeting the housing needs.

It is therefore considered that to ensure the soundness of the draft Local Plan, the Site should be allocated so that the Local Plan is positively prepared and consistent with national policy which seeks to enable the delivery of sustainable development.

[TWBC: For the Site Location Plan please see supporting documents]

For office use only

New Site Submission? Enter site address

123 - 125 St James' Road, Tunbridge Wells, TN1
2HG

Question 6

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Question 5 above. (Please note that non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

To allocate the site at Grosvenor Garage Mitsubishi, 123-125 St James' Road, Tunbridge Wells for residential development (potentially with commercial use) for including in Policy STR/RTW1.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)? Yes, I wish to participate in hearing session(s)

Question 7a

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

We wish to reserve our right to participate in the hearing session to explore the Inspector's Matters, Issues and Questions in relation to the proposed allocation of the site.

If you would like to attach a file in support of your comments, please upload it here. [PSLP_581_Rapleys for Mr Munns SI-1 Site location plan.pdf](#)

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box: Yes, I wish to be notified of future stages of the Local Plan

Comment

Consultee	Katy Wiseman [REDACTED]
Email Address	[REDACTED]
Company / Organisation	National Trust
Address	Scotney Castle (Hub) ROYAL TUNBRIDGE WELLS TN3 8JB
Event Name	Pre-Submission Local Plan
Comment by	National Trust [REDACTED]
Comment ID	PSLP_1099
Response Date	03/06/21 11:12
Consultation Point	Policy STR/CRS 1 The Strategy for Cranbrook and Sissinghurst parish (View)
Status	Processed
Submission Type	Email
Version	0.2
Data inputter to enter their initials here	AT
Question 1	
Respondent's Name and/or Organisation	National Trust
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy STR/CRS 1 The Strategy for Cranbrook and Sissinghurst parish

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

Question 5

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

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Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

The National Trust supports the removal of the four proposed site allocations at Sissinghurst consulted on at Regulation 18 stage:

- . Policy AL/CRS 12 Land on the east side of Mill Lane (5-10 dwellings);
- . Policy AL/CRS 13 Land east of Camden Lodge, adjoining to Mill Lane and Sissinghurst Road (40 dwellings);
- . Policy AL/CRS 15 Oak Tree Farm, The Common, Wilsley Pound (15-20 dwellings);
- . Policy AL/CRS 16 Land at Boycourt Orchards, Angley Road Wilsley Pound (20-25 dwellings).

This will revise the proposed site allocation figure down from approximately 100-115 new dwellings to 38 dwellings at Sissinghurst which will put less pressure on the existing wastewater treatment works (WWtW) in Sissinghurst.

The existing WWtW is located on the western boundary of the Sissinghurst Castle Estate. All the wastewater from the village is treated at this WWtW prior to being discharged into the Hammer Stream which flows through the National Trust Estate. Hammer Stream currently has a status of 'moderate' under the Water Framework Directive (WFD). The National Trust needs certainty from the LPA and Southern Water that should development be delivered on the two proposed allocations at Sissinghurst that being, land south of The Street (Policy AL/CRS 6) and land at the corner of Frittenden Road and Common Road (Policy AL/CRS 7) management processes and appropriate pollution control measures will be in place to ensure that there are no direct or indirect adverse impacts on the water quality of Hammer Stream.

The National Trust therefore supports Policy EN 24 Water Supply, Quality and Conservation which seeks to protect water quality by only permitting development where it can be demonstrated that it would not result in (1.) unacceptable risk to the quality or quantity of surface and ground water resources.

The proposed Bedgebury to Sissinghurst cycle path route referred to in Policy STR/CRS 1 criterion 5 is not shown within the Borough Cycling Strategy 2016-2020 and it is therefore not clear whether the proposed route would affect National Trust land. It would be useful for the route to be shared by Kent County Council with stakeholders and interested parties to aid partnership working on this objective.

Question 7

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If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

Comment

Consultee	Katy Wiseman [REDACTED]
Email Address	[REDACTED]
Company / Organisation	National Trust
Address	Scotney Castle (Hub) ROYAL TUNBRIDGE WELLS TN3 8JB
Event Name	Pre-Submission Local Plan
Comment by	National Trust [REDACTED]
Comment ID	PSLP_1100
Response Date	03/06/21 11:12
Consultation Point	Policy AL/CRS 5 Sissinghurst Castle Garden (View)
Status	Processed
Submission Type	Email
Version	0.2
Data inputter to enter their initials here	AT
Question 1	
Respondent's Name and/or Organisation	National Trust
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy AL/CRS 5 Sissinghurst Castle Garden

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

Question 5

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The National Trust supports the inclusion of a specific policy for Sissinghurst Castle Garden within the Local Plan as this will help preserve the setting and views into and from this important tourist destination. We also support criterion 4 which requires an assessment of archaeological potential for any proposal that fall within the setting or approach to Sissinghurst Castle Garden.

Question 7

Please note *the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.*

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

Comment

Consultee	Katy Wiseman [REDACTED]
Email Address	[REDACTED]
Company / Organisation	National Trust
Address	Scotney Castle (Hub) ROYAL TUNBRIDGE WELLS TN3 8JB
Event Name	Pre-Submission Local Plan
Comment by	National Trust [REDACTED]
Comment ID	PSLP_1102
Response Date	03/06/21 11:12
Consultation Point	Policy AL/HO 2 Land south of Brenchley Road and west of Fromandez Drive (View)
Status	Processed
Submission Type	Email
Version	0.2
Data inputter to enter their initials here	AT
Question 1	
Respondent's Name and/or Organisation	National Trust
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy AL/HO 2 Land south of Brenchley Road and west of Fromandez Drive

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

Question 5

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The National Trust are the owners and custodians of Sprivers Historic Park and Garden that adjoins the proposed site allocation on its western edge. This allocation presents a number of significant opportunities for the National Trust in relation to Sprivers with potential for improved public access, new parking and greater community engagement and we would welcome constructive engagement at the pre-application design stage with the applicant. We also support criterion 5 which requires opportunities to be explored to provide a pedestrian access into the Sprivers historic park and garden from the site. The historic park is open to the public, so correction needed at paragraph 5.587 please remove '(not open to the general public)'.

Question 7

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If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

Comment

Consultee	Katy Wiseman [REDACTED]
Email Address	[REDACTED]
Company / Organisation	National Trust
Address	Scotney Castle (Hub) ROYAL TUNBRIDGE WELLS TN3 8JB
Event Name	Pre-Submission Local Plan
Comment by	National Trust [REDACTED]
Comment ID	PSLP_1103
Response Date	03/06/21 11:12
Consultation Point	Policy AL/LA 1 Land to the west of Spray Hill (View)
Status	Processed
Submission Type	Email
Version	0.2
Data inputter to enter their initials here	AT
Question 1	
Respondent's Name and/or Organisation	National Trust
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy AL/LA 1 Land to the west of Spray Hill

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

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Question 5

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The National Trust are the owners and custodians of Scotney Castle located to the east of the proposed site allocation. We support additional wording added to criterion 4 which now required applicants to liaise with the National Trust in the delivery of a potential connection to WT380 to provide ready pedestrian (and cycle) links to Scotney Castle estate as there maybe potential operational issues which will need addressing.

The National Trust also supports criterion 7 which requires an assessment of potential adverse effects on the Scotney Castle SSSI as a result of development as part of any application and, if required, the proposal shall include adequate mitigation measures to the satisfaction of Natural England to ensure no adverse effects on the SSSI.

Question 7

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If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

Comment

Consultee	Katy Wiseman [REDACTED]
Email Address	[REDACTED]
Company / Organisation	National Trust
Address	Scotney Castle (Hub) ROYAL TUNBRIDGE WELLS TN3 8JB
Event Name	Pre-Submission Local Plan
Comment by	National Trust [REDACTED]
Comment ID	PSLP_1104
Response Date	03/06/21 11:12
Consultation Point	Policy EN 14 Green, Grey, and Blue Infrastructure (View)
Status	Processed
Submission Type	Email
Version	0.2
Data inputter to enter their initials here	AT
Question 1	
Respondent's Name and/or Organisation	National Trust
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy EN 14 Green, Grey, and Blue Infrastructure

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

Question 5

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The National Trust has aspirations to enhance and extend the existing green corridor from the roundabout towards Sweet Bourne stream and northwards through the Scotney Castle Estate and through future potential partnership projects with land owners alongside the Lamberhurst Bypass. We are aware that Tunbridge Wells Borough Council are seeking to produce a Green Infrastructure Supplementary Planning Document in the near future, and we would welcome dialogue and constructively inputting into your plan preparation process of this SPD.

Question 7

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If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

Comment

Consultee	Katy Wiseman [REDACTED]
Email Address	[REDACTED]
Company / Organisation	National Trust
Address	Scotney Castle (Hub) ROYAL TUNBRIDGE WELLS TN3 8JB
Event Name	Pre-Submission Local Plan
Comment by	National Trust [REDACTED]
Comment ID	PSLP_1105
Response Date	03/06/21 11:12
Consultation Point	Policy ED 7 Retention of, and improvements to existing, and the promotion of new, tourist accommodation and attractions (View)
Status	Processed
Submission Type	Email
Version	0.2
Data inputter to enter their initials here	AT
Question 1	
Respondent's Name and/or Organisation	National Trust
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy ED 7 Retention of, and improvements to existing, and the promotion of new, tourist accommodation and attractions

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

Question 5

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We support changes to Policy ED 7 which now includes supporting the upgrading of any existing visitor attraction which increases the range and/or quality of tourist facilities.

Question 7

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If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

Supporting Information File Ref No: SI_76

Comment

Consultee	[REDACTED]
Email Address	[REDACTED]
Company / Organisation	Natural England
Address	International House Dover Place ASHFORD TN23 1HU
Event Name	Pre-Submission Local Plan
Comment by	Natural England [REDACTED]
Comment ID	PSLP_1478
Response Date	04/06/21 13:41
Consultation Point	Section 3: Vision and Objectives (View)
Status	Processed
Submission Type	Email
Version	0.3
Files	PSLP_1444_Natural England_SI.pdf
Data inputter to enter their initials here	AT
Question 1	
Respondent's Name and/or Organisation	Natural England
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Section 3: Vision and Objectives

[TWBC - Full representation attached as Supplementary Information]

[TWBC: This representation has been input against Policies PSTR1, AL/RTW17, AL/CRS 1, AL/CRS 2, AL/CRS 3, AL/HA 4, AL/BM 1, AL/PE 1, AL/PE 2, AL/PE 3, AL/RTW 16, STR/SS1, STR/SS3, EN11, Section 3, STR 8, Section 5, EN1, EN9, EN10, EN12, EN13, EN14 AND EN19 – see Comment Numbers

PSLP_1444, PSLP_1459, PSLP_1460, PSLP_1462, PSLP_1489, PSLP_1463, PSLP_1464, PSLP_1465, PSLP_1466, PSLP_1467, PSLP_1468, PSLP_1469, PSLP_1470, PSLP_1472, PSLP_1478, PSLP_1480, PSLP_1481, PSLP_1482, PSLP_1483, PSLP_1484, PSLP_1485, PSLP_1486, PSLP_1487, PSLP_1488]

Question 4

Do you consider that the Local Plan:

Is legally compliant	Yes
Is sound	No
Complies with the Duty to Cooperate	Yes

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:	<input type="checkbox"/> It is not justified
	<input type="checkbox"/> It is not consistent with national policy

Question 5

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

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Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

Appendix 6: Pre-submission Local Plan Policies

Section 3: Vision and objectives

As stated at our Regulation 18 response, we support the strategic objective to 'conserve and enhance the valued historic, built, and natural environments of the borough, including the High Weald Area of Outstanding Natural Beauty, and to achieve net gains for nature' However, our advice regarding the proposed allocations still apply as they do not fully contribute to protecting the natural environment of the Borough. Natural England's advice on landscape issues and specific allocations in relation to the High Weald AONB are provided in other sections of this letter.

Question 6

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

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Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Question 5 above. (Please note that non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant

or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Natural England welcomes the reduction in scale and number of major development site allocations within the AONB since the Regulation 18 stage of the draft local plan, but we do not consider the current draft local plan to be sound and have highlighted our reasons in our full response letter for this regarding the remaining major development allocations within the AONB. We advise that these allocations should not be pursued, and alternative options should continue to be explored. While we have objected to major development proposed within the AONB, we remain committed to the plan-led scrutiny of the proposals to ensure soundness of approach, which enhances the High Weald's highly valuable and special landscape for future generations. We wish to work with TWBC to help ensure the best possible outcomes for the AONB and the environment.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)? . Yes, I wish to participate in hearing session(s)

Question 7a

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

Natural England are a statutory consultee for local plan consultations and, under the CROW Act, have powers regarding AONBs. The development strategy and major development allocations within the AONB are the core reason for why we consider the local plan as unsound.

In addition, Natural England objected to a planning proposal (20/00815/FULL) for the Turnden Farm site (AL/CRS 3) in 2020 and requested that the decision by TWBC to approve the development was called in by the Secretary of State. The proposal is now subject to a Public Inquiry which Natural England is engaged in as a Rule 6 party.

Question 8

If you have any separate comments you wish to make on the accompanying Sustainability Appraisal, please make them here.

Appendix 3: Sustainability Appraisal

There are several alternative growth strategy options within the Sustainability Appraisal (SA) and the Council has chosen a growth strategy with significant negative landscape impacts. Natural England's view is that the preferred approach should afford sufficient weight to environmental factors. This is supported by NPPF Paragraph 8 which states that economic, environmental and social objectives need to be pursued in mutually supportive ways to support net gains across each of these objectives. Paragraph 32 also states that (emphasis added):

'Local plans and spatial development strategies should be informed throughout their preparation by a sustainability appraisal that meets the relevant legal requirements (The reference to relevant legal requirements refers to Strategic Environmental Assessment. Neighbourhood plans may require Strategic Environmental Assessment, but only where there are potentially significant environmental effects.)'. This should demonstrate how the plan has addressed relevant economic, social and environmental objectives (including opportunities for net gains). Significant adverse impacts on these objectives should be avoided and, wherever possible, alternative options which reduce or eliminate such impacts

should be pursued. Where significant adverse impacts are unavoidable, suitable mitigation measures should be proposed (or, where this is not possible, compensatory measures should be considered). However, the SA appears to prioritise social and economic considerations over environmental ones as Section 6.2.19 states:

‘The term ‘preferable’ is used in this sense to mean the option that has the highest scores for the economic and social pillars, and the least negative scores for the environmental pillar’

We also refer to Paragraph 11(b) of the NPPF which states that:

“(b) strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas, unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area;”

Given the provisions of paragraph 11 (and consequently paragraph 172), we consider that the weight afforded to protecting nationally designated landscapes has not been sufficiently considered as part of exploring alternative options and the environmental value of the AONB has been underestimated. It is our view that significant impacts have not been avoided as far as possible and, as outlined in other sections, we advise that major development within the AONB has not been appropriately justified.

Given the above, we are concerned that the underpinning assessment and recommendations of the SA are not giving an appropriate level of consideration for the environmental benefits associated with alternative growth strategies, especially given the great weight that should be afforded to designated landscapes.

Natural England has significant concerns that the SA underestimates the value of avoiding major development within the AONB and the scale of impact of including it. The chosen growth strategy achieves a very positive score (‘+++’) for housing as it assumes it will meet standard housing need and local housing needs across the borough. However, it scores neutral or negative scores for environmental factors, including ‘slightly negative’ (‘-’) for Landscape, despite the scale and size of major developments directly within the AONB and its setting including the large strategic sites at Tudeley and Paddock Wood.

As outlined in other sections of this letter, our view is that we consider that securing effective enhancement and mitigation measures for major development within the AONB is very challenging and therefore scores for environmental/landscape factors are likely to be overstated in the SA conclusions. Similarly, the SA finds that sites such as Turnden (AL/CRS 3) are still allocated despite scoring a very negative score for landscape (Appendix J, Page 321).

Furthermore, for Growth Strategy 2 (no major development within the AONB), climate change is scored as negative (‘-’ in table 14) despite having lower growth in the AONB and Borough compared with Growth Strategy 13 (adopted approach for Pre-Submission Local Plan) which includes higher growth and major development within the AONB but only scores slightly negatively for climate change (‘-’ in table 25). It is our view that Growth Strategy 2 would reduce carbon emissions associated with transport and new dwellings as well as carbon sequestration (which is not mentioned in the SA) when compared with Growth Strategy 13.

Given the scale of development within the AONB and its setting in the chosen growth strategy, we also question the neutral score given for biodiversity. While we support biodiversity net-gain, approaches should be in addition to applying the mitigation hierarchy which should aim to avoid negative impacts on biodiversity in the first instance. As the SA states that nature conservation designations are more common in the AONB, we advise that any benefits for biodiversity (including those which contribute to the neutral score for the chosen growth strategy) are interpreted with some caution.

Finally, point 3.2.8 does not reflect the findings of the HRA and mitigation proposed for Ashdown Forest SPA (see the HRA section below). We advise this section of the SA is amended to reflect the findings of the HRA.

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:

Yes, I wish to be notified of future stages of the Local Plan

Supporting Information File Ref No: SI_76

Comment

Consultee	[REDACTED]
Email Address	[REDACTED]
Company / Organisation	Natural England
Address	International House Dover Place ASHFORD TN23 1HU
Event Name	Pre-Submission Local Plan
Comment by	Natural England [REDACTED]
Comment ID	PSLP_1444
Response Date	04/06/21 13:41
Consultation Point	Policy STR 1 The Development Strategy (View)
Status	Processed
Submission Type	Email
Version	0.6
Files	PSLP_1444_Natural England_SI.pdf
Data inputter to enter their initials here	AT
Question 1	
Respondent's Name and/or Organisation	Natural England
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy STR 1 The Development Strategy

[TWBC - Full representation attached as Supplementary Information]

[TWBC: This representation has been input against Policies PSTR1, AL/RTW17, AL/CRS 1, AL/CRS 2, AL/CRS 3, AL/HA 4, AL/BM 1, AL/PE 1, AL/PE 2, AL/PE 3, AL/RTW 16, STR/SS1, STR/SS3, EN11, Section 3, STR 8, Section 5, EN1, EN9, EN10, EN12, EN13, EN14 AND EN19 – see Comment Numbers

PSLP_1444, PSLP_1459, PSLP_1460, PSLP_1462, PSLP_1489, PSLP_1463, PSLP_1464, PSLP_1465, PSLP_1466, PSLP_1467, PSLP_1468, PSLP_1469, PSLP_1470, PSLP_1472, PSLP_1478, PSLP_1480, PSLP_1481, PSLP_1482, PSLP_1483, PSLP_1484, PSLP_1485, PSLP_1486, PSLP_1487, PSLP_1488]

Question 4

Do you consider that the Local Plan:

Is legally compliant	Yes
Is sound	No
Complies with the Duty to Cooperate	Yes

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:	. It is not justified
	. It is not consistent with national policy

Question 5

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

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Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

While we consider the local plan to have been positively prepared, Natural England advises that we consider the local plan fails the test of soundness as its Development Strategy (STR 1) and the major development site allocations* within the High Weald Area of Outstanding Natural Beauty (AONB) **are not consistent with national policy** with regard to conserving and enhancing the landscape and scenic beauty within the AONB (NPPF Paragraphs 11 and 172).

Natural England also advises that the Development Strategy (STR 1) and the major development site allocations* within the AONB are not justified because we do not consider that it has been demonstrated that the allocation sites are deliverable without resulting in an adverse impact on the High Weald AONB, considered against reasonable alternatives.

*The major development site allocation policies that we consider to fail the test of soundness are:

- . AL/RTW 17 Land adjacent to Longfield Road
- . AL/CRS 1 Land at Brick Kiln Farm, Cranbrook
- . AL/CRS 2 Land south of Corn Hall, Crane Valley, Cranbrook
- . AL/CRS 3 Turnden Farm, Hartley Road, Cranbrook (**which is currently subject to a live Public Inquiry which Natural England is attending as a rule Six party**)
- . AL/HA 4 Land off Copthall Avenue and Highgate Hill
- . AL/BM 1 Land between Brenchley Road, Coppers Lane and Maidstone Road
- . AL/PE1 Land rear of High Street and west of Chalket Lane
- . AL/PE2 Land at Hubbles Farm and south of Hastings Road
- . AL/PE3 Land north of the A21, south and west of Hastings Road

Please see our full letter response, which we have emailed with this representation form, for detailed comments regarding our advice on soundness and improvements that could be made to the local plan.

[TWBC: response as follows]

Tunbridge Wells Borough Council Pre-Submission Local Plan Consultation(Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations)

Thank you for your consultation on the above dated 26 March 2021 which was received by Natural England on the same date. We welcome the level of consideration that Tunbridge Wells Borough Council (TWBC) have taken to address some of the issues that we raised during the Regulation 18 consultation in our response dated 19th November 2019.

We recognise TWBC's commitment to working with us and their transparency regarding their methodology towards their updated Development Strategy (STR 1) and Site Allocations. We welcome the significant improvements that have been made such as dropping a number of major development allocations in favour of smaller developments that are more sensitive to the AONB. However, we cannot advise that the plan has met the NPPF tests; specifically due to the plan's assessment of the need for major development site allocations within the Protected Landscape and the determination of these allocations prior to them being tested through the plan-led approach, which need to be addressed before we can advise that a sound local plan can be secured.

The first section of this letter outlines a summary of our response including our comments on soundness. The following appendices provide more detailed comments to supplement our overarching response:

1. Development Strategy (STR 1)
2. Major development allocations within the High Weald AONB
3. Sustainability Appraisal
4. Strategic site allocations in the setting of the High Weald AONB
5. Habitats Regulations Assessment
6. Pre-submission local plan policies

Soundness

While we consider the local plan to have been positively prepared, Natural England advises that we consider the local plan fails the test of soundness as its Development Strategy (STR 1) and the major development site allocations* within the High Weald Area of Outstanding Natural Beauty (AONB) are **not consistent with national policy** with regard to conserving and enhancing the landscape and scenic beauty within the AONB (NPPF Paragraphs 11 and 172).

Natural England also advises that the Development Strategy (STR 1) and the major development site allocations* within the AONB are not justified because we do not consider that it has been demonstrated that the allocation sites are deliverable without resulting in an adverse impact on the High Weald AONB, considered against reasonable alternatives.

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- AL/PE3 Land north of the A21, south and west of Hastings Road

Appendices 1, 2 and 3 of this letter provides more detailed comments regarding our advice on soundness and make suggestions for ways to address our concerns. Other policies referred to in this letter are not considered to be unsound and our advice regarding these is given to help the council improve the overall suitability of the local plan and to highlight policies that we support.

Exploring alternatives

We advise that the major development allocations within the AONB (listed above) should not be pursued and that alternative approaches should be further explored to avoid negative impacts on the AONB by reducing the size and scale of these allocations. This should be informed by engagement with Natural England and the High Weald AONB Unit. Policies should sensitively consider non-major development within the AONB and on any rural and edge of settlement sites in line with LVIA's, the High Weald Management Plan (2019-2024) and a landscape-led approach. This approach has been taken by Mid Sussex District Council's adopted local plan (2014-2031) which also contains a significant area that is within the High Weald AONB (see Appendix 3 for our comments regarding the Sustainability Appraisal and alternative options).

Summary of response

Natural England welcomes the reduction in scale and number of major development site allocations within the AONB since the Regulation 18 stage of the draft local plan, but we do not consider the current draft local plan to be sound and have highlighted our reasons for this regarding the remaining major development allocations within the AONB. We advise that these allocations should not be pursued, and alternative options should continue to be explored. While we have objected to major development proposed within the AONB, we remain committed to the plan-led scrutiny of the proposals to ensure soundness of approach, which enhances the High Weald's highly valuable and special landscape for future generations. We wish to work with TWBC to help ensure the best possible outcomes for the AONB and the environment.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Appendix 1: Development Strategy (STR 1)

Summary of Regulation 18 response

In response to the Tunbridge Wells Borough Council (TWBC) Draft Local Plan consultation (Regulation 18) in November 2019, Natural England expressed serious concern regarding the Development Strategy's allocation of numerous major development sites within the High Weald Area of Outstanding Natural Beauty (AONB). This is because we considered these allocations would cause direct, permanent and significant harm to a nationally important designated landscape, which cannot be mitigated to reduce adverse impacts to an acceptable level.

We strongly advised that the proposed Development Strategy was not justified or consistent with national policy as it did not meet the exceptional circumstances criteria set out in NPPF para 172, which states that:

"Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks and the Broads

The scale and extent of development within these designated areas should be limited' and that 'Planning permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest.' The NPPF then states that consideration of such applications should include an assessment of:

a) The need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy; b) The cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and c) Any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated."

We advised that *'it is not possible to mitigate the significant adverse impacts arising from this level of development within and in the setting of the AONB. Major development should be located outside of the AONB, and designated landscapes should not be relied upon to meet housing needs within the Borough.'*

Overarching comments

We recognise and welcome the level of effort and consideration that TWBC has made to address our previous concerns by using LVIA evidence and drawing on Natural England's advice to reassess the allocation of major development within the AONB. As a result of this process, we recognise and support TWBC's decision to delete a number of major development site allocations in the AONB.

These deletions include Hawkhurst Golf Course, where a planning application at the site has recently gone to appeal due to non-determination. We fully support TWBC's decision that it would have refused planning permission for the proposed development, due, amongst other matters, to the significant adverse impact it would have on the AONB, and that the proposal failed to satisfy the exceptional circumstances tests set out within para 172 of the NPPF.

Whilst we support the positive changes that have been made to the allocations in the pre-submission local plan, we advise that the plan is unsound and not consistent with national planning policy due to

the major development allocations that are proposed to remain within the AONB. As we advised at the Regulation 18 stage of the local plan, we do not consider that AONBs are suitable locations for major development. Natural England has an in-principle objection to major development within the High Weald AONB as we consider it would result in significant harm to the purposes of designation of this nationally important landscape.

Evidence for managing impacts on the AONB

Natural England welcomes the use of Landscape and Visual Impact Assessments (LVIAs) to inform the design, extent and layout of non-major development within the AONB and in the setting, but it is our view that the LVIAs do not provide adequate assurance that the effects of the development on the landscape and scenic beauty of the nationally designated and sensitive landscape of the High Weald could be sufficiently mitigated. In particular, we do not support that developing within the AONB can be justified where sites are in poor condition, have fewer AONB components or where attempts will be made to enhance retained parts of the AONB on or near site.

Natural England's advice is that the AONB's designation purpose to conserve and enhance is very difficult to achieve if significant parts of it are permanently lost to major development built directly onto it. This is because it is likely to entirely alter the landscape character across the site and, potentially, the surrounding area, especially where its character is intrinsically linked to the absence of adjacent or nearby development. In contrast, very carefully designed, smaller scale housing schemes that reflect local vernacular and settlement morphology, may achieve genuine enhancement or at least keep the level of impact on the AONB below a significant threshold.

Addressing development within the AONB and its setting

Allocations within the AONB itself may be more acceptable if their size and scale are significantly reduced such that they no longer represent major development and are consistent with the objectives of the AONB management plan. Natural England's view is that any development within the AONB must be very sensitively designed and modestly scaled. Sensitive design can include reflecting the local vernacular in terms of built design and materials, respecting existing settlement morphology, and how that settlement relates to the wider landscape both visually and in terms of physical connectivity, and supported by appropriate green infrastructure.

Natural England's concern regarding the impacts of major development on the AONB are added to by the significant pressure of development in the setting of the AONB, particularly at Tudeley Village (STR/SS 3) and Paddock Wood/East Capel (STR/SS 1). We advise that development in the setting of the AONB needs to be sensitively considered using a landscape-led approach (see Appendix 4 for our comments and suggestions).

Question 6

Please note: *In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.*

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Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Question 5 above. (Please note that non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Natural England welcomes the reduction in scale and number of major development site allocations within the AONB since the Regulation 18 stage of the draft local plan, but we do not consider the current draft local plan to be sound and have highlighted our reasons in our full response letter for this regarding the remaining major development allocations within the AONB. We advise that these

allocations should not be pursued, and alternative options should continue to be explored. While we have objected to major development proposed within the AONB, we remain committed to the plan-led scrutiny of the proposals to ensure soundness of approach, which enhances the High Weald's highly valuable and special landscape for future generations. We wish to work with TWBC to help ensure the best possible outcomes for the AONB and the environment.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)? . Yes, I wish to participate in hearing session(s)

Question 7a

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

Natural England are a statutory consultee for local plan consultations and, under the CROW Act, have powers regarding AONBs. The development strategy and major development allocations within the AONB are the core reason for why we consider the local plan as unsound.

In addition, Natural England objected to a planning proposal (20/00815/FULL) for the Turnden Farm site (AL/CRS 3) in 2020 and requested that the decision by TWBC to approve the development was called in by the Secretary of State. The proposal is now subject to a Public Inquiry which Natural England is engaged in as a Rule 6 party.

Question 8

If you have any separate comments you wish to make on the accompanying Sustainability Appraisal, please make them here.

Appendix 3: Sustainability Appraisal

There are several alternative growth strategy options within the Sustainability Appraisal (SA) and the Council has chosen a growth strategy with significant negative landscape impacts. Natural England's view is that the preferred approach should afford sufficient weight to environmental factors. This is supported by NPPF Paragraph 8 which states that economic, environmental and social objectives need to be pursued in mutually supportive ways to support net gains across each of these objectives. Paragraph 32 also states that (emphasis added):

'Local plans and spatial development strategies should be informed throughout their preparation by a sustainability appraisal that meets the relevant legal requirements (The reference to relevant legal requirements refers to Strategic Environmental Assessment. Neighbourhood plans may require Strategic Environmental Assessment, but only where there are potentially significant environmental effects.)'.

This should demonstrate how the plan has addressed relevant economic, social and environmental objectives (including opportunities for net gains). Significant adverse impacts on these objectives should be avoided and, wherever possible, alternative options which reduce or eliminate such impacts should be pursued. Where significant adverse impacts are unavoidable, suitable mitigation measures should be proposed (or, where this is not possible, compensatory measures should be considered). However, the SA appears to prioritise social and economic considerations over environmental ones as Section 6.2.19 states:

'The term 'preferable' is used in this sense to mean the option that has the highest scores for the economic and social pillars, and the least negative scores for the environmental pillar'

We also refer to Paragraph 11(b) of the NPPF which states that:

“b) strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas, unless:
i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area;”

Given the provisions of paragraph 11 (and consequently paragraph 172), we consider that the weight afforded to protecting nationally designated landscapes has not been sufficiently considered as part of exploring alternative options and the environmental value of the AONB has been underestimated. It is our view that significant impacts have not been avoided as far as possible and, as outlined in other sections, we advise that major development within the AONB has not been appropriately justified. Given the above, we are concerned that the underpinning assessment and recommendations of the SA are not giving an appropriate level of consideration for the environmental benefits associated with alternative growth strategies, especially given the great weight that should be afforded to designated landscapes.

Natural England has significant concerns that the SA underestimates the value of avoiding major development within the AONB and the scale of impact of including it. The chosen growth strategy achieves a very positive score ('+++') for housing as it assumes it will meet standard housing need and local housing needs across the borough. However, it scores neutral or negative scores for environmental factors, including 'slightly negative' ('-') for Landscape, despite the scale and size of major developments directly within the AONB and its setting including the large strategic sites at Tudeley and Paddock Wood.

As outlined in other sections of this letter, our view is that we consider that securing effective enhancement and mitigation measures for major development within the AONB is very challenging and therefore scores for environmental/landscape factors are likely to be overstated in the SA conclusions. Similarly, the SA finds that sites such as Turnden (AL/CRS 3) are still allocated despite scoring a very negative score for landscape (Appendix J, Page 321).

Furthermore, for Growth Strategy 2 (no major development within the AONB), climate change is scored as negative ('- -' in table 14) despite having lower growth in the AONB and Borough compared with Growth Strategy 13 (adopted approach for Pre-Submission Local Plan) which includes higher growth and major development within the AONB but only scores slightly negatively for climate change ('-' in table 25). It is our view that Growth Strategy 2 would reduce carbon emissions associated with transport and new dwellings as well as carbon sequestration (which is not mentioned in the SA) when compared with Growth Strategy 13.

Given the scale of development within the AONB and its setting in the chosen growth strategy, we also question the neutral score given for biodiversity. While we support biodiversity net-gain, approaches should be in addition to applying the mitigation hierarchy which should aim to avoid negative impacts on biodiversity in the first instance. As the SA states that nature conservation designations are more common in the AONB, we advise that any benefits for biodiversity (including those which contribute to the neutral score for the chosen growth strategy) are interpreted with some caution.

Finally, point 3.2.8 does not reflect the findings of the HRA and mitigation proposed for Ashdown Forest SPA (see the HRA section below). We advise this section of the SA is amended to reflect the findings of the HRA.

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:

Yes, I wish to be notified of future stages of the Local Plan

Supporting Information File Ref No: SI_76

Comment

Consultee	[REDACTED]
Email Address	[REDACTED]
Company / Organisation	Natural England
Address	International House Dover Place ASHFORD TN23 1HU
Event Name	Pre-Submission Local Plan
Comment by	Natural England [REDACTED]
Comment ID	PSLP_1480
Response Date	04/06/21 13:41
Consultation Point	Policy STR 8 Conserving and Enhancing the Natural, Built, and Historic Environment (View)
Status	Processed
Submission Type	Email
Version	0.3
Files	PSLP_1444_Natural England_SI.pdf
Data inputter to enter their initials here	AT
Question 1	
Respondent's Name and/or Organisation	Natural England
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy STR 8 Conserving and Enhancing the Natural, Built, and Historic Environment

[TWBC - Full representation attached as Supplementary Information]

[TWBC: This representation has been input against Policies PSTR1, AL/RTW17, AL/CRS 1, AL/CRS 2, AL/CRS 3, AL/HA 4, AL/BM 1, AL/PE 1, AL/PE 2, AL/PE 3, AL/RTW 16, STR/SS1, STR/SS3, EN11,

Section 3, STR 8, Section 5, EN1, EN9, EN10, EN12, EN13, EN14 AND EN19 – see Comment Numbers PSLP_1444, PSLP_1459, PSLP_1460, PSLP_1462, PSLP_1489, PSLP_1463, PSLP_1464, PSLP_1465, PSLP_1466, PSLP_1467, PSLP_1468, PSLP_1469, PSLP_1470, PSLP_1472, PSLP_1478, PSLP_1480, PSLP_1481, PSLP_1482, PSLP_1483, PSLP_1484, PSLP_1485, PSLP_1486, PSLP_1487, PSLP_1488]

Question 4

Do you consider that the Local Plan:

Is legally compliant	Yes
Is sound	No
Complies with the Duty to Cooperate	Yes

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:	. It is not justified
	. It is not consistent with national policy

Question 5

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Appendix 6: Pre-submission Local Plan Policies

STR 8: Conserving and Enhancing the Natural, Built, and Historic Environment

Natural England welcome the policy in point 4 which requires development within the AONB to be managed in a way that conserves and enhances the natural beauty of the area. We also welcome the landscape-led approach outlined in point 3.

Question 6

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Question 7a

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Supporting Information File Ref No: SI_76

Comment

Consultee	[REDACTED]
Email Address	[REDACTED]
Company / Organisation	Natural England
Address	International House Dover Place ASHFORD TN23 1HU
Event Name	Pre-Submission Local Plan
Comment by	Natural England [REDACTED]
Comment ID	PSLP_1481
Response Date	04/06/21 13:41
Consultation Point	Section 5: Place Shaping Policies (View)
Status	Processed
Submission Type	Email
Version	0.3
Files	PSLP_1444_Natural England_SI.pdf
Data inputter to enter their initials here	AT
Question 1	
Respondent's Name and/or Organisation	Natural England
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Section 5: Place Shaping Policies

[TWBC - Full representation attached as Supplementary Information]

[TWBC: This representation has been input against Policies PSTR1, AL/RTW17, AL/CRS 1, AL/CRS 2, AL/CRS 3, AL/HA 4, AL/BM 1, AL/PE 1, AL/PE 2, AL/PE 3, AL/RTW 16, STR/SS1, STR/SS3, EN11, Section 3, STR 8, Section 5, EN1, EN9, EN10, EN12, EN13, EN14 AND EN19 – see Comment Numbers

PSLP_1444, PSLP_1459, PSLP_1460, PSLP_1462, PSLP_1489, PSLP_1463, PSLP_1464, PSLP_1465, PSLP_1466, PSLP_1467, PSLP_1468, PSLP_1469, PSLP_1470, PSLP_1472, PSLP_1478, PSLP_1480, PSLP_1481, PSLP_1482, PSLP_1483, PSLP_1484, PSLP_1485, PSLP_1486, PSLP_1487, PSLP_1488]

Question 4

Do you consider that the Local Plan:

Is legally compliant	Yes
Is sound	No
Complies with the Duty to Cooperate	Yes

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:	. It is not justified
	. It is not consistent with national policy

Question 5

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Appendix 6: Pre-submission Local Plan Policies

Section 5: Place shaping policies

Please note that where we have not objected to, or otherwise commented on, a policy or proposal, it should not be assumed that it would not have an adverse effect on landscape or the environment because comments on individual allocations have been focused on those with the greatest risk of environmental impact on the High Weald AONB which this Regulation 19 response is most concerned with (see Appendix 1).

Advice on environmental issues which we advise are incorporated more widely into the policies is provided below.

Incorporation of Green Infrastructure into new development

We interpret the local plan as requiring the EN 14: Green, Grey and Blue Infrastructure to be referred to for all development proposals to ensure Green Infrastructure is a consistent consideration given its multiple benefits. However, our comments made at Regulation 18 still apply in that references to Green Infrastructure provision could be clearer and made more consistent throughout the local plan to give it more emphasis within strategic site allocations at the Parish level.

Landscape

We note that our Regulation 18 consultation response does not appear to have been addressed regarding preventing coalescence of development. We welcome its reference in point 6.224 and suggest that this be linked with the policy summary box EN18 more clearly to ensure it is appropriately considered as part of development proposals.

Question 6

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Question 7

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Question 7a

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We also refer to Paragraph 11(b) of the NPPF which states that:

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Given the provisions of paragraph 11 (and consequently paragraph 172), we consider that the weight afforded to protecting nationally designated landscapes has not been sufficiently considered as part of exploring alternative options and the environmental value of the AONB has been underestimated. It is our view that significant impacts have not been avoided as far as possible and, as outlined in other sections, we advise that major development within the AONB has not been appropriately justified.

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Supporting Information File Ref No: SI_76

Comment

Consultee	[REDACTED]
Email Address	[REDACTED]
Company / Organisation	Natural England
Address	International House Dover Place ASHFORD TN23 1HU
Event Name	Pre-Submission Local Plan
Comment by	Natural England [REDACTED]
Comment ID	PSLP_1468
Response Date	04/06/21 13:41
Consultation Point	Policy AL/RTW 16 Land to the west of Eridge Road at Spratsbrook Farm (View)
Status	Processed
Submission Type	Email
Version	0.4
Files	PSLP_1444_Natural England_SI.pdf
Data inputter to enter their initials here	AT
Question 1	
Respondent's Name and/or Organisation	Natural England
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

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[TWBC - Full representation attached as Supplementary Information]

[TWBC: This representation has been input against Policies PSTR1, AL/RTW17, AL/CRS 1, AL/CRS 2, AL/CRS 3, AL/HA 4, AL/BM 1, AL/PE 1, AL/PE 2, AL/PE 3, AL/RTW 16, STR/SS1, STR/SS3, EN11,

Section 3, STR 8, Section 5, EN1, EN9, EN10, EN12, EN13, EN14 AND EN19 – see Comment Numbers PSLP_1444, PSLP_1459, PSLP_1460, PSLP_1462, PSLP_1489, PSLP_1463, PSLP_1464, PSLP_1465, PSLP_1466, PSLP_1467, PSLP_1468, PSLP_1469, PSLP_1470, PSLP_1472, PSLP_1478, PSLP_1480, PSLP_1481, PSLP_1482, PSLP_1483, PSLP_1484, PSLP_1485, PSLP_1486, PSLP_1487, PSLP_1488]

Question 4

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Is legally compliant	Yes
Is sound	No
Complies with the Duty to Cooperate	Yes

Question 4a

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Appendix 2: Major development allocations within the High Weald AONB

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Natural England objects to the inclusion of these major development allocations sites within the AONB because we consider that these policies fail the test of soundness (see our Soundness comments above). We therefore recommend that alternative approaches are taken that avoid impacts on the designated landscape. Our specific comments regarding these allocations are outlined as follows:

AL/RTW 16 - Land to the west of Eridge Road at Spratsbrook Farm

Whilst only part of this site is allocated within the AONB itself, it is considered as major development by TWBC, which is adjacent to the AONB boundary with allocated green space/buffer zone allocated for use as recreational space. Although Natural England does not advise that this policy is considered unsound for the purposes of the NPPF tests, we advise that this site should be approached very sensitively, using a landscape-led approach, in line with our advice regarding major developments in the setting of the AONB (see 'Addressing development within the AONB and its setting' in Appendix 1).

Question 6

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Question 7a

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SPA (see the HRA section below). We advise this section of the SA is amended to reflect the findings of the HRA.

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Response Date	04/06/21 13:41
Consultation Point	Policy AL/RTW 17 Land adjacent to Longfield Road (View)
Status	Processed
Submission Type	Email
Version	0.6
Files	PSLP_1444_Natural England_SI.pdf
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AL/RTW 17 - Land adjacent to Longfield Road Natural England recognises that a planning application for development at this site (19/02267/OUT), which Natural England objected to, on basis of major development within AONB, has been granted permission.

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Event Name	Pre-Submission Local Plan
Comment by	Natural England [REDACTED]
Comment ID	PSLP_1469
Response Date	04/06/21 13:41
Consultation Point	Policy STR/SS 1 The Strategy for Paddock Wood, including land at east Capel (View)
Status	Processed
Submission Type	Email
Version	0.4
Files	PSLP_1444_Natural_England_SI.pdf
Data inputter to enter their initials here	AT
Question 1	
Respondent's Name and/or Organisation	Natural England
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy STR/SS 1 The Strategy for Paddock Wood, including land at east Capel

[TWBC - Full representation attached as Supplementary Information]

[TWBC: This representation has been input against Policies PSTR1, AL/RTW17, AL/CRS 1, AL/CRS 2, AL/CRS 3, AL/HA 4, AL/BM 1, AL/PE 1, AL/PE 2, AL/PE 3, AL/RTW 16, STR/SS1, STR/SS3, EN11,

Section 3, STR 8, Section 5, EN1, EN9, EN10, EN12, EN13, EN14 AND EN19 – see Comment Numbers PSLP_1444, PSLP_1459, PSLP_1460, PSLP_1462, PSLP_1489, PSLP_1463, PSLP_1464, PSLP_1465, PSLP_1466, PSLP_1467, PSLP_1468, PSLP_1469, PSLP_1470, PSLP_1472, PSLP_1478, PSLP_1480, PSLP_1481, PSLP_1482, PSLP_1483, PSLP_1484, PSLP_1485, PSLP_1486, PSLP_1487, PSLP_1488]

Question 4

Do you consider that the Local Plan:

Is legally compliant Yes

Is sound No

Complies with the Duty to Cooperate Yes

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because: . It is not justified
. It is not consistent with national policy

Question 5

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Appendix 4: Strategic site allocations in the setting of the High Weald AONB (STR/SS 1 and STR/SS 3)

Natural England advises that careful consideration is made regarding the significant level of development allocated in the setting of the AONB. This includes the draft allocation for 3,490-3,590 dwellings at Paddock Wood/East Capel (STR/SS 1), and the draft allocation for 2,800 dwellings at the garden settlement at Tudeley Village (STR/SS 3). Whilst in principle we do not object to these allocations, we advise a sensitive approach be taken regarding the significant impact the proposals may have on the AONB setting.

Natural England welcomes the policy commitment to produce Framework Masterplan SPDs to set out how these strategic allocations will be designed and delivered. Natural England advises that these sites should be very sensitively designed, using a landscape-led approach informed by the AONB management plan, to ensure the impacts to the setting of the AONB are avoided and mitigated. Sensitive design can include reflecting the local vernacular in terms of built design and materials, respecting existing settlement morphology, and how that settlement relates to the wider landscape both visually and in terms of physical connectivity, and supported by appropriate green infrastructure.

Natural England recognises that further detailed policy will emerge as the master-planning work continues and the supporting SPDs are produced. We advise that improvements should be made to the proposed policies for any subsequent policy writing for these strategic site allocations. Making changes at this early stage should help to ensure that appropriate masterplans are produced and high-quality development that maximises environmental gains comes forward. This should help TWBC to achieve its stated vision of new, sustainable infrastructure and excellent service provision (point 5.179 regarding Paddock Wood) and the highest standards of design (point 5.199 regarding Tudeley

Village), while also helping to address this substantial level of development within 0.7 mile of the High Weald AONB.

We are committed to working with TWBC to help secure sensitively-designed and sustainable development for these strategic allocations and advise that TWBC also seeks and uses the advice of the High Weald AONB Unit.

Tudeley Village

We welcome the reference to consideration that should be given to key landscape characteristics (Policy point 7b). However, landscape impacts on the AONB and its setting require sensitive consideration given the scale and proximity to the AONB boundary. Therefore, Natural England advises that this policy is strengthened to make a landscape-led approach integral to the policy for this strategic development by making the following improvements:

- require a high quality and detailed Landscape and Visual Impact Assessment (LVIA) and landscape capacity study as part of the application
- strengthen wording around need for considerable detailed assessment of mitigation options, including quantum, location, density, height and design of buildings
- require an overarching Green Infrastructure (GI) strategy for the garden settlement which includes a functional assessment of existing GI assets and apply consideration of the needs of the new community. This should include what function is needed and where, and what type of GI is needed to deliver it, and how this will be managed in the long-term.

We welcome principle 8 (point 5.223) which commits to good quality green and blue infrastructure. Given the impacts and opportunities that come with this scale of development, we advise that the wording is strengthened to show a clear commitment to delivering environmental net gains. Instead of 'considers opportunities', we suggest wording that looks to embrace the opportunities by delivering environmental net gains should be used. This should be integral to this strategic development from the outset.

As part of this, we advise that this strategic site allocation is given particular consideration within TWBC's upcoming SPD for Biodiversity Net Gain (EN 9), given the opportunities for taking a nature recovery network approach when designing and planning at this scale that maximises the benefits of biodiversity net gains through connected ecological networks that support local priorities. As part of good quality green and blue infrastructure, we also advise that Sustainable Drainage Systems (SuDS) that maximise landscape and biodiversity value are prioritised and should be mentioned in the policy. Policies should also make it clear that any green infrastructure is managed and maintained. These suggested changes should be made within the policy summary itself to give them an appropriate level of emphasis.

We recognise that point 5.228 suggests that the provisional LBDs are not fixed at this point and we advise that these should be determined by landscape-led approaches and ecological considerations, including consideration of ancient woodland that is adjacent to the site. This should be supported by appropriately detailed ecological studies carried out at key stages of the masterplan and early design.

We suggest that point 5.229 should be stronger by making the following wording changes: 'The SPD will need to be adopted before any planning permissions for ~~substantial~~ new development at Tudeley Village are granted, **which would be considered to pre-empt the vision of strategic development before it has been appropriately scrutinised**, unless exceptional circumstances arise' We welcome point 5.227 and suggest this would be stronger if it directly references national and local net-zero carbon commitments and the climate emergency, to ensure it is clear what is being targeted here.

Paddock Wood and East Capel

There are several comments made regarding Tudeley Village which also apply to Paddock Wood, including our advice that environmental net gains should be an integral part of the strategic policy, the importance of taking a landscape-led approach, including for determining the LBDs, and the reference to net zero carbon targets (point 5.188).

We support point 5.161, which promotes the design principle of maintaining a strong tree belt and its connection with nearby ancient woodland (point 5.162).

We welcome the principle of using nature-based solutions that is evident in proposals for Paddock Wood Wetlands Park as a significant new area of natural open space which provides multiple benefits.

We are pleased to see the recognition that this strategic site should be a source of reducing flood risk, particularly given the land that is in flood risk zone 2/3 and advise that a policy requirement is added that will require SuDS and Green Infrastructure as an integrated part of future development due to the multiple benefits this can bring including ecological enhancement.

Question 6

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Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Question 5 above. (Please note that non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Natural England welcomes the reduction in scale and number of major development site allocations within the AONB since the Regulation 18 stage of the draft local plan, but we do not consider the current draft local plan to be sound and have highlighted our reasons in our full response letter for this regarding the remaining major development allocations within the AONB. We advise that these allocations should not be pursued, and alternative options should continue to be explored. While we have objected to major development proposed within the AONB, we remain committed to the plan-led scrutiny of the proposals to ensure soundness of approach, which enhances the High Weald's highly valuable and special landscape for future generations. We wish to work with TWBC to help ensure the best possible outcomes for the AONB and the environment.

Question 7

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If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)? . Yes, I wish to participate in hearing session(s)

Question 7a

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

Natural England are a statutory consultee for local plan consultations and, under the CROW Act, have powers regarding AONBs. The development strategy and major development allocations within the AONB are the core reason for why we consider the local plan as unsound.

In addition, Natural England objected to a planning proposal (20/00815/FULL) for the Turnden Farm site (AL/CRS 3) in 2020 and requested that the decision by TWBC to approve the development was called in by the Secretary of State. The proposal is now subject to a Public Inquiry which Natural England is engaged in as a Rule 6 party.

Question 8

If you have any separate comments you wish to make on the accompanying Sustainability Appraisal, please make them here.

Appendix 3: Sustainability Appraisal

There are several alternative growth strategy options within the Sustainability Appraisal (SA) and the Council has chosen a growth strategy with significant negative landscape impacts. Natural England's view is that the preferred approach should afford sufficient weight to environmental factors. This is supported by NPPF Paragraph 8 which states that economic, environmental and social objectives need to be pursued in mutually supportive ways to support net gains across each of these objectives. Paragraph 32 also states that (emphasis added):

'Local plans and spatial development strategies should be informed throughout their preparation by a sustainability appraisal that meets the relevant legal requirements (The reference to relevant legal requirements refers to Strategic Environmental Assessment. Neighbourhood plans may require Strategic Environmental Assessment, but only where there are potentially significant environmental effects.)'. This should demonstrate how the plan has addressed relevant economic, social and environmental objectives (including opportunities for net gains). Significant adverse impacts on these objectives should be avoided and, wherever possible, alternative options which reduce or eliminate such impacts should be pursued. Where significant adverse impacts are unavoidable, suitable mitigation measures should be proposed (or, where this is not possible, compensatory measures should be considered). However, the SA appears to prioritise social and economic considerations over environmental ones as Section 6.2.19 states:

'The term 'preferable' is used in this sense to mean the option that has the highest scores for the economic and social pillars, and the least negative scores for the environmental pillar'

We also refer to Paragraph 11(b) of the NPPF which states that:

"b) strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas, unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area;"

Given the provisions of paragraph 11 (and consequently paragraph 172), we consider that the weight afforded to protecting nationally designated landscapes has not been sufficiently considered as part of exploring alternative options and the environmental value of the AONB has been underestimated. It is our view that significant impacts have not been avoided as far as possible and, as outlined in other sections, we advise that major development within the AONB has not been appropriately justified. Given the above, we are concerned that the underpinning assessment and recommendations of the SA are not giving an appropriate level of consideration for the environmental benefits associated with alternative growth strategies, especially given the great weight that should be afforded to designated landscapes.

Natural England has significant concerns that the SA underestimates the value of avoiding major development within the AONB and the scale of impact of including it. The chosen growth strategy achieves a very positive score ('+++') for housing as it assumes it will meet standard housing need and local housing needs across the borough. However, it scores neutral or negative scores for environmental factors, including 'slightly negative' ('-') for Landscape, despite the scale and size of major developments directly within the AONB and its setting including the large strategic sites at Tudeley and Paddock Wood.

As outlined in other sections of this letter, our view is that we consider that securing effective enhancement and mitigation measures for major development within the AONB is very challenging and therefore scores for environmental/landscape factors are likely to be overstated in the SA conclusions. Similarly, the SA finds that sites such as Turnden (AL/CRS 3) are still allocated despite scoring a very negative score for landscape (Appendix J, Page 321).

Furthermore, for Growth Strategy 2 (no major development within the AONB), climate change is scored as negative ('-' in table 14) despite having lower growth in the AONB and Borough compared with Growth Strategy 13 (adopted approach for Pre-Submission Local Plan) which includes higher growth and major development within the AONB but only scores slightly negatively for climate change ('-' in table 25). It is our view that Growth Strategy 2 would reduce carbon emissions associated with transport and new dwellings as well as carbon sequestration (which is not mentioned in the SA) when compared with Growth Strategy 13.

Given the scale of development within the AONB and its setting in the chosen growth strategy, we also question the neutral score given for biodiversity. While we support biodiversity net-gain, approaches should be in addition to applying the mitigation hierarchy which should aim to avoid negative impacts

on biodiversity in the first instance. As the SA states that nature conservation designations are more common in the AONB, we advise that any benefits for biodiversity (including those which contribute to the neutral score for the chosen growth strategy) are interpreted with some caution. Finally, point 3.2.8 does not reflect the findings of the HRA and mitigation proposed for Ashdown Forest SPA (see the HRA section below). We advise this section of the SA is amended to reflect the findings of the HRA.

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:

<input type="checkbox"/>	Yes, I wish to be notified of future stages of the Local Plan
--------------------------	---

Supporting Information File Ref No: SI_76

Comment

Consultee	[REDACTED]
Email Address	[REDACTED]
Company / Organisation	Natural England
Address	International House Dover Place ASHFORD TN23 1HU
Event Name	Pre-Submission Local Plan
Comment by	Natural England [REDACTED]
Comment ID	PSLP_1470
Response Date	04/06/21 13:41
Consultation Point	Policy STR/SS 3 The Strategy for Tudeley Village (View)
Status	Processed
Submission Type	Email
Version	0.3
Files	PSLP_1444_Natural England_SI.pdf
Data inputter to enter their initials here	AT
Question 1	
Respondent's Name and/or Organisation	Natural England
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

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Policy STR/SS 3 The Strategy for Tudeley Village

[TWBC - Full representation attached as Supplementary Information]

[TWBC: This representation has been input against Policies PSTR1, AL/RTW17, AL/CRS 1, AL/CRS 2, AL/CRS 3, AL/HA 4, AL/BM 1, AL/PE 1, AL/PE 2, AL/PE 3, AL/RTW 16, STR/SS1, STR/SS3, EN11,

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Question 4

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Is legally compliant	Yes
Is sound	No
Complies with the Duty to Cooperate	Yes

Question 4a

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<input type="checkbox"/>	Yes, I wish to be notified of future stages of the Local Plan
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Supporting Information File Ref No: SI_76

Comment

Consultee	[REDACTED]
Email Address	[REDACTED]
Company / Organisation	Natural England
Address	International House Dover Place ASHFORD TN23 1HU
Event Name	Pre-Submission Local Plan
Comment by	Natural England [REDACTED]
Comment ID	PSLP_1460
Response Date	04/06/21 13:41
Consultation Point	Policy AL/CRS 1 Land at Brick Kiln Farm, Cranbrook Road (View)
Status	Processed
Submission Type	Email
Version	0.6
Files	PSLP_1444_Natural England_SI.pdf
Data inputter to enter their initials here	AT
Question 1	
Respondent's Name and/or Organisation	Natural England
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy AL/CRS 1 Land at Brick Kiln Farm, Cranbrook Road

[TWBC - Full representation attached as Supplementary Information]

[TWBC: This representation has been input against Policies PSTR1, AL/RTW17, AL/CRS 1, AL/CRS 2, AL/CRS 3, AL/HA 4, AL/BM 1, AL/PE 1, AL/PE 2, AL/PE 3, AL/RTW 16, STR/SS1, STR/SS3, EN11,

Section 3, STR 8, Section 5, EN1, EN9, EN10, EN12, EN13, EN14 AND EN19 – see Comment Numbers PSLP_1444, PSLP_1459, PSLP_1460, PSLP_1462, PSLP_1489, PSLP_1463, PSLP_1464, PSLP_1465, PSLP_1466, PSLP_1467, PSLP_1468, PSLP_1469, PSLP_1470, PSLP_1472, PSLP_1478, PSLP_1480, PSLP_1481, PSLP_1482, PSLP_1483, PSLP_1484, PSLP_1485, PSLP_1486, PSLP_1487, PSLP_1488]

Question 4

Do you consider that the Local Plan:

Is legally compliant	Yes
Is sound	No
Complies with the Duty to Cooperate	Yes

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

- It is not justified
- It is not consistent with national policy

Question 5

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

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Appendix 2: Major development allocations within the High Weald AONB

Our core reason for considering the local plan as unsound is due to the proposed allocations within the AONB that have been defined by TWBC as major development. These include some sites that have been granted planning permission without the support of an allocation in the adopted local plan and we continue to object to the draft allocations for major development.

Natural England objects to the inclusion of these major development allocations sites within the AONB because we consider that these policies fail the test of soundness (see our Soundness comments above). We therefore recommend that alternative approaches are taken that avoid impacts on the designated landscape. Our specific comments regarding these allocations are outlined as follows:

AL/CRS 1 - Land at Brick Kiln Farm, Cranbrook

Natural England recognises that this site allocation for 180 dwellings has extant consent from the Tunbridge Wells Site Allocations Local Plan 2016 and represents major development within the AONB. Natural England continues to object it as an allocation for major development as it is being put forward in the context of a new local plan and needs to be tested through the new local plan process.

Question 6

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Natural England welcomes the reduction in scale and number of major development site allocations within the AONB since the Regulation 18 stage of the draft local plan, but we do not consider the current draft local plan to be sound and have highlighted our reasons in our full response letter for this regarding the remaining major development allocations within the AONB. We advise that these allocations should not be pursued, and alternative options should continue to be explored. While we have objected to major development proposed within the AONB, we remain committed to the plan-led scrutiny of the proposals to ensure soundness of approach, which enhances the High Weald's highly valuable and special landscape for future generations. We wish to work with TWBC to help ensure the best possible outcomes for the AONB and the environment.

Question 7

***Please note** the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.*

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Question 7a

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Natural England are a statutory consultee for local plan consultations and, under the CROW Act, have powers regarding AONBs. The development strategy and major development allocations within the AONB are the core reason for why we consider the local plan as unsound.

In addition, Natural England objected to a planning proposal (20/00815/FULL) for the Turnden Farm site (AL/CRS 3) in 2020 and requested that the decision by TWBC to approve the development was called in by the Secretary of State. The proposal is now subject to a Public Inquiry which Natural England is engaged in as a Rule 6 party.

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If you have any separate comments you wish to make on the accompanying Sustainability Appraisal, please make them here.

Appendix 3: Sustainability Appraisal

There are several alternative growth strategy options within the Sustainability Appraisal (SA) and the Council has chosen a growth strategy with significant negative landscape impacts. Natural England's view is that the preferred approach should afford sufficient weight to environmental factors. This is supported by NPPF Paragraph 8 which states that economic, environmental and social objectives need to be pursued in mutually supportive ways to support net gains across each of these objectives. Paragraph 32 also states that (emphasis added):

'Local plans and spatial development strategies should be informed throughout their preparation by a sustainability appraisal that meets the relevant legal requirements (The reference to relevant legal requirements refers to Strategic Environmental Assessment. Neighbourhood plans may require Strategic Environmental Assessment, but only where there are potentially significant environmental effects.'). This should demonstrate how the plan has addressed relevant economic, social and environmental objectives (including opportunities for net gains). Significant adverse impacts on these objectives should be avoided and, wherever possible, alternative options which reduce or eliminate such impacts should be pursued. Where significant adverse impacts are unavoidable, suitable mitigation measures should be proposed (or, where this is not possible, compensatory measures should be considered). However, the SA appears to prioritise social and economic considerations over environmental ones as Section 6.2.19 states:

'The term 'preferable' is used in this sense to mean the option that has the highest scores for the economic and social pillars, and the least negative scores for the environmental pillar'

We also refer to Paragraph 11(b) of the NPPF which states that:

"(b) strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas, unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area;"

Given the provisions of paragraph 11 (and consequently paragraph 172), we consider that the weight afforded to protecting nationally designated landscapes has not been sufficiently considered as part of exploring alternative options and the environmental value of the AONB has been underestimated. It is our view that significant impacts have not been avoided as far as possible and, as outlined in other sections, we advise that major development within the AONB has not been appropriately justified.

Given the above, we are concerned that the underpinning assessment and recommendations of the SA are not giving an appropriate level of consideration for the environmental benefits associated with alternative growth strategies, especially given the great weight that should be afforded to designated landscapes.

Natural England has significant concerns that the SA underestimates the value of avoiding major development within the AONB and the scale of impact of including it. The chosen growth strategy achieves a very positive score ('+++') for housing as it assumes it will meet standard housing need and local housing needs across the borough. However, it scores neutral or negative scores for environmental factors, including 'slightly negative' ('-') for Landscape, despite the scale and size of major developments directly within the AONB and its setting including the large strategic sites at Tudeley and Paddock Wood.

As outlined in other sections of this letter, our view is that we consider that securing effective enhancement and mitigation measures for major development within the AONB is very challenging and therefore scores for environmental/landscape factors are likely to be overstated in the SA conclusions. Similarly, the SA finds that sites such as Turnden (AL/CRS 3) are still allocated despite scoring a very negative score for landscape (Appendix J, Page 321).

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Given the scale of development within the AONB and its setting in the chosen growth strategy, we also question the neutral score given for biodiversity. While we support biodiversity net-gain, approaches should be in addition to applying the mitigation hierarchy which should aim to avoid negative impacts on biodiversity in the first instance. As the SA states that nature conservation designations are more common in the AONB, we advise that any benefits for biodiversity (including those which contribute to the neutral score for the chosen growth strategy) are interpreted with some caution.

Finally, point 3.2.8 does not reflect the findings of the HRA and mitigation proposed for Ashdown Forest SPA (see the HRA section below). We advise this section of the SA is amended to reflect the findings of the HRA.

Future Notifications

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Supporting Information File Ref No: SI_76

Comment

Consultee	[REDACTED]
Email Address	[REDACTED]
Company / Organisation	Natural England
Address	International House Dover Place ASHFORD TN23 1HU
Event Name	Pre-Submission Local Plan
Comment by	Natural England [REDACTED]
Comment ID	PSLP_1462
Response Date	04/06/21 13:41
Consultation Point	Policy AL/CRS 2 Land south of Corn Hall, Crane Valley, Cranbrook (View)
Status	Processed
Submission Type	Email
Version	0.5
Files	PSLP_1444_Natural England_SI.pdf
Data inputter to enter their initials here	AT
Question 1	
Respondent's Name and/or Organisation	Natural England
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy AL/CRS 2 Land south of Corn Hall, Crane Valley, Cranbrook

[TWBC - Full representation attached as Supplementary Information]

[TWBC: This representation has been input against Policies PSTR1, AL/RTW17, AL/CRS 1, AL/CRS 2, AL/CRS 3, AL/HA 4, AL/BM 1, AL/PE 1, AL/PE 2, AL/PE 3, AL/RTW 16, STR/SS1, STR/SS3, EN11,

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Question 4

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Is legally compliant	Yes
Is sound	No
Complies with the Duty to Cooperate	Yes

Question 4a

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Question 5

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Natural England objects to the inclusion of these major development allocations sites within the AONB because we consider that these policies fail the test of soundness (see our Soundness comments above). We therefore recommend that alternative approaches are taken that avoid impacts on the designated landscape. Our specific comments regarding these allocations are outlined as follows:

AL/CRS 2 - Land south of Corn Hall, Crane Valley, Cranbrook

Whilst this site, individually, is not identified as major development by TWBC, it is considered to represent major development cumulatively with AL/CRS 1 (as part of CRS 9) and given its close proximity to AL/CRS 3. Natural England therefore objects its inclusion as an allocation but we consider that it may be more acceptable if AL/CRS 1 and AL/CRS 3 are withdrawn or significantly reduced such that they no longer represent major development, and where AL/CRS 2 is sensitively designed

Question 6

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Question 7a

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In addition, Natural England objected to a planning proposal (20/00815/FULL) for the Turnden Farm site (AL/CRS 3) in 2020 and requested that the decision by TWBC to approve the development was called in by the Secretary of State. The proposal is now subject to a Public Inquiry which Natural England is engaged in as a Rule 6 party.

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SPA (see the HRA section below). We advise this section of the SA is amended to reflect the findings of the HRA.

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Event Name	Pre-Submission Local Plan
Comment by	Natural England [REDACTED]
Comment ID	PSLP_1489
Response Date	04/06/21 13:41
Consultation Point	Policy AL/CRS 3 Turnden Farm, Hartley Road, Cranbrook (View)
Status	Processed
Submission Type	Email
Version	0.3
Files	PSLP_1444_Natural England_SI.pdf
Data inputter to enter their initials here	AT
Question 1	
Respondent's Name and/or Organisation	Natural England
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To which part of the Local Plan does this representation relate?	Policy
Question 3a	

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Policy AL/CRS 3 Turnden Farm, Hartley Road, Cranbrook

[TWBC - Full representation attached as Supplementary Information]

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Natural England objects to the inclusion of these major development allocations sites within the AONB because we consider that these policies fail the test of soundness (see our Soundness comments above). We therefore recommend that alternative approaches are taken that avoid impacts on the designated landscape. Our specific comments regarding these allocations are outlined as follows:

AL/CRS 3 - Turnden Farm, Hartley Road, Cranbrook

Natural England objected to the draft allocation of this site in our Regulation 18 response to the local plan. We also objected to a planning proposal for this site (20/00815/FULL) in 2020 and requested that the decision by TWBC to approve the development was called in by the Secretary of State. The proposal is now subject to a Public Inquiry which Natural England is engaged in as a Rule 6 party.

Natural England considers a major development proposal at the site would result in significant harm to the AONB. We are therefore maintaining our objection to the draft allocation of this site within the local plan, consistent with both our previous advice and our response to the planning application for development at the site.

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<input type="checkbox"/>	Yes, I wish to be notified of future stages of the Local Plan
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Supporting Information File Ref No: SI_76

Comment

Consultee	[REDACTED]
Email Address	[REDACTED]
Company / Organisation	Natural England
Address	International House Dover Place ASHFORD TN23 1HU
Event Name	Pre-Submission Local Plan
Comment by	Natural England [REDACTED]
Comment ID	PSLP_1463
Response Date	04/06/21 13:41
Consultation Point	Policy AL/HA 4 Land off Copthall Avenue and Highgate Hill (View)
Status	Processed
Submission Type	Email
Version	0.6
Files	PSLP_1444_Natural England_SI.pdf
Data inputter to enter their initials here	AT
Question 1	
Respondent's Name and/or Organisation	Natural England
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy AL/HA 4 Land off Copthall Avenue and Highgate Hill

[TWBC - Full representation attached as Supplementary Information]

[TWBC: This representation has been input against Policies PSTR1, AL/RTW17, AL/CRS 1, AL/CRS 2, AL/CRS 3, AL/HA 4, AL/BM 1, AL/PE 1, AL/PE 2, AL/PE 3, AL/RTW 16, STR/SS1, STR/SS3, EN11,

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Question 4

Do you consider that the Local Plan:

Is legally compliant	Yes
Is sound	No
Complies with the Duty to Cooperate	Yes

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:	<input type="checkbox"/> It is not justified
	<input type="checkbox"/> It is not consistent with national policy

Question 5

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Our core reason for considering the local plan as unsound is due to the proposed allocations within the AONB that have been defined by TWBC as major development. These include some sites that have been granted planning permission without the support of an allocation in the adopted local plan and we continue to object to the draft allocations for major development.

Natural England objects to the inclusion of these major development allocations sites within the AONB because we consider that these policies fail the test of soundness (see our Soundness comments above). We therefore recommend that alternative approaches are taken that avoid impacts on the designated landscape. Our specific comments regarding these allocations are outlined as follows:

AL/HA 4 - Land off Copthall Avenue and Highgate Hill

We note the Council's recent refusal for planning permission at this site which Natural England objected to. Natural England therefore objects its inclusion as an allocation but we consider that it may be more acceptable if its size and scale are significantly reduced such that it no longer represents major development.

Question 6

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Natural England welcomes the reduction in scale and number of major development site allocations within the AONB since the Regulation 18 stage of the draft local plan, but we do not consider the current draft local plan to be sound and have highlighted our reasons in our full response letter for this regarding the remaining major development allocations within the AONB. We advise that these allocations should not be pursued, and alternative options should continue to be explored. While we have objected to major development proposed within the AONB, we remain committed to the plan-led scrutiny of the proposals to ensure soundness of approach, which enhances the High Weald's highly valuable and special landscape for future generations. We wish to work with TWBC to help ensure the best possible outcomes for the AONB and the environment.

Question 7

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Question 7a

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'Local plans and spatial development strategies should be informed throughout their preparation by a sustainability appraisal that meets the relevant legal requirements (The reference to relevant legal requirements refers to Strategic Environmental Assessment. Neighbourhood plans may require Strategic Environmental Assessment, but only where there are potentially significant environmental effects.'). This should demonstrate how the plan has addressed relevant economic, social and environmental objectives (including opportunities for net gains). Significant adverse impacts on these objectives should be avoided and, wherever possible, alternative options which reduce or eliminate such impacts should be pursued. Where significant adverse impacts are unavoidable, suitable mitigation measures should be proposed (or, where this is not possible, compensatory measures should be considered). However, the SA appears to prioritise social and economic considerations over environmental ones as Section 6.2.19 states:

'The term 'preferable' is used in this sense to mean the option that has the highest scores for the economic and social pillars, and the least negative scores for the environmental pillar'

We also refer to Paragraph 11(b) of the NPPF which states that:

"(b) strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas, unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area;"

Given the provisions of paragraph 11 (and consequently paragraph 172), we consider that the weight afforded to protecting nationally designated landscapes has not been sufficiently considered as part of exploring alternative options and the environmental value of the AONB has been underestimated. It is our view that significant impacts have not been avoided as far as possible and, as outlined in other sections, we advise that major development within the AONB has not been appropriately justified. Given the above, we are concerned that the underpinning assessment and recommendations of the SA are not giving an appropriate level of consideration for the environmental benefits associated with alternative growth strategies, especially given the great weight that should be afforded to designated landscapes.

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Supporting Information File Ref No: SI_76

Comment

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Email Address	[REDACTED]
Company / Organisation	Natural England
Address	International House Dover Place ASHFORD TN23 1HU
Event Name	Pre-Submission Local Plan
Comment by	Natural England [REDACTED]
Comment ID	PSLP_1464
Response Date	04/06/21 13:41
Consultation Point	Policy AL/BM 1 Land between Brenchley Road, Coppers Lane and Maidstone Road (View)
Status	Processed
Submission Type	Email
Version	0.6
Files	PSLP_1444_Natural England_SI.pdf
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To which part of the Local Plan does this representation relate?	Policy
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Question 4

Do you consider that the Local Plan:

Is legally compliant	Yes
Is sound	No
Complies with the Duty to Cooperate	Yes

Question 4a

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Natural England objects to the inclusion of these major development allocations sites within the AONB because we consider that these policies fail the test of soundness (see our Soundness comments above). We therefore recommend that alternative approaches are taken that avoid impacts on the designated landscape. Our specific comments regarding these allocations are outlined as follows:

AL/BM 1 - Land between Brenchley Road, Coppers Lane and Maidstone Road

Natural England recognises that a planning application for development at this site (19/01099/OUT), which Natural England objected to on the basis of major development within AONB, has been granted permission.

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Comment by	Natural England [REDACTED]
Comment ID	PSLP_1465
Response Date	04/06/21 13:41
Consultation Point	Policy AL/PE 1 Land rear of High Street and west of Chalket Lane (View)
Status	Processed
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Question 4a

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AL/PE1 - Land rear of High Street and west of Chalket Lane;

AL/PE2 - Land at Hubbles Farm and south of Hastings Road;

AL/PE3 - Land north of the A21, south and west of Hastings Road

Whilst these three sites, individually, are not identified as major development by TWBC, they are considered to cumulatively represent major development. Natural England therefore objects their inclusion as allocations, but we consider that they may be more acceptable if their size and scale are reduced such that, taken together, they no longer represent major development.

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Question 4

Do you consider that the Local Plan:

Is legally compliant	Yes
Is sound	No
Complies with the Duty to Cooperate	Yes

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:	<input type="checkbox"/> It is not justified
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Question 5

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Natural England objects to the inclusion of these major development allocations sites within the AONB because we consider that these policies fail the test of soundness (see our Soundness comments above). We therefore recommend that alternative approaches are taken that avoid impacts on the designated landscape. Our specific comments regarding these allocations are outlined as follows:

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Question 7a

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Question 4a

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Appendix 6: Pre-submission Local Plan Policies

Section 6: Development Management Policies

EN1: Sustainable Design

We are pleased to see that our Regulation 18 response to remove 'where possible' in relation to achieving net gain, has been addressed.

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Question 7a

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Comment

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Email Address	[REDACTED]
Company / Organisation	Natural England
Address	International House Dover Place ASHFORD TN23 1HU
Event Name	Pre-Submission Local Plan
Comment by	Natural England [REDACTED]
Comment ID	PSLP_1483
Response Date	04/06/21 13:41
Consultation Point	Policy EN 9 Biodiversity Net Gain (View)
Status	Processed
Submission Type	Email
Version	0.3
Files	PSLP_1444_Natural_England_SI.pdf
Data inputter to enter their initials here	AT
Question 1	
Respondent's Name and/or Organisation	Natural England
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

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Policy EN 9 Biodiversity Net Gain

[TWBC - Full representation attached as Supplementary Information]

[TWBC: This representation has been input against Policies PSTR1, AL/RTW17, AL/CRS 1, AL/CRS 2, AL/CRS 3, AL/HA 4, AL/BM 1, AL/PE 1, AL/PE 2, AL/PE 3, AL/RTW 16, STR/SS1, STR/SS3, EN11, Section 3, STR 8, Section 5, EN1, EN9, EN10, EN12, EN13, EN14 AND EN19 – see Comment Numbers

PSLP_1444, PSLP_1459, PSLP_1460, PSLP_1462, PSLP_1489, PSLP_1463, PSLP_1464, PSLP_1465, PSLP_1466, PSLP_1467, PSLP_1468, PSLP_1469, PSLP_1470, PSLP_1472, PSLP_1478, PSLP_1480, PSLP_1481, PSLP_1482, PSLP_1483, PSLP_1484, PSLP_1485, PSLP_1486, PSLP_1487, PSLP_1488]

Question 4

Do you consider that the Local Plan:

Is legally compliant	Yes
Is sound	No
Complies with the Duty to Cooperate	Yes

Question 4a

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Appendix 6: Pre-submission Local Plan Policies

Section 6: Development Management Policies

EN 9: Biodiversity net gain

We are pleased to see that our Regulation 18 response has been incorporated in the updated policy as it now includes a measurable net gain figure (10%).

We welcome the overall Biodiversity Net Gain (BNG) policy, which makes numerous positive requirements and references to helpful guidance. We agree that further detail regarding the approach to BNG should be incorporated within an SPD, especially as national policy and legislation relating to BNG continues to emerge. Therefore, we are supportive of the clear link to the SPD directly in the policy to help make this SPD impactful once it is available.

There are several wording improvements that we also suggest to help make this policy stronger in the interim and to further reflect current good and best practice that continues to emerge since the Regulation 18 draft local plan:

- We support the principle of prioritising on-site measures to achieve net-gain. However, in some cases, off-site measures can achieve more meaningful net-gains if on-site opportunities are limited. Therefore, we consider the reference in point 6.135 to only accepting off-site measures in 'exceptional circumstances' is too strong. Instead, we suggest that the wording should require major developments to 'exhaust all reasonable opportunities to achieve measurable and meaningful biodiversity net-gain on-site before considering off-site measures, in line with the Good Practice Guide jointly produced by CIEEM CIRIA and IEMA that is referenced elsewhere in the policy'. The wording used regarding non-major development should also apply to major development: 'where it offers the best outcome for biodiversity, is in reasonably close proximity to the application site, and follows the mitigation hierarchy.'

- The Environment Bill is expected to require Biodiversity Net Gain on non-major developments as well as major developments. Therefore, we advise that point 6.135 should state that BNG will be expected to be achieved on non-major developments, when Defra's Small Site Metric is adopted and when legislation requires this. This is something that the upcoming SPD for BNG should cover in more detail.
- We welcome the reference to the Defra Biodiversity Metric throughout. In EN 9 policy point 1, we suggest further strengthening the policy by advising that the Defra Biodiversity Metric be used in line with the latest guidance from Defra/Natural England.
- Point 6.125 refers to 'offsetting' as part of non-major development. This term should be removed as it is open to misinterpretation and is not consistent with the terminology used for Biodiversity Net Gain which refers to 'off-site' measures that are more clearly defined.
- Point 6.120 should refer to delivering 'measurable' net gains

Question 6

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Event Name	Pre-Submission Local Plan
Comment by	Natural England [REDACTED]
Comment ID	PSLP_1484
Response Date	04/06/21 13:41
Consultation Point	Policy EN 10 Protection of designated sites and Habitats (View)
Status	Processed
Submission Type	Email
Version	0.3
Files	PSLP_1444_Natural England_SI.pdf
Data inputter to enter their initials here	AT
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Section 3, STR 8, Section 5, EN1, EN9, EN10, EN12, EN13, EN14 AND EN19 – see Comment Numbers PSLP_1444, PSLP_1459, PSLP_1460, PSLP_1462, PSLP_1489, PSLP_1463, PSLP_1464, PSLP_1465, PSLP_1466, PSLP_1467, PSLP_1468, PSLP_1469, PSLP_1470, PSLP_1472, PSLP_1478, PSLP_1480, PSLP_1481, PSLP_1482, PSLP_1483, PSLP_1484, PSLP_1485, PSLP_1486, PSLP_1487, PSLP_1488]

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Section 6: Development Management Policies

EN10: Protection of Designated Sites and Habitats

We welcome the addition of management and maintenance in relation to this policy.

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Event Name	Pre-Submission Local Plan
Comment by	Natural England [REDACTED]
Comment ID	PSLP_1472
Response Date	04/06/21 13:41
Consultation Point	Policy EN 11 Ashdown Forest Special Protection Area and Special Area of Conservation (View)
Status	Processed
Submission Type	Email
Version	0.3
Files	PSLP_1444_Natural England_SI.pdf
Data inputter to enter their initials here	AT
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Section 3, STR 8, Section 5, EN1, EN9, EN10, EN12, EN13, EN14 AND EN19 – see Comment Numbers PSLP_1444, PSLP_1459, PSLP_1460, PSLP_1462, PSLP_1489, PSLP_1463, PSLP_1464, PSLP_1465, PSLP_1466, PSLP_1467, PSLP_1468, PSLP_1469, PSLP_1470, PSLP_1472, PSLP_1478, PSLP_1480, PSLP_1481, PSLP_1482, PSLP_1483, PSLP_1484, PSLP_1485, PSLP_1486, PSLP_1487, PSLP_1488]

Question 4

Do you consider that the Local Plan:

Is legally compliant	Yes
Is sound	No
Complies with the Duty to Cooperate	Yes

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:	<input type="checkbox"/> It is not justified
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Question 5

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Appendix 5: Habitats Regulations Assessment (HRA)

We welcome the incorporation of our Regulation 18 advice to align policy EN 11 'Ashdown Forest Special Protection Area and Special Area of Conservation' with the established SANG/SAMM strategic approach to avoiding adverse effect on the integrity of Ashdown Forest SPA and SAC from recreational disturbance.

Question 6

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Supporting Information File Ref No: SI_76

Comment

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Email Address	[REDACTED]
Company / Organisation	Natural England
Address	International House Dover Place ASHFORD TN23 1HU
Event Name	Pre-Submission Local Plan
Comment by	Natural England [REDACTED]
Comment ID	PSLP_1485
Response Date	04/06/21 13:41
Consultation Point	Policy EN 12 Trees, Woodland, Hedges, and Development (View)
Status	Processed
Submission Type	Email
Version	0.4
Files	PSLP_1444_Natural England_SI.pdf
Data inputter to enter their initials here	AT
Question 1	
Respondent's Name and/or Organisation	Natural England
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy EN 12 Trees, Woodland, Hedges, and Development

[TWBC - Full representation attached as Supplementary Information]

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Appendix 6: Pre-submission Local Plan Policies

Section 6: Development Management Policies

EN12: Trees, Woodlands, Hedges and Development

We note that our Regulation 18 consultation feedback does not appear to have been addressed, regarding on-site mitigation and compensation measures. We advise that where unavoidable tree loss occurs on site, efforts to compensate for this should be prioritised on site as well as off site where this is needed. This is because there is a risk that looking first or only to securing tree planting off-site will contradict aims for securing both net gains for nature and providing urban Green Infrastructure.

This policy could be further improved by considering opportunities to maximise ecological benefits in terms of the right species in the right place, as well as any other benefits (e.g. air quality, carbon sequestration).

Throughout site allocation policies, there are requirements for design and layout to 'have regard' for mature/veteran trees and hedgerows. We advise that this wording should be stronger and that existing trees and hedgerows should be actively integrated within the design and layout of the application and removal should be avoided where possible. Approaches should also be informed by the AONB Management Plan where sites are within the AONB or its setting.

Question 6

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Question 7a

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SPA (see the HRA section below). We advise this section of the SA is amended to reflect the findings of the HRA.

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Comment by	Natural England [REDACTED]
Comment ID	PSLP_1486
Response Date	04/06/21 13:41
Consultation Point	Policy EN 13 Ancient Woodland and Veteran Trees (View)
Status	Processed
Submission Type	Email
Version	0.3
Files	PSLP_1444_Natural England_SI.pdf
Data inputter to enter their initials here	AT
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Section 6: Development Management Policies

EN13: Ancient Woodland and Veteran Trees

We are pleased to see that our Regulation 18 comments have been addressed which advised that the principles relating to exceptional circumstances for impacts to ancient woodland or veteran trees are removed and the clarification that they cannot be considered in net gain calculations.

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Consultation Point	Policy EN 14 Green, Grey, and Blue Infrastructure (View)
Status	Processed
Submission Type	Email
Version	0.3
Files	PSLP_1444_Natural England_SI.pdf
Data inputter to enter their initials here	AT
Question 1	
Respondent's Name and/or Organisation	Natural England
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy EN 14 Green, Grey, and Blue Infrastructure

[TWBC - Full representation attached as Supplementary Information]

[TWBC: This representation has been input against Policies PSTR1, AL/RTW17, AL/CRS 1, AL/CRS 2, AL/CRS 3, AL/HA 4, AL/BM 1, AL/PE 1, AL/PE 2, AL/PE 3, AL/RTW 16, STR/SS1, STR/SS3, EN11,

Section 3, STR 8, Section 5, EN1, EN9, EN10, EN12, EN13, EN14 AND EN19 – see Comment Numbers PSLP_1444, PSLP_1459, PSLP_1460, PSLP_1462, PSLP_1489, PSLP_1463, PSLP_1464, PSLP_1465, PSLP_1466, PSLP_1467, PSLP_1468, PSLP_1469, PSLP_1470, PSLP_1472, PSLP_1478, PSLP_1480, PSLP_1481, PSLP_1482, PSLP_1483, PSLP_1484, PSLP_1485, PSLP_1486, PSLP_1487, PSLP_1488]

Question 4

Do you consider that the Local Plan:

Is legally compliant	Yes
Is sound	No
Complies with the Duty to Cooperate	Yes

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:	. It is not justified
	. It is not consistent with national policy

Question 5

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

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Appendix 6: Pre-submission Local Plan Policies

Section 6: Development Management Policies

EN 14: Green, Grey and Blue Infrastructure

We are pleased to see that our Regulation 18 comments have been addressed regarding the strengthening of wording to maximise the benefits of Infrastructure. However, the change made to address our previous comment regarding connectivity could be made clearer by adding 'ecological' where indicated as italics in this sentence: 'Proposals for new green, grey, and blue infrastructure should aim to improve ecological connectivity and be informed by, and respond to:'. Without this addition, 'connectivity' could be interpreted as referred to how people connect with their surroundings (which should also be encouraged).

Question 6

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

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Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Question 5 above. (Please note that non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Natural England welcomes the reduction in scale and number of major development site allocations within the AONB since the Regulation 18 stage of the draft local plan, but we do not consider the current draft local plan to be sound and have highlighted our reasons in our full response letter for this regarding the remaining major development allocations within the AONB. We advise that these allocations should not be pursued, and alternative options should continue to be explored. While we have objected to major development proposed within the AONB, we remain committed to the plan-led scrutiny of the proposals to ensure soundness of approach, which enhances the High Weald's highly valuable and special landscape for future generations. We wish to work with TWBC to help ensure the best possible outcomes for the AONB and the environment.

Question 7

***Please note** the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.*

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)? . Yes, I wish to participate in hearing session(s)

Question 7a

***Please note** the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.*

If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

Natural England are a statutory consultee for local plan consultations and, under the CROW Act, have powers regarding AONBs. The development strategy and major development allocations within the AONB are the core reason for why we consider the local plan as unsound.

In addition, Natural England objected to a planning proposal (20/00815/FULL) for the Turnden Farm site (AL/CRS 3) in 2020 and requested that the decision by TWBC to approve the development was called in by the Secretary of State. The proposal is now subject to a Public Inquiry which Natural England is engaged in as a Rule 6 party.

Question 8

If you have any separate comments you wish to make on the accompanying Sustainability Appraisal, please make them here.

Appendix 3: Sustainability Appraisal

There are several alternative growth strategy options within the Sustainability Appraisal (SA) and the Council has chosen a growth strategy with significant negative landscape impacts. Natural England's view is that the preferred approach should afford sufficient weight to environmental factors. This is supported by NPPF Paragraph 8 which states that economic, environmental and social objectives need to be pursued in mutually supportive ways to support net gains across each of these objectives. Paragraph 32 also states that (emphasis added):

'Local plans and spatial development strategies should be informed throughout their preparation by a sustainability appraisal that meets the relevant legal requirements (The reference to relevant legal requirements refers to Strategic Environmental Assessment. Neighbourhood plans may require Strategic

Environmental Assessment, but only where there are potentially significant environmental effects.’). This should demonstrate how the plan has addressed relevant economic, social and environmental objectives (including opportunities for net gains). Significant adverse impacts on these objectives should be avoided and, wherever possible, alternative options which reduce or eliminate such impacts should be pursued. Where significant adverse impacts are unavoidable, suitable mitigation measures should be proposed (or, where this is not possible, compensatory measures should be considered). However, the SA appears to prioritise social and economic considerations over environmental ones as Section 6.2.19 states:

‘The term ‘preferable’ is used in this sense to mean the option that has the highest scores for the economic and social pillars, and the least negative scores for the environmental pillar’

We also refer to Paragraph 11(b) of the NPPF which states that:

“(b) strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas, unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area;”

Given the provisions of paragraph 11 (and consequently paragraph 172), we consider that the weight afforded to protecting nationally designated landscapes has not been sufficiently considered as part of exploring alternative options and the environmental value of the AONB has been underestimated.

It is our view that significant impacts have not been avoided as far as possible and, as outlined in other sections, we advise that major development within the AONB has not been appropriately justified.

Given the above, we are concerned that the underpinning assessment and recommendations of the SA are not giving an appropriate level of consideration for the environmental benefits associated with alternative growth strategies, especially given the great weight that should be afforded to designated landscapes.

Natural England has significant concerns that the SA underestimates the value of avoiding major development within the AONB and the scale of impact of including it. The chosen growth strategy achieves a very positive score (‘+++’) for housing as it assumes it will meet standard housing need and local housing needs across the borough. However, it scores neutral or negative scores for environmental factors, including ‘slightly negative’ (‘-’) for Landscape, despite the scale and size of major developments directly within the AONB and its setting including the large strategic sites at Tudeley and Paddock Wood.

As outlined in other sections of this letter, our view is that we consider that securing effective enhancement and mitigation measures for major development within the AONB is very challenging and therefore scores for environmental/landscape factors are likely to be overstated in the SA conclusions. Similarly, the SA finds that sites such as Turnden (AL/CRS 3) are still allocated despite scoring a very negative score for landscape (Appendix J, Page 321).

Furthermore, for Growth Strategy 2 (no major development within the AONB), climate change is scored as negative (‘-’ in table 14) despite having lower growth in the AONB and Borough compared with Growth Strategy 13 (adopted approach for Pre-Submission Local Plan) which includes higher growth and major development within the AONB but only scores slightly negatively for climate change (‘-’ in table 25). It is our view that Growth Strategy 2 would reduce carbon emissions associated with transport and new dwellings as well as carbon sequestration (which is not mentioned in the SA) when compared with Growth Strategy 13.

Given the scale of development within the AONB and its setting in the chosen growth strategy, we also question the neutral score given for biodiversity. While we support biodiversity net-gain, approaches should be in addition to applying the mitigation hierarchy which should aim to avoid negative impacts on biodiversity in the first instance. As the SA states that nature conservation designations are more common in the AONB, we advise that any benefits for biodiversity (including those which contribute to the neutral score for the chosen growth strategy) are interpreted with some caution.

Finally, point 3.2.8 does not reflect the findings of the HRA and mitigation proposed for Ashdown Forest SPA (see the HRA section below). We advise this section of the SA is amended to reflect the findings of the HRA.

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:

Yes, I wish to be notified of future stages of the Local Plan

Supporting Information File Ref No: SI_76

Comment

Consultee	[REDACTED]
Email Address	[REDACTED]
Company / Organisation	Natural England
Address	International House Dover Place ASHFORD TN23 1HU
Event Name	Pre-Submission Local Plan
Comment by	Natural England [REDACTED]
Comment ID	PSLP_1488
Response Date	04/06/21 13:41
Consultation Point	Policy EN 19 The High Weald Area of Outstanding Natural Beauty (View)
Status	Processed
Submission Type	Email
Version	0.3
Files	PSLP_1444_Natural England_SI.pdf
Data inputter to enter their initials here	AT
Question 1	
Respondent's Name and/or Organisation	Natural England
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy EN 19 The High Weald Area of Outstanding Natural Beauty

[TWBC: Incorrectly stated as EN 21 on representation]

[TWBC - Full representation attached as Supplementary Information]

[TWBC: This representation has been input against Policies PSTR1, AL/RTW17, AL/CRS 1, AL/CRS 2, AL/CRS 3, AL/HA 4, AL/BM 1, AL/PE 1, AL/PE 2, AL/PE 3, AL/RTW 16, STR/SS1, STR/SS3, EN11, Section 3, STR 8, Section 5, EN1, EN9, EN10, EN12, EN13, EN14 AND EN19 – see Comment Numbers PSLP_1444, PSLP_1459, PSLP_1460, PSLP_1462, PSLP_1489, PSLP_1463, PSLP_1464, PSLP_1465, PSLP_1466, PSLP_1467, PSLP_1468, PSLP_1469, PSLP_1470, PSLP_1472, PSLP_1478, PSLP_1480, PSLP_1481, PSLP_1482, PSLP_1483, PSLP_1484, PSLP_1485, PSLP_1486, PSLP_1487, PSLP_1488]

Question 4

Do you consider that the Local Plan:

Is legally compliant	Yes
Is sound	No
Complies with the Duty to Cooperate	Yes

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:	<input type="checkbox"/> It is not justified
	<input type="checkbox"/> It is not consistent with national policy

Question 5

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Appendix 6: Pre-submission Local Plan Policies

Section 6: Development Management Policies

EN 21: High Weald Area of Outstanding Natural Beauty (AONB)

[TWBC: Should read EN 19]

Natural England welcome the overall intention of this policy but advise that some changes should be made to strengthen the policy wording to ensure an appropriate level of consideration for this important landscape and to better recognise the great weight that should be given to its conservation and enhancement according to national policy.

Natural England welcome the requirement for major developments within the AONB to be accompanied by an LVIA and assessment against the AONB Management Plan Policies (point 6.238). However, we advise that this policy should be stronger to ensure that appropriate levels of landscape assessments, including against the AONB Management Plan and its associated guidance, should be carried out for any non-major development proposals within the AONB, or its setting, where they are expected to significantly impact the AONB.

We also advise that the following changes should be made:

- Make the following wording change: 'All development within, or affecting the setting of, the High Weald Area of Outstanding Natural Beauty (AONB) shall ~~seek to~~ conserve and enhance its landscape

and scenic beauty, having particular regard to the impacts on its character components, as set out in the High Weald AONB Management Plan.'

- Placing the policy in point 6.238 within the Policy EN 19 summary box to give it more emphasis and to make it clear that this is not an optional consideration, or add specific reference to these supporting notes (6.234 to 6.238) in the summary box itself (as has been done for EN 9 Biodiversity Net Gain for example)
- Add a requirement for LVIAs to be in line with the most recent edition of the good practice Guidelines for Landscape and Visual Impact Assessment.
- Strengthen the wording to make it clear that the recommendations from the landscape assessments should inform the proposal's design and layout as part of ensuring suitable measures are in place to avoid or mitigate negative impacts on the AONB landscape. Proposals with impacts that cannot be adequately mitigated should not be accepted except in exceptional circumstances (NPPF para 172, footnote 55)

Natural England's specific suggestions regarding sensitive, landscape-led approaches are outlined in Appendices 1, 3 and 4 of this letter.

Question 6

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Question 7

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If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)? . Yes, I wish to participate in hearing session(s)

Question 7a

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Question 8

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We also refer to Paragraph 11(b) of the NPPF which states that:

"(b) strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas, unless:
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environmental factors, including 'slightly negative' ('-') for Landscape, despite the scale and size of major developments directly within the AONB and its setting including the large strategic sites at Tudeley and Paddock Wood.

As outlined in other sections of this letter, our view is that we consider that securing effective enhancement and mitigation measures for major development within the AONB is very challenging and therefore scores for environmental/landscape factors are likely to be overstated in the SA conclusions. Similarly, the SA finds that sites such as Turnden (AL/CRS 3) are still allocated despite scoring a very negative score for landscape (Appendix J, Page 321).

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Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:

Yes, I wish to be notified of future stages of the Local Plan

Comment

Consultee	Jackie Nelson [REDACTED]
Email Address	[REDACTED]
Address	
Event Name	Pre-Submission Local Plan
Comment by	Jackie Nelson [REDACTED]
Comment ID	PSLP_280
Response Date	23/05/21 11:36
Consultation Point	Policy AL/RTW 19 Land to the north of Hawkenbury Recreation Ground (View)
Status	Processed
Submission Type	Web
Version	0.2
Question 1	
Respondent's Name and/or Organisation	Jacqueline Nelson
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
Policy AL/RTW 19 Land to the north of Hawkenbury Recreation Ground	
Question 4	
Do you consider that the Local Plan:	
Is legally compliant	Don't know
Is sound	No
Complies with the Duty to Cooperate	No
Question 4a	

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

- . It is not positively prepared
- . It is not effective
- . It is not justified

Question 5

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Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

I am particularly concerned about the plan for a sports hub/concentrating sporting facilities/football pitches in one place rather than distributed across the town and borough close to where people live and want to use them. This will mean more traffic, pollution, noise, disruption, cost at a time when we should be building local communities, protecting our green spaces and spending money most effectively.

By building this football centre of excellence/stadium/sports hub you will be destroying green belt land, an area of outstanding natural beauty, a popular place where many, many people walk every day (High Woods Lane), the environment around the Sherborne sheltered housing and Cleve Avenue. Floodlighting and noise from use of the pitches will destroy this peaceful space.

You will be making the traffic and parking situation unbearable around Hawkenbury which will bring pollution and health and safety issues. These have been noted by your own transport team. There is insufficient public transport or cycle routes to the area.

You will have to get CPOs for farmer's field(s) and private road - which will go against the wishes of the local farming community. It is an area subject to flooding which will exacerbate this issue for local residents, walkers, joggers etc.

Question 6

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Keep the football/sports pitches local to the communities that use them and use some money to improve them.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

No, I do not wish to participate in examination hearing session(s)

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:

Yes, I wish to be notified of future stages of the Local Plan

Supporting Information File Ref No: SI_53

Comment

Consultee	Gregg Newman [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] Hadlow [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Gregg Newman [REDACTED]
Comment ID	PSLP_909
Response Date	02/06/21 11:46
Consultation Point	Policy STR/SS 3 The Strategy for Tudeley Village (View)
Status	Processed
Submission Type	Web
Version	0.1
Files	Sustainability Appraisal response form_redacted.docx Sustainability_Appraisal_response_form.d (1).docx

Question 1

Respondent's Name and/or Organisation Gregg Newman

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

Question 8

If you have any separate comments you wish to make on the accompanying Sustainability Appraisal, please make them here.

I strongly object to "The Strategy for Capel Parish" (Policy STR/CA1).

I refer you to my comments in full contained in my response to the Draft Local Plan Consultation Response Form and Sustainability Response Form all submitted in detail in October 2019.

To reiterate for emphasis.

This is an ill thought out and ill-conceived proposal that will forever be a stain upon the consciences of any and all who are concerned should it become reality.

You dare to pay lip service to protecting the environment, whilst at the same time destroying the habitats of innumerable plant and animal species. Although on a smaller scale, there is no difference between your plans and the Brazilian Government's policy towards the Amazon Rain Forest (which you have doubtless wrung your hands over!).

Your plan will turn the area not into some idyllic "garden villages. It will tarmac and concrete over ancient woodland, and contribute to global warming and flooding. No amount of platitudes, half-truths and cynical distortions of facts in your so called plan will alter what this really is. Turning the Garden of England, the heart of our Green and Pleasant Land, into a soulless waste land of identical poorly constructed house with inadequate infrastructure, a ghetto well enough hidden from the residents of Tunbridge Wells so as not to offend their sensitivities.

Your plan will also, undoubtedly, result in injuries or even deaths to children who will have to travel miles on poor roads, in darkness, to get to and from school.

I could write reams, but it seems pointless. Everything has been said over and over again. Please, TWBC, deeply examine your consciences and show yourselves to be above the Westminster gerrymandering that is destroying our country, take a stand and protect England and this beautiful planet and all its inhabitants, not only human but plant and animal too.

I look forward to you restoring my faith in human nature, thank you.

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:

Yes, I wish to be notified of future stages of the Local Plan

Supporting Information File Ref No: SI_122

Comment

Consultee	J Newman [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] Tonbridge [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	J Newman [REDACTED]
Comment ID	PSLP_1911
Response Date	03/06/21 21:27
Consultation Point	Policy STR/SS 1 The Strategy for Paddock Wood, including land at east Capel (View)
Status	Processed
Submission Type	Email
Version	0.5
Files	PSLP_1904
Data inputter to enter their initials here	AT
Question 1	
Respondent's Name and/or Organisation	Mrs Joanna Newman
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
Policy STR/SS 1 The Strategy for Paddock Wood, including land at east Capel	
Question 4	
Do you consider that the Local Plan:	
Is legally compliant	No

Is sound No

Complies with the Duty to Cooperate No

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

- . It is not positively prepared
- . It is not effective
- . It is not justified
- . It is not consistent with national policy

Question 5

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Dear Sirs,

I believe that the planning is not effective in that it does not take into account a number of things. Firstly – infrastructure – roads and secondly flooding.

The B2017 is not fit for purpose to receive another 2000 houses/possible 4000 cars along this road going into Tonbridge. Even now, as we come out of lockdown the traffic is tailing back from Tonbridge for over a mile to the village of Tudeley. 18 months ago, before lockdown in the rush hour and during school pick up/drop off times there is too much traffic.

There is also a long queue of cars joining the B2017 at Tudeley Church, Hartlake Road. Mainly consisting of school parents, and workers who are trying to avoid Tonbridge (which is gridlocked) and who are trying to get to work in Tunbridge Wells and further south. The A26 has also long queues going back 2 miles towards Hadlow – hence people cutting through Hartlake Road.

There is talk of a pavement from Tudeley to Tonbridge – that will never happen as KCC refuse to even put in a pavement along the A26 from Hadlow to Tonbridge which is less than a mile in length. There is no way that this or a cycle path will be built.

Hartlake Road continues to flood every year as it is on the Medway floodplain. This puts added pressure on the B2017 as cars cannot cut across to Sevenoaks, Tonbridge North or any of the northern towns.

[TWBC: Photo attached as Supporting Information]

In the recent Rivers report highlighted by Ian Botham is showed that the sewage from both Tonbridge and Tudeley frequently overflows into the River Medway due to an old system and to too many people using the service and the river being too high.

How is the large community of Tudeley going to cope with this. According to Southern Water they have no plan to expand this or to improve it.

Tunbridge Wells Council and Hadlow Estates who are going to build this mini town in Tudeley also state that there will be a railway station. There is an old station which will never be reopened. This has been confirmed by senior personnel at SE Railways. So if only ¼ of the working population at this new town of Tudeley decide to work in London (which a majority in the vicinity do) they will have to drive to either Tonbridge or Paddock Wood to get a train. At the present time there is limited car parking and a waiting list. So this is not viable.

The new town of Kings Hill which was built many years ago on the old airfield had both houses and offices/industry on the same site. The idea being that people worked locally and could walk to their offices. If you travel to Kings Hill you will see that this is not the case. The majority of people in Kings Hill work elsewhere – travelling to the M20 or into Tunbridge Wells/Tonbridge and the offices employ people from Kent and Surrey/Sussex who drive in. The result being that in the rush hours the traffic does not move.

Putting another 6000 houses into the Paddock Wood/Capel/Tudeley area will cause a greater strain on the Kings Hill roads as everyone tries to get through Mereworth or along Seven Mile Lane to reach the M20.

Tunbridge Wells Council have said that they will widen the A228 by Colts Hill to take the extra traffic. However they have been talking about this for over 20 years and nothing has happened. Exactly like the A21 – which took over 30 years to get completed by the government. There is not the money for this project by KCC or by English Highways. So until all these roads have been widened and improved only then can Tunbridge Wells think about putting in more houses.

Question 6

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Roads – as above

Sewage – as above

Flooding – as above

Question 7

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Future Notifications

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No, I do not wish to be notified of future stages of the Local Plan

Supporting Information File Ref No: SI_122

Comment

Consultee	J Newman [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] Tonbridge [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	J Newman [REDACTED]
Comment ID	PSLP_1904
Response Date	03/06/21 21:27
Consultation Point	Policy STR/SS 3 The Strategy for Tudeley Village (View)
Status	Processed
Submission Type	Email
Version	0.7
Files	PSLP_1904

Data inputter to enter their initials here AT

Question 1

Respondent's Name and/or Organisation Mrs Joanna Newman

Question 3

To which part of the Local Plan does this representation relate? Policy

Question 3a

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy STR/SS 3 The Strategy for Tudeley Village

Question 4

Do you consider that the Local Plan:

Is legally compliant No

Is sound No

Complies with the Duty to Cooperate No

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

- . It is not positively prepared
- . It is not effective
- . It is not justified
- . It is not consistent with national policy

Question 5

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Roads – as above

Sewage – as above

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Question 7

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No, I do not wish to participate in examination hearing session(s)

Future Notifications

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No, I do not wish to be notified of future stages of the Local Plan

Supporting Information File Ref No: SI_71

Comment

Consultee	Simon Newsholme [REDACTED]
Email Address	[REDACTED]
Address	
Event Name	Pre-Submission Local Plan
Comment by	Simon Newsholme [REDACTED]
Comment ID	PSLP_1298
Response Date	04/06/21 16:46
Consultation Point	Policy H 11 Residential Extensions, Alterations, Outbuildings, and Annexes (View)
Status	Processed
Submission Type	Web
Version	0.1
Files	Policy H11 and supporting text - Local Plan 2006.pdf
Question 1	

Respondent's Name and/or Organisation	S.Newsholme
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Question 3

To which part of the Local Plan does this representation relate?	Policy
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Question 3a

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy H11 and the supporting paragraphs 6.427 to 6.431

Question 4

Do you consider that the Local Plan:

Is sound	No
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Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because: . It is not consistent with national policy

Question 5

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There is an NPPF presumption in favour of sustainable development. This is not specifically defined but the NPPF does have specific policies for 'Proposals affecting the Green Belt'. Paragraph 145 states that 'A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are: (c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.' Hence, it is clear that such development is regarded as sustainable. As Green Belts largely comprise rural areas it is therefore also clear that the extension and alteration of buildings within rural areas is considered to be sustainable development. Furthermore, The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) permits extensions to residential premises in all parts of the country, including rural areas. It is therefore implicit that such extensions are considered to be sustainable development as unsustainable development would presumably not be so permitted.

The NPPF does not have specific policies relating to extensions in rural areas outside the Green Belt but it would seem unlikely that extensions to residential premises outside of the Green Belt would be subject to a more restrictive test at a National policy level than that within a Green Belt; this being that extensions do not result in disproportionate additions over and above the size of the original building.

I would therefore contend that extensions to residential premises in areas outside the limits of built development are acceptable under the NPPF if they do 'not result disproportionate additions over and above the size of the original building', with the possible exception of extensions on any Article 2(3) land; which in the case of Tunbridge Wells Borough Council would include the High Weald Area of Outstanding Natural Beauty.

The question which then needs to be addressed is what is meant by 'disproportionate'. As this is not defined in the NPPF the meaning must be that in common use. Disproportionate is defined in the Cambridge Dictionary as 'too large or too small in comparison to something else, or not deserving its importance or influence'. Consequently, an extension to a residential premises would be disproportionate to the original residential premises if it was too large in comparison to the original residential premises. This is a matter of architectural judgement which will take into account such matters as design, siting, layout, size, mass, height and form of the proposed extensions. However, proposed policy H11 of the Pre-Submission Local Plan goes much further than this by suggesting that arbitrary volumetric limits are also relevant in determining what is and isn't disproportionate.

Paragraph 6.427 of the Pre-Submission Local Plan states that 'In order to protect the intrinsic beauty and landscape character of the countryside and the openness of the Green Belt outside the LBD, the erection of extensions and other outbuildings will be strictly controlled.' Whilst this text relates solely to the Green Belt and not other rural parts of the Borough outside the Green Belt I would contend that such strict control can be no stricter than that set out in the NPPF, particularly in rural areas outside the Limits of Built Development.

Paragraph 6.428 sets out reasonable criteria for assessing extensions outside the Limits of Built Development.

Paragraph 6.429 purports to state the policy contained in the NPPF as it would relate to residential premises. However, in the first line it says that 'The NPPF advises that the limited extension of existing dwellings.....' whereas the NPPF in fact makes no reference to 'limited'.

Paragraph 6.430 introduces a proposed definition of 'original' for the purposes of the proposed policy H11. This definition appears to be a carry over from the 2006 Local Plan policy H11 definition of 'original' as it related to buildings within the Green Belt (See paragraph 6.114 of 2006 Local Plan – copy attached). As, neither paragraph 145 of the NPPF nor the glossary of terms in the NPPF provides a definition of original building, these words in the NPPF can only be interpreted literally. It is therefore inappropriate for the Pre-Submission Local Plan to provide an alternative definition of 'original' which is contrary to the NPPF meaning.

Paragraph 6.431 states that 'In terms of assessing whether proposals (in both the Green Belt and other areas outside the LBD) would be in accordance with the above advice,...'. However, the advice in the NPPF only relates to Green Belt areas so it is misleading for this paragraph to imply that the NPPF policy relating to the Green Belt also applies to non-Green Belt areas (ie other areas outside the LBD), as it does not. However, if the same test is to be adopted for both Green Belt areas and non-Green Belt areas, which seems eminently reasonable, then the Pre-Submission Local Plan should make clear that this is the Borough's conscientious decision.

Paragraph 6.431 also sets out the Local Planning Authorities proposed approach to determining whether a development proposal would be in accordance with the NPPF policy at Paragraph 145 (c). Paragraph 6.431 states that any extension with a gross volume of greater than 50% of the original building (based on the proposed definition) or 250 m³ (if less than 50%) will be regarded as being disproportionate to the original building.

These limits have effectively been rolled forward from the supporting text to policy H11 in the 2006 Local Plan (see paragraph 6.115) which sought to define 'modest' for the purposes of complying with policies relating to extensions in the countryside in the Kent Structure Plan 1996 and the Kent and Medway Structure Plan 2006. As these structure plans are no longer relevant, the volume limits which sought to define modest in the 2006 Local Plan are therefore no longer relevant and certainly they have no relevance to the meaning of disproportionate as referred to Paragraph 145 (c) of the NPPF, just as they had no relevance to the meaning of disproportionate in the context of PPG2 as referred to in paragraph 6.114 of the 2006 Local Plan.

To put the proposed volume limits into perspective/context; a two storey detached house with a square footprint of 8m x 8m (gross external), floor to ceiling heights of 2.7m and a 45 degree gable ended pitched roof would have a gross volume of approx 500m³. The gross external floor area of this house would be 128m² and based on a gross internal to gross external ratio of say 90%, the gross internal area of the house would be 115m². Based on the proposed policy H11, a 50% gross volume extension to this house would hit the upper limit of 250m³. As a house of 115m² is relatively small this means that for all medium and large houses the maximum permissible extension of 250m³ would equate to a smaller percentage of the original building volume with the reduction in the percentage increasing as the original building size increases.

This is clearly inequitable and in the context of the NPPF policy for determining the acceptability of extensions in the Green Belt (which does not seek to discriminate against medium and larger size houses) is also inappropriate as the limits have no relevance to what is and is not a proportionate extension to the original house. Indeed, the 50% limit even without an upper limit of 250m³ is an entirely arbitrary limit and is no reflection of the upper limit of what may be a proportionate extension to a building.

Furthermore, both the proposed 50% and 250m³ volume limits will in many instances restrict the size of development to less than would be permitted under the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended. By way of example, if the 500m³ detached house referred to above was not located on Article 2(3) land and was not impacted by plot size or boundary proximity considerations then, subject to the neighbour consultation scheme requirements, it could be extended under Class A by 8 metres to the rear and half the width of the house (4m) to the side up to a maximum single storey height of 4m. This would produce an additional volume of 384m³ (ie (8x8x4) + (8x4x4)) equating to 76.8% of the original house size. In addition, up to 50m³ could be added to the roof space under Class B taking the total additional volume to 434m³, this being some 86.8% of the original building volume. It is unclear whether a detached house could have two side extensions under Class A but in the event this were permitted the total volume of new space would increase to 562m³, this being some 112% of the original building volume. Aside from being in excess of the limits proposed in policy H11 such a Permitted Development would result in box like side and rear extensions which would not meet the other design criteria proposed in policy H11. Hence the

proposed volume limits would preclude well designed extensions where they fall within the limits of Permitted Development Right but outside the proposed policy H11 limits.

For the reasons stated above I do not believe policy H11 in its current form is sound as it is not in accordance with the NPPF and seeks to introduce limits which are at odds with the Government's view on the extent of development which does not require a planning application as detailed in the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended.

Question 6

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To make the policy sound the last 16 lines of the proposed policy should be deleted and a new numbered paragraph should be inserted after numbered paragraph 4 to read:

'5. The scale, form and massing of the proposal would not result in a disproportionate addition over and above the size of the original dwelling and would not detract from its rural setting and the visual amenities of the surrounding countryside.'

The supporting text to proposed policy H11 will also require amending accordingly.

Question 7

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No, I do not wish to participate in examination hearing session(s)

Future Notifications

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Yes, I wish to be notified of future stages of the Local Plan

Comment

Consultee	Ms Alison Burchell [REDACTED]
Email Address	[REDACTED]
Company / Organisation	NHS Kent and Medway Clinical Commissioning Group
Address	[REDACTED] [REDACTED] Ashford [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	NHS Kent and Medway Clinical Commissioning Group [REDACTED]
Comment ID	PSLP_1550
Response Date	04/06/21 09:16
Consultation Point	Policy AL/RTW 8 TN2 Centre and adjacent land, Greggs Wood Road, Sherwood (View)
Status	Processed
Submission Type	Email
Version	0.3
Data inputter to enter their initials here	AT
Question 1	
Respondent's Name and/or Organisation	NHS Kent and Medway Clinical Commissioning Group
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy AL/RTW 8 TN2 Centre and adjacent land, Greggs Wood Road, Sherwood

[TWBC: this representation has been input against Policies AL/RTW 8, AL/RTW 15, STR/CRS 1, AL/HA 5, STR/SS 3, PSTR/HO 1, PSTR/BM 1, STR/SS 1, PSTR/GO 1 and AL/HO 3— see Comment

Numbers PSLP_1550, PSLP_1551, PSLP_1552, PSLP_1553, PSLP_1556, PSLP_1568 PSLP_1570, PSLP_1554, PSLP_1559 and PSLP_1569]

Question 4

Do you consider that the Local Plan:

Is legally compliant	Don't know
Is sound	Yes
Complies with the Duty to Cooperate	Yes

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

Question 5

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I can confirm that the CCG has been engaged in the local plan development process in order to assess implications for primary medical care provision. The impacts are set out in the IDP and will be regularly reviewed and updated in line with the CCG's GP Estates Strategy. The following comments are provided on specific policies in relation to general practice provision for completeness.

Policy AL/RTW8 - TN2 Centre and adjacent lane, Greggs Wood Road, Sherwood

Comment: The allocation for a medical centre is noted as an opportunity to inform the planning for primary medical care services in Tunbridge Wells.

Question 7

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If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?	No, I do not wish to participate in examination hearing session(s)
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Comment

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Email Address	[REDACTED]
Company / Organisation	NHS Kent and Medway Clinical Commissioning Group
Address	[REDACTED] [REDACTED] Ashford [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	NHS Kent and Medway Clinical Commissioning Group [REDACTED]
Comment ID	PSLP_1551
Response Date	04/06/21 09:16
Consultation Point	Policy AL/RTW 15 Land at Showfields Road and Rowan Tree Road (View)
Status	Processed
Submission Type	Email
Version	0.3
Data inputter to enter their initials here	AT
Question 1	
Respondent's Name and/or Organisation	NHS Kent and Medway Clinical Commissioning Group
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy AL/RTW 15 Land at Showfields Road and Rowan Tree Road

[TWBC: this representation has been input against Policies AL/RTW 8, AL/RTW 15, STR/CRS 1, AL/HA 5, STR/SS 3, PSTR/HO 1, PSTR/BM 1, STR/SS 1, PSTR/GO 1 and AL/HO 3– see Comment

Numbers PSLP_1550, PSLP_1551, PSLP_1552, PSLP_1553, PSLP_1556, PSLP_1568 PSLP_1570, PSLP_1554, PSLP_1559 and PSLP_1569]

Question 4

Do you consider that the Local Plan:

Is legally compliant	Don't know
Is sound	Yes
Complies with the Duty to Cooperate	Yes

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

Question 5

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Policy AL/RTW 15 - Land at Showfields Road and Rowan Tree Road

This site, as defined on the Royal Tunbridge Wells Policies Map, is allocated for residential providing approximately 155 additional dwellings and health and community uses. As this development would comprise the redevelopment of an estate, affordable housing provision should be in accordance with Policy H 4: Estate Regeneration.

Development on the site shall accord with the following requirements:

1. A comprehensive redevelopment of the site to include the re-provision and enhancement of the existing residential dwellings alongside enhanced and improved community facilities, to include a new medical centre. The community and health facilities to be provided in accordance with an agreed timetable, relative to the phasing of the residential element of the development;

Comment: The statement regarding a new medical centre in Policy AL/RTW 15 is noted as an opportunity to inform the planning for primary medical care services in Tunbridge Wells.

Question 7

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Email Address	[REDACTED]
Company / Organisation	NHS Kent and Medway Clinical Commissioning Group
Address	[REDACTED] [REDACTED] Ashford [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	NHS Kent and Medway Clinical Commissioning Group [REDACTED]
Comment ID	PSLP_1554
Response Date	04/06/21 09:16
Consultation Point	Policy STR/SS 1 The Strategy for Paddock Wood, including land at east Capel (View)
Status	Processed
Submission Type	Email
Version	0.4
Data inputter to enter their initials here	AT
Question 1	
Respondent's Name and/or Organisation	NHS Kent and Medway Clinical Commissioning Group
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy STR/SS 1 The Strategy for Paddock Wood, including land at east Capel

Paragraph Number: 5.189

[TWBC: this representation has been input against Policies AL/RTW 8, AL/RTW 15, STR/CRS 1, AL/HA 5, STR/SS 3, PSTR/HO 1, PSTR/BM 1, STR/SS 1, PSTR/GO 1 and AL/HO 3– see Comment Numbers PSLP_1550, PSLP_1551, PSLP_1552, PSLP_1553, PSLP_1556, PSLP_1568 PSLP_1570, PSLP_1554, PSLP_1559 and PSLP_1569]

Question 4

Do you consider that the Local Plan:

Is legally compliant	Don't know
Is sound	Yes
Complies with the Duty to Cooperate	Yes

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

Question 5

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

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Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

I can confirm that the CCG has been engaged in the local plan development process in order to assess implications for primary medical care provision. The impacts are set out in the IDP and will be regularly reviewed and updated in line with the CCG's GP Estates Strategy. The following comments are provided on specific policies in relation to general practice provision for completeness.

Paddock Wood and Tudeley

Paddock Wood, including land at east Capel Overview

5.189 The infrastructure required to support an expanded settlement of this scale in the location proposed has been identified. This includes education provision, health facilities, and required drainage and utility services.

Policy STR/SS 1 The Strategy for Paddock Wood, including land at east Capel Significant growth around Paddock Wood and east Capel is proposed to deliver approximately 3,490-3,590 houses, as defined on the Policies Map. The development strategy for Paddock Wood and east Capel is to: e. provision of a health centre: there is potential for this to be co-located with the sports and leisure hub;

Comment (covering Paddock Wood and Tudeley):

The above policies recognise the need for additional primary medical care provision and infrastructure. The infrastructure and delivery/timing requirements for this will need to be further developed. Please note the CCG position reflected in the IDP which highlights the need for facilities in both areas of development – both Paddock Wood and Tudeley. Of specific note (as detailed in the IDP) is the CCG's view that the population of Tudeley will flow to practices in the Tonbridge area in order to register with

a GP, however there is not the capacity in these practices to accommodate this growth. Whilst more detailed planning is required it is considered that a medical centre facility should be provided for within Tudeley Village.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

No, I do not wish to participate in examination hearing session(s)

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:

No, I do not wish to be notified of future stages of the Local Plan

Comment

Consultee	Ms Alison Burchell [REDACTED]
Email Address	[REDACTED]
Company / Organisation	NHS Kent and Medway Clinical Commissioning Group
Address	[REDACTED] [REDACTED] Ashford [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	NHS Kent and Medway Clinical Commissioning Group [REDACTED]
Comment ID	PSLP_1556
Response Date	04/06/21 09:16
Consultation Point	Policy STR/SS 3 The Strategy for Tudeley Village (View)
Status	Processed
Submission Type	Email
Version	0.4
Data inputter to enter their initials here	AT
Question 1	
Respondent's Name and/or Organisation	NHS Kent and Medway Clinical Commissioning Group
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy STR/SS 3 The Strategy for Tudeley Village

Paragraph Number: 5.221

[TWBC: this representation has been input against Policies AL/RTW 8, AL/RTW 15, STR/CRS 1, AL/HA 5, STR/SS 3, PSTR/HO 1, PSTR/BM 1, STR/SS 1, PSTR/GO 1 and AL/HO 3– see Comment Numbers PSLP_1550, PSLP_1551, PSLP_1552, PSLP_1553, PSLP_1556, PSLP_1568 PSLP_1570, PSLP_1554, PSLP_1559 and PSLP_1569]

Question 4

Do you consider that the Local Plan:

Is legally compliant	Don't know
Is sound	Yes
Complies with the Duty to Cooperate	Yes

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

Question 5

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The Strategy for Tudeley Village Overview 5.221 Community facilities are considered an integral part of the vision for Tudeley Village, with the provision of both a primary and secondary school, community hall, village green, health facilities, and playing fields.

Policy STR/SS 3 The Strategy for Tudeley Village Secure developer contributions towards the strategic growth of this area and Land at Paddock Wood and east Capel, either in kind (normally land) and/or financial, as set out in the Strategic Infrastructure Framework November 2020 (or a version of this document as amended), to include: d. health and medical provision; Comment (covering Paddock Wood and Tudeley):

The above policies recognise the need for additional primary medical care provision and infrastructure. The infrastructure and delivery/timing requirements for this will need to be further developed. Please note the CCG position reflected in the IDP which highlights the need for facilities in both areas of development – both Paddock Wood and Tudeley. Of specific note (as detailed in the IDP) is the CCG's view that the population of Tudeley will flow to practices in the Tonbridge area in order to register with a GP, however there is not the capacity in these practices to accommodate this growth. Whilst more detailed planning is required it is considered that a medical centre facility should be provided for within Tudeley Village.

Question 7

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Comment

Consultee	Ms Alison Burchell [REDACTED]
Email Address	[REDACTED]
Company / Organisation	NHS Kent and Medway Clinical Commissioning Group
Address	[REDACTED] Ashford [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	NHS Kent and Medway Clinical Commissioning Group [REDACTED]
Comment ID	PSLP_1552
Response Date	04/06/21 09:16
Consultation Point	Policy STR/CRS 1 The Strategy for Cranbrook and Sissinghurst parish (View)
Status	Processed
Submission Type	Email
Version	0.3
Data inputter to enter their initials here	AT
Question 1	
Respondent's Name and/or Organisation	NHS Kent and Medway Clinical Commissioning Group
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy STR/CRS 1 The Strategy for Cranbrook and Sissinghurst parish

Paragraph Number: 5.280

[TWBC: this representation has been input against Policies AL/RTW 8, AL/RTW 15, STR/CRS 1, AL/HA 5, STR/SS 3, PSTR/HO 1, PSTR/BM 1, STR/SS 1, PSTR/GO 1 and AL/HO 3– see Comment Numbers PSLP_1550, PSLP_1551, PSLP_1552, PSLP_1553, PSLP_1556, PSLP_1568 PSLP_1570, PSLP_1554, PSLP_1559 and PSLP_1569]

Question 4

Do you consider that the Local Plan:

Is legally compliant	Don't know
Is sound	Yes
Complies with the Duty to Cooperate	Yes

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

Question 5

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Cranbrook and Sissinghurst

5.280 The project for delivering a new community hub at Wilkes Field is being led by Cranbrook and Sissinghurst Parish Council and includes the provision of a new library for the parish to replace the existing library. The project includes the provision of meeting spaces, new library provision, and parish council offices. A new medical centre will also be provided as part of this project.

Comments: The CCG can confirm that support in principle (Stage 1 of CCG governance process) has been provided to enable existing general practices to engage in the proposed medical centre project on this site. A business case and plans will be developed and considered through CCG governance. To clarify it is the intention that a new medical centre will be replacing existing GP facilities within Cranbrook.

Question 7

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If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

No, I do not wish to participate in examination hearing session(s)

Future Notifications

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No, I do not wish to be notified of future stages of the Local Plan

Comment

Consultee	Ms Alison Burchell [REDACTED]
Email Address	[REDACTED]
Company / Organisation	NHS Kent and Medway Clinical Commissioning Group
Address	[REDACTED] [REDACTED] Ashford [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	NHS Kent and Medway Clinical Commissioning Group [REDACTED]
Comment ID	PSLP_1553
Response Date	04/06/21 09:16
Consultation Point	Policy AL/HA 5 Land to the north of Birchfield Grove (View)
Status	Processed
Submission Type	Email
Version	0.3
Data inputter to enter their initials here	AT
Question 1	
Respondent's Name and/or Organisation	NHS Kent and Medway Clinical Commissioning Group
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy AL/HA 5 Land to the north of Birchfield Grove

[TWBC: this representation has been input against Policies AL/RTW 8, AL/RTW 15, STR/CRS 1, AL/HA 5, STR/SS 3, PSTR/HO 1, PSTR/BM 1, STR/SS 1, PSTR/GO 1 and AL/HO 3— see Comment

Numbers PSLP_1550, PSLP_1551, PSLP_1552, PSLP_1553, PSLP_1556, PSLP_1568 PSLP_1570, PSLP_1554, PSLP_1559 and PSLP_1569]

Question 4

Do you consider that the Local Plan:

Is legally compliant	Don't know
Is sound	Yes
Complies with the Duty to Cooperate	Yes

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

Question 5

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I can confirm that the CCG has been engaged in the local plan development process in order to assess implications for primary medical care provision. The impacts are set out in the IDP and will be regularly reviewed and updated in line with the CCG's GP Estates Strategy. The following comments are provided on specific policies in relation to general practice provision for completeness.

Policy AL/HA 5

Land to the north of Birchfield Grove

This site, as defined on the Hawkhurst Policies Map, is allocated for a medical centre and parking to serve this facility.

Comment: The CCG notes the allocation and confirms that the two general practices in Hawkhurst are developing plans and a business case with regards to relocating to this site. These will be considered through CCG governance at the appropriate time.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?	No, I do not wish to participate in examination hearing session(s)
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Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:

No, I do not wish to be notified of future stages of the Local Plan

Comment

Consultee	Ms Alison Burchell [REDACTED]
Email Address	[REDACTED]
Company / Organisation	NHS Kent and Medway Clinical Commissioning Group
Address	[REDACTED] [REDACTED] Ashford [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	NHS Kent and Medway Clinical Commissioning Group [REDACTED]
Comment ID	PSLP_1570
Response Date	04/06/21 09:16
Consultation Point	Policy PSTR/BM 1 The Strategy for Brenchley and Matfield parish (View)
Status	Processed
Submission Type	Email
Version	0.3
Data inputter to enter their initials here	AT
Question 1	
Respondent's Name and/or Organisation	NHS Kent and Medway Clinical Commissioning Group
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy PSTR/BM 1 The Strategy for Brenchley and Matfield parish

Paragraph Number: 5.487

[TWBC: this representation has been input against Policies AL/RTW 8, AL/RTW 15, STR/CRS 1, AL/HA 5, STR/SS 3, PSTR/HO 1, PSTR/BM 1, STR/SS 1, PSTR/GO 1 and AL/HO 3– see Comment Numbers PSLP_1550, PSLP_1551, PSLP_1552, PSLP_1553, PSLP_1556, PSLP_1568 PSLP_1570, PSLP_1554, PSLP_1559 and PSLP_1569]

Question 4

Do you consider that the Local Plan:

Is legally compliant	Don't know
Is sound	Yes
Complies with the Duty to Cooperate	Yes

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

Question 5

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I can confirm that the CCG has been engaged in the local plan development process in order to assess implications for primary medical care provision. The impacts are set out in the IDP and will be regularly reviewed and updated in line with the CCG's GP Estates Strategy. The following comments are provided on specific policies in relation to general practice provision for completeness.

Brenchley and Matfield

5.487 The Howell Surgery provides main general medical service provision for the parish and has premises in Brenchley (main) and Horsmonden (branch). The existing premises do not have capacity to accommodate the estimated growth of registered patients within Brenchley and Matfield (and Horsmonden). To meet the increased demand identified, land has been identified and safeguarded for the provision of a new health centre/doctors surgery as part of the wider development of the site Land to the east of Horsmonden (at Horsmonden village; site allocation Policy AL/HO 3) as part of a wider development. This will serve the wider area, including the parish of Brenchley and Matfield.

Comments (Horsmonden, Brenchley and Matfield): To clarify the delivery of services from a single site for the practice population has not been considered at this time. The CCG has highlighted that an allocation or safeguarding of land for a doctors practice in Horsmonden may be required to ensure delivery of required infrastructure in the future. It is however important to stress that a more detailed discussion and assessment is required in this area to define any future requirements; specifically noting that the majority of housing growth proposed in Horsmonden is expected in the latter part of the plan period.

The statement regarding safeguarding of land for a new health centre in Policy AL/HO3 is noted as an opportunity to inform the planning for primary medical care services in the area.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

No, I do not wish to participate in examination hearing session(s)

Future Notifications

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Comment

Consultee	Ms Alison Burchell [REDACTED]
Email Address	[REDACTED]
Company / Organisation	NHS Kent and Medway Clinical Commissioning Group
Address	[REDACTED] [REDACTED] Ashford [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	NHS Kent and Medway Clinical Commissioning Group [REDACTED]
Comment ID	PSLP_1559
Response Date	04/06/21 09:16
Consultation Point	Policy PSTR/GO 1 The Strategy for Goudhurst parish (View)
Status	Processed
Submission Type	Email
Version	0.4
Data inputter to enter their initials here	AT
Question 1	
Respondent's Name and/or Organisation	NHS Kent and Medway Clinical Commissioning Group
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
Policy PSTR/GO 1 The Strategy for Goudhurst parish	
Paragraph Number: 5.536	

[TWBC: this representation has been input against Policies AL/RTW 8, AL/RTW 15, STR/CRS 1, AL/HA 5, STR/SS 3, PSTR/HO 1, PSTR/BM 1, STR/SS 1, PSTR/GO 1 and AL/HO 3– see Comment Numbers PSLP_1550, PSLP_1551, PSLP_1552, PSLP_1553, PSLP_1556, PSLP_1568 PSLP_1570, PSLP_1554, PSLP_1559 and PSLP_1569]

Question 4

Do you consider that the Local Plan:

Is legally compliant	Don't know
Is sound	Yes
Complies with the Duty to Cooperate	Yes

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

Question 5

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I can confirm that the CCG has been engaged in the local plan development process in order to assess implications for primary medical care provision. The impacts are set out in the IDP and will be regularly reviewed and updated in line with the CCG's GP Estates Strategy. The following comments are provided on specific policies in relation to general practice provision for completeness.

Goudhurst

5.536 The IDP identified that the GP practice serving Goudhurst (the practice that serves the Horsmonden/Lamberhurst/Brenchley/Matfield/Goudhurst cluster area) will require new practice premises to serve this area.

Comment: To clarify the CCG has not identified a need for a new premises requirement for Goudhurst. It is a separate general practice and has a separate catchment area to Howell Surgery where a potential need was originally identified and detailed in the IDP. This information provided by the CCG in the IDP has been misinterpreted and can be updated to further clarify this point. The reference to 'cluster areas', now Primary Care Networks, is simply recognising that practices work in a network with other practices.

Question 6

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Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Question 5 above. (Please note that non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

The following point should be removed from the Local Plan as it is a misinterpretation of the information provided by the CCG detailed in the IDP. See comment above in Section 5.5.536 **The IDP identified that the GP practice serving Goudhurst (the practice that serves the Horsmonden/Lamberhurst/Brenchley/Matfield/Goudhurst cluster area) will require new practice premises to serve this area.**

Question 7

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No, I do not wish to participate in examination hearing session(s)

Future Notifications

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Comment

Consultee	Ms Alison Burchell [REDACTED]
Email Address	[REDACTED]
Company / Organisation	NHS Kent and Medway Clinical Commissioning Group
Address	[REDACTED] [REDACTED] Ashford [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	NHS Kent and Medway Clinical Commissioning Group [REDACTED]
Comment ID	PSLP_1568
Response Date	04/06/21 09:16
Consultation Point	Policy PSTR/HO 1 The Strategy for Horsmonden parish (View)
Status	Processed
Submission Type	Email
Version	0.4
Data inputter to enter their initials here	AT
Question 1	
Respondent's Name and/or Organisation	NHS Kent and Medway Clinical Commissioning Group
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy PSTR/HO 1 The Strategy for Horsmonden parish
Paragraph Number: 5.563

[TWBC: this representation has been input against Policies AL/RTW 8, AL/RTW 15, STR/CRS 1, AL/HA 5, STR/SS 3, PSTR/HO 1, PSTR/BM 1, STR/SS 1, PSTR/GO 1 and AL/HO 3– see Comment Numbers PSLP_1550, PSLP_1551, PSLP_1552, PSLP_1553, PSLP_1556, PSLP_1568 PSLP_1570, PSLP_1554, PSLP_1559 and PSLP_1569]

Question 4

Do you consider that the Local Plan:

Is legally compliant	Don't know
Is sound	Yes
Complies with the Duty to Cooperate	Yes

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

Question 5

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Horsmonden

Horsmonden Overview5.563 The Howell Surgery provides main general medical service provision for the parish and has premises in Brenchley (main) and Horsmonden (branch). The existing premises do not have capacity to accommodate the estimated growth of registered patients within Horsmonden and Brenchley and Matfield. To meet the increased demand identified, land has been identified and safeguarded for the provision of a new health centre/doctors surgery has been identified as part of a wider development of Policy AL/HO 3: Land to the east of Horsmonden (at Horsmonden village). This will serve the wider area, including the parish of Brenchley and Matfield.

Comments (Horsmonden, Brenchley and Matfield): To clarify the delivery of services from a single site for the practice population has not been considered at this time. The CCG has highlighted that an allocation or safeguarding of land for a doctors practice in Horsmonden may be required to ensure delivery of required infrastructure in the future. It is however important to stress that a more detailed discussion and assessment is required in this area to define any future requirements; specifically noting that the majority of housing growth proposed in Horsmonden is expected in the latter part of the plan period.

The statement regarding safeguarding of land for a new health centre in Policy AL/HO3 is noted as an opportunity to inform the planning for primary medical care services in the area.

Question 7

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Comment

Consultee	Ms Alison Burchell [REDACTED]
Email Address	[REDACTED]
Company / Organisation	NHS Kent and Medway Clinical Commissioning Group
Address	[REDACTED] [REDACTED] Ashford [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	NHS Kent and Medway Clinical Commissioning Group [REDACTED]
Comment ID	PSLP_1569
Response Date	04/06/21 09:16
Consultation Point	Policy AL/HO 3 Land to the east of Horsmonden (View)
Status	Processed
Submission Type	Email
Version	0.5
Data inputter to enter their initials here	AT
Question 1	
Respondent's Name and/or Organisation	NHS Kent and Medway Clinical Commissioning Group
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy AL/HO 3 Land to the east of Horsmonden

[TWBC: this representation has been input against Policies AL/RTW 8, AL/RTW 15, STR/CRS 1, AL/HA 5, STR/SS 3, PSTR/HO 1, PSTR/BM 1, STR/SS 1, PSTR/GO 1 and AL/HO 3– see Comment

Numbers PSLP_1550, PSLP_1551, PSLP_1552, PSLP_1553, PSLP_1556, PSLP_1568 PSLP_1570, PSLP_1554, PSLP_1559 and PSLP_1569]

Question 4

Do you consider that the Local Plan:

Is legally compliant	Don't know
Is sound	Yes
Complies with the Duty to Cooperate	Yes

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

Question 5

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

I can confirm that the CCG has been engaged in the local plan development process in order to assess implications for primary medical care provision. The impacts are set out in the IDP and will be regularly reviewed and updated in line with the CCG's GP Estates Strategy. The following comments are provided on specific policies in relation to general practice provision for completeness.

Policy AL/HO 3 Land to the east of Horsmonden This site, as defined on the Horsmonden Policies Map, is allocated for residential development providing approximately 115-165 dwellings, safeguarding of land for future expansion of Horsmonden Primary School, new health centre/doctors surgery, and a community orchard and open space.¹⁴ A suitable legal mechanism shall be put in place to ensure that the provision of the new health centre/doctors surgery is tied to the delivery of the housing, at a suitable stage of the development, to be agreed at the planning application stage;

Comments (Horsmonden, Brenchley and Matfield): To clarify the delivery of services from a single site for the practice population has not been considered at this time. The CCG has highlighted that an allocation or safeguarding of land for a doctors practice in Horsmonden may be required to ensure delivery of required infrastructure in the future. It is however important to stress that a more detailed discussion and assessment is required in this area to define any future requirements; specifically noting that the majority of housing growth proposed in Horsmonden is expected in the latter part of the plan period.

The statement regarding safeguarding of land for a new health centre in Policy AL/HO3 is noted as an opportunity to inform the planning for primary medical care services in the area.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)? . No, I do not wish to participate in examination hearing session(s)

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box: No, I do not wish to be notified of future stages of the Local Plan

Comment

Consultee	Joanna Nightingale [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] Whetsted [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Joanna Nightingale [REDACTED]
Comment ID	PSLP_1046
Response Date	03/06/21 11:19
Consultation Point	Policy STR/SS 1 The Strategy for Paddock Wood, including land at east Capel (View)
Status	Processed
Submission Type	Web
Version	0.5
Question 1	
Respondent's Name and/or Organisation	Joanna Nightingale
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
Policy STR/SS 1 Strategy for Paddock Wood, including land at east Capel	
Question 4	
Do you consider that the Local Plan:	
Is legally compliant	Don't know
Is sound	No
Complies with the Duty to Cooperate	Don't know

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

- . It is not effective
- . It is not justified
- . It is not consistent with national policy

Question 5

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I live in Whetsted with my husband and two children and have done so for 14 years. We moved here from a town because we wanted to live in a country village. If I had wanted to live in a community like Kings Hill I would have moved there. I work in London and commute by train and there is no way that the Southeastern network will be able to cope with any extra passengers let alone thousands. The roads around here can't cope with the traffic we already have. It can take 10 mins or 30 mins just to get into Tonbridge and there us no rhyme or reason to the congestion just SWOT.

I am writing to object to "The Strategy for Paddock Wood including east Capel" (Policy STR SS 1)

Large parts of the developments will occur on the Medway floodplain with flood risk assessments based on old data that does not fully consider the impact of climate change. Flood mitigation measures may help, but I believe that flood risks will increase. Covering farmed fields with houses and roads will make the Medway flood more often and cause increased flood risk not only in Tudeley but in Golden Green, East Peckham, Tonbridge and Yalding. There will be an increase in air, light and noise pollution that will spread across the boundary in to Tonbridge & Malling and create a visual scar across the landscape. Views from Tonbridge to the Low and High Weald will be impaired, including the setting of historic assets like All Saint's Church in Tudeley and the Hadlow Tower. The church at Tudeley may end up being surrounded by houses, bus lanes and sit next to a busy road in sight of a big roundabout. That will cause great harm to its value as a heritage asset of world renown (due to the complete set of Marc Chagall windows).

Creating so much housing in Capel Parish will require the destruction of woodland, hedgerows, meadows, and farmland that is Green Belt land and should be protected. It will spoil the landscape and kill wildlife that is very special to the area, including rare species. This area should remain rural with agricultural land that can be used to provide food.

In addition to this the quarry in Whetsted Road is being re-opened anyway with plans (which I have objected to also) to expand massively. Whetsted Road can't cope with the amount of HGV's going in and out of Scripps as it is. This traffic has increased hugely sine we moved in 2007. It is damaging the road and our houses with these HGVs rumbling along 7 days a week. It can't cope with any more traffic.

Stop the plans please. They are insane.

Joanna Nightingale

xxxx

Whetsted Road

Whetsted

Kent

TN12 xxx [TWBC: full postal address redacted]

Question 7

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If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

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Yes, I wish to be notified of future stages of the Local Plan

Comment

Consultee	Joanna Nightingale [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] Whetsted [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Joanna Nightingale [REDACTED]
Comment ID	PSLP_1048
Response Date	03/06/21 11:24
Consultation Point	Policy STR/SS 3 The Strategy for Tudeley Village (View)
Status	Processed
Submission Type	Web
Version	0.4
Question 1	
Respondent's Name and/or Organisation	Joanna Nightingale
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
Policy STR/SS 3 Strategy for Tudeley Village	
Question 4	
Do you consider that the Local Plan:	
Is legally compliant	Don't know
Is sound	No
Complies with the Duty to Cooperate	Don't know

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

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- . It is not effective
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Question 5

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I am writing to object to "The Strategy for Tudeley Village" (Policy STR SS 3

Large parts of the developments will occur on the Medway floodplain with flood risk assessments based on old data that does not fully consider the impact of climate change. Flood mitigation measures may help, but I believe that flood risks will increase. Covering farmed fields with houses and roads will make the Medway flood more often and cause increased flood risk not only in Tudeley but in Golden Green, East Peckham, Tonbridge and Yalding. There will be an increase in air, light and noise pollution that will spread across the boundary in to Tonbridge & Malling and create a visual scar across the landscape. Views from Tonbridge to the Low and High Weald will be impaired, including the setting of historic assets like All Saint's Church in Tudeley and the Hadlow Tower. The church at Tudeley may end up being surrounded by houses, bus lanes and sit next to a busy road in sight of a big roundabout. That will cause great harm to its value as a heritage asset of world renown (due to the complete set of Marc Chagall windows).

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Question 7

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If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

No, I do not wish to participate in examination hearing session(s)

Comment

Consultee	Dr John Nimmo [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] Capel, Tonbridge Capel [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Dr John Nimmo [REDACTED]
Comment ID	PSLP_845
Response Date	01/06/21 15:03
Consultation Point	Policy STR/SS 1 The Strategy for Paddock Wood, including land at east Capel (View)
Status	Processed
Submission Type	Web
Version	0.3
Question 1	
Respondent's Name and/or Organisation	John A Nimmo
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
Policy STR/SS 1 Strategy for Paddock Wood, including land at East Capel	
Question 4	
Do you consider that the Local Plan:	
Is legally compliant	Don't know
Is sound	No
Complies with the Duty to Cooperate	Don't know

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

- . It is not effective
- . It is not justified
- . It is not consistent with national policy

Question 5

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I have lived in Capel for 26 years, having brought up young children to adulthood with education in the local area. I worked during my entire residence here, until retirement over 2 years ago. I have many local connections, including a local music ensemble and local cricket club. I enjoy working as a local activist in key issues.

During my years commuting to outer London via the A21, the traffic congestion has become very much worse. The journey time to access the A21 doubled in duration. Serious local flooding has occurred regularly while we have lived here and has had an enormous impact on the local community. Many households and businesses have been damaged due to repeated local flooding, with many householders having to find alternative accommodation and several businesses closing permanently. In some cases, insurance companies have not paid out.

I strongly object to the Borough Council's draft local plan to build housing developments at Tudeley Village (Policy STR/SS3) and at Paddock Wood including land at East Capel (Policy STR/SS1) because the proposed development is overwhelmingly inappropriate for such a rural location and there are strong specific arguments against the proposals, as follows...

1. Climate change - This is the greatest emergency ever to face the planet. It will impact all life, which is interdependent. Building 4,800 houses in the local area will generate an estimated 17,000 metric tonnes of carbon dioxide, due solely to producing the concrete for the foundations alone. This does not take into account the cement used for internal structures such as flooring, shingles, roadways, pavements and parking spaces. This scale of construction will increase the borough's claimed 3,4743 tonnes of carbon dioxide emissions in 2018/19 to over 20,000 of carbon dioxide, which includes the existing emissions. Given the climate emergency, and it is now an emergency, the Borough Council must live up to its commitment on climate change and alter its housing development strategy to further reduce the borough's emissions. Existing, vacant buildings in the centre of Tunbridge Wells could and should be regenerated and converted to housing. These brownfield sites have mistakenly not been prioritised, but this would be an ambitious strategy and it will have a much lower carbon burden on the borough. In addition, the immediate loss of trees and green vegetation due to the scale of building will add even further to the climate emergency by reducing the capacity of the local biosphere to act as a carbon sink. Planting new trees will not be enough to compensate; it will take 30 years to achieve any redress due to the vast loss of green vegetation in the local countryside.

2. Land subsidence - The British Geological Survey has recently published new data that shows that Kent is one of the key areas that will be affected by ground shrinkage due to climate change. The hotter and drier summers being driven by global heating mean that the ground under houses will shrink and crack, resulting in increased instances of property subsidence. Kent has extensive underlying clay formations which make it one of the four most vulnerable areas to loss of moisture. About a million homes were at risk in 1990 and this rises to 2.4m in 2030 and 4m in 2070. (<https://www.bgs.ac.uk/datasets/geoclimate-ukcp09-and-ukcp18/>). With increasing climate change

and repeated flooding and the potential for subsidence, this area is clearly not suited for housing development on this scale. Subsidence can lead to increased insurance premiums, depressed house prices and in some cases, require engineering work to stabilise land or property and the replacement of utility pipe-works. In 2019, the UK's official advisers, the Climate Change Committee, said it was shocked at the lack of proper plans for protecting people from heatwaves, flash flooding and other impacts of the climate crisis. Alternative sites should be sought with a lower shrink-swell risk rating.

3. Flooding/water supply - The local area has suffered many instances of flooding over a long period. The proposed new town is in close proximity to the natural flood plain of the River Medway and there is a risk that flooding could well impact Yalding, which already suffers regularly in times of heavy rain. The whole of the South East region is prone to lack of water; the reservoir at Bewl Water frequently suffers low levels in summer. Clarification is needed that proper professional research has been done to secure an adequate water supply for the region if the extra demand from the new town and 4,800 extra homes comes on stream.

4. Pollution - The proposed development will undoubtedly result in increased levels of many classes of pollutants. These include traffic-related tailpipe emissions, road dust, dust from tyre and brake wear, and noise pollution. In addition, light pollution and water runoff from concreted areas are also known hazards. All of these are known to cause serious damage to human health and to the ecosystem. The development itself, with new roads and increased traffic volumes will increase the levels of these pollutants. There is no level of air pollutants which can be safely breathed. It is hard to understand how the increased levels of any of these pollutants can be truly mitigated by Tunbridge Wells Borough Council's local plans, because no details as to how the Council will reduce any of these pollutants (as is their stated goal) are provided. Limits on pollutants will only become more stringent due to ongoing research. A landmark legal ruling in December 2020 by a London Coroner concluded that air pollution contributed to the death of 9-year-old Ella Kissi-Debrah. Following this ruling, it is only a matter of time before litigation and/or class action lawsuits against local authorities ensues. This will be driven by tighter levels on limits of pollutants, and fuelled by growing public awareness of the impact of pollution on public health, due to the failure of local authorities to adequately measure and adhere to legal limits on tailpipe-emitted pollutants.

5. Protection of green belt land - Certain areas of countryside are designated as green belt in order to protect it. With the current climate emergency and Covid-19 pandemic, there is increasing awareness of the importance of green spaces to the mental wellbeing of the population. Green belt land must be preserved. If not protected, zealous development will result in the permanent destruction of the green belt and further depletion of the associated carbon sink. This carbon sink is crucial for protecting the environment against carbon overload by converting carbon dioxide to oxygen. Even part of the AONB will be destroyed by the draft local plan. The local community values and cherishes its green belt land.

6. Affordable housing - A major benefit claimed by many councillors for the proposed development is the provision of affordable homes for local young people. The proposed development will not deliver such low cost housing, given that 3-, 4- and 5-bedroom houses form a significant part of the scheme. With closer proximity to Tonbridge rather than Tunbridge Wells, we can expect overspill from London and large towns to add greatly to the local population. Incomers will be attracted here to live in new housing, rather than young local people, resulting in a new commuter belt adjacent to the A21 and Tonbridge rail station with fast links to London. The development will add heavily to the congestion on the already busy local roads and highways, especially close to Tonbridge. Overall, the proposed development is overwhelmingly inappropriate for a such a rural location. A much more appropriate alternative site is available, situated at Castle Hill. This is closer to Tunbridge Wells town and is adjacent to much more appropriate and existing infrastructure, i.e. the A21.

7. Lack of engagement - The engagement of the Borough Council with the local community regarding these proposals has been completely inadequate. The Borough Council appears still to be withholding some critical documentation. It has therefore not been possible for many to understand the full scope and impact of the draft plan, and also to understand how to raise objections. In addition, many residents in the local community do not have access to the internet and so many of the public cannot be easily appraised of all the intricacies and workings of the process in order to understand and comment on the proposals. The Borough Council has not done nearly enough to compensate for this. Due to the Covid-19 pandemic restrictions, public meetings and protests have not been allowed. All this has conspired to put the Borough Council in a very advantageous and, frankly, unfair position to pursue the development, compared to the local community. Importantly, it must be stressed that many borough

councillors admitted publicly to being unable to access the necessary briefing documents before voting for the proposals. How can this be a fair and proper process!

Question 6

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

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Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Question 5 above. (Please note that non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Given the arguments I raised in Question 5, the following modifications to the plan would be necessary make it sound...

1. Climate change - Given the climate emergency, and it **is** now an emergency, the Borough Council must live up to its commitment on climate change and alter its housing development strategy to further reduce the borough's emissions. Existing, vacant buildings in the centre of Tunbridge Wells could and should be regenerated and converted to housing. These brownfield sites have mistakenly not been prioritised, but this would be an ambitious strategy and it will have a much lower carbon burden on the borough.

2. Land subsidence - The British Geological Survey has recently published new data that shows that Kent is one of the key areas that will be affected by ground shrinkage due to climate change. The hotter and drier summers being driven by global heating mean that the ground under houses will shrink and crack, resulting in increased instances of property subsidence. Kent has extensive underlying clay formations which make it one of the four most vulnerable areas to loss of moisture. Alternative sites should be sought, in line with the British Geological Survey data, to identify more suitable locations with a lower shrink-swell rating and reduced risk of subsidence.

3. Flooding/water supply - Proper flood risk assessment needs to be carried out because of the persistent and costly flooding in the local area. Clarification is also needed that proper professional research has been done to secure an adequate water supply for the region if the extra demand from the new town and 4,800 extra homes comes on stream.

4. Pollution - The proposed development will undoubtedly result in increased levels of many classes of pollutants. These include traffic-related tailpipe emissions, road dust, dust from tyre and brake wear, and noise pollution. In addition, light pollution and water runoff from concreted areas are also known hazards. All of these are known to cause serious damage to human health and to the ecosystem. By regenerating vacant properties in the town centre, there will be less pollution all-round (tail-pipe emissions, brake, tyre and road dust) as public transport becomes the main mode of mass transit. Light pollution due to new developments would not occur in green belts areas. The risk of litigation and/or class action lawsuits against local authorities would be lessened if cognisance of that risk is realised and avoidance action taken.

5. Protection of Green Belt Land - Green belt land is supposed to be protected. There is increasing awareness of the importance of green spaces to the mental wellbeing of the population. Green belt land must be preserved in order to support human wellbeing and this can be achieved by building in alternative and more appropriate existing brownfield sites.

6. Affordable housing - A major benefit claimed by many councillors for the proposed development is the provision of affordable homes for local young people. The proposed development will not deliver such low cost housing, given that 3-, 4- and 5-bedroom houses form a significant part of the scheme. More affordable locations for young people should be considered with multiple occupancy properties created in the town centre from existing brownfield sites.

7. Lack of engagement - The engagement of the Borough Council with the local community regarding these proposals has been completely inadequate. Many issues, such as the Covid-19 pandemic impact on public gatherings, and the complexity of the process for lodging objections have conspired to put the Borough Council in a very advantageous and, frankly, unfair position to pursue the development, compared to the local community. Importantly, it must be stressed that many borough councillors admitted publicly to being unable to access the necessary briefing documents before voting for the proposals. How can this be a fair and proper process!

Question 7

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If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

No, I do not wish to participate in examination hearing session(s)

Future Notifications

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Yes, I wish to be notified of future stages of the Local Plan

Comment

Consultee	Dr John Nimmo [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] Capel, Tonbridge Capel [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Dr John Nimmo [REDACTED]
Comment ID	PSLP_819
Response Date	01/06/21 14:45
Consultation Point	Policy STR/SS 3 The Strategy for Tudeley Village (View)
Status	Processed
Submission Type	Web
Version	0.3
Question 1	
Respondent's Name and/or Organisation	John A Nimmo
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
Policy STR SS 3 for Tudeley Village	
Question 4	
Do you consider that the Local Plan:	
Is legally compliant	Don't know
Is sound	No
Complies with the Duty to Cooperate	Don't know

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

- . It is not effective
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Question 5

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During my years commuting to outer London via the A21, the traffic congestion has become very much worse. The journey time to access the A21 doubled in duration. Serious local flooding has occurred regularly while we have lived here and has had an enormous impact on the local community. Many households and businesses have been damaged due to repeated local flooding, with many householders having to find alternative accommodation and several businesses closing permanently. In some cases, insurance companies have not paid out.

I strongly object to the Borough Council's draft local plan to build housing developments at Tudeley Village (Policy STR/SS3) and at Paddock Wood including land at East Capel (Policy STR/SS1) because the proposed development is overwhelmingly inappropriate for such a rural location and there are strong specific arguments against the proposals, as follows...

1. Climate change - This is the greatest emergency ever to face the planet. It will impact all life, which is interdependent. Building 4,800 houses in the local area will generate an estimated 17,000 metric tonnes of carbon dioxide, due solely to producing the concrete for the foundations alone. This does not take into account the cement used for internal structures such as flooring, shingles, roadways, pavements and parking spaces. This scale of construction will increase the borough's claimed 3,4743 tonnes of carbon dioxide emissions in 2018/19 to over 20,000 of carbon dioxide, which includes the existing emissions. Given the climate emergency, and it is now an emergency, the Borough Council must live up to its commitment on climate change and alter its housing development strategy to further reduce the borough's emissions. Existing, vacant buildings in the centre of Tunbridge Wells could and should be regenerated and converted to housing. These brownfield sites have mistakenly not been prioritised, but this would be an ambitious strategy and it will have a much lower carbon burden on the borough. In addition, the immediate loss of trees and green vegetation due to the scale of building will add even further to the climate emergency by reducing the capacity of the local biosphere to act as a carbon sink. Planting new trees will not be enough to compensate; it will take 30 years to achieve any redress due to the vast loss of green vegetation in the local countryside.

2. Land subsidence - The British Geological Survey has recently published new data that shows that Kent is one of the key areas that will be affected by ground shrinkage due to climate change. The hotter and drier summers being driven by global heating mean that the ground under houses will shrink and crack, resulting in increased instances of property subsidence. Kent has extensive underlying clay formations which make it one of the four most vulnerable areas to loss of moisture. About a million homes were at risk in 1990 and this rises to 2.4m in 2030 and 4m in 2070. (<https://www.bgs.ac.uk/datasets/geoclimate-ukcp09-and-ukcp18/>). With increasing climate change

and repeated flooding and the potential for subsidence, this area is clearly not suited for housing development on this scale. Subsidence can lead to increased insurance premiums, depressed house prices and in some cases, require engineering work to stabilise land or property and the replacement of utility pipe-works. In 2019, the UK's official advisers, the Climate Change Committee, said it was shocked at the lack of proper plans for protecting people from heatwaves, flash flooding and other impacts of the climate crisis. Alternative sites should be sought with a lower shrink-swell risk rating.

3. Flooding/water supply - The local area has suffered many instances of flooding over a long period. The proposed new town is in close proximity to the natural flood plain of the River Medway and there is a risk that flooding could well impact Yalding, which already suffers regularly in times of heavy rain. The whole of the South East region is prone to lack of water; the reservoir at Bewl Water frequently suffers low levels in summer. Clarification is needed that proper professional research has been done to secure an adequate water supply for the region if the extra demand from the new town and 4,800 extra homes comes on stream.

4. Pollution - The proposed development will undoubtedly result in increased levels of many classes of pollutants. These include traffic-related tailpipe emissions, road dust, dust from tyre and brake wear, and noise pollution. In addition, light pollution and water runoff from concreted areas are also known hazards. All of these are known to cause serious damage to human health and to the ecosystem. The development itself, with new roads and increased traffic volumes will increase the levels of these pollutants. There is no level of air pollutants which can be safely breathed. It is hard to understand how the increased levels of any of these pollutants can be truly mitigated by Tunbridge Wells Borough Council's local plans, because no details as to how the Council will reduce any of these pollutants (as is their stated goal) are provided. Limits on pollutants will only become more stringent due to ongoing research. A landmark legal ruling in December 2020 by a London Coroner concluded that air pollution contributed to the death of 9-year-old Ella Kissi-Debrah. Following this ruling, it is only a matter of time before litigation and/or class action lawsuits against local authorities ensues. This will be driven by tighter levels on limits of pollutants, and fuelled by growing public awareness of the impact of pollution on public health, due to the failure of local authorities to adequately measure and adhere to legal limits on tailpipe-emitted pollutants.

5. Protection of green belt land - Certain areas of countryside are designated as green belt in order to protect it. With the current climate emergency and Covid-19 pandemic, there is increasing awareness of the importance of green spaces to the mental wellbeing of the population. Green belt land must be preserved. If not protected, zealous development will result in the permanent destruction of the green belt and further depletion of the associated carbon sink. This carbon sink is crucial for protecting the environment against carbon overload by converting carbon dioxide to oxygen. Even part of the AONB will be destroyed by the draft local plan. The local community values and cherishes its green belt land.

6. Affordable housing - A major benefit claimed by many councillors for the proposed development is the provision of affordable homes for local young people. The proposed development will not deliver such low cost housing, given that 3-, 4- and 5-bedroom houses form a significant part of the scheme. With closer proximity to Tonbridge rather than Tunbridge Wells, we can expect overspill from London and large towns to add greatly to the local population. Incomers will be attracted here to live in new housing, rather than young local people, resulting in a new commuter belt adjacent to the A21 and Tonbridge rail station with fast links to London. The development will add heavily to the congestion on the already busy local roads and highways, especially close to Tonbridge. Overall, the proposed development is overwhelmingly inappropriate for a such a rural location. A much more appropriate alternative site is available, situated at Castle Hill. This is closer to Tunbridge Wells town and is adjacent to much more appropriate and existing infrastructure, i.e. the A21.

7. Lack of engagement - The engagement of the Borough Council with the local community regarding these proposals has been completely inadequate. The Borough Council appears still to be withholding some critical documentation. It has therefore not been possible for many to understand the full scope and impact of the draft plan, and also to understand how to raise objections. In addition, many residents in the local community do not have access to the internet and so many of the public cannot be easily appraised of all the intricacies and workings of the process in order to understand and comment on the proposals. The Borough Council has not done nearly enough to compensate for this. Due to the Covid-19 pandemic restrictions, public meetings and protests have not been allowed. All this has conspired to put the Borough Council in a very advantageous and, frankly, unfair position to pursue the development, compared to the local community. Importantly, it must be stressed that many borough

councillors admitted publicly to being unable to access the necessary briefing documents before voting for the proposals. How can this be a fair and proper process!

Question 6

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Question 5 above. (Please note that non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Given the arguments I raised in Question 5, the following modifications to the plan would be necessary make it sound...

1. Climate change - Given the climate emergency, and it **is** now an emergency, the Borough Council must live up to its commitment on climate change and alter its housing development strategy to further reduce the borough's emissions. Existing, vacant buildings in the centre of Tunbridge Wells could and should be regenerated and converted to housing. These brownfield sites have mistakenly not been prioritised, but this would be an ambitious strategy and it will have a much lower carbon burden on the borough.

2. Land subsidence - The British Geological Survey has recently published new data that shows that Kent is one of the key areas that will be affected by ground shrinkage due to climate change. The hotter and drier summers being driven by global heating mean that the ground under houses will shrink and crack, resulting in increased instances of property subsidence. Kent has extensive underlying clay formations which make it one of the four most vulnerable areas to loss of moisture. Alternative sites should be sought, in line with the British Geological Survey data, to identify more suitable locations with a lower shrink-swell rating and reduced risk of subsidence.

3. Flooding/water supply - Proper flood risk assessment needs to be carried out because of the persistent and costly flooding in the local area. Clarification is also needed that proper professional research has been done to secure an adequate water supply for the region if the extra demand from the new town and 4,800 extra homes comes on stream.

4. Pollution - The proposed development will undoubtedly result in increased levels of many classes of pollutants. These include traffic-related tailpipe emissions, road dust, dust from tyre and brake wear, and noise pollution. In addition, light pollution and water runoff from concreted areas are also known hazards. All of these are known to cause serious damage to human health and to the ecosystem. By regenerating vacant properties in the town centre, there will be less pollution all-round (tail-pipe emissions, brake, tyre and road dust) as public transport becomes the main mode of mass transit. Light pollution due to new developments would not occur in green belts areas. The risk of litigation and/or class action lawsuits against local authorities would be lessened if cognisance of that risk is realised and avoidance action taken.

5. Protection of Green Belt Land - Green belt land is supposed to be protected. There is increasing awareness of the importance of green spaces to the mental wellbeing of the population. Green belt land must be preserved in order to support human wellbeing and this can be achieved by building in alternative and more appropriate existing brownfield sites.

6. Affordable housing - A major benefit claimed by many councillors for the proposed development is the provision of affordable homes for local young people. The proposed development will not deliver such low cost housing, given that 3-, 4- and 5-bedroom houses form a significant part of the scheme. More affordable locations for young people should be considered with multiple occupancy properties created in the town centre from existing brownfield sites.

7. Lack of engagement - The engagement of the Borough Council with the local community regarding these proposals has been completely inadequate. Many issues, such as the Covid-19 pandemic impact on public gatherings, and the complexity of the process for lodging objections have conspired to put the Borough Council in a very advantageous and, frankly, unfair position to pursue the development, compared to the local community. Importantly, it must be stressed that many borough councillors admitted publicly to being unable to access the necessary briefing documents before voting for the proposals. How can this be a fair and proper process!

Question 7

***Please note** the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.*

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

No, I do not wish to participate in examination hearing session(s)

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:

Yes, I wish to be notified of future stages of the Local Plan

Comment

Consultee	Margaret Nimmo [REDACTED]
Email Address	[REDACTED]
Address	
Event Name	Pre-Submission Local Plan
Comment by	Margaret Nimmo [REDACTED]
Comment ID	PSLP_886
Response Date	02/06/21 10:35
Consultation Point	Policy STR/SS 1 The Strategy for Paddock Wood, including land at east Capel (View)
Status	Processed
Submission Type	Web
Version	0.3
Question 1	
Respondent's Name and/or Organisation	Margaret Nimmo
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

STR SS1 for Paddock Wood including land at east Capel

Question 4

Do you consider that the Local Plan:

Is legally compliant	Don't know
Is sound	No
Complies with the Duty to Cooperate	Don't know

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

- . It is not effective
- . It is not justified
- . It is not consistent with national policy

Question 5

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Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

I have lived in Capel Parish for 26 years with my husband and our two children, who were raised here and attended local schools. As a family, we participated in many activities around the village, including walking, cycling and sports. I enjoy retirement in the village, and I am an active member of Capel Cricket Club Ladies' Team.

I strongly object to both Policies STR/SS 1 Strategy for Paddock Wood including land at east Capel and STR/SS 3 Strategy for Tudeley Village. There are several key points which I would like to address in relation to this objection...

Green belt - 4,800 houses will be built on land which is currently designated as Green Belt, supposedly protected. The plan will require the Green Belt to be downgraded and destroyed in order to construct this development. In view of the recent Covid-19 pandemic and increasing awareness of the benefit of green spaces towards mental health needs, local communities require green spaces to support mental health and promote community wellbeing.

Local roads and transport - Existing local public transport is poor, with only a limited service due to infrequent buses. Due to the level of housing in the proposed development, an increased number of vehicles will use the local roads, adding to the existing congestion at peak times. This added congestion will be exacerbated by the new secondary school planned. The resulting poor traffic flow is very likely to have a negative impact on local businesses.

A new road is proposed between Five Oak Green and Capel, the so-called "Five Oak Green by-pass". This would also be entirely on Green Belt land, resulting in yet more destruction of the natural environment. If such a road is constructed, it will partition the Parish communities of Capel, Five Oak Green and Colts Hill. This will result in a separation of the three communities, thereby acting as a barrier to our community life. The villagers will be unable to walk to the only shop in the village, the local primary school and the village Community Hall.

This road will impinge onto Sychem Lane, and will likely require the compulsory purchase of working farmland used for grazing cattle, sheep and growing crops. If this land is taken, this will mean that the farmers using this land will lose their livelihoods as a result.

Hospital capacity / medical care - A new town with the proposed number of new homes in Capel will put much more pressure on the services at the Kent & Sussex hospital at Pembury. Adequate medical centres, fully and professionally staffed, will be necessary to support the greatly increased size of the local community. It is critical that the capacity of the hospital and medical centres are enabled to cope. Extra funding will be necessary for this, in order to cope with the increased local population, and it is not clear whether the funding will be made available in time. This needs to be in place first.

Flooding / water supply - Parts of Capel parish have long suffered from flooding. The proposed new town is in close proximity to the natural flood plain of the Medway. Runoff downstream is a further likely consequence. There is a risk that flooding could well impact both the existing and new development.

The whole of the South East is prone to water shortage; the reservoir at Bewl Water frequently suffers low levels in summer. There is likely to be serious pressure on demand at critical periods of low rainfall in the year, when the extra demand from the new villages and 4,800 extra homes comes on stream.

Natural environment - the destruction of the green belt land will adversely impact the natural environment and wildlife in the area. Loss of habitat and a reduction in the number of species will be unacceptable.

Air quality, light and noise pollution / mental health and wellbeing - the extra housing, cars, street lighting, water runoff and all that goes with a new development will lead to increased levels of pollutants in the air, resulting in poorer air quality. The carbon footprint will unquestionably increase, and this will be a contributor to climate change. In addition, noise and light pollution will increase in what is currently a rural, Green Belt area. The quality of the environment in Capel will be irreparably damaged and changed for the worse, and forever, despite the growing awareness of the importance of green spaces to human health and wellbeing. It is hard to imagine that this is consistent with a desire for betterment of the parish, and it certainly will irreparably damage our existing local way of life.

Architectural heritage - the historic church at Tudeley is located beside where the proposed new housing development will be sited. All Saints' Church at Tudeley has windows designed and created by Marc Chagall, the world-renowned artist. Tudeley is internationally famous as the only church in the world having stained glass windows designed by Chagall, within its setting in the green fields of Kent. This precious architectural heritage will deteriorate when the surrounding fields are destroyed and the church is surrounded on three sides by the new town at Tudeley. This is just one example of the planned environmental vandalism.

Housing density - the amount of housing planned for Tudeley and East Capel is disproportionately located, with more than 50% of all new housing in the Borough of Tunbridge Wells being within Capel Parish. This means that the construction will negatively impact more upon the nearby Borough of Tonbridge and Malling, yet the income from the extra council tax will benefit Tunbridge Wells.

The houses planned include 3, 4, and 5 bedrooms. This will not be affordable housing which is what is required in the local area.

In conclusion - I contest that this draft Local Plan and the concept of the new town to be built on Green Belt land in Capel parish has been poorly thought out and rushed through. There has been little to no communication and consultation with the local community. It is an expedient answer towards meeting government-imposed targets, rather than being a solution which addresses true local needs. Further, there can be no justification for the destruction of Green Belt land and for ignoring the long-established legal precedents to protect the Green Belt.

Question 6

Please note: *In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.*

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This development is in the wrong place and has been rushed through with little consultation with local people and our needs. We have not been able to congregate during the Covid-19 pandemic to discuss together with our local community. There are alternative brownfield sites in the borough which have not been properly prioritised. Vacant offices and shops in Tunbridge Wells could be regenerated into homes which would help reduce the carbon footprint and help rejuvenate the town.

In addition, the Castle Hill site alongside the A21, which would be more suitable as the infrastructure is already in place, has been completely dismissed out of hand by TWBC with no sound justification.

Also, the proposal amounts to a disproportionate number of houses (over 50% of all new housing) in Capel parish compared with the other 19 wards in the TW borough. Tonbridge, the nearest town to a large part of the proposed development, will be greatly and negatively impacted by the vast increase in housing, while there will be minimal impact on the rest of TW borough. In addition, TWBC will benefit greatly from the increased revenue from council tax, but Tonbridge and Malling will not.

Question 7

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Future Notifications

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Comment

Consultee	Margaret Nimmo [REDACTED]
Email Address	[REDACTED]
Address	
Event Name	Pre-Submission Local Plan
Comment by	Margaret Nimmo [REDACTED]
Comment ID	PSLP_859
Response Date	02/06/21 10:14
Consultation Point	Policy STR/SS 3 The Strategy for Tudeley Village (View)
Status	Processed
Submission Type	Web
Version	0.2
Question 1	
Respondent's Name and/or Organisation	Margaret Nimmo
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
STR SS3 for Tudeley Village	
Question 4	
Do you consider that the Local Plan:	
Is legally compliant	Don't know
Is sound	No
Complies with the Duty to Cooperate	Don't know
Question 4a	

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

- . It is not effective
- . It is not justified
- . It is not consistent with national policy

Question 5

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The whole of the South East is prone to water shortage; the reservoir at Bewl Water frequently suffers low levels in summer. There is likely to be serious pressure on demand at critical periods of low rainfall in the year, when the extra demand from the new villages and 4,800 extra homes comes on stream.

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The quality of the environment in Capel will be irreparably damaged and changed for the worse, and forever, despite the growing awareness of the importance of green spaces to human health and wellbeing. It is hard to imagine that this is consistent with a desire for betterment of the parish, and it certainly will irreparably damage our existing local way of life.

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The houses planned include 3, 4, and 5 bedrooms. This will not be affordable housing which is what is required in the local area.

In conclusion, I contest that this draft Local Plan and the concept of the new town to be built on Green Belt land in Capel parish has been poorly thought out and rushed through. There has been little to no communication and consultation with the local community. It is an expedient answer towards meeting government-imposed targets, rather than being a solution which addresses true local needs. Further, there can be no justification for the destruction of Green Belt land and for ignoring the long-established legal precedents to protect the Green Belt.

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This development is in the wrong place and has been rushed through with little consultation with local people and our needs. We have not been able to congregate during the Covid-19 pandemic to discuss together with our local community. There are alternative brownfield sites in the borough which have not been properly prioritised. Vacant offices and shops in Tunbridge Wells could be regenerated into homes which would help reduce the carbon footprint and help rejuvenate the town.

In addition, the Castle Hill site alongside the A21, which would be more suitable as the infrastructure is already in place, has been completely dismissed out of hand by TWBC with no sound justification.

Also, the proposal amounts to a disproportionate number of houses (over 50% of all new housing) in Capel parish compared with the other 19 wards in the TW borough. Tonbridge, the nearest town to a large part of the proposed development, will be greatly and negatively impacted by the vast increase in housing, while there will be minimal impact on the rest of TW borough. In addition, TWBC will benefit greatly from the increased revenue from council tax, but Tonbridge and Malling will not.

Question 7

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If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

No, I do not wish to participate in examination hearing session(s)

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:

Yes, I wish to be notified of future stages of the Local Plan

Supporting Information File Ref No: SI_107a-b

Comment

Agent	Dan Melling [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Barton Willmore
Address	[REDACTED] London [REDACTED]
Consultee	[REDACTED]
Company / Organisation	Obsidian Strategic
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Obsidian Strategic [REDACTED]
Comment ID	PSLP_1836
Response Date	02/06/21 14:55
Consultation Point	Policy AL/PE 2 Land at Hubbles Farm and south of Hastings Road (View)
Status	Processed
Submission Type	Email
Version	0.5
Files	PSLP_1836 Barton Willmore for Obsidian Strategic SI-1 Letter of Representation.pdf PSLP_1836 Barton Willmore for Obsidian Strategic SI-2 Indicative Design Plan.pdf
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Obsidian Strategic Asset Management Ltd
Question 2	
Agent's Name and Organisation (if applicable)	Barton Willmore
Question 3	

To which part of the Local Plan does this representation relate? Policy

Question 3a

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy AL/PE 2 Land at Hubbles Farm and south of Hastings Road

Question 4

Do you consider that the Local Plan:

Is legally compliant Yes

Is sound No

Complies with the Duty to Cooperate Yes

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because: . It is not effective
. It is not consistent with national policy

Question 5

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This representation broadly supports the draft Local Plan strategy and in particular the allocation (Policy AL/PE2) of land at Hubbles Farm and South of Hasting Road, Pembury.

However, a minor alteration to the policy would ensure it is fully effective and justified in meeting the soundness tests.

Please see attached statement

[TWBC: the below text is from the statement, which has also been attached to this comment as a supporting document]

TUNBRIDGE WELLS BOROUGH COUNCIL PRE-SUBMISSION LOCAL PLAN

REPRESENTATIONS BY OBSIDIAN STRATEGIC ASSET MANAGEMENT LIMITED LAND AT HUBBLES FARM AND SOUTH OF HASTINGS ROAD, PEMBURY POLICY AL/PE2

We act on behalf of Obsidian Strategic Asset Management Limited ('our client') and have been instructed to submit representations to Tunbridge Wells Borough Council (TWBC's) Draft Local Plan (Regulation 19) Consultation ('the Draft Plan'). This follows previous representations submitted to Tunbridge Wells Borough Council's Draft Local Plan (Regulation 18) Consultation in November 2019.

This representation broadly supports the draft Local Plan strategy and in particular the allocation (Policy AL/PE2) of land at Hubbles Farm and South of Hasting Road, Pembury ('the Site') for residential

development. However, our client seeks a minor alteration to the draft policy to ensure it is fully effective and justified in meeting the soundness tests.

Site and Policy Context

The Site currently lies immediately outside the 'Limits to Built Development' (LBD) Boundary of Pembury. It falls within the wider Metropolitan Green Belt, wider High Weald AONB and wider Kent Special Landscape Area. However, it is a relatively contained site with the A21 to the south providing a clear and defensible boundary.

The National Planning Policy Framework (NPPF) is clear that local planning authorities should, through their Local Plans, meet objectively assessed needs unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits (Paragraph 11).

It also confirms at Paragraph 136, that Green Belt boundaries can be altered through the preparation of, or review of, the Local Plan, albeit these should only be altered in exceptional circumstances.

In deciding whether exceptional circumstances exist, local authorities must first consider whether housing needs can be accommodated by:

- a) Making as much use as possible of suitable brownfield sites and underutilised land;
- b) Optimising density of development, including promoting a significant uplift in minimum density standards in town and city centres and other locations well served by public transport; and
- c) discussing with neighbouring authorities about whether they could accommodate some of the identified need for development.

The Draft Local Plan confirms that TWBC has suffered from a significant shortfall in housing supply and experiences acute affordability issues.

We are aware that the Council has undertaken detailed urban capacity work and has had discussions with neighbouring authorities to ascertain whether they could assist in accommodating housing requirements. However, in order to fully address the housing need, it has rightly been concluded that there is a requirement to couple high density development within 'urbanised areas' with the release of Green Belt land.

To this end, the sequential approach has been applied, and exceptional circumstances exist to justify changes to the Green Belt. We support this approach and the clarity of this decision making, which is apparent through the Evidence Base.

Green Belt Review

Having established the need to review Green Belt boundaries to meet housing needs, the Council needs to ensure that it complies with Paragraph 138 of the NPPF and promote sustainable patterns of development, including first looking at previous developed land and/or land that is well served by public transport. It should also set out ways in which the impact of removing land from the Green Belt can be offset through compensatory improvements to the environmental quality and accessibility of remaining Green Belt Land.

The Site is a sustainable location for development given its accessibility to existing services and facilities within Pembury and the wider Tunbridge Wells area. The sustainable attributes of the Site are considered in further detail below.

Furthermore, as concluded within the Green Belt Review (GBR) Stage Two (July 2017) and the Strategic Housing and Economic Land Availability Assessment (SHELAA) – Jul 2019 (Site Ref 50), the Site (falling within land parcel PE1), performs '*relatively weakly*' in meeting the purposes of the Green Belt. Accordingly, the level of harm resulting from the Sites release from the Green Belt is found to be '*low*', and that '*the A21 would represent a stronger boundary than the existing settlement edge*' in seeking to define boundaries of the Green Belt in stronger and more permanent terms (- objective of Para 139 of the NPPF).

The Stage Three 'Assessment of Green Belt Allocations' (November 2020) provided a more focused assessment of emerging allocations against the five Green Belt purposes, which included consideration of the Site (AL/PE2). This assessment concluded similarly that the release of the Site would '*replace an existing weak Green Belt boundary (rear gardens of residential properties) with a strong boundary (the wooded cutting of the A21)*'.

In addition, it was noted that the proposed AL/PE2 allocation would include a landscape buffer to the south, which would further strengthen this boundary feature and that the presence of this strong boundary will limit the impact of release on adjacent Green Belt land to the south, concluding that the overall level of impact on adjacent Green Belt resulting from the release of AL/PE2 will be negligible.

Finally, the SHELAA (January 2021) also concluded that:

'The site is sustainably located and would result in only low harm if released from the Green Belt. The scale of development is considered appropriate for its location in the AONB'.

The basis for this finding was that the Site:

'...lies partly within/mostly adjacent to the settlement edge, and as such is considered sustainable in that context. The site in conjunction with other sites, lies between the existing settlement and the A21 embankment, and allocation would represent a modest infilling, appropriate in this AONB landscape. Furthermore, these parcels are not well connected with other agricultural land. This combined with low harm if released from the Green Belt means the site is a suitable site'.

To supplement the above considerations, additional assessment work was carried out within the LBD (September 2019) and Distribution of Development (September 2019) Topic Papers. This set out the possible contributions the proposed allocations (including the Site) can make to Green Belt and AONB objectives in terms of improving access, providing locations for outdoor sport, landscape and visual enhancement, increasing biodiversity and improving damaged and derelict land.

A requirement to safeguard land for the potential future expansion of St Peter's cemetery, in addition to improved accessibility and landscaping, was identified.

Overall, the evidence base demonstrates in a logical and transparent manner why the release of this Site from the Green Belt is a justified decision in seeking to meet the identified housing needs of the Borough.

Appropriateness of Additional Development in Pembury

Pembury is the principal settlement in the parish that includes the areas of Lower Green, Henwood Green, and Romford. It is located approximately 3.4 miles from Royal Tunbridge Wells to the south west, which is defined within the settlement hierarchy (ED 8) as the Primary Regional Town Centre.

As such, Pembury is well positioned to accommodate housing growth for the Borough, in accordance with the Development Strategy outlined at Policy STR1, having regard to its role and function, constraints, and opportunities.

Reflective of its position as the parishes' principal settlement, Pembury has access to a range of key services, including local shops, public houses/restaurants, places of worship, primary schools, and a doctor's surgery. The main Tunbridge Wells Hospital is also located within the parish.

The Council's spatial development strategy for additional housing in Pembury is therefore supported and will provide additional housing in close proximity to services, jobs and community facilities. The requirement to provide affordable housing (identified within the wording of policy AL/PE2) offers a significant opportunity to meet the needs of the local community, including key workers, such as hospital and/or emergency service staff.

Furthermore, Pembury possesses excellent transport connectivity, with High Brooms and Royal Tunbridge Wells mainline rail stations both approximately 3.5 miles from Pembury, and Paddock Wood railway station approximately 4.7 miles from the village.

There are regular bus services that currently run to destinations including Royal Tunbridge Wells, Paddock Wood, and Maidstone. There are also several Public Rights of Way that run through the parish, including within and around Pembury village itself. The National Cycle Route (Sustrans) 18 from Canterbury to Royal Tunbridge Wells (using existing highways) runs through the parish, north of the A21.

Accordingly, Pembury is considered a highly sustainable location within which to locate an appropriate level of housing growth to meet identified needs.

Suitability of Site Allocation AL/PE2

Site allocation AL/PE2 adjoins existing residential properties located to the north of the Site along Hastings Road. To the west lies the cricket pitch and Pembury Cemetery (associated with the Upper

Church of St Peter to the north). To the south lies the A21 within a landscaped cutting. The allocation presents a logical and contained extension to the settlement.

Furthermore, the Site presents an opportunity to facilitate the expansion of the adjacent cemetery, and, along with Policies AL/PE 1 and AL/PE 3, to upgrade the existing footpath/cyclepath network, including the establishment of a bridleway link with PRoW WB43 by upgrading WT240 which runs along Chalket Lane.

The feasibility of developing the Site has already been investigated and a design concept for its development establishes a residential layout surrounding a central green space, with strong landscape buffers comprising the peripheries of the Site. This initial concept has been informed by a landscape visual impact assessment prepared by EnPlan (as required by Policy AL/PE2) and would generate no fundamental landscape impact concerns. The Site is classed as having a low landscape sensitivity. No built development is proposed to the south of the existing Pembury Cemetery as required by the draft Policy.

The Site already benefits from direct vehicular access from Hastings Road and this will be modified to support a 'circular' internal road arrangement. A 'single point of access' junction design on Hastings Road has been produced (by dha Transport) in collaboration with Kent Highways and can satisfactorily accommodate the scale of development proposed.

A Transport Feasibility Study, prepared by dha Transport, has also been undertaken to demonstrate that the traffic impact of the Site (as well as the cumulative impacts of the neighbouring allocations) does not lead to traffic issues on the wider highway network. The conclusions show the highway network can accommodate the development and where overcapacity at junctions has been identified, mitigation can be provided that would deliver a positive impact when compared to the existing traffic situation.

A Flood Risk Assessment (June 2018) prepared by Glanville, confirms the low flood risk potential of the Site. It also identifies the Groundwater Source Protection Zone, which affects only a small proportion to the north of the Site. A drainage strategy can therefore be produced which includes an element of infiltration as well as managed accumulation and discharge.

An Ecological Survey (prepared by Aspect Ecology) has also been produced and demonstrates that there are no significant ecological constraints affecting the Site that would hinder development coming forward. It concludes that the Site offers potential for roosting and foraging bats, dormouse and reptiles, but a well-designed scheme retaining boundary planting (as proposed) and provided enhanced landscaping could provide ecological enhancements and mitigate impacts.

The Site can also achieve appropriate noise criteria for homes. A noise assessment undertaken by Cole Jarman identifies mitigation requirements such as a 3.5m acoustic fence within the southern landscaped boundary (to the north of the A21) will ensure that appropriate internal and external residential noise levels can be achieved.

Finally, sufficient infrastructure capacity has been identified to accommodate the development of the Site and discussions are ongoing with utility providers such as Southern Water to agree an appropriate servicing strategy.

Other Site Specific Considerations

Site Capacity

Policy AL/PE 2 allocates the Site for a mixed use scheme including the provision of approximately 80 dwellings, of which 40 percent shall be affordable housing, together with an area to allow the extension of the Pembury Cemetery.

While this allocation is supported, it is considered that, as shown on the enclosed illustrative masterplan, that the Site has capacity to accommodate up to around 120 dwellings if required.

In order to ensure that the opportunity to provide additional housing (should it be required) is not discouraged or lost, it would be more effective for the Policy to state 'no fewer than 80 dwellings' rather than 'approximately 80 dwellings' to make clear this should be a minimum provision.

Landscaping

In accordance with the requirement of Policy AL/PE 2 the illustrative layout plan has been informed through the development requirements within the draft policy wording, alongside analysis of the wider

site context, including immediate land uses, setting of adjacent Pembury Conservation Area and landscape impact.

All existing trees and hedgerows on the Site are identified to be retained with further enhanced planting along the southern boundary

The proposals provide an opportunity to contribute to the landscape character of the area and allow enhanced public access.

Cycle and Pedestrian Linkages

The design and layout of the scheme has explored a segregated east-west cycle route, connecting with the adjacent site allocation Policies AL/PE 1 and AL/PE 3 and with the existing cycle way network, including the A264 Pembury Road cycle route into Royal Tunbridge Wells town centre. The Policy requirement to contribute towards upgrading the cycle path along Chalket Lane (WT240) and the link to the east side of Royal Tunbridge Wells at Hawkenbury is also supported.

Cemetery Expansion

Draft Policy AL/PE 2 seeks to secure a suitable legal mechanism that will allow the provision of land for the expansion of Pembury Cemetery at a time when housing is delivered on the Site.

This is supported in principle and an agreement of a suitable time can be made through a Section 106 Agreement associated with any planning permission.

Summary and Conclusions

Overall, we are supportive of the Council's overarching development strategy, spatial vision and strategic objectives for the borough and welcome the Council's aspirations to address the housing need through the combination of high-density development within 'urbanised areas' and the release of Green Belt Land to provide new strategic development opportunities.

We support this approach and the clarity in which TWBC has pursued the [sequential] requirements of the NPPF (paragraph 137) in demonstrating that exceptional circumstances exist to support Green Belt release in order to meet local housing needs.

We further support the strategy to release Green Belt land at Pembury. Pembury is a highly sustainable location in which appropriate levels of growth can be accommodated. The proposed allocations would also ensure an effective long-term Green Belt is maintained and its boundaries strengthened.

Finally, we support the specific inclusion of site allocation Policy AL/PE2 within the Local Plan as a logical extension to the settlement.

Proposed development at the Site would meet the three overarching objectives of sustainable development (in accordance with the NPPF) as follows:

- . **Economic Benefits** - It will provide local economic benefits including increased population expenditure, construction jobs and expenditure as well as Council tax and new homes bonus receipts for the Council. Resident expenditure will in turn contribute to the vitality of local amenities and services.
- . **Social Benefits** – The proposed development will make a significant and meaningful contribution to meeting local housing needs through the provision of at least 80 units (of which 40% would be affordable homes). The proposed development would also contribute to improvements to community infrastructure through the provision of recreation/open space, land for future cemetery expansion, and enhancement of cycle routes and footpaths.
- . **Environmental Benefits** – The proposed development would utilise land of limited agricultural and environmental value. Enhancement of site buffers and retention of the existing natural environment on the site will provide suitable habitat delivering biodiversity gains.

The Site presents an available, suitable and deliverable opportunity to provide new residential development within a sustainable and accessible location, meeting the objectives and commitments of the Development Plan.

We therefore support Policy AL/PE2. However, in order to ensure that the opportunity to provide additional housing (should it be required) is not discouraged or lost, the first paragraph of the policy should be refined to refer to a minimum provision of 80 dwellings as follows:

"This site, as defined on the Pembury Policies Map, is allocated for a mixed use scheme. This shall provide residential development providing approximately no fewer than 80 dwellings, of which 40

percent shall be affordable housing, and an extension of the Pembury Cemetery on land shown safeguarded on the site layout plan...”

This will ensure the policy is effective in delivering its requirement of 80 dwellings (and no less) and ensure the policy does not unnecessarily prevent the potential to make more efficient use of land as encouraged and justified by the NPPF (paragraph 8c).

Question 6

Please note: *In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.*

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Question 5 above. (Please note that non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Policy AL/PE2 (first paragraph) should be refined to refer to a minimum provision of 80 dwellings as follows:

“This site, as defined on the Pembury Policies Map, is allocated for a mixed use scheme. This shall provide residential development providing approximately no fewer than 80 dwellings, of which 40 percent shall be affordable housing, and an extension of the Pembury Cemetery on land shown safeguarded on the site layout plan...”

This will ensure the policy is effective in delivering its requirement of 80 dwellings (and no less) and ensure the policy does not unnecessarily prevent the potential to make more efficient use of land as encouraged and justified by the NPPF (paragraph 8c).

Question 7

Please note *the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.*

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)? Yes, I wish to participate in hearing session(s)

Question 7a

Please note *the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.*

If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

As the promoters of development at AL/PE2 it will important to be able answer any questions relating to this policy.

If you would like to attach a file in support of your comments, please upload it here. [PSLP 1836 Barton Willmore for Obsidian Strategic SI-1 Letter of Representation.pdf](#)

If you would like to attach a file in support of your comments, please upload it here.

[PSLP 1836 Barton Willmore for Obsidian Strategic SI-2 Indicative Design Plan.pdf](#)

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:

Yes, I wish to be notified of future stages of the Local Plan

Comment

Consultee	Siobhan O'Connell ([REDACTED])
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] Tunbridge Wells TN2 [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Siobhan O'Connell ([REDACTED])
Comment ID	PSLP_1329
Response Date	04/06/21 15:43
Consultation Point	Policy STR/SS 1 The Strategy for Paddock Wood, including land at east Capel (View)
Status	Processed
Submission Type	Web
Version	0.3
Question 1	
Respondent's Name and/or Organisation	Siobhan O'Connell
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
STR/SS1	
Question 4	
Do you consider that the Local Plan:	
Is legally compliant	Don't know
Is sound	No

Complies with the Duty to Cooperate

Don't know

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

- . It is not effective
- . It is not justified
- . It is not consistent with national policy

Question 5

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

The amount of housing allocated to Paddock Wood is completely disproportionate and will completely overwhelm the local roads and infrastructure. The area is also prone to surface water flooding and further building is likely to significantly exacerbate this, despite promised flood mitigation measures. Valuable agricultural land will be lost, as well as countryside for residents to enjoy. Insufficient attention was paid to Reg 18 comments and there are a lack of earlier engagement and consultation with the local community. Many residents did not become aware of plans until far too late in the process. The plan does not sufficiently address local housing need nor have adequate proposals for traffic or other transport infrastructure.

Question 7

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If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

- . No, I do not wish to participate in examination hearing session(s)

Future Notifications

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- Yes, I wish to be notified of future stages of the Local Plan

Comment

Consultee	Siobhan O'Connell ([REDACTED])
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] Tunbridge Wells TN2 [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Siobhan O'Connell ([REDACTED])
Comment ID	PSLP_1336
Response Date	04/06/21 15:40
Consultation Point	Policy STR/SS 3 The Strategy for Tudeley Village (View)
Status	Processed
Submission Type	Web
Version	0.3
Question 1	
Respondent's Name and/or Organisation	Siobhan O'Connell
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
STR/SS3	
Question 4	
Do you consider that the Local Plan:	
Is legally compliant	Don't know
Is sound	No
Complies with the Duty to Cooperate	No

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

- . It is not effective
- . It is not justified
- . It is not consistent with national policy

Question 5

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The creation of a new Garden Village at Tudeley will result in an enormous increase in the population Capel and loss of Green Belt/agricultural land. The amount of housing proposed is totally excessive and will result in traffic congestion and pressure on infrastructure such as water supply and sewerage.

The impact on the local environment will be enormous with loss of trees, farmland, and loss of AONB land.

Consultation with local residents has been very poor and far too little attention was paid to the many comments at Reg 18 stage. Insufficient effort has been paid to prioritise development of brownfield sites elsewhere in the Borough.

It appears that there has been insufficient effort to co-operate with TMBC which will have to provide services for many of the new homes.

Question 6

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Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Question 5 above. (Please note that non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Consideration could be given to the Castle Hill site as an alternative to Tudeley Village.

Question 7

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If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

No, I do not wish to participate in examination hearing session(s)

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:

Yes, I wish to be notified of future stages of the Local Plan

Comment

Consultee	Richard Oldfield [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] Yalding [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Richard Oldfield [REDACTED]
Comment ID	PSLP_1028
Response Date	02/06/21 21:58
Consultation Point	Policy STR/SS 2 The Strategy for Paddock Wood Town Centre (View)
Status	Processed
Submission Type	Email
Version	0.3
Data inputter to enter their initials here	KH
Question 1	
Respondent's Name and/or Organisation	Richard Oldfield
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy STR/SS 2 The Strategy for Paddock Wood Town Centre

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

Question 5

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Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

I read with stunned amazement of the proposal to close the Paddock Wood railway bridge to traffic, it is the dumbest proposal I have hear of in many years. The inconvenience, cost and damage to local people and their businesses would be significant and the benefit at best an illusion.

I suggest if this proposal is not binned immediately it is put to a local referendum, the verdict is not in my mind open to doubt.

Question 7

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If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

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If responder hasn't ticked an option on this box, data inputter to tick 'not stated' box. Not Stated

Comment

Consultee	Martina Oldfrey [REDACTED]
Email Address	[REDACTED]
Address	
Event Name	Pre-Submission Local Plan
Comment by	Martina Oldfrey [REDACTED]
Comment ID	PSLP_1376
Response Date	04/06/21 16:51
Consultation Point	Policy STR/SS 3 The Strategy for Tudeley Village (View)
Status	Processed
Submission Type	Web
Version	0.3
Question 1	
Respondent's Name and/or Organisation	Martina Oldfey
Question 2	
Agent's Name and Organisation (if applicable)	None
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
Unfortunately I am not sure which policies specifically I am referring to please forgive me.	
Question 4	
Do you consider that the Local Plan:	
Is legally compliant	Don't know
Is sound	No

No

Question 8

If you have any separate comments you wish to make on the accompanying Sustainability Appraisal, please make them here.

This amount of housing is not sustainable in a rural community and will disproportionate affect residents of East Peckham.

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:

Yes, I wish to be notified of future stages of the Local Plan

Comment

Consultee	Joanna Osborne [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] Tonbridge [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Joanna Osborne [REDACTED]
Comment ID	PSLP_1232
Response Date	04/06/21 11:13
Consultation Point	Policy STR/SS 1 The Strategy for Paddock Wood, including land at east Capel (View)
Status	Processed
Submission Type	Web
Version	0.3
Question 1	
Respondent's Name and/or Organisation	Joanna Osborne
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
Policy STR/SS 1 The Strategy for Paddock Wood, including land at east Capel	
Question 4	
Do you consider that the Local Plan:	
Is legally compliant	Don't know
Is sound	No
Complies with the Duty to Cooperate	Don't know

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

- . It is not effective
- . It is not justified
- . It is not consistent with national policy

Question 5

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Response to Question 5

We have been resident in Five Oak Green for 30 years, married in Tudeley Church and raised our son in the village, who attended local schools and was a member of the local Scout Group, which we both assisted with as adults.

We know from current experience that traffic on the B2017 is disrupted outside Capel School at the start and close of the school day, and that it is not uncommon for the early morning traffic jam from the Somerhill Roundabout and adjacent school can back up to The Turmeric Gold Indian restaurant, a distance of approximately 1.5 miles.

Five Oak Green and the surrounding area has flooded several times in the last decade, and our house being only 50 yards from the Alders stream, was lucky to avoid it. Flooding in the village is only now avoided by swift action by the Environment Agency who monitor and clear debris as necessary where the Alders Stream passes under the B2017 in the village. Our neighbours at Brook Cottage were flooded last year by the sewer that passes through their and our properties. During heavy rain the sewer often needs days of tankers pumping out a holding tank adjacent the B2017 at the Alders stream crossing point.

Although there is a lack of "affordable" housing within the parish, recent local developments – Foalhurst Woods for example, do nothing to address the problem – all any Developer will do is to provide the minimum required by law, and their definition of what is "affordable" leaves much to be desired, leaving most young people unlikely to ever afford to buy a house.

If the proposed developments at Tudeley and/or East Capel were to take place, these issues of traffic congestion, lack of infrastructure and potential flooding would only be exacerbated. Post Covid, there is now a greater emphasis on wellbeing, and the benefits of getting into the countryside, exercising and experiencing its nature and tranquillity. The peaceful rural landscape amenity that is currently available for everyone to enjoy would be destroyed by these developments which would effectively join Tonbridge, Capel and Paddock Wood as one sprawling entity.

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Although undoubtedly the new developments would incorporate all the latest sustainable drainage systems (which are fine until they inevitably silt up), and the new housing would be protected from flooding by raising ground floor levels etc, they are being built on large areas of floodplain. The concern is the effect on all the existing properties in the area, which have seen flooding in the past, of paving over all these acres of land thereby reducing the ability of the land to absorb rain.

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Question 7

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Future Notifications

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Comment

Consultee	Joanna Osborne [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] Tonbridge [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Joanna Osborne [REDACTED]
Comment ID	PSLP_1235
Response Date	04/06/21 11:13
Consultation Point	Policy STR/SS 3 The Strategy for Tudeley Village (View)
Status	Processed
Submission Type	Web
Version	0.2
Question 1	
Respondent's Name and/or Organisation	Joanna Osborne
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
Policy STR/SS 3 The Strategy for Tudeley Village	
Question 4	
Do you consider that the Local Plan:	
Is legally compliant	Don't know
Is sound	No
Complies with the Duty to Cooperate	Don't know

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

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- . It is not effective
- . It is not justified
- . It is not consistent with national policy

Question 5

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Response to Question 5

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Consultee	Joanna Osborne [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] Tonbridge [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Joanna Osborne ([REDACTED])
Comment ID	PSLP_1238
Response Date	04/06/21 11:13
Consultation Point	Policy STR/CA 1 The Strategy for Capel parish (View)
Status	Processed
Submission Type	Web
Version	0.3
Question 1	
Respondent's Name and/or Organisation	Joanna Osborne
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
Policy STR/CA 1 The Strategy for Capel parish	
Question 4	
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Is legally compliant	Don't know
Is sound	No
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Comment

Agent	Mr M Hull [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Kember Loudon Williams
Address	[REDACTED] [REDACTED] ROYAL TUNBRIDGE WELLS [REDACTED]
Consultee	Mr Tom Osmond [REDACTED]
Address	[REDACTED] [REDACTED] Brenchley [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Mr Tom Osmond [REDACTED]
Comment ID	PSLP_1807
Response Date	04/06/21 10:38
Consultation Point	Policy H 9 Gypsies and Travellers (View)
Status	Processed
Submission Type	Email
Version	0.3
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Tom Osmond
Question 2	
Agent's Name and Organisation (if applicable)	Kember Loudon Williams Ltd
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy H 9 Gypsies and Travellers

Table 11

Policies Map (Inset Map No(s)) 82 – Greenfields Farm

Question 4

Do you consider that the Local Plan:

Is sound

No

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

- . It is not effective
- . It is not justified
- . It is not consistent with national policy

Question 5

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Objection to Policy H9 and specifically the Greenfields Farm allocation which seeks to allocate further land for a travellers/gypsy site.

The Plan is not sound because insufficient consideration has been given towards the resultant traffic impacts, suitability of the site and other Local Plan conflicts. As such it has resulted in a Plan which is unsound not effective and not justified. Nor is it consistent with Planning Policy. The following explains the objections in more detail.

It is noted in the draft Plan as a footnote on page 415 that the Greenfields site is a new site submitted after the Regulation 18 draft Plan. It has no context in terms of being a historic gypsy site and as such must be considered on the basis of a new allocation in the countryside.

On behalf of the objector's we take the view that the site is wholly unsuitable for residential uses of the type envisaged based on the character of the area. It will be clear on the site visit that the access is narrow and already serves a number of non conforming land uses such as a scrap yard (Scrapco Metal Recycling and waste transfer business), CJ Enterprises which specialise in material processing including bulk deliveries and export of materials with HGV's, a car body repair business (Riverdale Body Repair Centre), various other automotive companies, including Osmonds a road planings company that results in heavy plant using the lane, and other HGV Transport and tyre services. Although there are some residential properties along the access lane, they experience noise and disturbance that affects their residential amenity. Given the B2 type industrial uses and the fact that there is a metal recycling business close by, the noise and disturbance is clearly unsuited to a residential allocation. The site is therefore clearly unsuitable for further residential uses such as a gypsy or traveller sites on amenity grounds and the Plan is therefore unsound.

The level of traffic along this access road is significant and the access is unsuited to additional traffic generated by the allocation given its single width character. The nature of the traffic along this access

road comprises HGV's, high sided vehicles and skip lorries at very regular intervals. There is a shooting club, which uses a site off this access and generates significant traffic. The sheer volume of traffic is such that the access and junction is at over capacity. Congestion along this access road and especially at the junction where large vehicles cannot pass results in an unsafe existing situation. This, together with the limited visibility on the 60mph Pearsons Green Road leads us to conclude that any further intensification of the access and junction by this allocation is wholly undesirable and puts highway safety at issue. The proposed allocation is not supported by a road safety audit to confirm that both Pearsons Green Road and the access track/junction is safe for the additional traffic proposed and neither is there evidence that the roads have sufficient capacity by way of a Transport Assessment. In the absence of this information, the site cannot reasonably be allocated as it would result in an unreasonable intensification of the uses.

The Policy criteria of H9 fail to consider either the amenity of those expected to use the Traveller site or the suitability of the access. In the absence of these criteria it is the case that this Policy is unsound and not effective.

The site that is to be allocated is significantly larger than the 3 pitches that are allocated in Table 11. This suggests that the draft Policy is not sound. It invites additional pitches notwithstanding criterion 1 of Policy H9.

The site is unsustainable in its location. There is no opportunity to access local facilities or public transport and although the site is for a Travellers site there should be an expectation that some services and facilities could be accessed by foot. Shopping and schools would require additional car journeys. The NPPF explains that sustainability comprises both environmental, social and economic matters and in all respects the site does not comply with these guiding principles.

The objector notes that there is evidence of surface water flooding near the site and given this, it would be unsustainable for an allocation to progress unless evidence is provided to demonstrate that flood risk is not an issue. Residential uses within zones of flood risk are not supported by planning policies in the NPPF.

Question 6

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Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Question 5 above. (Please note that non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Modify H9 and Table 11 to delete the proposed allocation at Greenfields Farm (Inset Map 82) and to consider additional land at the other sites to compensate.

To amend Policy H9 to require residential amenity and highways access safety and capacity to be specific criteria for this Policy.

Question 7

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No, I do not wish to participate in examination hearing session(s)

Question 8

If you have any separate comments you wish to make on the accompanying Sustainability Appraisal, please make them here.

Given the significant objections in relation to amenity, highways, sustainability and flood risk it is considered that the sustainability appraisal has erroneously supported the allocation. The evidence suggests that the site is completely unsustainable and should be deleted as a allocation.

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Yes, I wish to be notified of future stages of the Local Plan

Supporting Information File Ref No: SI_145

Comment

Agent	Mr Jonathan Buckwell ([REDACTED])
Email Address	[REDACTED]
Company / Organisation	DHA Planning Ltd
Address	Eclipse House Eclipse Park MAIDSTONE ME14 3EN
Consultee	([REDACTED])
Company / Organisation	Owners of Land East of Transfesa
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Owners of Land East of Transfesa ([REDACTED])
Comment ID	PSLP_2078
Response Date	02/06/21 17:26
Consultation Point	Section 3: Vision and Objectives (View)
Status	Processed
Submission Type	Email
Version	0.6
Files	DHA Planning for owners of Land east of Transfesa - full representation.pdf
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Owners of Land east of Transfesa, Paddock Wood
Question 2	
Agent's Name and Organisation (if applicable)	DHA Planning
Question 3	

To which part of the Local Plan does this representation relate?

Paragraph(s)

Question 3a

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Section 3: Vision and Objectives

[TWBC: the full representation attached has been divided between Policy STR/SS1 (PSLP_2076), Vision and Strategic Objectives (PSLP_2078), Policy STR1 (PSLP_2079), Policy STR4 (PSLP_2080) and Development Management Policies (PSLP_2081)]

Question 4a

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Do you consider that the Local Plan is not sound because:

Question 5

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1.1 Introduction and Context

1.1.1 These representations have been prepared by DHA Planning on behalf of the owner of land at Land East of Transfesa in respect of the Tunbridge Wells Borough Council Regulation 19 Local Plan consultation.

1.1.2 These representations relate to a 20 acre parcel of land at land East of Transfesa, Lucks Lane (part of Call for Sites site 218) that forms part of the employment allocations proposed for the expansion of Paddock Wood.

1.1.3 Based on the current national and local planning context, we consider this the site to be suitable for development.

1.2 Local Plan Background

1.2.1 Tunbridge Wells Borough Council (TWBC) has produced a new Local Plan to guide future development within the borough. As the Council is now satisfied that it has a sound plan it proposes to submit the plan for Independent Examination following completion of this final round of consultation.

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1.2.3 This submission comment on the plan having regard to these tests of soundness as well as wider legal compliance.

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- planning for community engagement;
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1.3.2 The Council has undertaken public consultation at various stages. Furthermore, it has liaised with the development industry via Agents Forums and as such we raise no objection to this aspect of legal compliance.

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1.4.3 This representation comments on the following elements of the plan:

- Vision and Strategic Objectives;
- Development Strategy and Strategic Policies;
- Place Shaping Policies; and
- Development Management Policies.

Vision and Strategic Objectives

1.4.4 The Pre-Submission Local Plan (PSLP) is underpinned by vision and strategic objectives.

1.4.5 The vision is set out below:

[TWBC: PSLP Vision duplicated here - see full representation attached]

1.4.6 In order to deliver the vision the plan sets a number of strategic objectives:

[TWBC: PSLP Strategic Objectives duplicated here - see full representation attached]

1.4.7 Response

1.4.8 We broadly support the general thrust of the vision and these objectives. In particular, we especially welcome the recognition that the planned increase in housing should also be matched by a proportionate expansion in employment opportunities across the borough.

1.4.9 The master-planned approach to the strategic expansion of Paddock Wood is also welcomed. However, please also note our comments on Policy EN3 in the relevant section below.

1.5 Summary and Conclusions

1.5.1 In summary, this representation has been prepared in response to the Tunbridge Wells Borough Council Pre-submission Local Plan Consultation. The purpose being to provide comment on the Council's proposed development strategy ahead of Examination.

1.5.2 We fully support the proposed expansion of Paddock Wood to create a balanced mix of housing and employment development, including employment development at Land East of Transfesa. We confirm that our client's land is available, much of it is in Flood Zone 1, and that they are also willing to allow necessary expansion of the sewage works on the site.

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Supporting Information File Ref No: SI_145

Comment

Agent	Mr Jonathan Buckwell ([REDACTED])
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Address	Eclipse House Eclipse Park MAIDSTONE ME14 3EN
Consultee	([REDACTED])
Company / Organisation	Owners of Land East of Transfesa
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Owners of Land East of Transfesa ([REDACTED])
Comment ID	PSLP_2079
Response Date	02/06/21 17:26
Consultation Point	Policy STR 1 The Development Strategy (View)
Status	Processed
Submission Type	Email
Version	0.5
Files	DHA Planning for owners of Land east of Transfesa - full representation.pdf
Data inputter to enter their initials here	KJ
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Question 3a

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[TWBC: the full representation attached has been divided between Policy STR/SS1 (PSLP_2076), Vision and Strategic Objectives (PSLP_2078), Policy STR1 (PSLP_2079), Policy STR4 (PSLP_2080) and Development Management Policies (PSLP_2081)]

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If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

Question 5

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Development Strategy and Strategic Policies

1.4.10 The purpose of the Development Strategy is to outline how much development will be provided to meet the needs of the borough and where that development will be located.

Policy STR 1: The Development Strategy

1.4.11 We **SUPPORT** the aims and objectives of Policy STR 1, especially in relation to the proposed major, transformational expansion of Paddock Wood.

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Consultee	()
Company / Organisation	Owners of Land East of Transfesa
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Owners of Land East of Transfesa ()
Comment ID	PSLP_2080
Response Date	02/06/21 17:26
Consultation Point	Policy STR 4 Ensuring Comprehensive Development (View)
Status	Processed
Submission Type	Email
Version	0.4
Files	DHA Planning for owners of Land east of Transfesa - full representation.pdf
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Policy STR 4 Ensuring Comprehensive Development

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Development Strategy and Strategic Policies

1.4.10 The purpose of the Development Strategy is to outline how much development will be provided to meet the needs of the borough and where that development will be located.

Policy STR 4: Ensuring Comprehensive Development

1.4.12 We have **NO OBJECTION** to the aims and objectives of Policy STR 4, which seeks a holistic and fully integrated approach to the urban expansion of Paddock Wood.

1.4.13 We would however **COMMENT** that whilst the principle of masterplanning the expansion of the town is agreed, it is noted that the initial masterplanning work already undertaken by David Lock Associates, to which we have also contributed, it is proposed to undertake further work which will result in the publication of Supplementary Planning Documents (SPDs) in due course.

1.4.14 The proposed employment development at Land East of Transfesa is in line with the masterplanning work which has been carried out to date. Given the importance of ensuring that employment proposals come forward at an early stage, to increase the prospects of expanded employment opportunities being available to existing and future residents as soon as possible, if necessary this site should be able to come forward in advance of the publication of a future SPD, so long as:

- the proposals are generally in accordance with the aims and objectives of existing masterplanning work and the emerging Local Plan, unless there are good planning reasons to depart from these;
- the proposals do not conflict with the aim set out at PSLP paragraph 4.77 of the PSLP, which states that "the key requirement should be to ensure that a coordinated approach to new developments which

have a clear inter-relationship is taken to achieve the efficient use of land, providing for different land uses in most appropriate places, and overall good planning.”

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Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Owners of Land East of Transfesa ([REDACTED])
Comment ID	PSLP_2076
Response Date	02/06/21 17:26
Consultation Point	Policy STR/SS 3 The Strategy for Tudeley Village (View)
Status	Processed
Submission Type	Email
Version	0.9
Files	DHA Planning for owners of Land east of Transfesa - full representation.pdf
Data inputter to enter their initials here	KJ
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Place Shaping Policies

1.4.15 The place shaping policies establish the spatial priorities for different areas in the borough, organised according to non-parish and parish areas. For each area, there is an overarching policy that development should adhere to and details are provided for individual allocated sites that will deliver the quantum of development proposed. The site-specific allocations provide both strategic and development management guidance.

Policy STR/PW1

1.4.16 Policy STR/PW1 sets the Strategy for Paddock Wood and states that approximately 3,490-3,590 dwellings and accompanying infrastructure will be delivered via the planned extension to Paddock Wood.

1.4.17 We have **NO OBJECTION** to Policy STR/PW1.

Policy STR/SS1

1.4.18 Policy STR/SS1 sets the detailed strategy and states, amongst other things:

[TWBC: PSLP Policy STR/SS1 duplicated here - see full representation attached]

[TWBC: PSLP Extract of proposed proposal map for Paddock Wood - see full representation attached]

Comments in relation to Land East of Transfesa

1.4.19 My client SUPPORTS the proposals for employment development at Land East of Transfesa, which falls within the northern parcel (edged red) as shown on Map 27. This site represents a large part of site PW1_6 as identified in the Strategic Sites Masterplanning and Infrastructure Main Report.

1.4.20 In particular, my client **SUPPORTS** the inclusion of Land East of Transfesa within the proposed Policy STR/SS1 allocation and within the Provisional Limits to Built Development as shown on the Policies Map.

1.4.21 He confirms that in relation to this site, it is deliverable over the plan period. My client's proposals will help to deliver additional high quality employment in the manner envisaged, including a mix of employment types and sizes in order to support the balanced economic and employment growth of Paddock Wood. The vast majority of the site is outside of Flood Zone 3, and over half of my client's ownership falls within Flood Zone 1, which has the lowest risk of flooding.

1.4.22 My client's land is capable of being developed in accordance with the principles set out in the PSLP. This land can be developed to provide additional high quality employment provision, and is easily accessed on foot and cycle from the town centre and railway station via existing roads and footpaths. There is already very good access to the station via the network of footpaths to the south of the site.

1.4.23 The Strategic Sites Masterplanning and Infrastructure Main Report identifies that sewage capacity and the existing network's propensity to flood during storm Southern Water, it reports that there is likely to be a need to upgrade the sewage works capacity at Paddock Wood to accommodate planned growth. Whilst the scope of these works is as yet unknown, it could include additional land requirements taken from PW1_6. My client is agreeable to this in principle, on the basis that if some or all of the land is no longer required for this use, it should be allowed to be developed for further employment-generating development.

1.4.24 Whilst viability work has been undertaken in relation to the residential parcels at Paddock Wood, it is not clear whether a similar exercise has been undertaken in relation to the employment development. Planning policies should take account of the fact that there are a number of landscape, flood risk, biodiversity and other constraints on these sites and that development requirements, for example sustainability requirements such as those set out in Policy EN3, need to be reasonably balanced in order to ensure that development can sensibly proceed (see further discussion below).

1.4.25 Whilst the benefits of Design Review are recognised, and we do not object to the use of Design Review Panels being encouraged through policy, we do question whether their input at both the pre-application and post-submission stages for all applications within the SS1 masterplan area should be mandatory in all cases, regardless of the scale and nature of the proposal – which appears to be the case as Policy STR/SS1(5) is currently worded.

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Agent's Name and Organisation (if applicable)	DHA Planning
Question 3	

To which part of the Local Plan does this representation relate?

Policy

Question 3a

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Section 6: Development Management Policies

[TWBC: the full representation attached has been divided between Policy STR/SS1 (PSLP_2076), Vision and Strategic Objectives (PSLP_2078), Policy STR1 (PSLP_2079), Policy STR4 (PSLP_2080) and Development Management Policies (PSLP_2081)]

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

Question 5

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

1.1 Introduction and Context

1.1.1 These representations have been prepared by DHA Planning on behalf of the owner of land at Land East of Transfesa in respect of the Tunbridge Wells Borough Council Regulation 19 Local Plan consultation.

1.1.2 These representations relate to a 20 acre parcel of land at land East of Transfesa, Lucks Lane (part of Call for Sites site 218) that forms part of the employment allocations proposed for the expansion of Paddock Wood.

1.1.3 Based on the current national and local planning context, we consider this the site to be suitable for development.

1.2 Local Plan Background

1.2.1 Tunbridge Wells Borough Council (TWBC) has produced a new Local Plan to guide future development within the borough. As the Council is now satisfied that it has a sound plan it proposes to submit the plan for Independent Examination following completion of this final round of consultation.

1.2.2 Once submitted, the Local Plan will be examined by an Inspector whose role is to assess whether the plan has been prepared in accordance with the Duty to Cooperate, legal and procedural requirements, and whether it is 'sound'. In this regard, the Government published a revised NPPF in February 2019, which provides that to be "sound" a local plan must be:

- 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;
- Justified – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;
- 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• Consistent with national policy – enabling the delivery of sustainable development in accordance with the policies in this Framework.

1.2.3 This submission comment on the plan having regard to these tests of soundness as well as wider legal compliance.

1.3 Legal Compliance

1.3.1 In terms of legal compliance, the main requirements for the early stages of Local Plan consultation are in relation to:

- planning for community engagement;
- the sustainability appraisal (including consultation with the statutory environment consultation bodies);
- identifying significant cross boundary and inter-authority issues; and
- ensuring that the plan rests on a credible evidence base, including meeting the Act's requirement for keeping matters affecting the development of the area under review.

1.3.2 The Council has undertaken public consultation at various stages. Furthermore, it has liaised with the development industry via Agents Forums and as such we raise no objection to this aspect of legal compliance.

1.3.3 From a wider perspective, and having regard to the duty to cooperate, there is concern in respect of the degree of cross boundary working and the extent to which Tunbridge Wells Borough has genuinely sought to assist with unmet housing need arising from neighbouring authorities. In this context, and owing to such concerns, it is essential that consented uses are maximised to their full potential.

1.4 Assessment of Soundness

1.4.1 The TWBC Draft Local Plan (herein referred to as 'the plan') sets out the spatial vision, strategic objectives, and overarching development strategy for the borough. It details overarching place shaping policies for each parish and settlement, as well as site specific allocations to deliver the strategy and detailed policies to be applied to all new development.

1.4.2 The plan will set the agenda for development across the borough to 2038 and replace the current Development Plan, which comprises the Local Plan 2006 (saved policies), the Core Strategy 2010, and the Site Allocations Local Plan 2016.

1.4.3 This representation comments on the following elements of the plan:

- Vision and Strategic Objectives;
- Development Strategy and Strategic Policies;
- Place Shaping Policies; and
- Development Management Policies.

Development Management Policies

1.4.26 In addition to our comments on the strategy, we have reviewed the proposed replacement development management policies as set out in chapter 6 of the document.

1.4.27 In general terms, we would refer back to paragraph 15 of the NPPF that promotes succinct and up-to-date plans, which provide a positive vision.

1.4.28 As a general comment, there are large numbers of policies that effectively seek to provide a localised policy approach that mirrors the NPPF. For example, good design, protection of heritage assets etc. Not only are these policies repetitive, but many are of such prescriptive detail that they are neither positively prepared nor flexible enough to allow for a range of different circumstances. Furthermore, many aspirations result in inevitable conflict. On this basis, we would recommend that the majority of proposed policies are deleted where they offer nothing beyond the guidance already contained in the NPPF. This will also avoid the plan being quickly rendered out of date in the event of a change to the NPPF.

1.4.29 Turning to detailed policies, there are a number of contradictory elements that need to be remedied. For example, policy EN1 seeks to ensure development must respect the established character and surrounding form. However, policy EN3 places significant emphasis on measures to radically reduce greenhouse gas emissions.

1.4.30 The provision of a step change towards more sustainable construction and climate change is, inevitably going to result in a need for a change in attitude towards design, material and construction. Accordingly, a cohesive policy approach is needed that allows innovative and different design if

supported on wider environmental and planning grounds. As drafted the policies fail to be succinct and instead are overly prescriptive.

1.4.31 Furthermore, Policy EN2 sets out challenging BREEAM requirements for non-residential developments of more than 5,000sqm, with BREEAM Excellent required as mandatory in every case, with no flexibility provided within the policy to take account of specific circumstances. Whilst the importance of sustainable development is understood and agreed, as is the need for high sustainability standards on new developments, as highlighted elsewhere there are several competing constraints to be taken into account.

1.4.32 There is a significant danger that a policy requiring mandatory standards which go beyond those set at a national level without any scope for flexibility could have the unwanted side effect of preventing or deterring job-creating development from coming forward in a short timescale. At the very least, if it is to be retained, policy EN2 should include wording to recognise that sustainable design standards should be the highest that can be reasonably achieved in the circumstances of the site and taking into account viability considerations.

1.4.33 We therefore **OBJECT** to policies EN1, EN2 and EN3 on this basis.

1.4.34 A number of policies also seek to provide guidance rather than policy. For example, policy EN4 seeks to clarify what information is needed in order to assess a heritage proposal. This level of information is already established via the NPPF and should instead feature within a support SPD not policy. We **OBJECT** to Policy EN4 on this basis.

1.4.35 In summary, whilst this overview is not exhaustive, we do have concerns about the nature of the proposed policy framework and the degree to which it appears to be trying to limit and frustrate development. Accordingly, in the interests of positive planning, we recommend that the policy framework is simplified and refined and subject to further detailed consultation and focussed on planning matters.

1.5 Summary and Conclusions

1.5.1 In summary, this representation has been prepared in response to the Tunbridge Wells Borough Council Pre-submission Local Plan Consultation. The purpose being to provide comment on the Council's proposed development strategy ahead of Examination.

1.5.2 We fully support the proposed expansion of Paddock Wood to create a balanced mix of housing and employment development, including employment development at Land East of Transfesa. We confirm that our client's land is available, much of it is in Flood Zone 1, and that they are also willing to allow necessary expansion of the sewage works on the site.

1.5.3 We do however object to the detail of some of the development management policies as set out above, which we are concerned unnecessarily replicate the NPPF, whilst providing detail which could have the unwanted side effect of unnecessarily limiting and frustrating beneficial development.

Question 7

***Please note** the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.*

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

Comment

Consultee	Mr Raymond Moon [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Paddock Wood Labour Party (PWLP)
Address	[REDACTED] TONBRIDGE [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Paddock Wood Labour Party (PWLP) [REDACTED] [REDACTED]
Comment ID	PSLP_517
Response Date	02/06/21 15:02
Consultation Point	Pre-Submission Local Plan (View)
Status	Processed
Submission Type	Web
Version	0.2
Question 1	
Respondent's Name and/or Organisation	Raymond Moon. Paddock Wood Labour Party.
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Setting the Scene.

Pg21.Paragraphs: 2.4, 2.17-2.19,2.21-2.27, 2.33,2.34, 2.41

Section 3. Vision and Objectives.

pg29.

3.3 section2. 3.8

Vision and Strategic Objectives 1,

Vision and Strategic Objectives 2

Section 4: The Development Strategy and Strategic Policies

The Development Strategy

Policy STR 1

The Development Strategy

Policy STR 3

Brownfield Land

Policy STR 4

Ensuring Comprehensive Development

Policy STR 6

Transport and Parking

Policy STR 7

Climate Change

Policy STR 9

Green Belt

Section 5: Place Shaping Policies Introduction

Pg 166. The Strategy for Paddock Wood.

5.239, 5.240, 5.241, 5.242, 5.244,

Policy STR/PW 1 The Strategy for Paddock Wood

4., 7, 8.

Allocation Policies for PW Land at Mascalls

Section 6: Development Management Policies.

Pg 324. Sustainable design

7.

1 Highway safety and Access

2

3 Crime Reduction, 9 Community Engagement

Design checklist to support the design criteria in Policy EN 1 1. Design, character, and site context

Climate Change Mitigation and Adaption

Climate change mitigation

6.32, 6.36,

Policy EN 3 Climate Change

Mitigation and Adaption

Policy EN 5

Heritage Assets

PG 353 Natural Environment

6.138

Pg 357 Protection of Designated sites and Habitats

Local sites

6.153.

Pg 381 Policy EN 21 Air Quality

Pg 387 Development and Flood Risk

6.277

Pg388 Policy H 1 & Pg 401 H 3

Housing Mix 6.326

Pg 428 Policy ED 1

The Key Employment Areas Paddock Wood Eldon way and PW Transfesa etc

Pg 466 Public Car Parks

Pg 468 Policy TP 5 Safe Guarding railway land

The former PW to Hawkhurst (Hop Pickers) Line

Question 4

Do you consider that the Local Plan:

Is legally compliant No

Is sound No

Complies with the Duty to Cooperate No

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

- . It is not positively prepared
- . It is not effective
- . It is not justified
- . It is not consistent with national policy

Question 5

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Section 2 Setting the Scene.

The settlements of the borough

Pg21 2.4 Paddock Wood. This opening statement highlights the many reasons why the amount of the proposed new dwellings 3,590+ are not sustainable within the area of Paddock Wood (PW). This number represents over 50% of the proposed Borough allocation and disproportionate to the allocation to other parishes and Towns in the Borough. Its is unfair and unjustified and damages the environment. There is no present bus station in Paddock Wood and the present mainline station has no direct link

with the provision of bus routes needed to tempt present and future motor vehicle users to use public transport or cycles as we lead into a Zero carbon future. Our present secondary school Mascals can not sustain the present developments in PW and neither 3,590 new houses. Our present sports centre at Putlands is not adequate and the proposed new centre appears to serve Capel rather than the new residents of PW. We need a new police station to replace our present one which was demolished to make way for more housing in the town.

The strategy of the North of PW serving Large employment appears to have been abandoned in favour of new residential development. These new houses are in a high flood risk area and would create a pinch point over the present railway bridge if residents wish to use the present towns services ie. retail and access to schools, surgery's the present sports centre. There is a present HGV weight restriction on the bridge in appreciation of the increased traffic over the years. More houses North of PW will only make matters worse.

Housing affordability:

2.17 this paragraph highlights the worsening provision of the affordability of housing in PW where present house prices make many new houses in PW unaffordable to local residents. Present new 1 bed apartments in PW are priced at £252k to £275k beyond the reach of local residents. Social housing at 60% of market value is basically non existent and the social housing allocation should be nearer 100% to cope with future housing needs after the economic consequences of the pandemic start to kick in over the next few years in PW and the Borough. Paragraphs 2.17 – 2.19 give the evidence that the affordable housing is far from affordable! The Draft Local plan does not adequately address this problem in the Borough and unfairly burdens PW with the new housing allocation.

Housing Types.

2.21. No mention is made to the new provision of any suitable bungalow type houses in the plan for PW. With have an ageing population and to reduce pressure on all our health services we should be planning for more of these types of houses. We have a real shortage in PW.

Infrastructure Key Issue/ challenge.

This particular serious issue in PW only warrants two paragraphs 2.22- 2.23.

2.22. The present 3 new developments approved in PW are seriously lacking in new infrastructure to sustain them in the future and the proposed new 3,590 dwellings need a new integrated network for the present residents and new residents in the years ahead covered in the plan.. The present incompetence of the provision provided by Southern Water (SW) for these new developments gives no one in the Town the confidence that SW will deliver on these new houses. Table 2. Lists some fine promises of the types of infrastructure to be delivered but the residents are still waiting on previous promises. Words are not enough, we have been failed and will not accept failure again. We need guarantees in the plan that the Utilities will deliver before any more houses are built in PW.

2.24 -2.26. The present borough council has not worked with our present developers in delivering the conditions imposed at the last public enquiry and the present Councils Infrastructure Delivery Plan only glosses over the need **"It is recognised that there are different infrastructure needs for different settlements and parishes across the borough, such as flood mitigation, sport and recreation provision, and internet accessibility, especially in rural areas; these will need to be considered and addressed accordingly"** There are no concrete proposals in the plan to address these complex issues and problems.

Natural, built, and historic environment Key issue/challenge: Green Belt, conserving and enhancing the borough's recognised heritage and environmental assets, and achieving net gains for nature.

2.27. Much of the land around PW is designated Green Belt Land (GBL) including land surrounding our local villages such as Capel, Horsmonden, Brenchley , Matfield. The prospect of PW linking directly with Tonbridge via Capel is a real possibility and unsustainable. Urban sprawl is a real possibility and 407.576Ha of GBL will be de designated. 148.194Ha of this in the borough will be allocated for PW and East Capel. Foal Hurst Wood owned by Paddock Wood Town Council has resident Dormouse and other wildlife and a natural habitat for plants which has no mention of future protection in the plan. Coup[led with the present unfair allocation of new dwellings represents a massive destruction of our present Green and Open spaces and existing footpaths in the surrounding countryside.

Flooding Key issue/challenge: ensuring growth can be accommodated without further risk to areas vulnerable to flooding and, if possible, to provide betterment.

A key element of objection in this statement is the suggestion “**if possible to provide betterment**”. If you are providing new housing on high Flood risk areas in PW and the Borough than it is only logical that it is not sustainable unless improvements are made in the infrastructure.

2.33. Much of the allocated land especially North of the railway line has been put in Hgh Flood Risk areas category 2 and 3a. The present 3 developments in PW have added to the flooding issues and the proposed mitigation for the new houses is again unsustainable. A promised masterplan at the last public enquiry to co ordinate flood protection and mitigation was not implemented. In stead of bland promises the residents of PW need actions and real infrastructure.

Transport Key issue/challenge: promoting different transport options to accommodate future growth, ease congestion, and where possible, improve air quality

Again a key element of objection to this statement is “**and where possible, improve air quality**”. If any potential road improvements in PW to sustain the new 3,590 dwellings are proposed then our existing air quality should not be reduced but improved.

2.34. How will TWBC address these “**The borough faces significant transport challenges, particularly in terms of managing existing congestion and future growth, as well as needing to respond to the impacts of air quality and climate change**”. The existing pinch point over the railway line bridge is not addressed and no proposal put forward that make sense or provision for the future. HGV traffic around our local lanes and roads is causing present massive congestion and air pollution and with the projected increase of commuters in the Town will also mean more congestion and air pollution and inadequate parking at the PW mainline station. More housing in our local villages will put more pressure on the present parking in PW.

Economy Key issue/challenge: supporting the needs of the local economy so that it can continue to be competitive, and creating a range of local job opportunities

2.41 As we come out of a pandemic our National and Local economy has been devastated and this aspect needs to be seriously addressed in the plan. To put it bluntly we have plenty of words but no detail or how we intend to create more local jobs in the PW area or rebuild the High Street (Commercial Road). A user friendly High Street has not been addressed for the future and with the recent approval of a new area behind the Commercial Road for housing places the whole future of the High Street in jeopardy. The best place to improve the economy is North of the railway line and this has been ignored in the plan.

In short Section 2. Setting the Scene, creates its own statement and doubts to question the sustainability of the new 3590 houses in PW and the size of the unfair allocation. The whole plan regarding PW should be revisited and provide more detail and sustainability for the future 30 years.

Section 3. Vision and Objectives.

Pg29. Vision.

3.3 section 2.

This section highlights the many reasons why Paddock Wood cannot sustain the proposed new dwellings in the plan. With the present new dwellings being built in the Town the infrastructure capacity “**general concerns about the infrastructure capacity (water supply, sewerage, schools, health, and leisure facilities, etc.) to support growth**” cannot cope now and any further new houses will compound the problem. If the TWBC cannot get it right with these present new houses how can it give the residents the confidence that it will get it right for 2030. Can the phrase “ active travel” be explained in relation to reduce carbon emissions by 2030 a target set by TWBC.

3.8. Paddock wood is picked out “**It has a distinct identity and the potential to enhance these and its supporting services and facilities through growth, subject to due care in relation to connectivity and flood risk matters**” This very sentence gives a sound argument that these various points are a very good reason why the new dwellings in PW are unsustainable. The character of Paddock Wood will disappear and the flood risk will increase so how on ever can PW be suitable for so many

more new houses. TWBC are just attempting to justify their quota at the detriment of the residents of PW.

Vision and Strategic Objectives 1

Vision (Statement)

“Local ambitions are: “

“for Paddock Wood, to provide for comprehensive planned strategic growth (including on land in east Capel parish) that is fully aligned with timely infrastructure provision and which delivers significant improvements in local employment, town centre, leisure and other services/community facilities commensurate with its enhanced role, as well as ensuring that it is not vulnerable to flooding”

“for a garden settlement, to establish the potential for a new village to contribute to sustainable growth, that is: based on garden settlement principles; comprehensively planned and reflecting local character; well connected with nearby towns; providing local job opportunities, services and all necessary supporting infrastructure; with exemplary development of sustainable design”

Once again this statement appears to be purely designed to justify the number of houses to be allocated to PW and Capel and no real detail in the Plan to inform the residents how it will be achieved without harm to the present character of the present communities and indeed the new residents. PW and Capel are just filling the TWBC quota and the provision not being balanced across the Borough.

Vision and Strategic Objectives 2

Strategic Objectives (Statement)

- 1 Where is the evidence for this that it is achievable in PW? The present approved development in the town is not sustainable now, so what hope in the future with this plan.
- 2 We need more Social Housing in the Borough and the proposed affordable housing in relation to present prices in PW supplied by TWBC figures will make any future affordable housing out of the range of local residents and Key workers such as those working in the NHS.
- 3 The proposed garden settlement in Capel is not sustainable as regards the new infrastructure required and the threat to our Green and Open spaces in the Borough. Where is the justification to dump it on Capel's residents and not to consider other locations in the Borough.
- 4 Every new development “ chops” down existing trees and they should be incorporated into the design layouts. Cough Cooper houses built in the 1960's in PW where all built on orchards but many of the trees where saved and left in the new houses back gardens. We should demand that happens now and not see houses crammed in to meet the financial needs of the developers.
- 5 Over the years in PW with all the new housing the infrastructure has never been completed before the houses are built! The failure to achieve this threatens the very “vitality” of the communities.
- 6 With the proposed new residents our present road networks will not cope and the suggested proposals are in practical. The very presence of a Railway Line bridge at the heart of the town limits the number of houses PW can sustain without overcrowding the Town centre and making it a transport nightmare.
- 7 Please explain how?
- 8 Please explain how TWBC proposes to protect Foal Hurst Wood (FHW) our local Nature reserve owned by PWTC with the proposed new development surrounding it. Has light pollution been considered and the threat to wildlife migration across our Green and Open spaces. What threat is there to the present Dormouse population in FHW?
- 9 GB land is being released in this plan to solely meet the quota for TWBC. Show us where these tests have been made to justify it.
- 10 Climate change is making the risk of flooding more likely in PW so why build houses on the existing flood plain and enhance the impact of Climate change in the future and the residents pay the price for the Boroughs allocation.
- 11 This objective has been totally ignored to this day with past development in the town with the PWTC and residents ignored on many issues such as future surface water management and waste water management.

Everyone of these objectives are unachievable within the supporting documents in the DLP and seem only designed to support the plan and not address the real issues associated with the new development.

Decide where we can put the new houses then adjust the objectives to suit that proposal. Its not honest or sustainable.

Section 4: The Development Strategy and Strategic Policies

Introduction

4.2 “One of the principal functions of the Local Plan is to set out the amount of future development being planned for, where it is to be located, and its nature, following the Vision and Strategic Objectives”By considering the failures in the plan in Section 3 Vision and Objectives this section logically is therefore flawed and unsustainable for the same reasons mentioned in the last section. Decide where we can put the new houses then build the argument with the attached documents to provide them. This approach is not sustainable for the future growth of PW.

The Development Strategy

Housing needs.

4.10 The figures provided by the TWBC are potentially over stated and the evidence is not conclusive with the need for 12,200 new dwellings in the Borough and an unfair proportion for PW and Capel.

4.11. The Council states it has considered alternative approaches and alternative locations so if the present allocation is unsustainable then it must object to the national default standard method. We need more houses for our children and g

rand children but with out the improved infrastructure before any houses are built it is unsustainable for the future. Draft local Plans are designed to achieve this and this one fails on so many levels.

Economic needs.

4.19. There is no mention of the effects of Covid on the local economy and unemployment is likely to rise. There should be no new residential housing North of the railway only retail as in previous Local Plans. The flood risk a very good reason with the real threat of Climate change in the future.

4.39. Where is the real evidence that all of the Brownfield sites have been considered. In the Borough and real note made of the windfall sites.

4.44. PW is not a a logical choice for strategic growth and the previous comments made concerning the sustainability of the allocation in PW reinforce this view. The very presence of the railway bridge hinders this growth so only retail development North of the railway is the logical choice. No mention of a possible new bridge?

Policy STR 1

The Development Strategy (statement)

Over the period of 2020-2038 the brunt of the allocation of 12,204 is being imposed on PW and Capel and is clearly unsustainable.

The proposed expansion of PW and Capel is within existing flood risk areas so what solutions are proposed other than more ponds on new developments that then feed into existing infrastructure networks that cannot cope. At present in PW Southern Water has failed the residents in every count on the present construction of 3 developments at Church Road, Green Lane and Badsell Road.

4.58. No draft plan should be based on **“It is also assumed that existing employment space will essentially be retained (with a small reduction at Paddock Wood, just to the north of the train station) and that there is scope for the intensification or extension of some of these to help meet more local needs.”** Objectives should be in place to achieve this not assumptions!

Policy STR 3

Brownfield Land (Statement)

Where is the real evidence that Brownfield land is being considered across the Borough rather than Greenfield build in PW and Capel?

a-g. These list all the reasons why Brownfield development could be unacceptable but logically they should also apply to the proposed new dwellings in PW. Within the plan they seem not to apply. Why the mismatch In policy in the DLP?

Policy STR 4

Ensuring Comprehensive Development (Statement)

“A comprehensive approach to site development will be expected to ensure the good planning of the area and, in relation to allocated sites, to ensure that the policy provisions, read as a whole, are achieved. Where sites have several land use elements or are in multiple ownerships, this will be secured by an appropriate means of masterplanning, the form of which will include consideration of”

the strategic significance of the proposal

the extent of different land uses proposed across the overall site

whether there are multiple land ownerships forming the allocation.

Within this part of the DLP, mention is made of Masterplans and these must **make** proper consideration of the proposed urban expansion of Tudeley village and Paddock Wood and provide a joined up masterplan to link the two proposals together. In all circumstances full consideration must be given to the policy requirements such as access and connectivity, open space, drainage and other infrastructure, as well as affordable housing) relating to the site as a whole, with a phasing plan where appropriate, will be achieved. Delivery **must be** secured through a legal agreement with all the Utilities and stakeholders such as KCC schools provision, the developers, being required to sign a legal agreement to ensure they are in place before any development takes place within the Masterplan. Deadline dates must be included in this legal agreement. A previous masterplan was promised by TWBC and it never happened!

“The Council strongly encourages, and will have regard to, the level of engagement of relevant stakeholders, including the local community, town or parish councils, service providers, environmental organisations, and other interested parties, in the preparation of masterplans or similar framework documents.” **“The council strongly encourages”** is not strong enough to ensure the masterplans are acted on and completed as part of the DLP. The council must ensure legally that the level of engagement of relevant stakeholders, including the local community, town or parish councils, service providers, environmental organisations, and other interested parties, in the preparation of masterplans or similar framework documents, commit to the plans Vision and Objectives. Failure to do so will result in unsustainable development in PW and Capel.

Infrastructure and Connectivity

4.88 Mention is made that the Infrastructure has been separated into 3 main categories:

“Physical infrastructure (such as highways and public realm improvements); community infrastructure (such as schools, adult social services, and cultural facilities); and green, grey, and blue infrastructure (such as play spaces, natural and semi-natural open space, and sports pitches, as well as other essential infrastructure such as flood mitigation, utilities, and digital connectivity)”

All of the three colour designations mention aspects of the infrastructure to be implemented but no reference to the utilities that will monitor or police, that these improvements are actioned within the plan.

4.91 **“The Local Plan Vision is clear”** The local plan **Vision** is far from clear, rather than expected **“expected that future infrastructure to mitigate the impact of development, or in the case of the strategic sites at Paddock Wood to deliver 'betterment' in flooding terms to particular areas, should be largely funded by development to ensure that the development is acceptable in planning terms.”** It must read **“it will ensure by legal means”—that future infrastructure etc.** To date in PW, TWBC and the utilities have failed on this objective relating to improving the infrastructure by betterment. The present situation regarding the utility Southern Water provision is late and totally inadequate for the present and future needs of the Town. This must not happen in the future with this DLP.

4.95. This paragraph mentions critical and essential projects to be in place before development takes place, but how do TWBC intend to implement this, rather than just “words”? Transport and Education has not been detailed and the present proposals have not been fully agreed with KCC. What legal powers do TWBC have against developers and utilities and the ability to challenge when they do not deliver key aspects of this plan.

Health

This mentions provision of new medical facilities or expansion in PW but where is the guarantee that it will happen to sustain the new houses. It is a must!!

Water

Who is going to pay for additional capacity at the present water treatment works to accommodate the new houses in PW and Capel? Where are the plans for new locations and funding requirements. Words are not enough we need concrete commitments not empty promises.

Sport and Recreation: Where is mention made of a new sports hub in PW as it appears it will serve PW and Capel of which they should have their facilities within the DLP. Sharing will cause access problems on our already congested roads travelling between the two locations to a shared sports hub. There is also no mention of the present proposed PW NHP provision currently in negotiation with TWBC.

Transport and Parking

4.98 The present NPPF states that significant development should be focused on locations that can be made sustainable by limiting travel and offering choice of transport modes. With the Railway bridge playing a significant pinch point to access to the town it is not feasible or practical to limit access to South of the railway just to justify the sustainability of the new housing within the plan. There is at present a petition asking residents to object to the proposals concerning restricted access to the town and its lack of consultation with PW residents. It's a clear case of implementing solutions to just get the end result, more houses in PW that are just not sustainable.

Policy STR 6

Transport and Parking (statement).

- 1 **a) Active travel. Active travel (walking and cycling, and emerging electrical personal vehicles) will be prioritised through:**
- 2 **The development and delivery of the strategic sites (Paddock Wood and east Capel, and Tudeley Village) proposed in this Local Plan will have integrated active travel as a fundamental element to their layout and design, so that settlements are easy to navigate on foot or by bike, both in new development and through existing areas of settlements to access their centres and services**

The provision of this section relates to the Borough "Council's Local Cycling and Walking Infrastructure Plan". The implementation of this infrastructure plan proposes restrictions to the access to the Town via the Railway Bridge, restricting vehicle use and HGV use which already has a weight restriction. This plan appears to propose various new initiatives concerning pedestrian access and cycle access but in reality they are being implemented to justify the new development North of the railway. The bridge is a pinch point and clearly represents a barrier to the number of houses that are sustainable in the DLP. The new Cycling and walking plan is designed to mitigate this barrier and total disregard of the resulting consequences for the Town's residents. No car access means a journey into the Town centre via the Badsell road which will in turn cause more congestion into the Town from that direction. Buses will be allowed but PW does not have an integrated bus station with the rail station to try and tempt residents away from cars and use public transport. The strategy is clearly not joined up and the walking infrastructure plan has not gone to consultation to the local residents especially those living at present North of the Railway. Another good reason not to have new residential housing North of the railway which is part of the DLP. The only reason it has been proposed is to meet the allocation from TWBC. It plainly does not make common sense and should be opposed.

- 1 Who will pay for these new provisions as we come out of the Covid pandemic? The national debt is massive and many councils and utilities will just not have the finances. There has to be a funding commitment via Government who are imposing the housing allocations across the country. Failure to do this should mean no new development in PW or within the whole Borough.
- 2 **Public transport.**
- 3 **"Establishing rapid bus/transport links, including from Paddock Wood to Royal Tunbridge Wells, Paddock Wood to Tonbridge (via Tudeley Village), and Royal Tunbridge Wells to Tonbridge, and ensuring that the design of these strategic sites provides for attractive bus services with convenient access to the highway network:**

Who is going to fund these rapid bus/transport links within this DLP and ensure we have attractive bus services with convenient access to existing highway networks. Will the service be subsidised by KCC or is it again just words and no real substance in the proposals?

- 1 Working with network rail again is “Pie in the Sky” as they have their own agenda but it seems convenient to suggest it can happen in the future as part of this DLP. Has there been any negotiations with Network Rail and any commitment to provide capital funds to make it happen in the future as part of this DLP. Where’s the evidence?

Car parking

Policy TP 3: Parking Standards

To revitalise our local high street and commercial centres after Covid the Borough must implement a free parking strategy across the board including PW car parks to give a boost to our local retailers and encourage people back to the shops in our community’s.

Policy STR 7

Climate Change (statement)

The Borough must implement these changes as part of its net zero target by 2030.

1 3. Implementing proactive policy on climate change adaptation

“a. protecting existing green spaces and creating new, appropriate green infrastructure whilst balancing the need for built development”

Show us the proposals and evidence that this is achievable with the present dwelling allocation for PW within the DLP. Where are these sustainable Drainage Systems at present in PW?

1 Partner engagement

This looks great on paper but in reality it has never happened yet in PW with all the new houses over the last 50 years. Who is going to lead and integrate these partner engagements? At present Southern Water and the present developers ignore the residents of PW and PWTC when dealing with the failures of these partners to provide present sustainable development in PW and stick to their previous promises made in past Local Plans to previous Inspectors and recent planning applications. The Borough is failing the residents of PW.

Policy STR 9

Green Belt (statement)

The Borough's Green Belt

4.128 Overall, some 5.71% of the Green Belt within the borough has been de-designated. Table 6 Green Belt Sites Policy Number Site Address S

STR/SS 1 Paddock Wood (including land at Removed -148.194 2.077 east Capel)

STR/SS 3 Tudeley Village Removed

To accommodate the boroughs housing allocation the above areas of GBL have been removed and there is no evidence or justification to agree to the reduction of our green and Open Spaces. This removal is purely designed to allow the TWBC to meet the new dwelling allocation and again highlights the unsustainability of the present proposals in the DLP.

Within the NPPF the proposed new development within the Green Belt is inappropriate and will harm the GB. Once you have lost Green Open Space in the GB it takes years to replace and is not viable. The only reason to take GBL is to meet the housing allocation and ignore the future damage. This use of GBL is inappropriate and PWLP objects to its inclusion in the DLP.

Section5: Place Shaping Policies Introduction

Paddock Wood

Pg 166. The Strategy for Paddock Wood.

5.239 This paragraph clearly states the importance of identifying the flood risk in the area and the importance to recognise this when agreeing planning applications and the policies in this DLP. The

most risk is North of the railway and no residential development should be allowed in this allocation as in previous Local Plans with only commercial development being acceptable.

5.240 The release of the GBL west of Paddock Wood and none of the exceptional circumstances justify this release set out in Policy STR/SS 1. The only justification is to allow the allocation of new dwellings to meet the TWBC allocation and the unchallenged Government Allocation.

5.241 This is a false statement regarding the number of presently agreed houses which is at least 1400 new dwellings within the last Local Plan. It should also take into account the number of windfall houses built in PW during that time and the pressure put on the existing inadequate infrastructure.

5.242 The significant growth planned for PW 3,490-3,590 dwellings will significantly change the existing character of the Town and is not sustainable as regards the present provision of medical facilities and capacity at the primary school and Mascalls School. The present Town centre will also not be able to sustain the new houses. In short the allocation is disproportionate to the overall TWBC allocation and this document seeks to justify the figures by false statements and attached documents. The number was picked out of the sky and then made it sustainable.

5.244 There is frequent mention of a Masterplan through out this whole document to again support the allocation of 3,590 houses and there is no detail of the plan and the legal requirement put on developers and other utilities and stakeholders in the Town. A previous masterplan was promised for PW and it did not happen. The detail of the masterplan must be presented and agreed in this DLP.

Policy STR/PW 1

The Strategy for Paddock Wood

- 1 Mention is made to Affordable housing but no mention of the need for Social housing as we come out of the Pandemic. The affordable housing in PW not affordable to many residents even with the present TWBC policy on its provision to developers. The TWBC is missing its target on this provision. We need more Social housing.
- 2 Flood mitigation at present on the existing new developments predominantly relies on drainage ponds which is not sustainable in the future as we experience Climate Change and more extreme weather events. The fact is they are being built on high Flood risk areas and should not be allowed. There has to be a limit to how many houses that are sustainable within the present infrastructure.
- 3 No mention is made to protection of Foal Hurst Wood nature reserve owned by PWTC as more houses are built around its boundary. Light pollution is a major threat to the present wildlife that exist in the wood including resident Dormouse.

Allocation policies for Paddock Wood

Land at Mascalls Farm

5.253 The protection of Foal Hurst Wood and the link to Brick Kiln Wood should be included to protect the present Dormouse population in FHW.

5.255 The site allocation of 400 homes is over intensive and unsustainable within the DLP

5.256, 5.257 These statements highlight the probability that the allocation of 3,590 will be exceeded as the duration of the plan progresses and the limit of 3590 must not be breached.

Policy AL/PW 1

Land at Mascalls Farm

This development already has planning permission so why is it in the DLP and appears to be open to consultation, it is not!

Section 6: Development Management Policies

Policy EN 1

Pg 324.Sustainable Design

- 1 This mentions the needs of occupiers in relation to their changing circumstances as they grow older or life changes at any age, without needing to move House. New dwellings as part of TWBC policy should adopt “**Life Time Home Standards**” for all new build across the Borough in the DLP. This also should include the inclusion of new bungalows in any new development allocation

including Social Housing. Developers need to be forced to include new Bungalow dwellings in the DLP allocation.

Within this whole policy the main theme is “should” relating to the policy provision and it should be replaced by “ **must**”. This gives a clear commitment to ensure that the policy statements are not just words to be ignored but to be acted on.

1 Highway safety and access

2 Due to the unfair allocation of 3,590 new dwellings in PW it will result in a massive impact, with congestion around the town including Badsell Road. The Local Cycling and Walking Infrastructure Plan Phase 2 has proposals to ban cars using the Railway bridge to access the Town centre. The rerouting of traffic via the Badsell road to access the Town centre will increase congestion along the Badsell Road. This proposal has also not been subject to direct consultation with the residents of PW. This should be implemented by TWBC before this DLP Consultation is reviewed after the closing date of Friday 4th June 2021.

3 Crime reduction

Paddock Wood has just seen its present Police station demolished for new housing and results in no direct police presence in the Town. With the proposed 3,590 new dwellings there is a clear need for a new police station to serve the increasing community. This should form part of the need within the DLP.

1 Community engagement

At present numerous planning applications are ignored by TWBC when PWTC and residents clearly object to them regarding past policy on local plans. The recent approval of the Churchill development in the town centre clearly went against previous policy and PWTC objections. We need closer liaison with TWBC planning office and our elected Borough Councillors who make the real decisions and to stop us being continually ignored. We live local and need to be listened to and supported.

Design checklist to support the design criteria in Policy EN 1 1. Design, character, and site context

All of these questions look fine on paper but what is the process if any have the answer of no! Hopefully if only one is not met then the design of any new development would be rejected.

The residents again need that commitment from TWBC as part of the DLP.

Climate Change Mitigation and Adaptation

Climate change mitigation

6.32 The statement is to be supported identifying the greatest challenge the world and our local communities in the Borough face in the near future up to 2030 and beyond. The modelling produced by the Utilities need to be challenged and subject to rigorous scrutiny as regards events over a 100 years etc. These events are occurring more often and any new development must have the required infrastructure to cope with these extreme events.

6.36 This statement is not forceful enough when : The Local Authority **expects** developers to undertake a ‘fabric first’ approach to reduce overall CO2 emissions from buildings. Developers “**must**” replacing the expects to implement these policy statements.

As part of this statement it should include the policy to ensure that all the Towns including Paddock Wood and Parishes within the Borough implement a local A Carbon Free Footprint to meet the Borough target of 2030. This policy should be implemented with subsidies from the Borough to help the communities create their local policies in support of the Borough policy of carbon free by 2030.

Policy EN 3 Climate Change

Mitigation and Adaptation

PWLP broadly supports the Policy EN3 but enforcement is the key with any new development being subject to scrutiny and enforcement from the Borough. It is responsibility of TWBC to implement this and not the Town and Parish clerks. Who is meant to ensure that any conditions imposed on developers as a result of these fine words in the DLP are actually complied with?

Policy EN 5

Heritage Assets

Within this policy statement the Wesley Centre in Paddock Wood should be clearly mentioned and protected for the future.

Pg 353.Natural Environment

Requirements and processes for planning applications

6.138 These are fine policy statements but who again enforces the developers to put them into practice. Within the DLP allocation of 3590 new houses in PW all of this development is on present green and open space and existing countryside. That environment is destroyed with no regard to the resident wildlife and natural trees and plants. TWBC should demand the developers provide such elements as hedgehog highways between the dwellings to help the Hedgehogs adapt to their new environment. Existing trees must be incorporated into the design of the new developments.

Pg357 Protection of Designated Sites and Habitats

Local sites

6.153 The local nature reserve owned by Paddock Wood Town Council PWTC **must** be mentioned in this policy statement to protect the woodland and its resident wildlife and habitat against over development and encroachment on its existing boundary's.

Pg381. Policy EN 21

Air Quality

TWBC must implement this policy statement across the borough as more and more houses are built in this DLP including PW. The present bus services in the rural areas are totally inadequate and an integrated bus and railway network will encourage more public transport use and improve air quality.

Pg 387 Development and Flood Risk

6.277 This statement needs to be reviewed as most of the proposed new development in PW within this DLP is in a high area of flood risk. **“The Strategy for Paddock Wood and east Capel and STR/SS 3”** is totally unsustainable and supports the argument the allocation of 3,590 is not sustainable when considering all the policy statements in this DLP. The number of new dwellings is not proportionate to the rest of the Borough in meeting its total allocation of 12,000 plus new dwellings. Paddock Wood just cannot cope with this large number of new houses and it should be reduced.

Pg388 Policy EN 25

Flood Risk

Where it is proven that the mitigation is not sustainable then the development should not be allowed as part of the DLP. Failure to do so will mean increased flooding in areas such as PW and Capel and the residents will pick up the cost, not the developers or the TWBC.

Pg 397.Policy H 1 & Pg401 H 3

Housing Mix

6.326 Within this policy statement there is no mention of the provision of Social Housing in the borough. As a matter of urgency this must be included after the pandemic and covid and hopefully the rebuilding of the economy.

Pg 428 Policy ED 1

The Key Employment Areas

Paddock Wood Eldon Way and West of Maidstone Road

Paddock Wood Transfesa Road East and West

Both of these locations identify the present local key employment areas in PW and should be maintained. The proposal within the DLP to provide residential dwellings North of the railway bridge in PW contradicts this policy. This type of Commercial development is more suited to high risk flood areas in PW as describe in the DLP and not for new residential development in the same area.

Pg 466 Public Car Parks

The introduction of free parking should be implemented as part of this DLP for all the Borough public car parks. To rebuild the local economy across the borough and support our local retailers after the Pandemic and Covid. We need our residents to shop local and this policy will support that goal.

Pg468 Policy TP 5

Safeguarding Railway Land

The former Paddock Wood to Hawkhurst (Hop Pickers) line

This policy is fully supported within the DLP and supports PWTC in setting out a strategy to try and enhance and improve the route for future recreational use including walking along the route, where possible to Hawkhurst.

Note. From PWLP.

When considering all the various statements included in these sections of the DLP it is so plainly obvious that many of the statements contradict themselves in justifying the new housing allocation. The Borough has quite frankly built the reasons why the allocation in PW and Capel is not sustainable and across the Borough. The point is will the safe guards be implemented in the DLP and the fine words acted on in the future, the PWLP thinks not and PW will change for the worse for ever!!! The Borough must stand back and review its present DLP.

Question 7

***Please note** the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.*

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)? Yes, I wish to participate in hearing session(s)

Question 7a

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If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

This submission is made on behalf of Paddock Wood Labour Party of which I am presently Chair.

This Tunbridge Wells Local Plan is the most controversial consultation to be submitted to the residents of Paddock Wood and the whole of TWBC to date. The local Labour Party has made submissions to every local plan over the last 40 years. This plan is brief and has no exact detail in the documents justification for so many proposed new dwellings in the Borough. There are numerous contradictions within the document so it must have the most serious scrutiny and any objections and answers must be considered closely at the hearing stage.

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box: Yes, I wish to be notified of future stages of the Local Plan

Comment

Consultee	Mr Raymond Moon ([REDACTED])
Email Address	[REDACTED]
Company / Organisation	Paddock Wood Labour Party (PWLP)
Address	[REDACTED] TONBRIDGE TN12 [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Paddock Wood Labour Party (PWLP) (Mr Raymond Moon - [REDACTED])
Comment ID	PSLP_2303
Response Date	02/06/21 15:02
Consultation Point	Section 2: Setting the Scene (View)
Status	Processed
Submission Type	Web
Version	0.3
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Paddock Wood Labour Party
Question 3	
To which part of the Local Plan does this representation relate?	Paragraph(s)
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Section 2: Setting the Scene

Pg21. Paragraphs: 2.4, 2.17-2.19, 2.21-2.27, 2.33, 2.34, 2.41

Question 4

Do you consider that the Local Plan:

Is legally compliant No

Is sound No

Complies with the Duty to Cooperate No

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

- . It is not positively prepared
- . It is not effective
- . It is not justified
- . It is not consistent with national policy

Question 5

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

Section 2 Setting the Scene.

The settlements of the borough

Pg21 2.4 Paddock Wood. This opening statement highlights the many reasons why the amount of the proposed new dwellings 3,590+ are not sustainable within the area of Paddock Wood (PW). This number represents over 50% of the proposed Borough allocation and disproportionate to the allocation to other parishes and Towns in the Borough. Its is unfair and unjustified and damages the environment. There is no present bus station in Paddock Wood and the present mainline station has no direct link with the provision of bus routes needed to tempt present and future motor vehicle users to use public transport or cycles as we lead into a Zero carbon future. Our present secondary school Mascals can not sustain the present developments in PW and neither 3,590 new houses. Our present sports centre at Putlands is not adequate and the proposed new centre appears to serve Capel rather than the new residents of PW. We need a new police station to replace our present one which was demolished to make way for more housing in the town.

The strategy of the North of PW serving Large employment appears to have been abandoned in favour of new residential development. These new houses are in a high flood risk area and would create a pinch point over the present railway bridge if residents wish to use the present towns services ie. retail and access to schools, surgery's the present sports centre. There is a present HGV weight restriction on the bridge in appreciation of the increased traffic over the years. More houses North of PW will only make matters worse.

Housing affordability:

2.17 this paragraph highlights the worsening provision of the affordability of housing in PW where present house prices make many new houses in PW unaffordable to local residents. Present new 1 bed apartments in PW are priced at £252k to £275k beyond the reach of local residents. Social housing at 60% of market value is basically non existent and the social housing allocation should be nearer 100% to cope with future housing needs after the economic consequences of the pandemic start to kick in over the nest few years in PW and the Borough. Paragraphs 2.17 – 2.19 give the evidence that

the affordable housing is far from affordable! The Draft Local plan does not adequately address this problem in the Borough and unfairly burdens PW with the new housing allocation.

Housing Types.

2.21. No mention is made to the new provision of any suitable bungalow type houses in the plan for PW. With have an ageing population and to reduce pressure on all our health services we should be planning for more of these types of houses. We have a real shortage in PW.

Infrastructure Key Issue/ challenge.

This particular serious issue in PW only warrants two paragraphs 2.22- 2.23.

2.22. The present 3 new developments approved in PW are seriously lacking in new infrastructure to sustain them in the future and the proposed new 3,590 dwellings need a new integrated network for the present residents and new residents in the years ahead covered in the plan.. The present incompetence of the provision provided by Southern Water (SW) for these new developments gives no one in the Town the confidence that SW will deliver on these new houses. Table 2. Lists some fine promises of the types of infrastructure to be delivered but the residents are still waiting on previous promises. Words are not enough, we have been failed and will not accept failure again. We need guarantees in the plan that the Utilities will deliver before any more houses are built in PW.

2.24 -2.26. The present borough council has not worked with our present developers in delivering the conditions imposed at the last public enquiry and the present Councils Infrastructure Delivery Plan only glosses over the need "It is recognised that there are different infrastructure needs for different settlements and parishes across the borough, such as flood mitigation, sport and recreation provision, and internet accessibility, especially in rural areas; these will need to be considered and addressed accordingly" There are no concrete proposals in the plan to address these complex issues and problems.

Natural, built, and historic environment Key issue/challenge: Green Belt, conserving and enhancing the borough's recognised heritage and environmental assets, and achieving net gains for nature.

2.27. Much of the land around PW is designated Green Belt Land (GBL) including land surrounding our local villages such as Capel, Horsmonden, Brenchley, Matfield. The prospect of PW linking directly with Tonbridge via Capel is a real possibility and unsustainable. Urban sprawl is a real possibility and 407.576Ha of GBL will be de designated. 148.194Ha of this in the borough will be allocated for PW and East Capel. Foal Hurst Wood owned by Paddock Wood Town Council has resident Dormouse and other wildlife and a natural habitat for plants which has no mention of future protection in the plan. Coup[led with the present unfair allocation of new dwellings represents a massive destruction of our present Green and Open spaces and existing footpaths in the surrounding countryside.

Flooding Key issue/challenge: ensuring growth can be accommodated without further risk to areas vulnerable to flooding and, if possible, to provide betterment.

A key element of objection in this statement is the suggestion "if possible to provide betterment". If you are providing new housing on high Flood risk areas in PW and the Borough than it is only logical that it is not sustainable unless improvements are made in the infrastructure.

2.33. Much of the allocated land especially North of the railway line has been put in Hgh Flood Risk areas category 2 and 3a. The present 3 developments in PW have added to the flooding issues and the proposed mitigation for the new houses is again unsustainable. A promised masterplan at the last public enquiry to co ordinate flood protection and mitigation was not implemented. In stead of bland promises the residents of PW need actions and real infrastructure.

Transport Key issue/challenge: promoting different transport options to accommodate future growth, ease congestion, and where possible, improve air quality

Again a key element of objection to this statement is "and where possible, improve air quality". If any potential road improvements in PW to sustain the new 3,590 dwellings are proposed then our existing air quality should not be reduced but improved.

2.34. How will TWBC address these "The borough faces significant transport challenges, particularly in terms of managing existing congestion and future growth, as well as needing to respond to the impacts of air quality and climate change". The existing pinch point over the railway line bridge is not addressed and no proposal put forward that make sense or provision for the future. HGV traffic around

our local lanes and roads is causing present massive congestion and air pollution and with the projected increase of commuters in the Town will also mean more congestion and air pollution and inadequate parking at the PW mainline station. More housing in our local villages will put more pressure on the present parking in PW.

Economy Key issue/challenge: supporting the needs of the local economy so that it can continue to be competitive, and creating a range of local job opportunities

2.41 As we come out of a pandemic our National and Local economy has been devastated and this aspect needs to be seriously addressed in the plan. To put it bluntly we have plenty of words but no detail or how we intend to create more local jobs in the PW area or rebuild the High Street (Commercial Road). A user friendly High Street has not been addressed for the future and with the recent approval of a new area behind the Commercial Road for housing places the whole future of the High Street in jeopardy. The best place to improve the economy is North of the railway line and this has been ignored in the plan.

In short Section 2. Setting the Scene, creates its own statement and doubts to question the sustainability of the new 3590 houses in PW and the size of the unfair allocation. The whole plan regarding PW should be revisited and provide more detail and sustainability for the future 30 years.

Question 7

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If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

Comment

Consultee	Mr Raymond Moon ([REDACTED])
Email Address	[REDACTED]
Company / Organisation	Paddock Wood Labour Party (PWLP)
Address	[REDACTED] TONBRIDGE TN12 [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Paddock Wood Labour Party (PWLP) (Mr Raymond Moon - [REDACTED])
Comment ID	PSLP_2304
Response Date	02/06/21 15:02
Consultation Point	Section 3: Vision and Objectives (View)
Status	Processed
Submission Type	Web
Version	0.2
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Paddock Wood Labour Party
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
Section 3: Vision and Objectives	
Question 4	
Do you consider that the Local Plan:	
Is legally compliant	No
Is sound	No
Complies with the Duty to Cooperate	No
Question 4a	

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

- . It is not positively prepared
- . It is not effective
- . It is not justified
- . It is not consistent with national policy

Question 5

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Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

Section 3. Vision and Objectives.

Pg29. Vision.

3.3 section 2.

This section highlights the many reasons why Paddock Wood cannot sustain the proposed new dwellings in the plan. With the present new dwellings being built in the Town the infrastructure capacity “general concerns about the infrastructure capacity (water supply, sewerage, schools, health, and leisure facilities, etc.) to support growth” cannot cope now and any further new houses with compound the problem. If the TWBC cannot get it right with these present new houses how can it give the residents the confidence that it will get it right for 2030. Can the phrase “ active travel” be explained in relation to reduce carbon emissions by 2030 a target set by TWBC.

3.8. Paddock wood is picked out “It has a distinct identity and the potential to enhance these and its supporting services and facilities through growth, subject to due care in relation to connectivity and flood risk matters” This very sentence gives a sound argument that these various points are a very good reason why the new dwellings in PW are unsustainable. The character of Paddock Wood will disappear and the flood risk will increase so how on ever can PW be suitable for so many more new houses. TWBC are just attempting to justify their quota at the detriment of the residents of PW.

Question 7

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If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

Comment

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Email Address	[REDACTED]
Company / Organisation	Paddock Wood Labour Party (PWLP)
Address	[REDACTED] TONBRIDGE TN12 [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Paddock Wood Labour Party (PWLP) (Mr Raymond Moon - [REDACTED])
Comment ID	PSLP_2305
Response Date	02/06/21 15:02
Consultation Point	Vision and Strategic Objectives 1 Vision (View)
Status	Processed
Submission Type	Web
Version	0.2
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Paddock Wood Labour Party
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Vision and Strategic Objectives 1 - Vision

Question 4

Do you consider that the Local Plan:

Is legally compliant	No
Is sound	No
Complies with the Duty to Cooperate	No

Question 4a

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Do you consider that the Local Plan is not sound because:

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Vision and Strategic Objectives 1

Vision (Statement)

“Local ambitions are: “

“for Paddock Wood, to provide for comprehensive planned strategic growth (including on land in east Capel parish) that is fully aligned with timely infrastructure provision and which delivers significant improvements in local employment, town centre, leisure and other services/community facilities commensurate with its enhanced role, as well as ensuring that it is not vulnerable to flooding”

“for a garden settlement, to establish the potential for a new village to contribute to sustainable growth, that is: based on garden settlement principles; comprehensively planned and reflecting local character; well connected with nearby towns; providing local job opportunities, services and all necessary supporting infrastructure; with exemplary development of sustainable design”

Once again this statement appears to be purely designed to justify the number of houses to be allocated to PW and Capel and no real detail in the Plan to inform the residents how it will be achieved without harm to the present character of the present communities and indeed the new residents. PW and Capel are just filling the TWBC quota and the provision not being balanced across the Borough.

Question 7

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If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

Comment

Consultee	Mr Raymond Moon ([REDACTED])
Email Address	[REDACTED]
Company / Organisation	Paddock Wood Labour Party (PWLP)
Address	[REDACTED] TONBRIDGE TN12 [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Paddock Wood Labour Party (PWLP) (Mr Raymond Moon - [REDACTED])
Comment ID	PSLP_2306
Response Date	02/06/21 15:02
Consultation Point	Vision and Strategic Objectives 2 Strategic Objectives (View)
Status	Processed
Submission Type	Web
Version	0.2
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Paddock Wood Labour Party
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Vision and Strategic Objectives 2 - Strategic Objectives

Question 4

Do you consider that the Local Plan:

Is legally compliant	No
Is sound	No
Complies with the Duty to Cooperate	No

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

- . It is not positively prepared
- . It is not effective
- . It is not justified
- . It is not consistent with national policy

Question 5

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Vision and Strategic Objectives 2

Strategic Objectives (Statement)

- 1 Where is the evidence for this that it is achievable in PW? The present approved development in the town is not sustainable now, so what hope in the future with this plan.
- 2 We need more Social Housing in the Borough and the proposed affordable housing in relation to present prices in PW supplied by TWBC figures will make any future affordable housing out of the range of local residents and Key workers such as those working in the NHS.
- 3 The proposed garden settlement in Capel is not sustainable as regards the new infrastructure required and the threat to our Green and Open spaces in the Borough. Where is the justification to dump it on Capel's residents and not to consider other locations in the Borough.
- 4 Every new development "chops" down existing trees and they should be incorporated into the design layouts. Cough Cooper houses built in the 1960's in PW where all built on orchards but many of the trees were saved and left in the new houses back gardens. We should demand that happens now and not see houses crammed in to meet the financial needs of the developers.
- 5 Over the years in PW with all the new housing the infrastructure has never been completed before the houses are built! The failure to achieve this threatens the very "vitality" of the communities.
- 6 With the proposed new residents our present road networks will not cope and the suggested proposals are impractical. The very presence of a Railway Line bridge at the heart of the town limits the number of houses PW can sustain without overcrowding the Town centre and making it a transport nightmare.
- 7 Please explain how?
- 8 Please explain how TWBC proposes to protect Foal Hurst Wood (FHW) our local Nature reserve owned by PWTC with the proposed new development surrounding it. Has light pollution been considered and the threat to wildlife migration across our Green and Open spaces. What threat is there to the present Dormouse population in FHW?
- 9 GB land is being released in this plan to solely meet the quota for TWBC. Show us where these tests have been made to justify it.
- 10 Climate change is making the risk of flooding more likely in PW so why build houses on the existing flood plain and enhance the impact of Climate change in the future and the residents pay the price for the Boroughs allocation.
- 11 This objective has been totally ignored to this day with past development in the town with the PWTC and residents ignored on many issues such as future surface water management and waste water management.

Everyone of these objectives are unachievable within the supporting documents in the DLP and seem only designed to support the plan and not address the real issues associated with the new development.

Decide where we can put the new houses then adjust the objectives to suit that proposal. Its not honest or sustainable.

Question 7

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If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

Comment

Consultee	Mr Raymond Moon ()
Email Address	
Company / Organisation	Paddock Wood Labour Party (PWLP)
Address	 TONBRIDGE TN12
Event Name	Pre-Submission Local Plan
Comment by	Paddock Wood Labour Party (PWLP) (Mr Raymond Moon -)
Comment ID	PSLP_2307
Response Date	02/06/21 15:02
Consultation Point	Section 4: The Development Strategy and Strategic Policies (View)
Status	Processed
Submission Type	Web
Version	0.6
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Paddock Wood Labour Party
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Section 4: The Development Strategy and Strategic Policies

Question 4

Do you consider that the Local Plan:

Is legally compliant	No
Is sound	No
Complies with the Duty to Cooperate	No

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

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- . It is not justified
- . It is not consistent with national policy

Question 5

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Section 4: The Development Strategy and Strategic Policies

Introduction

4.2 “One of the principal functions of the Local Plan is to set out the amount of future development being planned for, where it is to be located, and its nature, following the Vision and Strategic Objectives”By considering the failures in the plan in Section 3 Vision and Objectives this section logically is therefore flawed and unsustainable for the same reasons mentioned in the last section. Decide where we can put the new houses then build the argument with the attached documents to provide them. This approach is not sustainable for the future growth of PW.

The Development Strategy

Housing needs.

4.10 The figures provided by the TWBC are potentially over stated and the evidence is not conclusive with the need for 12,200 new dwellings in the Borough and an unfair proportion for PW and Capel.

4.11. The Council states it has considered alternative approaches and alternative locations so if the present allocation is unsustainable then it must object to the national default standard method. We need more houses for our children and g

rand children but with out the improved infrastructure before any houses are built it is unsustainable for the future. Draft local Plans are designed to achieve this and this one fails on so many levels.

Economic needs.

4.19. There is no mention of the effects of Covid on the local economy and unemployment is likely to rise. There should be no new residential housing North of the railway only retail as in previous Local Plans. The flood risk a very good reason with the real threat of Climate change in the future.

4.39. Where is the real evidence that all of the Brownfield sites have been considered. In the Borough and real note made of the windfall sites.

4.44. PW is not a a logical choice for strategic growth and the previous comments made concerning the sustainability of the allocation in PW reinforce this view. The very presence of the railway bridge hinders this growth so only retail development North of the railway is the logical choice. No mention of a possible new bridge?

Infrastructure and Connectivity

4.88 Mention is made that the Infrastructure has been separated into 3 main catogories:

“Physical infrastructure (such as highways and public realm improvements); community infrastructure (such as schools, adult social services, and cultural facilities); and green, grey, and blue infrastructure (such as play spaces, natural and semi-natural open space, and sports pitches, as well as other essential infrastructure such as flood mitigation, utilities, and digital connectivity)”

All of the three colour designations mention aspects of the infrastructure to be implemented but no reference to the utilities that will monitor or police, that these improvements are actioned within the plan.

4.91 “The Local Plan Vision is clear”The local plan Vision is far from clear, rather than expected “expected that future infrastructure to mitigate the impact of development, or in the case of the strategic sites at Paddock Wood to deliver 'betterment' in flooding terms to particular areas, should be largely funded by development to ensure that the development is acceptable in planning terms.”It must read “it will ensure by legal means”—that future infrastructure etc. To date in PW, TWBC and the utilities have failed on this objective relating to improving the infrastructure by betterment. The present situation regarding the utility Southern Water provision is late and totally inadequate for the present and future needs of the Town. This must not happen in the future with this DLP.

4.95. This paragraph mentions critical and essential projects to be in place before development takes place, but how do TWBC intend to implement this, rather than just “words”? Transport and Education has not been detailed and the present proposals have not been fully agreed with KCC. What legal powers do TWBC have against developers and utilities and the ability to challenge when they do not deliver key aspects of this plan.

Health

This mentions provision of new medical facilities or expansion in PW but where is the guarantee that it will happen to sustain the new houses. It is a must!!

Water

Who is going to pay for additional capacity at the present water treatment works to accommodate the new houses in PW and Capel? Where are the plans for new locations and funding requirements. Words are not enough we need concrete commitments not empty promises.

Sport and Recreation: Where is mention made of a new sports hub in PW as it appears it will serve PW and Capel of which they should have their facilities within the DLP. Sharing will cause access problems on our already congested roads travelling between the two locations to a shared sports hub. There is also no mention of the present proposed PW NHP provision currently in negotiation with TWBC.

Transport and Parking

4.98 The present NPPF states that significant development should be focused on locations that can be made sustainable by limiting travel and offering choice of transport modes. With the Railway bridge playing a significant pinch point to access to the town it is not feasible or practical to limit access to South of the railway just to justify the sustainability of the new housing within in the plan. There is at present a petition asking residents to object to the proposals concerning restricted access to the town and its lack of consultation with PW residents. It's a clear case of implementing solutions to just get the end result, more houses in PW that are just not sustainable.

Question 7

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If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

Comment

Consultee	Mr Raymond Moon ([REDACTED])
Email Address	[REDACTED]
Company / Organisation	Paddock Wood Labour Party (PWLP)
Address	[REDACTED] TONBRIDGE TN12 [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Paddock Wood Labour Party (PWLP) (Mr Raymond Moon - [REDACTED])
Comment ID	PSLP_2308
Response Date	02/06/21 15:02
Consultation Point	Policy STR 1 The Development Strategy (View)
Status	Processed
Submission Type	Web
Version	0.2
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Paddock Wood Labour Party
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
Policy STR 1 The Development Strategy	
Question 4	
Do you consider that the Local Plan:	
Is legally compliant	No

Is sound	No
Complies with the Duty to Cooperate	No

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:	. It is not positively prepared
	. It is not effective
	. It is not justified
	. It is not consistent with national policy

Question 5

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Policy STR 1

The Development Strategy (statement)

Over the period of 2020-2038 the brunt of the allocation of 12,204 is being imposed on PW and Capel and is clearly unsustainable.

The proposed expansion of PW and Capel is within existing flood risk areas so what solutions are proposed other than more ponds on new developments that then feed into existing infrastructure networks that cannot cope. At present in PW Southern Water has failed the residents in every count on the present construction of 3 developments at Church Road, Green Lane and Badsell Road.

4.58. No draft plan should be based on “It is also assumed that existing employment space will essentially be retained (with a small reduction at Paddock Wood, just to the north of the train station) and that there is scope for the intensification or extension of some of these to help meet more local needs.” Objectives should be in place to achieve this not assumptions!

Question 7

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If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

Comment

Consultee	Mr Raymond Moon ([REDACTED])
Email Address	[REDACTED]
Company / Organisation	Paddock Wood Labour Party (PWLP)
Address	[REDACTED] TONBRIDGE TN12 [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Paddock Wood Labour Party (PWLP) (Mr Raymond Moon - [REDACTED])
Comment ID	PSLP_2309
Response Date	02/06/21 15:02
Consultation Point	Policy STR 3 Brownfield Land (View)
Status	Processed
Submission Type	Web
Version	0.2
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Paddock Wood Labour Party
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
Policy STR 3 Brownfield Land	
Question 4	
Do you consider that the Local Plan:	
Is legally compliant	No

Is sound	No
Complies with the Duty to Cooperate	No

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:	. It is not positively prepared
	. It is not effective
	. It is not justified
	. It is not consistent with national policy

Question 5

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Policy STR 3

Brownfield Land (Statement)

Where is the real evidence that Brownfield land is being considered across the Borough rather than Greenfield build in PW and Capel?

a-g. These list all the reasons why Brownfield development could be unacceptable but logically they should also apply to the proposed new dwellings in PW. Within the plan they seem not to apply. Why the mismatch in policy in the DLP?

Question 7

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If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

Comment

Consultee	Mr Raymond Moon ([REDACTED])
Email Address	[REDACTED]
Company / Organisation	Paddock Wood Labour Party (PWLP)
Address	[REDACTED] TONBRIDGE TN12 [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Paddock Wood Labour Party (PWLP) (Mr Raymond Moon - [REDACTED])
Comment ID	PSLP_2310
Response Date	02/06/21 15:02
Consultation Point	Policy STR 4 Ensuring Comprehensive Development (View)
Status	Processed
Submission Type	Web
Version	0.2
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Paddock Wood Labour Party
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy STR 4 Ensuring Comprehensive Development

Question 4

Do you consider that the Local Plan:

Is legally compliant	No
Is sound	No
Complies with the Duty to Cooperate	No

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

- . It is not positively prepared
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Question 5

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Policy STR 4

Ensuring Comprehensive Development (Statement)

“A comprehensive approach to site development will be expected to ensure the good planning of the area and, in relation to allocated sites, to ensure that the policy provisions, read as a whole, are achieved. Where sites have several land use elements or are in multiple ownerships, this will be secured by an appropriate means of masterplanning, the form of which will include consideration of”

the strategic significance of the proposal

the extent of different land uses proposed across the overall site

whether there are multiple land ownerships forming the allocation.

Within this part of the DLP, mention is made of Masterplans and these must make proper consideration of the proposed urban expansion of Tudeley village and Paddock Wood and provide a joined up masterplan to link the two proposals together. In all circumstances full consideration must be given to the policy requirements such as access and connectivity, open space, drainage and other infrastructure, as well as affordable housing) relating to the site as a whole, with a phasing plan where appropriate, will be achieved. Delivery must be secured through a legal agreement with all the Utilities and stakeholders such as KCC schools provision, the developers, being required to sign a legal agreement to ensure they are in place before any development takes place within the Masterplan. Deadline dates must be included in this legal agreement. A previous masterplan was promised by TWBC and it never happened!

“The Council strongly encourages, and will have regard to, the level of engagement of relevant stakeholders, including the local community, town or parish councils, service providers, environmental organisations, and other interested parties, in the preparation of masterplans or similar framework documents.” “The council strongly encourages” is not strong enough to ensure the masterplans are acted on and completed as part of the DLP. The council must ensure legally that the level of engagement of relevant stakeholders, including the local community, town or parish councils, service providers, environmental organisations, and other interested parties, in the

preparation of masterplans or similar framework documents, commit to the plans Vision and Objectives. Failure to do so will result in unsustainable development in PW and Capel.

Question 7

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If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

Comment

Consultee	Mr Raymond Moon ([REDACTED])
Email Address	[REDACTED]
Company / Organisation	Paddock Wood Labour Party (PWLP)
Address	[REDACTED] TONBRIDGE TN12 [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Paddock Wood Labour Party (PWLP) (Mr Raymond Moon - [REDACTED])
Comment ID	PSLP_2311
Response Date	02/06/21 15:02
Consultation Point	Policy STR 6 Transport and Parking (View)
Status	Processed
Submission Type	Web
Version	0.2
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Paddock Wood Labour Party
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
Policy STR 6 Transport and Parking	
Question 4	
Do you consider that the Local Plan:	
Is legally compliant	No

Is sound No

Complies with the Duty to Cooperate No

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

- . It is not positively prepared
- . It is not effective
- . It is not justified
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Question 5

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Policy STR 6

Transport and Parking (statement).

- 1 a) Active travel. Active travel (walking and cycling, and emerging electrical personal vehicles) will be prioritised through:
- 2 The development and delivery of the strategic sites (Paddock Wood and east Capel, and Tudeley Village) proposed in this Local Plan will have integrated active travel as a fundamental element to their layout and design, so that settlements are easy to navigate on foot or by bike, both in new development and through existing areas of settlements to access their centres and services

The provision of this section relates to the Borough "Council's Local Cycling and Walking Infrastructure Plan". The implementation of this infrastructure plan proposes restrictions to the access to the Town via the Railway Bridge , restricting vehicle use and HGV use which already has a weight restriction. This plan appears to propose various new initiatives concerning pedestrian access and cycle access but in reality they are being implemented to justify the new development North of the railway. The bridge is a pinch point and clearly represents a barrier to the number of houses that are sustainable in the DLP. The new Cycling and walking plan is designed to mitigate this barrier and total disregard of the resulting consequences for the Towns residents. No car access means a journey into the Town centre via the Badsell road which will in turn cause more congestion into the Town from that direction. Buses will be allowed but PW does not have an integrated bus station with the rail station to try and tempt residents away from cars and use public transport. The strategy is clearly not joined up and the walking infrastructure plan has not gone to consultation to the local residents especially those living at present North of the Railway. Another good reason not to have new residential housing North of the railway which is part of the DLP. The only reason it has been proposed is to meet the allocation from TWBC. It plainly does not make common sense and should be opposed.

- 1 Who will pay for these new provisions as we come out of the Covid pandemic? The national debt is massive and many councils and utilities' will just not have the finances. There has to be a funding commitment via Government who are imposing the housing allocations across the country. Failure to do this should mean no new development in PW or within the whole Borough.
- 2 Public transport.
- 3 "Establishing rapid bus/transport links, including from Paddock Wood to Royal Tunbridge Wells, Paddock Wood to Tonbridge (via Tudeley Village), and Royal Tunbridge Wells to

Tonbridge, and ensuring that the design of these strategic sites provides for attractive bus services with convenient access to the highway network:

Who is going to fund these rapid bus/transport links within this DLP and ensure we have attractive bus services with convenient access to existing highway networks. Will the service be subsidised by KCC or is it again just words and no real substance in the proposals?

- 1 Working with network rail again is “Pie in the Sky” as they have their own agenda but it seems convenient to suggest it can happen in the future as part of this DLP. Has there been any negotiations with Network Rail and any commitment to provide capital funds to make it happen in the future as part of this DLP. Where’s the evidence?

Question 7

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If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

Comment

Consultee	Mr Raymond Moon ()
Email Address	()
Company / Organisation	Paddock Wood Labour Party (PWLP)
Address	() TONBRIDGE TN12 ()
Event Name	Pre-Submission Local Plan
Comment by	Paddock Wood Labour Party (PWLP) (Mr Raymond Moon - ())
Comment ID	PSLP_2313
Response Date	02/06/21 15:02
Consultation Point	Policy STR 7 Climate Change (View)
Status	Processed
Submission Type	Web
Version	0.2
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Paddock Wood Labour Party
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
Policy STR 7 Climate Change	
Question 4	
Do you consider that the Local Plan:	
Is legally compliant	No

Is sound No

Complies with the Duty to Cooperate No

Question 4a

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Policy STR 7

Climate Change (statement)

The Borough must implement these changes as part of its net zero target by 2030.

1 Implementing proactive policy on climate change adaptation

“a. protecting existing green spaces and creating new, appropriate green infrastructure whilst balancing the need for built development”

Show us the proposals and evidence that this is achievable with the present dwelling allocation for PW within the DLP. Where are these sustainable Drainage Systems at present in PW?

1 Partner engagement

This looks great on paper but in reality it has never happened yet in PW with all the new houses over the last 50 years. Who is going to lead and integrate these partner engagements? At present Southern Water and the present developers ignore the residents of PW and PWTC when dealing with the failures of these partners to provide present sustainable development in PW and stick to their previous promises made in past Local Plans to previous Inspectors and recent planning applications. The Borough is failing the residents of PW.

Question 7

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Comment

Consultee	Mr Raymond Moon ([REDACTED])
Email Address	[REDACTED]
Company / Organisation	Paddock Wood Labour Party (PWLP)
Address	[REDACTED] TONBRIDGE TN12 [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Paddock Wood Labour Party (PWLP) (Mr Raymond Moon - [REDACTED])
Comment ID	PSLP_2314
Response Date	02/06/21 15:02
Consultation Point	Policy STR 9 Green Belt (View)
Status	Processed
Submission Type	Web
Version	0.2
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Paddock Wood Labour Party
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
Policy STR 9 Green Belt	
Question 4	
Do you consider that the Local Plan:	
Is legally compliant	No

Is sound No

Complies with the Duty to Cooperate No

Question 4a

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Policy STR 9

Green Belt (statement)

The Borough's Green Belt

4.128 Overall, some 5.71% of the Green Belt within the borough has been de-designated. Table 6 Green Belt Sites Policy Number Site Address S

STR/SS 1 Paddock Wood (including land at Removed -148.194 2.077 east Capel)

STR/SS 3 Tudeley Village Removed

To accommodate the boroughs housing allocation the above areas of GBL have been removed and there is no evidence or justification to agree to the reduction of our green and Open Spaces. This removal is purely designed to allow the TWBC to meet the new dwelling allocation and again highlights the unsustainability of the present proposals in the DLP.

Within the NPPF the proposed new development within the Green Belt is inappropriate and will harm the GB. Once you have lost Green Open Space in the GB it takes years to replace and is not viable. The only reason to take GBL is to meet the housing allocation and ignore the future damage. This use of GBL is inappropriate and PWLP objects to its inclusion in the DLP.

Question 7

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Comment

Consultee	Mr Raymond Moon ([REDACTED])
Email Address	[REDACTED]
Company / Organisation	Paddock Wood Labour Party (PWLP)
Address	[REDACTED] TONBRIDGE TN12 [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Paddock Wood Labour Party (PWLP) (Mr Raymond Moon - [REDACTED])
Comment ID	PSLP_2315
Response Date	02/06/21 15:02
Consultation Point	Policy STR/PW 1 The Strategy for Paddock Wood (View)
Status	Processed
Submission Type	Web
Version	0.2
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Paddock Wood Labour Party
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy STR/PW 1 The Strategy for Paddock Wood

Question 4

Do you consider that the Local Plan:

Is legally compliant	No
Is sound	No
Complies with the Duty to Cooperate	No

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:	. It is not positively prepared
	. It is not effective
	. It is not justified
	. It is not consistent with national policy

Question 5

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Section5: Place Shaping Policies Introduction

Paddock Wood

Pg 166. The Strategy for Paddock Wood.

5.239 This paragraph clearly states the importance of identifying the flood risk in the area and the importance to recognise this when agreeing planning applications and the policies in this DLP. The most risk is North of the railway and no residential development should be allowed in this allocation as in previous Local Plans with only commercial development being acceptable.

5.240 The release of the GBL west of Paddock Wood and none of the exceptional circumstances justify this release set out in Policy STR/SS 1. The only justification is to allow the allocation of new dwellings to meet the TWBC allocation and the unchallenged Government Allocation.

5.241 This is a false statement regarding the number of presently agreed houses which is at least 1400 new dwellings within the last Local Plan. It should also take into account the number of windfall houses built in PW during that time and the pressure put on the existing inadequate infrastructure.

5.242 The significant growth planned for PW 3,490-3,590 dwellings will significantly change the existing character of the Town and is not sustainable as regards the present provision of medical facilities and capacity at the primary school and Mascalls School. The present Town centre will also not be able to sustain the new houses. In short the allocation is disproportionate to the overall TWBC allocation and this document seeks to justify the figures by false statements and attached documents. The number was picked out the sky and then make it sustainable.

5.244 There is frequent mention of a Masterplan through out this whole document to again support the allocation of 3,590 houses and there is no detail of the plan and the legal requirement put on developers and other utilities and stakeholders in the Town. A previous masterplan was promised for PW and it did not happen. The detail of the masterplan must be presented and agreed in this DLP.

Policy STR/PW 1

The Strategy for Paddock Wood

- 1 Mention is made to Affordable housing but no mention of the need for Social housing as we come out of the Pandemic. The affordable housing in PW not affordable to many residents even with

the present TWBC policy on its provision to developers. The TWBC is missing its target on this provision. We need more Social housing.

- 2 Flood mitigation at present on the existing new developments predominantly relies on drainage ponds which is not sustainable in the future as we experience Climate Change and more extreme weather events. The fact is they are being built on high Flood risk areas and should not be allowed. There has to be a limit to how many houses that are sustainable within the present infrastructure.
- 3 No mention is made to protection of Foal Hurst Wood nature reserve owned by PWTC as more houses are built around its boundary. Light pollution is a major threat to the present wildlife that exist in the wood including resident Dormouse.

Question 7

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Comment

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Email Address	[REDACTED]
Company / Organisation	Paddock Wood Labour Party (PWLP)
Address	[REDACTED] TONBRIDGE TN12 [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Paddock Wood Labour Party (PWLP) (Mr Raymond Moon - [REDACTED])
Comment ID	PSLP_2316
Response Date	02/06/21 15:02
Consultation Point	Policy AL/PW 1 Land at Mascalls Farm (View)
Status	Processed
Submission Type	Web
Version	0.2
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Paddock Wood Labour Party
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
Policy AL/PW 1 Land at Mascalls Farm	
Question 4	
Do you consider that the Local Plan:	
Is legally compliant	No

Is sound No

Complies with the Duty to Cooperate No

Question 4a

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Allocation policies for Paddock Wood

Land at Mascalls Farm

5.253 The protection of Foal Hurst Wood and the link to Brick Kiln Wood should be included to protect the present Dormouse population in FHW.

5.255 The site allocation of 400 homes is over intensive and unsustainable within the DLP

5.256, 5.257 These statements highlight the probability that the allocation of 3,590 will be exceeded as the duration of the plan progresses and the limit of 3590 must not be breached.

Policy AL/PW 1

Land at Mascalls Farm

This development already has planning permission so why is it in the DLP and appears to be open to consultation, it is not!

Question 7

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Email Address	[REDACTED]
Company / Organisation	Paddock Wood Labour Party (PWLP)
Address	[REDACTED] TONBRIDGE TN12 [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Paddock Wood Labour Party (PWLP) (Mr Raymond Moon - [REDACTED])
Comment ID	PSLP_2317
Response Date	02/06/21 15:02
Consultation Point	Policy EN 1 Sustainable Design (View)
Status	Processed
Submission Type	Web
Version	0.3
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Paddock Wood Labour Party
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
Policy EN 1 Sustainable Design	
Question 4	
Do you consider that the Local Plan:	
Is legally compliant	No

Is sound No

Complies with the Duty to Cooperate No

Question 4a

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Section 6: Development Management Policies

Policy EN 1

Pg 324.Sustainable Design

- 1 This mentions the needs of occupiers in relation to their changing circumstances as they grow older or life changes at any age, without needing to move House. New dwellings as part of TWBC policy should adopt “**Life Time Home Standards**” for all new build across the Borough in the DLP. This also should include the inclusion of new bungalows in any new development allocation including Social Housing. Developers need to be forced to include new Bungalow dwellings in the DLP allocation.

Within this whole policy the main theme is “should” relating to the policy provision and it should be replaced by “**must**”. This gives a clear commitment to ensure that the policy statements are not just words to be ignored but to be acted on.

- 1 **Highway safety and access**

- 2 Due to the unfair allocation of 3,590 new dwellings in PW it will result in a massive impact, with congestion around the town including Badsell Road. The Local Cycling and Walking Infrastructure Plan Phase 2 has proposals to ban cars using the Railway bridge to access the Town centre. The rerouting of traffic via the Badsell road to access the Town centre will increase congestion along the Badsell Road. This proposal has also not been subject to direct consultation with the residents of PW. This should be implemented by TWBC before this DLP Consultation is reviewed after the closing date of Friday 4th June 2021.

- 3 **Crime reduction**

Paddock Wood has just seen its present Police station demolished for new housing and results in no direct police presence in the Town. With the proposed 3,590 new dwellings there is a clear need for a new police station to serve the increasing community. This should form part of the need within the DLP.

- 1 **Community engagement**

At present numerous planning applications are ignored by TWBC when PWTC and residents clearly object to them regarding past policy on local plans. The recent approval of the Churchill development in the town centre clearly went against previous policy and PWTC objections. We need closer liaison with TWBC planning office and our elected Borough Councillors who make the real decisions and to stop us being continually ignored. We live local and need to be listened to and supported.

Design checklist to support the design criteria in Policy EN 1 1. Design, character, and site context

All of these questions look fine on paper but what is the process if any have the answer of no! Hopefully if only one is not met then the design of any new development would be rejected.

The residents again need that commitment from TWBC as part of the DLP.

Climate Change Mitigation and Adaptation

Climate change mitigation

6.32 The statement is to be supported identifying the greatest challenge the world and our local communities in the Borough face in the near future up to 2030 and beyond. The modelling produced by the Utilities need to be challenged and subject to rigorous scrutiny as regards events over a 100 years etc. These events are occurring more often and any new development must have the required infrastructure to cope with these extreme events.

6.36 This statement is not forceful enough when : The Local Authority **expects** developers to undertake a 'fabric first' approach to reduce overall CO2 emissions from buildings. Developers "**must**" replacing the expects to implement these policy statements.

As part of this statement it should include the policy to ensure that all the Towns including Paddock Wood and Parishes within the Borough implement a local A Carbon Free Footprint to meet the Borough target of 2030. This policy should be implemented with subsidies from the Borough to help the communities create their local policies in support of the Borough policy of carbon free by 2030.

Question 7

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Comment

Consultee	Mr Raymond Moon ([REDACTED])
Email Address	[REDACTED]
Company / Organisation	Paddock Wood Labour Party (PWLP)
Address	[REDACTED] TONBRIDGE TN12 [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Paddock Wood Labour Party (PWLP) (Mr Raymond Moon - [REDACTED])
Comment ID	PSLP_2318
Response Date	02/06/21 15:02
Consultation Point	Policy EN 3 Climate Change Mitigation and Adaptation (View)
Status	Processed
Submission Type	Web
Version	0.2
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Paddock Wood Labour Party
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy EN 3 Climate Change Mitigation and Adaptation

Question 4

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Is legally compliant	No
Is sound	No
Complies with the Duty to Cooperate	No

Question 4a

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Policy EN 3 Climate Change

Mitigation and Adaptation

PWLP broadly supports the Policy EN3 but enforcement is the key with any new development being subject to scrutiny and enforcement from the Borough. It is responsibility of TWBC to implement this and not the Town and Parish clerks. Who is meant to ensure that any conditions imposed on developers as a result of these fine words in the DLP are actually complied with?

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Address	[REDACTED] TONBRIDGE TN12 [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Paddock Wood Labour Party (PWLP) (Mr Raymond Moon - [REDACTED])
Comment ID	PSLP_2319
Response Date	02/06/21 15:02
Consultation Point	Policy EN 5 Heritage Assets (View)
Status	Processed
Submission Type	Web
Version	0.2
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Paddock Wood Labour Party
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
Policy EN 5 Heritage Assets	
Question 4	
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Is sound No

Complies with the Duty to Cooperate No

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Policy EN 5

Heritage Assets

Within this policy statement the Wesley Centre in Paddock Wood should be clearly mentioned and protected for the future.

Pg 353.Natural Environment

Requirements and processes for planning applications

6.138 These are fine policy statements but who again enforces the developers to put them into practice. Within the DLP allocation of 3590 new houses in PW all of this development is on present green and open space and existing countryside. That environment is destroyed with no regard to the resident wildlife and natural trees and plants. TWBC should demand the developers provide such elements as hedgehog highways between the dwellings to help the Hedgehogs adapt to their new environment. Existing trees must be incorporated into the design of the new developments.

Pg357 Protection of Designated Sites and Habitats

Local sites

6.153 The local nature reserve owned by Paddock Wood Town Council PWTC **must** be mentioned in this policy statement to protect the woodland and its resident wildlife and habitat against over development and encroachment on its existing boundary's.

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Email Address	[REDACTED]
Company / Organisation	Paddock Wood Labour Party (PWLP)
Address	[REDACTED] TONBRIDGE TN12 [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Paddock Wood Labour Party (PWLP) (Mr Raymond Moon [REDACTED])
Comment ID	PSLP_2320
Response Date	02/06/21 15:02
Consultation Point	Policy EN 21 Air Quality (View)
Status	Processed
Submission Type	Web
Version	0.2
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Paddock Wood Labour Party
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
Policy EN 21 Air Quality	
Question 4	
Do you consider that the Local Plan:	
Is legally compliant	No

Is sound No

Complies with the Duty to Cooperate No

Question 4a

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Pg381. Policy EN 21

Air Quality

TWBC must implement this policy statement across the borough as more and more houses are built in this DLP including PW. The present bus services in the rural areas are totally inadequate and an integrated bus and railway network will encourage more public transport use and improve air quality.

Pg 387 Development and Flood Risk

6.277 This statement needs to be reviewed as most of the proposed new development in PW within this DLP is in a high area of flood risk. **“The Strategy for Paddock Wood and east Capel and STR/SS 3”** is totally unsustainable and supports the argument the allocation of 3,590 is not sustainable when considering all the policy statements in this DLP. The number of new dwellings is not proportionate to the rest of the Borough in meeting its total allocation of 12,000 plus new dwellings. Paddock Wood just cannot cope with this large number of new houses and it should be reduced.

Question 7

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Comment

Consultee	Mr Raymond Moon ()
Email Address	()
Company / Organisation	Paddock Wood Labour Party (PWLP)
Address	() TONBRIDGE TN12 ()
Event Name	Pre-Submission Local Plan
Comment by	Paddock Wood Labour Party (PWLP) (Mr Raymond Moon ())
Comment ID	PSLP_2321
Response Date	02/06/21 15:02
Consultation Point	Policy EN 25 Flood Risk (View)
Status	Processed
Submission Type	Web
Version	0.2
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Paddock Wood Labour Party
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
	Policy EN 25 Flood Risk
Question 4	
Do you consider that the Local Plan:	
Is legally compliant	No

Is sound	No
Complies with the Duty to Cooperate	No

Question 4a

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Pg388 Policy EN 25

Flood Risk

Where it is proven that the mitigation is not sustainable then the development should not be allowed as part of the DLP. Failure to do so will mean increased flooding in areas such as PW and Capel and the residents will pick up the cost, not the developers or the TWBC.

Question 7

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Comment

Consultee	Mr Raymond Moon ([REDACTED])
Email Address	[REDACTED]
Company / Organisation	Paddock Wood Labour Party (PWLP)
Address	[REDACTED] TONBRIDGE TN12 [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Paddock Wood Labour Party (PWLP) (Mr Raymond Moon - [REDACTED])
Comment ID	PSLP_2322
Response Date	02/06/21 15:02
Consultation Point	Policy H 1 Housing Mix (View)
Status	Processed
Submission Type	Web
Version	0.2
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Paddock Wood Labour Party
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
	Policy H 1 Housing Mix
Question 4	
Do you consider that the Local Plan:	
Is legally compliant	No

Is sound	No
Complies with the Duty to Cooperate	No

Question 4a

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Pg 397.Policy H 1 & Pg401 H 3

Housing Mix

6.326 Within this policy statement there is no mention of the provision of Social Housing in the borough. As a matter of urgency this must be included after the pandemic and covid and hopefully the rebuilding of the economy.

Question 7

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Company / Organisation	Paddock Wood Labour Party (PWLP)
Address	[REDACTED] TONBRIDGE TN12 [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Paddock Wood Labour Party (PWLP) (Mr Raymond Moon - [REDACTED])
Comment ID	PSLP_2323
Response Date	02/06/21 15:02
Consultation Point	Policy H 3 Affordable Housing (View)
Status	Processed
Submission Type	Web
Version	0.2
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Paddock Wood Labour Party
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
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Policy H 3 Affordable Housing	
Question 4	
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Complies with the Duty to Cooperate No

Question 4a

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Pg 397.Policy H 1 & Pg401 H 3

Housing Mix

6.326 Within this policy statement there is no mention of the provision of Social Housing in the borough. As a matter of urgency this must be included after the pandemic and covid and hopefully the rebuilding of the economy.

Question 7

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If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

Comment

Consultee	Mr Raymond Moon ([REDACTED])
Email Address	[REDACTED]
Company / Organisation	Paddock Wood Labour Party (PWLP)
Address	[REDACTED] TONBRIDGE TN12 [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Paddock Wood Labour Party (PWLP) (Mr Raymond Moon [REDACTED])
Comment ID	PSLP_2324
Response Date	02/06/21 15:02
Consultation Point	Policy ED 1 The Key Employment Areas (View)
Status	Processed
Submission Type	Web
Version	0.2
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Paddock Wood Labour Party
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
Policy ED 1 The Key Employment Areas	
Question 4	
Do you consider that the Local Plan:	
Is legally compliant	No

Is sound No

Complies with the Duty to Cooperate No

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

- . It is not positively prepared
- . It is not effective
- . It is not justified
- . It is not consistent with national policy

Question 5

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

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Pg 428 Policy ED 1

The Key Employment Areas

Paddock Wood Eldon Way and West of Maidstone Road

Paddock Wood Transfesa Road East and West

Both of these locations identify the present local key employment areas in PW and should be maintained. The proposal within the DLP to provide residential dwellings North of the railway bridge in PW contradicts this policy. This type of Commercial development is more suited to high risk flood areas in PW as describe in the DLP and not for new residential development in the same area.

Pg 466 Public Car Parks

The introduction of free parking should be implemented as part of this DLP for all the Borough public car parks. To rebuild the local economy across the borough and support our local retailers after the Pandemic and Covid. We need our residents to shop local and this policy will support that goal.

Question 7

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If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

Comment

Consultee	Mr Raymond Moon ([REDACTED])
Email Address	[REDACTED]
Company / Organisation	Paddock Wood Labour Party (PWLP)
Address	[REDACTED] TONBRIDGE TN12 [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Paddock Wood Labour Party (PWLP) (Mr Raymond Moon - [REDACTED])
Comment ID	PSLP_2312
Response Date	02/06/21 15:02
Consultation Point	Policy TP 3 Parking Standards (View)
Status	Processed
Submission Type	Web
Version	0.2
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Paddock Wood Labour Party
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
Policy TP 3 Parking Standards	
Question 4	
Do you consider that the Local Plan:	
Is legally compliant	No

Is sound No

Complies with the Duty to Cooperate No

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

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Question 5

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Car parking

Policy TP 3: Parking Standards

To revitalise our local high street and commercial centres after Covid the Borough must implement a free parking strategy across the board including PW car parks to give a boost to our local retailers and encourage people back to the shops in our community's.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

Comment

Consultee	Mr Raymond Moon ([REDACTED])
Email Address	[REDACTED]
Company / Organisation	Paddock Wood Labour Party (PWLP)
Address	[REDACTED] TONBRIDGE TN12 [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Paddock Wood Labour Party (PWLP) (Mr Raymond Moon - [REDACTED])
Comment ID	PSLP_2325
Response Date	02/06/21 15:02
Consultation Point	Policy TP 5 Safeguarding Railway Land (View)
Status	Processed
Submission Type	Web
Version	0.2
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Paddock Wood Labour Party
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
Policy TP 5 Safeguarding Railway Land	
Question 4	
Do you consider that the Local Plan:	
Is legally compliant	No

Is sound No

Complies with the Duty to Cooperate No

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

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- . It is not effective
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- . It is not consistent with national policy

Question 5

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Pg468 Policy TP 5

Safeguarding Railway Land

The former Paddock Wood to Hawkhurst (Hop Pickers) line

This policy is fully supported within the DLP and supports PWTC in setting out a strategy to try and enhance and improve the route for future recreational use including walking along the route, where possible to Hawkhurst.

Note. From PWLP.

When considering all the various statements included in these sections of the DLP it is so plainly obvious that many of the statements contradict themselves in justifying the new housing allocation. The Borough has quite frankly built the reasons why the allocation in PW and Capel is not sustainable and across the Borough. The point is will the safe guards be implemented in the DLP and the fine words acted on in the future, the PWLP thinks not and PW will change for the worse for ever!!! The Borough must stand back and review its present DLP.

Question 7

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If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

Supporting Information File Ref No: SI_78a-c

Comment

Agent	Mr Troy Hayes [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Troy Planning & Design
Address	[REDACTED] [REDACTED] London [REDACTED]
Consultee	Mrs Nichola Reay [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Paddock Wood Town Council
Address	The Podmore Building St Andrews Recreation Ground TONBRIDGE TN12 6HT
Event Name	Pre-Submission Local Plan
Comment by	Paddock Wood Town Council [REDACTED] [REDACTED]
Comment ID	PSLP_1461
Response Date	04/06/21 16:11
Consultation Point	Pre-Submission Local Plan (View)
Status	Processed
Submission Type	Email
Version	0.6
Files	PSLP 1448-1479(not inclusive) Troy Planning for PWTC SI-2 Representation.pdf PSLP 1448-1479(not inclusive) Troy Planning for PWTC SI-3 PW TC Response to Reg. 18.pdf PSLP 1448-1479(not inclusive) Troy Planning for PWTC SI-1 Cover Letter Redacted.pdf
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Paddock Wood Town Council

Question 2

Agent's Name and Organisation (if applicable) Troy Planning & Design

Question 3

To which part of the Local Plan does this representation relate? Policy

Question 3a

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

PSLP

[TWBC: for other comments by Paddock Wood Town Council relating to specific Policies, please see Comment Numbers PSLP_1448-1456, PSLP_1461, PSLP_1471, PSLP_1474, PSLP_1475-1477 and PSLP_1479]

Question 4

Do you consider that the Local Plan:

Is legally compliant No

Is sound No

Complies with the Duty to Cooperate No

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

- . It is not positively prepared
- . It is not effective
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Question 5

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Tunbridge Wells Pre-Submission Local Plan – Paddock Wood Town Council Representation

Please find enclosed our representations to the Council's Pre-Submission Local Plan. These Representations are prepared and submitted on behalf of Paddock Wood Town Council (PWTC) and the representations are supported by the Paddock Wood Neighbourhood Plan Steering Group.

We also enclose the Council's Representation Form with our signature confirming that we do wish to take part in the Local Plan Examination Hearings.

We would like to point out that the majority of PWTC's representations to the Regulation 18 consultation were not addressed by TWBC. Given that the Local Plan has changed very little between that earlier consultation and the current period of representations on the Regulation 19 Local Plan we enclose these earlier representations and request that TWBC takes these into account and ensures they are supplied to the Secretary of State if the Council decides to proceed to submission stage.

We request that you please include this letter as part of our formal representations.

Our representations conclude that the Local Plan and its evidence base fail all the tests of soundness set out in the National Planning Policy Framework (NPPF) and that the Local Plan is not legally compliant.

Our representations go to the heart of the soundness and legality of the Local Plan, its policies, and the process TWBC has undertaken in preparing its Local Plan. We therefore consider that the entirety of the Local Plan is unsound as it is not legally compliant. Whilst we have singled out a number of specific policies that we consider to be unsound it would simply not be possible to comment on every single policy in the Local Plan which is a 515-page document.

We trust that TWBC appreciates the importance of the Local Plan proposals to the Paddock Wood community in terms of the inappropriateness of the proposals which would, if the Local Plan in its current form were to be implemented, have irreversible negative impacts on Paddock Wood and the wider area.

We urge TWBC to reconsider its development strategy which is set to fail at Local Plan Examination in Public and to restart the Local Plan process using an evidence base led approach which would conclude that Paddock Wood is an unsuitable and unsustainable location for strategic housing growth. Such an approach would save TWBC, the taxpayers and all the stakeholders involved in the Local Plan process an enormous amount of time and resources debating a Local Plan which is clearly unsound and not legally compliant.

These Representations are prepared and submitted on behalf of Paddock Wood Town Council (PWTC) and the representations are supported by the Paddock Wood Neighbourhood Plan Steering Group.

1 Plan Period

1.1. The Local Plan period of 2020 – 2038 is insufficient to cope with the extent of the strategic proposals contained within the Local Plan. The NPPF states that “*Strategic policies should look ahead over a minimum 15-year period from adoption (except in relation to town centre development)*”¹ and the Local Plan makes reference to this where it states “*In accordance with national policy...this Plan runs from 2020 to 2038, following anticipated adoption in June 2022*”². However, there is no justification provided by TWBC as to why 2020 – 2038 is the selected plan-period. Given the Council's proposed change of its current development strategy of focusing development on its key urban areas (Royal Tunbridge Wells and Southborough) to directing the majority of its growth to an area with high flood risk (Paddock Wood) and a location in the middle of the countryside (Tudeley) there is clearly a need for more lead in time to plan for this proposed new strategy which will require an enormous amount of funding, due diligence, community / stakeholder engagement and joined up planning in order to properly plan and deliver.

1.2. MHCLG recognises the need for longer plan periods in its recent consultation on proposed changes to the NPPF (30th January – 27th March 2021) where it proposes to amend paragraph 22 of the NPPF to require a minimum of 30 years where larger-scale development is proposed. The consultation document refers to new settlements specifically and the explanatory text in the consultation clarifies that ‘major urban extensions’ are also included as part of this (see excerpts from the consultation below). Whilst MHCLG's consultation on the proposed changes to the NPPF provide a clear direction of travel for plan-making and that authorities will need to plan ahead for at least 30 years, the NPPF is already clear that 15 years is a minimum period and given the scale and complexity of growth proposed in this Local Plan we consider (and provide evidence in our representations) that the Local Plan period should cover at least 30 years from adoption. Although TWBC considers the Local Plan will be adopted in 2022 we consider this to be highly optimistic due to the issues that will need to be examined at the Examination in Public (EiP) and we would suggest that this be pushed to 2023 at the earliest.

1.3. TWBC's proposed plan-period is ‘driving’ the Local Plan's suggested delivery rates and phasing for the proposed strategic allocation at Paddock Wood and Tudeley which are entirely unrealistic.

TWBC's evidence³ claims that the entirety of the proposals at Paddock Wood will be completed by 2036/37 and that delivery at Tudeley will extend beyond the plan period with 2,100 to be delivered by 2038 and 700 beyond the plan period. We go into more detail on these unrealistic delivery rates and development phasing assumptions in our representations however it is important to capture this in these representations on the plan-period as this appears to be what is driving the Council to adopt such an unreasonable approach to its Development Strategy which is an extremely unwise decision by TWBC.

1.4. Therefore, the plan period should be changed to 2020-2053. As a result of this change in the plan-period the majority of the Council's evidence base will need to be reviewed and updated. Given the extent of time that will be required to update the evidence base and proposed policies we suggest that TWBC not proceed with submission of the Local Plan in order to save the Council, the taxpayers and other key stakeholders a considerable amount of time and resources that will result from a Local Plan which is clearly unsound and not legally compliant.

[TWBC: for figures, please see full representation attached as a supporting document]

1 Duty to Cooperate

2.1. TWBC has not complied with the Government's legal test for discharging its Duty to Cooperate. Local authorities must fulfil the legal requirement to cooperate with the Duty to Cooperate prescribed bodies by "engaging constructively, actively and on an ongoing basis"⁴ on cross boundary strategic matters from the commencement of preparing the Local Plan to submission of the Local Plan to the Secretary of State for examination. TWBC has also failed to comply with the Town and Country Planning (Local Planning) (England) Regulations 2012⁵ which states that:

"(6) Where a local planning authority have co-operated with another local planning authority, county council, or a body or person prescribed under section 33A of the Act, the local planning authority's monitoring report must give details of what action they have taken during the period covered by the report."

The only TWBC Authority Monitoring Report (AMR) available on TWBC's website is the 2019-2020 Authority Monitoring Report⁶ so it is impossible to determine what Duty to Cooperate monitoring was or was not published in early Monitoring Reports. The 2019-2020 AMR does not detail actions TWBC has taken in relation to the Duty to Cooperate. It simply states that there has been progress on statements of common ground during the year and up to date and that these are set out in the Council's Duty to Cooperate Statement produced in support of the 'merging Local Plan'. It states that *"Perhaps the prime strategic matter at present is the capacity of the borough, as well as neighbouring authorities to meet housing needs"* and that *"this is subject to ongoing assessment through the preparation of the new Local Plan"*. It explains that *"it is likely that it is possible to meet its local housing need under the Standard Method, but not the uncapped housing need figure or to contribute to meeting wider housing needs"*. It finally states that *"Of note, dialogue with Sevenoaks District Council is continuing to clarify whether it will be meeting its own need"*⁷.

2.2. The above outline of the contents of the Council's AMR 2019-2020 does not comply with the regulations as there is no detail provided regarding the Duty to Cooperate activities undertaken. Simply stating that there has been progress on statements of common ground and that Sevenoaks DC is continuing to clarify whether it will meet its own development needs is not sufficient detail to comply with the regulations.

2.3. Furthermore, TWBC's Statement of Community Involvement (October 2020) commits to reporting *"on how it meets the Duty Cooperate in its Authority Monitoring Report"*⁸, however as explained above its AMR 2019-2020 does not provide the details of the actions undertaken. The SCI misunderstands the regulations as it not about reporting how the Council claims it meets the duty, it is instead supposed to provide a clear log of the actions undertaken.

2.4. Section 33A of the Planning and Compulsory Purchase Act 2004, as inserted by section 110 of the Localism Act 2011⁹ requires the council to cooperate with other local planning authorities and other 'prescribed' bodies in preparing and developing development plan documents and other local development documents so far as it relates to a strategic matter.

2.5. Despite TWBC preparing a document of near 560 pages seeking to evidence that it has discharged the duty, the document has a considerable amount of 'padding' and lacks substantive evidence that 'active', 'ongoing' and 'constructive' cooperation took place from the start of the preparation of the Local Plan up to submission. If further evidence of cooperation were to be submitted by TWBC in the

lead up to, or after submission of the Local Plan then this would clearly demonstrate that the Local Plan and its policies were not informed by this engagement – which is, after all, the entire reason for the Duty to Cooperate as explained in the NPPF: “*effective and on-going joint working between strategic policy-making authorities and relevant bodies is integral to the production of a positively prepared and justified strategy*” 10. The purpose of the duty is not to have a Statement of Common Ground, an SOCG is simply a way to demonstrate that effective and on-going work has informed the preparation of the Local Plan.

2.6. In any case Planning Practice Guidance (PPG) states that authorities should make any statements of common ground (SOCG) available on their website by the time they publish their draft plan so that communities and stakeholders have a transparent picture of how they have collaborated:

*Authorities should have made a statement of common ground available on their website by the time they publish their draft plan, in order to provide communities and other stakeholders with a transparent picture of how they have collaborated.*¹¹

As we set out in the table below there are no published SOCGs with Tonbridge & Malling BC or with Kent CC to support the Pre-Submission Local Plan.

We have also reviewed the Interim Duty to Cooperate Statement for the Draft Local Plan (Regulation 18)¹² and there was only one up to date SOCG published at that stage which was with Sevenoaks District Council 13. However, the validity of this SOCG cannot be relied upon as Local Plan was found by the Inspector in the same year (2019) to be unsound and not legally compliant due to SDC having not met the Duty to Cooperate¹⁴.

The other SOCG with a neighbouring authority was a 2016 SOCG with Maidstone Borough Council¹⁵ which to be fair has very little substance on which TWBC could rely upon to demonstrate the tests of the duty at that stage.

2.7. Turning to the current Duty to Cooperate Statement supporting the Regulation 19 Local Plan, it is difficult to see how TWBC has moved much further forward in a meaningful way with most of its neighbouring authorities.

2.8. The Duty to Cooperate engagement records in the TWBC document indicate that there are multiple gaps of 5 months or more with the other Local Authorities. There are no details about what the SOCG with Tonbridge & Malling BC will include and what are the actions in relation to joint evidence base, strategic policies and/or cross-boundary issues.

2.9. Further to this point regarding no SOCG with Tonbridge & Malling BC, we are aware that a number of TMBC Councillors have recently sent a letter to TWBC (dated 2nd June 2021) reiterating its opposition to several aspects of the Local Plan with particular regard to the Tudeley Village proposals which it considers will have an impact on Tonbridge “*above and beyond all recognition*”. The letter expresses in detail the disappointment with TWBC to address TMBC’s points raised previously (including the 2019 Local Plan consultation). There are a number of specific points raised in the letter which are summarised below and which were discussed at the TMBC Extraordinary Planning and Transportation Advisory Board on 17.05.2021 which available for public viewing online¹⁶:

- . TMBC last week rejected a planning application for another supermarket at Tonbridge Retail Park on Cannon Lane due to concerns about the ability of the road network to cope. Cannon Lane was originally build as the ‘mini-bypss’ in Tonbridge yet is frequently gridlocked. Thousands of homes just over the border in Tunbridge Wells borough would only lengthen queues across the south east of Tonbridge and make it harder for children to travel to the excellent schools in town.
- . The TMBC response to the Tunbridge Wells Local Plan (Regulation 19), as agreed at the Transportation Advisory Board meeting (June 2021) will include a number of accurate and extremely pressing comments:
- . Most relevant is the inability of TWBC to fully model forthcoming development in Tonbridge as part of its assessment as residents will look toward the town of Tonbridge much more than any other of the identified retail centres in Tunbridge Wells borough for services, shops and schools. Consequently TMBC would have expected to see a complete list of proposed mitigations (if even possible) within Tonbridge to cope with this however none have been put forward in the Local Plan process.
- o TMBC does not think the reduction in car use arising from the development is realistic.

o The development proposed near the border of Tonbridge will have landscape impact including rural roads and public footpaths which would link the proposed development at Tudeley with Tonbridge. This detrimental impact has not modelled. The Landscape and Visual Impact Assessment only applies to sites located within the High Weald AONB. This underplays the wonderful landscape that is visible within Tonbridge and to Tonbridge from notable landmarks. TMC would have expected the assessment to account for the character of the area within TMBC as well.

. TMBC strongly argues that the inclusion of STR/SS3 (Tudley Village) is unsound as it does not meet the NPPF's tests of soundness. It is not positively prepared because the cumulative impact of development on Tonbridge and Malling has not been assessed. It is not justified because reasonable alternatives have not been considered fully. It is not effective because significant infrastructure improvements will be needed, which are not forthcoming. It is inconsistent NPPF because the severe impacts on traffic cannot be mitigated.

. TMBC requests that TWBC removes the allocation from the Local Plan.

2.10. The above describes a letter and some of the discussion from TMBC's Advisory Board meeting in May however it is not TMBC's official response to the Regulation 19 Local Plan. It does provide some important indication as to how TMBC is likely to respond to the Local Plan and demonstrates the lack of cooperation by TWBC with TMBC.

2.11. With no signed SOCG with TMBC and the grave concerns it has about the evidence and unsoundness of the Local Plan, as well as the lack of constructive engagement, it is clear that TWBC has not discharged the Duty to Cooperate in relation to TMBC (or the other prescribed bodies).

2.12. We have prepared a table below to help summarise the status of SOCGs that TWBC does or in most cases does not have in place. We have included in the table, Kent County Council as it is considered that they are a key body in the preparation and delivery of the Local Plan and it seems reasonable that TWBC should prepare an SOCG with KCC to clarify what cooperation has taken place, what is agreed and what is not agreed. Given the scale of strategic proposals at Paddock Wood and Tudeley surely an SOCG with KCC is critical.

2.13. We have included 'Strategic Site Promoters / Landowners' in the table given that the delivery of the strategic growth at Paddock Wood and Tudeley is dependent to a very great extent on the developers. There needs to be public clarity about what is agreed between TWBC, KCC and the developers in a SOCG. Such an SOCG cannot wait until the planning application stage as the Local Plan examination is the opportunity to deal with difficult issues using a plan-led approach rather than storing up issues for a later day.

2.14. The PPG explains what a Statement of Common Ground should contain¹⁷. The PPG also states that *"The level of cooperation detailed in the statement is expected to be proportionate to the matters being addressed. The statement is expected to be concise and is not intended to document every occasion that strategic policy-making authorities meet, consult with each other, or for example, contact prescribed bodies under the duty to cooperate. The statement is a means of detailing key information, providing clear signposting or links to available evidence on authorities' websites."* Most of the Statements of Common Ground included in the TWBC Duty to Cooperate Statement for Pre-Submission Local Plan refer to meetings and discussions on crossboundary issues, however they often lack the documentation of the preparation of joint evidence base and strategic policies¹⁸ to ensure development is coordinated, (such as the distribution of unmet needs or policies relating to county matters).

2.15. It is not clear from the Duty to Cooperate Statement what are the additional (if any) joint studies commissioned, besides the ones in partnership with Sevenoaks District Council.

2.16. TWBC's Statement of Community Involvement states that *"The Council will meet the spirit and letter of the legislation and supporting guidance in collaborating on strategic matters affecting the borough"* however it clearly has not met the spirit or the letter of legislation and national policy.

[TWBC: for table, please see full representation attached as a supporting document]

1 Garden Settlement Principles

15.1. We consider that the Local Plan's multiple references to 'Garden Settlement Principles' is unjustified.

15.2. The NPPF states that local authorities should *"set clear expectations for the quality of the development and how this can be maintained (such as following Garden City principles) and ensure that a variety of homes to meet the needs of the different groups in the community will be provided"*⁵⁰.

15.3. The Local Plan states that “at the heart of the creation of a sustainable community is the delivery of the new settlement based on garden settlement principles”⁵¹. It then lists ten “qualities”. Policy STR/SS1 (The Strategy for Paddock Wood, including land at east Capel) states that “The development strategy for Paddock Wood and east Capel is to: (6) Ensure the development embeds the garden settlement principles. Planning applications need to demonstrate consideration of the associated key qualities as outlined in the supporting text”. We note that the proposed ‘Garden Settlement Principles’ are identical to the “Garden community qualities” set out in the Government’s Garden Communities Prospectus (2018)⁵². Whilst we share TWBC’s ambitions for the quality development that would result from planning and delivering development in line with these principles we seriously question how these principles have been considered in the Council’s evidence base and how deliverable they are.

15.4. For instance, the Council’s viability evidence talks about the garden settlement principles where it states regarding development at Paddock Wood and Tudeley: “In the context of the aspiration to deliver these strategic sites on garden settlement principles, however, it is recognised that the site works and infrastructure costs will be significant. Accordingly, there will need to be an approach to finding the right balance to both ensure the provision of the necessary infrastructure to support growth, and secure affordable housing delivery in accordance with policy to the fullest extent possible”⁵³. To translate this paragraph from the viability evidence, it is effectively saying that ‘Garden Settlement Principles’ are aspirational and that the proposals at Paddock Wood and Tudeley will struggle to deliver the infrastructure requirements and affordable housing requirements before one can even consider the aspirations of the ‘Garden Settlement Principles’.

15.5. Although the viability evidence supporting the Local Plan claims to include assumptions about the additional costs associated with applying ‘Garden Settlement Principles’ we cannot identify where these additional costs are set out in the evidence.

15.6. The Inspectors of the Uttlesford Local Plan – which proposed multiple new garden settlements and stated that the new settlements would need to be developed in line with ‘garden city principles’ found that there were no mechanisms in place to ensure that the garden city principles could and would actually be delivered by the developers. They stated in their letter: “Without assurances that the necessary mechanisms outside the plan would be put in place, we cannot be content in principle that the new proposed settlements would be true Garden Communities, or that the plan’s stated vision for these new settlements would be met. This is a serious concern.”⁵⁴. We have the same concerns for the Tunbridge Wells Local Plan in respect of the purported application of ‘Garden Settlement Principles’ with no concrete mechanisms for actually delivering development in this way and no evidence to justify it.

[TWBC: for full representation, please see supporting documents]

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)? Yes, I wish to participate in hearing session(s)

Question 7a

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

Paddock Wood Town Council confirms that it wishes to participate in the Local Plan Examination hearing sessions. Given the scale of strategic development proposed at Paddock Wood and nearby at the proposed new settlement, its extensive representations, and its role as a statutory consultee, PWTC considers it critical that it has the opportunity to provide further input into the Local Plan

Examination process including the hearing sessions to respond to other evidence and arguments put forward.

Question 8

If you have any separate comments you wish to make on the accompanying Sustainability Appraisal, please make them here.

3. Sustainability Appraisal / Strategic Environment Assessment

General

3.1. Through scrutinising the Sustainability Appraisal (SA), it became apparent that the justification for the preferred development strategy is unsound, as the preferred development strategy would involve the loss of Green Belt and the AONB. As such, this approach does not comply with paragraph 118 of the NPPF which emphasises the benefits of developing suitable brownfield, under-utilised land and buildings and airspace above existing residential and commercial premises for new homes. In contrast, the nontechnical summary states that “following the maximisation of sustainable development in settlements across the borough, the preferred development strategy embraces the creation of a new garden settlement, together with a major urban extension based on garden settlement principles. Both of these proposals would involve significant loss of Green Belt land, it being found unreasonable for such large growth to occur in the AONB and there being no sustainable opportunities outside of the AONB. However, these are justified in part on meeting development needs, given the limited capacity for this scale of growth to be otherwise distributed across the borough.”

3.2. The above SA statement indicates that the loss of Green Belt is justified via the ‘exceptional circumstances’ case, whereby, in accordance with paragraph 37 of the NPPF, “strategic policy-making authority should be able to demonstrate that it has examined fully all other reasonable options for meeting its identified need for development”. Paragraph 37 of the NPPF clarifies that this can be justified if the following can be justified:

“a) makes as much use as possible of suitable brownfield sites and underutilised land;
b) optimises the density of development in line with the policies in chapter 11 of this Framework, including whether policies promote a significant uplift in minimum density standards in town and city centres and other locations well served by public transport; and
c) has been informed by discussions with neighbouring authorities about whether they could accommodate some of the identified need for development, as demonstrated through the statement of common ground.”

3.3. TWBC have clearly not fulfilled the NPPF's criteria set out above. First and foremost, the preparation stage of the Local Plan should be informed by a suite of evidence documents. Given that the borough is largely constrained by Green Belt and the AONB, it is unclear as to why TWBC did not undertake further urban capacity studies and small sites studies. The outputs of this work would likely unlock new growth potential in areas deemed appropriate for higher density development within the borough, as in accordance with the NPPF. In the absence of this it is noted that the Brownfield and Urban Land Topic Paper¹⁹ concludes that “a review of brownfield sites now proposed for allocation shows that high densities are being proposed on all but two sites (on Land at Benenden Hospital.) While these sites have a relatively low density, this reflects the constraints and location of the site. There are regarded as appropriate densities in line with paragraph 122 of the NPPF. The other proposed brownfield site allocations are achieving densities well above 30 dwellings per hectare with particularly high densities on sites in Royal Tunbridge Wells, showing the Pre-Submission Local Plan will seek to optimise the use of sites in the town centre and other accessible locations.”

3.4. The above summary is concerning as it highlights TWBC's lack of regard for the Green Belt. It is clear that the proposed loss of Green Belt and AONB conflicts with paragraph 133 and 11bi) of the NPPF and also provides that TWBC have not fully evaluated potential sources of supply. With regard to paragraph 37 of the NPPF (as set out above), it is clear that there has been no thorough review of under-utilised land nor has there been sufficient regard for sites in town centres and near public transport where constraints exist but there is potential for them to be overcome.

3.5. With reference to clause c) of paragraph 37 of the NPPF, TWBC's Statement of Common Ground states that (our emphasis added) “In September 2020, TWBC wrote to MBC indicating that they are exploring all potential options to meet the need of the borough. In this letter, TWBC formally requested that MBC accommodate some or all of the housing proposed in the Draft Local Plan within the Green Belt, or as major development in the AONB, and at least 14 hectares of employment land. An initial response was issued by MBC in December 2020. This stated that MBC could not accommodate any

of TWBC's need, as it was proving very challenging to accommodate the extra homes needed until 2037, necessitating growth to be focused on two 'garden communities'". The above statement severely undermines the legitimacy of TWBC's approach, as TWBC did not engage constructively with MBC and instead sought only to accommodate housing needs in the Green Belt and AONB within MBC. As such, this approach does not comply with paragraph 37) of the NPPF on the grounds that TWBC's and MBC's collaborative evaluation of the potential sources of housing supply was entirely unsatisfactory.

3.6. It is worth acknowledging that the above matter was a key issue within the St Albans City and District Local Plan examination, where the Examiners' (Letter from Examiners dated 14th April 2020) recommended the withdrawal of the Plan and stated that (our emphasis added) "the Council's approach to the Green Belt is also of concern to us in relation to the DtC. The Plan proposes substantial Green Belt boundary alterations to enable land to come forward for development. Paragraph 137 of the Framework requires that before concluding that exceptional circumstances exist to justify changes to Green Belt boundaries, the strategic planning authority should be able to demonstrate that it has examined fully all other reasonable options for meeting its identified need for development. It has not been demonstrated that the Council's approach to the Green Belt has been informed by discussions with neighbouring authorities about whether they could accommodate some of the identified need for development, as demonstrated through a statement of common ground (SoCG)". Similarly, it cannot be demonstrated that TWBC have been informed by discussions with MBC. On the contrary, TWBC did not show any flexibility or openness in their approach to meeting their identified housing needs. It is important to note that the St Albans City and District Local Plan was subsequently withdrawn on 19th November 2020 due to the Examiners' concerns that there was "inadequate evidence to support the Council's contention that exceptional circumstances exist to alter the boundaries of the Green Belt".

Horsmonden

3.7. Table 27 also assesses Horsmonden as a potential location for further assessment. However, the explanations states that Horsmonden is not situated within the Green Belt or AONB, however it won't be taken forward based on access and landscape sensitivity issues. This is unjustifiable, as such issues are afforded less weight than Green Belt and AONB matters within the NPPF. This decision undermines the entire SA as it provides evidence that TWBC have not accorded within the NPPF when decision-making.

Sustainability Appraisal: Paddock Wood – Draft Local Plan scenario

3.8. With regard to Table 27 of the SA (which sets out which development options are to be progressed and considered further, the approach for the Draft Local Plan Paddock Wood and East Capel allocations was explained as "Land is outside of the AONB and has useful rail and road transport links. There is potential for the existing town to benefit from the substantial investment that new development would bring including resolution of existing flooding problems. The site is partially Green Belt and the most recent Green Belt Study concludes the overall harm rating of releasing this land from the Green Belt is high. However, there is scope for compensatory measures such as new hedgerow planting, enhanced pedestrian routes or conversion of fields from arable to grassland. For these reasons, this site was considered to warrant further examination as a reasonable alternative."

3.9. In contrast, the Iden Green site was explained as "the site is wholly very rural and within the AONB and its landscape impacts were considered too severe to warrant further consideration as a reasonable alternative." Whilst the need to protect AONBs is set out under paragraph 11bi) of the NPPF (whereby "strategic policies should, as a minimum, provide for objectively assessed needs for housing, unless [...] the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area"), the protection of the Green Belt is established through Chapter 13 of the NPPF and is afforded the same weight as the protection of AONBs. With that in mind, it is evident that the interpretations made in the SA are entirely subjected and do not align with the higher-level policies of the NPPF. As such, the SA is unsound.

3.10. The above summary is concerning as it highlights TWBC's lack of regard for the Green Belt. It is clear that the proposed loss of Green Belt and AONB conflicts with paragraph 133 and 11bi) of the NPPF and also provides that TWBC have not fully evaluated potential sources of supply. With regard to paragraph 37 of the NPPF (as set out above), it is clear that there has been no thorough review of under-utilised land nor has there been sufficient regard for sites in town centres and near public transport where constraints exist but there is potential for them to be overcome.

3.11. The methodology which underpins Table 29 (SA scores for the four urban extension growth options at Paddock Wood including land in east Capel) is entirely unclear and inconsistent. Under

some SA Objectives, the relative impacts between different 'options' (the scale of development proposed) was considered, whereas the SA Housing Objective reasoning states major positive across all options as "despite offering varying quantities of new dwellings, the 4 options are not differentiated on this objective because, even the option with the lowest numbers would still make a significant difference." This method is unsatisfactory as there is no real quantitative analysis as to what the potential impacts are and what thresholds feed into the scoring matrix. On this basis, the SA is entirely unsound as there is no real evidence to support the SA scoring.

3.12. The justification provided to explain the "?" (mixed) impact on water across all options for the Paddock Wood and East Capel options is inaccurate. The SA states that "mixed water scores is applied equally across the options as all would represent a substantial demand for water and wastewater treatment, and all would provide significant benefits to Paddock Wood and Capel in the form of reductions in existing flood risk. The benefits could be slightly greater in options 2 and 4 where development is directed to the areas of flood zone 2 and 3 west of Paddock Wood (in east Capel). An improvement to flooding issues for existing residents is one of the key justifications for the proposed release of this Green Belt land on the west side of the settlement." It is clear that the development options will not lead to any benefits in water/flood risk. The IDP confirms that flood mitigation measures will be provided as part of these schemes, however, these measures are intended to ensure that flood risk is not heightened across the wider area (i.e. there will be no added benefits). Therefore, the SA's mixed scoring is inaccurate and unsound.

If you would like to attach a file in support of your comments, please upload it here.

[PSLP 1448-1479\(not inclusive\) Troy Planning for PWTC SI-1 Cover Letter Redacted.pdf](#)

If you would like to attach a file in support of your comments, please upload it here.

[PSLP 1448-1479\(not inclusive\) Troy Planning for PWTC SI-2 Representation.pdf](#)

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[PSLP 1448-1479\(not inclusive\) Troy Planning for PWTC SI-3 PW TC Response to Reg. 18.pdf](#)

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:

Yes, I wish to be notified of future stages of the Local Plan

Supporting Information File Ref No: SI_78a-c

Comment

Agent	Mr Troy Hayes [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Troy Planning & Design
Address	[REDACTED] [REDACTED] London [REDACTED]
Consultee	Mrs Nichola Reay [REDACTED]
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Company / Organisation	Paddock Wood Town Council
Address	The Podmore Building St Andrews Recreation Ground TONBRIDGE TN12 6HT
Event Name	Pre-Submission Local Plan
Comment by	Paddock Wood Town Council [REDACTED] [REDACTED]
Comment ID	PSLP_1448
Response Date	04/06/21 16:11
Consultation Point	Vision and Strategic Objectives 1 Vision (View)
Status	Processed
Submission Type	Email
Version	0.6
Files	PSLP_1448-1479(not inclusive) Troy Planning for PWTC SI-1 Cover Letter Redacted.pdf PSLP_1448-1479(not inclusive) Troy Planning for PWTC SI-3 PW TC Response to Reg. 18.pdf PSLP_1448-1479(not inclusive) Troy Planning for PWTC SI-2 Representation.pdf
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Paddock Wood Town Council

Question 2

Agent's Name and Organisation (if applicable) Troy Planning & Design

Question 3

To which part of the Local Plan does this representation relate? Policy

Question 3a

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Vision and Strategic Objectives 1 Vision

[TWBC: for other comments by Paddock Wood Town Council, please see Comment Numbers PSLP_1448-1456, PSLP_1461, PSLP_1471, PSLP_1474, PSLP_1475-1477 and PSLP_1479]

Question 4

Do you consider that the Local Plan:

Is legally compliant No

Is sound No

Complies with the Duty to Cooperate No

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

- . It is not positively prepared
- . It is not effective
- . It is not justified
- . It is not consistent with national policy

Question 5

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

Tunbridge Wells Pre-Submission Local Plan – Paddock Wood Town Council Representation

Please find enclosed our representations to the Council's Pre-Submission Local Plan. These Representations are prepared and submitted on behalf of Paddock Wood Town Council (PWTC) and the representations are supported by the Paddock Wood Neighbourhood Plan Steering Group.

We also enclose the Council's Representation Form with our signature confirming that we do wish to take part in the Local Plan Examination Hearings.

We would like to point out that the majority of PWTC's representations to the Regulation 18 consultation were not addressed by TWBC. Given that the Local Plan has changed very little between that earlier consultation and the current period of representations on the Regulation 19 Local Plan we enclose these earlier representations and request that TWBC takes these into account and ensures they are supplied to the Secretary of State if the Council decides to proceed to submission stage.

We request that you lease include this letter as part of our formal representations.

Our representations conclude that the Local Plan and its evidence base fail all the tests of soundness set out in the National Planning Policy Framework (NPPF) and that the Local Plan is not legally compliant.

Our representations go to the heart of the soundness and legality of the Local Plan, its policies, and the process TWBC has undertaken in preparing its Local Plan. We therefore consider that the entirety of the Local Plan is unsound as it is not legally compliant. Whilst we have singled out a number of specific policies that we consider to be unsound it would simply not be possible to comment on every single policy in the Local Plan which is a 515-page document.

We trust that TWBC appreciates the importance of the Local Plan proposals to the Paddock Wood community in terms of the inappropriateness of the proposals which would, if the Local Plan in its current form were to be implemented, have irreversible negative impacts on Paddock Wood and the wider area.

We urge TWBC to reconsider its development strategy which is set to fail at Local Plan Examination in Public and to restart the Local Plan process using an evidence base led approach which would conclude that Paddock Wood is an unsuitable and unsustainable location for strategic housing growth. Such an approach would save TWBC, the taxpayers and all the stakeholders involved in the Local Plan process an enormous amount of time and resources debating a Local Plan which is clearly unsound and not legally compliant.

1 Vision and Objectives

4.1. The Local Plan Vision and Objectives section of the Local Plan is confusing, lacks local distinctiveness and lacks ambition.

4.2. The opening line of the Vision states that "growth in new homes, jobs and supporting infrastructure will be achieved over plan period in a manner that respects the distinctive qualities of the borough". We question what it means by 'respect' and it is entirely unclear from this statement what the Council considers to be the 'distinctive qualities of the borough' that should be respected.

4.3. Following the first line, the second line states that "*the Council will work with stakeholders to maintain and improve overall living standards and access to employment, leisure and cultural opportunities for all the borough's residents*". This is quite a generic statement about how the Council will work with stakeholders which it is obliged to do in any case. There is nothing locally distinctive about this statement and could be about 'anyplace'.

[TWBC: for full representation, please see supporting documents]

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)? . Yes, I wish to participate in hearing session(s)

Question 7a

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

Paddock Wood Town Council confirms that it wishes to participate in the Local Plan Examination hearing sessions. Given the scale of strategic development proposed at Paddock Wood and nearby at the proposed new settlement, its extensive representations, and its role as a statutory consultee, PWTC considers it critical that it has the opportunity to provide further input into the Local Plan Examination process including the hearing sessions to respond to other evidence and arguments put forward.

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Email Address	[REDACTED]
Company / Organisation	Paddock Wood Town Council
Address	The Podmore Building St Andrews Recreation Ground TONBRIDGE TN12 6HT
Event Name	Pre-Submission Local Plan
Comment by	Paddock Wood Town Council [REDACTED] [REDACTED]
Comment ID	PSLP_1449
Response Date	04/06/21 16:11
Consultation Point	Policy STR 1 The Development Strategy (View)
Status	Processed
Submission Type	Email
Version	0.11
Files	PSLP_1448-1479(not inclusive)_Troy Planning for PWTC SI-1 Cover Letter Redacted.pdf PSLP_1448-1479(not inclusive)_Troy Planning for PWTC SI-3 PW TC Response to Reg. 18.pdf PSLP_1448-1479(not inclusive)_Troy Planning for PWTC SI-2 Representation.pdf
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Respondent's Name and/or Organisation	Paddock Wood Town Council

Question 2

Agent's Name and Organisation (if applicable) Troy Planning & Design

Question 3

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Question 3a

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Policy STR 1 The Development Strategy

[TWBC: for other comments by Paddock Wood Town Council, please see Comment Numbers PSLP_1448-1456, PSLP_1461, PSLP_1471, PSLP_1474, PSLP_1475-1477 and PSLP_1479]

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1 Development Strategy

5.1. Policy STR1 (The Development Strategy) of the Local Plan is not positively prepared, not justified, not effective and inconsistent with national policy.

5.2. The proposed Development Strategy and the distribution of allocations bears no relationship to the Council's Settlement role and Function Study (February 2021). The policy is not justified in relation to the settlement study as evidenced below:

- . **Royal Tunbridge Wells** is the 'main settlement of the borough' with 42% of the borough's population (as of 2011) yet with proposed allocations of 1,536 dwellings this represents just 16% of the growth (9,381 dwellings) proposed in the borough.
- . **Southborough** scored the highest in the Council's settlement study and has the borough's second highest population yet only 42 dwellings are proposed in Southborough in the Local Plan which equates to 0.4% of the growth proposed in the borough.
- . **Cranbrook** scored second in the settlement study due to its excellent services and retail in the town centre and is proposed as Group B settlement yet just over 400 dwellings are proposed here. Very little development has taken place in Cranbrook in previous years, it is not affected by flooding, has capacity within the town boundaries and sites previously approved but have not been built out.
- . **Paddock Wood** was ranked third in the settlement study yet 43% of the borough's housing growth is proposed at Paddock Wood.
- . **Hawkhurst**, despite being ranked just below Paddock Wood in the settlement study only has 170 dwellings proposed representing just 2% of the housing growth planned in the borough.

5.3. The Council's Development Strategy Topic Paper (February 2021) fails to provide a clear and logical explanation as to how the Council decided on its preferred Development Strategy.

1 Settlement Role and Function

6.1. The Council's evidence and approach to determining the role and function of the borough's settlements is not justified, not effective and inconsistent with national policy.

6.2. The Settlement Role and Function Study (February 2021) does not include Royal Tunbridge Wells. It gives the reason for this as "*its status as the main settlement of the borough*". Surely the fact that it is the main settlement of the borough should have led to it being assessed as part of the study. After all the 'Purpose of the Study' in addition to "*providing an updated evidence base to help inform the settlement hierarch of the borough... is to also give an indication of each settlement's level of*

sustainability and potential to accommodate further growth” 21. How can it possibly be that the role of the main settlement of the borough hasn’t been assessed against the other settlements? Is the Council concerned that including such an analysis would clearly demonstrate the mismatch of the settlement hierarchy and its preferred development strategy whereby the main settlement of the borough is earmarked for very considerably less development than less sustainable settlements such as Paddock Wood?

6.3. To further confuse matters, Southborough is “jointly considered as the main urban area” for the borough however unlike Royal Tunbridge Wells was assessed as part of this study. The study concludes that Southborough is in the ‘Grouping B’ along with Cranbrook, Paddock Wood and Hawkhurst whilst Royal Tunbridge Wells is placed in ‘Grouping A’ on its own. This is extremely confusing.

6.4. The study’s method for creating settlement ‘groupings’ is not sufficiently explained and not really explained at all apart from a few lines in the ‘Conclusions’ section of the study. It states the following regarding the groupings:

- . *“rather than simply categorising the settlements in order of size, the settlements are identified by grouping them in terms of their characteristics, focusing on the range of services and facilities they currently provide”.*
- . *“The findings of this updated Study show that larger settlements also tend to score more highly across the range of sustainability indicators identified in terms of the level of provision of services and facilities”*
- . *“Based on the scores and evidence collected in this Study, a revised table of settlement groupings is set out in Table 6 below. These groupings give an indication of the level of sustainability and appropriateness of these settlements to accommodate further growth in terms of access they provide to services and facilities that their support their sustainability”²²*

[TWBC: for table, please see full representation attached as a supporting document]

6.5. This explanation given regarding the method for determining the groupings is wholly inadequate. It explains that it looks beyond just the ‘size of settlements’ however the study does not set out the size of each settlement either in population or in area. In order to understand population figures for the settlements one must refer to the superseded 2017 Settlement Role and Function Study (see below). However, the population assumptions provided are at the parish level and do not reflect the populations of the settlements themselves.

[TWBC: for table, please see full representation attached as a supporting document]

6.6. Referring to the population table, it is difficult to conclude that Southborough should be in the same grouping as Paddock Wood, Cranbrook and Hawkhurst. Southborough has a population of 12,459 whereas Paddock Wood has the next largest population at 8,253 some 4,206 less residents. Southborough is more than 2.5 times the size of Hawkhurst in population.

6.7. Turning to the assessment of the settlements in the 2021 study Southborough scores the highest here as well followed by Cranbrook with Paddock Wood in third and then Hawkhurst:

- . Southborough (presumably behind Royal Tunbridge Wells) received the highest score / ranking in the study at 100 using the ‘new weighted method’ and using all previous scoring systems as well.
- . Cranbrook trails Southborough in scoring coming in second place with 90 points.
- . Paddock Wood scores 82 points coming third.
- . Hawkhurst scores 71 points coming in fourth.
- . Rusthall scores 59 points coming in fifth.
- . Pembury scores 55 points coming in sixth.

[TWBC: for table, please see full representation attached as a supporting document]

6.8. We make a number of additional critical observations and shortcomings about this important piece of work which claimed to inform the Local Plan’s development strategy:

- . Royal Tunbridge Wells is not included in the Study despite it being the ‘Main Urban Settlement of the borough’ (see above).
- . The methodology is unclear as to how it has arrived at a number of the scores for the ‘new weighted method’ for the 2021 study including but not limited to the scores for bus services.
- . The study does not include population figures for the settlements and relate this back to the level of services and facilities that are present in each settlement. In other words, particular services could be more or less adequate dependent on the population they are serving however the study

provides no indication as to what services and facilities (and investment) are required to make them more sustainable.

- . There is no analysis of the level of public transportation serving the settlements. The study simply says whether there is a bus service at least once an hour Monday – Saturday and whether there is a train station.
- . The study is not locationally specific about any of the infrastructure or services and includes no mapping making it impossible to understand in spatial terms which areas of the borough are and are not well served by services and facilities.
- . The study does not consider cycling and walking which should be seen as the focal point of considering sustainability and planning for healthy places.

6.9. It is extremely difficult to follow the logic of how the Settlement Role and Function and Study has informed the Development Strategy and proposed Local Plan allocations. Our analysis of this is set out in the 'Development Strategy' section of our representations.

[TWBC: for table, please see full representation attached as a supporting document]

1 Housing Need

7.1. TWBC considers that the Housing Need assumptions will need to be carefully examined at the Local Plan Examination in Public and we wish to take part in those hearings, particularly given that the Council's evidence on housing used to support the Local Plan dates back to 2015 (SHMA) with a 2017 update to the SHMA and then a separate 2018 Housing Needs Study and then finally a 2020 Review of Local Housing Needs. These studies were undertaken by multiple consultants, so it is unclear whether the methodologies align and what informed the Council's housing needs assessment at each stage of preparing the Local Plan.

7.2. We note there could be several factors that could require TWBC to update its evidence and reconsider its housing needs assessment such as the impact of Brexit, the impact of the Covid pandemic and potential changes to MHCLG's method for determining housing needs which has changed a number of times in recent years. We also wanted to make TWBC and the Inspector(s) aware of the Office for Statistics Regulation (OSR) report²³ on the robustness of ONS' population projections which was initiated in response to concerns raised by campaigners regarding the accuracy of population projections and mid-year population estimates. It found that the sub-national accuracy of estimates is 'variable' depending on the size and mobility of the population in a given area. It will be important to closely monitor whether the findings of this report result in changes to the assumptions for TWBC and the wider housing market area.

7.3. Policy STR1 (The Development Strategy) sets its housing target at 12,204 dwellings yet the Housing Supply and Trajectory Topic Paper for the Pre-Submission Local Plan shows a delivery of 13,257. Whilst we do not consider this housing delivery figure to be credible as we set out elsewhere in these representations, the Council is effectively planning for an additional 8.6% dwellings more than is required. The only explanation provided is in the topic paper which states that *"this 8.6% buffer is considered helpful to allow for the potential delay/non-delivery of sites and, potentially for otherwise contributing further to meeting housing needs"* (paragraph 7.1). Presumably the reference to 'contributing further to meeting housing needs' is in reference to Sevenoaks however the Sevenoaks Local Plan has been found unsound so any assumptions about their potential housing shortfall cannot be relied upon for the Tunbridge Wells Local Plan.

1 Housing Trajectory and Housing Delivery Assumptions

8.1. The Council's evidence and approach to determining the housing trajectory and housing delivery assumptions is not justified and not effective and inconsistent with national policy.

8.2. Paragraph 73 of the NPPF states that: *"Strategic policies should include a trajectory illustrating the expected rate of housing delivery over the plan period, and all plans should consider whether it is appropriate to set out the anticipated rate of development for specific sites"*.

8.3. Paragraph 75 of the Framework states: *"To maintain the supply of housing, local planning authorities should monitor progress in building out sites which have permission. Where the Housing Delivery Test indicates that delivery has fallen below 95% of the local planning authority's housing requirement over the previous three years, the authority should prepare an action plan in line with national planning guidance, to assess the causes of underdelivery and identify actions to increase delivery in future years"*.

8.4. TWBC has prepared a Housing Supply and Trajectory Topic Paper for Pre-submission Local Plan (February 2021) which informs the Council's spatial strategy. In 2018, TWBC had met 88% of its

housing need (monitored between 2015 and 2018), including the 5% buffer on its housing land supply position as required by the NPPF and the standard method.

8.5. According to the Lichfields Review of the new Standard Method (2020)²⁴, in Tunbridge Wells there has been no deviation from the delivery rates set out under the Standard Method in 2017, which remains at 678 dwellings per annum (an increase of 278 dwellings per annum from the adopted Local Plan requirement).

8.6. TWBC is seeking to deliver most of its housing need for the Plan period through a smaller selection of larger sites, focused primarily on Paddock Wood (and Capel) and a new garden settlement at Tudeley. The Council is particularly reliant on the cooperation of developers and landowners around Paddock Wood to meet its annual housing targets and therefore, the timeframe for the implementation of this development strategy must be supported by clear and convincing evidence.

[TWBC: for table, please see full representation attached as a supporting document]

8.7. Figure 7.1 above outlines the proposed delivery rate. For Tudeley STR/SS 3, TWBC sets a delivery rate of 150 units for the first 10 years of delivery from 2025/26, then rising to 200 per annum from 2035/36 (total of 2100 dwellings in 13 years). For Paddock Wood STR/SS 1, TWBC outlines a proposed delivery rate of 300 units per annum, reducing to 240 dwellings in 2036 (total of 3540 dwellings in 12 years). This phasing methodology is set at 299 dwellings per annum. Land at Mascalls Farm is projected to deliver 103 dwellings distributed between 2024 and 2027.

8.8. Within the Reg 19 Local Plan, TWBC recognises the higher degree of complexity associated with the delivery of larger sites, advising that *“Strategic policies should include a trajectory illustrating the expected rate of housing delivery over the plan period, and all plans should consider whether it is appropriate to set out the anticipated rate of development for specific sites.”*

8.9. TWBC does not already have any sites that are allocated or have extant planning permission for more than 2000 dwellings, and therefore, relies on national and other local evidence to inform its phasing assumptions. The Council has based its buildout rates on an analysis of the gap between historic permissions granted and historic site buildout rates across the borough, and on discussions with developers, and evidence gathering as part of the Strategic Housing and Economic Land Availability Assessment (SHELAA).

Nationally recognised evidence and studies on lead times in construction include:

- . the Letwin Report and Independent Review of Buildout Rates (Letwin, 2018)
- . Start to Finish: How Quickly do Large-Scale Housing Sites Deliver? (Lichfields, 2016)
- . Housing Supply Research (CPRE, 2014)
- . Permissions to Land: Busting the myths about house builders and land banking (HBF, 2014)
- . Urban Extensions Assessment of Delivery Rates (Savills, 2014)
- . MHCLG Independent Review of Build Out Rates (2018)

[TWBC: for table, please see full representation attached as a supporting document]

8.10. PWTC considers that TWBC has failed to appropriately outline how a housing figure of 3,540 (average) homes is deliverable within the Plan period and is concerned that there has been insufficient regard to the time taken for new developments to pass through both the planning and construction phases. Figure 2 demonstrates that, prior to the substantive construction phase, there is already a significant delay with the grant of permission for larger sites of between 3 and 7 years.

8.11. The Lichfields ‘From Start to Finish’ Review Second Edition (2020) and the Letwin Review (2018) also highlight the delays with the delivery of large development proposals should not be underestimated as there will be many aspects of housing trajectory that are beyond the immediate control of a local planning authority.

8.12. For larger sites (2000+ homes), the Lichfields Review (2020) outlines an average lead time of 8.4 years for the average time from validation of the first planning application to the first dwelling being completed²⁵. This is based on an average build-out rate of 160 dwellings per annum. In the case of Paddock Wood, it would take 22.5 years to deliver the upper figure of 3590 dwellings. This corroborates the Town Council's position that the Plan period is short-sighted, and not supported by appropriate evidence to justify this rate of delivery within such a constrained timeframe.

[TWBC: for figure, please see full representation attached as a supporting document]

8.13. The Letwin Review (2018) is also helpful in outlining a median build-out rate for large sites at 15.5 years, which is 3.5 years longer than TWBC's proposed build-out rate for Paddock Wood sites.

8.14. TWBC makes the case that the delivery of the Paddock Wood urban expansion is set purposefully higher than identified in the Letwin Review, given the extent of masterplanning work carried out by David Lock Associates involving input from the four main housebuilders (Crest Nicholson, Dandara, Redrow and Persimmon).

8.15. However, there is a total of 8 developers with control of the land around Paddock Wood, and whilst 4 of these developers are working with the Council, the masterplan is still lacking on any prescriptive detail on how each site would be released with cooperation from each developer and landowner. A lack of transparency in this regard casts further doubt on TWBC's ability to monitor both the quality and deliverability of larger sites. If development phasing remains poorly structured at the Regulation 19 stage, this risks setting unrealistic expectations of developers and stakeholders for the rest of the Plan period.

8.16. PWTC also considers that it is impossible to enforce such an even distribution of housing each year (300 dwellings per annum for 11 years). TWBC's housing supply and trajectory figures fail to reflect the lead times associated with various stages of the planning process, including:

- . The preparation of relevant Supplementary Planning Documents which aid the delivery of larger sites;
- . The Pre-application process, including consultation and engagement with relevant consultees and stakeholders;
- . Potential delays in determining Outline planning permissions;
- . Approval of Reserved Matters and agreement of relevant phasing;
- . The discharge of conditions;
- . The preparatory site works, to be informed by site-specific survey recommendations and monitoring before commencement;
- . Securing of relevant funding (including S106 and CIL); and
- . Delivery of on-site and off-site infrastructure, (associated with larger sites and the creation of a new Garden Settlement).

8.17. TWBC has also failed to have sufficient regard to Green Belt and Flood risk constraints affecting land surrounding Paddock Wood to the north and the west. It is still not clear how the masterplan will tackle such an important issue of flood risk and the triggers for necessary flood engineering and SuDS, which do not appear to have been incorporated into the housing trajectory.

8.18. The Regulation 19 Local Plan highlights that the Green Belt surrounding the key settlement, including the western edge of Paddock Wood "*contributes significantly to the discrete identity of and setting of settlements*" (page 26), and yet, there is still very limited justification for the development of this scale. The TWBC Development Strategy Topic Paper (2021) highlights that STR/SS 1 Land at Capel and Paddock Wood and STR/SS 3 Tudeley Village are both classed as having an overall harm rating of 'High'.

8.19. Delivery will also rely on cooperation with adjoining authorities and liaison and negotiation with statutory consultees. Even the slightest delay in the start date will result in a slower performance, which is then likely to render the assumed delivery rates of a wider allocation unachievable.

8.20. Overall, the Town Council believes that a further review of housing trajectory is urgently needed, considering a more realistic and steadier rate of delivery. Given the broader concerns relating to the appropriate length of the Plan period - where there is a reliance on large-scale development and new settlements - the TWBC's housing trajectory must be reconsidered. Further evidence gathering should also assess whether TWBC should be considering a larger number of smaller sites to meet housing delivery across the Local Plan period.

8.21. Notwithstanding the technical evidence undertaken by TWBC, it remains the case that the Council is seeking to deliver a significant proportion of its overall housing need within a wholly unrealistic timeframe, against Green Belt and Flood Risk constraints.

8.22. The proposed delivery of up to 3,590 homes in one location will inevitably flood the housing market within one location, resulting in a negative impact on sustainable growth across the borough as a whole.

8.23. The Council's poorly thought-out assumptions regarding housing delivery and trajectory render the Local Plan unsound, as it fails the tests of being justified, effective and consistent with national

policy, contrary to the requirements of paragraph 35 of the NPPF. Further evidence gathering and analysis is required to determine the most appropriate spatial strategy for the delivery of housing across the borough.

1 Employment

9.1. PWTC considers the Local Plan's policies in relation to proposed employment need and allocation to be unsound.

9.2. The Local Plan (Policy STR1 – The Development Strategy) proposes 14 hectares of employment land (Use Classes B and E). This employment land figure is taken directly from the 2016 Sevenoaks and Tunbridge Wells Economic Needs Study²⁶ as confirmed in the Local Plan (see paragraphs 4.20-4.21). Not only is this study out of date prepared nearly five years ago, and obviously before the Covid pandemic, it also does not align with the plan period.

9.3. This point regarding the plan period is confirmed in the Local Plan (see paragraph 4.22) which states *"While the study considered needs up to 2035, rather than 2038, this is regarded as being an appropriate minimum target for the Local Plan period, as both the base date and the end of the plan period have been rolled forward"*. This is reason enough to bring into serious question the employment land figure proposed in the Local Plan. The 2016 study states (see paragraph 20) that *"it is imperative for the Council to monitor its employment land position to ensure the borough remains responsive to changes in the pattern of supply and demand..." and that the assessment of sites should be kept up-to-date as part of the Council's monitoring and updated annually..."*. It also states that *"a comprehensive assessment of economic needs is undertaken at least every five years. An early review to take account of changes in economic circumstances and forecasts arising from Britain's decision to leave the European Union may be appropriate"*. We have not been able to locate employment floorspace monitoring data on the Council's website that should be published at least annually. There was no 'comprehensive assessment of economic needs' undertaken within five years of the 2016 despite the clear recommendation that this would be even more important due to Brexit notwithstanding the Covid pandemic, the radical changes to the Use Class Order and the Sevenoaks Local Plan being found unsound.

9.4. There are many other additional fundamental issues to point out without even needing to delve further into the technical evidence which we set below:

- . The end date of the 2016 study is 2033/2035 which is different to that of the Local Plan which is 2038 (also see our points regarding the need for a longer plan-period of at least 30 years).
- . The start date of the 2016 study is 2013 opposed to the 2020 start date of the Local Plan so the baseline is some seven years different between the key evidence used for employment needs and the start of the plan period.
- . The 2016 study uses the 2015 SHMA to help determine and balance housing and employment needs – the SHMA is now clearly out of date.
- . The Local Plan proposes employment land as Use Classes B and E whilst these uses were not in existence in 2016 so cannot be assumed to be directly comparable.
- . The 2016 study was a joint study with Sevenoaks DC and its evidence base however the Sevenoaks Local Plan was found unsound at examination.

9.5. The Local Plan states (see paragraph 4.24) that *"converting a land target into a floorspace target is difficult...however based on the study's assessment of the mix of business uses, an approximate estimate of the floorspace associated with 14 hectares of land would be of the order of 80,000-120,000sqm. As the recommendation is a minimum, the higher level is preferred"*. It is unclear where this estimate even comes from and how TWBC arrived at this floorspace calculation let alone attempting to understand why the upper end of the range of floorspace is justified. Given that there is a difference of 40,000sqm between the upper and lower estimates this a critical assumption that has no explanation behind it apart from that creating a floorspace target "is difficult".

9.6. At paragraph 4.25 of the Local Plan attempts to explain what type of employment land will be delivered and it explains that *"a range of supply is envisaged: for offices, light manufacturing, general industry, and warehousing, as well as related use not in a specific use class"*. This is an insight into the lack of understanding and strategy TWBC has regarding economic and employment land.

9.7. Paragraph 4.26 of the Local Plan points out that *"It is notable that the recommendations assume that existing well-located employment land and premises be retained in that use"* which suggests that it is not RWBC's intention to take a serious up-to-date look at its employment land (as recommended

by the 2016 study) to positively assess its potential for release to alternative uses such as housing before it looked to meet its housing needs in Paddock Wood and Tudeley.

9.8. Policy STR1 itself is vague about employment land and simply says that 14 hectares of employment (Use Classes B and E) land are developed. It doesn't say where or what the breakdown of the uses. Table 5 of the Local Plan then shows 26.5 hectares of employment land being allocated including 11.2 hectares on two sites in Paddock Wood. This clearly doesn't tally with the 14 hectares across the borough stated in Policy SRT1 and does not explain why the Local Plan is allocating more than double what its stated need is and what the policy says. It then states at paragraph 4.57 that there will be additional floorspace at Tudeley Village and the sites will be proposed in the SPD. Surely any additional land / floorspace would be included in the assumptions.

9.9. Policy STR/SS1 (Paddock Wood), is unjustified as it states that 2,000sqm of commercial floorspace will be provided in three neighbourhood centres and that significant new land for a mix of employment uses on sites to the north and south of Lucks Lane, and to the east of Transfesa Road. The policy does not state the amount of land required for the commercial centres and the employment allocations do not state what type of employment or floorspace. It is impossible to determine how these figures tally against the Development Strategy policy and the 2016 study.

1 Key Diagram

10.1. The proposed Key Diagram in the Local Plan is difficult to read and interpret. The resolution of the proposals makes the accessibility of the Key Diagram very poor and the 'Map Legend' is difficult to interpret on the Key Diagram itself. The Diagram is missing important designations such as Flood Zone 2.

[TWBC: for diagram, please see full representation attached as a supporting document]

10.2. For instance, we make the following critical observations about the Key Diagram and how it is ineffective and is not positively planned:

- . The Map Legend shows three circles for 'existing settlement' and 'scale of growth' which appear to range from 100, 5,000 to 10,000 however it is not possible to understand how this correlates to the settlements on the diagram. Does this refer to the population or existing number of dwellings for instance?
- . The Map Legend includes asterisks next to the 'existing settlement' and 'scale of growth' with fine print below however it is not possible to read the fine print.
- . The Key Diagram only shows Flood Zone 3 whereas it should also show areas covered by Flood Zone 2 as a constraint. Given that Flood Zones do not stop at the administrative boundary the Key Diagram should also show Flood Zones 2 and 3 in neighbouring authorities to give a more realistic and strategic view of the extent of the flood risk facing the north of the borough and the locations where TWBC is proposing the majority of its strategic growth (see Environment Agency Flood Risk Map below showing Flood zones 2 and 3).

[TWBC: for map, please see full representation attached as a supporting document]

- . The Key Diagram should include the existing settlements and proposed growth for the areas in the neighbouring authorities given the extent of cross boundary strategic matters that TWBC has with its neighbours.
- . The Key Diagram includes a number of 'on-line' and 'off-line' road improvements. These are not terms used in the NPPF and are not included in the Local Plan's Glossary. The terms 'on-line' and 'off-line' should be explained in the Local Plan.
- . There are no railway stations shown on the Key Diagram.
- . There is no indication of the proposals for the regeneration of Paddock Wood Town Centre.
- . It does not identify Tudeley as a New Village, it simply shows growth and where the Green Belt is proposed for removal.

1 Policies Map

11.1. TWBC has failed to comply with its own Statement of Community Involvement (SCI) and the Local Plan Regulations in relation to its proposed Policies Map. The Policies Map consists of a series of 'inset' maps for a number of settlements and there is one 'Borough Overview' map provided. However the 'Overview Map' is not a 'Policies Map' as set out in the Local Plan Regulations²⁷ which requires the authority to set out what changes to the Policies Map would result from adoption of the Local Plan. There are entire sections of the borough missing and they have no designations whatsoever shown in the 'Borough Overview' map.

[TWBC: for map, please see full representation attached as a supporting document]

11.2. Even by the Council's own proposed definition the Local Plan maps fail to meet the Council's definition: "Shows on a map all the site-specific policies and proposals set out in Development Plan Documents"²⁸.

11.3. From what the Council has provided it is not possible to ascertain what changes are being proposed to the existing adopted Policies Map.

11.4. Given the points we have raised regarding the 'Policies Map' published for Regulation 19 consultation, we submit that TWBC has failed to clarify what changes are being proposed to the existing Policies Map and has failed to show what the resulting Policies Map and designations are for most of the borough.

11.5. This contravenes TWBC's own Statement of Community Involvement (October 2020) which states that at the Publication State of the Local Plan (Regulation 19) that the Policies Map will be published "showing any changes that would result from the adoption of the plan, are also published"²⁹

11.6. The SCI states that following the Regulation 19 stage that "The Council will consider any points raised during the publicity period and will make minor changes where required. If there are significant issues the Council may withdraw the plan and return to stage 3"³⁰. Unless TWBC can demonstrate that it has shown all the changes to the Policies that would result from the adoption of the plan, it has failed to comply with its SCI and it should run its Regulation 19 stage again to enable all residents and interested parties to respond to its proposed designations throughout the borough.

[TWBC: for table, please see full representation attached as a supporting document]

11.7. We also note that the Local Plan does not identify which current development policies will be replaced by new policies so it has not been possible to comment on the suitability of proposed 'replacement policies' in our representations.

[TWBC: for full representation, please see supporting documents]

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)? . Yes, I wish to participate in hearing session(s)

Question 7a

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

Paddock Wood Town Council confirms that it wishes to participate in the Local Plan Examination hearing sessions. Given the scale of strategic development proposed at Paddock Wood and nearby at the proposed new settlement, its extensive representations, and its role as a statutory consultee, PWTC considers it critical that it has the opportunity to provide further input into the Local Plan Examination process including the hearing sessions to respond to other evidence and arguments put forward.

If you would like to attach a file in support of your comments, please upload it here. [PSLP 1448-1479\(not inclusive\) Troy Planning for PWTC SI-1 Cover Letter Redacted.pdf](#)

If you would like to attach a file in support of your comments, please upload it here.

[PSLP 1448-1479\(not inclusive\) Troy Planning for PWTC SI-2 Representation.pdf](#)

If you would like to attach a file in support of your comments, please upload it here.

[PSLP 1448-1479\(not inclusive\) Troy Planning for PWTC SI-3 PW TC Response to Reg. 18.pdf](#)

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:

Yes, I wish to be notified of future stages of the Local Plan

Supporting Information File Ref No: SI_78a-c

Comment

Agent	Mr Troy Hayes [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Troy Planning & Design
Address	[REDACTED] [REDACTED] London [REDACTED]
Consultee	Mrs Nichola Reay [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Paddock Wood Town Council
Address	The Podmore Building St Andrews Recreation Ground TONBRIDGE TN12 6HT
Event Name	Pre-Submission Local Plan
Comment by	Paddock Wood Town Council [REDACTED] [REDACTED]
Comment ID	PSLP_1450
Response Date	04/06/21 16:11
Consultation Point	Policy STR 5 Infrastructure and Connectivity (View)
Status	Processed
Submission Type	Email
Version	0.10
Files	PSLP 1448-1479(not inclusive) Troy Planning for PWTC SI-1 Cover Letter Redacted.pdf PSLP 1448-1479(not inclusive) Troy Planning for PWTC SI-2 Representation.pdf PSLP 1448-1479(not inclusive) Troy Planning for PWTC SI-3 PW TC Response to Reg. 18.pdf
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Paddock Wood Town Council

Question 2

Agent's Name and Organisation (if applicable) Troy Planning & Design

Question 3

To which part of the Local Plan does this representation relate? Policy

Question 3a

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy STR 5 Infrastructure and Connectivity

[TWBC: for other comments by Paddock Wood Town Council, please see Comment Numbers PSLP_1448-1456, PSLP_1461, PSLP_1471, PSLP_1474, PSLP_1475-1477 and PSLP_1479]

Question 4

Do you consider that the Local Plan:

Is legally compliant No

Is sound No

Complies with the Duty to Cooperate No

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

- . It is not positively prepared
- . It is not effective
- . It is not justified
- . It is not consistent with national policy

Question 5

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

Tunbridge Wells Pre-Submission Local Plan – Paddock Wood Town Council Representation

Please find enclosed our representations to the Council's Pre-Submission Local Plan. These Representations are prepared and submitted on behalf of Paddock Wood Town Council (PWTC) and the representations are supported by the Paddock Wood Neighbourhood Plan Steering Group.

We also enclose the Council's Representation Form with our signature confirming that we do wish to take part in the Local Plan Examination Hearings.

We would like to point out that the majority of PWTC's representations to the Regulation 18 consultation were not addressed by TWBC. Given that the Local Plan has changed very little between that earlier consultation and the current period of representations on the Regulation 19 Local Plan we enclose these earlier representations and request that TWBC takes these into account and ensures they are supplied to the Secretary of State if the Council decides to proceed to submission stage.

We request that you please include this letter as part of our formal representations.

Our representations conclude that the Local Plan and its evidence base fail all the tests of soundness set out in the National Planning Policy Framework (NPPF) and that the Local Plan is not legally compliant.

Our representations go to the heart of the soundness and legality of the Local Plan, its policies, and the process TWBC has undertaken in preparing its Local Plan. We therefore consider that the entirety of the Local Plan is unsound as it is not legally compliant. Whilst we have singled out a number of specific policies that we consider to be unsound it would simply not be possible to comment on every single policy in the Local Plan which is a 515-page document.

We trust that TWBC appreciates the importance of the Local Plan proposals to the Paddock Wood community in terms of the inappropriateness of the proposals which would, if the Local Plan in its current form were to be implemented, have irreversible negative impacts on Paddock Wood and the wider area.

We urge TWBC to reconsider its development strategy which is set to fail at Local Plan Examination in Public and to restart the Local Plan process using an evidence base led approach which would conclude that Paddock Wood is an unsuitable and unsustainable location for strategic housing growth. Such an approach would save TWBC, the taxpayers and all the stakeholders involved in the Local Plan process an enormous amount of time and resources debating a Local Plan which is clearly unsound and not legally compliant.

1 Infrastructure

General

13.1. TWBC has failed to comply with paragraph 20b) of the NPPF, as the Local Plan's Development Strategy (Policy STR1) fails to set out the key infrastructure projects to be delivered over the Plan period. This is a fundamental oversight, which, contrary to paragraph 20 of the NPPF, fails to provide details on how *"strategic policies [...] make sufficient provision for [...] infrastructure"*. It is therefore evident that the Development Strategy is underpinned on an unsustainable development pattern as it solely focuses on the delivery of homes.

13.2. In the absence of details regarding infrastructure needs and delivery in Policy STR1, it is expected that Policy STR5 (Infrastructure and Connectivity) of the Local Plan sets out the strategy for development, including how the Plan makes *"sufficient provision"* for infrastructure, as per paragraph 20 of the NPPF. However, this is not the case. Policy STR5 merely confirms that infrastructure will be delivered during the Plan period yet fails to address what the specific needs are and how they will be met. For example, in terms of healthcare, Policy STR5 states that *"ensure that essential healthcare infrastructure is provided as part of new development in the form of new or expanded healthcare facilities"*. The above statement is grossly inadequate as it indicates a clear level of ambiguity from TWBC which could result in an undersupply of healthcare facilities. As such, this is a clear dereliction of duty from TWBC whereby the Local Plan strategic policies fail to comply with paragraph 22 of the NPPF, which stipulates that *"strategic policies should look ahead over a minimum 15-year period from adoption, to anticipate and respond to long-term requirements and opportunities, such as those arising from major improvements in infrastructure"*.

INFRASTRUCTURE REQUIREMENTS

Education

13.3. PWTC is concerned that the IDP and Local Plan's strategy for Tudeley Village will result in an unsustainable pattern of development, where infrastructure projects deemed 'essential priority' in the IDP will not be phased in alignment with the timeframes set out in the IDP.

13.4. Within Kent County Council's Regulation 18 representation, they stated that *"the policy referring to Land to east of Tonbridge/west of site for Tudeley Village (Policy AL/CA 2) relates to land proposed for the establishment of a new six form entry secondary school. The establishment of a new school is wholly required to support the proposed level of growth."* The IDP infrastructure schedule includes an

entry for the aforementioned 6 form-entry as “essential priority, timing dependent on a number of factors (2024-2028), indicative cost £31,931,850, funding position KCC/developer funding”. Local Plan Policy STR/SS3 (The Strategy for Tudeley Village, 2a) states that “approximately 2,800 dwellings (2,100 by 2038)” will be delivered. As part of the proposal for this site, the developer has produced a Delivery Strategy⁴⁴ which states that the six form-entry secondary school will be delivered in the fourth phase (of six) of the scheme. Whilst no indicative dates are provided within this document, it does state that “580 new homes will be delivered during this phase, increasing the total number of dwellings at Tudeley to 1900”. Based on the wording of Policy STR/SS3, it is therefore reasonable that Phase 4 of Tudeley Village will be delivered in the latter years of the Local Plan period, as Phase 4 housing delivery falls just 200 homes short of the 2100 home Local Plan target delivery by 2038. This is extremely concerning as, based on the developer’s own delivery strategy, the secondary school will likely not be delivered until the mid-2030s. This is an approximate 7-year delay based on the timeframes set out in the IDP. This oversight illustrates TWBC’s haphazard approach to infrastructure delivery, which, if delivered upon, would result in a considerable borough-wide undersupply in secondary school places. As such, this example demonstrates TWBC’s non-compliance with paragraph 22 of the NPPF, as the longterm education requirements for the borough (based on the level of growth proposed at Paddock Wood, East Capel and Tudeley Village) will not be sufficiently met.

13.5. Further to the above, the funding position of the new Tudeley Village secondary school (six form-entry) is uncertain, as Kent County Council’s earlier Regulation 18 representation stated that “the school will need to be wholly funded by development and therefore the financial contributions from contributing developments would need to be increased to cover the additional costs derived from both the site’s abnormalities and the likely need to deviate from the Department of Education’s baseline design.” Despite this, the IDP stipulates that the project will be funded by “KCC/developer contributions”. Therefore, it is unclear as to whether the abnormal site constraints have been overcome and whether Kent County Council has since agreed to part-fund the site. If this is not the case, the proposal is unviable as there is no clarity as to whether the site will be wholly funded by the developer.

13.6. The current round of development at Paddock Wood planned to pay for a primary school (2 Form entry) on the Persimmon site. This was supposed to open this year. KCC is yet to take ownership of the land to enable the Tenax Academy Trust to begin and have not submitted a planning application yet.

Wastewater

13.7. Wastewater requirements have not been adequately detailed within the TWBC Local Plan. It is acknowledged that issues relating to wastewater infrastructure requirements were raised by Greg Clarke MP in a House of Commons debate in October 2019. Greg Clarke MP⁴⁵ stated that “Plans to upgrade the sewerage network in Paddock Wood, despite repeated discussions with Paddock Wood Town Council, have come to nothing. Residents of Paddock Wood now see development happening that they were assured would take place only when the sewerage system had been upgraded to deal with the current overuse and problems and to remove the worsening of that situation, let alone cope with the planned development”. Furthermore, the SFRA (Levels 1 and 2 combined, July 2019)⁴⁶ also states that “Paddock Wood has been identified as an area which has experienced a number of surface water flood events associated with small watercourses, sewerage and private drainage systems. The Paddock Wood Stage 1 Surface Water Management Plan (SWMP), undertaken in 2011 identified that reported instances of flooding have occurred due to surface water and minor watercourses, often occurring relatively rapidly from the onset of heavy rainfall.”

13.8. With the above in mind, it is entirely inappropriate for the IDP infrastructure schedule to state that in Paddock Wood “additional wastewater treatment capacity required over the Plan Period [is] to be determined” and “safeguarding of land around the existing wastewater treatment works at Paddock Wood for future expansion works” are both to be delivered over a “short, medium and long” timeframe. No details on wastewater infrastructure are provided in Policy STR/SS1 (the Strategy for Paddock Wood, including land at east Capel). Given the above, it is evident that TWBC have failed to address concerns relating to previous deficits and issues with the existing sewerage system, and this is likely to accentuate the potential flood risk within Paddock Wood. As such, it is clear that the growth proposed in Policy STR/SS1 (the Strategy for Paddock Wood, including land at east Capel) is entirely unsustainable, as supporting infrastructure is unable to meet the needs of the present and future local community. Therefore, Policy STR/SS1 (the Strategy for Paddock Wood, including land at east Capel) does not comply with paragraph 22 of the NPPF, which clarifies that infrastructure requirements and opportunities over a minimum 15-year period should be addressed in strategic policies.

13.9. Given that the IDP states that “*additional wastewater treatment capacity required over the Plan Period [is] to be determined*” it also unclear as to how the Local Plan’s Viability Study (Stage 2, Appendix 2a47) has established an approximate construction cost of £450,000 (Paddock Wood Shared Costs, Appraisal 1) for sewerage work upgrades and foul water new connections and diversions. Due to the omission of specific wastewater infrastructure requirements within the IDP, it is not possible to cross-reference the viability testing outputs with infrastructure that is proposed within either the Local Plan or IDP. This could therefore result in several inaccuracies, which, in turn, could have implications for the overall viability of the scheme.

13.10. There is no land available for expanding the existing wastewater treatment works and PWTC has confirmation from Southern Water even before the current proposals that that treatment works were already at capacity.

13.11. PWTC has, for at least six years, been requesting that Southern Water deal with surcharged sewer network in town based on the current growth. PWTC has argued that their proposals for dealing with additional waste from the three current developments are not adequate and will result in even more sewer flooding. There has been no engagement by Southern Water to assess infrastructure needs for the development proposed in this Local Plan. Southern Water refuse to work up plans unless there is ‘planning certainty’ – and it has turned out that even then they do not plan anything under the site are under construction and do not enable the developers to design in areas needed for pipework and kit such as pumping stations.

Health

13.12. The IDP states that one new GP practice will be required to support the level of growth proposed in Paddock Wood and East Capel. The Strategic Sites Masterplanning and Infrastructure Study highlights that, under scenario 1 (both sites come forward), there are three potential sites for the new GP practice, as shown below (potential GP sites circled in orange). It is noted that all potential site options lie in the western area of Paddock Wood and two of three site options are situated within the East Capel Site Allocation. This does not constitute sustainable development, as, if developed, those residing in the Paddock Wood Eastern Extension would have inadequate access to healthcare, as they would have to travel approximately over 1km with no direct active travel means such as walking and cycling infrastructure. As such, TWBC have failed to comply with paragraph 8b) of the NPPF as “*communities’ health, social and cultural well-being*” would not be supported (our emphasis added).

13.13. It is important to note that with the current three developments in Paddock Wood, they relied on the Howell Surgery In Brenchley (four miles away) taking the excess demand. Howell Surgery is now closed to new patients from Paddock Wood as rolls are full. Woodlands Surgery in Paddock Wood does not have capacity either. East Peckham Surgery located nearby in Maidstone Borough lost its surgery last year.

[TWBC: for map, please see full representation attached as a supporting document]

Cemeteries

13.14. PWTC has calculated a potential requirement for an additional 3 acres of land suitable for cemetery space to provide for the additional population in Paddock Wood and has sought a discussion and confirmation of this with TWBC but has never had a reply. This is a particularly important issue given that cemeteries cannot be located on land susceptible flooding. The Local Plan does not address this issue.

Transport – A228/Colts Hill bypass

13.15. The Colts Hill/A228 bypass is classified as ‘*critical priority, medium timing, £30 million scheme funded solely by developer funding*’ in the IDP. The costs of this scheme align with the Stage 2 Local Plan Viability Study (Appendix 11a)48, as appraisal one for Paddock Wood (with shared costs) and Tudeley (with shared costs) amount to £20 million (£11,040,000 and £8,960,000 respectively). It is worth noting that the Paddock Wood assumptions are based on all strategic allocations coming forward within Paddock Wood. This in itself presents a significant level of risk, as if one development proposal was to be refused planning permission, funding for the A228 Colts Hill bypass would not be secured. This concern is also reflected in the Stage 2 Viability Study, which states that “*the results of any viability process at this stage can only indicate a likelihood of delivery rather than anything more specific. As discussed above, a small change in one assumption can have a relatively large impact on the outcome / result*”. Given that both policies (and allocations) STR/SS1 (The Strategy for Paddock Wood and East Capel) and STR/SS3 (The Strategy for Tudeley Village) are due to be built-out from 2025/2026

onwards (as based on evidence within the Housing Supply and Topic Paper for Pre-Submission Local Plan)⁴⁹ and the Tudeley Village site has an expected completion date after the Plan period (i.e., post-2038), it is unclear as to how funding for the A228 bypass will be fully secured by the 'medium' project timeframe set out in the IDP. The IDP provides no definition for a 'medium' timeframe, however, it is assumed that 'medium' would be within the middle years of the Local Plan period i.e., from 2026-2032. PWTC therefore question the assumptions stated within the IDP, as the proposed phasing/timeframe is unrealistic as developer contributions are likely to be staggered at certain trigger points throughout the development timeline and will therefore not all be available throughout the 'medium' timeframe stated.

13.16. The above issue is exceptionally concerning, as evidence provided the Local Plan's supporting Transport Assessment confirms that baseline and 2038 scenario testing found that the A228 Maidstone Road/B2017 Badsell Road Paddock Wood roundabout would remain at >95% capacity. This assessment also found that, despite the provision of the new Colts Hill/A228 bypass, further mitigation will be required to reduce congestion on the proposed bypass. With this in mind, the Local Plan has adopted an unsatisfactory approach to highway infrastructure planning, as delivery timescales (as stipulated in the IDP) are unrealistic and unlikely to be met. This would result in unsustainable travel routes and non-compliance with paragraph 102a) of the NPPF on the grounds that the potential impacts of development on the transport network have not been addressed (our emphasis added).

13.17. The signalised junction at Badsell /Maidstone Rd was to be funded by the current three developments in Paddock Wood. This is not on the KCC list of works for this financial/council year and Berkley Homes (a corner of whose site was required for the works) are at odds with KCC whose inaction is delaying the finalisation of design and construction of that section of their site.

Transport –congestion in Paddock Wood

13.18. Concerns regarding congestion within Paddock Town Centre have not be adequately addressed within the Local Plan. It is acknowledged that the IDP details three improvements to the B2160 (Maidstone Road). These include:

- . *Improved B2017 Badsell Road/B2160 Maidstone Road signalised junction*
- . *Improved A228 Maidstone Road/Whetsted Road priority junction*
- . *Improved A228 Whetsted Road/A228 Bransbridges Road/B2160 Maidstone Road roundabout*
- . *Improved B2160 Maidstone Road/Commercial Road priority junction*
- . *Widening at junction of B2160 and Lucks Lane*

13.19. It is clear that the above infrastructure projects will not alleviate congestion on the B2160, as the above measures focus on allowing those using private vehicles residing in the proposed urban extensions to access the centre of Paddock Wood. Maidstone Road is a narrow B-road which narrows into a single carriageway in places. Access in and out of the town centre to the north at the A228 Whetsted Road/A228 Bransbridges Road/B2160 Maidstone Road junction is particularly concerning, as the Local Plan's Transport Assessment indicates that this junction will be overcapacity at 104% (volume over capacity) under the Local Plan scenario, equating to an increase of 12% volume compared to the 2018 baseline. It should also be noted that both the 'highways mitigation' and 'sustainable mitigation' scenarios (whereby additional transport improvements are modelled) also lead to congested roads, equating to 102% and 101% volume over capacity figures respectively. This confirms that planned highways infrastructure is not capable of supporting the level of growth earmarked for the proposed strategic allocations within Paddock Wood and Capel Parish. This oversight does not accord with paragraph 108c) of the NPPF, as significant impacts from the development on the transport network (in terms of capacity and congestion) cannot be cost effectively mitigated to an acceptable degree (our emphasis added).

[TWBC: for full representation, please see supporting documents]

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

Yes, I wish to participate in hearing session(s)

Question 7a

***Please note** the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.*

If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

Paddock Wood Town Council confirms that it wishes to participate in the Local Plan Examination hearing sessions. Given the scale of strategic development proposed at Paddock Wood and nearby at the proposed new settlement, its extensive representations, and its role as a statutory consultee, PWTC considers it critical that it has the opportunity to provide further input into the Local Plan Examination process including the hearing sessions to respond to other evidence and arguments put forward.

If you would like to attach a file in support of your comments, please upload it here.

[PSLP 1448-1479\(not inclusive\) Troy Planning for PWTC SI-1 Cover Letter Redacted.pdf](#)

If you would like to attach a file in support of your comments, please upload it here.

[PSLP 1448-1479\(not inclusive\) Troy Planning for PWTC SI-2 Representation.pdf](#)

If you would like to attach a file in support of your comments, please upload it here.

[PSLP 1448-1479\(not inclusive\) Troy Planning for PWTC SI-3 PW TC Response to Reg. 18.pdf](#)

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:

Yes, I wish to be notified of future stages of the Local Plan

Supporting Information File Ref No: SI_78a-c

Comment

Agent	Mr Troy Hayes [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Troy Planning & Design
Address	[REDACTED] [REDACTED] London [REDACTED]
Consultee	Mrs Nichola Reay [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Paddock Wood Town Council
Address	The Podmore Building St Andrews Recreation Ground TONBRIDGE TN12 6HT
Event Name	Pre-Submission Local Plan
Comment by	Paddock Wood Town Council [REDACTED] [REDACTED]
Comment ID	PSLP_1451
Response Date	04/06/21 16:11
Consultation Point	Policy STR 7 Climate Change (View)
Status	Processed
Submission Type	Email
Version	0.7
Files	PSLP_1448-1479(not inclusive)_Troy Planning for PWTC SI-3 PW TC Response to Reg. 18.pdf PSLP_1448-1479(not inclusive)_Troy Planning for PWTC SI-2 Representation.pdf PSLP_1448-1479(not inclusive)_Troy Planning for PWTC SI-1 Cover Letter Redacted.pdf
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Paddock Wood Town Council

Question 2

Agent's Name and Organisation (if applicable) Troy Planning & Design

Question 3

To which part of the Local Plan does this representation relate? Policy

Question 3a

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy STR 7 Climate Change

[TWBC: for other comments by Paddock Wood Town Council, please see Comment Numbers PSLP_1448-1456, PSLP_1461, PSLP_1471, PSLP_1474, PSLP_1475-1477 and PSLP_1479]

Question 4

Do you consider that the Local Plan:

Is legally compliant No

Is sound No

Complies with the Duty to Cooperate No

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

- . It is not positively prepared
- . It is not effective
- . It is not justified
- . It is not consistent with national policy

Question 5

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

Tunbridge Wells Pre-Submission Local Plan – Paddock Wood Town Council Representation

Please find enclosed our representations to the Council's Pre-Submission Local Plan. These Representations are prepared and submitted on behalf of Paddock Wood Town Council (PWTC) and the representations are supported by the Paddock Wood Neighbourhood Plan Steering Group.

We also enclose the Council's Representation Form with our signature confirming that we do wish to take part in the Local Plan Examination Hearings.

We would like to point out that the majority of PWTC's representations to the Regulation 18 consultation were not addressed by TWBC. Given that the Local Plan has changed very little between that earlier consultation and the current period of representations on the Regulation 19 Local Plan we enclose these earlier representations and request that TWBC takes these into account and ensures they are supplied to the Secretary of State if the Council decides to proceed to submission stage.

We request that you please include this letter as part of our formal representations.

Our representations conclude that the Local Plan and its evidence base fail all the tests of soundness set out in the National Planning Policy Framework (NPPF) and that the Local Plan is not legally compliant.

Our representations go to the heart of the soundness and legality of the Local Plan, its policies, and the process TWBC has undertaken in preparing its Local Plan. We therefore consider that the entirety of the Local Plan is unsound as it is not legally compliant. Whilst we have singled out a number of specific policies that we consider to be unsound it would simply not be possible to comment on every single policy in the Local Plan which is a 515-page document.

We trust that TWBC appreciates the importance of the Local Plan proposals to the Paddock Wood community in terms of the inappropriateness of the proposals which would, if the Local Plan in its current form were to be implemented, have irreversible negative impacts on Paddock Wood and the wider area.

We urge TWBC to reconsider its development strategy which is set to fail at Local Plan Examination in Public and to restart the Local Plan process using an evidence base led approach which would conclude that Paddock Wood is an unsuitable and unsustainable location for strategic housing growth. Such an approach would save TWBC, the taxpayers and all the stakeholders involved in the Local Plan process an enormous amount of time and resources debating a Local Plan which is clearly unsound and not legally compliant.

1 Flood Risk

12.1. We consider that the Local Plan, its overall development strategy, evidence and policies in relation to Flood Risk to fail the NPPF tests of soundness as it has not been positively prepared, is not justified, not effective and not consistent with national policy. These Local Plan policies include STR1, SRT7, STR5, STR/SS1, EN25, EN26

12.2. PWTC raised its strong concerns and objections with TWBC at the Regulation 18 Local Plan stage (Draft Local Plan) regarding the inadequate evidence and assessment of flood risk matters due to the extensive flood risk existing at Paddock Wood. However, these concerns were never addressed despite the SFRA prepared for the Draft Local Plan being entirely inadequate. We attach PWTC's representations to the Regulation 18 Local Plan consultation which should be included as part of our submission to the Secretary of State.

12.3. Apart from the factual errors and therefore doubt of accuracy of the SFRA's modelling (which is covered in PWTC's Regulation 18 representations), the flooding at Paddock Wood is from surface water and not fluvial, primarily from down hill flows from High Weald farmland to the South of Town adding to nitrate pollution entering the common water courses that flow into the Medway. High flood levels in Paddock Wood are usually several hours after rainfall for this reason. The only fluvial contribution is when the Medway is in surge and all the common watercourses that drain north into it from the area back up and spread out sideways over their banks adding to the surface water. No detail is provided of specific build flood mitigation measures that might be employed, other than standard local level SUDs, so it is entirely unclear how mitigation costs have been calculated or factored.

12.4. The NPPF³¹ is very clear about the approach that local planning authorities must take regarding climate change and flood risk when preparing local plans and strategic policies. However, TWBC has unfortunately failed to comply with the NPPF in respect of its approach to preparing its development strategy. The Council's approach to its Local Plan is particularly incongruous given that TWBC declared Climate Emergency³² so one would expect or at least hope the Council would have paid particular attention to the NPPF in relation to Climate Change and Flood Risk given it's declared 'emergency' however this has not been the case as we explain below.

[TWBC: for figure, please see full representation attached as a supporting document]

12.5. The current NPPF has a great deal to say about climate change and flood risk and the role of planning / plan-making to support the transition to a low carbon future in a changing climate and the

need to take full account of flood risk and coastal change including minimising vulnerability and improving resilience of places, converting existing buildings and supporting renewable and low carbon energy and associated infrastructure³³. Instead of following the NPPF's policy on climate change the Local Plan instead 1) fails to take into the full account of flood risk in the borough by not preparing suitable evidence base and ignoring its evidence base regarding flood risk in Paddock Wood and the north of the borough; 2) seeks to maximise the vulnerability of the areas of the borough already vulnerable to flood risk and future climate change such as Paddock Wood; 3) making the borough less resilient to climate change and flooding and more prone to the risks of climate change by proposing to put development in the highest risk area of the borough in terms of climate change.

12.6. In terms of planning for climate change the NPPF states³⁴ the following, however the Local Plan and its evidence fail to take into account the long-term implications of flood risk and instead of relocating vulnerable development and infrastructure the Local Plan proposes to deliver new development in the most vulnerable locations:

- . *"Plans should take a proactive approach to mitigating and adapting to climate change, taking into account the long-term implications for flood risk";*
- . *"Policies should support appropriate measures to ensure the future resilience of communities and infrastructure to climate change impacts, such as providing space for physical protection measures, or making provision for the possible future relocation of vulnerable development and infrastructure"*

12.7. The NPPF explains that *"inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere"*³⁵. Inappropriate development includes housing and the NPPF is clear that housing development should be directed away from areas at highest risk. Simply put, why did TWBC select a development strategy that clearly contravenes the fundamentals of national policy? The Council was clearly aware of the significance of the high risk of flooding at Paddock Wood as it states this as one of the Local Plan's key Issues or Challenges, where it states that *"the areas to the north and west of Paddock Wood are particularly prone to flooding"* and that a key issue is *"therefore ensuring that the proposed growth strategy can be accommodated without further harm and risk to areas that are vulnerable to flooding, provide betterment"*. This statement misunderstands national policy which is to avoid directing development to areas at highest risk (whether existing or future) in the first place.

[TWBC: for figure, please see full representation attached as a supporting document]

12.8. The NPPF explains³⁶ that *"all plans should apply a sequential, risk-based approach to the location of development – taking into account the current and future impacts of climate change – so as to avoid, where possible, flood risk to people and property. They should do this, and manage any residual risk, by:*

- 1 *a) applying the sequential test and then, if necessary, the exception test as set out below;*
- 2 *b) safeguarding land from development that is required, or likely to be required, for current or future flood management;*
- 3 *c) using opportunities provided by new development to reduce the causes and impacts of flooding (where appropriate through the use of natural flood management techniques); and*
- 4 *d) where climate change is expected to increase flood risk so that some existing development may not be sustainable in the long-term, seeking opportunities to relocate development, including housing, to more sustainable locations*

12.9. However, TWBC and its consultants appear to have avoided applying a 'sequential test' in respect of the whole borough. This is despite the Strategic Flood Risk Assessment (SFRA – Level 1 & Level 2 combined) (Juley 2019) stating as its first recommendation: *"The NPPF supports a risk-based and sequential approach to development and flood risk in England, so that development is located in the lowest flood risk areas where possible; it is recommended that this approach is adopted for all future developments within the borough"*³⁷.

12.10. Despite the SFRA consultants recommending that a sequential approach to development and flood risk is utilised for all future developments within the borough, the same SFRA consultants explain that the SFRA has not performed the Sequential Test of potential development sites but that it provides a summary at Table 13.1 summarising the flood risk to the potential development sites which can assist with completion of the Sequential Test (see figure below). As it explains at Paragraph 13.1 the SFRA does assess all 472 sites within the borough identified through the SHELAA and Call for Sites

process though. The SFRA does not explain why it does not undertake the Sequential Test – were the consultants asked not to undertake it as TWBC may not like the conclusions? It is entirely unclear from the evidence but it explains that the assessments will “assist the Council when they undertake the Sequential Test”.

12.11. The SFRA states that (see below) “The majority of sites are located within Flood Zone 1”.

[TWBC: for figure, please see full representation attached as a supporting document]

12.12. As the SFRA concluded that the majority of sites in the SHELAA and Call for Sites process are located within Flood Zone 1, how is that the most strategic growth was directed towards Paddock Wood which has the highest level of flood risk in the borough? As PPG sets out in its guidance for the application of the Sequential Test for Local Plan preparation (and as stated in the NPPF) if development can be steered towards areas in Flood Zone 1 then the sequential test is passed and it does not need to be examined further and an exceptions test is not required.

12.13. Nowhere in TWBC's evidence can we find a statement confirming that a Sequential Test was undertaken by the Council. The Local Plan itself makes no mention of a Sequential Test being undertaken as required by the NPPF. This is a fundamental flaw in the Local Plan process and evidence base and the Local Plan can clearly not continue until such a study is undertaken and consulted on.

12.14. Despite no Sequential Test being undertaken, the SFRA undertakes a Level 2 Assessment of strategic parcels as “potential development locations have been provided by the council to be assessed in the SFRA”. Twelve strategic parcels were assessed which presumably means that regardless of what a Sequential Test may have concluded, that the twelve parcels had been pre-determined as potentially preferred sites by TWBC. There is no summary map indicating where the development parcels are located or how they were selected. The evidence simply jumps from the recommendation that a Sequential Test be undertaken by TWBC to an assessment of twelve strategic development parcels.

[TWBC: for figures, please see full representation attached as a supporting document]

12.15. The Council's Development Strategy Topic Paper explains that, in relation to Sequential Testing, “the aim is to steer development to Flood Zone 1. Where there are no reasonable available sites in Flood Zone 1, guidance states that LPAs should take into account the flood risk vulnerability of land uses and consider reasonable available sites in Flood Zone 2”³⁸. It goes on to state that the Level 1 SFRA considers how the sequential test should be carried out by TWBC in preparing its Local Plan. However this Sequential Test was never undertaken.

12.16. The Topic Paper states that “It is accepted that it is often the case that it is not possible for all new development to be allocated that is not at risk from flooding”³⁹. However, this is precisely the role of the Sequential Test as stated in the NPPF to direct development to Flood Zone 1 which TWBC has blatantly ignored at arriving at its conclusion that it should locate its strategic growth in the area of the borough with the highest flood risk.

12.17. It does not take an expert to conclude from looking at the Environment Agency's ‘Flood map for planning’⁴⁰ that Paddock Wood is located within Flood Zones 2 and 3 and is an inappropriate location for strategic development. The yellow marker on the map has been dropped at Paddock Wood Railway Station which we have clarified as one cannot read the text map showing the name ‘Paddock Wood’ due to the extent of the flood risk covering the town.

[TWBC: for figure, please see full representation attached as a supporting document]

12.18. When one compares the EA flood map with that of the inset Policies Map for Paddock Wood (which one must do himself as TWBC has not overlaid the flood risk mapping with the proposed site allocations) it is striking to visualise the correlation of Flood Zone 2 and 3 covering the proposed strategic site allocations at Paddock Wood. With this very simple visualisation it is baffling for one to attempt to comprehend how the Council could have settled on the development strategy it did, selecting Paddock Wood for the location of its strategic growth.

[TWBC: for map, please see full representation attached as a supporting document]

12.19. Turning to the Local Plan policies which concern Flood Risk, it is considered that these are entirely inadequate to meet the NPPF tests of soundness. We make the following critical observations demonstrating how the Local Plan policies are unsound:

- . **Policy STR1 (The Development Strategy):** No mention of flood risk or infrastructure required to attempt to address flood risk in the borough.
 - . **Policy STR5 (Infrastructure and Connectivity):** The policy does not specify any measures or specific flood risk attenuation infrastructure. It simply states that *“Close liaison is required with Kent County Council as the lead local flood authority and the Environment Agency to ensure that adequate consideration is given to any development in flood prone areas and that appropriate mitigation and compensatory measures are put in place where necessary in accordance with Policies EN25 (Flood Risk) and EN26 (Sustainable Drainage)”*. The policy should provide far more certainty about what flood related infrastructure is going to be provided, when, and by whom rather than just liaising with the flood authorities. It talks about ‘adequate consideration’ being given to any development in flood prone areas – what does the Council even mean by this?
 - . **Policy STR7 (Climate Change):** It is rather shocking to read that the Local Plan’s policy on Climate Change does not mention flooding or how it plans to address its significant flood risks in the borough over the life of the plan. The only mention that comes close is its stated aim of not increasing and reducing surface water runoff: *“not increasing, and wherever possible reducing, surface water runoff through the use of permeable surfaces and Sustainable Drainage Systems”*. This is an inadequate policy to deal with the climate change risks facing the borough particularly in relation to flood risk.
 - . **Policy STR/SS1 (The Strategy for Paddock Wood, including land at east Capel):** This policy mentions flooding in two places.
 - o At (j) it states that *“a Paddock Wood ‘Wetland Park’ to the north of the western parcel (land edged in blue on Map 27), to deliver flood water attenuation and new wetland habitat, and allowing for informal recreation via a network of footpaths and boardwalks”*.
 - o At paragraph 13 it states the need to *“Ensure a drainage strategy is in place in consultation with the LPA, Kent County Council, the Drainage Authority, and Southern Water prior to the grant of planning permission for any substantial development on the site”*. Having a drainage strategy in place is standard practice for any proposed development site so this policy is effectively meaningless.
 - . **Policy EN3 (Climate Change Mitigation and Adaptation):** This policy takes the plan no further in respect of specifying how flood risk is addressed. It states under *“Climate change adaptation that development must incorporate measures that adapt to the impacts of climate change”* and that *“these could include” (2) Reduction in flood risk and provision of infrastructure to protect vulnerable communities and habitats and minimisation of water consumption”*. This policy is ineffective.
 - . **Policy EN25 (Flood Risk):** Policy EN25 is the Council’s proposed development management policy regarding flood risk. It contains within it text which seems to be taken for the most part directly from the NPPF so one should question whether it has any place in the Local Plan. In any case, the policy states that *“The sequential test and exception tests established by the NPPF will be strictly adhered to across the borough”*. Given that TWBC has not undertaken an Exception Test to support the Local Plan it has failed against its own policy.
- 12.20. It is important to note MHCLG’s proposed changes to the NPPF in relation to flood risk of which there are numerous. The Local Plan does not refer to these proposed changes and whilst they are still only proposed changes to the NPPF there is a clear direction of travel emerging from MHCLG in relation to flood risk which further strengthens and tightens the policies in the NPPF in relation to flood risk. As we have already set out, the Council’s approach to flood risk is clearly at odds with the NPPF in its existing and likely future form. MHCLG explains its reasoning behind the proposed changes to the NPPF which are as follows⁴¹:
- . The changes proposed are in part, an initial response to the emergent findings of our joint review with the Department for Environment, Food and Rural Affairs (Defra) of planning policy for flood risk. The government’s Policy Statement on flood and coastal erosion risk management sets out a number of actions to maintain and enhance the existing safeguards concerning flood risk in the planning system. Informed by this, we will consider what further measures may be required in the longer term to strengthen planning policy and guidance for proposed development in areas at risk of flooding from all sources when our review concludes. The Policy Statement is informed by a number of key consultations and advice:
 - o Environment Agency’s consultation exercise on the updated National Flood and Coastal Erosion Risk Management Strategy
 - o results of the government’s flood and coastal erosion: call for evidence in 2019

- o an evidence review of the concept of flood resilience
- o advice from the National Infrastructure Commission and the Committee on Climate Change
- o The Secretary of State for the Environment has written to Sir John Armitt, Chair of the National Infrastructure Commission, about the government's policies to create a nation that is more resilient to future flood and coastal erosion risk.
- . On planning and flood risk, new paragraphs 160 and 161 have been amended to clarify that the policy applies to all sources of flood risk.
- . New paragraph 160(c) has been amended to clarify that plans should manage any residual flood risk by using opportunities provided by new development and improvements in green and other infrastructure to reduce the causes and impacts of flooding (making as much use as possible of natural flood management techniques as part of an integrated approach to flood risk management).
- . The Flood Risk Vulnerability Classification has been moved from planning guidance into national planning policy (set out in Annex 3 and referred to in paragraph 162). It is considered that this classification is a key tool and should be contained in national policy.
- . New paragraph 163 has been amended to clarify the criteria that need to be demonstrated to pass the exception test.
- . New paragraph 166(b) has been expanded to define what is meant by "resilient".

12.21. We note that the Council's SFRA identifies a number of Nitrate Vulnerable Zones (NZVs) covering considerable areas of the borough including Paddock Wood and its surrounding area (within and outside the borough). The SFRA states that these areas are "*at risk from agricultural nitrate pollution...nitrate levels in waterbodies are affected by surface water runoff from surrounding agricultural land entering receiving waterbodies*". Yet, despite identifying these NZVs the SFRA seems to almost dismiss the seriousness of the NZV designation by saying that the level of contamination will potentially influence the SuDS and should be assessed as part of the design process. We consider this matter of NZVs needs much more careful research and analysis. It is well known from other parts of the country such as Hampshire whereby nitrate mitigation has become perhaps the defining topic for planning and development due to the need to protect the water environment and conserve habitats and species. One of the ways to mitigate the likely significant effects of development is through ensuring development is 'nutrient neutral' which is part of the strategy being employed by local authorities and the Partnership for South Hampshire as it needs to be addressed at a cross-boundary level. More details about the approach being taken in Hampshire can be found on PfSH's website⁴² along with Natural England's 'nutrient calculator' and updated guidance on achieving nutrient neutral housing development⁴³.

12.22. We note that there is no mention of nitrates in the Local Plan despite this NZVs having been identified and designated in considerable parts of the borough including at Paddock Wood where strategic development is planned.

[TWBC: for figures, please see full representation attached as a supporting document]

[TWBC: for full representation, please see supporting documents]

Question 7

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Question 7a

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Supporting Information File Ref No: SI_78a-c

Comment

Agent	Mr Troy Hayes [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Troy Planning & Design
Address	[REDACTED] [REDACTED] London [REDACTED]
Consultee	Mrs Nichola Reay [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Paddock Wood Town Council
Address	The Podmore Building St Andrews Recreation Ground TONBRIDGE TN12 6HT
Event Name	Pre-Submission Local Plan
Comment by	Paddock Wood Town Council (Mrs Nichola Reay - [REDACTED])
Comment ID	PSLP_1474
Response Date	04/06/21 16:11
Consultation Point	Policy STR 9 Green Belt (View)
Status	Processed
Submission Type	Email
Version	0.4
Files	PSLP_1448-1479(not inclusive)_Troy Planning for PWTC SI-2 Representation.pdf PSLP_1448-1479(not inclusive)_Troy Planning for PWTC SI-3 PW TC Response to Reg. 18.pdf PSLP_1448-1479(not inclusive)_Troy Planning for PWTC SI-1 Cover Letter Redacted.pdf
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Question 1	
Respondent's Name and/or Organisation	Paddock Wood Town Council

Question 2

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Question 3

To which part of the Local Plan does this representation relate? Policy

Question 3a

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy STR 9 Green Belt

[TWBC: for other comments by Paddock Wood Town Council, please see Comment Numbers PSLP_1448-PSLP_1456, PSLP 1461, PSLP_1471]

Question 4

Do you consider that the Local Plan:

Is legally compliant No

Is sound No

Complies with the Duty to Cooperate No

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

- . It is not positively prepared
- . It is not effective
- . It is not justified
- . It is not consistent with national policy

Question 5

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We also enclose the Council's Representation Form with our signature confirming that we do wish to take part in the Local Plan Examination Hearings.

We would like to point out that the majority of PWTC's representations to the Regulation 18 consultation were not addressed by TWBC. Given that the Local Plan has changed very little between that earlier consultation and the current period of representations on the Regulation 19 Local Plan we enclose these earlier representations and request that TWBC takes these into account and ensures they are supplied to the Secretary of State if the Council decides to proceed to submission stage.

We request that you please include this letter as part of our formal representations.

Our representations conclude that the Local Plan and its evidence base fail all the tests of soundness set out in the National Planning Policy Framework (NPPF) and that the Local Plan is not legally compliant.

Our representations go to the heart of the soundness and legality of the Local Plan, its policies, and the process TWBC has undertaken in preparing its Local Plan. We therefore consider that the entirety of the Local Plan is unsound as it is not legally compliant. Whilst we have singled out a number of specific policies that we consider to be unsound it would simply not be possible to comment on every single policy in the Local Plan which is a 515-page document.

We trust that TWBC appreciates the importance of the Local Plan proposals to the Paddock Wood community in terms of the inappropriateness of the proposals which would, if the Local Plan in its current form were to be implemented, have irreversible negative impacts on Paddock Wood and the wider area.

We urge TWBC to reconsider its development strategy which is set to fail at Local Plan Examination in Public and to restart the Local Plan process using an evidence base led approach which would conclude that Paddock Wood is an unsuitable and unsustainable location for strategic housing growth. Such an approach would save TWBC, the taxpayers and all the stakeholders involved in the Local Plan process an enormous amount of time and resources debating a Local Plan which is clearly unsound and not legally compliant.

1 Green Belt

Land at Capel and Paddock Wood

16.1. The NPPF affords great weight to Green Belts. Chapter 13 of the NPPF sets out policies which relate to the protection of the Green Belt. Paragraph 133 of the NPPF states that *"the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence."*

16.2. It is acknowledged that the Green Belt Study Stage Three (Draft Allocation Sites Harm Assessment) concludes that the harm of removing strategic allocation ALP/PW1 would be 'high' as *"AL/PW1 makes a Strong contribution to the prevention of encroachment on the countryside and a Relatively Weak contribution to preventing neighbouring towns merging into one another; and the impact of its release on the adjacent Green Belt will be Moderate. Harm resulting from the release of AL/PW1 will be High"*. The above highlights that the proposed strategic allocation does not comply with the NPPF, as it is evident that its removal for the Green Belt would result in significant encroachment on the countryside.

16.3. Furthermore, it is evident that the justification of removing the Green Belt to fulfil identified local housing need does not constitute 'exceptional circumstances' (as per paragraph 136 of the NPPF). Indeed, in 2015, Brandon Lewis MP (former Minister for State for Housing and Planning) stated that *"the National Planning Policy Framework makes clear that most development in the Green Belt is inappropriate and should be approved only in very special circumstances. Consistent with this, this Statement confirms the Government's policy that [...] unmet need are unlikely to clearly outweigh harm to the Green belt and any other harm as to establish very special circumstances"*. For reasons set out in our 'Sustainability Appraisal' section, it is evident that TWBC (the strategic policy-making authority) have not demonstrated that it has examined fully all other reasonable options for meeting its identified need for development. As such, the proposed removal of the Green Belt is entirely unwarranted as it is based on unsound evidence and does not align with paragraph 136 and 137 of the NPPF.

16.4. We are unconvinced from TWBC's evidence that it has demonstrated that it has examined fully all other reasonable options for meeting its identified need for development⁵⁵ before concluding it has exceptional circumstances. The NPPF requires that strategic policies are informed through this examination of other reasonable options and the Council's strategy much do the following:

a) **Makes as much use as possible of suitable brownfield sites and underutilised land.** TWBC's brownfield land potential has not been fully explored or evidenced. The brownfield land it includes for development in the Local Plan is mainly in Tunbridge Wells and this settlement along with the rest of the borough needs much further investigation for development opportunities including the opportunity for releasing more of its employment land for housing.

b) **Optimises the density of development in line with policies in chapter 11 of the NPPF including whether policies promote a significant uplift in minimum density standards in town and city centres and other locations well served by public transport.** This work has not been undertaken by TWBC with any rigor. For instance there are only 30 dwellings identified within Paddock Wood Town Centre despite it being well served by public transport. There are likely many other opportunities to increase development and densities in centres across the borough.

c) **Has been informed by discussions with neighbouring authorities about whether they could accommodate some of the identified need for development, as demonstrated through the statement of common ground.** As we set out in the Duty to Cooperate section of these representations the Council has failed to discharge the duty which is evidenced by a lack of SOCGs with most of its neighbouring authorities.

16.5. Furthermore, the Green Belt Study Stage Three (Draft Allocation Sites Harm Assessment) adds that *"the masterplan indicates that built development would be located to the north-west of the allocation site in close proximity to Whetsted Road (A228) which would bring the new inset edge close to washed over development in Whetsted"*. This evidence highlights that the removal of this Green Belt parcel would result in the non-compliance of Purpose 2 (paragraph 134, clause b) of the NPPF on the grounds that the westward movement of the inset edge of Paddock Wood would lead to the coalescence of Paddock Wood with Whetsted.

Tudeley Village

16.6. The Green Belt Study Stage Three (Draft Allocation Sites Harm Assessment) concludes that the harm of removing strategic allocation AL/CAL1 from the Green Belt would be 'high' as *"AL/CA1 makes a strong contribution to the prevention of encroachment on the countryside and a relatively weak contribution to preventing neighbouring towns merging into one another; and the impact of its release on the adjacent Green Belt will be Moderate. Harm resulting from the release of AL/CA1 will be High."* Whilst PWTC agree that the risk of removing the land from the Green Belt would be high, it is also abundantly clear that the strategic allocation would also result in 'high' harm to Purpose two (paragraph 134b of the NPPF) as the development would result in the merging of neighbouring of Tudeley Village and Five Oak Green. In relation to Purpose 2 of the NPPF (preventing neighbouring towns merging), the Green Belt Study Stage Three (Draft Allocation Sites Harm Assessment) establishes that *"it has a strong distinction from existing inset settlements, meaning that development will be more intrusive on the settlement gap than would be the case if the allocation area related more strongly to an existing inset settlement, but the size of the gap means that it makes a Relatively Weak contribution to preventing neighbouring towns merging". The Study adds that "this will, without mitigation, weaken the strength of separation between the inset edge of Tudeley Village and existing inset development at Five Oak Green, although will still provide a level of distinction between the two settlements"*.

16.7. PWTC strongly dispute the above statement, as the eastern boundary of the proposed Tudeley Village consists of a tree line which includes a significant gap for east-west access. As highlighted below, this treeline is not uniform and varies in width. The aforementioned gap is highlighted in red. This Google Streetview imagery was taken looking north-west and north-east off Five Oak Green Road from the field gate that is approximately 150m west of Capel Primary School. As shown, it is evident that there will be limited distinction between the two settlements due to the significant reduction in gap between settlements, the topographic gradient sloping down eastwards and the presence of weak field boundaries. As such, there is very little visual separation between the two settlements. It should also be acknowledged that the lack of visual separation will be significantly worse in winter months when tree cover is limited. In conclusion, it is clear that the above statement made within the Green Belt Study Stage Three (Draft Allocation Sites Harm Assessment) is inaccurate as it does not reflect the true level of Green Belt harm resulting from the proposed development.

[TWBC: for images, please see full representation attached as a supporting document]

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Address	The Podmore Building St Andrews Recreation Ground TONBRIDGE TN12 6HT
Event Name	Pre-Submission Local Plan
Comment by	Paddock Wood Town Council [REDACTED] [REDACTED]
Comment ID	PSLP_1452
Response Date	04/06/21 16:11
Consultation Point	Policy STR/SS 1 The Strategy for Paddock Wood, including land at east Capel (View)
Status	Processed
Submission Type	Email
Version	0.7
Files	PSLP_1448-1479(not inclusive)_Troy Planning for PWTC SI-1_Cover Letter_Redacted.pdf PSLP_1448-1479(not inclusive)_Troy Planning for PWTC SI-2_Representation.pdf PSLP_1448-1479(not inclusive)_Troy Planning for PWTC SI-3_PW TC Response to Reg. 18.pdf
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Policy STR/SS 1 The Strategy for Paddock Wood, including land at east Capel

[TWBC: for other comments by Paddock Wood Town Council, please see Comment Numbers PSLP_1448-1456, PSLP_1461, PSLP_1471, PSLP_1474, PSLP_1475-1477 and PSLP_1479]

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1 Growth Proposed at Paddock Wood (including Masterplan Issues)

Overall

14.1. David Lock Associates produced work on the town centre masterplan and it was sent to PWTC Councillors and the Neighbourhood Plan Group however it was sent on a confidential basis and PWTC and the Neighbourhood Plan Group has not been able to share it more widely. We question Why is this not available in the PSDLP particularly given that the masterplan meeting was on the 25th of February 2021.

14.2. We understand that the masterplanning work relies heavily on the burden of paying for infrastructure such as flood mitigation, education, Colts Hill bypass, sports facilities being shared equally over all the development sites by all the developers. It is also assumed that the viability impact of some sites being capable of a high density of development and others having to be low density due to land being required for SuDS,, swales and other built mitigation features will again be equally shared. We question what the mechanism is for achieving this coordination and delivery without external oversight. The phasing and viability of this approach has not practically been testing in the viability evidence which is quite a blunt instrument for testing development viability and does not capture the complexity of the strategic development proposed at Paddock Wood and Tudeley.

Sports Hub

14.3. Through work on the Neighbourhood Plan the Paddock Wood NDP Steering Group has set up a sports sub-group to liaise with sports clubs and associations in Paddock Wood. The group has worked diligently on preparing a strategy for future sports provision in the town and which proposed a new sports hub to the north of the railway line at Eastlands. Such proposals have been made clear to TWBC and their consultants through production of the Strategic Sites Masterplanning document. However, and despite this, that report identifies land for a sports hub to the south west of the Paddock Wood growth area. This is reflected in Policy STR/SS1 of the Local Plan, which has little flexibility in the location of such a use.

14.4. There is no real rationale for the approach taken, with the reasons provided also being good reasons not to locate a sports hub here.

14.5. The Strategic Sites masterplanning presents the preferred growth strategy for Paddock Wood in Option 1. Justification for the Sports hub in the south west corner is as follows:

- . It will maximise accessibility within Paddock Wood by active means. However, the Town Council suggests that its location on the very periphery of the growth area that it will be far removed from many people, both existing and new residents, including major areas of growth to the north of the railway line.
- . The site is in the floodplain and is therefore an appropriate use for that land. However, the Town Council also notes that land it suggests for a sport hub at Eastlands is also in the floodplain (and so there is no difference between either of these locations), but that the masterplanning process instead suggests that housing would be suitable at Eastlands. The Town Council does not agree that housing is an appropriate use within the floodplain.
- . Its location on the south western edge along a revision to the Green Belt boundary would create a soft edge and a buffer between Paddock Wood and Capel. The Town Council suggests that this appears to be the primary reason for the location of the sports hub, rather than wider considerations of accessibility, integration with the built-form and appropriateness of land uses.

14.6. Option 2 of the Strategic Sites masterplanning process presents an alternative option that matches the aspirations the community expressed in consultation on the masterplan, but this was dismissed for the following reasons:

- . It would create excessive north south vehicular traffic, placing pressure on the single road bridge in the town. However, the Town Council points out that with the significant scale of growth proposed to the north of the railway line, people will be travelling north south in any event, and a location either north or south of the town will not change that. Indeed, the only approach that would change that would be to limit any development to the north of the railway line. Indeed, and recognising that major growth is proposed both north and south of the railway line, the masterplan proposes delivery of new rail crossings, and that these would enable access to the northern part of the town. The assumption made by TWBC would appear to be that residents will use active travel means to access a sport hub in the south west periphery of the town, but will use vehicular means to use alternative locations.
- . Concerns that there will be traffic cutting through residential areas from those outside of Paddock Wood travelling to the sports hub. However, the Town Council points out that the preferred location on the edge of the growth area will result in people travelling across Paddock Wood in any event to access the sports hub. The Town Council also points out that sports clubs and organisation in Paddock Wood have indicated that importance of public transport and the role of the train station in bringing people to sports events and activities from outside the town. The preferred location indicated in the masterplanning report is far removed from this, where as a location at Eastlands will support access by sustainable modes of travel.
- . Flooding would cause the pitches to become inundated with water. However, the Town Council points out that one of the reasons for the south west site being the preferred location is that it is also in the floodplain and is considered an appropriate use.
- . Impact of the hub (a large building) on the landscape setting. However, the Town Council points out that the preferred masterplan indicates housing and or a school building in this location and that such development would have the same if not more significant impact than a sports hub.

14.7. Option 3 of the masterplanning work indicates the sports hub being in the same location as option 1. Option 4 proposes instead that existing facilities should be retained and improved, but that this was result in an under-delivery of sports provision. Thus, a new sports hub is required.

14.8. The preferred approach runs the risk of creating a 'lop-sided' town with all facilities to the south and west, irrespective of the significant growth taking place all around Paddock Wood. The Town Council's view is that the aspiration should be to create a fully integrated and cohesive community, with good access to all facilities for people of all ages and abilities. Paddock Wood already benefits from a number of sports facilities, including those at Putlands and the Memorial Field. These are clustered to the south of the town. To help create an integrated and inclusive community it is important to balance provision across town. Indeed, the scale of growth to the north of the railway line will generate a need for sports provision in its own right. Locating a new sports hub at Eastlands will meet these requirements and balance sports provision across town in accessible locations. The Town Council suggests that the only reason offered by TWBC for locating the sports hub in the south west is to act as a landscape buffer between Capel and Paddock Wood. The Town Council contends that this does not constitute good placemaking.

14.9. The Town Council would also like to point out to the Inspector(s) that they are keen to take on the running and management of such a facility, but that locating this in the south west periphery of the growth area would preclude this as the site falls outside the boundary of the Town Council and is

instead located within Capel Parish (whom has confirmed to the Town Council that they do not wish to have the burden of potentially having to manage such a facility).

In summary:

14.10. The preference for a sports hub to be located in the south west periphery of Paddock Wood is not supported. It is not justified by evidence. The Town Council, working with sports clubs and organisations, has identified an alternative location at Eastlands which should be recognised in changes to the Local Plan policy and which would align with work undertaken with the community through the emerging Neighbourhood Plan.

[TWBC: for full representation, please see supporting documents]

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Comment ID	PSLP_1455
Response Date	04/06/21 16:11
Consultation Point	Policy STR/SS 2 The Strategy for Paddock Wood Town Centre (View)
Status	Processed
Submission Type	Email
Version	0.7
Files	PSLP_1448-1479(not inclusive)_Troy Planning for PWTC_SI-3_PW TC Response to Reg. 18.pdf PSLP_1448-1479(not inclusive)_Troy Planning for PWTC_SI-2_Representation.pdf PSLP_1448-1479(not inclusive)_Troy Planning for PWTC_SI-1_Cover Letter_Redacted.pdf
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Policy STR/SS 2 The Strategy for Paddock Wood Town Centre

[TWBC: for other comments by Paddock Wood Town Council, please see Comment Numbers PSLP_1448-1456, PSLP_1461, PSLP_1471, PSLP_1474, PSLP_1475-1477 and PSLP_1479]

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If you consider that the Local Plan is not sound, please answer this question.

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- . It is not positively prepared
- . It is not effective
- . It is not justified
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Town Centre

14.11. Policy STR/SS 2 of the draft Local Plan presents the strategy for Paddock Wood Town Centre.

14.12. Supporting text to this policy quite rightly states that with the scale of planned growth proposed around Paddock Wood, there is an opportunity to invest in and enhance the role of the town centre.

14.13. Both the policy and supporting text state that a Supplementary Planning Document will be prepared for the town centre.

14.14. This is despite efforts by Paddock Wood Town Council to prepare a Neighbourhood Plan, progress of which has been stalled by TWBC, and within which the future of the town centre is a key area of focus.

14.15. Paddock Wood commenced work on the production of a Neighbourhood Plan in 2015. A Regulation 14 draft was prepared in 2018, although this was not subject to consultation as publication of the emerging Local Plan introduced proposals for significantly more growth around Paddock Wood than originally envisaged.

14.16. Work on the Neighbourhood Plan was paused to enable review and consideration of the Local Plan, and how the Neighbourhood Plan should respond, such that it conforms to the emerging strategic objectives and policies of the Local Plan.

14.17. Work on the Neighbourhood Plan has since recommenced but has been delayed once again in the absence of more detailed information from TWBC on their proposal for and evidence to support change in the town centre.

14.18. The information prepared by TWBC to date in support of the town centre policies in the Local Plan remains limited and by delaying publication of this further to production of a future SPD the Council is frustrating the Neighbourhood Plan process. Indeed, TWBC will be aware that, once made, a Neighbourhood Plan will form part of the development plan and carry more weight than a SPD. TWBC should thus be supporting the Neighbourhood Plan process.

14.19. Policy STR/SS 2 lacks detail and supporting evidence and should link to the NDP to provide that information. The Paddock Wood Economic Opportunities Report (SQW, December 2020) prepared as part of the Strategic Sites Masterplanning Report does not specifically comment on the town centre, beyond referring to other evidence base documents prepared in support of the Local Plan. It does

though note that given existing policies in the adopted 2016 Local Plan as well as those preceding that in the 2006 Local Plan, that there has been a *'long standing aspiration for a comprehensive and masterplanned approach to the development of the town centre'* but this has not materialised (see para 4.12 of SQW report). The draft Local Plan does little to address this, delaying this process to a SPD which has yet to be forthcoming.

14.20. The TW Retail, Commercial, Leisure & Town Centre Uses Study Update (Nexus for TWBC, Feb 2021) is primarily focused on Tunbridge Wells town centre. In respect of Paddock Wood, it notes that the vacancy rate has increased significantly between the 2016 Town Centre study and the 2021 update. However, this can be attributed to land in the control of Churchill Homes which has been granted planning permission and where shop front retail use will be replaced as part of that scheme. The study identified a number of issues for Paddock Wood town centre but does not expand upon this to provide recommendations as to actions or interventions that should take place (beyond establishing a quantum of new retail floorspace that it suggests could be accommodated in the town centre or within a neighbourhood centre as part of the growth of the town).

In summary:

14.21. The draft town centre policy is limited in its effectiveness. It does not set out a clear strategy. There is limited information to support proposed changes to the town centre. This is instead deferred to production of a SPD. This has delayed and frustrated work on the NDP, within which the improvements to the town centre are key to the future of the town. The Local Plan should recognise the role of the NDP and the weight this will have.

Access and Movement

14.22. Policy STR 6 (Transport and Parking) of the draft Local Plan notes that, for Paddock Wood, the development and delivery of strategic sites will have integrated active travel within their layout and design. This is welcome and supported.

14.23. The Town Council notes that a Local Cycling and Walking Infrastructure Plan (LCWIP) has been prepared as evidence to the Local Plan (PJA, Phase 2 report, March 2021). This recommends *'reducing through traffic access in Paddock Wood'*, which, it says, *'would help significantly with improving conditions for walking and cycling'*.

14.24. The report includes a number of suggestions to existing routes and junctions in paddock Wood which are supported by the Town Council. A set of additional measures are also set out. It is noted that these are *'ambitious'* and would produce *'transformational changes'* (see section 4.12 of report).

14.25. These complementary measures include the suggestion that Paddock Wood should become a 'low traffic town', involving closure of the Maidstone Road railway bridge to all vehicular traffic except buses. As the report notes, this is the only vehicular bridge across the railway line in Paddock Wood.

14.26. Although the masterplan for the growth area proposes new bridges across the railway, these are primarily for walking and cycling, and are not in the town centre.

14.27. Whilst the Town Council welcomes ideas and solutions to improve walking and cycling conditions, this needs to be balanced with the needs of all and restricting vehicular traffic from using the Maidstone railway bridge would have wider impacts, including on emergency vehicles, the mobility impaired, services and deliveries. It is also important to recognise that the railway line is a barrier to movement and by restricting access across this could increase severance between communities.

In Summary:

14.28. The Town Council supports measures that improve walking and cycling conditions across Paddock Wood. Policy STR/SS1 and Policy STR/SS2 of the draft Local Plan note the need to improve connections across the railway line. IN particular, Policy STR/SS 2 (5) notes the need for 'additional and improved linkages across the railway line for vehicles, pedestrians and cyclists'. This is supported. The policies do not include reference to the closure of the Maidstone Road railway bridge to vehicular traffic as suggested in the LCWIP. The exclusion of this from policy is supported. Inclusion of such a policy clause would be objected as being unjustified.

[TWBC: for full representation, please see supporting documents]

Question 7

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Question 7a

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Supporting Information File Ref No: SI_78a-c

Comment

Agent	Mr Troy Hayes [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Troy Planning & Design
Address	[REDACTED] [REDACTED] London [REDACTED]
Consultee	Mrs Nichola Reay [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Paddock Wood Town Council
Address	The Podmore Building St Andrews Recreation Ground TONBRIDGE TN12 6HT
Event Name	Pre-Submission Local Plan
Comment by	Paddock Wood Town Council [REDACTED] [REDACTED]
Comment ID	PSLP_1477
Response Date	04/06/21 16:11
Consultation Point	Policy STR/SS 3 The Strategy for Tudeley Village (View)
Status	Processed
Submission Type	Email
Version	0.5
Files	PSLP_1448-1479(not inclusive) Troy Planning for PWTC SI-2 Representation.pdf PSLP_1448-1479(not inclusive) Troy Planning for PWTC SI-1 Cover Letter Redacted.pdf PSLP_1448-1479(not inclusive) Troy Planning for PWTC SI-3 PW TC Response to Reg. 18.pdf
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Question 3

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Question 3a

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Policy STR/SS 3 The Strategy for Tudeley Village

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Is sound No

Complies with the Duty to Cooperate No

Question 4a

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1 Viability

19.1. Please note we raise a number of points regarding Local Plan viability in the 'Infrastructure' and 'Garden Settlement Principles' sections. Viability of the Local Plan and particularly proposals at Paddock Wood and Tudeley will need to be fully tested at Local Plan Examination and we wish to take part in those hearings. The scale of infrastructure required to support at Paddock Wood and Tudeley will need to be justified in terms of viability and there must be absolute clarity on the phasing and timing of such infrastructure, the amount of funding that will need to be in place when, who will be responsible for the delivery of the infrastructure and contingency plans. The Development Strategy and Infrastructure Delivery Plan lack details and certainty on all the key elements required to ensure sustainable development can be delivered.

19.2. Given the above, the Local Plan viability study should take a 'worst case scenario' view on viability – there are countless examples across the country where viability matters for strategic proposals have not been scrutinised closely enough which has resulted in stalled sites and a lack of sufficient infrastructure to support the communities being planned. Given that the Local Plan proposes that the strategic development at Paddock Wood and Tudeley should be delivered using Garden Settlement Principles, and given the exceptional need for flood risk mitigation infrastructure and new infrastructure to support this growth, TWBC and its residents cannot afford for the viability study to be a 'high level' assessment which lacks all the finer grain detailed and analysis that everyone knows is required to fully understand the challenges presented by TWBC's development proposals.

[TWBC: for full representation, please see supporting documents]

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Address	The Podmore Building St Andrews Recreation Ground TONBRIDGE TN12 6HT
Event Name	Pre-Submission Local Plan
Comment by	Paddock Wood Town Council [REDACTED] [REDACTED]
Comment ID	PSLP_1471
Response Date	04/06/21 16:11
Consultation Point	Policy STR/PW 1 The Strategy for Paddock Wood (View)
Status	Processed
Submission Type	Email
Version	0.5
Files	PSLP_1448-1479(not inclusive)_Troy Planning for PWTC SI-1 Cover Letter Redacted.pdf PSLP_1448-1479(not inclusive)_Troy Planning for PWTC SI-2 Representation.pdf PSLP_1448-1479(not inclusive)_Troy Planning for PWTC SI-3 PW TC Response to Reg. 18.pdf
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Policy STR/PW 1 The Strategy for Paddock Wood

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1 Growth Proposed at Paddock Wood (including Masterplan Issues)

Overall

14.1. David Lock Associates produced work on the town centre masterplan and it was sent to PWTC Councillors and the Neighbourhood Plan Group however it was sent on a confidential basis and PWTC and the Neighbourhood Plan Group has not been able to share it more widely. We question Why is this not available in the PSDLP particularly given that the masterplan meeting was on the 25th of February 2021.

14.2. We understand that the masterplanning work relies heavily on the burden of paying for infrastructure such as flood mitigation, education, Colts Hill bypass, sports facilities being shared equally over all the development sites by all the developers. It is also assumed that the viability impact of some sites being capable of a high density of development and others having to be low density due to land being required for SuDS,, swales and other built mitigation features will again be equally shared. We question what the mechanism is for achieving this coordination and delivery without external oversight. The phasing and viability of this approach has not practically been testing in the viability evidence which is quite a blunt instrument for testing development viability and does not capture the complexity of the strategic development proposed at Paddock Wood and Tudeley.

Sports Hub

14.3. Through work on the Neighbourhood Plan the Paddock Wood NDP Steering Group has set up a sports sub-group to liaise with sports clubs and associations in Paddock Wood. The group has worked diligently on preparing a strategy for future sports provision in the town and which proposed a new sports hub to the north of the railway line at Eastlands. Such proposals have been made clear to TWBC and their consultants through production of the Strategic Sites Masterplanning document. However, and despite this, that report identifies land for a sports hub to the south west of the Paddock Wood growth area. This is reflected in Policy STR/SS1 of the Local Plan, which has little flexibility in the location of such a use.

14.4. There is no real rationale for the approach taken, with the reasons provided also being good reasons not to locate a sports hub here.

14.5. The Strategic Sites masterplanning presents the preferred growth strategy for Paddock Wood in Option 1. Justification for the Sports hub in the south west corner is as follows:

- . It will maximise accessibility within Paddock Wood by active means. However, the Town Council suggests that its location on the very periphery of the growth area that it will be far removed from many people, both existing and new residents, including major areas of growth to the north of the railway line.
- . The site is in the floodplain and is therefore an appropriate use for that land. However, the Town Council also notes that land it suggests for a sport hub at Eastlands is also in the floodplain (and so there is no different between either of these locations), but that the masterplanning process instead suggests that housing would be suitable at Eastlands. The Town Council does not agree that housing is an appropriate use within the floodplain.
- . Its location on the south western edge along a revision to the Green Belt boundary would create a soft edge and a buffer between Paddock Wood and Capel. The Town Council suggests that this appears to be the primary reason for the location of the sports hub, rather than wider considerations of accessibility, integration with the built-form and appropriateness of land uses.

14.6. Option 2 of the Strategic Sites masterplanning process presents an alternative option that matches the aspirations the community expressed in consultation on the masterplan, but this was dismissed for the following reasons:

- . It would create excessive north south vehicular traffic, placing pressure on the single road bridge in the town. However, the Town Council points out that with the significant scale of growth proposed to the north of the railway line, people will be travelling north south in any event, and a location either north or south of the town will not change that. Indeed, the only approach that would change that would be to limit any development to the north of the railway line. Indeed, and recognising that major growth is proposed both north and south of the railway line, the masterplan proposes delivery of new rail crossings, and that these would enable access to the northern part of the town. The assumption made by TWBC would appear to be that residents will use active travel means to access a sport hub in the south west periphery of the town, but will use vehicular means to use alternative locations.
- . Concerns that there will be traffic cutting through residential areas from those outside of Paddock Wood travelling to the sports hub. However, the Town Council points out that the preferred location on the edge of the growth area will result in people travelling across Paddock Wood in any event to access the sports hub. The Town Council also points out that sports clubs and organisation in Paddock Wood have indicated that importance of public transport and the role of the train station in bringing people to sports events and activities from outside the town. The preferred location indicated in the masterplanning report is far removed from this, where as a location at Eastlands will support access by sustainable modes of travel.
- . Flooding would cause the pitches to become inundated with water. However, the Town Council points out that one of the reasons for the south west site being the preferred location is that it is also in the floodplain and is considered an appropriate use.
- . Impact of the hub (a large building) on the landscape setting. However, the Town Council points out that the preferred masterplan indicates housing and or a school building in this location and that such development would have the same if not more significant impact than a sports hub.

14.7. Option 3 of the masterplanning work indicates the sports hub being in the same location as option 1. Option 4 proposes instead that existing facilities should be retained and improved, but that this was result in an under-delivery of sports provision. Thus, a new sports hub is required.

14.8. The preferred approach runs the risk of creating a 'lop-sided' town with all facilities I the south and west, irrespective of the significant growth taking place all around Paddock Wood. The Town Council's view is that the aspiration should be to create a fully integrated and cohesive community, with good access to all facilities for people of all ages and abilities. Paddock Wood already benefits from a number of sports facilities, including those at Putlands and the Memorial Field. These are clustered to the south of the town. To help create an integrated and inclusive community it is important to balance provision across town. Indeed, the scale of growth to the north of the railway line will generate a need for sports provision in its own right. Locating a new sports hub at Eastlands will meet these requirements and balance sports provision across town in accessible locations. The Town Council suggests that the only reason offered by TWBC for locating the sports hub in the south west is to act as a landscape buffer between Capel and Paddock Wood. The Town Council contends that this does not constitute good placemaking.

14.9. The Town Council would also like to point out to the Inspector(s) that they are keen to take on the running and management of such a facility, but that locating this in the south west periphery of the growth area would preclude this as the site falls outside the boundary of the Town Council and is

instead located within Capel Parish (whom has confirmed to the Town Council that they do not wish to have the burden of potentially having to manage such a facility).

In summary:

14.10. The preference for a sports hub to be located in the south west periphery of Paddock Wood is not supported. It is not justified by evidence. The Town Council, working with sports clubs and organisations, has identified an alternative location at Eastlands which should be recognised in changes to the Local Plan policy and which would align with work undertaken with the community through the emerging Neighbourhood Plan.

[TWBC: for full representation, please see supporting documents]

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Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box: Yes, I wish to be notified of future stages of the Local Plan

Supporting Information File Ref No: SI_78a-c

Comment

Agent	Mr Troy Hayes [REDACTED]
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Company / Organisation	Troy Planning & Design
Address	[REDACTED] [REDACTED] London [REDACTED]
Consultee	Mrs Nichola Reay [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Paddock Wood Town Council
Address	The Podmore Building St Andrews Recreation Ground TONBRIDGE TN12 6HT
Event Name	Pre-Submission Local Plan
Comment by	Paddock Wood Town Council [REDACTED] [REDACTED]
Comment ID	PSLP_1453
Response Date	04/06/21 16:11
Consultation Point	Policy EN 3 Climate Change Mitigation and Adaptation (View)
Status	Processed
Submission Type	Email
Version	0.7
Files	PSLP_1448-1479(not inclusive)_Troy Planning for PWTC SI-1 Cover Letter Redacted.pdf PSLP_1448-1479(not inclusive)_Troy Planning for PWTC SI-3 PW TC Response to Reg. 18.pdf PSLP_1448-1479(not inclusive)_Troy Planning for PWTC SI-2 Representation.pdf
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Paddock Wood Town Council

Question 2

Agent's Name and Organisation (if applicable) Troy Planning & Design

Question 3

To which part of the Local Plan does this representation relate? Policy

Question 3a

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy EN 3 Climate Change Mitigation and Adaptation

[TWBC: for other comments by Paddock Wood Town Council, please see Comment Numbers PSLP_1448-1456, PSLP_1461, PSLP_1471, PSLP_1474, PSLP_1475-1477 and PSLP_1479]

Question 4

Do you consider that the Local Plan:

Is legally compliant No

Is sound No

Complies with the Duty to Cooperate No

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

- . It is not positively prepared
- . It is not effective
- . It is not justified
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Question 5

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

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Tunbridge Wells Pre-Submission Local Plan – Paddock Wood Town Council Representation

Please find enclosed our representations to the Council's Pre-Submission Local Plan. These Representations are prepared and submitted on behalf of Paddock Wood Town Council (PWTC) and the representations are supported by the Paddock Wood Neighbourhood Plan Steering Group.

We also enclose the Council's Representation Form with our signature confirming that we do wish to take part in the Local Plan Examination Hearings.

We would like to point out that the majority of PWTC's representations to the Regulation 18 consultation were not addressed by TWBC. Given that the Local Plan has changed very little between that earlier consultation and the current period of representations on the Regulation 19 Local Plan we enclose these earlier representations and request that TWBC takes these into account and ensures they are supplied to the Secretary of State if the Council decides to proceed to submission stage.

We request that you please include this letter as part of our formal representations.

Our representations conclude that the Local Plan and its evidence base fail all the tests of soundness set out in the National Planning Policy Framework (NPPF) and that the Local Plan is not legally compliant.

Our representations go to the heart of the soundness and legality of the Local Plan, its policies, and the process TWBC has undertaken in preparing its Local Plan. We therefore consider that the entirety of the Local Plan is unsound as it is not legally compliant. Whilst we have singled out a number of specific policies that we consider to be unsound it would simply not be possible to comment on every single policy in the Local Plan which is a 515-page document.

We trust that TWBC appreciates the importance of the Local Plan proposals to the Paddock Wood community in terms of the inappropriateness of the proposals which would, if the Local Plan in its current form were to be implemented, have irreversible negative impacts on Paddock Wood and the wider area.

We urge TWBC to reconsider its development strategy which is set to fail at Local Plan Examination in Public and to restart the Local Plan process using an evidence base led approach which would conclude that Paddock Wood is an unsuitable and unsustainable location for strategic housing growth. Such an approach would save TWBC, the taxpayers and all the stakeholders involved in the Local Plan process an enormous amount of time and resources debating a Local Plan which is clearly unsound and not legally compliant.

1 Flood Risk

12.1. We consider that the Local Plan, its overall development strategy, evidence and policies in relation to Flood Risk to fail the NPPF tests of soundness as it has not been positively prepared, is not justified, not effective and not consistent with national policy. These Local Plan policies include STR1, SRT7, STR5, STR/SS1, EN25, EN26

12.2. PWTC raised its strong concerns and objections with TWBC at the Regulation 18 Local Plan stage (Draft Local Plan) regarding the inadequate evidence and assessment of flood risk matters due to the extensive flood risk existing at Paddock Wood. However, these concerns were never addressed despite the SFRA prepared for the Draft Local Plan being entirely inadequate. We attach PWTC's representations to the Regulation 18 Local Plan consultation which should be included as part of our submission to the Secretary of State.

12.3. Apart from the factual errors and therefore doubt of accuracy of the SFRA's modelling (which is covered in PWTC's Regulation 18 representations), the flooding at Paddock Wood is from surface water and not fluvial, primarily from down hill flows from High Weald farmland to the South of Town adding to nitrate pollution entering the common water courses that flow into the Medway. High flood levels in Paddock Wood are usually several hours after rainfall for this reason. The only fluvial contribution is when the Medway is in surge and all the common watercourses that drain north into it from the area back up and spread out sideways over their banks adding to the surface water. No detail is provided of specific build flood mitigation measures that might be employed, other than standard local level SUDs, so it is entirely unclear how mitigation costs have been calculated or factored.

12.4. The NPPF³¹ is very clear about the approach that local planning authorities must take regarding climate change and flood risk when preparing local plans and strategic policies. However, TWBC has unfortunately failed to comply with the NPPF in respect of its approach to preparing its development strategy. The Council's approach to its Local Plan is particularly incongruous given that TWBC declared Climate Emergency³² so one would expect or at least hope the Council would have paid particular attention to the NPPF in relation to Climate Change and Flood Risk given it's declared 'emergency' however this has not been the case as we explain below.

[TWBC: for figure, please see full representation attached as a supporting document]

12.5. The current NPPF has a great deal to say about climate change and flood risk and the role of planning / plan-making to support the transition to a low carbon future in a changing climate and the

need to take full account of flood risk and coastal change including minimising vulnerability and improving resilience of places, converting existing buildings and supporting renewable and low carbon energy and associated infrastructure³³. Instead of following the NPPF's policy on climate change the Local Plan instead 1) fails to take into the full account of flood risk in the borough by not preparing suitable evidence base and ignoring its evidence base regarding flood risk in Paddock Wood and the north of the borough; 2) seeks to maximise the vulnerability of the areas of the borough already vulnerable to flood risk and future climate change such as Paddock Wood; 3) making the borough less resilient to climate change and flooding and more prone to the risks of climate change by proposing to put development in the highest risk area of the borough in terms of climate change.

12.6. In terms of planning for climate change the NPPF states³⁴ the following, however the Local Plan and its evidence fail to take into account the long-term implications of flood risk and instead of relocating vulnerable development and infrastructure the Local Plan proposes to deliver new development in the most vulnerable locations:

- . *"Plans should take a proactive approach to mitigating and adapting to climate change, taking into account the long-term implications for flood risk";*
- . *"Policies should support appropriate measures to ensure the future resilience of communities and infrastructure to climate change impacts, such as providing space for physical protection measures, or making provision for the possible future relocation of vulnerable development and infrastructure"*

12.7. The NPPF explains that *"inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere"*³⁵. Inappropriate development includes housing and the NPPF is clear that housing development should be directed away from areas at highest risk. Simply put, why did TWBC select a development strategy that clearly contravenes the fundamentals of national policy? The Council was clearly aware of the significance of the high risk of flooding at Paddock Wood as it states this as one of the Local Plan's key Issues or Challenges, where it states that *"the areas to the north and west of Paddock Wood are particularly prone to flooding"* and that a key issue is *"therefore ensuring that the proposed growth strategy can be accommodated without further harm and risk to areas that are vulnerable to flooding, provide betterment"*. This statement misunderstands national policy which is to avoid directing development to areas at highest risk (whether existing or future) in the first place.

[TWBC: for figure, please see full representation attached as a supporting document]

12.8. The NPPF explains³⁶ that *"all plans should apply a sequential, risk-based approach to the location of development – taking into account the current and future impacts of climate change – so as to avoid, where possible, flood risk to people and property. They should do this, and manage any residual risk, by:*

- 1 *a) applying the sequential test and then, if necessary, the exception test as set out below;*
- 2 *b) safeguarding land from development that is required, or likely to be required, for current or future flood management;*
- 3 *c) using opportunities provided by new development to reduce the causes and impacts of flooding (where appropriate through the use of natural flood management techniques); and*
- 4 *d) where climate change is expected to increase flood risk so that some existing development may not be sustainable in the long-term, seeking opportunities to relocate development, including housing, to more sustainable locations*

12.9. However, TWBC and its consultants appear to have avoided applying a 'sequential test' in respect of the whole borough. This is despite the Strategic Flood Risk Assessment (SFRA – Level 1 & Level 2 combined) (Juley 2019) stating as its first recommendation: *"The NPPF supports a risk-based and sequential approach to development and flood risk in England, so that development is located in the lowest flood risk areas where possible; it is recommended that this approach is adopted for all future developments within the borough"*³⁷.

12.10. Despite the SFRA consultants recommending that a sequential approach to development and flood risk is utilised for all future developments within the borough, the same SFRA consultants explain that the SFRA has not performed the Sequential Test of potential development sites but that it provides a summary at Table 13.1 summarising the flood risk to the potential development sites which can assist with completion of the Sequential Test (see figure below). As it explains at Paragraph 13.1 the SFRA does assess all 472 sites within the borough identified through the SHELAA and Call for Sites

process though. The SFRA does not explain why it does not undertake the Sequential Test – were the consultants asked not to undertake it as TWBC may not like the conclusions? It is entirely unclear from the evidence but it explains that the assessments will “assist the Council when they undertake the Sequential Test”.

12.11. The SFRA states that (see below) “The majority of sites are located within Flood Zone 1”.

[TWBC: for figure, please see full representation attached as a supporting document]

12.12. As the SFRA concluded that the majority of sites in the SHELAA and Call for Sites process are located within Flood Zone 1, how is that the most strategic growth was directed towards Paddock Wood which has the highest level of flood risk in the borough? As PPG sets out in its guidance for the application of the Sequential Test for Local Plan preparation (and as stated in the NPPF) if development can be steered towards areas in Flood Zone 1 then the sequential test is passed and it does not need to be examined further and an exceptions test is not required.

12.13. Nowhere in TWBC's evidence can we find a statement confirming that a Sequential Test was undertaken by the Council. The Local Plan itself makes no mention of a Sequential Test being undertaken as required by the NPPF. This is a fundamental flaw in the Local Plan process and evidence base and the Local Plan can clearly not continue until such a study is undertaken and consulted on.

12.14. Despite no Sequential Test being undertaken, the SFRA undertakes a Level 2 Assessment of strategic parcels as “potential development locations have been provided by the council to be assessed in the SFRA”. Twelve strategic parcels were assessed which presumably means that regardless of what a Sequential Test may have concluded, that the twelve parcels had been pre-determined as potentially preferred sites by TWBC. There is no summary map indicating where the development parcels are located or how they were selected. The evidence simply jumps from the recommendation that a Sequential Test be undertaken by TWBC to an assessment of twelve strategic development parcels.

[TWBC: for figures, please see full representation attached as a supporting document]

12.15. The Council's Development Strategy Topic Paper explains that, in relation to Sequential Testing, “the aim is to steer development to Flood Zone 1. Where there are no reasonable available sites in Flood Zone 1, guidance states that LPAs should take into account the flood risk vulnerability of land uses and consider reasonable available sites in Flood Zone 2”³⁸. It goes on to state that the Level 1 SFRA considers how the sequential test should be carried out by TWBC in preparing its Local Plan. However this Sequential Test was never undertaken.

12.16. The Topic Paper states that “It is accepted that it is often the case that it is not possible for all new development to be allocated that is not at risk from flooding”³⁹. However, this is precisely the role of the Sequential Test as stated in the NPPF to direct development to Flood Zone 1 which TWBC has blatantly ignored at arriving at its conclusion that it should locate its strategic growth in the area of the borough with the highest flood risk.

12.17. It does not take an expert to conclude from looking at the Environment Agency's ‘Flood map for planning’⁴⁰ that Paddock Wood is located within Flood Zones 2 and 3 and is an inappropriate location for strategic development. The yellow marker on the map has been dropped at Paddock Wood Railway Station which we have clarified as one cannot read the text map showing the name ‘Paddock Wood’ due to the extent of the flood risk covering the town.

[TWBC: for figure, please see full representation attached as a supporting document]

12.18. When one compares the EA flood map with that of the inset Policies Map for Paddock Wood (which one must do himself as TWBC has not overlaid the flood risk mapping with the proposed site allocations) it is striking to visualise the correlation of Flood Zone 2 and 3 covering the proposed strategic site allocations at Paddock Wood. With this very simple visualisation it is baffling for one to attempt to comprehend how the Council could have settled on the development strategy it did, selecting Paddock Wood for the location of its strategic growth.

[TWBC: for map, please see full representation attached as a supporting document]

12.19. Turning to the Local Plan policies which concern Flood Risk, it is considered that these are entirely inadequate to meet the NPPF tests of soundness. We make the following critical observations demonstrating how the Local Plan policies are unsound:

- . **Policy STR1 (The Development Strategy):** No mention of flood risk or infrastructure required to attempt to address flood risk in the borough.
 - . **Policy STR5 (Infrastructure and Connectivity):** The policy does not specify any measures or specific flood risk attenuation infrastructure. It simply states that *“Close liaison is required with Kent County Council as the lead local flood authority and the Environment Agency to ensure that adequate consideration is given to any development in flood prone areas and that appropriate mitigation and compensatory measures are put in place where necessary in accordance with Policies EN25 (Flood Risk) and EN26 (Sustainable Drainage)”*. The policy should provide far more certainty about what flood related infrastructure is going to be provided, when, and by whom rather than just liaising with the flood authorities. It talks about ‘adequate consideration’ being given to any development in flood prone areas – what does the Council even mean by this?
 - . **Policy STR7 (Climate Change):** It is rather shocking to read that the Local Plan’s policy on Climate Change does not mention flooding or how it plans to address its significant flood risks in the borough over the life of the plan. The only mention that comes close is its stated aim of not increasing and reducing surface water runoff: *“not increasing, and wherever possible reducing, surface water runoff through the use of permeable surfaces and Sustainable Drainage Systems”*. This is an inadequate policy to deal with the climate change risks facing the borough particularly in relation to flood risk.
 - . **Policy STR/SS1 (The Strategy for Paddock Wood, including land at east Capel):** This policy mentions flooding in two places.
 - o At (j) it states that *“a Paddock Wood ‘Wetland Park’ to the north of the western parcel (land edged in blue on Map 27), to deliver flood water attenuation and new wetland habitat, and allowing for informal recreation via a network of footpaths and boardwalks”*.
 - o At paragraph 13 it states the need to *“Ensure a drainage strategy is in place in consultation with the LPA, Kent County Council, the Drainage Authority, and Southern Water prior to the grant of planning permission for any substantial development on the site”*. Having a drainage strategy in place is standard practice for any proposed development site so this policy is effectively meaningless.
 - . **Policy EN3 (Climate Change Mitigation and Adaptation):** This policy takes the plan no further in respect of specifying how flood risk is addressed. It states under *“Climate change adaptation that development must incorporate measures that adapt to the impacts of climate change”* and that *“these could include” (2) Reduction in flood risk and provision of infrastructure to protect vulnerable communities and habitats and minimisation of water consumption”*. This policy is ineffective.
 - . **Policy EN25 (Flood Risk):** Policy EN25 is the Council’s proposed development management policy regarding flood risk. It contains within it text which seems to be taken for the most part directly from the NPPF so one should question whether it has any place in the Local Plan. In any case, the policy states that *“The sequential test and exception tests established by the NPPF will be strictly adhered to across the borough”*. Given that TWBC has not undertaken an Exception Test to support the Local Plan it has failed against its own policy.
- 12.20. It is important to note MHCLG’s proposed changes to the NPPF in relation to flood risk of which there are numerous. The Local Plan does not refer to these proposed changes and whilst they are still only proposed changes to the NPPF there is a clear direction of travel emerging from MHCLG in relation to flood risk which further strengthens and tightens the policies in the NPPF in relation to flood risk. As we have already set out, the Council’s approach to flood risk is clearly at odds with the NPPF in its existing and likely future form. MHCLG explains its reasoning behind the proposed changes to the NPPF which are as follows⁴¹:
- . The changes proposed are in part, an initial response to the emergent findings of our joint review with the Department for Environment, Food and Rural Affairs (Defra) of planning policy for flood risk. The government’s Policy Statement on flood and coastal erosion risk management sets out a number of actions to maintain and enhance the existing safeguards concerning flood risk in the planning system. Informed by this, we will consider what further measures may be required in the longer term to strengthen planning policy and guidance for proposed development in areas at risk of flooding from all sources when our review concludes. The Policy Statement is informed by a number of key consultations and advice:
 - o Environment Agency’s consultation exercise on the updated National Flood and Coastal Erosion Risk Management Strategy
 - o results of the government’s flood and coastal erosion: call for evidence in 2019

- o an evidence review of the concept of flood resilience
- o advice from the National Infrastructure Commission and the Committee on Climate Change
- o The Secretary of State for the Environment has written to Sir John Armitt, Chair of the National Infrastructure Commission, about the government's policies to create a nation that is more resilient to future flood and coastal erosion risk.
- . On planning and flood risk, new paragraphs 160 and 161 have been amended to clarify that the policy applies to all sources of flood risk.
- . New paragraph 160(c) has been amended to clarify that plans should manage any residual flood risk by using opportunities provided by new development and improvements in green and other infrastructure to reduce the causes and impacts of flooding (making as much use as possible of natural flood management techniques as part of an integrated approach to flood risk management).
- . The Flood Risk Vulnerability Classification has been moved from planning guidance into national planning policy (set out in Annex 3 and referred to in paragraph 162). It is considered that this classification is a key tool and should be contained in national policy.
- . New paragraph 163 has been amended to clarify the criteria that need to be demonstrated to pass the exception test.
- . New paragraph 166(b) has been expanded to define what is meant by "resilient".

12.21. We note that the Council's SFRA identifies a number of Nitrate Vulnerable Zones (NZVs) covering considerable areas of the borough including Paddock Wood and its surrounding area (within and outside the borough). The SFRA states that these areas are "*at risk from agricultural nitrate pollution...nitrate levels in waterbodies are affected by surface water runoff from surrounding agricultural land entering receiving waterbodies*". Yet, despite identifying these NZVs the SFRA seems to almost dismiss the seriousness of the NZV designation by saying that the level of contamination will potentially influence the SuDS and should be assessed as part of the design process. We consider this matter of NZVs needs much more careful research and analysis. It is well known from other parts of the country such as Hampshire whereby nitrate mitigation has become perhaps the defining topic for planning and development due to the need to protect the water environment and conserve habitats and species. One of the ways to mitigate the likely significant effects of development is through ensuring development is 'nutrient neutral' which is part of the strategy being employed by local authorities and the Partnership for South Hampshire as it needs to be addressed at a cross-boundary level. More details about the approach being taken in Hampshire can be found on PFSH's website⁴² along with Natural England's 'nutrient calculator' and updated guidance on achieving nutrient neutral housing development⁴³.

12.22. We note that there is no mention of nitrates in the Local Plan despite this NZVs having been identified and designated in considerable parts of the borough including at Paddock Wood where strategic development is planned.

[TWBC: for figures, please see full representation attached as a supporting document]

[TWBC: for full representation, please see supporting documents]

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)? Yes, I wish to participate in hearing session(s)

Question 7a

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If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

Paddock Wood Town Council confirms that it wishes to participate in the Local Plan Examination hearing sessions. Given the scale of strategic development proposed at Paddock Wood and nearby at the proposed new settlement, its extensive representations, and its role as a statutory consultee, PWTC considers it critical that it has the opportunity to provide further input into the Local Plan Examination process including the hearing sessions to respond to other evidence and arguments put forward.

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Supporting Information File Ref No: SI_78a-c

Comment

Agent	Mr Troy Hayes [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Troy Planning & Design
Address	[REDACTED] [REDACTED] London [REDACTED]
Consultee	Mrs Nichola Reay [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Paddock Wood Town Council
Address	The Podmore Building St Andrews Recreation Ground TONBRIDGE TN12 6HT
Event Name	Pre-Submission Local Plan
Comment by	Paddock Wood Town Council (Mrs Nichola Reay - [REDACTED])
Comment ID	PSLP_1475
Response Date	04/06/21 16:11
Consultation Point	Policy EN 5 Heritage Assets (View)
Status	Processed
Submission Type	Email
Version	0.5
Files	PSLP_1448-1479(not inclusive)_Troy Planning for PWTC SI-1 Cover Letter Redacted.pdf PSLP_1448-1479(not inclusive)_Troy Planning for PWTC SI-3 PW TC Response to Reg. 18.pdf PSLP_1448-1479(not inclusive)_Troy Planning for PWTC SI-2 Representation.pdf
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Question 2

Agent's Name and Organisation (if applicable) Troy Planning & Design

Question 3

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Question 3a

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Policy EN 5 Heritage Assets

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1 Heritage

17.1. The Council's evidence base in relation to Heritage is unsound and severely lacking particularly in relation to the fact that TWBC has not prepared Heritage Impact Assessments on the proposed allocations and their alternatives to comply with the NPPF and Historic England's Advice Notes.

17.2. The Council prepared a 'Historic Environment Review' in 2018. This review states at paragraph 1.1.2 that Part 1 *"draws together the existing information and guidance regarding the Borough's historic environment, identifies heritage themes and assesses the significance of heritage assets"*. It explains that Part 2 *"is policy focused and makes recommendations for draft policies to be included in the emerging Local Plan...and sets a framework for the positive conservation and enjoyment of the Borough's heritage assets"*. However, there appears to only be a Part 1 of this study available on TWBC's website so it is only possible to comment on the Part 1 study.

17.3. The Part 1 study explains that there are 2,251 nationally listed buildings in the borough which it says can be viewed online. This is disappointing as one would have expected this study to at least set out the listed building across the borough. There is not even a detailed list or map in the study to illustrate where the listed buildings are located or a breakdown of their listing (I, II*, II). So, the baseline to understand where the heritage assets are located in the borough and their value does not appear to exist in the Council's evidence base. Paddock Wood has approximately thirty listed buildings⁵⁶ and there are a considerable number of listed buildings in the area surrounding Paddock Wood including around Tudeley (see Historic England listed building maps⁵⁷ below).

[TWBC: for maps, please see full representation attached as a supporting document]

17.4. Policy T5 of the Local Plan includes provisions for the safeguarding of the former Paddock Wood to Hawkhurst (Hop Pickers) line which is welcomed. However it does not mention the important heritage of this line in the Local Plan despite the Council's joint extensive Historic Environmental Assessment of the line which is a nine part study published on the Council's website⁵⁸. We request that this study is added to the Local Plan evidence base and that more is made of this important heritage asset in the Local Plan.

17.5. Historic England has prepared a number of Advice Notes with its guidance on how authorities should approach heritage in the Local Plan and in their selection of potential sites including the potential impacts on heritage that might result from the proposals. There are two of these Advice Notes we would like to bring to the attention of TWBC:

- . The Historic Environment and Site Allocations in Local Plans (Historic England Advice Note 3) October 201559. This note
- . Statements of Heritage Significance: Analysing Significance in Heritage Assets (Historic England Advice Note 12) October 201960

17.6. There is no evidence available in the Local Plan or its supporting documents that sets out how the Local Plan process has complied with the NPPF (and the Historic England guidance) in respect of heritage (including archaeological, architectural, artistic or historic, or a combination of these) in terms of considering which development options to select and then the need to assess the heritage impact from these proposals. At a minimum the Council should have undertaken the following staged approach as set out in Advice Note 12 (see paragraph 6):

- 1 Understand the form, materials and history of the affected heritage asset(s), and / or the nature and extent of the archaeological deposits
 - 2 Understand the significance of the assets
 - 3 Understand the impact of the proposal on that significance
 - 4 Avoid, minimise, and mitigate negative impact, in a way that meets the objectives of the NPPF
 - 5 Look for opportunities to better reveal or enhance significance
- [TWBC: for full representation, please see supporting documents]

Question 7

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If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)? . Yes, I wish to participate in hearing session(s)

Question 7a

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If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

Paddock Wood Town Council confirms that it wishes to participate in the Local Plan Examination hearing sessions. Given the scale of strategic development proposed at Paddock Wood and nearby at the proposed new settlement, its extensive representations, and its role as a statutory consultee, PWTC considers it critical that it has the opportunity to provide further input into the Local Plan Examination process including the hearing sessions to respond to other evidence and arguments put forward.

If you would like to attach a file in support of your comments, please upload it here. [PSLP_1448-1479\(not inclusive\)_Troy Planning for PWTC SI-1 Cover Letter Redacted.pdf](#)

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Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:

Yes, I wish to be notified of future stages of the Local Plan

Supporting Information File Ref No: SI_78a-c

Comment

Agent	Mr Troy Hayes [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Troy Planning & Design
Address	[REDACTED] [REDACTED] London [REDACTED]
Consultee	Mrs Nichola Reay [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Paddock Wood Town Council
Address	The Podmore Building St Andrews Recreation Ground TONBRIDGE TN12 6HT
Event Name	Pre-Submission Local Plan
Comment by	Paddock Wood Town Council [REDACTED] [REDACTED]
Comment ID	PSLP_1476
Response Date	04/06/21 16:11
Consultation Point	Natural Environment (View)
Status	Processed
Submission Type	Email
Version	0.5
Files	PSLP_1448-1479(not inclusive)_Troy Planning for PWTC_SI-3_PW TC Response to Reg. 18.pdf PSLP_1448-1479(not inclusive)_Troy Planning for PWTC_SI-2_Representation.pdf PSLP_1448-1479(not inclusive)_Troy Planning for PWTC_SI-1_Cover Letter_Redacted.pdf
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Paddock Wood Town Council

Question 2

Agent's Name and Organisation (if applicable) Troy Planning & Design

Question 3

To which part of the Local Plan does this representation relate? Policy

Question 3a

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Natural Environment

[TWBC: for other comments by Paddock Wood Town Council, please see Comment Numbers PSLP_1448-1456, PSLP_1461, PSLP_1471, PSLP_1474, PSLP_1475-1477 and PSLP_1479]

Question 4

Do you consider that the Local Plan:

Is legally compliant No

Is sound No

Complies with the Duty to Cooperate No

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

- . It is not positively prepared
- . It is not effective
- . It is not justified
- . It is not consistent with national policy

Question 5

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

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Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

Tunbridge Wells Pre-Submission Local Plan – Paddock Wood Town Council Representation

Please find enclosed our representations to the Council's Pre-Submission Local Plan. These Representations are prepared and submitted on behalf of Paddock Wood Town Council (PWTC) and the representations are supported by the Paddock Wood Neighbourhood Plan Steering Group.

We also enclose the Council's Representation Form with our signature confirming that we do wish to take part in the Local Plan Examination Hearings.

We would like to point out that the majority of PWTC's representations to the Regulation 18 consultation were not addressed by TWBC. Given that the Local Plan has changed very little between that earlier consultation and the current period of representations on the Regulation 19 Local Plan we enclose these earlier representations and request that TWBC takes these into account and ensures they are supplied to the Secretary of State if the Council decides to proceed to submission stage.

We request that you please include this letter as part of our formal representations.

Our representations conclude that the Local Plan and its evidence base fail all the tests of soundness set out in the National Planning Policy Framework (NPPF) and that the Local Plan is not legally compliant.

Our representations go to the heart of the soundness and legality of the Local Plan, its policies, and the process TWBC has undertaken in preparing its Local Plan. We therefore consider that the entirety of the Local Plan is unsound as it is not legally compliant. Whilst we have singled out a number of specific policies that we consider to be unsound it would simply not be possible to comment on every single policy in the Local Plan which is a 515-page document.

We trust that TWBC appreciates the importance of the Local Plan proposals to the Paddock Wood community in terms of the inappropriateness of the proposals which would, if the Local Plan in its current form were to be implemented, have irreversible negative impacts on Paddock Wood and the wider area.

We urge TWBC to reconsider its development strategy which is set to fail at Local Plan Examination in Public and to restart the Local Plan process using an evidence base led approach which would conclude that Paddock Wood is an unsuitable and unsustainable location for strategic housing growth. Such an approach would save TWBC, the taxpayers and all the stakeholders involved in the Local Plan process an enormous amount of time and resources debating a Local Plan which is clearly unsound and not legally compliant.

1 Landscape

18.1. The evidence supporting the Local Plan in respect of landscape is disproportionate in its focus on the areas of the borough which are not the focus of strategic growth. Conversely the Local Plan lacks sufficient evidence for the areas where the majority of growth is planned in the borough – Paddock Wood and Tudeley. The 'Landscape Sensitivity Assessment' appears to be the key evidence base used to inform the Local Plan. It was prepared in two separate parts:

- . Landscape Sensitivity Assessment of Countryside around Tunbridge Wells (February 2017); and
- . Landscape Sensitivity Assessment of additional settlements in Tunbridge Wells (Paddock Wood, Horsmonden, Hawkhurst, Cranbrook) (July 2018)

18.2. It is unclear why the studies were prepared separately and in different years but one could make an assumption that the Council's original focus of growth was perhaps Royal Tunbridge Wells and Southborough but that it changed its mind and then focused on potential other areas. As far as we can tell Tudeley is not assessed in either of the studies.

18.3. There is unfortunately no overall concluding recommendations by the consultants to understand what was concluded taking both studies into consideration.

18.4. We do note however that the Paddock Wood assessment appears to score similarly to Royal Tunbridge Wells / Southborough and is perhaps even more sensitive to development given the number of green, yellow and shading compared with that of Paddock Wood. Clearly further evidence needs to be prepared comparing the landscape impact of different options in the borough. Tudeley has not even been assessed in the study.

[TWBC: for tables, please see full representation attached as a supporting document]

18.5. The Council's Landscape and Visual Impact Assessment of Proposed Allocations study (November 2020) unfortunately restricts the assessment to proposed allocations within the High Weald AONB and does not include the locations where the most strategic growth is proposed at Paddock Wood and Tudeley.

[TWBC: for full representation, please see supporting documents]

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Supporting Information File Ref No: SI_78a-c

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Email Address	[REDACTED]
Company / Organisation	Troy Planning & Design
Address	[REDACTED] [REDACTED] London [REDACTED]
Consultee	Mrs Nichola Reay [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Paddock Wood Town Council
Address	The Podmore Building St Andrews Recreation Ground TONBRIDGE TN12 6HT
Event Name	Pre-Submission Local Plan
Comment by	Paddock Wood Town Council [REDACTED] [REDACTED]
Comment ID	PSLP_1454
Response Date	04/06/21 16:11
Consultation Point	Policy EN 25 Flood Risk (View)
Status	Processed
Submission Type	Email
Version	0.6
Files	PSLP_1448-1479(not inclusive)_Troy Planning for PWTC SI-2 Representation.pdf PSLP_1448-1479(not inclusive)_Troy Planning for PWTC SI-3 PW TC Response to Reg. 18.pdf PSLP_1448-1479(not inclusive)_Troy Planning for PWTC SI-1 Cover Letter Redacted.pdf
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Respondent's Name and/or Organisation	Paddock Wood Town Council

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Policy EN 25 Flood Risk

[TWBC: for other comments by Paddock Wood Town Council, please see Comment Numbers PSLP_1448-1456, PSLP_1461, PSLP_1471, PSLP_1474, PSLP_1475-1477 and PSLP_1479]

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We urge TWBC to reconsider its development strategy which is set to fail at Local Plan Examination in Public and to restart the Local Plan process using an evidence base led approach which would conclude that Paddock Wood is an unsuitable and unsustainable location for strategic housing growth. Such an approach would save TWBC, the taxpayers and all the stakeholders involved in the Local Plan process an enormous amount of time and resources debating a Local Plan which is clearly unsound and not legally compliant.

1 Flood Risk

12.1. We consider that the Local Plan, its overall development strategy, evidence and policies in relation to Flood Risk to fail the NPPF tests of soundness as it has not been positively prepared, is not justified, not effective and not consistent with national policy. These Local Plan policies include STR1, SRT7, STR5, STR/SS1, EN25, EN26

12.2. PWTC raised its strong concerns and objections with TWBC at the Regulation 18 Local Plan stage (Draft Local Plan) regarding the inadequate evidence and assessment of flood risk matters due to the extensive flood risk existing at Paddock Wood. However, these concerns were never addressed despite the SFRA prepared for the Draft Local Plan being entirely inadequate. We attach PWTC's representations to the Regulation 18 Local Plan consultation which should be included as part of our submission to the Secretary of State.

12.3. Apart from the factual errors and therefore doubt of accuracy of the SFRA's modelling (which is covered in PWTC's Regulation 18 representations), the flooding at Paddock Wood is from surface water and not fluvial, primarily from down hill flows from High Weald farmland to the South of Town adding to nitrate pollution entering the common water courses that flow into the Medway. High flood levels in Paddock Wood are usually several hours after rainfall for this reason. The only fluvial contribution is when the Medway is in surge and all the common watercourses that drain north into it from the area back up and spread out sideways over their banks adding to the surface water. No detail is provided of specific build flood mitigation measures that might be employed, other than standard local level SUDs, so it is entirely unclear how mitigation costs have been calculated or factored.

12.4. The NPPF³¹ is very clear about the approach that local planning authorities must take regarding climate change and flood risk when preparing local plans and strategic policies. However, TWBC has unfortunately failed to comply with the NPPF in respect of its approach to preparing its development strategy. The Council's approach to its Local Plan is particularly incongruous given that TWBC declared Climate Emergency³² so one would expect or at least hope the Council would have paid particular attention to the NPPF in relation to Climate Change and Flood Risk given it's declared 'emergency' however this has not been the case as we explain below.

[TWBC: for figure, please see full representation attached as a supporting document]

12.5. The current NPPF has a great deal to say about climate change and flood risk and the role of planning / plan-making to support the transition to a low carbon future in a changing climate and the

need to take full account of flood risk and coastal change including minimising vulnerability and improving resilience of places, converting existing buildings and supporting renewable and low carbon energy and associated infrastructure³³. Instead of following the NPPF's policy on climate change the Local Plan instead 1) fails to take into the full account of flood risk in the borough by not preparing suitable evidence base and ignoring its evidence base regarding flood risk in Paddock Wood and the north of the borough; 2) seeks to maximise the vulnerability of the areas of the borough already vulnerable to flood risk and future climate change such as Paddock Wood; 3) making the borough less resilient to climate change and flooding and more prone to the risks of climate change by proposing to put development in the highest risk area of the borough in terms of climate change.

12.6. In terms of planning for climate change the NPPF states³⁴ the following, however the Local Plan and its evidence fail to take into account the long-term implications of flood risk and instead of relocating vulnerable development and infrastructure the Local Plan proposes to deliver new development in the most vulnerable locations:

- . *"Plans should take a proactive approach to mitigating and adapting to climate change, taking into account the long-term implications for flood risk";*
- . *"Policies should support appropriate measures to ensure the future resilience of communities and infrastructure to climate change impacts, such as providing space for physical protection measures, or making provision for the possible future relocation of vulnerable development and infrastructure"*

12.7. The NPPF explains that *"inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere"*³⁵. Inappropriate development includes housing and the NPPF is clear that housing development should be directed away from areas at highest risk. Simply put, why did TWBC select a development strategy that clearly contravenes the fundamentals of national policy? The Council was clearly aware of the significance of the high risk of flooding at Paddock Wood as it states this as one of the Local Plan's key Issues or Challenges, where it states that *"the areas to the north and west of Paddock Wood are particularly prone to flooding"* and that a key issue is *"therefore ensuring that the proposed growth strategy can be accommodated without further harm and risk to areas that are vulnerable to flooding, provide betterment"*. This statement misunderstands national policy which is to avoid directing development to areas at highest risk (whether existing or future) in the first place.

[TWBC: for figure, please see full representation attached as a supporting document]

12.8. The NPPF explains³⁶ that *"all plans should apply a sequential, risk-based approach to the location of development – taking into account the current and future impacts of climate change – so as to avoid, where possible, flood risk to people and property. They should do this, and manage any residual risk, by:*

- 1 *a) applying the sequential test and then, if necessary, the exception test as set out below;*
- 2 *b) safeguarding land from development that is required, or likely to be required, for current or future flood management;*
- 3 *c) using opportunities provided by new development to reduce the causes and impacts of flooding (where appropriate through the use of natural flood management techniques); and*
- 4 *d) where climate change is expected to increase flood risk so that some existing development may not be sustainable in the long-term, seeking opportunities to relocate development, including housing, to more sustainable locations*

12.9. However, TWBC and its consultants appear to have avoided applying a 'sequential test' in respect of the whole borough. This is despite the Strategic Flood Risk Assessment (SFRA – Level 1 & Level 2 combined) (Juley 2019) stating as its first recommendation: *"The NPPF supports a risk-based and sequential approach to development and flood risk in England, so that development is located in the lowest flood risk areas where possible; it is recommended that this approach is adopted for all future developments within the borough"*³⁷.

12.10. Despite the SFRA consultants recommending that a sequential approach to development and flood risk is utilised for all future developments within the borough, the same SFRA consultants explain that the SFRA has not performed the Sequential Test of potential development sites but that it provides a summary at Table 13.1 summarising the flood risk to the potential development sites which can assist with completion of the Sequential Test (see figure below). As it explains at Paragraph 13.1 the SFRA does assess all 472 sites within the borough identified through the SHELAA and Call for Sites

process though. The SFRA does not explain why it does not undertake the Sequential Test – were the consultants asked not to undertake it as TWBC may not like the conclusions? It is entirely unclear from the evidence but it explains that the assessments will “assist the Council when they undertake the Sequential Test”.

12.11. The SFRA states that (see below) “The majority of sites are located within Flood Zone 1”.

[TWBC: for figure, please see full representation attached as a supporting document]

12.12. As the SFRA concluded that the majority of sites in the SHELAA and Call for Sites process are located within Flood Zone 1, how is that the most strategic growth was directed towards Paddock Wood which has the highest level of flood risk in the borough? As PPG sets out in its guidance for the application of the Sequential Test for Local Plan preparation (and as stated in the NPPF) if development can be steered towards areas in Flood Zone 1 then the sequential test is passed and it does not need to be examined further and an exceptions test is not required.

12.13. Nowhere in TWBC's evidence can we find a statement confirming that a Sequential Test was undertaken by the Council. The Local Plan itself makes no mention of a Sequential Test being undertaken as required by the NPPF. This is a fundamental flaw in the Local Plan process and evidence base and the Local Plan can clearly not continue until such a study is undertaken and consulted on.

12.14. Despite no Sequential Test being undertaken, the SFRA undertakes a Level 2 Assessment of strategic parcels as “potential development locations have been provided by the council to be assessed in the SFRA”. Twelve strategic parcels were assessed which presumably means that regardless of what a Sequential Test may have concluded, that the twelve parcels had been pre-determined as potentially preferred sites by TWBC. There is no summary map indicating where the development parcels are located or how they were selected. The evidence simply jumps from the recommendation that a Sequential Test be undertaken by TWBC to an assessment of twelve strategic development parcels.

[TWBC: for figures, please see full representation attached as a supporting document]

12.15. The Council's Development Strategy Topic Paper explains that, in relation to Sequential Testing, “the aim is to steer development to Flood Zone 1. Where there are no reasonable available sites in Flood Zone 1, guidance states that LPAs should take into account the flood risk vulnerability of land uses and consider reasonable available sites in Flood Zone 2”³⁸. It goes on to state that the Level 1 SFRA considers how the sequential test should be carried out by TWBC in preparing its Local Plan. However this Sequential Test was never undertaken.

12.16. The Topic Paper states that “It is accepted that it is often the case that it is not possible for all new development to be allocated that is not at risk from flooding”³⁹. However, this is precisely the role of the Sequential Test as stated in the NPPF to direct development to Flood Zone 1 which TWBC has blatantly ignored at arriving at its conclusion that it should locate its strategic growth in the area of the borough with the highest flood risk.

12.17. It does not take an expert to conclude from looking at the Environment Agency's ‘Flood map for planning’⁴⁰ that Paddock Wood is located within Flood Zones 2 and 3 and is an inappropriate location for strategic development. The yellow marker on the map has been dropped at Paddock Wood Railway Station which we have clarified as one cannot read the text map showing the name ‘Paddock Wood’ due to the extent of the flood risk covering the town.

[TWBC: for figure, please see full representation attached as a supporting document]

12.18. When one compares the EA flood map with that of the inset Policies Map for Paddock Wood (which one must do himself as TWBC has not overlaid the flood risk mapping with the proposed site allocations) it is striking to visualise the correlation of Flood Zone 2 and 3 covering the proposed strategic site allocations at Paddock Wood. With this very simple visualisation it is baffling for one to attempt to comprehend how the Council could have settled on the development strategy it did, selecting Paddock Wood for the location of its strategic growth.

[TWBC: for map, please see full representation attached as a supporting document]

12.19. Turning to the Local Plan policies which concern Flood Risk, it is considered that these are entirely inadequate to meet the NPPF tests of soundness. We make the following critical observations demonstrating how the Local Plan policies are unsound:

- . **Policy STR1 (The Development Strategy):** No mention of flood risk or infrastructure required to attempt to address flood risk in the borough.
 - . **Policy STR5 (Infrastructure and Connectivity):** The policy does not specify any measures or specific flood risk attenuation infrastructure. It simply states that *“Close liaison is required with Kent County Council as the lead local flood authority and the Environment Agency to ensure that adequate consideration is given to any development in flood prone areas and that appropriate mitigation and compensatory measures are put in place where necessary in accordance with Policies EN25 (Flood Risk) and EN26 (Sustainable Drainage)”*. The policy should provide far more certainty about what flood related infrastructure is going to be provided, when, and by whom rather than just liaising with the flood authorities. It talks about ‘adequate consideration’ being given to any development in flood prone areas – what does the Council even mean by this?
 - . **Policy STR7 (Climate Change):** It is rather shocking to read that the Local Plan’s policy on Climate Change does not mention flooding or how it plans to address its significant flood risks in the borough over the life of the plan. The only mention that comes close is its stated aim of not increasing and reducing surface water runoff: *“not increasing, and wherever possible reducing, surface water runoff through the use of permeable surfaces and Sustainable Drainage Systems”*. This is an inadequate policy to deal with the climate change risks facing the borough particularly in relation to flood risk.
 - . **Policy STR/SS1 (The Strategy for Paddock Wood, including land at east Capel):** This policy mentions flooding in two places.
 - o At (j) it states that *“a Paddock Wood ‘Wetland Park’ to the north of the western parcel (land edged in blue on Map 27), to deliver flood water attenuation and new wetland habitat, and allowing for informal recreation via a network of footpaths and boardwalks”*.
 - o At paragraph 13 it states the need to *“Ensure a drainage strategy is in place in consultation with the LPA, Kent County Council, the Drainage Authority, and Southern Water prior to the grant of planning permission for any substantial development on the site”*. Having a drainage strategy in place is standard practice for any proposed development site so this policy is effectively meaningless.
 - . **Policy EN3 (Climate Change Mitigation and Adaptation):** This policy takes the plan no further in respect of specifying how flood risk is addressed. It states under *“Climate change adaptation that development must incorporate measures that adapt to the impacts of climate change”* and that *“these could include” (2) Reduction in flood risk and provision of infrastructure to protect vulnerable communities and habitats and minimisation of water consumption”*. This policy is ineffective.
 - . **Policy EN25 (Flood Risk):** Policy EN25 is the Council’s proposed development management policy regarding flood risk. It contains within it text which seems to be taken for the most part directly from the NPPF so one should question whether it has any place in the Local Plan. In any case, the policy states that *“The sequential test and exception tests established by the NPPF will be strictly adhered to across the borough”*. Given that TWBC has not undertaken an Exception Test to support the Local Plan it has failed against its own policy.
- 12.20. It is important to note MHCLG’s proposed changes to the NPPF in relation to flood risk of which there are numerous. The Local Plan does not refer to these proposed changes and whilst they are still only proposed changes to the NPPF there is a clear direction of travel emerging from MHCLG in relation to flood risk which further strengthens and tightens the policies in the NPPF in relation to flood risk. As we have already set out, the Council’s approach to flood risk is clearly at odds with the NPPF in its existing and likely future form. MHCLG explains its reasoning behind the proposed changes to the NPPF which are as follows⁴¹:
- . The changes proposed are in part, an initial response to the emergent findings of our joint review with the Department for Environment, Food and Rural Affairs (Defra) of planning policy for flood risk. The government’s Policy Statement on flood and coastal erosion risk management sets out a number of actions to maintain and enhance the existing safeguards concerning flood risk in the planning system. Informed by this, we will consider what further measures may be required in the longer term to strengthen planning policy and guidance for proposed development in areas at risk of flooding from all sources when our review concludes. The Policy Statement is informed by a number of key consultations and advice:
 - o Environment Agency’s consultation exercise on the updated National Flood and Coastal Erosion Risk Management Strategy
 - o results of the government’s flood and coastal erosion: call for evidence in 2019

- o an evidence review of the concept of flood resilience
- o advice from the National Infrastructure Commission and the Committee on Climate Change
- o The Secretary of State for the Environment has written to Sir John Armitt, Chair of the National Infrastructure Commission, about the government's policies to create a nation that is more resilient to future flood and coastal erosion risk.

- . On planning and flood risk, new paragraphs 160 and 161 have been amended to clarify that the policy applies to all sources of flood risk.
- . New paragraph 160(c) has been amended to clarify that plans should manage any residual flood risk by using opportunities provided by new development and improvements in green and other infrastructure to reduce the causes and impacts of flooding (making as much use as possible of natural flood management techniques as part of an integrated approach to flood risk management).
- . The Flood Risk Vulnerability Classification has been moved from planning guidance into national planning policy (set out in Annex 3 and referred to in paragraph 162). It is considered that this classification is a key tool and should be contained in national policy.
- . New paragraph 163 has been amended to clarify the criteria that need to be demonstrated to pass the exception test.
- . New paragraph 166(b) has been expanded to define what is meant by "resilient".

12.21. We note that the Council's SFRA identifies a number of Nitrate Vulnerable Zones (NZVs) covering considerable areas of the borough including Paddock Wood and its surrounding area (within and outside the borough). The SFRA states that these areas are "*at risk from agricultural nitrate pollution...nitrate levels in waterbodies are affected by surface water runoff from surrounding agricultural land entering receiving waterbodies*". Yet, despite identifying these NZVs the SFRA seems to almost dismiss the seriousness of the NZV designation by saying that the level of contamination will potentially influence the SuDS and should be assessed as part of the design process. We consider this matter of NZVs needs much more careful research and analysis. It is well known from other parts of the country such as Hampshire whereby nitrate mitigation has become perhaps the defining topic for planning and development due to the need to protect the water environment and conserve habitats and species. One of the ways to mitigate the likely significant effects of development is through ensuring development is 'nutrient neutral' which is part of the strategy being employed by local authorities and the Partnership for South Hampshire as it needs to be addressed at a cross-boundary level. More details about the approach being taken in Hampshire can be found on PfSH's website⁴² along with Natural England's 'nutrient calculator' and updated guidance on achieving nutrient neutral housing development⁴³.

12.22. We note that there is no mention of nitrates in the Local Plan despite this NZVs having been identified and designated in considerable parts of the borough including at Paddock Wood where strategic development is planned.

[TWBC: for figures, please see full representation attached as a supporting document]

Flood risk

13.20. Keeping in mind our earlier comments regarding flood risk on the strategic site allocations, preventative flood mitigation is critical. A key shortcoming of the Local Plan and its supporting documents is that the flood risk mitigation measures detailed within the IDP for Paddock Wood total "*£9 million approximate cost (excluding groundworks*". Referring to the Viability Study Stage 2 (Appraisal IIa), flood risk costs including enhanced/new channels in SFRA, flood defences, raised platform and SUDS total £8,661,975, resulting in a funding gap of £338,025. At current, it is unclear as to whether the funding gap will be met through additional funds from elsewhere, and as such the Local Plan does not accord with paragraph 156 of the NPPF as it cannot be considered that strategic policies had "*managed flood risk from all sources*".

[TWBC: for full representation, please see supporting documents]

Question 7

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If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)? . Yes, I wish to participate in hearing session(s)

Question 7a

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

Paddock Wood Town Council confirms that it wishes to participate in the Local Plan Examination hearing sessions. Given the scale of strategic development proposed at Paddock Wood and nearby at the proposed new settlement, its extensive representations, and its role as a statutory consultee, PWTC considers it critical that it has the opportunity to provide further input into the Local Plan Examination process including the hearing sessions to respond to other evidence and arguments put forward.

If you would like to attach a file in support of your comments, please upload it here. [PSLP 1448-1479\(not inclusive\) Troy Planning for PWTC SI-1 Cover Letter Redacted.pdf](#)

If you would like to attach a file in support of your comments, please upload it here. [PSLP 1448-1479\(not inclusive\) Troy Planning for PWTC SI-2 Representation.pdf](#)

If you would like to attach a file in support of your comments, please upload it here. [PSLP 1448-1479\(not inclusive\) Troy Planning for PWTC SI-3 PW TC Response to Reg. 18.pdf](#)

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box: Yes, I wish to be notified of future stages of the Local Plan

Supporting Information File Ref No: SI_78a-c

Comment

Agent	Mr Troy Hayes [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Troy Planning & Design
Address	[REDACTED] [REDACTED] London [REDACTED]
Consultee	Mrs Nichola Reay [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Paddock Wood Town Council
Address	The Podmore Building St Andrews Recreation Ground TONBRIDGE TN12 6HT
Event Name	Pre-Submission Local Plan
Comment by	Paddock Wood Town Council [REDACTED] [REDACTED]
Comment ID	PSLP_1479
Response Date	04/06/21 16:11
Consultation Point	Housing (View)
Status	Processed
Submission Type	Email
Version	0.6
Files	PSLP_1448-1479(not inclusive)_Troy Planning for PWTC_SI-3_PW TC Response to Reg. 18.pdf PSLP_1448-1479(not inclusive)_Troy Planning for PWTC_SI-1_Cover Letter_Redacted.pdf PSLP_1448-1479(not inclusive)_Troy Planning for PWTC_SI-2_Representation.pdf
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Paddock Wood Town Council

Agent's Name and Organisation (if applicable) Troy Planning & Design

[TWBC: for other comments by Paddock Wood Town Council, please see Comment Numbers PSLP_1448-1456, PSLP_1461, PSLP_1471, PSLP_1474, PSLP_1475-1477 and PSLP_1479]

Powered by Objective Online 4.2 - page 2

We request that you lease include this letter as part of our formal representations.

Our representations conclude that the Local Plan and its evidence base fail all the tests of soundness set out in the National Planning Policy Framework (NPPF) and that the Local Plan is not legally compliant.

Our representations go to the heart of the soundness and legality of the Local Plan, its policies, and the process TWBC has undertaken in preparing its Local Plan. We therefore consider that the entirety of the Local Plan is unsound as it is not legally compliant. Whilst we have singled out a number of specific policies that we consider to be unsound it would simply not be possible to comment on every single policy in the Local Plan which is a 515-page document.

We trust that TWBC appreciates the importance of the Local Plan proposals to the Paddock Wood community in terms of the inappropriateness of the proposals which would, if the Local Plan in its current form were to be implemented, have irreversible negative impacts on Paddock Wood and the wider area.

We urge TWBC to reconsider its development strategy which is set to fail at Local Plan Examination in Public and to restart the Local Plan process using an evidence base led approach which would conclude that Paddock Wood is an unsuitable and unsustainable location for strategic housing growth. Such an approach would save TWBC, the taxpayers and all the stakeholders involved in the Local Plan process an enormous amount of time and resources debating a Local Plan which is clearly unsound and not legally compliant.

1 Settlement Role and Function

6.1. The Council's evidence and approach to determining the role and function of the borough's settlements is not justified, not effective and inconsistent with national policy.

6.2. The Settlement Role and Function Study (February 2021) does not include Royal Tunbridge Wells. It gives the reason for this as *"its status as the main settlement of the borough"*. Surely the fact that it is the main settlement of the borough should have led to it being assessed as part of the study. After all the 'Purpose of the Study' in addition to *"providing an updated evidence base to help inform the settlement hierarch of the borough... is to also give an indication of each settlement's level of sustainability and potential to accommodate further growth"* 21. How can it possibly be that the role of the main settlement of the borough hasn't been assessed against the other settlements? Is the Council concerned that including such an analysis would clearly demonstrate the mismatch of the settlement hierarchy and its preferred development strategy whereby the main settlement of the borough is earmarked for very considerably less development than less sustainable settlements such as Paddock Wood?

6.3. To further confuse matters, Southborough is "jointly considered as the main urban area" for the borough however unlike Royal Tunbridge Wells was assessed as part of this study. The study concludes that Southborough is in the 'Grouping B' along with Cranbrook, Paddock Wood and Hawkhurst whilst Royal Tunbridge Wells is placed in 'Grouping A' on its own. This is extremely confusing.

6.4. The study's method for creating settlement 'groupings' is not sufficiently explained and not really explained at all apart from a few lines in the 'Conclusions' section of the study. It states the following regarding the groupings:

- . *"rather than simply categorising the settlements in order of size, the settlements are identified by grouping them in terms of their characteristics, focusing on the range of services and facilities they currently provide".*
- . *"The findings of this updated Study show that larger settlements also tend to score more highly across the range of sustainability indicators identified in terms of the level of provision of services and facilities"*
- . *"Based on the scores and evidence collected in this Study, a revised table of settlement groupings is set out in Table 6 below. These groupings give an indication of the level of sustainability and appropriateness of these settlements to accommodate further growth in terms of access they provide to services and facilities that their support their sustainability"*22

[TWBC: for table, please see full representation attached as a supporting document]

6.5. This explanation given regarding the method for determining the groupings is wholly inadequate. It explains that it looks beyond just the 'size of settlements' however the study does not set out the size of each settlement either in population or in area. In order to understand population figures for the settlements one must refer to the superseded 2017 Settlement Role and Function Study (see

below). However, the population assumptions provided are at the parish level and do not reflect the populations of the settlements themselves.

[TWBC: for table, please see full representation attached as a supporting document]

6.6. Referring to the population table, it is difficult to conclude that Southborough should be in the same grouping as Paddock Wood, Cranbrook and Hawkhurst. Southborough has a population of 12,459 whereas Paddock Wood has the next largest population at 8,253 some 4,206 less residents. Southborough is more than 2.5 times the size of Hawkhurst in population.

6.7. Turning to the assessment of the settlements in the 2021 study Southborough scores the highest here as well followed by Cranbrook with Paddock Wood in third and then Hawkhurst:

- . Southborough (presumably behind Royal Tunbridge Wells) received the highest score / ranking in the study at 100 using the 'new weighted method' and using all previous scoring systems as well.
- . Cranbrook trails Southborough in scoring coming in second place with 90 points.
- . Paddock Wood scores 82 points coming third.
- . Hawkhurst scores 71 points coming in fourth.
- . Rusthall scores 59 points coming in fifth.
- . Pembury scores 55 points coming in sixth.

[TWBC: for table, please see full representation attached as a supporting document]

6.8. We make a number of additional critical observations and shortcomings about this important piece of work which claimed to inform the Local Plan's development strategy:

- . Royal Tunbridge Wells is not included in the Study despite it being the 'Main Urban Settlement of the borough' (see above).
- . The methodology is unclear as to how it has arrived at a number of the scores for the 'new weighted method' for the 2021 study including but not limited to the scores for bus services.
- . The study does not include population figures for the settlements and relate this back to the level of services and facilities that are present in each settlement. In other words, particular services could be more or less adequate dependent on the population they are serving however the study provides no indication as to what services and facilities (and investment) are required to make them more sustainable.
- . There is no analysis of the level of public transportation serving the settlements. The study simply says whether there is a bus service at least once an hour Monday – Saturday and whether there is a train station.
- . The study is not locationally specific about any of the infrastructure or services and includes no mapping making it impossible to understand in spatial terms which areas of the borough are and are not well served by services and facilities.
- . The study does not consider cycling and walking which should be seen as the focal point of considering sustainability and planning for healthy places.

6.9. It is extremely difficult to follow the logic of how the Settlement Role and Function and Study has informed the Development Strategy and proposed Local Plan allocations. Our analysis of this is set out in the 'Development Strategy' section of our representations.

[TWBC: for table, please see full representation attached as a supporting document]

Question 7

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If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)? . Yes, I wish to participate in hearing session(s)

Question 7a

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If you would like to attach a file in support of your comments, please upload it here. [PSLP 1448-1479\(not inclusive\) Troy Planning for PWTC SI-2 Representation.pdf](#)

If you would like to attach a file in support of your comments, please upload it here. [PSLP 1448-1479\(not inclusive\) Troy Planning for PWTC SI-3 PW TC Response to Reg. 18.pdf](#)

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box: Yes, I wish to be notified of future stages of the Local Plan

Supporting Information File Ref No: SI_78a-c

Comment

Agent	Mr Troy Hayes [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Troy Planning & Design
Address	[REDACTED] [REDACTED] London [REDACTED]
Consultee	Mrs Nichola Reay [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Paddock Wood Town Council
Address	The Podmore Building St Andrews Recreation Ground TONBRIDGE TN12 6HT
Event Name	Pre-Submission Local Plan
Comment by	Paddock Wood Town Council [REDACTED] [REDACTED]
Comment ID	PSLP_1456
Response Date	04/06/21 16:11
Consultation Point	Policy H 9 Gypsies and Travellers (View)
Status	Processed
Submission Type	Email
Version	0.6
Files	PSLP_1448-1479(not inclusive) Troy Planning for PWTC SI-1 Cover Letter Redacted.pdf PSLP_1448-1479(not inclusive) Troy Planning for PWTC SI-2 Representation.pdf PSLP_1448-1479(not inclusive) Troy Planning for PWTC SI-3 PW TC Response to Reg. 18.pdf
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Paddock Wood Town Council

Question 2

Agent's Name and Organisation (if applicable) Troy Planning & Design

Question 3

To which part of the Local Plan does this representation relate? Policy

Question 3a

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy H 9 Gypsies and Travellers

[TWBC: for other comments by Paddock Wood Town Council, please see Comment Numbers PSLP_1448-1456, PSLP_1461, PSLP_1471, PSLP_1474, PSLP_1475-1477 and PSLP_1479]

Question 4

Do you consider that the Local Plan:

Is legally compliant No

Is sound No

Complies with the Duty to Cooperate No

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

- . It is not positively prepared
- . It is not effective
- . It is not justified
- . It is not consistent with national policy

Question 5

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

Tunbridge Wells Pre-Submission Local Plan – Paddock Wood Town Council Representation

Please find enclosed our representations to the Council's Pre-Submission Local Plan. These Representations are prepared and submitted on behalf of Paddock Wood Town Council (PWTC) and the representations are supported by the Paddock Wood Neighbourhood Plan Steering Group.

We also enclose the Council's Representation Form with our signature confirming that we do wish to take part in the Local Plan Examination Hearings.

We would like to point out that the majority of PWTC's representations to the Regulation 18 consultation were not addressed by TWBC. Given that the Local Plan has changed very little between that earlier consultation and the current period of representations on the Regulation 19 Local Plan we enclose these earlier representations and request that TWBC takes these into account and ensures they are supplied to the Secretary of State if the Council decides to proceed to submission stage.

We request that you please include this letter as part of our formal representations.

Our representations conclude that the Local Plan and its evidence base fail all the tests of soundness set out in the National Planning Policy Framework (NPPF) and that the Local Plan is not legally compliant.

Our representations go to the heart of the soundness and legality of the Local Plan, its policies, and the process TWBC has undertaken in preparing its Local Plan. We therefore consider that the entirety of the Local Plan is unsound as it is not legally compliant. Whilst we have singled out a number of specific policies that we consider to be unsound it would simply not be possible to comment on every single policy in the Local Plan which is a 515-page document.

We trust that TWBC appreciates the importance of the Local Plan proposals to the Paddock Wood community in terms of the inappropriateness of the proposals which would, if the Local Plan in its current form were to be implemented, have irreversible negative impacts on Paddock Wood and the wider area.

We urge TWBC to reconsider its development strategy which is set to fail at Local Plan Examination in Public and to restart the Local Plan process using an evidence base led approach which would conclude that Paddock Wood is an unsuitable and unsustainable location for strategic housing growth. Such an approach would save TWBC, the taxpayers and all the stakeholders involved in the Local Plan process an enormous amount of time and resources debating a Local Plan which is clearly unsound and not legally compliant.

1 Gypsies and Travellers

20.1. We consider the Local Plan's approach to identifying locations for Gypsy and Traveller accommodation to be unclear and unjustified. This includes Policy H9 (Gypsies and Travellers) and Policy STR/SS1.

20.2. Policy H9 states that the accommodation needs for Gypsies and Travellers will be met on the additional pitches as identified in Table 11. For Paddock Wood this states that there are no existing authorised pitches, no outstanding permissions and three potential additional pitches.

20.3. Yet, the Policies Map identifies three potential existing Gypsy and Traveller sites with potential for regularisation and / or intensification. These sites proposed are of a significant scale and would clearly accommodate more than one pitch each.

20.4. The Council's Gypsy and Traveller Accommodation Assessment was published nearly 3.5 years ago and is clearly out of date. Furthermore, the study explains at Paragraph 3.2 that there are several weaknesses with the reliability of the data used to determine the need for accommodation. It also states at Paragraph 3.7 that the data used in the study is from January 2015 to January 2017. The evidence being used is unreliable and dates from nearly 6.5 years ago. We consider this to be an unreliable on which to base local plan policy and allocations.

[TWBC: for figures, please see full representation attached as a supporting document]

Question 7

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If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

Yes, I wish to participate in hearing session(s)

Question 7a

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If you would like to attach a file in support of your comments, please upload it here.

[PSLP 1448-1479\(not inclusive\) Troy Planning for PWTC SI-3 PW TC Response to Reg. 18.pdf](#)

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:

Yes, I wish to be notified of future stages of the Local Plan

Comment

Consultee	Charles May ([REDACTED])
Email Address	[REDACTED]
Company / Organisation	Paddock Wood U3A Climate Change Group
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Paddock Wood U3A Climate Change Group (Charles May - [REDACTED])
Comment ID	PSLP_1349
Response Date	04/06/21 16:28
Consultation Point	Policy EN 1 Sustainable Design (View)
Status	Processed
Submission Type	Web
Version	0.5
Question 1	
Respondent's Name and/or Organisation	Charles May/ Paddock Wood U3A Climate Change Group
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
Policy EN 1 Sustainable Design	
[TWBC: comment on Policy EN3 has been duplicated to PSLP_1345]	
Question 4	
Do you consider that the Local Plan:	
Is legally compliant	Yes

Is sound	Yes
Complies with the Duty to Cooperate	Yes

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

Question 5

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

Is this where I make comments on EN1? It is really very confusing.

The provisions of this policy are to be applauded, and I am gratified that the Local Plan places emphasis on environmental sustainability and climate change issues.

What I would like to see amended is the form of language that provides too much leeway for the avoidance and disregard of the climate change imperatives.

Just a few examples: EN1.1 'Should' make efficient use.... 'where practicable' EN1.3 Must 'respect' site characteristics EN1.4 'Should' be compatible EN1.7 'Should' be designed to be adaptable 'where appropriate' EN1.9 'Should include'..... 'where possible' EN1.10 'Should' incorporate measures.. EN1.11 'Should' encourage positive behavioural change EN3 Statement concerning energy reduction in new buildings to reduce operational CO2 emissions by 15% This requirement can evidently be ignored if the development becomes 'non-viable'. No. This is an absolute commitment that cannot be dodged to suit the developer's profit margins

Question 7

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If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?	No, I do not wish to participate in examination hearing session(s)
--	--

Question 8

If you have any separate comments you wish to make on the accompanying Sustainability Appraisal, please make them here.

Is this where I make comments on EN1? It is really very confusing.

The provisions of this policy are to be applauded, and I am gratified that the Local Plan places emphasis on environmental sustainability and climate change issues.

What I would like to see amended is the form of language that provides too much leeway for the avoidance and disregard of the climate change imperatives.

Just a few examples:

EN1.1 'Should' make efficient use.... 'where practicable'
EN1.3 Must 'respect' site characteristics
EN1.4 'Should' be compatible
EN1.7 'Should' be designed to be adaptable 'where appropriate'
EN1.9 'Should include'..... 'where possible'
EN1.10 'Should' incorporate measures..
EN1.11 'Should' encourage positive behavioural change
EN3 Statement concerning energy reduction in new buildings to reduce operational CO2 emissions by 15%
This requirement can evidently be ignored if the development becomes 'non-viable'. No. This is an absolute commitment that cannot be dodged to suit the developer's profit margins

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:

<input type="checkbox"/>	Yes, I wish to be notified of future stages of the Local Plan
<input type="checkbox"/>	No, I do not wish to be notified of future stages of the Local Plan

Comment

Consultee	Charles May ([REDACTED])
Email Address	[REDACTED]
Company / Organisation	Paddock Wood U3A Climate Change Group
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Paddock Wood U3A Climate Change Group (Charles May - [REDACTED])
Comment ID	PSLP_1345
Response Date	04/06/21 15:54
Consultation Point	Policy EN 3 Climate Change Mitigation and Adaptation (View)
Status	Processed
Submission Type	Web
Version	0.4
Question 1	
Respondent's Name and/or Organisation	Charles May/ Paddock Wood U3A Climate Change Group
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
Policy EN 3 Climate Change Mitigation and Adaptation [TWBC: see also representation on Policy EN1 (PSLP_1349)]	
Question 4	
Do you consider that the Local Plan:	

Is legally compliant	Yes
Is sound	Yes
Complies with the Duty to Cooperate	Yes

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

Question 5

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

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EN3 Statement concerning energy reduction in new buildings to reduce operational CO2 emissions by 15% This requirement can evidently be ignored if the development becomes 'non-viable'. No. This is an absolute commitment that cannot be dodged to suit the developer's profit margins

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?	No, I do not wish to participate in examination hearing session(s)
--	--

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:	Yes, I wish to be notified of future stages of the Local Plan
---	---

Comment

Consultee	Andrew Palmer [REDACTED]
Email Address	[REDACTED]
Address	
Event Name	Pre-Submission Local Plan
Comment by	Andrew Palmer [REDACTED]
Comment ID	PSLP_1183
Response Date	04/06/21 14:51
Consultation Point	Policy STR/SS 3 The Strategy for Tudeley Village (View)
Status	Processed
Submission Type	Web
Version	0.4
Question 1	
Respondent's Name and/or Organisation	Andrew Palmer
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
Policy STR/SS 3	
Question 4	
Do you consider that the Local Plan:	
Is legally compliant	Don't know
Is sound	No
Complies with the Duty to Cooperate	No
Question 4a	

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

- . It is not positively prepared
- . It is not effective
- . It is not justified
- . It is not consistent with national policy

Question 5

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Having grown up in the local village of Hadlow and lived in Tudeley since 2016, I know the Parish of Capel and the surrounding area well.

Positively prepared

The Local Plan has not been positively prepared, as it has not taken a realistic view on the cumulative impact of the Tudeley development on Capel, Tonbridge, and the surrounding area. It places a disproportionate burden on one area of the borough and is not supported by the community.

The level of engagement undertaken with neighbouring local authorities, other agencies and residents has been inadequate, with important documents being very difficult to locate. It has also been felt that representations have been generally disregarded.

Justified

The Local Plan is not justified, as inadequate consideration has been given to alternative brownfield sites or other locations within the borough. The provision of approximately 2,800 houses has not been proposed in response to local need and will target people who wish to move out of London.

The proposal also does not present the exceptional circumstances needed to justify development on designated Green Belt.

Effective

The Local Plan is not effective, as the proposal is unsustainable. The effect of the increase in traffic along already busy roads and lanes, that are without lighting or pathways, has not been properly addressed. Intended measures to mitigate environmental damage, the loss of Green Belt and increased risk of flooding are also unrealistic.

It does not acknowledge the high number of listed heritage buildings and farmsteads, that are affected by Tudeley Garden Village. The development will cause irreversible damage to much of their historic setting; with the fabric of many buildings being put at risk by the increase in traffic and heavy freight, and by road widening schemes and the increased risk of flooding.

The Local Plan will destroy the historical, rural setting of All Saint's Church, which receives visitors from all over the world. The future integrity of the Grade 1 listed building and its unique Chagall windows will also be put at risk through the urbanisation of the surrounding ancient farmland and associated increase in footfall.

Consistent with national policy

The Local Plan is not consistent with the national planning policy framework. It is also in direct contravention of TWBC's own policies for landscape, environment, and sustainability.

It makes inadequate and unrealistic proposals for mitigating the departure from national policies concerning climate change, and for the need to protect the natural environment and wildlife which will be under threat from Tudeley Garden Village.

The response by TWBC to national planning guidance is illustrated by the proposal to build a major roundabout on the B2017, directly opposite Capel Primary School. This will be contrary to current guidance to avoid schools being located near busy roads, and will be detrimental to the health and wellbeing of pupils and staff as air quality is affected by pollution from the increase in vehicles and heavy freight.

Question 6

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

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Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Question 5 above. (Please note that non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

The proposal for the Tudeley Garden Village should be removed from the Local Plan. Greater consideration should be given for sustainable housing on existing brownfield sites and in smaller sustainable low-impact development.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

No, I do not wish to participate in examination hearing session(s)

Question 8

If you have any separate comments you wish to make on the accompanying Sustainability Appraisal, please make them here.

None.

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:

Yes, I wish to be notified of future stages of the Local Plan

Comment

Consultee	Emma Palmer [REDACTED]
Email Address	[REDACTED]
Address	
Event Name	Pre-Submission Local Plan
Comment by	Emma Palmer [REDACTED]
Comment ID	PSLP_89
Response Date	06/05/21 12:44
Consultation Point	Section 3: Vision and Objectives (View)
Status	Processed
Submission Type	Web
Version	0.1

Question 1

Respondent's Name and/or Organisation	Emma Palmer
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Question 3

To which part of the Local Plan does this representation relate?	Paragraph(s)
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Question 3a

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

3.6

Question 4

Do you consider that the Local Plan:

Is legally compliant	Don't know
Is sound	No
Complies with the Duty to Cooperate	Don't know

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

<input type="checkbox"/>	It is not effective
<input type="checkbox"/>	It is not justified

Question 5

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

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Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

I object to the plan on the grounds that it is unsound. My main concerns are that the plan presents a disingenuous picture of Tunbridge Wells as the cultural, commercial and retail hub of the county and does not do enough to protect the distinct nature of the smaller towns and villages and the local countryside from over development.

I believe the plan is unsound in its argument that the bulk of the housing development should be located in Tudeley, East Capel and around Paddock Wood, whilst failing to address the considerable planning issues facing Tunbridge Well's town centre (locally referred to as the grot spot) and the traffic jams that regularly stifle the area.

The hub and spoke model this strategy advocates will not deliver the type and location of housing needed by the young, old and affordable demographic identified in the objectives.

The use of greenbelt and flood risk land is an unacceptable solution to a poorly conceived vision that fails to grasp what the people of the whole Borough want, namely unspoilt countryside and a vibrant and accessible cultural hub where there is affordable housing within walking distance of cafes, shops railways and employment.

Please find referenced points below:

I believe the Local Plan should be rejected on the grounds that it is unsound for three main reasons:

1) The plan is built on a faulty presentation of Tunbridge Wells being a vibrant hub to the Borough

The strategy puts forward the model of a central commercial, leisure and cultural hub (Royal Tunbridge Wells Ref Point 3.6) and housing developments in villages and a new settlement, whilst at the same time protecting the character and countryside of the Borough (Points 2.27) and the Green Belt which helps it retain its distinctive character. (Point 2.28)

However, Tunbridge Wells, far from a vibrant centre, has increasing become a provincial backwater due to poor planning and traffic management dating back to at least 2014 when the town's cinema and retail outlets, connecting the station to the centre of town, were demolished. (Ref Page 80: "A prominent site which has been vacant for many years and in need of redevelopment".) This site in the centre of the town has remained behind hoardings and is well known as the town's grot spot.

The conceptual use for the town centre is not at the heart of the plan, as it should be, to support the whole strategy, but is relegated to an afterthought (ref point 5.26.) The idea that people will want to travel into Tunbridge Wells as a retail and cultural hub are flawed. Why would we want to encourage more car use on already congested and polluting roads to sit in traffic jams in and out of a town where you have to pay to park, when it is easier to go to the North Farm industrial estate locally or Bluewater for a far superior retail provision? The Royal Victoria shopping centre is past its useful function and in light of increased online shopping trends this is only likely increase, with more outlets becoming vacant.

2) The plan will not meet the housing needs of the groups it aims to provide for

The plan states that the council will improve access to suitable, affordable housing including for local young people and older households. (ref Vision and Strategic Objectives 1 para 3.)

However, this strategy places the vast majority of the housing development for the Borough in a new 'garden settlement' (that has little infrastructure and none of the amenities young and older people will

need) or in what will be great swathes of concrete estates encircling Paddock Wood, which already has limited amenities. Affordable housing, suitable for the demographics described, need to be placed close to shops and cafes and well within walking distance of a town centre and mainline railway. Young and older people do not want to live in isolated 'garden settlements' or sprawling community-less estates, where they are reliant on a car for access to shops, entertainment, cafes and culture and work.

3) The plan does not protect the natural environment and specific characters of the landscape and smaller towns and villages

The plan states that it wants to protect the character of the Borough which includes areas of outstanding Natural Beauty, greenbelt and a living and working countryside (ref point 3.12.)

One of the Boroughs most beautiful and ancient landscapes is Tudeley and Capel. My friends, on a visit from Australia a few years ago, stood transfixed by what they described as stepping back in time into a countryside narrative, worthy of special status. To build on this area would be a terrible act not just for the current community but for future generations. Likewise, the encircling of Paddock Wood, which is in a flood risk zone and building on the greenbelt that maintains its character, whilst preserving car parks in Tunbridge Wells (Ref point 5.11) is planning gone mad!

Question 6

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To make this plan sound in meeting it's vision and objectives it should be modified to accommodate a much greater proportion of the accommodation required close to the main centre of Tunbridge Wells, where there is access to amenities and car ownership is not essential. The civic centre site, currently proposed for redevelopment, the 'grot spot' and the underused Royal Victoria Centre are all sites which could be considered. A new vision putting urban living opportunities in the heart of Tunbridge Wells will both revitalise the town and preserve the natural beauty of the surrounding countryside.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)? Yes, I wish to participate in hearing session(s)

Question 7a

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

I would like the opportunity to contribute.

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:	Yes, I wish to be notified of future stages of the Local Plan
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Comment

Consultee	Kaye Palmer [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] Tudeley [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Kaye Palmer [REDACTED]
Comment ID	PSLP_1060
Response Date	04/06/21 11:36
Consultation Point	Policy STR/SS 3 The Strategy for Tudeley Village (View)
Status	Processed
Submission Type	Web
Version	0.1
Question 1	
Respondent's Name and/or Organisation	Kaye Palmer
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
STR/SS3	
Question 4	
Do you consider that the Local Plan:	
Is legally compliant	Don't know
Is sound	No
Complies with the Duty to Cooperate	Don't know

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

- . It is not positively prepared
- . It is not effective
- . It is not justified
- . It is not consistent with national policy

Question 5

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

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Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

I do not consider that the Local Plan has been positively prepared, as it has not taken a realistic view on the cumulative impact of the Tudeley development on Capel, Tonbridge, and the surrounding area. Councils have been advised to press ahead with their Local Plan process, but TWBC has made little concession to the fact that this is during a pandemic. It has been very difficult to discuss the proposals within the community or engage with the Council's Planners. No on-line "Zoom" meetings or surgeries have been offered to help navigate the Reg 19 process or the vast and highly complex documentation. The on-line exhibition is only concerned with the Local Plan process and does not explain proposals. The documents available on the TWBC website are extremely confusing to a layman, with poor search facilities and conflicting information provided. There has been a lack of transparency in the process with multiple, sometimes conflicting documents, seemingly randomly published at different times – to the extent that residents now have very different interpretations of the proposals and no easy way to find clarity, eg regarding the position of new roads.

Representatives of the Council have shown a breath-taking arrogance by advising residents that the village will definitely go ahead and there is little point in opposing it. Opposition from residents and the neighbouring authority of Tonbridge have largely been ignored. Early in the process TWBC attempted to by-pass the usual consultation process by omitting Tudeley village from incarnations of the Local Plan and only revealing it very late due to the persistence of the Parish Council. They then ignored the many thousands of objections submitted by the public, adjacent local authorities and other consultees at Regulation 18.

I do not consider the proposals to be justified in that there is no demonstrable local need for the new Tudeley village. There is not a local housing crisis, which would be demonstrated by widespread overcrowding and homelessness, but the proposed village will accommodate migration from the capital where out of control property prices, increased working from home and ease of commuting are causing residents of London to move into outlying areas. The majority of house sales in the Tunbridge Wells area over the last year have been to those leaving London rather than meeting a local need. I do not believe that Capel, or other villages in the South-East, should be sacrificed because of a failure in housing policy elsewhere.

I do not consider the proposals for Tudeley will be effective in maintaining a clear identity and separation of communities. The new village will result in over development between Tonbridge and Paddock Wood, with little to separate communities. I believe the highway proposals will be ineffective in managing the increased traffic movements resulting from the development, which will damage existing heritage

buildings, create pollution and harm well-being. The highway proposals will cause traffic to reach the queues entering Tonbridge or Tunbridge Wells faster, rather than resolve the actual problem. In the case of Tonbridge, this will shift the problem to the neighbouring authority to resolve. The Plan does not put forward plausible solutions to obvious key problems which will result from the construction of Tudeley Village relating to transport, climate change, heritage and ecology, but instead either states that these vital matters will be considered later in the process, or appears to be wishful thinking eg the Chief Planner advising a public meeting that highway problems will be resolved by the widespread use of the electric bicycle, or that existing wildlife will be happy to reside in wildlife corridors or bird boxes in the new residents' gardens.

The plans for Tudeley are against Government guidelines in that designated Greenbelt land should only be built upon in exceptional circumstances and then brownfield or redundant land might be considered. No compelling evidence has been provided that the only option available to TWBC is to sacrifice working farmland, with little or no existing infrastructure close by. The plan for Tudeley village is also at odds with Government commitments to climate change, protecting ecology and "home grown" food in a post-Brexit world. All Saints Church is stated to receive special treatment, but there are plans to surround it with new development, with a tiny buffer. Tudeley village is dressed up as being sustainable, but this is at the expense of existing sustainability.

Tunbridge Wells Borough Council's strap line "Love Where You Live" is redundant to the residents of Tudeley – we already do. However, for the last two years during a tumultuous time for the UK, we have had the additional stress of battling with our Council which rather seems to "Hate Where We Live" and is hell bent on destroying great swathes of our rural Green Belt community, with all its history, beauty, ecology, dark skies and ancient woodland which their predecessors have preserved for generations by enforcing statutory and policy procedures. The transformation of our farmsteads and hamlets into a new town is the latest in a series of low grade, poorly thought through projects through which TWBC displays its contempt for the communities it should serve. Alternatives have been ignored, including brown field sites and proportionate development of existing settlements with established infrastructures, in favour of building on a large swathe of virgin, agricultural land in the ownership of one landowner.

I have been a resident of Tudeley for the last five years with my family and I have no hesitation in saying that I love the beauty and character of where I live. I acknowledge that time cannot stand still, however, the ill thought through, but convenient, proposals to create Tudeley Village will destroy what is special and unique about our Parish, with no clear justification other than to meet a housing target in the easiest way possible. It is to be sincerely hoped the HM Inspector will direct the Council to draw up a new sustainable and sensible plan to the benefit of existing and future residents.

Question 6

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The plan should be modified to remove Tudeley Village and replaced with proportionate development in existing settlements and brownfield sites.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

No, I do not wish to participate in examination hearing session(s)

Future Notifications

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Yes, I wish to be notified of future stages of the Local Plan

Comment

Consultee	Kaye Palmer [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] Tudeley [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Kaye Palmer [REDACTED]
Comment ID	PSLP_1222
Response Date	04/06/21 11:38
Consultation Point	Policy STR/CA 1 The Strategy for Capel parish (View)
Status	Processed
Submission Type	Web
Version	0.2
Question 1	
Respondent's Name and/or Organisation	Kaye Palmer
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
STR/CA1	
Question 4	
Do you consider that the Local Plan:	
Is legally compliant	Don't know
Is sound	No
Complies with the Duty to Cooperate	Don't know
Question 4a	

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

- . It is not positively prepared
- . It is not effective
- . It is not justified
- . It is not consistent with national policy

Question 5

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Representatives of the Council have shown a breath-taking arrogance by advising residents that the village will definitely go ahead and there is little point in opposing it. Opposition from residents and the neighbouring authority of Tonbridge have largely been ignored. Early in the process TWBC attempted to by-pass the usual consultation process by omitting Tudeley village from incarnations of the Local Plan and only revealing it very late due to the persistence of the Parish Council. They then ignored the many thousands of objections submitted by the public, adjacent local authorities and other consultees at Regulation 18.

I do not consider the proposals to be justified in that there is no demonstrable local need for the new Tudeley village. There is not a local housing crisis, which would be demonstrated by widespread overcrowding and homelessness, but the proposed village will accommodate migration from the capital where out of control property prices, increased working from home and ease of commuting are causing residents of London to move into outlying areas. The majority of house sales in the Tunbridge Wells area over the last year have been to those leaving London rather than meeting a local need. I do not believe that Capel, or other villages in the South-East, should be sacrificed because of a failure in housing policy elsewhere.

I do not consider the proposals for Tudeley will be effective in maintaining a clear identity and separation of communities. The new village will result in over development between Tonbridge and Paddock Wood, with little to separate communities. I believe the highway proposals will be ineffective in managing the increased traffic movements resulting from the development, which will damage existing heritage buildings, create pollution and harm well-being. The highway proposals will cause traffic to reach the queues entering Tonbridge or Tunbridge Wells faster, rather than resolve the actual problem. In the

case of Tonbridge, this will shift the problem to the neighbouring authority to resolve. The Plan does not put forward plausible solutions to obvious key problems which will result from the construction of Tudeley Village relating to transport, climate change, heritage and ecology, but instead either states that these vital matters will be considered later in the process, or appears to be wishful thinking eg the Chief Planner advising a public meeting that highway problems will be resolved by the widespread use of the electric bicycle, or that existing wildlife will be happy to reside in wildlife corridors or bird boxes in the new residents' gardens.

The plans for Tudeley are against Government guidelines in that designated Greenbelt land should only be built upon in exceptional circumstances and then brownfield or redundant land might be considered. No compelling evidence has been provided that the only option available to TWBC is to sacrifice working farmland, with little or no existing infrastructure close by. The plan for Tudeley village is also at odds with Government commitments to climate change, protecting ecology and "home grown" food in a post-Brexit world. All Saints Church is stated to receive special treatment, but there are plans to surround it with new development, with a tiny buffer. Tudeley village is dressed up as being sustainable, but this is at the expense of existing sustainability.

Tunbridge Wells Borough Council's strap line "Love Where You Live" is redundant to the residents of Tudeley – we already do. However, for the last two years during a tumultuous time for the UK, we have had the additional stress of battling with our Council which rather seems to "Hate Where We Live" and is hell bent on destroying great swathes of our rural Green Belt community, with all its history, beauty, ecology, dark skies and ancient woodland which their predecessors have preserved for generations by enforcing statutory and policy procedures. The transformation of our farmsteads and hamlets into a new town is the latest in a series of low grade, poorly thought through projects through which TWBC displays its contempt for the communities it should serve. Alternatives have been ignored, including brown field sites and proportionate development of existing settlements with established infrastructures, in favour of building on a large swathe of virgin, agricultural land in the ownership of one landowner.

I have been a resident of Tudeley for the last five years with my family and I have no hesitation in saying that I love the beauty and character of where I live. I acknowledge that time cannot stand still, however, the ill thought through, but convenient, proposals to create Tudeley Village will destroy what is special and unique about our Parish, with no clear justification other than to meet a housing target in the easiest way possible. It is to be sincerely hoped the HM Inspector will direct the Council to draw up a new sustainable and sensible plan to the benefit of existing and future residents.

Question 6

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Proposals for Tudeley village should be removed from the Local Plan and replaced with sustainable development of brownfield sites or the extension of existing settlements.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)? . No, I do not wish to participate in examination hearing session(s)

Question 7a

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

No

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box: Yes, I wish to be notified of future stages of the Local Plan

Comment

Consultee	Mandy Parkes [REDACTED]
Email Address	[REDACTED]
Address	
Event Name	Pre-Submission Local Plan
Comment by	Mandy Parkes [REDACTED]
Comment ID	PSLP_66
Response Date	25/05/21 22:09
Consultation Point	Policy STR/SS 3 The Strategy for Tudeley Village (View)
Status	Processed
Submission Type	Web
Version	0.3
Question 1	
Respondent's Name and/or Organisation	Amanda Parkes
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
Policy STR/SS 3	
Question 4	
Do you consider that the Local Plan:	
Is legally compliant	Don't know
Is sound	No
Complies with the Duty to Cooperate	Don't know
Question 4a	

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

- . It is not effective
- . It is not justified
- . It is not consistent with national policy

Question 5

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I do not believe this part of the Plan should even be considered.

The proportion and scale of it is vast and would swamp the local area with a disproportionate amount of housing for this small rural parish.

I do not believe all avenues have been explored. There are countless Brown Field sites ready for redevelopment – they are just more expensive, and smaller sites. But surely this is what all Councils should be looking at – with so many disused urban buildings, we should be enhancing these empty buildings and their surroundings, and spreading the houses across the whole of the TWBC Borough. This would then allow the agricultural land to be used for its purpose, and the other green space surrounding it, for the enjoyment, and physical and mental health of all local residents.

I believe TWBC have been lazy and greedy – putting 50% of their perceived housing needs for the whole area into one tiny parish, as in this part of the Plan they only have to deal with one landowner, and one site. And it does not escape any of the local resident's notice that all the Council Tax would be taken by TWBC, but the impact to services would land on TMBC.

It is outrageous that the local population would be increased by 500%!

Many of the local residents, including myself, moved from London because we wanted a different life, with clean air, green space and less noise. Whilst I appreciate the need for housing, this level of increase is wholly unacceptable.

All the housing is to be built on Green Belt land.

The Green Belt was put in place to protect urban sprawl, and the vastness of this proposal would eradicate nearly all of it, and essentially link Tonbridge to Paddock Wood.

What is the point of designating land as Green Belt, if that means nothing? I work as a local estate agent, and used to be able to say to potential buyers "this is Green Belt, it won't be built on". Now, it appears, I can never say that, as Green Belt is no longer protected as such. The words are worthless, and more and more Green Belt is sacrificed to concrete.

This land is valuable agricultural land, and there is need for local agriculture

There is a great need for crops, grazing, orchards, hops etc to supply the local community with food. This in turn also creates many jobs for local people. In order to cut greenhouse gases, food should be supplied locally, as far as possible. This avoids transportation and pollution, and gainfully employs the local residents. The land in Tudeley has been farmed for hundreds of years.

Local Employment

Local residents have been employed in agriculture for generations, with those particular skills. All these people would then have to retrain for jobs, if the agriculture was not there – not always possible if they do not have the right education or skill sets, and it would be dependent on other local jobs being available, which is unlikely, particularly after the pandemic, with unemployment being at an all time high. TWBC may argue that the housebuilding itself would create local employment, but you can't simply switch from being a fruit grower to an electrician.

Flooding

This land soaks up, and uses efficiently, potential flood water. TWBC claim that they have invested in surveys, professional expertise, and many reports, to try to reassure us that this won't be an issue. Nature defies algorithms. I am not assured or confident that anyone can precisely predict what will happen with global warming and wetter winters. I have lived in my house for 20 years. In the last two years water has come right up to my doorstep – something I've not had in the preceding 18 years. My house sits on a slight slope, but the road on the North East side of my house, where there is a slight dip, fills with deep water during heavy rainfall, which is hazardous, particularly on dark nights. If all the surrounding land is built on, the 400 acres of farmland allocated for this part of the Plan will not be there to absorb it, nor the trees, that suck up gallons of it. I think the increased risk of flooding will be huge. There are many surrounding villages, such as Hadlow and Yalding that already have a problem. Tonbridge also floods now, in the Sainsbury's car park. However many drains are put in place, if all the avenues are already full, and the River Medway, there will be nowhere for the water to drain to.

Lack of engagement with local residents and TMBC

I found it absolutely incredible that TWBC claimed they engaged with local residents, communities and surrounding Councils. This proposed development has been shrouded in secrecy until the 11th hour. It has been in the planning for years, and yet local residents heard about it just two months before Regulation 18 was going to take place. I am incensed that they have the gall to state this – it has been cloak and dagger all the way and for as long as it was legally possible. None of the local residents (me included) heard anything about these proposals until May 2019, when there was very little time to respond.

I attended a TMBC Council meeting in November 2019, when local Councillors were discussing it. 17 local Councillors stood up and berated this plan, saying there had been no cooperation or discussions, and were furious that all the burden would be borne by them and not TWBC, who would be benefiting from all the Council Tax. They pointed out that most of the new residents would be commuters – all coming into Tonbridge on one already overcrowded road – the B2017 – all trying to park in the station car parks, which were already full, all shopping in Tonbridge, which does not have the capacity to cope, all wanting the grammar schools, doctors surgeries etc. Tonbridge cannot cope with the increase of population that 'Tudeley Garden Village' will have. So no cooperation or engagement was evident from TWBC with local residents or adjoining Councils. Quite the opposite.

Roads and Infrastructure

As I have mentioned above, there is only one main road going into Tonbridge from Tudeley – the B2017. This road is already overburdened with an enormous amount of traffic, and during school rush hour times it comes to a standstill. I live on this road. At busy times it is impossible to get anywhere fast. In non rush hour it has a constant stream of fast moving traffic, making it dangerous at times for me to get out.

As TWBC have not disclosed any firm plans for infrastructure it is difficult to object to them! However, I believe their plans may be to widen this road to include a bus lane. Firstly, I do not know how they would do this as there are so many houses along this road, making it impossible unless they compulsorily purchase many of them, although Hadlow Estate (who are offering all of this land) own a great many of them as they have been the workers cottages. Many of them are now rented by local people. Even if widening was possible, I'm not sure what it would achieve, except to increase the number of vehicles all converging more quickly and bottle necking into one road going into Tonbridge.

On a personal level, quite apart from the noise of even more vehicles going past my house, it would make it even more dangerous for me to get in and out of my house. I would have to cross two lanes of fast moving traffic if I turn right, plus join fast moving traffic. It would be a death hazard. The only alternative is that I would have to turn left, up to the also possible proposed roundabout at the junction of Hartlake Road, and then come back on myself, causing me massive inconvenience, and essentially living on a dual carriageway. The thought of it is horrendous.

Traffic

I have made some of my points of above, but this only concerns one particular road – the B2017, which is already overloaded with local traffic. To add the cars from another 2,800 houses, it will become as busy as a motorway, or a standstill log jam during school and rush hour times. But the whole area round Tudeley, Five Oak Green, Paddock Wood, and all the surrounding areas will become unbearable. The pollution will cause real problems to most of us, and getting anywhere fast will become a distant memory. This small rural area served by narrow country lanes will not be able to cope with the vast increase of traffic.

With the building of houses, and quarrying in the area, the roads will constantly have not only cars, but never ending lorries and heavy machinery traversing all of the narrow roads in the area. The vibrations of heavy vehicles literally make my house shake – my house has no solid foundations and I worry that consistent and increased heavy vehicles will cause physical damage to my property.

TWBC are suggesting cycle lanes. This is honestly the most ridiculous dream they have come up with yet. To cycle from Five Oak Green to Tonbridge or Paddock Wood is approximately 5 miles. Do they seriously think that a commuter is going to do this at 7am or 7pm, in the winter, in the dark and the cold? Or that a parent, taking their young children to school is going to do this? Or even a teenager going to school, with all their books and games kit? Or builders going to work with all their kit in the back of their vans? I actually can't think of a single category of people who will hop on their bikes to go anywhere. Even a fit middle aged person is not going to do this, to go and get their weekly shop from the supermarket. In percentage terms of people deciding to opt for the 'Green' option of cycling, I should imagine it would be less than 1%. So in reality, as well as all the construction vehicles, using our country lanes for the next 15 years, there will also be all the cars from 2,800 new homes. That's approximately 6,000 extra cars, using the few small roads, that will all converge into Tonbridge, Paddock Wood or a few to T.Wells.

Noise and air pollution

As noted above, with regards to traffic, the local neighbourhood will have to endure 15 years of heavy vehicles, machinery and building works. The noise from all this will be horrendous, plus all the dust and the dirt. This isn't just a few houses, over a year, being built on Brown Field sites – this will be years and years of industrial destruction and pollution.

Wildlife and Nature

We are so lucky to be surrounded by a diverse selection of protected wildlife, flora and fauna – birds and animals, reptiles, ancient and mature woodland to name but a few. These precious and irreplaceable assets form the very essence of our rural community. The wildlife and heritage landscape will be changed and eradicated for evermore, the whole area will be concreted over. It is so important to keep the balance of nature, and this will be totally destroyed. Our whole planet is being destroyed by humanity, and I, and millions of others, are trying desperately to give nature a fighting chance. This should be a top priority, not only in our area, but worldwide.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:

Yes, I wish to be notified of future stages of the Local Plan

Comment

Consultee	Nitin Parmar [REDACTED]
Email Address	[REDACTED]
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Nitin Parmar [REDACTED]
Comment ID	PSLP_1138
Response Date	03/06/21 17:39
Consultation Point	Policy AL/RTW 6 Land at 202 and 230 Upper Grosvenor Road (View)
Status	Processed
Submission Type	Web
Version	0.4
Question 1	
Respondent's Name and/or Organisation	Mr N Parmar
Question 3	
To which part of the Local Plan does this representation relate?	Paragraph(s)
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
AL/RTW 6	
Question 4	
Do you consider that the Local Plan:	
Is legally compliant	Don't know
Is sound	No
Complies with the Duty to Cooperate	Don't know

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

- . It is not positively prepared
- . It is not effective
- . It is not justified
- . It is not consistent with national policy

Question 5

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

- Loss of bio-diversity
- Trees are protected and I cannot see how they would not be effected by the build
- Other plans have been rejected before and some on a much smaller scale
- The area would be over populated and density os already very high
- The main road is already very busy and any additional traffic would be unbearable to local residents making life very unpleasant from a health and noise point of view
- Danger to proposed site access from the main road, the corner is a blind corner
- The proposal is too large and not in keeping with the area, the building would be a fire trap
- Not integrated with the local surroundings and building styles
- Overflow of traffic in an already heavily populated car area
- Increase in population would have a devastating impact on the natural environment
- Danger to children as the road already has a speeding problem with cars
- Loss of privacy as the build will over look into properties
- Noise increased by excess people in proposed building

Question 6

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Question 5 above. (Please note that non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

I do not believe there should be any modifications as it simply shouldn't go ahead

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)? Yes, I wish to participate in hearing session(s)

Question 7a

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

I'm trying to protect a much loved area by its local residents becoming over populated and the danger of (what I see) is a building built solely for monetary gains which will be a very unpleasant place for the proposed residents to live in.

The build is wholly inncorrect and must be opposed

Question 8

If you have any separate comments you wish to make on the accompanying Sustainability Appraisal, please make them here.

N/A

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box: Yes, I wish to be notified of future stages of the Local Plan

Comment

Consultee	Ian Pattenden [REDACTED]
Email Address	[REDACTED]
Address	
Event Name	Pre-Submission Local Plan
Comment by	Ian Pattenden [REDACTED]
Comment ID	PSLP_417
Response Date	30/05/21 20:15
Consultation Point	Policy STR/SS 1 The Strategy for Paddock Wood, including land at east Capel (View)
Status	Processed
Submission Type	Web
Version	0.3
Question 1	
Respondent's Name and/or Organisation	Ian & Angela Pattenden
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
Policy STR/SS 1 Strategy for Paddock Wood, including land at east Capel	
Question 4	
Do you consider that the Local Plan:	
Is legally compliant	Don't know
Is sound	No
Complies with the Duty to Cooperate	Don't know
Question 4a	

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

- . It is not effective
- . It is not justified
- . It is not consistent with national policy

Question 5

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

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Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

I object to "The Strategy for Paddock Wood including land at East Capel" (Policy STR/SS 1).

The land proposed to be developed is in the Green Belt and should only be built upon if "exceptional circumstances" exist, what are these? Utilising this green belt will effectively create an urban sprawl from Paddock Wood with Five Oak Green, something the greenbelt designation is designated to prevent and with the proposed development in Tudeley will effectively join Paddock Wood with Tonbridge, a huge urban sprawl. The land is on a recognised flood plain, building here, even with flood risk mitigation and "betterment", of which there are no details, could have disastrous consequences. The measures being looked at in theoretical terms are apparently based on old out of date data that does not fully consider the up to date information and the additional impact of climate change.

There are many important listed heritage assets such as Badsell Manor for one example, which should be protected along with their setting. The proposed development at East Capel will surround this one important asset along with many typical rural Kentish farmsteads located within the proposed area of development and beyond. No amount of mitigation can replace this important rural landscape.

Being a rural area, East Capel is blessed with a diverse and important list of birds and wildlife, many on the European red list of protected species and some endangered such as Bats, Great Crested Newts, Turtle Doves and field nesting birds such as Skylarks, Linnets and Yellowhammers. This legacy cannot be just brushed aside by statements that they will be relocated to somewhere else, this is wishful thinking and a complete fantasy. The birds and wildlife will just decline in numbers and finally disappear into extinction. Hedgerows will disappear leaving a barren and lifeless "man made" landscape devoid of wildlife, is this something planners will be proud to leave as a legacy for the future? Putting bird and bat boxes on houses, leaving some green spaces and other fanciful "conservation measures" in place, is only paying lip service to biodiversity net gain. Moreover the cumulative effect of this proposal, the proposed development at Tudeley and the gravel extraction plans at Stonecastle and Moat Farms will have a devastating overall destruction of a rural parish, effectively changing it into an ugly urban landscape.

The Leader of the Council, in his forward to the PSLP, states " the Council feels that it has got the overall balance right".....????? What sort of scales are they using when they propose to dump more than 50% of the apparent housing need in Capel parish which currently comprises 2% of the borough population, please explain the logic.

In summary, this proposed part of the Pre-Submission Local Plan has been ill thought through, in indecent haste without any regard to the needs or comments of the community of Capel. There are other alternatives that should have been given the same due consideration, but the so called responsible

Officers of the Council hastily “nodded through” this unacceptable plan. The process of community engagement and consultation, Reg18, resulted in an unprecedented number of responses which have been totally ignored in this latest iteration of the Local Plan. No exhibitions or public consultations have taken place due to the Covid pandemic, only online “tick box” information cards masquerading as the “public consultation” process. Furthermore, council elections took place in the middle of this whole Reg19 process and as a result the composition of the Council has radically changed mid way, how can this be democratic? Lastly, the whole formal process of responding to the Reg19 consultation has been made extremely difficult, particularly to many elderly people within our parish without access to the Internet. How can this be a fair process for this

life changing proposal.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

No, I do not wish to participate in examination hearing session(s)

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:

Yes, I wish to be notified of future stages of the Local Plan

Comment

Consultee	Ian Pattenden [REDACTED]
Email Address	[REDACTED]
Address	
Event Name	Pre-Submission Local Plan
Comment by	Ian Pattenden [REDACTED]
Comment ID	PSLP_416
Response Date	30/05/21 20:15
Consultation Point	Policy STR/SS 3 The Strategy for Tudeley Village (View)
Status	Processed
Submission Type	Web
Version	0.4
Question 1	
Respondent's Name and/or Organisation	Ian & Angela Pattenden
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
Policy STR/SS 3 Strategy for Tudeley Village	
Question 4	
Do you consider that the Local Plan:	
Is legally compliant	Don't know
Is sound	No
Complies with the Duty to Cooperate	Don't know
Question 4a	

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

- . It is not effective
- . It is not justified
- . It is not consistent with national policy

Question 5

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

I wish to strongly object to "Strategy for Tudeley Village" (Policy STR/SS 3)

I have lived in the small hamlet of Tudeley with my wife for 35 years and we have two married grown up children who live locally with their families.

As senior citizens unfamiliar with planning policies and planning law and further overwhelmed by the sheer number of "planning speak" documents issued by TWBC for their Pre-Submission Local Plan Reg19 consultation, we find it very difficult to comment on the technicalities of the Plan. However anyone with any degree of common sense at all can see that this gross plan to dump 2,800 new houses along with the necessary infrastructures and civic amenities in a heritage rich greenbelt farming rural landscape is unsustainable, irresponsible, unviable and quite simply madness.

I believe an isolated so-called "garden settlement" vanity plan at Tudeley by the arrogant landowner, to build 2,800 dwellings is inappropriate and does not follow the principles of garden settlements defined by the Government as the settlement will be divided in two by the main line London/Dover railway line. Furthermore this proposed isolated settlement would significantly increase traffic flow into Tonbridge along the B2017, exacerbating the current extreme traffic congestion that exists on this road every morning and evening. This additional traffic will cause increased levels of air and noise pollution as the residents of this new settlement will want to use their private vehicles for the convenience of getting into their nearest town of Tonbridge, even with a proposed public transport bus link. People will not give up the independence of a private car.....fact.

Local housing need in Capel does not require 2,800 new houses therefore the majority of this new development would inevitably be taken up by people being drawn into the area, effectively becoming a heartless isolated commuter settlement. Many of these people will want to travel to London by trains which are already at capacity. I therefore consider this proposal to build a new isolated settlement on the Tudeley site to be unsustainable as it has no tangible transport hub, connectivity infrastructure or basic utilities such as sewerage treatment, water or electricity, nor any outline details of how this might be achieved. Furthermore, it has been reported that in the year ending 2020 there were almost 500 empty properties within the TW borough, an increase of nearly 50% above the 2019 figure. Why are these properties not occupied if there is a housing shortage? The Leader of the Council, in his forward to the PSLP, states "the Council feels that it has got the overall balance right".....????? What sort of scales are they using when they propose to dump more than 50% of the apparent housing need in Capel parish which currently comprises 2% of the borough population, please explain the logic.

Destroying valuable good quality grade 2 and 3 food producing agricultural farmland located in the middle of the Green Belt is reckless and irresponsible in the extreme and must never be allowed under any circumstances. In fact I understand that the Government requires there to be "exceptional

circumstances” before green belt can be considered for development, where are these “exceptional circumstances”???. By allowing this vanity project to go ahead it will deprive our future generations of this valuable and irreplaceable asset forever. Additionally, we must protect productive agricultural land to provide our food, and we also need precious green spaces for our well-being both physically and mentally as has been proven during the current Covid pandemic. Why destroy this important precious rural asset just because it is an easy planning option for the council planners based purely on one greedy landowner who is willing to sacrifice his privileged heritage purely for financial gain.

At this stage there are no proposals whatsoever being put forward by the Hadlow Estate for comment on infrastructure for roads, sewerage, water, electrical supply, etc. All very “finger in the air” strategy which we are constantly being told is normal at this stage of the planning process and will be sorted out later with a Masterplan. Yet other parts of the Borough would appear to have more details available for comment and already have much of the necessary infrastructure in place. The Tudeley site is a suspiciously late addition to this Local Plan process, being the easy option for a massive disproportionate portion of the apparent local housing need. TWBC planning department have passed on the complete design and development of this site to an inexperienced landowner (Hadlow Estate) with no apparent input or coordination with the other site in East Capel or the surrounding areas. There are numerous Brownfield and alternative sites within the Borough, including the urban regeneration of the town centre, which have been totally ignored but these are not so profitable for developers or land owners.
DEVELOPERS RULE?????

The Police, Fire and Ambulance services are already at capacity and often overstretched so the proposed creation of a large new town will only make this situation even worse. Furthermore, health and dental services within the area, to accommodate the possible additional 9,000 to 10,000 extra people, will be passed on to the adjoining Tonbridge and Malling Borough council, I am sure they will be very unhappy with this additional burden.

FACT...climate change is occurring and the introduction of 2,800 new houses and the necessary additional infrastructure and civic amenities, will add to this global catastrophe. By adding more carbon emitting sources and reducing the carbon sequestration of the land and associated flora and fauna will only exacerbate the situation. TWBC have signed up to be carbon neutral by 2030, how???. Additionally, much of Tudeley is located on a floodplain with risk assessments apparently based on old and out of date data; locating houses on or near a floodplain is irresponsible and deceitful as new unsuspecting homeowners will never get insured against flooding.

Due to the openness and topography of the area, the proposed dumping of 2,800 houses into this landscape, will destroy this beautiful and historic part of our Borough, including AONB setting, heritage sites, listed buildings and the many traditional ancient Kentish farmsteads. All Saints Church in Tudeley is the only church in the World to be the proud custodians of all stained glass windows designed by the renowned Russian artist Marc Chagall. These were commissioned by the Goldsmid family, owners of the Hadlow Estate, in tribute to their daughter who died in a tragic boating accident, and is buried in the family cemetery. People visit from all over the world to view these amazing windows and enjoy the wonderful views across the Kent countryside which inspired Chagall to undertake this commission in the first place.

No-one would want to view a housing development bordering the church graveyard. Furthermore the landscape has survived by successive farming over centuries to remain as northwest Europe's most intact medieval landscape, yet another important heritage asset to preserve for our future generations to cherish, protect and enjoy.

Being a rural area, Tudeley is blessed with a diverse and important list of birds and wildlife, many on the European red list of protected species and some endangered such as Bats, Great Crested Newts, Turtle Doves and field nesting birds such as Skylarks, Linnets and Yellowhammers. This legacy cannot be just brushed aside by statements that they will be relocated to somewhere else, this is wishful

thinking and a complete fantasy. The birds and wildlife will just decline in numbers and finally disappear into extinction. Ancient and established woodlands, currently located within farmland, will be surrounded by housing developments, a most unnatural environment which is surely going to affect the health of these important arboreal assets. Hedgerows will disappear leaving a barren and lifeless “man made” landscape devoid of wildlife, is this something planners will be proud to leave as a legacy for the future? Putting bird and bat boxes on houses, leaving some green spaces and other fanciful “conservation measures” in place, is only paying lip service to biodiversity net gain.

In summary, this proposed new town plan has been ill thought through, in indecent haste without any regard to the needs or comments of the community of Capel. There are other alternatives that should have been given the same due consideration, but the so called responsible Officers of the Council hastily “nodded through” this unacceptable plan cooked up between the TWBC planning department and a greedy landowner. The process of community engagement and consultation, Reg18, resulted in an unprecedented number of responses which have been totally ignored in this latest iteration of the Local Plan. No exhibitions or public consultations have taken place due to the Covid pandemic, only online “tick box” information cards masquerading as the “public consultation” process. Furthermore, council elections took place in the middle of this whole Reg19 process and as a result the composition of the Council has radically changed mid way, how can this be democratic? Lastly, the whole formal process of responding to the Reg19 consultation has been made extremely difficult, particularly to many elderly people within our parish without access to the Internet. How can this be a fair process for this life changing proposal?

Question 7

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If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)? . No, I do not wish to participate in examination hearing session(s)

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box: Yes, I wish to be notified of future stages of the Local Plan

Comment

Consultee	Alexander Pelmore [REDACTED]
Email Address	[REDACTED]
Address	
Event Name	Pre-Submission Local Plan
Comment by	Alexander Pelmore [REDACTED]
Comment ID	PSLP_862
Response Date	01/06/21 22:26
Consultation Point	Policy STR/SS 3 The Strategy for Tudeley Village (View)
Status	Processed
Submission Type	Web
Version	0.1
Question 1	
Respondent's Name and/or Organisation	Alec Pelmore
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
STR/SS 3	
Question 4	
Do you consider that the Local Plan:	
Is legally compliant	Don't know
Is sound	No
Complies with the Duty to Cooperate	Don't know
Question 4a	

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

- . It is not effective
- . It is not justified
- . It is not consistent with national policy

Question 5

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Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

I think this is the wrong development plan in the wrong location - specifically the local impact on the neighbouring villages will be immense:

Impact on traffic. I live on Hartlake Road (which runs north from Tudeley) which is very narrow in places; has two bridges one of which is very narrow; and in several places runs between ditches on both sides. It is a key cut-through for traffic on the A26 looking to get round the Cannon Way route round Tonbridge at peak times; and also takes a lot of traffic delivering children to the Somerhill schools. Thus at peak times (7.45 to 9.00 in the morning, 4.15 to 5.30 in the evening) it is extremely busy with traffic driving too fast for the hazards – we often see cars on their sides in the ditches and I spend my time picking up broken wing mirrors when I go litter-picking. In addition, cars parked on the side of the road when the Poacher is busy bring an extra hazard. The impact of the planned extra houses in Tudeley will almost certainly result in a major increase in this traffic and it will become more dangerous. The developers/council may respond that they will just close Hartlake Road which of course would seriously inconvenience locals, The bridge is the only crossing point of the river between Cannon lane and Branbridges some 10km - it would mean I would need to drive 10km to get to my neighbours!

the site should be in the AONB. The lines for the AONB were drawn rather arbitrarily and the land is only just outside the line. If you go east along Crockhurst Street past the Turner Gold and look north you will see one of the finest vistas of natural beauty in Kent; as worthy of AONB designation as anywhere in the county.

Impact on Tonbridge. The traffic in Tonbridge and the pressure at the moment on Tonbridge station and the railway are at bursting point. The planned extra housing will have a dramatic impact on this . Extensive Infrastructure in Tonbridge should be put in place and paid for by the developers before any housing development starts.

Question 6

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or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

I see no problem with some small-scale in-fill development around Tudeley, but the scale of the plan is just too large.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

No, I do not wish to participate in examination hearing session(s)

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:

Yes, I wish to be notified of future stages of the Local Plan

Supporting Information File Ref No: SI_79

Comment

Consultee	Mr Nigel Stratton [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Pembury Neighbourhood Plan Steering Group
Address	Lower Green Recreation Ground Lower Green Road Pembury TN2 4DZ
Event Name	Pre-Submission Local Plan
Comment by	Pembury Neighbourhood Plan Steering Group [REDACTED]
Comment ID	PSLP_1458
Response Date	03/06/21 14:40
Consultation Point	Policy AL/PE 3 Land north of the A21, south and west of Hastings Road (View)
Status	Processed
Submission Type	Email
Version	0.7
Files	PSLP_1458 Pembury Neighbourhood Plan Steering Group Representation.pdf
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Pembury Neighbourhood Plan Steering Group
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
Policy AL/PE 3 Land north of the A21, south and west of Hastings Road	
Paragraph No(s) 5.678 to 5.687	

Question 4

Do you consider that the Local Plan:

Is legally compliant Yes

Is sound No

Complies with the Duty to Cooperate Yes

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because: . It is not positively prepared
. It is not justified

Question 5

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

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Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

This is the formal response from the Pembury Neighbourhood Plan Steering Group to the consultation on the Pre-Submission (Regulation 19) Tunbridge Wells Local Plan.

The comments relate to site AL/PE3, for which there are three concerns. Two concerns relate to how the site has been assessed:

- 1 Value of the western half of the site to the community of Pembury as an area of open space;
- 2 The detrimental impact development on the eastern part of the site would have on local character and the Area of Outstanding Natural Beauty.

The third is a concern about the way in which comments received on the Draft Plan have been considered, in terms of housing numbers within Pembury:

- 1 The significant uplift in housing numbers for Pembury parish since the draft Plan.
- The Steering Group consider that Site AL/PE3 should not be developed. However if unavoidable, the developable area should be significantly reduced to take account of the concerns raised.

About the Pembury Neighbourhood Plan Steering Group

The Steering Group, comprising both local councillors and volunteers from the local community, was established by the Parish Council in July 2020 to oversee the development of a Neighbourhood Plan for Pembury. To date, it has set up a series of Working Groups, comprising volunteers, who have been exploring issues facing the parish relating to housing, character and design, green spaces and the environment, the local economy, community facilities and local transport. A community survey was undertaken in December 2020 seeking views on the most pressing issues for those living in Pembury.

In addition, the Steering Group has commissioned AECOM to undertake a Design Guidance and Masterplanning exercise, focussing in particular on sites along the A21 that are proposed for allocation in the emerging Local Plan. The findings of this work to date has formed the basis of this response.

Our response focuses in particular on site AL/PE3 (Land south and west of Hastings Road), which has attracted a great deal of debate locally.

Wider concerns are considered to be captured within the response submitted by Pembury Parish Council, which is fully supported by the Neighbourhood Plan Steering Group.

Policy AL/3: Land north of the A21, south and west of Hastings Road

The site has been assessed by the local authority as suitable for development to accommodate approximately 90 dwellings, subject to the findings of additional assessments including on statutory infrastructure, transport, landscape, topography and visual impact.

The Steering Group considers that the assessments of the site to date have not fully considered particular aspects that could impact its suitability for allocation in the Pre-Submission Plan. These aspects relate to the use of the site by the community as an open space and the negative impact development would have on the character and amenity of the village and the wider Area of Outstanding Natural Beauty.

Further details are set out below:

1. Value of the western half of the site to the community of Pembury as an area of open space

The Neighbourhood Plan process has revealed the considerable significance of the site to the local community as an accessible open space.

The site – particularly the **western** part nearest to the footpath - is extremely well-used by local people for informal recreation including walking and dog-walking, sledging (in winter), and free, creative play for children. This has been the case for many years. There is a public right of way on the western side of the site (WT237) and informal paths around the edge, the use of which has increased considerably as a result of the Covid-19 pandemic, demonstrated by footfall counts and local observations.

The site, particularly towards the southern (east and west) end, is elevated and is the only area of open space within the village where the sunrise and sunset can be seen from one place, with sweeping east-west views across the High Weald. It is appreciated that this use is one of custom but for the other issues discussed below should be considered as protected by designation.

The site is also valued for its health and well-being purposes. Indeed the Government's 25 Year Environment Plan[1] sets out the value of accessible green within communities: "Spending time in the natural environment – as a resident or a visitor – improves our mental health and feelings of wellbeing. It can reduce stress, fatigue, anxiety and depression. It can help boost immune systems, encourage physical activity and may reduce the risk of chronic diseases such as asthma. It can combat loneliness and bind communities together".

The Sustainability Appraisal prepared to support the Pre-Submission Plan considered that development of the site would have a neutral effect on health and well-being; this is disputed in light of the information provided above and in light of the Pre-Submission Plan's overview, which acknowledges the lack of sufficient open space, sport and recreation provision within Pembury. This is particularly important in light of the fact that the Borough Council has not yet adopted the community infrastructure levy, which would have enabled the Parish Council to prioritise expenditure on facilities considered important locally. In the absence of this, there is no guarantee that section 106 monies will either be spent locally or that the community will be able to influence how it is spent.

Whilst public use was not mentioned in relation to this site specifically in the Parish Council's earlier response to the Draft Plan, the need to retain public access was included as a general point relating to all the sites. Since then, however, it has become obvious through observations, replies to local surveys, footpath counts and discussions with the community that many people regularly use and value the land at this location for the purposes of informal recreation. Indeed the opportunity presented by national planning policy to designate local green spaces has led to this part of the site being cited on numerous occasions as a potential candidate for the neighbourhood plan.

The Steering Group are concerned that the contribution of the site to local recreation and amenity was not adequately assessed as part of the site assessment process. Loss of public access to the site - would be sorely felt by the existing and future residents of Pembury.

2. The detrimental impact development on the eastern part of the site would have on local character and the Area of Outstanding Natural Beauty

To inform the policies of the emerging neighbourhood plan, the Steering Group has commissioned AECOM to undertake work to establish principles for design within Pembury, to reflect local character.

Part of this includes reviewing the proposals for site allocations AL/PE1 to 3, and developing masterplanning, which can inform both the emerging Local Plan and discussions with the site promoters.

The work is being undertaken by a small team headed by Luis Juarez PhD, a principal urban designer with AECOM-URS. His areas of expertise are masterplanning, urban design and design coding, with experience of major regeneration schemes across the UK.

[1] First review of 25 Year Environment Plan published - GOV.UK (www.gov.uk)

Having visited the sites, the AECOM team have suggested that, from a design and land-use perspective, the **eastern** part of the site should be considered as unsuitable for development because of the impact development here would have both on the AONB and the character of Pembury. The topography of the site in particular is such that development in this section of the site would be very visible and would negatively impact the AONB.

From observation, it is close to 4 to 5 metres higher than the road level, making the developable area of the site quite visible and exposed. The advice to the Steering Group is that it would be very difficult to minimise this by planting alone, as suggested in Policy AL/PE3. Development on this higher ground would also negatively impact the scale and privacy of the existing houses located lower down on the northern part of Hastings Road.

Furthermore, the advice provided suggests that services and utilities would also be difficult to install given the site's topography. Surface water flooding is already an issue in Pembury and there have been reports of drainage issues in this part of the village.

Finally, pockets of high road noise were recorded within the site assessment for AL/PE3; the eastern part of the site is located closest to the A21 junction with the Henwood Green Road/Hastings Road where noise is likely to be particularly high.

3. The significant uplift in housing numbers for Pembury parish since the draft Plan

The Pre-Submission Local Plan has provided a significant uplift in housing allocations within Pembury, when compared with the previous draft Plan: 389-471 new dwellings (Regulation 19) compared to 294-304 dwellings (Regulation 18), as shown below. The columns on the left shows the proposed allocations included in the Draft Local Plan (2018) and the columns on the right show the proposed allocations in the Pre-Submission Plan (2019). There is some cross

[TWBC: for table, please see full representation attached as a supporting document]

This constitutes an uplift in dwelling numbers since the previous consultation of between 32% and 55%. The Steering Group question the justification for this. In addition to this, the hospital's proposal for residential training units is in planning discussion now, so could add further dwellings.

Given the overall uplift in housing numbers attributed to Pembury, and for the reasons noted above, the Steering Group would consider site AL/PE3 unsuitable for development.

The Steering Group would be grateful for these comments to be considered by the Borough Council and is also in contact with the site promoter to discuss the emerging neighbourhood plan and how it might impact the site. The very purpose of the neighbourhood plan process is to offer the local community a greater say in the way their community evolves and develops, and it is hoped that their views thus far will be carefully considered.

Question 6

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Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Question 5 above. (Please note that non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant

or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

It is acknowledged that any reduction of housing proposed at AL/PE3 may need to be addressed elsewhere in the Plan. The Steering Group, consider that this could be achieved in one of three ways:

Option 1: Identifying alternative sites elsewhere in the Borough, where the housing numbers could be redistributed: This would chime with the Parish Council's response, which underlined the size of and impact of the proposed target for new housing on this Parish, and has expressed the concerns set out above in respect of site AL/PE3.

Option 2: Redistributing the housing allocation to other sites in Pembury - for instance by enabling denser development, where this does not compromise local character, provision of green space and amenity. This could be beneficial in ensuring that a mix of housing is developed within Pembury, to include more affordable homes suited to young couples and families, homes suited to those wishing to down-size, in addition to larger family homes. The need for such a mix has been demonstrated through the neighbourhood plan engagement process to date.

Option 3: Restricting development to the western side of the site AL/PE3: This would retain the sensitive eastern field as open space, which could be offered as community use, to acknowledge the existing use (albeit currently on the western side). Dwellings would need to be sympathetic to local character and amenity in terms of design, height and massing. They would also need to deliver a housing mix to address local housing needs. The community would wish to be involved in this process, for instance using the neighbourhood plan as the vehicle to do so. The provision of cycle access, as set out in the Pre-Submission Plan, would be achievable, linking the space to the other sites proposed along the A21. The tree buffer along the eastern side is very thin along Hastings Road here would need to be improved.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)? . Yes, I wish to participate in hearing session(s)

Question 7a

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

The Pembury Neighbourhood Plan Steering Group would like to participate in the hearing sessions relating to Pembury. Work on the neighbourhood plan is evolving and we would welcome the opportunity to input into discussions relating to Pembury to:

(a) ensure that evidence collected at the very local level – that may not have been gathered at the strategic level - is considered by the Examiner. This is particularly important, particularly in relation to discussions on the sites, as demonstrated by our submission above, and is a key benefit of the neighbourhood plan process; and

(b) to keep abreast of discussions that will be relevant to our neighbourhood plan, as we seek to synchronise it with the emerging strategic policies of the Local Plan.

If you would like to attach a file in support of your comments, please upload it here. [PSLP 1458 Pembury Neighbourhood Plan Steering Group Representation.pdf](#)

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:

Yes, I wish to be notified of future stages of the Local Plan

Comment

Consultee	Ms Helen Munro [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Pembury Parish Council
Address	Parish Council Offices Lower Green Recreation Ground Pembury, Tunbridge Wells TN2 4DZ
Event Name	Pre-Submission Local Plan
Comment by	Pembury Parish Council (Ms Helen Munro [REDACTED])
Comment ID	PSLP_180
Response Date	11/05/21 16:02
Consultation Point	Policy PSTR/PE 1 The Strategy for Pembury parish (View)
Status	Processed
Submission Type	Email
Version	0.6
Data inputter to enter their initials here	AT
Question 1	
Respondent's Name and/or Organisation	Pembury Parish Council
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy PSTR/PE 1 The Strategy for Pembury parish

Allocation Policy Numbers:

A/L PE1

A/L PE2

A/L PE3
A/L PE4
A/L PE5
A/L PE6
A/L PE7
A/L PE8

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

Question 5

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On behalf of Pembury Parish Council, I write to register its formal response to the Draft Pre-Submission Local Plan ('The Plan'). This response largely follows the text of our comprehensive response to the earlier Draft Local Plan; however, we have made changes where we feel it is appropriate:

Strategy for Pembury Parish – Policy PSTR/PE1

1 Housing

We do not agree with the proposed target of 254-264 new private dwellings, which we still feel is somewhat excessive for our village. 90% of development falls within the Metropolitan Green Belt (MGB) which, if lost cannot be replaced elsewhere within our parish. TWBC also do not propose to replace lost MGB elsewhere in the borough which we strongly object to. We do not readily accept that 'Exceptional Circumstances' exist to warrant loss of so much irreplaceable MGB which the borough should be seeking to protect not sacrifice.

89% of development within Pembury falls within the High Weald Area of Outstanding Natural Beauty (AONB) and is contrary to the aims of the AONB designation. It is essential that developments on allocated sites previously in the MGB/AONB should be developed in line with adopted High Weald AONB Beauty Design Guide with housing densities appropriate for MGB/AONB land.

We would not want to see any significant number of houses being built without the essential infrastructure (see (2) below) being in place first.

For all of the allocated sites to be developed for housing, we would want Affordable Housing targets met (% as indicated by TWBC in The Plan) and conditions to ensure that those with a strong connection to Pembury are given a high priority.

The embryonic Neighbourhood Development Plan (NDP) for Pembury will focus on such important issues as housing design and master planning for the relevant allocated sites.

Whilst the Parish Council (also the NDP) have no intention of suggesting additional or alternative sites for allocation, in future we would wish to see brownfield sites in the borough given preference over sites in MGB/AONB for housing development.

1 Infrastructure

Our overriding concern, shared by many residents, is that Pembury already suffers from an infrastructure deficit, such that if some or all of the proposed sites were developed, Pembury would be unable to cope. Such infrastructure shortfalls need to be fully assessed in advance, and resources found to remedy them.

These are the main infrastructure issues:

2.1. Roads and Traffic

We would remind you that in TWBC's Core Strategy Site Allocations Local Plan (July 2016), policy TP4 states: "Proposals will be permitted provided (inter alia) the road hierarchy and the function of routes have adequate capacity to cater for the traffic generated, and the traffic generated by the proposal does not compromise the safe and free flow of traffic or the safe use of the road by others".

We would welcome the proposed A228 Colts Hill relief road if built, and the highway improvements 'along the A228/A264 junctions, including junction capacity improvements at Woodsgate Corner, and a roundabout at Pembury Road/Halls Hole Road/Blackhurst Lane'. Nevertheless, we remain concerned about the ability of the local road system to cope with the extra traffic generated by developments at Pembury, plus those very significant developments proposed at Capel and Paddock Wood.

The Draft Pre-Submission Local Plan for Capel and Paddock Wood includes the provision of over 6,000 new homes, employment, social and physical infrastructure (such as schools and health facilities) and retail development in Paddock Wood centre. These proposals seem destined to have very significant implications for transport along the A264, A228 corridor between Tunbridge Wells, Pembury and Paddock Wood. Additional homes in Pembury, focused behind the High Street and Hastings Road, will further exacerbate the problem.

The National Planning Policy Framework (NPPF) (February 2019) seeks to "promote sustainable transport and patterns of movements, streets, parking and other transport considerations are integral to the design of schemes and contribute to making high quality places" and the Parish Council does not believe that The Plan will deliver this requirement.

The A264 Pembury Road already suffers from severe traffic congestion at any time throughout the day, causing knock-on traffic problems for roads such as Pembury High Street, Cornford Lane and both the A21 and A228. Pembury Road traffic congestion (with its associated pollution) needs to be properly addressed (e.g. by the afore-mentioned Woodsgate Corner improvements and Pembury Road roundabout in lieu of Halls Hole Road traffic lights) before there are any new major developments in Pembury.

Extra traffic within Pembury will potentially impact on the safety of road users and pedestrians. We would like there to be well executed traffic calming measures, including official 20 mph speed restrictions by the Primary School, possibly extended throughout Pembury.

We would dispute that there is capacity for the additional traffic generated by over 250 new homes in this area. The existing road network currently compromises the safe and free flow of traffic and therefore the additional traffic movements caused by the new homes will only make the situation worse.

The junction of Hastings Road and the A21 at Bo Peep Corner is a notorious accident blackspot. Insufficient signage for the entrance at the junction may have played a part in the recent fatality after a road traffic accident. Speeding vehicles through the village are a regular occurrence. Additional houses here will compromise road safety to an unacceptable level.

Problems on the A21 inevitably lead to rat-running through the country lanes in and around Pembury such as Kings Toll Road and Romford Road. The current problems experienced here will get significantly worse as a result of the proposed developments and mitigation must be put in place to address this problem.

We note that the possible full route of the Colts Hill Bypass would, if built, join the existing A228 at the junction with Maidstone Road to the north of Pembury village. The cumulative effect of traffic generated from Colts Hill to the A21 from the large, proposed developments in Capel and Paddock Wood and elsewhere needs to be modelled to show the impact on the A21 junctions and Woodsgate Corner before we can comment further.

The Parish Council remains concerned about the ability of ambulances to safely negotiate around congestion at Woodsgate Corner and the A21 slip roads with such significant amount of development

proposed. The hospital has major Accident and Emergency and Trauma units for a wide geographical area and access must be maintained at all times.

2.2. Air Pollution

Most of the proposed housing (*sites PE1, 2, 3, also PE6) will back on to the A21 and be affected more with poorer air quality than existing houses. It is also likely that increased traffic from the additional development in Pembury, Capel and Paddock Wood will lead to increased air pollution. Stationary traffic at Woodsgate Corner will also contribute to the problem. The Parish Council request that current base line air quality is assessed (in post lockdown normal times for accuracy), particularly at Woodsgate Corner and along the A21, in order to monitor the air quality in future.

*These sites are also likely to be affected by noise pollution mainly emanating from the A21, such that environmentally friendly buffer zones should be incorporated in order to mitigate this as far as possible.

2.3. Parking

There is currently a dire shortage of on/off-street car parking available within Pembury, which discourages people from being able to make use of various outlets so trade is affected. Any new housing developments should provide sufficient car parking for their new occupiers which should comply with or, preferably, exceed the Kent Design Guide Interim Guidance Note 3. Pembury is a rural village and residents rely on their cars.

We would like to see additional parking created near the Village Hall (site PE1 suggests up to 30 spaces, but this may not be enough for future demand) and at the Hospital* as overspill parking from both sites currently creates significant problems on Pembury High Street and adjacent roads. (*We note the current undetermined application for a training building alongside the Hospital if, as it appears, there is insufficient parking, will only exacerbate parking problems in the vicinity of the hospital).

2.4. Medical Facilities

An inevitable consequence of so many extra households (plus all the residents who will occupy the proposed care type homes) would be additional pressure on the already limited local medical resources. We are concerned that there has not been enough research in regard to the number of new patients generated and what extra medical facilities will be needed. We hear complaints from residents about the difficulties of booking an appointment at present. We surmise that our GPs will need to extend their current surgery by two or three consultation rooms and associated additional staffing requirements, all of which will require extra funding.

The Hospital struggles to service West Kent's swelling populace and demand may accelerate unsustainably when one factors in the effect of the Capel and Paddock Wood developments. Current waiting times are at unacceptable levels, not helped of course by the Covid pandemic.

The most recent Care Quality Commission (CQC) report published in March 2018 states that "from August 2016 to July 2017 the trust reported 364 "black breaches" (at Tunbridge Wells Hospital), with an upward trend over the period. A black breach is said to have occurred when the emergency department is unable to take over the care of a patient and release the ambulance crew to attend other jobs within 60 minutes of their arrival. It goes without saying that the hospital will require significant investment into the expansion to cope with the increased population.

2.5. Schooling

Pembury's Primary School should be consulted to ensure they can cope with the growth in population proposed and that their needs are met. Any increase in pupil numbers will have a negative impact on road safety, and parking and mitigation measures are required. The proximity of the school to the junction from Church Road onto Maidstone Road is also a concern especially as the proposed development (PE4) at Downingbury Farm would be accessed via Church Road.

2.6. Public Transport

Local bus services are insufficient to encourage less car usage in a rural village. They need to be more frequent, with better services to run later into the evening. Existing services stop before 7pm Monday to Saturday and by 4pm on a Sunday when there is a greatly reduced service.

2.7. Sewerage

We are concerned (as are local residents) that the large number of houses planned for sites PE1, PE2 and PE3 could overstretch Pembury's existing sewerage system which has already shown some signs

of strain. Also, development of site PE4 could exacerbate the sewerage problems already existent in the lower part of the village.

Additionally, there have been concerns expressed about surface water drainage issues, particularly at site PE3 which is difficult to drain. It is therefore essential that in-depth assessments of required sewerage and drainage capacity is carried out prior to development commencing, and if there is a deficit in the current systems this will need to be addressed.

2.8. Retail

As stated in our response to the Draft Local Plan, it is imperative that Pembury retains its local supermarket at Woodgate Corner; there was much concern about its future should the motor village proposal have progressed.

2.9. Cycling

We note favourably the proposal for an east-west cycle route through allocated sites PE1, PE2 and PE3, with safe access and egress with regard to junctions with the road system.

2.10 Sport and Recreation

The Parish Council is particularly concerned at the suggestion that Section 106 contributions from Pembury would be diverted to the mooted Hawkenbury Sports Hub and other recreation and play areas on the site. Both the Parish Council and Pembury Athletic Youth Football Club (PAYFC) consider this site would be unreasonably difficult for Pembury children to access as it is located on the opposite side of Tunbridge Wells.

PAYFC have previously commented on the problems that would occur. Every route that children could use to travel to the sports hub and recreation grounds is notoriously congested. The A264 into Tunbridge Wells, Halls Hole Road, and Cornford Lane, which is a narrow, often single-track, rural lane renowned as a rat-run, are most likely to be made worse by the significant development proposed in this part of the borough. Therefore, contributions for sports and recreation provision for Pembury residents should ideally focus on Pembury itself.

The Plan's Overview acknowledges the lack of sufficient open space, sport and recreation provision within Pembury. It is vital that the Borough addresses these issues bearing in mind the extra demand from new residents living in the village as a result of the proposed developments. (See comments below about loss of open space in site PE3)

2.11 Environmental issues

The Parish Council want TWBC to pay high regard to measures to mitigate against the Climate Emergency in their Local Plan. The NPPF requires that the planning system should "support the transition to a low carbon future" and "contribute to radical reductions in greenhouse gas emissions". All development should be required to support this aim.

1 **Section 106 Contributions**

We completely support the principle of developers being required to mitigate the impact of their developments by making appropriate Section 106 contributions. The Parish Council consider that developers should be obliged to make a contribution rather than this be an expectation. We are also concerned that developers will try to avoid many contributions due to "lack of viability".

As so much of the development is proposed in this part of the borough, Pembury Parish Council believe that the majority of Section 106 contributions should be focused within our parish to mitigate against the development.

For such developments that might proceed within Pembury, we would particularly want to include the following as beneficiaries of Section 106 contributions:

3.1 Highways Improvements particularly at the A21 junctions, Woodgate Corner and Bo Peep Corner; improvements to cycle routes and speed reduction initiatives **within Pembury**.

3.2 Primary School Education

3.3 Contribution for Secondary School education

3.4 Health and medical facilities

3.5 Provision of amenity/natural green spaces; children's and youth play spaces **within Pembury**

3.6 Improvements to public woodlands **within Pembury**

3.7 Improvements to public transport provision

3.8 Improved sports and recreation facilities **within Pembury**.

1 Allocated Sites

Taking each allocated site in turn, our updated comments are as follows:

4.1. AL/PE1 Land Rear of Pembury High Street

The main problem here is determining the most appropriate access to Pembury High Street. There had previously been a suggestion that this could be via the narrow driveway to the Village Hall (in combination with no. 51 High Street), we would reiterate that the Parish own that existing driveway and would not consider allowing vehicle access along it to the land behind on safety grounds.) We note that the Site Layout Plan now shows an indicative vehicle access point at 55 High Street, this being the Parish's preferred access point, but it is understandable that the precise location needs to be informed by a traffic assessment.

We are pleased that the site now has additional parking provision of c.30 spaces, but would prefer more to satisfy future demand, to serve the village hall and wider public, with separate pedestrian access to the High Street. We also favourably note that the proposed density of housing has been reduced and that an east-west cycle route is proposed, which we regard as essential.

Nevertheless, we still regret the loss of MGB and development in the AONB and retain significant concerns about the impact onto the existing road network.

4.2. AL/PE2 Land at Hubbles Farm

Again, the suggested access point is problematic as it is opposite Belfield Road which is a dangerous junction. The sight lines are not good and egress from the site to the narrow Hastings Road is dangerous.

We strongly support the intention that land is to be safeguarded for an extension of the cemetery. We favourably note the small reduction of the proposed housing density and that, if feasible, an east-west cycle route is proposed.

As before we regret the loss of MGB and development in the AONB and retain significant concerns about the impact onto the existing road network.

4.3. AL/PE3 Land south and west of Hastings Road

It is still not clear where the access point would be, but as previously stated it seems imperative that the A21 junction (with Hastings Road and Henwood Green Road) is completely remodelled to allow for safe egress and access of the proposed development site.

We favourably note the small reduction of the proposed housing density and that, if feasible, an east-west cycle route is proposed. The Site Layout Plan seems to show a proposed open space and landscape buffer. We would want this area safeguarded given that at present the majority of the land has for many years been informally used for recreation by the local community.

We regret the loss of MGB and development in the AONB, moreover any significant loss of open space amenity would be unacceptable.

4.4. AL/PE4 Land at Downingbury Farm

We favourably note that there is no longer any business use proposed on the site, replaced by the safeguarding of some MGB land for possible future expansion of the Hospice.

There are still concerns that the residential dwellings would be accessed off Church Road. The precise access point will need to be chosen carefully.

4.5. AL/PE5 Land at Sturgeons

Given that planning permission has already been granted for housing on this site, with work seemingly about to start, we make no further comment.

4.6. AL/PE6 Woodsgate Corner

Bearing in mind the overwhelming public and Pembury Parish Council opposition to the original proposed use of this site for a huge car showroom and workshop complex, we were naturally delighted when TWBC refused the associated planning application.

We reluctantly accept that the site will not remain undeveloped and that there does not appear to be an economic case for part of the site to be used for Park and Ride. In this circumstance the proposed allocation for specialist housing for older people and others with care needs is definitely preferable. Even so, we have some concerns about traffic generation in an already congested area, so it is essential that the conclusions of the proposed traffic assessment should be taken into account when determining suitable mitigation measures for the transport network.

4.7 AL/PE7 Land at Cornford Court

Given that planning permission has already been granted (albeit no work yet commenced), we make no comment beyond recording that we objected to the application.

4.8 AL/PE8 Owlsnest, Tonbridge Road

Given that planning permission has already been granted, we make no comment.

1 **In Conclusion**

Whilst we understand that TWBC is in a difficult position trying to allocate sites to match arbitrary Government imposed targets for housing, we do not wish to see Pembury's fragile infrastructure overwhelmed by an unsustainable, excessive allocation of housing.

We resent the significant loss of irreplaceable MGB that these allocations represent and the lack of relevant mitigation within the parish.

We have significant concerns about the highway network's ability to cope with increased traffic (generated by developments in Pembury, Capel and Paddock Wood) and the lack of strategic planning to mitigate against the proposed development in the Draft Pre-Submission Local Plan.

Where any new housing is permitted, we would want the essential infrastructure to be in place first, for issues such as density, access and egress, traffic etc., to be fully considered. Wherever possible, the relevant sites should include public open spaces and the environment protected and enhanced (e.g. with landscaping and tree planting).

In order to address climate change issues, building plans need to include clear and definite ways in which developers build for the future. Renewable energy is a major issue and various heat sources need to be essential planning requirements, not just suggestions.

The NDP for Pembury, once adopted, will supplement the Local Plan and hold developers (and the Borough as the Planning authority) to account in respect of future developments in our parish. Development on sites previously within the MGB/AONB should be developed in line with adopted High Weald AONB Beauty Design Guide with housing densities appropriate for MGB/AONB land.

Pembury is still a clearly defined village; it would be an irreversible mistake to allow any ill-considered developments that would have the effect of Pembury losing its identity and becoming a suburb of Tunbridge Wells.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

For office use only

If responder hasn't ticked an option on this box, Not Stated
data inputter to tick 'not stated' box.

Comment

Consultee	Ms Helen Munro [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Pembury Parish Council
Address	Parish Council Offices Lower Green Recreation Ground Pembury, Tunbridge Wells TN2 4DZ
Event Name	Pre-Submission Local Plan
Comment by	Pembury Parish Council (Ms Helen Munro [REDACTED])
Comment ID	PSLP_182
Response Date	11/05/21 16:02
Consultation Point	Policy AL/PE 1 Land rear of High Street and west of Chalket Lane (View)
Status	Processed
Submission Type	Email
Version	0.4
Data inputter to enter their initials here	AT
Question 1	
Respondent's Name and/or Organisation	Pembury Parish Council
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy PSTR/PE 1 The Strategy for Pembury parish
Allocation Policy Number A/L PE1

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

Question 5

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Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

[TWBC: this comment is part of Pembury Parish Council's whole representation - see PSLP_180]

4.1. AL/PE1 Land Rear of Pembury High Street

The main problem here is determining the most appropriate access to Pembury High Street. There had previously been a suggestion that this could be via the narrow driveway to the Village Hall (in combination with no. 51 High Street), we would reiterate that the Parish own that existing driveway and would not consider allowing vehicle access along it to the land behind on safety grounds.) We note that the Site Layout Plan now shows an indicative vehicle access point at 55 High Street, this being the Parish's preferred access point, but it is understandable that the precise location needs to be informed by a traffic assessment.

We are pleased that the site now has additional parking provision of c.30 spaces, but would prefer more to satisfy future demand, to serve the village hall and wider public, with separate pedestrian access to the High Street. We also favourably note that the proposed density of housing has been reduced and that an east-west cycle route is proposed, which we regard as essential.

Nevertheless, we still regret the loss of MGB and development in the AONB and retain significant concerns about the impact onto the existing road network.

Question 7

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If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

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If responder hasn't ticked an option on this box, data inputter to tick 'not stated' box. Not Stated

Comment

Consultee	Ms Helen Munro [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Pembury Parish Council
Address	Parish Council Offices Lower Green Recreation Ground Pembury, Tunbridge Wells TN2 4DZ
Event Name	Pre-Submission Local Plan
Comment by	Pembury Parish Council (Ms Helen Munro - [REDACTED])
Comment ID	PSLP_184
Response Date	11/05/21 16:02
Consultation Point	Policy AL/PE 2 Land at Hubbles Farm and south of Hastings Road (View)
Status	Processed
Submission Type	Email
Version	0.5
Data inputter to enter their initials here	AT
Question 1	
Respondent's Name and/or Organisation	Pembury Parish Council
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy PSTR/PE 1 The Strategy for Pembury parish
Allocation Policy Number A/L PE2

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

Question 5

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[TWBC: this comment is part of Pembury Parish Council's whole representation - see PSLP_180]

4.2. AL/PE2 Land at Hubbles Farm

Again, the suggested access point is problematic as it is opposite Belfield Road which is a dangerous junction. The sight lines are not good and egress from the site to the narrow Hastings Road is dangerous.

We strongly support the intention that land is to be safeguarded for an extension of the cemetery. We favourably note the small reduction of the proposed housing density and that, if feasible, an east-west cycle route is proposed.

As before we regret the loss of MGB and development in the AONB and retain significant concerns about the impact onto the existing road network.

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If responder hasn't ticked an option on this box, Not Stated
data inputter to tick 'not stated' box.

Comment

Consultee	Ms Helen Munro [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Pembury Parish Council
Address	Parish Council Offices Lower Green Recreation Ground Pembury, Tunbridge Wells TN2 4DZ
Event Name	Pre-Submission Local Plan
Comment by	Pembury Parish Council (Ms Helen Munro - [REDACTED])
Comment ID	PSLP_185
Response Date	11/05/21 16:02
Consultation Point	Policy AL/PE 3 Land north of the A21, south and west of Hastings Road (View)
Status	Processed
Submission Type	Email
Version	0.4
Data inputter to enter their initials here	AT
Question 1	
Respondent's Name and/or Organisation	Pembury Parish Council
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy PSTR/PE 1 The Strategy for Pembury parish
Allocation Policy Number A/L PE3

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

Question 5

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[TWBC: this comment is part of Pembury Parish Council's whole representation - see PSLP_180]

4.3. AL/PE3 Land south and west of Hastings Road

It is still not clear where the access point would be, but as previously stated it seems imperative that the A21 junction (with Hastings Road and Henwood Green Road) is completely remodelled to allow for safe egress and access of the proposed development site.

We favourably note the small reduction of the proposed housing density and that, if feasible, an east-west cycle route is proposed. The Site Layout Plan seems to show a proposed open space and landscape buffer. We would want this area safeguarded given that at present the majority of the land has for many years been informally used for recreation by the local community.

We regret the loss of MGB and development in the AONB, moreover any significant loss of open space amenity would be unacceptable.

Question 7

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If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

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Comment

Consultee	Ms Helen Munro [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Pembury Parish Council
Address	Parish Council Offices Lower Green Recreation Ground Pembury, Tunbridge Wells TN2 4DZ
Event Name	Pre-Submission Local Plan
Comment by	Pembury Parish Council (Ms Helen Munro - [REDACTED])
Comment ID	PSLP_187
Response Date	11/05/21 16:02
Consultation Point	Policy AL/PE 4 Land at Downingbury Farm, Maidstone Road (View)
Status	Processed
Submission Type	Email
Version	0.5
Data inputter to enter their initials here	AT
Question 1	
Respondent's Name and/or Organisation	Pembury Parish Council
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy PSTR/PE 1 The Strategy for Pembury parish
Allocation Policy Number A/L PE4

Question 4a

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Do you consider that the Local Plan is not sound because:

Question 5

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[TWBC: this comment is part of Pembury Parish Council's whole representation - see PSLP_180]

4.4. AL/PE4 Land at Downingbury Farm

We favourably note that there is no longer any business use proposed on the site, replaced by the safeguarding of some MGB land for possible future expansion of the Hospice.

There are still concerns that the residential dwellings would be accessed off Church Road. The precise access point will need to be chosen carefully.

Question 7

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If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

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If responder hasn't ticked an option on this box, Not Stated
data inputter to tick 'not stated' box.

Comment

Consultee	Ms Helen Munro [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Pembury Parish Council
Address	Parish Council Offices Lower Green Recreation Ground Pembury, Tunbridge Wells TN2 4DZ
Event Name	Pre-Submission Local Plan
Comment by	Pembury Parish Council (Ms Helen Munro - [REDACTED])
Comment ID	PSLP_190
Response Date	11/05/21 16:02
Consultation Point	Policy AL/PE 5 Land at Sturgeons fronting Henwood Green Road (View)
Status	Processed
Submission Type	Email
Version	0.3
Data inputter to enter their initials here	AT
Question 1	
Respondent's Name and/or Organisation	Pembury Parish Council
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy PSTR/PE 1 The Strategy for Pembury parish
Allocation Policy Number A/L PE5

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

Question 5

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[TWBC: this comment is part of Pembury Parish Council's whole representation - see PSLP_180]

4.5. AL/PE5 Land at Sturgeons

Given that planning permission has already been granted for housing on this site, with work seemingly about to start, we make no further comment.

Question 7

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If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

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Comment

Consultee	Ms Helen Munro [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Pembury Parish Council
Address	Parish Council Offices Lower Green Recreation Ground Pembury, Tunbridge Wells TN2 4DZ
Event Name	Pre-Submission Local Plan
Comment by	Pembury Parish Council (Ms Helen Munro - [REDACTED])
Comment ID	PSLP_191
Response Date	11/05/21 16:02
Consultation Point	Policy AL/PE 6 (View)
Status	Processed
Submission Type	Email
Version	0.3
Data inputter to enter their initials here	AT
Question 1	
Respondent's Name and/or Organisation	Pembury Parish Council
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy PSTR/PE 1 The Strategy for Pembury parish
Allocation Policy Number A/L PE6

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

Question 5

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[TWBC: this comment is part of Pembury Parish Council's whole representation - see PSLP_180]

4.6. AL/PE6 Woodsgate Corner

Bearing in mind the overwhelming public and Pembury Parish Council opposition to the original proposed use of this site for a huge car showroom and workshop complex, we were naturally delighted when TWBC refused the associated planning application.

We reluctantly accept that the site will not remain undeveloped and that there does not appear to be an economic case for part of the site to be used for Park and Ride. In this circumstance the proposed allocation for specialist housing for older people and others with care needs is definitely preferable. Even so, we have some concerns about traffic generation in an already congested area, so it is essential that the conclusions of the proposed traffic assessment should be taken into account when determining suitable mitigation measures for the transport network.

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If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

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If responder hasn't ticked an option on this box, Not Stated
data inputter to tick 'not stated' box.

Comment

Consultee	Ms Helen Munro [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Pembury Parish Council
Address	Parish Council Offices Lower Green Recreation Ground Pembury, Tunbridge Wells TN2 4DZ
Event Name	Pre-Submission Local Plan
Comment by	Pembury Parish Council (Ms Helen Munro - [REDACTED])
Comment ID	PSLP_192
Response Date	11/05/21 16:02
Consultation Point	Policy AL/PE 7 Land at Cornford Court, Cornford Lane (View)
Status	Processed
Submission Type	Email
Version	0.3
Data inputter to enter their initials here	AT
Question 1	
Respondent's Name and/or Organisation	Pembury Parish Council
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy PSTR/PE 1 The Strategy for Pembury parish
Allocation Policy Number A/L PE7

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

Question 5

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[TWBC: this comment is part of Pembury Parish Council's whole representation - see PSLP_180]

4.7 AL/PE7 Land at Cornford Court

Given that planning permission has already been granted (albeit no work yet commenced), we make no comment beyond recording that we objected to the application.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

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Comment

Consultee	Ms Helen Munro [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Pembury Parish Council
Address	Parish Council Offices Lower Green Recreation Ground Pembury, Tunbridge Wells TN2 4DZ
Event Name	Pre-Submission Local Plan
Comment by	Pembury Parish Council (Ms Helen Munro - [REDACTED])
Comment ID	PSLP_193
Response Date	11/05/21 16:02
Consultation Point	Policy AL/PE 8 Owlsnest, Tonbridge Road (View)
Status	Processed
Submission Type	Email
Version	0.3

Data inputter to enter their initials here AT

Question 1

Respondent's Name and/or Organisation Pembury Parish Council

Question 3

To which part of the Local Plan does this representation relate? Policy

Question 3a

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy PSTR/PE 1 The Strategy for Pembury parish

Allocation Policy Number A/L PE8

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

Question 5

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[TWBC: this comment is part of Pembury Parish Council's whole representation - see PSLP_180]

4.8 AL/PE8 Owlsnest, Tonbridge Road

Given that planning permission has already been granted, we make no comment.

Question 7

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If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

For office use only

If responder hasn't ticked an option on this box, data inputter to tick 'not stated' box. Not Stated

Comment

Consultee	Claire Knoops [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Pembury Village Hall Management Committee
Address	Pembury Village Hall 49 High Street Pembury TN2 4PH
Event Name	Pre-Submission Local Plan
Comment by	Pembury Village Hall Management Committee [REDACTED]
Comment ID	PSLP_834
Response Date	28/05/21 20:01
Consultation Point	Policy AL/PE 1 Land rear of High Street and west of Chalket Lane (View)
Status	Processed
Submission Type	Email
Version	0.8
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Claire Knoops, Pembury Village Hall Management Committee
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy AL/PE 1 Land rear of High Street and west of Chalket Lane

Paragraph Number 5.665

Policies Map (Inset Map No(s)) Map 64

Question 4

Do you consider that the Local Plan:

Is legally compliant	Yes
Is sound	No
Complies with the Duty to Cooperate	Yes

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because: . It is not justified

Question 5

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The Pembury Village Hall Management Committee considers that the 2nd requirement for this policy re additional parking 'to serve the adjacent village hall and the wider public' is not justified. This new proposal for a facility to include public car parking was not mentioned in the Draft Local Plan. PVHMC considers it is not an appropriate strategy because:

- (a) the site is too far from the centre of the village to meet the wider demand for public parking,
- (b) the public parking spaces would be used by residents of the new houses instead,
- (c) it would be impractical to manage the village hall car park extension on this basis,
- (d) it would be difficult for the many different village hall users to find their way to a vehicular car park access via the development site,
- (e) the proposed arrangement is not in the interests of village hall users,
- (f) the inclusion of a few public parking spaces on this site would not provide enough benefit to form a significant part of the required exceptional circumstances for construction of 50-60 dwellings on the Green Belt.

If the facility was exclusively an overspill car park for village hall users only this could be achieved far better with a one way system, IN from the existing village hall car park and OUT via the development access road. It would still be of some wider benefit for the village as it would help reduce the amount of on-street parking in the High Street when the hall is busy.

Creating a pedestrian link for the wider public is an unnecessary complication with very little benefit in terms of walking distance compared to using the development access road. There is enough room for hall users to drive carefully and safely past pedestrians walking back up to the entrance to the hall.

Question 6

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

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Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Question 5 above. (Please note that non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Suggested revised wording of AL/PE1, section 2:

There shall be additional overspill parking provision of approximately 30 spaces within the design of the scheme, to serve the adjacent village hall, the area for which is shown indicatively on the site layout plan. This land shall be transferred to the Trustees of Pembury Village Hall upon completion. Vehicular access to this shall be IN from the existing village hall car park and OUT via the development site itself, thereby enabling children and other hall users to be dropped off safely at the entrance to the hall rather than in the High Street.

Question 7

***Please note** the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.*

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)? Yes, I wish to participate in hearing session(s)

Question 7a

***Please note** the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.*

If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

The revisions of the Draft Local Plan Policy AL/PE1 contained in the Pre-submission Local Plan would have a material adverse impact on the management of Pembury Village Hall.

The development should only include an overspill car park for the village hall, whose Trustees do not accept that public parking spaces on this site would provide enough benefit to justify the exceptional circumstances for construction of 50-60 dwellings on the Green Belt.

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box: Yes, I wish to be notified of future stages of the Local Plan

Comment

Consultee	Fiona Pengelley [REDACTED]
Email Address	[REDACTED]
Address	
Event Name	Pre-Submission Local Plan
Comment by	Fiona Pengelley [REDACTED]
Comment ID	PSLP_105
Response Date	10/05/21 17:31
Consultation Point	Policy STR/SS 3 The Strategy for Tudeley Village (View)
Status	Processed
Submission Type	Web
Version	0.2
Question 1	

Respondent's Name and/or Organisation	Fiona Pengelley
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Question 3

To which part of the Local Plan does this representation relate?	Policy
--	--------

Question 3a

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy STR/SS 3 Strategy for Tudeley Village

Policy STR/SS 1 Strategy for Paddock Wood, including land at east Capel

Question 4

Do you consider that the Local Plan:

Is legally compliant	Don't know
----------------------	------------

Is sound	No
----------	----

Complies with the Duty to Cooperate	Don't know
-------------------------------------	------------

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

- . It is not effective
- . It is not justified
- . It is not consistent with national policy

Question 5

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

I have lived in Capel for 33 years. All my three children were born at Pembury Hospital. I have volunteered as a debt, housing and welfare benefit adviser at Paddock Wood Community Advice Centre since it was founded in 2012 and before that I worked for the Citizens Advice Bureau in Paddock Wood.

I object to the two policies written below.

Policy STR/SS 3 Strategy for Tudeley Village

I OBJECT TO the proposal to build a new town of nearly 3,000 homes at Tudeley in the parish of Capel on Greenbelt land.

The draft local plan is **NOT “Sound”**; It is **NOT “Justified”** and because it has **fundamental inconsistencies with National planning policy** it is **NOT “Effective”**.

TWBC has said that “if the draft local plan is agreed it will allow the Council to meet government-imposed housing targets in the way that is considered to be the most appropriate for the borough as a whole”.

How can the total destruction of Green Belt and AONB in the Parish of Capel be appropriate for the borough as a whole? It is totally disproportionate to put 5,000 new homes into one singular rural parish within the Borough and which currently only has 918 homes. Once these developments have been allowed then the number of future homes being built on the area will increase. The damage will have been done. Tonbridge, Five Oak Green and Paddock Wood will be joined together and therefore the buffer zone which greenbelt land provides will have been destroyed. We will have one urban sprawl. TWBC are not protecting our heritage but are destroying it.

The plan preparation process did not include Tudeley (sites CA1 and CA2) until after the Issues and Options Process in 2017. This means that the largest housing area in the plan did not go through most of the plan preparation process. Protecting Green Belt was a key priority for people who participated in the Issues and Options consultation.

The housing need calculated by the government can be reduced if it requires development of Green Belt land unless “exceptional circumstances” exist. The NPPF clearly states in paras 133 to 147 that green belt should only be released in exceptional circumstances BUT that housing need is NOT able to be used as “exceptional circumstances” to overrule AONB/Green Belt. TWBC has not shown what the exceptional circumstances are that would allow them to build on AONB and Green Belt.

TWBC commentated that the proposed site at Tudeley was more preferable to anywhere else in the Borough because they could deal with only one landowner.

TWBC has not shown that they have considered brownfield sites across the borough to build additional housing. Social housing is the highest priority for extra housing not 5 bedroom executive homes. Brownfield sites provide a far better site for social and affordable housing because they are close to existing amenities and public transport.

TWBC Greenbelt Study Stage 3 (March 2021) recorded that the impact on the destruction of greenbelt to be **VERY HIGH HARM AT TUDELEY VILLAGE AND CAPEL EAST**

The infrastructure has not been addressed sufficiently and the proposed Colt's Hill ByPass will destroy AONB land and cause further polluting and congestion on the minor roads in the Parish. The developer has included a train station in the plans for Tudeley New Town and National Rail have specifically stated that they will not build an additional station between Tonbridge and Paddock Wood.

TWBC received over 1000 comments on their proposed plan for a new town at Tudeley, 97% of these comments were objections. By including it in their Draft Local Plan they have shown a complete lack of engagement with the public response to Reg 18.

Policy STR/SS 1 Strategy for Paddock Wood, including land at east Capel

I object to the inclusion of land for development in East Capel in "The Strategy for Paddock Wood" (Policy STR/PW1). It is disingenuous for TWBC to include this land within its strategy for Paddock Wood in order to pretend that it is not dumping 5,000 houses in the parish of Capel. The site is in the parish of Capel not Paddock Wood.

This land is Green Belt land and should only be built upon if an "exceptional circumstance" exists. TWBC's own assessments in their Sustainability Appraisal show that Paddock Wood can expand and meet most of the plan's aims without using the Green Belt land at East Capel. The comment above about coalescence and the creation of a conurbation from Paddock Wood right across to Tonbridge is very relevant here, as is the land's use as a flood plain. Building here, even with flood risk mitigation and "betterment" could have disastrous consequences for all, as the measures being looked at are based on old data that does not fully consider the impact of climate change.

Question 6

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Remove Tudeley New Town and development at East Capel as they are being built on greenbelt and place the necessary housing on brownfield sites and within the town centres which need regeneration

Question 7

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If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

No, I do not wish to participate in examination hearing session(s)

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:

Yes, I wish to be notified of future stages of the Local Plan

Comment

Consultee	Martin Pengelley [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] Tonbridge [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Martin Pengelley [REDACTED]
Comment ID	PSLP_103
Response Date	10/05/21 15:23
Consultation Point	Policy STR/SS 3 The Strategy for Tudeley Village (View)
Status	Processed
Submission Type	Web
Version	0.3
Question 1	
Respondent's Name and/or Organisation	Martin Pengelley
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
Policy STR/SS 3 for Tudeley village	
Policy STR/SS 1 for Paddock Wood, including land at east Capel	
Question 4	
Do you consider that the Local Plan:	
Is legally compliant	Don't know
Is sound	No

Complies with the Duty to Cooperate

Don't know

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

- . It is not effective
- . It is not justified
- . It is not consistent with national policy

Question 5

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

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TUNBRIDGE WELLS BOROUGH

DRAFT LOCAL PLAN (REGULATION 19)

Consultation 26 March to 04 June 2021

Name: Martin Pengelley

Responding as: An individual and local resident of 33 years

Address: Capel, Tonbridge, Kent TN12 [TWBC: part of postal address redacted to protect personal data]

OVERVIEW COMMENTS

Policy STR/SS 3 Strategy for Tudeley Village

I OBJECT TO the proposal to build a new town of nearly 3,000 homes at Tudeley in the parish of Capel and **OBJECT TO** the proposals for even more housing on Greenbelt land.

The draft local plan is **NOT "Sound"**. It is **NOT justified** and has **fundamental inconsistencies with national policy**, thus it is **NOT effective**.

The land to be used is Greenbelt and adjacent to AONB. To use Greenbelt land there needs to be "exceptional circumstances" and housing need is NOT sufficient to overrule Greenbelt.

In the press in 2019, TWBC has been quoted as saying "If the Draft Local Plan is agreed it will allow the Council to meet government-imposed housing targets in the way that is considered to be the most appropriate for the Borough as a whole." This confirms that the Council have been lead by the government targets, NOT by local housing needs. There is insufficient evidence that the local housing needs exist such that a new town at Tudeley, on Greenbelt land, is justified. The draft local plan does not provide evidence of the "exceptional circumstances" required to develop Greenbelt land.

Any consideration of this ill-thought through plan should take account of the fact that it comes from a council that proposed running up significant debt to finance a hugely costly theatre, a reckless proposal that was palpably not wanted by the people of the borough.

Taken together, **Policy STR/SS 3 Strategy for Tudeley Village** and **Policy STR/SS 1 Strategy for Paddock Wood, including land at east Capel** would lead to nearly 5,000 new homes in the parish of Capel. As the parish currently has around 900 homes, this level of development is NOT proportionate and is insensitive development for a rural parish.

FULL COMMENTS

We have lived in our home in Capel for 33 years. Our children were all born at Pembury hospital and have grown up here. The parish is a rural one, predominantly made up of Greenbelt or AONB countryside. That is what attracted us to move here and why we have enjoyed our lives here in the countryside. We are shocked that our local council can propose that the character of such a beautiful place to live should be destroyed. And that it should be done through ignoring the longstanding policy of protected Greenbelt land, simply due to central government direction rather than through a thorough assessment of actual local needs.

I OBJECT TO the Policy STR/SS 3 Strategy for Tudeley Village proposal to build a new town of nearly 3,000 homes at Tudeley in the parish of Capel and **OBJECT TO the Policy STR/SS 1 Strategy for Paddock Wood, including land at east Capel** proposals for even more housing on Greenbelt land in the parish of Capel.

The draft local plan is **NOT “Sound”**. It is **NOT justified** and has **fundamental inconsistencies with national policy**, thus it is **NOT effective**.

The land to be used is Greenbelt and adjacent to AONB. To use Greenbelt land there needs to be “exceptional circumstances” and housing need is NOT sufficient to overrule Greenbelt.

In press/BBC TV in Oct 2019, **TWBC** has been quoted as saying “If the Draft Local Plan is agreed it will allow the Council to meet government-imposed housing targets in the way that is considered to be the most appropriate for the Borough as a whole.” This confirms that the Council have been lead by the government targets, not by local housing needs. There is insufficient evidence that the local housing needs exist such that a new town at Tudeley, on Greenbelt land, is justified.

Jake Berry (Minister DHCLG) stated in April 2019 that: “the housing need figure is not a mandatory target. Local Authorities should make a realistic assessment of the number of homes their communities need, using the standard method as the starting point in the process. Once this has been established planning to meet that need will require consideration of land availability, relevant constraints and whether the need is more appropriately met in neighbouring areas... **The NPPF is clear that only in exceptional circumstances may a Green Belt boundary be altered, through the Local Plan process. Last year we strengthened Green Belt policy in the revised NPPF**”.

Brandon Lewis (Housing Minister 2015) stated clearly that “maintaining strong protection for the Green Belt is national policy and LAs are required to observe this. In the context of planning applications or appeals, **the policy is that unmet housing need alone will not amount to the “very special circumstances” to justify planning permission for inappropriate development on Green Belt.** We have repeatedly made clear that demand for housing alone will not change Green Belt Boundaries.”

- . 69% of the Tunbridge Wells borough is designated as an Area of Outstanding Natural Beauty (AONB)
- . There are 10 Sites of Special Scientific Interest (SSSI)
- . 22% of the borough's land is designated as Green Belt (Source: TWBC website, Key Borough Statistics)

Consequently, Government imposed housing targets are **disproportionate** for a borough with such a high proportion of land being Greenbelt and/or AONB.

Government targets are based off 2014 ONS data not the updated 2016 numbers which are at a lower level.

Roger Gough, leader of Kent County Council, has said about housing plans in Kent: “the consensus is housing has moved ahead of infrastructure. We are talking about roads, we are talking about schools.....we do need to work together to present to government what is required in terms of a balanced approach. People must not feel that housing is coming on such a scale in places that it is not balanced with the infrastructure that comes with it.” (**Courier October 11, 2019**, page 14)

Greenbelt land. The concept of Greenbelt land was established specifically to stop the spread of towns into adjoining countryside so that different towns merged to form larger conurbations. By building the new town in Tudeley, **Policy STR/SS 3**, and expanding Paddock Wood on the Greenbelt land to its west, **Policy STR/SS 1**, the effect will be to create a large conurbation/built up area incorporating Five Oak Green and Tonbridge. Precisely against the intended purpose of Greenbelt land.

TWBC's own study, Green Belt Study Stage Three produced by LUC in November 2020, states that the “garden village” at Tudeley “is large enough to be considered a town”. The report concludes that for both the new town at Tudeley and the land at East Capel near Paddock Wood would have “high

harm” on the greenbelt, with material parts producing the highest negative test of “very high harm” on a scale of seven categories of affect on the greenbelt.

The proposed developments are NOT Proportionate.

- 1 The parish of Capel has around 900 homes. **Policy STR/SS 3** and **Policy STR/SS 1** add nearly 5,000 homes to the parish of Capel. That is absolutely NOT proportionate. Why has the draft local plan chosen to separately account for the homes in the single parish between those in the new town at Tudeley and those west of Paddock Wood? The planning officer has said that it is to “avoid double counting”. Those words of qualification immediately suggest a deceit. To avoid double counting, one could equally as well have said that nearly 5,000 homes are in Capel but, of these, some 2,000 are accounted for in the plans for Paddock Wood. Is this sleight of hand to try and deliberately hide the actual impact on the parish of Capel of the, NOT proportionate, greater than quintupling in the number of homes?
- 2 By another measure the proposed development is NOT proportionate. Over half of the planned housing development for TWBC will be in just one of its twenty council wards.
- 3 Taking a measure of the number of inhabitants shows the development planned is NOT proportionate. There are currently less than 2,500 residents of the parish of Capel. This will grow to around 6 times that number when all these proposed houses are built. A parish with around 2% of the population of TWBC will get over 50% of the planned housing development.

Local needs. What level of diligence has been applied to the work to identify local needs? Not just in numbers of houses, but also in the type of housing? Building a new town at Tudeley is highly likely to generate executive homes which are far more profitable for the developer, than social or affordable housing. Yet the local need is for affordable or social housing.

Has TWBC undertaken its work to identify all the brownfield sites with similar diligence as they have asked landowners to put up greenfield sites for development? Did they initiate visits to potential land owners to encourage the provision of brownfield land, as they did for greenfield categories? **Para 137 NPPF** requires local planning authorities to “examine fully all other options for meeting its identified need for development” before concluding whether exceptional circumstances exist to justify changes to Green Belt boundaries. If TWBC used greater efforts in seeking out landowners for greenfield land than brownfield, the draft plan fails that test.

Enfield is an example showing that the process that councils use to assess brownfield land is often inadequate. The council in Enfield identified a brownfield register for 2,700 homes. Local resident groups identified non-green sites and visited each site to assess its suitability as brownfield. This found space for 37,000 homes.

Housing density. What assumptions have been used by TWBC on housing density in the new town at Tudeley? The destruction of protected Greenbelt land should certainly justify a high level of housing density to reduce the irreversible loss of the valuable natural landscape. Insufficient housing density is a ground for refusal of a Local Plan.

Transport considerations. Para 138 NPPF states that: “Where it has been concluded that it is necessary to release Green Belt land for development, plans should give first consideration to land which has been previously-developed and/or is well-served by public transport.” It is quite obvious that the new town at Tudeley is not well served by existing public transport. Extra car usage will be generated on roads, many of which are narrow enough not to have a white line lane divider, that are already congested at peak hours. Today the road at the primary school at Five Oak Green is congested at school opening and closing hours. That school has around 200 pupils and the proposed secondary school on an adjacent site will have around 2,000 pupils. What will that mean for the congestion in the future?

Whilst a new road is proposed south of Five Oak Green, this too is in Greenbelt land, resulting in yet more destruction of the protected natural environment. The roundabout at the Colt’s Hill end of Alders Road will encourage ease of access onto the proposed Colt’s Hill bypass, thus driving traffic down Alders Road at peak times rather than along the proposed new road south of Five Oak Green. Additionally, the proposed Colts Hill bypass is in both Greenbelt and AONB land.

What unremovable protections have TWBC put in place that any proposed transport alleviation measures WILL be put in place at the same time as any new developments proceed? There is plenty of evidence that planned undertakings are not enforced once planning has been granted (eg Marden station lift for disabled access).

Sustainability assessment. As per TWBC's own Sustainability Assessment, the housing objective is compatible with only 5 of the 19 sustainability objectives and is incompatible with 9 of them. By TWBC's own standards, this shows a dramatic lack of sustainability and poorly thought through planning.

Hospital capacity and extra needs. A new town and 4,000 new homes in Capel will put great pressure on the services at the Kent & Sussex hospital at Pembury. What work has been done to assess the extra demand and the current capacity of the hospital to cope with this? How can TWBC guarantee the extra resources needed to fund the necessary hospital expansion?

Natural environment. The destruction of greenfield land and Greenbelt land will impact adversely on the natural environment and the wildlife in the area. There is an RSPB nature reserve south of Alders Road less than one mile from the proposed new town in Tudeley. The rise in birds of prey, Buzzards and Sparrow Hawks in particular, that we have witnessed and evidenced within the last few years, will be impacted adversely given the range of land they cover. The agricultural heritage of the parish will be lost for ever.

Flooding and water supply. There is already much known about the issue of flooding in Five Oak Green and other parts of Capel parish. The proximity of the new town to the natural flood plain of the Medway should be properly assessed, including the impact downstream of faster run off. How much increase is there in the likelihood of damaging floods in Yalding, which already suffers regularly in times of heavy rain?

As well as flooding considerations, research should be done on water supply. The whole of the South East is a region of stress for water supply. What professional research has been done on the extra demand from the new town and 4,000 extra homes. Where will the water supply come from? Are there sufficient supplies available?

Air quality, light and noise pollution. The extra housing, cars, street lighting and all that goes with a new town, will lead to increased levels of pollutants in the air and poorer air quality, coupled with noise and light pollution in what is now a rural, Greenbelt area. The quality of the environment in the parish of Capel will be irreparably damaged and changed for the worse; for ever. Is this consistent with a desire for betterment of the parish? It is certainly a total destruction of the existing way of life.

Listed buildings and historic site of Tudeley church. Marc Chagall is a world-renowned artist and only one church in the world has all its windows designed by him; Tudeley church. A key contributor to the ambience of this historic church is its setting in the green fields of Kent. This will be lost when the fields are destroyed and the church is surrounded on three sides by the new town at Tudeley. Has there been a proper assessment on this historic site and the other listed buildings in the parish and its surroundings?

Soil quality. The Greenbelt, agricultural land that will be forever destroyed is of what quality? What proportion of the good quality agricultural land in the TWBC area will be lost? Has there been sufficient consideration of such issues?

Mitigating climate change. There is little evidence that adequate weighting has been given to the topic that is getting widespread coverage now, that of climate change. As the ultimate threat from climate change is negative for every human being, everything that can be done to mitigate the adverse impact from development on climate change should be done. Under government NPPF guidelines, proposed development needs to consider the impact of climate change. In the area of the proposed new town for Tudeley, flood risk is an issue for consideration. As well as the impact of extra carbon emissions in the construction of the new town and the existence of greater population density afterwards. Has sufficient work be done by TWBC on this issue?

Regulation 18 responses ignored. There were over 1,000 comments objecting to the draft local plan at Regulation 18. How many changes to the draft local plan were made in direct response to these specific objections to the new town at Tudeley? The supposed consultation with the local community is a sham; a process of consultation in name only to get round the legal need to "consult", with no account being taken of the significant body of objections or any action being taken to revisit the plan for a new town and development concentrated in just one area of the borough.

CONCLUSION FOLLOWS ON NEXT PAGE

CONCLUSION

In conclusion, I contend that this draft Local Plan and the concept of the new town to be built on Greenbelt land in Capel, has been poorly thought through, is a 'convenient' solution to meeting government imposed targets rather than addressing local needs and provides no "exceptional circumstances" to justify the destruction of Greenbelt land and riding roughshod over the long established precedents to protect the Greenbelt.

Any consideration of this ill-thought through plan should take account of the fact that it comes from a council that proposed running up significant debt to finance a hugely costly theatre, a reckless proposal that was palpably not wanted by the people of the borough.

The draft local plan is **NOT "Sound"**. It is **NOT justified** and has **fundamental inconsistencies with national policy**, thus it is **NOT effective**.

Question 6

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

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Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Question 5 above. (Please note that non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Removing from the draft local plan the proposed new town at Tudeley would be a start.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

No, I do not wish to participate in examination hearing session(s)

Question 8

If you have any separate comments you wish to make on the accompanying Sustainability Appraisal, please make them here.

Sustainability assessment.

As per TWBC's own Sustainability Assessment, the housing objective is compatible with only 5 of the 19 sustainability objectives and is incompatible with 9 of them. By TWBC's own standards, this shows a dramatic lack of sustainability and poorly thought through planning.

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:

Yes, I wish to be notified of future stages of the Local Plan

Comment

Consultee	Michael Perry [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] Five Oak Green [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Michael Perry [REDACTED]
Comment ID	PSLP_140
Response Date	16/05/21 09:14
Consultation Point	Policy STR/SS 1 The Strategy for Paddock Wood, including land at east Capel (View)
Status	Processed
Submission Type	Web
Version	0.2
Question 1	
Respondent's Name and/or Organisation	Michael Perry
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
policy STR/SS 1	
Question 4	
Do you consider that the Local Plan:	
Is legally compliant	Don't know
Is sound	No
Complies with the Duty to Cooperate	No

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

- . It is not effective
- . It is not justified
- . It is not consistent with national policy

Question 5

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After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

The area plan for Tunbridge Wells Borough has been prepared on the basis that most of the future housing requirement will be located in Paddock Wood and Capel parishes, rather than being spread across the whole borough. The result is an uneven proposal that will lead to very major issues in the Paddock Wood and Capel areas.

Particular issues that will arise as a result of this centralised approach are:

. **Loss of Green Belt.**

The Metropolitan Green Belt was established as a policy to control urban growth with the fundamental aim of preventing urban sprawl. A very high percentage of the proposed development in Paddock Wood and East Capel requires the sacrifice of green belt land. This goes against the very principals of the creation of green belt. No development should be taking place on green belt land. The proposal fails four of the five stated purposes of green belt:

- i It does not check the sprawl of large built up areas, exactly the opposite.
- ii It does not prevent the merging of Paddock Wood with Five Oak Green. The two centres would abut each other as a result of this plan.
- iii The policy would mean that the countryside is encroached by development.
- iv It does not assist urban regeneration as it does not encourage the recycling of derelict and other urban land.

. **Flood Plain**

Despite the 'green' areas contained in the plan, the whole of the proposed development is on flood plain. It will be impossible to entirely mitigate against the impact of this loss on either existing or new properties. At the moment the area is prone to flooding on a regular basis and further development will make this considerably worse.

. **Infrastructure**

During the consultation we have been advised by the planning officer that it will not be possible to deal with infrastructure issues prior to the development taking place, as the costs of this are reliant on s106 monies. The planning officer has also used the words 'life will be hell in Paddock Wood for fifteen years, but that can't be helped.' If the necessary developments were spread across the Tunbridge Wells Borough, with lots of smaller projects, whilst difficult, it seems feasible for much of the necessary infrastructure to be added after development. With the proposals for Paddock Wood the town will

grind to a halt without infrastructure issues being dealt with prior to development. The burden of the proposed massive expansion of houses on roads, health and education would be disastrous. At the moment the level of additional development that has taken place recently, is already creating serious infrastructure issues that have not been addressed.

The Council have not put in sufficient thought into the issues that will occur if infrastructure is not dealt with in advance of development. The plan should be changed either to one where the housing is spread across the whole borough or alternatively the council commits to funding very major infrastructure improvements well before development starts, taking on board the possibility that they may not be able to recover these monies.

Consultation

Whilst the Borough Council has gone through the normal consultation, most recently through the section 18 process, they have taken no notice of the very high number of comments and objection to the plan, as it impacts Paddock Wood and Capel. It appears that the council never had any intention of altering their plans, in the light of public feedback, as the response was so overwhelming and has not led to changes. The council have followed the formal procedures that are required to consult on a local plan, without entering into the spirit of the process.

Question 6

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Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Question 5 above. (Please note that non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

- . The plan should be re-drawn removing all development in green belt land and alternatively spreading development across the borough, with greater emphasis on brown field sites.
- . Development should not be allowed on the flood plain.
- . If the plan goes forward in substantially the current format, then the council should be compelled to put in place the necessary infrastructure prior to development commencing.
- . The plan should be amended to take account of the very high level of public comments and suggestions.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

No, I do not wish to participate in examination hearing session(s)

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:

Yes, I wish to be notified of future stages of the Local Plan

Comment

Consultee	Michael Perry [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] Five Oak Green [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Michael Perry [REDACTED]
Comment ID	PSLP_141
Response Date	16/05/21 09:28
Consultation Point	Policy STR/SS 1 The Strategy for Paddock Wood, including land at east Capel (View)
Status	Processed
Submission Type	Web
Version	0.2
Question 1	
Respondent's Name and/or Organisation	Michael Perry
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
STR/SS 1	
Question 4	
Do you consider that the Local Plan:	
Is legally compliant	No
Is sound	No
Complies with the Duty to Cooperate	Don't know

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

- . It is not effective
- . It is not justified
- . It is not consistent with national policy

Question 5

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I am the owner of Badsell Manor, located in the area covered by the policy. Badsell Manor is the property identified in the plan as a site of historic interest to be protected.

Badsell Manor is a medieval moated manor house whose origins go back almost 900 years and is the most important historic building lying within the scope of this policy. A listed building, the property has had a colourful history having been the home to eminent historic owners. A full history of the property is documented on the website www.badsellmanor.co.uk.

In preparing the plan the Borough Council do not appear to have taken into full account Historic England's guidance contained in 'The Historic Environment and Site Allocations in Local Plans' under Historic England Advice Note 3.

Under s72 Planning (Listed Buildings and Conservation Areas) Act 1990, the local plan should set out a positive strategy for the conservation and enjoyment of the historic environment, in which the desirability of sustaining and enhancing the significance of heritage assets should be considered (NPPF paragraph 126). The plan does not properly protect Badsell Manor and its important moated curtilage.

Development will be expected to avoid or minimise conflict between any heritage asset's conservation and any aspect of the proposal, taking into account an assessment of its significance (NPPF paragraph 129.) I do not believe that the Borough Council have properly assessed the importance of this site and have certainly not visited the site to help evaluate its importance. Under NPPF paragraph 132 consideration should have been given to the importance of this site.

Any proposals that result in harm to heritage assets need to be fully justified and evidenced to ensure that they are appropriate, including mitigation or compensation measures. This patently has not been done with development being proposed within the very area (which I consider has been wrongly calculated) which the Council themselves have designated as a site of historic interest to be protected.

The inadequate assessment of the historic site, on which Badsell Manor is situated has led to the council simplistically applying an area of historic importance of 300 metres centred on the Badsell Manor building. This is a negligent approach that takes no account of the setting, where the Southerly aspect is less important to protect due to other listed buildings and the road B2017 but the Northerly

aspect has great importance. Of particular relevance is the working moat which runs to within 50 metres of the curtilage. The plan simply provides for a very thin strip of woodland beyond this, with a cycle path running immediately beyond this. This does not comply with the advice from Historic England which states that 'Buffer zones and set distances can be a useful starting point but may not be appropriate or sufficient in all cases.'

The property has historically enjoyed a rural setting, surrounded by open fields. The area plan would permanently destroy this setting. The plan has identified the importance of this site and nominally has provided a three hundred metre circle surrounding the house, as a site of historic interest to be protected. The plan does not however properly protect the property. Changes could be made, having little impact on the development provisions of the plan, whilst helping to mitigate the impact on this historic site. Particular attention should be paid to:

- . The area highlighted as being a 'site of historic importance to be protected' should not be a simple 300 metre radius from the Badsell Manor as a building and should take into account the curtilage of the site. Of particular historic interest is the unusual working moat that lies principally to the North of Badsell Manor; centring the protective area on just the house ignores the importance of this feature. It is of the greatest importance to protect the North of the site, where the area highlighted in the plan is only 50 metres from the curtilage of the property and 75 metres from the moat.
- . The South West corner of the sports hub significantly ingresses on the site of historic importance. This clearly fails to protect this historic site and demonstrates that the Council have not researched and taken proper account of the site.
- . The most southerly pedestrian / cycle route passes within 50 metres of the curtilage of the site of Badsell Manor. This should be moved to the North.
- . Within the circle identified as being of historic importance there is residential development clipping inside the historic site. This makes a mockery of attempting to protect this important listed building.
- . The green landscape corridor lying to the North of Badsell Manor would better serve to protect the historic site as well as being positive environmentally, if it was to be designated as woodland to be planted.

Question 6

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- . The site of historic importance should be extended so that it extends to 300 metres North of the curtilage of the site, not just 300 metres from the centre of the manor house.
- . The site of historic importance should be respected by changing the proposed sports hub area so that it does not encroach on this area. The planting of mixed woodland would go some way to protect the historic site as well as being environmentally positive.
- . The site of historic importance should be respected by changing the proposed residential building inside this area (lying to the North East of Badsell Manor) so that it does not encroach on this area. The planting of mixed woodland would go some way to protect the historic site as well as being environmentally positive.

- . The green landscape corridor to the North of Badsell Manor should be planted with mixed woodland to help protect Badsell Manor and for positive environmental reasons including flood plain management.
- . The proposed pedestrian / cycle route lying to the North of Badsell Manor, should be moved 250 metres to the North to protect the site of historic importance.

Question 7

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If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

. No, I do not wish to participate in examination hearing session(s)

Future Notifications

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Yes, I wish to be notified of future stages of the Local Plan

Comment

Consultee	Mr John Perry [REDACTED]
Email Address	[REDACTED]
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Mr John Perry [REDACTED]
Comment ID	PSLP_210
Response Date	18/05/21 17:20
Consultation Point	Policy PSTR/BI 1 The Strategy for Bidborough parish (View)
Status	Processed
Submission Type	Email
Version	0.4
Question 3	

To which part of the Local Plan does this representation relate? Policy

Question 3a

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy PSTR/BI 1 The Strategy for Bidborough parish

Question 4

Do you consider that the Local Plan:

Is legally compliant	Don't know
Is sound	Don't know
Complies with the Duty to Cooperate	Don't know

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

Question 5

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The calculations for affordable housing are flawed since you rely on submissions from Parish Councils, who in the main are either filled by NIMBY Councillors or are too idle to undertake a survey . Hence you only have 4 areas showing wanting such housing . As a resident of Bidborough for example I know this to be true.

The Borough should undertake an independent survey of their own .

Similarly there does not appear to be any provision for suitable retirement homes . Again, for example in Bidborough the vast majority of houses are large. And a high proportion of these householders would like to down size, thus freeing up more suitable family homes – which are in short supply as there is no space to build more. If you allowed small retirement dwelling to be built on the outskirts it would achieve both objects .

I urge the Council to consider these thoughts .

John Perry (ex Kent County Councillor ex planning committee)

Question 7

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For office use only

If responder hasn't ticked an option on this box, data inputter to tick 'not stated' box. Not Stated

Question 7a

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If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

I would like to attend any relevant meetings though and speak if invited to do so by the Inspector

Comment

Consultee	Mr John Perry [REDACTED]
Email Address	[REDACTED]
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Mr John Perry [REDACTED]
Comment ID	PSLP_211
Response Date	18/05/21 17:20
Consultation Point	Policy H 3 Affordable Housing (View)
Status	Processed
Submission Type	Email
Version	0.4
Data inputter to enter their initials here	KH
Question 1	
Respondent's Name and/or Organisation	Mr John Perry
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
Policy H 3 Affordable Housing	
Question 4	
Do you consider that the Local Plan:	
Is legally compliant	Don't know
Is sound	Don't know

Complies with the Duty to Cooperate

Don't know

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

Question 5

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Comment

Consultee	Mr John Perry [REDACTED]
Email Address	[REDACTED]
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Mr John Perry [REDACTED]
Comment ID	PSLP_212
Response Date	18/05/21 17:20
Consultation Point	Policy H 6 Housing for Older People and People with Disabilities (View)
Status	Processed
Submission Type	Email
Version	0.4
Data inputter to enter their initials here	KH
Question 1	
Respondent's Name and/or Organisation	Mr John Perry
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
Policy H 6 Housing for Older People and People with Disabilities	
Question 4	
Do you consider that the Local Plan:	
Is legally compliant	Don't know
Is sound	Don't know

Complies with the Duty to Cooperate

Don't know

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

Question 5

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John Perry (ex Kent County Councillor ex planning committee)

Question 7

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If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)? . Yes, I wish to participate in hearing session(s)

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Question 7a

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If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

I would like to attend any relevant meetings though and speak if invited to do so by the Inspector

Comment

Consultee	Richard Perry [REDACTED]
Email Address	[REDACTED]
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Richard Perry [REDACTED]
Comment ID	PSLP_740
Response Date	29/05/21 19:23
Consultation Point	Policy STR/SS 2 The Strategy for Paddock Wood Town Centre (View)
Status	Processed
Submission Type	Email
Version	0.5
Data inputter to enter their initials here	KH
Question 1	
Respondent's Name and/or Organisation	Richard Perry
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy STR/SS 2 The Strategy for Paddock Wood Town Centre

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

Question 5

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Dear Sir/Madam,I am having to email my objection to further developments around Paddock Wood area as I am not computer trained and have wasted a lot of time trying to understand what to click on etc and going round in circles as I grew up in the pre computer era so have never had any training ,this is about my limit.

I would like to object for several reasons one being most of the new houses are being built on floodplain with obvious results in the future in wetter times it has already happened in Badsell Road,and raw sewage floods gardens in Dimock Close / Ballards Way all this is only going to make it worse .

The green belt is being cut up and built on when it is supposed to be protected as Tunbridge wells claims to be green ?? Yet Hundreds of trees have been felled including many ancient Oaks,not to mention the loss of A grade farmland and Orchards.

There is not the local infrastructure in place the local doctors is over subscribed as are the dentist and nothing has been built first to allay this ,there is talk of shutting the rail bridge over the railway which is hardly a green idea as people will drive an extra 3 miles each way to get around .

None of the local roads are designed for all the extra traffic ,each house built will have at least 2 cars each, times that by the number of houses proposed it will be gridlock and extra pollution.

I would be grateful if this objection can be added I know I am not the only one who does not do computers

Question 7

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If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

For office use only

If responder hasn't ticked an option on this box, data inputter to tick 'not stated' box. Not Stated

Supporting Information File Ref No: SI_135a-d

Comment

Consultee	Mr Calvin Coxside ([REDACTED])
Email Address	[REDACTED]
Company / Organisation	Persimmon Homes South East
Address	60 College Road Maidstone ME15 6SJ
Event Name	Pre-Submission Local Plan
Comment by	Persimmon Homes South East (Mr Calvin Coxside [REDACTED])
Comment ID	PSLP_2014
Response Date	03/06/21 15:47
Consultation Point	Policy AL/HO 3 Land to the east of Horsmonden (View)
Status	Processed
Submission Type	Email
Version	0.6
Files	PSLP_2014-2088_Persimmon Homes_SI_Appendix3(not inclusive).pdf PSLP_2014-2088_Persimmon Homes_SI_Appendix1(not inclusive).pdf PSLP_2014-2088_Persimmon Homes_SI_Appendix2(not inclusive).pdf PSLP_2014-2088_Persimmon Homes_SI_Representation(not inclusive).pdf
Data inputter to enter their initials here	AT
Question 1	
Respondent's Name and/or Organisation	Persimmon Homes
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy AL/HO 3 Land to the east of Horsmonden

Policies Map 62

[TWBC: this representation has been input against Policies AL/HO 3, EN 2, EN 3, EN 9, EN 26, H 1, H2 and H 6 – see Comment Numbers PSLP_2014, PSLP_2035, PSLP_2083, PSLP_2084, PSLP_2085, PSLP_2086, PSLP_2087 and PSLP_2088. The full representation is attached as supporting information]

Question 4

Do you consider that the Local Plan:

Is sound

No

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

<input type="checkbox"/>	It is not justified
<input type="checkbox"/>	It is not consistent with national policy

Question 5

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1.0 Introduction

1.1 These representations have been prepared by Persimmon Homes South East (PHSE) in response to the Regulation 19 Pre-Submission Publication Consultation on the Tunbridge Wells Borough Council (TWBC) Draft Local Plan (hereafter referred to as the Draft Plan). These representation should be read alongside the following supporting submissions:

- . Framework Plan (Drawing Number 1519.SK01.0) prepared by FINC Architects;
- . Transport Appraisal (Dated 3rd December 2020) prepared by Markides Associates;
- . Letter from KCC Highways (Dated 14 January 2021)

1.2 In preparing these representations we have assessed the Draft Plan against the relevant legislation and national policy requirements for 'plan making'. Notably the requirement that the Plan must be 'sound'.

1.3 PHSE are broadly supportive of the Draft Plan.

1.4 In particular PHSE are supportive of the allocation of our Land at Bassetts Farm (hereafter referred to as the Site) with the 'Policy AL/HO3 Land East of Horsmonden' an allocation for "residential development providing approximately 115-165 dwellings, safeguarded land for future expansion of Horsmonden Primary School, new health centre/doctors surgery and a community orchard and open space".

1.5 As these representation demonstrate the Site is in a sustainable location and can deliver gains across all three dimensions of sustainable development in accordance with the requirements of the NPPF and broadly in accordance with allocation AL/HO3. These representations also demonstrate that the Site is deliverable, and can deliver dwellings within the early part of the Plan period.

1.6 Whilst we remain broadly supportive of the Draft Plan, we request some detailed amendments to the Draft Plan, in particular Policy AL/HO3 to ensure that the allocation is deliverable, and thereby sound.

1.7 Critically, the emerging site specific survey work suggest that indicative diagram presented in the Draft Plan for Policy AL/HO3 does not accurately or appropriately reflect the sites constraints and opportunities. We are thereby requesting that Policy AL/HO3 is amended to explicitly confirm that the diagram is indicative only, and that proposals for the site will be assessed against site specific surveys and assessments.

1.8 The structure of the document is as follows:

- . Section 2 provides a detailed overview of the Site and surroundings;
- . Section 3 sets the vision and development potential of the Site, demonstrating deliverability;
- . Section 4 sets out our observations on the emerging Development Strategy Policy AL/HO3 and sets out several recommendations to enhance the robustness and soundness of the Development Strategy policy;
- . Section 5 provides commentary on the development management policies in the Draft Plan; and
- . Section 6 provides a summary and conclusion.

2.0 The Site

2.1 The Site is located in a sustainable location on the north eastern edge of Horsmonden, within walking distance of the village's services and facilities including local bus stops, a village shop, post office, pharmacy, doctor surgery, public house, nursery and primary school.

2.2 The Site extends to approximately 14.7ha and comprises two distinct areas: an orchard area to the north; and to the south-west a complex of former farm buildings (including a Listed Building) and a former orchard. Outline Planning Permission has been granted for the redevelopment of the former farm buildings (this is considered further below).

Orchard Land

2.3 The Site is positioned on the side of a very gently sloping valley; Goudhurst Road runs along the valley contours, therefore in terms of topography the application Site slopes upwards from south to north. A Public Right of Way (PROW) traverses the Site north to south; and PROW also runs along the northern boundary.

2.4 The north boundary of the Site is defined by a field boundary and a Beyond the northern boundary is agricultural land which is currently given over to orchards. To the east of the Site is an area of woodland which enclose the site to views from the east. The western boundary is defined by a former railway line which is now heavily vegetated by mature trees and hedgerows. Beyond the former railway line is a mature residential area which comprises a range of 2 - 2.5 storey semidetached and detached units constructed in the last 20 years. The palette of materials is varied, including red/brown brick, timber weather boarding, cream painted render and tile hanging. To the south of site is situated a terrace of housing and a large detached property situated in extensive grounds.

Adjacent Consented Development Site - Bassetts Farm

2.5 Outline Planning Permission has been granted for development for up to 30 no. residential dwellings on land immediately to the south of the proposed allocation (reference TW/15/505340/OUT). The consented site, which is known as Bassett Farm, is owned and controlled by Persimmon Homes.

2.6 The consented development includes detailed approval for a site access (simple junction arrangement) with Goudhurst Road. As is discussed in Section 5, the approved junction arrangement could provide access to the allocated land and is of sufficient scale to accommodate the traffic generated by the proposed allocation.

2.7 It is envisaged that the consented site and the (proposed) allocated site could be brought forward together to deliver a well-designed sustainable extension to the village. This is discussed further in Section 5 below.

Planning History

2.8 The northern part of the site has no recent planning history of relevance nor a history of unimplemented permissions.

2.9 Outline Planning Permission has been granted for development of up to 30 no. residential dwellings on land immediately to the south of the proposed allocation (under reference TW/15/505340/OUT). The consented land is owned and controlled by Persimmon Homes.

2.10 A Reserved Matters application (reference 19/03657/REM) was submitted to Tunbridge Wells Borough Council in December 2019 for the erection of 20 dwellings, and includes the discharge of a number of conditions related to affordable housing, hard and soft landscaping, arboriculture, foul and surface drainage, biodiversity mitigation and enhancement, tracking and turning, renewable energy, water and energy conservation, boundary treatment and refuse storage. This application is currently awaiting a decision.

2.11 There have also been recent submissions for the discharge of condition 17 (Parts 1, 2 and 3) as well as for the removal of condition 9, both of which are attached to the outline consent. These applications are awaiting validation from the Tunbridge Wells Borough Council Planning Department.

SHELAA

2.12 The Site has been assessed through the submission to the Call for Sites process, and the subsequent Site Assessment, which have fed in to the creation of a Strategic Housing and Economic Land Availability Assessment (SHELAA, 2021). The SHELAA has been utilised as part of the evidence base for the emerging Local Plan and identifies the site as Parcels 297 and 82.

2.13 The assessment of the Site found that the Site has pedestrian access to the Village centre and is situated adjacent to the Limits to Built Development (LBD) area. Whilst there was varying ecological, highway, landscape and heritage sensitivity identified in the assessment this was not a precursor to the Site not being suitable for coming forward for development. The assessment concluded that this site is considered suitable as a potential site allocation.

2.14 As a national housebuilder Persimmon Homes intention to develop the Site. This confirms that the Site is available and achievable.

3.0 Constraint & Opportunities

3.1 Persimmon Homes control the majority of the land allocated under Draft Policy AL/HO3. It is our intention to bring forward the Site for development broadly in accordance with the draft Policy AL/HO3 (subject to some detailed amendments to the draft policy wording which are discussed in more detail in Section 4 below).

3.2 To this end Persimmon Homes are undertaking some surveys and assessment of the Site to inform a preliminary master planning exercise. The following provides a summary of the Sites constraints and opportunities as they are understood at this stage.

Landscape

3.3 James Blake Associates (JBA) are in the process of conducting a full Landscape & Visual Impact Assessment of the Site, factoring its current state, its position and relationship with the surrounding countryside, and the impact that any development may have on the Site and the surroundings.

3.4 We have been advised of the following landscape sensitivities/characteristics and opportunities:

- . Landform: the landform within the Site follows a shallow valley with the land rising to the Just beyond the Site to the north lies to ridgeline at approximately 75m AOD. Any proposed development should avoid breaking the skyline.
- . PRoW network: PRoW WT340A, PRoW WT338 and PRoW WT341 run through or abut the site boundary. These connections should be retained and provision enhanced through the introduction of additional connecting footpaths;
- . Visibility and Views: From the northernmost boundary of the Site there are panoramic views across the wider landscape. Views towards the Site are also possible from the other side of the shallow valley to the south. Again, any development on Site should avoid breaking the ridgeline;
- . Woodland structure including ancient woodlands: The Site boundaries include some strong tree belts in places. These features should be retained, enhanced and reinforced with native buffer planting;
- . Listed Buildings: The National Heritage List for England (NHLE) indicates that there are a number of Listed Buildings in close proximity to the Site. The setting of these buildings will need to be carefully considered.

3.5 Overall, JBA have advised *“The Site is considered to be a suitable location in landscape and visual terms for development subject to some landscape considerations”*.

3.6 JBA consider that the Site could suitably accommodate an appropriate development scheme, broadly in line with the requirements of Policy AL/HO 3. This would be best achieved through the implementation of our sensitively designed masterplan which incorporates the following key design principles:

- . The location of proposed development areas should respond to the landscape features and characteristics that give the landscape its sense of place and local distinctiveness.
- . The built form should reflect the local settlement with the use of vernacular style materials wherever possible.
- . Hard and soft landscaping materials should be complementary to the proposed dwellings and the local vernacular design.
- . The use of dark/earthy tones will help to integrate the proposed development into the wider landscape, particularly any proposed dwellings towards the north of the Site.
- . Proposed dwelling could adopt a vernacular style, or be more contemporary in style but with vernacular references in their design or materials.
- . Existing boundary vegetation should be retained wherever possible and reinforced where necessary by new structural planting to provide screening value and create a wooded backdrop to the proposed development.
- . Groups of trees should be used within open space and Green Infrastructure corridors, this will help soften the built form and integrate providing connectivity across the Site
- . The Site should look to provide opportunities for multi-functional green infrastructure to provide landscape, visual, ecological, climate and recreational benefits.
- . Residential streets and buildings should reflect the existing settlement form, with a transition in density and building height, creating a lower density settlement edge to the north and east.

Trees

3.7 Tree surveys are underway and are being conducted by arboriculture consultants PJC in order to better understand the Site and inform the masterplan.

3.8 PJC have so far found that the existing apple trees that make up the commercial fruit farm on the main part of the Site are individually not of high quality or high value.

3.9 We have been advised by PJC that the key arboriculture features to be retained and protected on the site are restricted along the boundaries. Surrounding the site boundaries are a number of individual trees, hedges and woodlands which should be retained and respected.

Ecology

3.10 The Ecology Partnership are undertaking a number of Ecological Surveys which have so far found that the *‘The majority of the habitats on site are common and widespread, or of low ecological value due to their intensive management regimes’*.

3.11 The areas of ecological value are primarily located on the boundaries of the site. These areas include, dormouse suitable habitat, reptile suitable habitat and badger setts on the edges of the site that require a buffer from the proposed residential area. Persimmon Homes is seeking to achieve the Council's aspiration to enhance the biodiversity value of the site as well as mitigating any ecological impacts. Overall, we have been advised that *‘several enhancements can be made to the final development to help reduce potential ecological impacts, as well as to try and achieve 10% biological net gain’*.

Access

3.12 Markides Associates have a Transport Appraisal (TA, dated December 2020) to assess the accessibility of the allocated land, alongside the adjacent committed site, and prepared a robust proposed transport strategy for the Site. This is included at Appendix 2.

3.13 The TA establishes that the site is an appropriate place for residential development, benefiting from being located within close proximity of a range of social infrastructure within the village that acts as typical trip attractors for residential land uses, ensuring residents are not wholly reliant on travel by private car to access essential services such as primary education, health and convenience retail.

3.14 Horsmonden also benefits from being served by a number of existing bus services that provide access to higher order settlements such as Royal Tunbridge Wells and Paddocks Wood, from which there are opportunities to access National Rail Services.

3.15 The TA demonstrates that the vehicular and pedestrian access from Goudhurst Road, approved as part of the Bassett Farm planning permission (reference TW/15/505340/OUT) is suitable to serve the whole development. The proposed site access junction has also been demonstrated to operate within capacity, with no material impacts on through traffic on Goudhurst Road.

3.16 In terms of potential traffic impact, Markides Associates have found that with 175 dwellings and the Health Centre the Site has the potential to generate approximately 133 vehicle movements during the AM peak and 119 vehicle movements during the PM peak, with 1218 vehicle movements across the day (07.00-19.00). This level of vehicular movement is not considered to be a significant and as such would not result in a 'severe' impact on the wider highway network as referenced in the NPPF (2012) paragraph 109.

3.17 Regarding pedestrians the TA demonstrated that the site can be suitably accessed from Goudhurst Road, with additional pedestrian accesses accommodated via Back Lane to the north-west, providing an alternative, and in some cases shorter, walking route to existing social infrastructure within the village centre such as Horsmonden Primary School. Persimmon Homes is also in the process of submitting details to TWBC pursuant to condition 5 of the outline consent at Bassetts Farm, Horsmonden (TW/15/505340/OUT) that would mean the provision of a pedestrian link is provided along Goudhurst Road. This would shorten the walking distance into the village centre and greatly benefit the site.

3.18 The report has therefore concluded that the proposals comply with all relevant Government and local transport planning policies, and that the proposals should not result in significant detrimental impacts to the existing transport network. Therefore, allocating the Site for development in the Draft Plan is acceptable in transport terms.

3.19 In summary, the TA has reviewed emerging transport related planning policy within the Draft Local Plan and concluded that residential development of the envisaged scale at this site would be in compliance.

3.20 This has been reflected in the positive discussions between KCC Highways, Persimmon Homes and Markides Associates as of 20th October 2020. KCC Highways have subsequently confirmed (in a letter dated January 2021, see **Appendix 3**) their *'agreement with the contents and summary detailed in the 'Transport Appraisal' document dated 3rd December 2020'* and that the *'proposals are welcome and should be further explored (along with scheme drawing and RSA1) at application stage as part of the mitigation package'*.

Flood Risk

3.21 The Site is located within Flood Risk Zone 1 (less than 0.1% annual probability of tidal and fluvial flooding), which is the lowest zone in terms of probability of flood. This is confirmed by the Environment Agency flood maps.

Summary

3.22 In summary, Persimmon Homes are in the process of preparing surveys and assessment of the Site to inform our preliminary master planning exercise. Initial feedback from these surveys identified the following key constraints and opportunities which will inform the master planning of the site:

- . Retention of existing vegetation on and around the site boundaries, including the hedgerows and mature trees;
- . Protection and enhancement of existing ecology on and around the site;
- . Respect views to the Site, particularly from the south across the tributary valley, and from adjacent visual receptors, including PRowWs, local roads and residential properties; and
- . Capacity to provide a vehicular access from Goudhurst Road to serve the whole site.
- . Opportunities to provide pedestrian connections along the existing Public Rights of way to the north and also via the new pedestrian footpath being provided along Goudhurst Road as part of our consent scheme.

Masterplan

4.1 Having regard to the Site's opportunities and constraints, PHSE have prepared a 'concept masterplan' for the Site, which accompanies these representations (appendix 1).

4.2 The concept masterplan demonstrates that the Site could sensitively accommodate approximately 150 units, a 0.25ha medical centre site, extensive public open space, vehicular access on to Goudhurst Road and enhanced walking and cycling connections.

4.3 It is important to highlight that the preliminary masterplan suggests a different form and layout of development for the site than is indicated on Map 62 'Site Layout Plan' which is included in the Draft Plan (see image below). Specifically our emerging Preliminary Masterplan proposes:

- . A strong east/west Green Infrastructure Corridor is included through the site to help screen views of the development from the south, and also providing;
- . Natural Buffers along the edges of the site which take consideration of ecological, arboricultural, heritage and landscape constraints;
- . Swales along the northern edge of the development to capture field run off from the POS to the north;
- . Low density housing in the north east section of the site in accordance with Policy AL/HO3;
- . Eased frontage as a sweeping belt following the contours of the site;
- . Potential location for the proposed medical centre (including access); and
- . Long stretches of roads have been broken to allow for an appropriate street hierarchy in line with the local context of Horsmonden.

Open Space and GI Framework

4.4 In accordance with the requirements of the Landscape and Visual Appraisal, the development has been landscape-led with substantial amounts of soft landscaping ensuring that the built development would be sympathetic to the semi-rural character of the surrounding area.

4.5 The existing trees and landscaping have been carefully considered and integrated into the development. In particular, the Framework Plan has sought to provide visual separation between residential areas. This has been achieved through the introduction of green space which follows a central east/west line. This area offers a belt of intervening tree line that would help soften the view from afar whilst creating a central focal theme through the development. As is shown on the Framework Plan, there is also the potential for the SuDS to be positioned throughout the site so that any development can be appropriately attenuated. The retention and strengthening of established landscape features will help ensure the scheme sits comfortably within its surroundings.

4.6 In accordance with Policy AL/HO3, the masterplan shows the scope by which we can deliver large areas of open space and formal recreation land, as well as providing for the Community Orchard.

4.7 There is a real opportunity to open up public access to the site, making best of use of connections into the public right of way that runs through the site, but also pedestrian links west towards the village centre.

Residential

4.8 Sensitively prepared, the masterplan has been informed by site constraints, residential development is proposed in those areas which are least sensitive in terms of ecological, arboricultural, visual and landscape constraints.

4.9 The existing residential properties (particularly New Bassetts Villas) and Old Bassetts Cottages (Grade II listed) located to the south of the site will inform the design approach for the residential use areas.

4.10 Although indicative at this stage, we would propose a traditional, high quality design approach. It is envisaged that dwellings would be constructed from materials that will have a reduced impact on the environment, drawn from a mixed palette of traditional vernacular materials.

4.11 It is also worth noting that in line with New Local Plan Policy H3, 40% would be proposed as affordable, the remainder being market housing for private sale.

Health Centre

4.12 As noted by comments made by NHS West Clinical Commissioning Group in representations to the Reg 18 Draft Local Plan (comment number DLP_8300), *'The existing premises do not have capacity to accommodate the estimated growth of c 1100 registered patients within the area (Brenchley, Matfield and Horsmonden); the majority of this growth is expected in Horsmonden'*.

4.13 Accordingly Policy AL/HO3 requires the delivery of a site for a Health Centre/GP surgery as part of the development of the Site. We have identified a site for a Health Centre/GP surgery on the

Preliminary Masterplan; it is located in the centre of the Site providing good vehicular access whilst also providing good pedestrian connectivity.

4.14 Thereby the development would help redress the imbalance in the Borough's healthcare provision providing a site for a Health Centre/GP surgery. Thereby this development would support delivery of sustainable services for existing and future residents of Horsmonden

Access Strategy (Pedestrian and Vehicular)

4.15 Vehicular access is to be created from Goudhurst Road as an improved simple priority junction. The TA demonstrates that visibility splay can be provided be in accordance with the requirements set out in the manual for streets for a 30mph road.

4.16 The development proposals will also include additional pedestrian access via the established public right of way network that runs north of the site via Back Lane.

4.17 The development proposals will be designed in accordance with Manual for Streets and Kent Design Guide principles, future proofing connections with proposed infrastructure such as the Hop Pickers route to Paddock Wood, which runs adjacent to the site, and which will offer convenient and safe cycle access on traffic free routes.

4.18 The development proposals will also support and encourage sustainable travel via the implementation of a Travel Plan and is of a scale of development that will potentially be able to deliver improved public bus services and/or the creation of a demand responsive bus service that is branded to the site.

5.0 Land East of Horsmonden Policy AL/HO3

5.1 The Site has been allocated within Policy AL/HO3 sets out that the Site is allocated for residential development, providing approximately 115-165 residential (C3) dwellings and land for the expansion of Horsmonden Primary School, new health centre/doctors surgery, and a community orchard and open space. Persimmon Homes is broadly supportive of Policy AL/HO3. This notwithstanding we are seeking some minor amendments to Policy AL/HO3 to ensure it is deliverable and makes that anticipated contribution towards the Borough's housing land trajectory.

Map 62 Site Layout

5.2 As noted above our Preliminary Masterplan for the Site differs to 'Map 62 Site Layout' which has been included in the Draft Plan in support of Policy AL/HO3. The divergence between our Masterplan and the Site Layout has been driven by a better understanding of the Site constraints.

5.3 In light of this difference we seek formal confirmation that the Map 62 (Site Layout) is intended to provide guidance as to how the Site is to be brought forward, and that future applications can, subject to reasoned justification, vary from this. We say this as detailed site investigations associated with site promotions will inevitably bring to light matters that were not known to Council whilst doing their desk top work, and because as discussions with various statutory consultees evolve so will the future scheme. Thus, it would be counterproductive to suggest that Map 62 (Site Layout) is the only option that can be taken forward. As long as the principles enshrined in the Policy are adhered to / addressed then there should be scope for variations from the proposed Map 62 (Site Layout) and Policy AL/HO3 should be clear in this regard (see below).

Policy Text

5.4 Whilst Persimmon Homes are supportive of Policy AL/HO3 we request some amendments to the Policy text to ensure that the site is deliverable in the timescale required. Please see table below for comments on specific elements of Policy AL/HO3:

Requirement

Compliance

Requested amendment

1. The number and location of vehicular accesses to be informed by a Highways assessment"

Persimmon Homes have undertaken a Highways Assessment and submitted this to Kent County Council Highways in support of a formal pre-app for the Site. The Highways Assessment is submitted in support of these representation. Having reviewed our Highways Assessment in detail KCC Highways confirmed that the Site can be accessed via a single vehicular access point from Goudhurst Road.

We consider that the policy should be amended to confirm that vehicular access will be taken via Goudhust Road.

2. Provision of pedestrian links into the village and footway

Our masterplan shows this and we can deliver it.

N/A

3. Provision of link to PROW

Our masterplan shows this and we can deliver it.

N/A

4. Residential development shall be located on the areas identified for residential and doctors surgery use on the site layout plan [Map 62]

Our masterplan does not reflect the 'Site Layout Plan (Map 62)'. Our emerging LVIA indicates that the areas shown for development on the 'Site Layout Plan' (Map 62) does not effectively respect landscape sensitivities and is not the most appropriate layout.

We consider that the policy should be amended to require an LVIA is submitted in support of an application for the Site to inform the master planning process and ensure that landscape sensitivities are properly understood and respected whilst also ensuring efficient use of the land.

5. No built development on the route of the Hop Pickers Line

Our Masterplan respects this requirement.

N/A

6. The layout and design of the scheme to give full consideration to any impact upon the setting of the High Weald Area of Outstanding Natural Beauty

Our Masterplan has been prepared with due consideration of the AONB, in accordance with a Landscape Appraisal prepared by JBA.

N/A

7. Regard shall be given to existing hedgerows and mature trees on site

The masterplan has been prepared following extensive Arboricultural Survey work undertaken by PJC and fully considers the existing hedgerows and mature trees

on site.

N/A

8. Built development on the eastern area of the site to be at a lower density and informed by a landscape and visual impact assessment

Our masterplan is informed by an LVIA. Whilst this does indicate that the north eastern area is visually sensitive, it does not suggest that lower density development is required to address this sensitivity. Rather an appropriate layout of development is required.

This requirement should be removed.

9. The provision of an archaeological assessment as part of any planning application

An archaeological consultant has been appointed to undertake the appropriate assessments.

N/A

10. The scheme to take account of, and respect, the setting of New Bassetts cottages

The Masterplan shows consideration of the setting of New Bassetts cottages

N/A

11. The scheme to take account of, and respect, the character and appearance of nearby listed buildings

This is shown in the Masterplan and will be reviewed by the appointed archaeological consultant

N/A

12. Land to the north of the site for future school expansion

The Masterplan shows the area allocated for future school expansion and is deliverable.

N/A

13. Provide on-site amenity/natural green space and children's and youth play space, and a community orchard that will be managed and maintained for this use

In accordance with the policy our Masterplan shows a community orchard, children's and youth play spaces as well as on-site amenity area/natural green space.

14. A suitable legal mechanism shall be put in place to ensure that the provision of the new health centre/doctors surgery is tied to the delivery of the housing

Our masterplan shows a *health centre/doctors surgery site*. However Persimmon Homes cannot be expected to provide the facility itself; this will be delivered by third parties.

The policy needs amending to confirm that provision of the health centre/doctors surgery site must not be tied to the delivery of the housing, but that the facility itself will be delivered by third parties. This must be explicit in the Policy. Requiring a development of no more than 175 homes to deliver a health centre site and facility would not be fair and reasonable and would not be CIL 122 compliant.

15. Contributions are to be provided to mitigate the impact of the development, in accordance with Policy PSTR/HO 1

We will provide all CIL compliant contributions to mitigate the impact of the development.

N/A

7.0 Summary and Conclusions

7.1 Persimmon Homes are broadly supportive of the Draft Plan and in particular Policy AL/HO3 which allocates our Site 'Land East of Horsemonden' for residential development.

7.2 Notwithstanding our broad support for the Plan, we would ask for the following key changes to the Policy AL/HO3 to ensure that the Site is deliverable:

- . Confirm that the Map 62 (Site Layout) is only intended to provide guidance as to how the Site is to be bought forward, and that future applications can, subject to reasoned justification, vary from this.
- . Remove the requirement for the eastern area of the site to be at a lower density.
- . Confirm that vehicular access for the development will be taken via Goudhurst Road.
- . Confirm that the development is only expected to provide a health centre site and not deliver a health centre/building facility.

Question 6

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Question 5 above. (Please note that non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Please see Written Representations accompanying this form for more detail.

Notwithstanding our broad support for the Plan, we would ask for the following key changes to the Policy AL/HO3 to ensure that the Site is deliverable:

- Confirm that the Map 62 (Site Layout) is only intended to provide guidance as to how the Site is to be bought forward, and that future applications can, subject to reasoned justification, vary from this.
- Remove the requirement for the eastern area of the site to be at a lower density.
- Confirm that vehicular access for the development will be taken via Goudhust Road.
- Confirm that the development is only expected to provide a health centre site and not deliver a health centre/building facility.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)? . Yes, I wish to participate in hearing session(s)

Question 7a

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

Persimmon Homes have an interest in land east of Horsmonden – Policy AL HO 3. Persimmon is also active elsewhere in the Borough and have an interest in ensuring the legality and soundness of the Local Plan. Persimmon should therefore wish to participate in the examination.

Question 8

If you have any separate comments you wish to make on the accompanying Sustainability Appraisal, please make them here.

Please see Written Representations accompanying this form for more detail.

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box: Yes, I wish to be notified of future stages of the Local Plan

Supporting Information File Ref No: SI_135a-d

Comment

Consultee	Mr Calvin Coxside ()
Email Address	
Company / Organisation	Persimmon Homes South East
Address	60 College Road Maidstone ME15 6SJ
Event Name	Pre-Submission Local Plan
Comment by	Persimmon Homes South East (Mr Calvin Coxside)
Comment ID	PSLP_2035
Response Date	03/06/21 15:47
Consultation Point	Policy EN 2 Sustainable Design Standards (View)
Status	Processed
Submission Type	Email
Version	0.7
Files	PSLP_2014-2088_Persimmon Homes_SI_Appendix2(not inclusive).pdf PSLP_2014-2088_Persimmon Homes_SI_Appendix3(not inclusive).pdf PSLP_2014-2088_Persimmon Homes_SI_Appendix1(not inclusive).pdf PSLP_2014-2088_Persimmon Homes_SI_Representation(not inclusive).pdf
Data inputter to enter their initials here	AT
Question 1	
Respondent's Name and/or Organisation	Persimmon Homes
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy EN 2 Sustainable Design Standards

[TWBC: this representation has been input against Policies AL/HO 3, EN 2, EN 3, EN 9, EN 26, H 1, H2 and H 6 – see Comment Numbers PSLP_2014, PSLP_2035, PSLP_2083, PSLP_2084, PSLP_2085, PSLP_2086, PSLP_2087 and PSLP_2088. The full representation is attached as supporting information]

Question 4

Do you consider that the Local Plan:

Is sound

No

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

<input type="checkbox"/>	It is not justified
<input type="checkbox"/>	It is not consistent with national policy

Question 5

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

EN2 - Sustainable Design Standards The policy is unsound as it is not consistent with national policy. Persimmon Homes does not consider this policy to be consistent with national policy.

Please see Written Representations accompanying this form for more detail.

6.0 Other DM Policies

6.1 The draft Plan includes a full suite of draft Development Management policies. Whilst many of these policies seem reasonable in their approach and requirement, we have some detailed concerns in respect of several of these policies.

EN2 - Sustainable Design Standards

6.2 The policy is unsound as it is not consistent with national policy. The Council are advocating the use of just one approach within the policy whereas the paragraph 129 of NPPF makes no such prescription. The Council must be clear in policy that it encourages the use of a range of assessment frameworks and remove the specific reference in policy to the encouraged minimum design standards based on Homes Quality Mark and that it pays equal consideration to the outcome of any such assessment. In addition, the Council should remove the phrase until national policy allows otherwise. If national policy is to change to allow the implementation of alternative standards such as HQM through the local plan it will be for the Council to justify such a requirement through a focussed review of the local plan. Councils cannot seek to pre-empt national policy in this manner.

6.3 The Council should also amend the third paragraph which could cause confusion for applications and decisions makers as outlines the evidence required to demonstrate compliance with this policy. As outlined above paragraph 129 of the NPPF states that the Council can consider the outcome of any such assessment process, but it cannot dictate the assessment used nor require the assessment

to be undertaken in the first place. High quality and sustainable development can arise without the use of such assessment tools.

6.4 We recommend that The Council remove the specific encouragement to meet the HQM standards set out in the policy. In addition, given that the policy, as it relates to residential development, is one that seeks to encourage not require as such there is no need to demonstrate compliance with these standards. The paragraph should be amended to read:

- . *Compliance with the sustainable design requirements for non-residential development should be demonstrated via the following certificates (or future equivalent):*
 - 1 *'Pre-assessment estimator' at application stage;*
 - 2 *'Design stage' certificates prior to construction;*
 - 3 *Final certificates for all schemes six months post-completion*

7.0 Summary and Conclusions

7.1 Persimmon Homes are broadly supportive of the Draft Plan and in particular Policy AL/HO3 which allocates our Site 'Land East of Horsemonden' for residential development.

7.2 Notwithstanding our broad support for the Plan, we would ask for the following key changes to the Policy AL/HO3 to ensure that the Site is deliverable:

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- . Remove the requirement for the eastern area of the site to be at a lower density.
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Question 6

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Please see Written Representations accompanying this form for more detail.

Notwithstanding our broad support for the Plan, we would ask for the following key changes to the Policy AL/HO3 to ensure that the Site is deliverable:

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Question 7

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If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)? . Yes, I wish to participate in hearing session(s)

Question 7a

***Please note** the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.*

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Question 8

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Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box: Yes, I wish to be notified of future stages of the Local Plan

Supporting Information File Ref No: SI_135a-d

Comment

Consultee	Mr Calvin Coxside ()
Email Address	
Company / Organisation	Persimmon Homes South East
Address	60 College Road Maidstone ME15 6SJ
Event Name	Pre-Submission Local Plan
Comment by	Persimmon Homes South East (Mr Calvin Coxside)
Comment ID	PSLP_2083
Response Date	03/06/21 15:47
Consultation Point	Policy EN 3 Climate Change Mitigation and Adaptation (View)
Status	Processed
Submission Type	Email
Version	0.6
Files	PSLP_2014-2088_Persimmon Homes_SI_Appendix2(not inclusive).pdf PSLP_2014-2088_Persimmon Homes_SI_Appendix3(not inclusive).pdf PSLP_2014-2088_Persimmon Homes_SI_Appendix1(not inclusive).pdf PSLP_2014-2088_Persimmon Homes_SI_Representation(not inclusive).pdf
Data inputter to enter their initials here	AT
Question 1	
Respondent's Name and/or Organisation	Persimmon Homes
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

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Policy EN 3 Climate Change Mitigation and Adaptation

[TWBC: this representation has been input against Policies AL/HO 3, EN 2, EN 3, EN 9, EN 26, H 1, H 2 and H 6 – see Comment Numbers PSLP_2014, PSLP_2035, PSLP_2083, PSLP_2084, PSLP_2085, PSLP_2086, PSLP_2087 and PSLP_2088. The full representation is attached as supporting information]

Question 4

Do you consider that the Local Plan:

Is sound

No

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

<input type="checkbox"/>	It is not justified
<input type="checkbox"/>	It is not consistent with national policy

Question 5

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6.0 Other DM Policies

6.1 The draft Plan includes a full suite of draft Development Management policies. Whilst many of these policies seem reasonable in their approach and requirement, we have some detailed concerns in respect of several of these policies.

EN3 – Climate Change Mitigation and Adaptation: Energy reduction in new buildings

6.5 The Written Ministerial Statement (WMS) published in March 2015 stated the Government's intention to introduce improved energy efficiency requirements through Building Regulations. It went on to state that Councils should not seek to apply standards higher than those set out in building regulations other than the published optional technical standards. Some interim flexibility was provided allowing Councils to seek improvements in energy efficiency through local plans that were the equivalent of level 4 of the Code for Sustainable Homes until new regulations had been introduced.

6.6 However, following the publication of the WMS the Government did not take forward the legislation as indicated leaving the interim guidance in place which allows for a maximum improvement of 20% in relation to part L of the building regulations. The situation has now been clarified further within 6-012 PPG reiterating the Government's position as set out in the WMS. However, the Council's policy as set out in EN3 would result in some developments having to deliver energy efficiency improvements of greater than 15%. As such we would suggest that part 2 of the Energy reduction in new buildings section within Policy EN3 is amended to require total reduction of 15% using a combination of fabric first and renewables.

6.7 The Council will also need to monitor progress with regard to the Future Homes Standards which will see the improvements being suggested by the Council being brought into building regulations and as such make policies such as EN3 unnecessary.

7.0 Summary and Conclusions

7.1 Persimmon Homes are broadly supportive of the Draft Plan and in particular Policy AL/HO3 which allocates our Site 'Land East of Horsemonden' for residential development.

7.2 Notwithstanding our broad support for the Plan, we would ask for the following key changes to the Policy AL/HO3 to ensure that the Site is deliverable:

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Question 7a

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Supporting Information File Ref No: SI_135a-d

Comment

Consultee	Mr Calvin Coxside ([REDACTED])
Email Address	[REDACTED]
Company / Organisation	Persimmon Homes South East
Address	60 College Road Maidstone ME15 6SJ
Event Name	Pre-Submission Local Plan
Comment by	Persimmon Homes South East (Mr Calvin Coxside [REDACTED])
Comment ID	PSLP_2084
Response Date	03/06/21 15:47
Consultation Point	Policy EN 9 Biodiversity Net Gain (View)
Status	Processed
Submission Type	Email
Version	0.5
Files	PSLP_2014-2088_Persimmon Homes_SI_Appendix3(not inclusive).pdf PSLP_2014-2088_Persimmon Homes_SI_Appendix2(not inclusive).pdf PSLP_2014-2088_Persimmon Homes_SI_Representation(not inclusive).pdf PSLP_2014-2088_Persimmon Homes_SI_Appendix1(not inclusive).pdf
Data inputter to enter their initials here	AT
Question 1	
Respondent's Name and/or Organisation	Persimmon Homes
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

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Policy EN 9 Biodiversity Net Gain

[TWBC: this representation has been input against Policies AL/HO 3, EN 2, EN 3, EN 9, EN 26, H 1, H 2 and H 6 – see Comment Numbers PSLP_2014, PSLP_2035, PSLP_2083, PSLP_2084, PSLP_2085, PSLP_2086, PSLP_2087 and PSLP_2088. The full representation is attached as supporting information]

Question 4

Do you consider that the Local Plan:

Is sound

No

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

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<input type="checkbox"/>	It is not justified
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Question 5

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EN9 – Biodiversity Net Gain Part b of the policy is unsound as it is not consistent with national policy.

Please see Written Representations accompanying this form for more detail.

6.0 Other DM Policies

6.1 The draft Plan includes a full suite of draft Development Management policies. Whilst many of these policies seem reasonable in their approach and requirement, we have some detailed concerns in respect of several of these policies.

EN9 – Biodiversity Net Gain

6.8 Part b of the policy is unsound as it is not consistent with national policy. Firstly, the Council's policy approach to biodiversity net gain should not deviate from the Government's proposals on biodiversity gain as set out in the Environment Bill. This legislation will require development to achieve a 10% net gain for biodiversity. This is not set out as a minimum and to ensure clarity in decision making, we would suggest this prefix is deleted. It is the Government's opinion that 10% strikes the right balance between the ambition for development and reversing environmental decline. A 10% gain provides certainty in achieving environmental outcomes, deliverability of development and costs for developers. Removing the term minimum will not place a cap on the aspirations of developers who want to voluntarily go further but it will ensure that decision makers do not seek to go beyond 10%.

6.9 Secondly the Council cannot require a higher level of net gain through supplementary planning document (SPD). The relevant legislation defining the difference between Local Plans and SPDs is the Town and Country Planning Regulations (2012). This defines an SPD in regulation 2 as 'any document of a description referred to in regulation 5 (except and adopted policies map or statement

of community involvement) which is not a local plan.' Therefore, it can be concluded that whilst SPDs are Local Development Documents they are not local plans. Regulation 5 in turn states:

5(1) For the purposes of section 17(7)(za)(1) of the Act the documents which are to be prepared as local development documents are—

(a) any document prepared by a local planning authority individually or in cooperation with one or more other local planning authorities, which contains statements regarding one or more of the following—

(i) the development and use of land which the local planning authority wish to encourage during any specified period;

(ii) the allocation of sites for a particular type of development or use;

(iii) any environmental, social, design and economic objectives which are relevant to the attainment of the development and use of land mentioned in paragraph (i); and

(iv) development management and site allocation policies, which are intended to guide the determination of applications for planning permission;

6.10 Taken together these regulations mean that a local plan is a document that contains statements as to the:

- . development and use of land which the local planning authority wish to encourage during any specified period;
- . allocation of sites for a particular type of development or use; and
- . development management and site allocation policies, which are intended to guide the determination of applications for planning permission.

6.11 Therefore, any supplementary guidance being proposed cannot include anything that is intended to guide the determination of applications for planning permission – such as a level of biodiversity net gain above that required by legislation. Such policies can only be adopted in a local plan following the prescribed process. We would recommend that the phrase '*or greater where required by supplementary planning guidance*' should be deleted from policy EN9.

7.0 Summary and Conclusions

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7.2 Notwithstanding our broad support for the Plan, we would ask for the following key changes to the Policy AL/HO3 to ensure that the Site is deliverable:

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Question 7a

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Supporting Information File Ref No: SI_135a-d

Comment

Consultee	Mr Calvin Coxside ()
Email Address	
Company / Organisation	Persimmon Homes South East
Address	60 College Road Maidstone ME15 6SJ
Event Name	Pre-Submission Local Plan
Comment by	Persimmon Homes South East (Mr Calvin Coxside)
Comment ID	PSLP_2085
Response Date	03/06/21 15:47
Consultation Point	Policy EN 26 Sustainable Drainage (View)
Status	Processed
Submission Type	Email
Version	0.5
Files	PSLP_2014-2088_Persimmon Homes_SI_Appendix1(not inclusive).pdf PSLP_2014-2088_Persimmon Homes_SI_Appendix3(not inclusive).pdf PSLP_2014-2088_Persimmon Homes_SI_Appendix2(not inclusive).pdf PSLP_2014-2088_Persimmon Homes_SI_Representation(not inclusive).pdf
Data inputter to enter their initials here	AT
Question 1	
Respondent's Name and/or Organisation	Persimmon Homes
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy EN 26 Sustainable Drainage

[TWBC: this representation has been input against Policies AL/HO 3, EN 2, EN 3, EN 9, EN 26, H 1, H 2 and H 6 – see Comment Numbers PSLP_2014, PSLP_2035, PSLP_2083, PSLP_2084, PSLP_2085, PSLP_2086, PSLP_2087 and PSLP_2088. The full representation is attached as supporting information]

Question 4

Do you consider that the Local Plan:

Is sound

No

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

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Question 5

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6.0 Other DM Policies

6.1 The draft Plan includes a full suite of draft Development Management policies. Whilst many of these policies seem reasonable in their approach and requirement, we have some detailed concerns in respect of several of these policies.

EN26 – Sustainable Drainage

6.12 We would expect a development to deliver a net reduction in runoff but it would seem that the Council are expecting, in some cases, significant improvements which may see developments having to reduce run off to rates below those on green fields. This would appear to be inconsistent with current guidance produced by Defra on this matter which suggests that a brownfield development must be as close as practicable to greenfield run off rates. This recognises that in some situations a development will not be able to deliver green field run off rates and that in such a situation it should seek an improvement over the existing run off rates on any previously developed site. Given the Government's focus on delivering more development on brownfield sites we would suggest it is essential that greater flexibility is provided in this policy. We would suggest that the policy is amended to require an applicant to show a net reduction that is as close as practicable to green field run off rates.

7.0 Summary and Conclusions

7.1 Persimmon Homes are broadly supportive of the Draft Plan and in particular Policy AL/HO3 which allocates our Site 'Land East of Horsemonden' for residential development.

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Supporting Information File Ref No: SI_135a-d

Comment

Consultee	Mr Calvin Coxside ()
Email Address	
Company / Organisation	Persimmon Homes South East
Address	60 College Road Maidstone ME15 6SJ
Event Name	Pre-Submission Local Plan
Comment by	Persimmon Homes South East (Mr Calvin Coxside)
Comment ID	PSLP_2086
Response Date	03/06/21 15:47
Consultation Point	Policy H 1 Housing Mix (View)
Status	Processed
Submission Type	Email
Version	0.4
Files	PSLP_2014-2088_Persimmon Homes_SI_Appendix2(not inclusive).pdf PSLP_2014-2088_Persimmon Homes_SI_Representation(not inclusive).pdf PSLP_2014-2088_Persimmon Homes_SI_Appendix3(not inclusive).pdf PSLP_2014-2088_Persimmon Homes_SI_Appendix1(not inclusive).pdf
Data inputter to enter their initials here	AT
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Respondent's Name and/or Organisation	Persimmon Homes
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To which part of the Local Plan does this representation relate?	Policy
Question 3a	

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Policy H 1 Housing Mix

[TWBC: this representation has been input against Policies AL/HO 3, EN 2, EN 3, EN 9, EN 26, H 1, H2 and H 6 – see Comment Numbers PSLP_2014, PSLP_2035, PSLP_2083, PSLP_2084, PSLP_2085, PSLP_2086, PSLP_2087 and PSLP_2088. The full representation is attached as supporting information]

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Is sound

No

Question 4a

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6.0 Other DM Policies

6.1 The draft Plan includes a full suite of draft Development Management policies. Whilst many of these policies seem reasonable in their approach and requirement, we have some detailed concerns in respect of several of these policies.

H1 Housing Mix and H2 Housing Density

6.13 We note that policies H1 and H2 are concerned with housing mix and density. However, we are concerned about the real lack of detail on the Council's requirements. We would appreciate greater clarity as to the Council's aspirations for these policies.

7.0 Summary and Conclusions

7.1 Persimmon Homes are broadly supportive of the Draft Plan and in particular Policy AL/HO3 which allocates our Site 'Land East of Horsemonden' for residential development.

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Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)? Yes, I wish to participate in hearing session(s)

Question 7a

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If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

Persimmon Homes have an interest in land east of Horsmonden – Policy AL HO 3. Persimmon is also active elsewhere in the Borough and have an interest in ensuring the legality and soundness of the Local Plan. Persimmon should therefore wish to participate in the examination.

Question 8

If you have any separate comments you wish to make on the accompanying Sustainability Appraisal, please make them here.

Please see Written Representations accompanying this form for more detail.

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:

Yes, I wish to be notified of future stages of the Local Plan

Supporting Information File Ref No: SI_135a-d

Comment

Consultee	Mr Calvin Coxside ()
Email Address	
Company / Organisation	Persimmon Homes South East
Address	60 College Road Maidstone ME15 6SJ
Event Name	Pre-Submission Local Plan
Comment by	Persimmon Homes South East (Mr Calvin Coxside)
Comment ID	PSLP_2087
Response Date	03/06/21 15:47
Consultation Point	Policy H 2 Housing Density (View)
Status	Processed
Submission Type	Email
Version	0.5
Files	PSLP_2014-2088_Persimmon Homes_SI_Appendix2(not inclusive).pdf PSLP_2014-2088_Persimmon Homes_SI_Appendix3(not inclusive).pdf PSLP_2014-2088_Persimmon Homes_SI_Representation(not inclusive).pdf PSLP_2014-2088_Persimmon Homes_SI_Appendix1(not inclusive).pdf
Data inputter to enter their initials here	AT
Question 1	
Respondent's Name and/or Organisation	Persimmon Homes
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy H 2 Housing Density

[TWBC: this representation has been input against Policies AL/HO 3, EN 2, EN 3, EN 9, EN 26, H 1, H 2 and H 6 – see Comment Numbers PSLP_2014, PSLP_2035, PSLP_2083, PSLP_2084, PSLP_2085, PSLP_2086, PSLP_2087 and PSLP_2088. The full representation is attached as supporting information]

Question 4

Do you consider that the Local Plan:

Is sound

No

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

- . It is not justified
- . It is not consistent with national policy

Question 5

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6.0 Other DM Policies

6.1 The draft Plan includes a full suite of draft Development Management policies. Whilst many of these policies seem reasonable in their approach and requirement, we have some detailed concerns in respect of several of these policies.

H1 Housing Mix and H2 Housing Density

6.13 We note that policies H1 and H2 are concerned with housing mix and density. However, we are concerned about the real lack of detail on the Council's requirements. We would appreciate greater clarity as to the Council's aspirations for these policies.

7.0 Summary and Conclusions

7.1 Persimmon Homes are broadly supportive of the Draft Plan and in particular Policy AL/HO3 which allocates our Site 'Land East of Horsemonden' for residential development.

7.2 Notwithstanding our broad support for the Plan, we would ask for the following key changes to the Policy AL/HO3 to ensure that the Site is deliverable:

- . Confirm that the Map 62 (Site Layout) is only intended to provide guidance as to how the Site is to be bought forward, and that future applications can, subject to reasoned justification, vary from this.
- . Remove the requirement for the eastern area of the site to be at a lower density.
- . Confirm that vehicular access for the development will be taken via Goudhurst Road.
- . Confirm that the development is only expected to provide a health centre site and not deliver a health centre/building facility.

Question 6

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Please see Written Representations accompanying this form for more detail.

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If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)? Yes, I wish to participate in hearing session(s)

Question 7a

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Supporting Information File Ref No: SI_135a-d

Comment

Consultee	Mr Calvin Coxside ()
Email Address	
Company / Organisation	Persimmon Homes South East
Address	60 College Road Maidstone ME15 6SJ
Event Name	Pre-Submission Local Plan
Comment by	Persimmon Homes South East (Mr Calvin Coxside)
Comment ID	PSLP_2088
Response Date	03/06/21 15:47
Consultation Point	Policy H 6 Housing for Older People and People with Disabilities (View)
Status	Processed
Submission Type	Email
Version	0.4
Files	PSLP_2014-2088_Persimmon Homes_SI_Appendix3(not inclusive).pdf PSLP_2014-2088_Persimmon Homes_SI_Representation(not inclusive).pdf PSLP_2014-2088_Persimmon Homes_SI_Appendix2(not inclusive).pdf PSLP_2014-2088_Persimmon Homes_SI_Appendix1(not inclusive).pdf
Data inputter to enter their initials here	AT
Question 1	
Respondent's Name and/or Organisation	Persimmon Homes
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy H 6 Housing for Older People and People with Disabilities

[TWBC: this representation has been input against Policies AL/HO 3, EN 2, EN 3, EN 9, EN 26, H 1, H2 and H6 – see Comment Numbers PSLP_2014, PSLP_2035, PSLP_2083, PSLP_2084, PSLP_2085, PSLP_2086, PSLP_2087 and PSLP_2088. The full representation is attached as supporting information]

Question 4

Do you consider that the Local Plan:

Is sound

No

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

<input type="checkbox"/>	It is not justified
<input type="checkbox"/>	It is not consistent with national policy

Question 5

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H6 – Housing for older people and people with disabilities Parts 2 and 4 of this policy is unsound as it has not been justified.

Please see Written Representations accompanying this form for more detail.

6.0 Other DM Policies

6.1 The draft Plan includes a full suite of draft Development Management policies. Whilst many of these policies seem reasonable in their approach and requirement, we have some detailed concerns in respect of several of these policies.

H6 – Housing for older people and people with disabilities

6.14 Parts 2 and 4 of this policy is unsound as it has not been justified. Whilst it would appear likely that part M4(2) will be made mandatory through proposed changes to the Building Regulations this is still to be confirmed by the Government and as such it is important that the Council's requirement in H3 that all new homes are built to part M4(2) of the Building Regulations is justified. Persimmon Homes consider it the case that new homes built to the mandatory part M4(1) will be suitable for a significant proportion of the population throughout their lifetime. However, we recognise that there will be a need for some new homes to be built to higher accessibility standards.

6.15 The Council have provided evidence on the need for such homes in its Housing Needs Study and the consider this to be sufficient to support the proposal that all new homes should be built to part M4(2) of the Building Regulations. However, when considering the implementation of the optional standards it is important to note that footnote 46 in paragraph 147 in the NPPF states that policies on adaptable and accessible housing should be used "... where this would address an identified need

...". This would suggest that any policy should seek to address an identified need and there must be clear evidence as to how many such homes are needed.

6.16 The Housing Needs Study indicates that 30.8% of households contained at least one person with impaired mobility over the plan period. However, the study also states that only 8.1% of all households had a physical or mobility impairment and as such more likely to need a more accessible home. This position is not dissimilar to that seen nationally in the English Homes Survey. The study examined the need for adaptations in 2014/15 and noted that 9% of all households in England had one or more people with a long-term limiting illness or disability that required adaptations to their home. The survey also found that in 2014-15, 81% of households that required adaptations in their home, due to their long-term limiting disability, felt their current home was suitable for their needs and that only 10% of those households whose home required an adaptation were trying to move somewhere more suitable.

6.17 Therefore, whilst we recognise that with an ageing population there will be more people with mobility problems in future it does not necessarily lead to them needing a new home built to the M4(2) standard nor provide sufficient justification to require all new homes to be built to that. Indeed, for many older people a home built to current mandatory standard, which is significantly better than homes built prior to this standard, will be sufficient to meet their needs throughout their lifetime. Persimmon Homes recommends that the proportion of new homes required to be built to part M4(2) be reduced.

7.0 Summary and Conclusions

7.1 Persimmon Homes are broadly supportive of the Draft Plan and in particular Policy AL/HO3 which allocates our Site 'Land East of Horsemonden' for residential development.

7.2 Notwithstanding our broad support for the Plan, we would ask for the following key changes to the Policy AL/HO3 to ensure that the Site is deliverable:

- . Confirm that the Map 62 (Site Layout) is only intended to provide guidance as to how the Site is to be bought forward, and that future applications can, subject to reasoned justification, vary from this.
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If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)? Yes, I wish to participate in hearing session(s)

Question 7a

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Question 8

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Comment

Consultee	Amanda Petch [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] Benenden [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Amanda Petch [REDACTED]
Comment ID	PSLP_124
Response Date	08/05/21 16:18
Consultation Point	Policy PSTR/BE 1 The Strategy for Benenden parish (View)
Status	Processed
Submission Type	Email
Version	0.3
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Amanda Petch
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Paragraph Nos. 5.410 to 5.470

Policy AL/BE 3: Land at Benenden Hospital (north of Goddards Green Road), East End and

Policy AL/BE 4: Land at Benenden Hospital (north of Goddards Green Road), East End

Inset Maps 17 and 18

[TWBC: this representation has been input against Policies PSTR/BE 1, AL/BE 3 and AL/BE 3 – see Comment Numbers PSLP_107, PSLP_108 and PSLP_124]

Question 4

Do you consider that the Local Plan:

Is legally compliant	No
Is sound	No
Complies with the Duty to Cooperate	No

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:	. It is not positively prepared
	. It is not effective
	. It is not justified

Question 5

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1. Regulation 3(2) of the Town and Country Planning (Local Planning) (England) Regulations 2012, as amended provides:

“where within these Regulations a person may make representations on any matter or document, those representations may be made—(a) in writing, or

(a) in writing, or

(b) by way of electronic communications”.

These options are not stated to be available on the website, except by using the Representation Form. The process of getting to download and complete this response form is unnecessarily convoluted, which has the effect, if not the intention, of making it difficult for the ordinary citizen without special IT skills. For example, we are asked to log in to an organisation to which this process has no doubt been outsourced, complete a separate form for each representation which we wish to make, and limit ourselves to specific areas of comment. This is unnecessarily laborious and does not meet the requirements of Regulation 3(2).

- 1 Paragraphs 5.421 and 5.422 state that in the event that the Benenden Neighbourhood Plan is adopted all the policies relating to Benenden AL/BE 1 to 4 will be omitted and the Neighbourhood Plan will be used instead. It is submitted that this is unlawful. Nowhere in the Act or in the Regulations is the Local Planning Authority given the power to delegate its statutory duty to another authority. Regulation 5 does not have this effect. Section 15 of the Planning and Compulsory Purchase Act 2004, as amended, requires the Local Planning Authority to prepare and maintain a local development scheme which must specify development plan documents. Section 19 (2) sets out the matters to which it must have regard. Nowhere is it given power to pass the duty over to a parish council. This is important because the *merits* of a Local Plan must undergo an independent examination (see Section 20) whereas the merits of a Neighbourhood Plan do not. They are subject to independent scrutiny to see whether they comply with the rules, thus a Neighbourhood Plan may be adopted without any consideration of its merits. This amounts to a breach of the rules of Natural Justice (*delegatus non potest delegare*).

- 2 Under the Town and Country Planning (Local Planning) (England) Regulations 2012 as amended, regulation 18 (3), the Local Planning Authority *must* take into account any representation made in response to a representation made under Regulation 18 (1). The Local Authority has been told in the clearest terms in my previous submission of 30 October 2019 and that of many others at the same time, that there is no shop nor pre-school nursery at the East End. Yet paragraph 5.413 of the Plan perpetuates the myth that there is a shop in the hospital and nursery/pre-school facilities at the East End. This statement appears in the original versions of the Local Plan, to which its attention was drawn in many other earlier objections. There are no public amenities at the East End, there is an in-house café at the hospital, reserved for patients and staff, not open to the public. The Planning Authority should know this. This affects the sustainability of the proposals at AL/BE 3 and AL/BE 4.
- 3 Policy PSTR/BE1 item 3b and c requires that developers who acquire land in Benenden village will have to make contributions which will be used towards the provision of the expansion of Hawkhurst primary school (which does not serve Benenden since it has its own primary school) and library provision, adult learning and social care at a new Cranbrook Community Hub, which has nothing to do with Benenden. These items do not appear in the Benenden Neighbourhood Plan for obvious reasons. They cannot properly amount to proposals for Benenden.

4 **Soundness, consistency and correct evidence**

The Local Plan (LP) sets out a vision and strategies which are undermined by its allocations, particularly by its allocations to the East End of Benenden at the two hospital sites, AL/BE3 & 4, sites which are roughly 3 miles equidistant from both Benenden and Biddenden (but just in the parish of Benenden). The LP is not sound nor are its strategies consistent with its policies in relation to AL/BE 3 & 4.

1 **Vision**

Vision Objective 1: “to improve access to suitable, especially affordable housing, including for local young people and older households.”

- . Para 5.467 states of AL/BE3 “it is likely that residents of development in this location will rely heavily on private cars”. The same is said for AL/BE4.
- . The plan allocates affordable housing to an area with intrinsically higher living costs instead of to sites (such as 158 and 222 in the village centre or LS8 in Iden Green) which lie on bus routes or are within walking distance of the village centre
- . While the LP asks for 30% affordable housing, the Benenden Health Society (BHS) is asking, in its comments on the TWLP draft plan, to have this figure reduced
- . The sites will not be suitable for the elderly who will be unable to walk to shops or amenities, yet the LP states that the over 65s are an increasingly important part of the population. They are expected to increase, as a percentage of the total population, by 40% during the period of this plan.

The viability of the two sites depends almost entirely on the plan’s attempt to mitigate the problem of unsustainability. The mitigation proposals are unsound.

1 **Transport:**

- . The proposal is for public transport connections and active travel links, but the BHS in its response to the TW draft LP states (DLP_4956.3) that it not a transport provider and will not run a daily service into Benenden, nor a regular service to Tenterden. All it offers is some financial contribution towards such services. Who will bear financial and organisational responsibility for them? This proposal is based on conjecture and wishful thinking.
- . The LP does not map out any active travel links with the village because there are none. Establishing such links would require land purchase. Who will purchase the land and set up the links? The proposal is based on conjecture and wishful thinking. Even if such a link in the form of a cycle path is provided, it would only be used for leisure cycling, not for shopping or taking the children to school.

1 **Amenities:**

The SHELAA acknowledges that the hospital sites are unsustainable. It states they are “remote from a settlement centre”. The unsustainable nature of site AL/BE4 is demonstrated in Table 58 of the Sustainability Appraisal (page 163). AL/BE4 scores as being “very negative” to “negative” on the sustainability topic of Services and Facilities, and as being “negative” on the sustainability topic of Travel. The same is true of AL/BE3. Sites 158 in the village, and LS8 in Iden Green, on the other hand, have no very negative scores, appendix L page 331.

The amenity problem is to be partly overcome, according to the LP, by establishing public access to the hospital shop and to its café, but this mitigation measure is wholly unsound because:

- . There is no hospital shop at present
- . The BHS states in its response to the TW draft LP that its facilities, including the café, have been designed solely for hospital use so even if there were a shop, it would not be available to the public.
- . The land at AL/BE 3 is currently up for sale. Once it has been sold, the BHS could not be bound by any planning conditions, which run with the land.

1 Strategies

The LP's policies on AL/BE 3 & 4 undermine the following Strategic Policies

Policy STR1, which calls for a focus on new development within LBDs and for a limit to development in the countryside.

Sites AL/BE 3 & 4 are almost three miles outside the LBD and in the countryside, midway between the villages of Benenden and Biddenden.

Policy STR 2

"The Council requires the use of master planning, including the use of design codes and sustainable design standards where appropriate, for strategic and larger-scale developments.."

This is undermined since no master plan has been produced for sites AL/BE 3 & 4

Policy STR 3 Calls for the use of brownfield sites "within settlements" and in "sustainable locations."

AL/BE 3 & 4 are neither.

AL/BE 3 consists of disused medical buildings and 2 Local Wildlife Sites (LWS), one of them containing fine specimen trees and another an important collection of waxcap fungi. BHS plans for the site show houses built over the LWS and beyond the footprint of existing buildings.

There is no such plan for AL/BE 4 which is currently home to a large LWS and is the site of 18 habitable dwellings, almost all of the them currently in use and available to let. The proposal allows for these to be demolished and another 25 dwellings added to the site. The size of the area to be developed varies between the LP and the BNP, with the LP potentially including the LWS in the area to be developed. The BHS in its response to the LP has stated that its proposals for an additional 25 houses is based on the land allocated it in the LP, and not on the land allocated in the BNP. This implies that the BNP does not offer them sufficient hectareage. It is unsound to proceed with a plan when the developer's plans and the land that they are expecting to develop are not clearly stated, especially when an LWS is at stake. It is unsound to accept a proposal 'on trust'. **The Benenden Neighbourhood Plan cannot be used as a substitute for AL/BE 3 or 4 when it is at variance with it.**

Policy STR 5 states that "New residential ... development will be supported if sufficient infrastructure capacity is either available or can be provided in time to serve the development."

Developers themselves would have to provide the infrastructure at AL/BE 3&4, since no one else would. The LP proposes to take on trust suggestions that the BHS will avoid building on the LWS and will provide play-grounds, sports facilities and tennis courts. BHS suggests, in its response to the earlier draft LP (DLP_4956.3 3.14) that it may encroach on the LWS and it is unlikely to provide play-grounds, sports facilities and tennis courts. Since BHS has put part of the site up for sale, it is clear that, if it sells, it will no longer be bound by any planning conditions, and the purchaser will have no power to make use of facilities in the hospital itself. There is no provision in the published layout for any such facilities on site. The LP's approach is therefore unsound.

Policy STR 6

The LP proposes to "Deliver future development in accessible locations, normally within or in close proximity to existing towns and villages across the borough."

In the case of the two isolated hospital sites, the LP contradicts its own strategic policy and fails to offer choices in transport and to prioritise active travel and public transport. The Benenden hospital sites have no active travel link with the village, no existing daily bus route and neither the LP nor the BHS provide credible information on how these links are to be provided. As for the proposal to create links suitable for electrical personal vehicles, such as mobility scooters (as suggested under STR 6)

it is difficult to see, when the only link with the village is a single-track lane, how it can be used by personal electric vehicles.

Policy STR 7

The LP proposes in dealing with TWBC's legally binding commitment to manage climate change, that all development in the borough will support the Council's target to achieve net zero emissions by 2030.

It is unsound with such a goal, to propose a major development on the parish periphery, 3 miles equidistant from two villages, where it is accepted that all journeys will be by motor car.

Policy STR 8

The LP states that development should contribute to and enhance ... rural landscapes with particular regard to the HW AONB and developers will have to demonstrate that they do this. The LP promotes nature conservation. Its biodiversity objective is to achieve net gains and where possible secure long-term managements of sites for biodiversity. The proposals for a suburban-style estate of 92 houses, plus a further 6 at Cleveland's Farm, if passed, produces the very opposite effect. No commercially viable scheme can produce net gains in a rural setting such as this. Sites AL/BE 3 and 4 are surrounded by the AONB, although this is not shown on the Inset map 18, in distinction to map 17, which does show it for the rest of the village. The sites are plainly land which affects the AONB, for the purposes of section 85(1) of the Countryside and Rights of Way Act 2000, which says: "In exercising or performing any functions in relation to, *or so as to affect*, land in an area of outstanding natural beauty, a relevant authority shall have regard to the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty." (my italics)

1 Irrelevant and misguided supporting document

Part of the LP's conclusions are based on supporting document *AONB Settings Study, Plans and Photos of Benenden Hospital*, by *Hankinson & Duckett*. This report is on the entire hospital site and not on sites AL/BE 3 & 4 on their own. Their conclusions that the north western car park might look better with houses on it may or may not be true, but since this area is not part of the site under consideration, the conclusion is irrelevant.

Its review of Green Lane to the south is relevant to AL/BE3 but the conclusions fail to impress. Green Lane is a rural lane which, according to TWBC's *Rural Lanes: Supplementary Planning Guidance*, scores very highly in terms of its landscape, recreational value, natural beauty and history. As such it is designated part of National Route 18, a 42-mile cycle ride between Ashford and Tunbridge Wells, running largely through unspoilt country lanes with wide grass verges and undisturbed rural scenery. AL/BE 3 proposes two major entrances onto this lane for a housing estate of up to 49 houses. Such a development would almost certainly entail a widening of the lane itself and the abolition of its grass verges which would be a contravention of Kent Structure Plan Policy ENV13: *Rural lanes which are of landscape, amenity, nature conservation, historic or archaeological importance will be protected from changes which would damage their character, and enhanced.*

1 Local Wildlife Sites (LWS)

There are 60 LWS in the entire borough and of these, 4 are situated in Benenden hospital grounds, with 3 in the grounds proposed for almost 100 new houses. One of these is in the northern site of AL/BE4 and two are in AL/BE3. A letter from Keith Nicholson, former Planning and Conservation officer for the Kent Wildlife Trust, dated 4 March 2013, to TWBC Development Control Officer, Ellen Gilbert states that the hospital LWS are of national importance, mainly for the large number of different varieties of waxcaps. He states that they could well have been designated SSSI.

The LP purports to protect the LWS but Para 3.21 of the BHS submission on the LP shows plans to remove one of the LWS.

"3.21. The Society supports the requirement for long-term management of the core areas of LWS associated with the hospital land. This includes all but the modest area within the SEQ adjoining Peek Lodge which is too constraining on the South East Quadrant redevelopment proposals. Accordingly, the soils in the area will be translocated to a nearby receptor site to try to ensure that the rare fungi can continue to thrive in this local area." This is **ecologically illiterate. Moving a LWS by digging it up and putting the earth somewhere else is unlikely to protect the rare waxcap fungi which are of national importance.** Indeed, the LP now speaks of the LWS in AL/BE3 in the singular, (para 5.451) as if one of the sites had already been removed.

High value environmental area

Comment DLP_3458 from the High Weald AONB Unit states that the Benenden Hospital site “includes rare and vulnerable acid grassland which should form a core area for unimproved grassland as part of a High Weald nature recovery network.”

No respect for LWS

Although the LP claims building will only be within existing footprints, the developers, with whom the BNP Steering Committee is working closely, do not appear to reflect the same standards. Plans for 47 new houses in the SE Quadrant, presented to the village on 17th February 2020 by the hospital architects, show the buildings are not to be built within the footprint of previous buildings nor to respect LWS. The TW Local Plan has allocated sites originally allocated by the BNP (the only parish in the borough to allocate its own sites) and the hospital sites are the major target for all building in the parish.

Long-term Management plans

Long-term management plans of green spaces within housing estates are, unfortunately, no substitute for natural wild spaces of the kind you find in field hedgerows and shaws. A ‘managed’ and regularly mown green space set between tarmacked streets, lit housing estates and pavements is less likely to promote biodiversity and less likely to conserve wildlife than an ‘unmanaged’ green space of the kind you currently find along our country lanes. Net biodiversity gain from the construction of a housing estate in the countryside is a contradiction in terms.

1 The AONB

The LP claims that the hospital development “has the potential to improve the setting of the HW AONB through the delivery of a more sensitive redevelopment of existing buildings” (para 5.454) but the claim is not supported by the evidence (*Hankinson & Duckett*) and differs from the HW AONB unit’s own assessment of the plans.

See the comment on TW Draft Plan **DLP_3458 High Weald AONB Unit**: “...In our view the development at Benenden Hospital will have a significant effect on the setting of the AONB and the purposes of its designation, and this issue has not been properly considered by the Plan.”

1 Failure to hold consultations with stakeholders or to hold them in a timely fashion.

- . The BNP, on which the LP’s allocations are based, allocated sites in its first draft in February 2019. These are the same sites that appear today in the LP.
- . These sites were allocated before writing to the SEA requesting a review of sites.
- . The BNP steering committee did not ask the High Weald AONB Unit to review the hospital sites, although it asked them to review the other sites.
- . Heritage England was, we believe not invited to review the plan and was only able to make comments on publication of the draft TW LP

Question 6

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Question 5 above. (Please note that non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

The modifications needed are included in the submissions set out above. In summary, development on site AL/BE 3 should be limited to the existing, so far unused, planning permission for 24 houses, preferably by adapting the Garland Wing, which is a building of historic value, either to a wellness centre, in accordance with its original intention, or to a row of up to 10 terraced houses. Site AL/BE 4

already has 18 semi-detached houses on it, and cannot support any more. It should therefore be excluded. Housing should be allocated to sites (such as 158 and 222 in the village centre or LS8 in Iden Green) which lie on bus routes or are within walking distance of the village centre and school. Paragraphs 5.421 and 5.422 should be omitted.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)? . No, I do not wish to participate in examination hearing session(s)

Question 8

If you have any separate comments you wish to make on the accompanying Sustainability Appraisal, please make them here.

In so far as Benenden is concerned, the sites were allocated before any sustainability appraisal was commissioned. It is not therefore a relevant factor in the allocation of sites for housing.

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box: Yes, I wish to be notified of future stages of the Local Plan

Comment

Consultee	Amanda Petch [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] Benenden [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Amanda Petch [REDACTED]
Comment ID	PSLP_109
Response Date	08/05/21 16:18
Consultation Point	Policy PSTR/BE 1 The Strategy for Benenden parish (View)
Status	Processed
Submission Type	Email
Version	0.4
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Amanda Petch
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

PSTR/BE 1: The Strategy for Benenden parish

[TWBC: this representation has been input against Policies PSTR/BE 1, AL/BE 3 and AL/BE 3 – see Comment Numbers PSLP_109, PSLP_110 and PSLP_111]

Question 4

Do you consider that the Local Plan:

Is legally compliant	No
Is sound	No
Complies with the Duty to Cooperate	No

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

- . It is not positively prepared
- . It is not effective
- . It is not justified
- . It is not consistent with national policy

Question 5

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

Paragraph No(s) Para5.4135.4145.4165.4205.4215.4225.4285.4525.4535.4545.4565.4585.4675.468
Policy No. Objective 1Objective 2STR1STR2STR3STR5STR6STR7STR8PSTR/BE1Policy AL/BE1Policy AL/BE3Policy AL/BE4EN1Sustainability AppraisalSHELAA Policies Map (Inset Map No(s)) Inset Map 18

This submission concerns the parish of Benenden, the only parish in the borough to have made its own allocations. The Benenden Neighbourhood Plan (BNP) has been developed in close consultation with TWBC, with the BNP in the lead. The BNP announced its allocations in February 2019, before inviting AECOM to produce its Strategic Environmental Assessment. Pre-Submission Local Plan, para 5.420 reads "The BNP was submitted to TWBC in October 2020 and was consulted on between 30 October and 11 December 2020." But the allocations had been made and published in February 2019. Further, Para 5.420 states "The BNP proposes to include site allocation policies that follow the approach of the site allocation policies for Benenden in this Local Plan." BNP allocations were first published in February 2019 i.e. before LP site allocation policies.

Allocations made by the LP, when it took up the BNP's baton, are therefore inevitably linked to BNP's weaknesses. Yet if the BNP passes a referendum before acceptance of the LP, it is said that it will take precedence over the LP (see para 5.421), with the exception of its plans for the northern site at Benenden hospital, which will be overruled by the plans advanced in the LP (see Benenden Parish Council April 2021 response to Independent Examiner queries on the BNP). This is in contravention of para 5.422 which talks of making "modifications to the LP" so that it matches the BNP.

1 Community involvement. EN1: this requirement has not been respected.

In Benenden, almost all new housing is slated for the East End, yet the Friends of the East End (FEE), were never asked to meet with the BNP steering group.

- . See EN1 para 9 requiring the effective engagement of the local community, neighbours of sites and others. The FEE submitted three petitions, two to the BNP and one in relation to the LP. A FEE submission with 127 signatures was submitted on April 4th 2019 in response the Informal Draft NP (published on February 23, 2019), in which the allocations later adopted by the LP were first set out. A FEE submission with 164 signatures was submitted in October 2019 objecting to

the first draft of the LP, and in the same month, a FEE submission with 167 signatures was submitted in relation to the Reg 16 draft BNP. See the FEE's current online petition with more than 450 signatures <https://www.change.org/EastEndFriends>

- . Instead of being consulted, the FEE were ignored and belittled. They were informed on 11th March 2019 by the editor of the Parish Magazine (PM), husband of the Chair of the Parish Council, that "I'm of the view that much of the uncertainty has passed since the presentation of the plan to the village - to a highly favourable reception. At least we no longer have to give polite credence to *uninformed views* that fly in the face of TWBC policy and advocate direct and *pointless confrontation* with TWBC, thereby running the risk of having the entire BNDP thrown back in our faces. *The ensuing chaos hardly bears thinking about.* At least it seems the opinions now being afforded most weight are those of *people who have worked hard for two years to understand the issues* and come up with a coherent way forward."
- . One of the regular articles on the BNP submitted by the chair of the BNP Steering Group appeared in January 2020. It dismisses FEE opposition suggesting only "31 residents from the East End" sent in comments.
- . The core group behind the BNP has consistently tried to persuade those who support the FEE to desist. The chair of the Parish Council and the chair of the BNP Steering Group have twice asked to meet a Tunbridge Wells Alliance (TWA) Borough Councillor for the parish, once together with a TWA borough council candidate, in efforts to persuade them to adhere to the BNP's approach and not to listen to the FEE.
- . The organiser of the FEE was a member of the Steering Committee 2017/2018 as chair of the Environmental Group. She expressed strong disagreement with a Borough Councillor who lives in the village (on occasion, he deputises as chair of the Steering Group) about his wish to step up allocations in the East End and suppress TWBC's wish to build 174 houses on site 158. As a result, the Steering Group chair (using his own word), "sacked" her. This is contrary to EN1 para 9, encouraging early, proactive and effective engagements and the requirement that views expressed should be properly considered.
- . Consultation also failed in relation to the neighbouring parish of Biddenden. The Clerk of Biddenden Council has repeatedly responded to BPC in the course of the BNP consultation process, but received only acknowledgments. A Kent County Councillor and Ashford Borough Councillor wrote an article about BNP's mismanagement of the parish of Biddenden in the Biddenden Parish Magazine, February 2021.
- . The LP is based on the BNP and BNP allocations were made before consultations with stakeholders such as the AONB. This is not consulting in a timely fashion. Further, the LP requires surveys of the hospital sites *after* the designation of the sites for development, for example, archaeological surveys (see AL/BE 3&4). Historic England (HE) asks for the surveys to be carried out *before*. See HE's comments on the first draft LP (DLP_4556) - "we would expect the allocation of sites following on from this Strategy policy (STR1) to be subject to appropriately robust and detailed heritage impact assessment *prior to the allocations being adopted.*"

1 The PSLP is not based on sound evidence

- . Throughout the LP process, misstatements have been made about amenities in Benenden's East End. These may be traced back to a submission made by traffic and highways consultants, Transport Planning Associates (TPA) to Benenden Healthcare Society Ltd. (BHS). This submission was recently disclosed in BHS's response to the Independent Examiner's queries in relation to the BNP. TPA's information is sometimes inaccurate and sometimes misleading and we consider it here in detail because it is difficult otherwise, to understand how the LP was able to continue, iteration after iteration, to relate false information about the hospital site.
- . In October 2019, TPA reported (para 2.6) that there was a footpath along the southern edge of Goddards Green Road (GGR) and the PSLP, para 5.452 states "There is an intermittent pavement along GGR". The GGR is a long road running from New Pond Road to Castleton's Oak crossroads, and was formerly a lane. The pavement is limited to the short section immediately outside the hospital buildings. To say that there is an intermittent pavement along GGR is misleading.
- . The TPA refers to the East End as a village, which it is not. The East End runs from the junction of GGR and Walkhurst Road, along the GGR to the border with Tenterden, then turns south to reach close to Hole Park in Rolvenden, then east back to Walkhurst Road at the site of the stream, then along Walkhurst Road back to GGR (see the old Electoral Roll for 2004 when the East End had its own polling station). It is a large, totally rural area of several square miles, which was why it was chosen as the site for an isolation hospital in 1906. Today it contains only 76 houses

scattered across the entire area. The PSLP consistently refers to the East End as a hamlet. It is not, which is why BPC is able to advertise itself on its website as “Serving the people of Benenden and Iden Green” without any reference to the East End.

- . The TPA says that “a day nursery is located immediately to the north of the Site within 400m.” There is incorrect, yet this error is repeated in para 5.413 of the PSLP “There are also nursery/pre-school facilities at Iden Green and East End.” An accurate account would mention Iden Green only.
- . The TPA states that there are daily bus services along GGR provided by bus nos. 24 and 299, and twice a day service provided by the Hopper bus. This information is incorrect. The 2019 Hopper bus, operated by the Tenterden social services hub on an experimental basis, failed in only a matter of months. While the 24 and the 299 buses pass along GGR, they do so on only one day a week. The 24 on Tuesdays and the 299 on Wednesdays. The East End has almost no public transport.
- . The TPA makes several statements in relation to traffic which have fed misinformation into the system to be reflected in AL/BA3&4. This misinformation was only recently revealed when documents were provided by BHS following April 2021 queries raised by the Independent Examiner on the BNP. These documents include a TPA ‘Scoping Note’ on road and traffic conditions at the site and a letter written in response to this Note from KCC Highways, dated 13 Nov. 2019. The TPA states that the GGR is 7m wide at the hospital site which detracts from the fact that it is actually a winding rural lane, now called a road, and varies considerably in width. It may at some point be 7m wide, but at others, it is so narrow that two lorries have difficulty passing each other. The TPA claims that there is no need for a road safety review because there have been “no personal injury accidents” recorded within 1,000m. Castleton’s Oak crossroads lie 1.5 km from the site and accidents there are frequent, largely due to increasing traffic at the hospital. The hospital has turned itself into an almost exclusively out-patient centre and almost all its 300 employees drive in to work from outside the parish (formerly, they were housed on site in hospital staff buildings). Kent County Council (KCC) Highways make constant and repeated attempts to lower the risk of injury at the crossroads. Works there are ongoing at this time. The TPA claims that no traffic surveys are necessary which is a point queried in the KCC Highways’ email. The email talks of the “heavy car dependency” of residents in any housing in this location and says this was one of its concerns, even at the time of the original application asking for only 24 houses. The email states that BHS’s plans (and therefore AL/BE 3&4) are contrary to the NPPF and to KCC’s own policy objectives, and points out that the hospital has not co-operated over the idea of a minibus to provide transport from the site to Benenden. The letter calls for: traffic counts along the GGR; a wider crash analysis; and expresses concern over the proposed access points to the SE Quadrant - 2 on Green Lane and 2 on GGR. Lastly, on trip generation, the TPA projects that 47 houses at the site will produce only 106 trips a day, though the consultants admit that they have difficulty in basing their estimate on comparable sites because there are none. These trip generation figures ignore existing traffic from local residents, from patients, from hospital staff and from the newly (January 2021) proposed housing estate at Cleveland. The AL/BE 3&4 fails to provide a traffic count, fails to ask for a road safety review and fails to acknowledge frequent traffic accidents near the sites.
- . Pre-submission supporting documents also produce inaccurate and sometimes irrelevant evidence. The hospital sites are within the setting of an AONB and even overlap into it, yet *Inset Map 18* (Benenden Hospital), unlike other maps attached, makes no reference to the AONB boundary. The BNP claims that the hospital is outside the AONB and on this basis, since the rest of the village is wholly within the AONB, largely justifies placing most of Benenden’s housing in the East End. The relationship of the AONB boundary to the hospital sites is important yet it is ignored on the map. This looks like prejudice.
- . Hankinson Duckett Associates’s *AONB Setting Analysis Report* (a supporting document for the PSLP, referred to as an evidence base) is, in its analysis of AL/BE3&4, unsound. The analysis argues that development at these sites will enhance the setting of the AONB. It illustrates the argument with photos of the hospital chapel and its carpark. Neither chapel nor car park are in the area up for development.
- . The *Sustainability Appraisal* (SA) is misleading. Table 58 on page 163 states that all Benenden sites “lack services, facilities and travel options”. This belies the fact that AL/BE2 (Feoffee almshouses) is close to the Street as is AL/BE1 (Uphill). Both sites are within walking distance of the bus stop for daily bus services, the post office, village shop, the primary school, the village green, the butchers, pub, community hall, church, recreation ground and children’s playground.

AL/BE 3 & 4 are three miles northeast of the village with no daily bus service and no amenities whatsoever.

- . The commentary on Table 58, (page 163 of the SA), states that East End sites score badly on Climate Change and Travel, yet these are the sites promoted for most houses.
- . The SA argues on page 163 that East End residents will send their children to schools in Tenterden instead of to the village primary school, and that this will lessen the otherwise seriously negative effects of the two hospital sites. This is pure conjecture and possibly wishful thinking. The school has a good reputation and currently between 70 and 75% of children there come from outside the parish. East End children will have precedence over these, since intake depends on the distance of a child's residence from the school. Pressure on Benenden Primary School will increase, not decrease. Further, the use of a car, whether it drives to Tenterden (5-6 miles) or to Benenden (3 miles), pollutes and deprives residents of the health-giving pleasure of walking to school. The AL/BE 3&4 are contrary to STR2, to the NPPF and to KCC policy on climate change.
- . Appendix L (pp331-2) shows *Scores for Reasonable Sites in Benenden*. Here we see scores for 158 and 222, two sites close to the village centre. Of 158, we read "A site that scores several neutrals with some positives, let down by its land use and landscape score impacted by a loss of a greenfield site in the AONB and *lack of services and facilities including public transport at the settlement.*" This SA report compares poorly with the SA TWBC carried on site 158 in 2006. 158 is parallel to and just north of the Street with its exit onto New Pond Road. In 2006 site 158 was chosen in a village referendum as the site for a new C of E primary school. It was the preferred site out of a choice of two, both of which were greenfield. TWBC's 2006 SA on 158 decided (see page 18 of the *Sustainability Appraisal Benenden Church of England Primary School Land Allocation DPD - Issues and Options* report), that 158 was one of two top sites. "Situated adjacent to an area of ancient woodland, the site provides the potential for habitat linkages and wildlife corridors. The site is not adjacent to the CA and does not form a significant role in its setting. There are no Listed Buildings on or adjacent to the site. The site is consistent with the surrounding landscape character. There are limited views into the site and no public rights of way over the site." On page 38, we read, "This site is anticipated to have a major beneficial effect on improving educational standards and travel choice/traffic levels". In spite of the referendum result, the school was eventually built at the less preferred site and, since then, TWBC had been in consultation with 158's owners to build houses there. In April 2018, BNP Steering Committee Deputy Chair, a borough councillor, showed the committee a piece of paper from TWBC saying that TWBC wishes to build 174 houses on site 158. He committed himself to seeing these numbers reduced and the numbers at the East End raised. After a meeting between representatives from the BNP group and TW planners on June 19th, 2018, the minutes reported that "At times the workshop was emotive ...". Following that meeting TW planners put site 158 on temporary hold, limiting development there to a future Local Plan by asking, in the first draft of the LP on page 270, that the Uphill site on New Pond Road, adjacent to 158 and allocated at that time as AL/BE3, should, under Clause 8, provide for vehicular access through Uphill to the site behind (158) "which may be allocated for development as part of a future Local Plan." In the PSLP, this wording for Clause 8 has disappeared. Where is the evidence-base for such wording to be included in the first draft and excluded in the second? Why is the site considered suitable in 2006, in 2018, and in the first draft, but not suitable in the PSLP?
- . Site 222, like 158 is described in Appendix L of the PSLP's SA as suffering from "a lack of services and facilities including public transport at the settlement." This is inaccurate. There is a daily bus service along Benenden Street and site 222 is within easy walking distance of the bus stop, shops, pub, community hall, primary school and all other amenities.
- . Site LS8, in the heart of Iden Green is, along with site 158 and 222, a site which on-the-ground evidence suggests is eminently suitable for development, but which the SA fails to allocate. Appendix L of the SA gives LS8 virtually the same scores as Uphill (LS16 of AL/BE1) yet the latter is included for development and the former is not. The commentary states of LS8 "A number of scores are negative however, reflecting the remote location of the site from services and facilities and public transport. It scores negatively in heritage terms as the site is a relatively sizeable piece of the Iden Green Conservation Area." This site is far less remote than sites AL/BE 3 & 4. It is one mile from the village and connected to it by a paved footpath running past a Roadside Conservation Area and then (still paved) through a field to the church and primary school. It is on a bus route and the bus stop is next to LS8. Iden Green has a community hall,

tennis courts, a children's playground and pub/restaurant. The SA information is unreliable and the PSLP's use of it for site allocation is unwise.

1 Policies AL/BE3&4 are not consistent with the PSLP's Vision objectives nor with its strategies, nor with KCC's policies, nor with the NPPF.

The PSLP's Vision Objective 1 is : "to improve access to suitable, especially affordable housing, including for local young people and older households." But this is inconsistent with allocations AL/BE 3 & 4. BHS is asking in its comments on the LP first draft, for a lower number of affordable homes because of the high cost of brownfield development. Living isolated in the countryside, families will need at least two cars. Old and young will be unable to walk to schools, shops or any other amenities. This is not a suitable site for a borough which (see para 2.16) expects the population over the age of 65 + to increase by around 40% between 2020 and 2038.

The PSLP's Vision Objective 2 is to ensure sustainable development which allocations at AL/BE 3&4 do not achieve. On the contrary, the KCC warns that even with the existing permission for 24 houses on AL/BE3, the highway authority had concerns. This is an isolated location, deep in the countryside (see KCC Highways email 13 Nov 2019). More than 24 houses in this location is not sustainable.

Policy PSTR/BE1, LBD 5.416 states "the LBD around Benenden village sets the extent of existing and planned development .." This conflicts with the recommendation that major development be instated three miles beyond the LBD, on the border with Biddenden.

Policy STR 2 "The Council requires the use of masterplanning, including the use of design codes and sustainable design standards where appropriate, for strategic and larger-scale developments.." This is undermined by AL/BE 3&4 which calls for a masterplan for an area not included in the PSLP and not presented. Para 1a of Policy AL/BE3 states that there is a need to "show indicatively how the other areas included within Policies AL/BE3 and AL/BE 4 can be developed to meet the overall policy requirements as set out within each of these policies, and *how the future needs for Benenden Hospital will be met on areas to the north west and south west that currently comprise the hospital buildings and associated ancillary uses and is previously developed land.*" It is not sound to proceed with an LP where the land to be developed is not clearly indicated from the start.

A masterplan is essential to avoid current inconsistencies on the size of areas to be developed: AL/BE3 excludes one of the 2 Local Wildlife Sites (LWS) at the site, yet the BNP includes both. Para 5.458 states "Both this policy and BNP draft Policy SSP3 broadly follow the same approach towards the potential for developing this site for a residential development.." They do not. The PSLP states that in the event of a successful referendum, the BNP's proposals will prevail. If this is so, are we supposed to assume that AL/BE3 map is inaccurate?

A similar problem arises at the northern site (AL/BE4) here there are currently 18 dwellings. The proposal allows for these to be demolished and another 25 dwellings added to the site. The size of the area to be developed varies between the LP and the BNP. The LP includes the LWS in the area to be developed but the BNP includes only a small section, but says in the event of a successful referendum the BNP plan will be over-ruled by the LP plan (see the BPC response April 2021 to the Independent Examiner's queries). This is the reverse of 5.421 & 2. It is unsound to proceed with a plan when the NP and the LP are at odds with each other.

The PSLP claims building will only be within existing footprints, an approach which is at odds with that of the BHS. Plans for 47 new houses in AL/BE3, presented to the village on 17th February 2020 by the hospital architects, show the buildings are not to be built within the footprint of previous buildings nor to respect LWS.

Policy STR 3 calls for the use of brownfield sites "within settlements" and in "sustainable locations." AL/BE 3 consists of disused medical buildings and 2 LWS with parkland and veteran trees (depending on whether this second LWS is included or not). 5.448 is therefore incorrect. The site should be described not as brownfield but as partly brownfield. It is not on the brownfield register. Because of its remote location and its valuable LWS sites, it is not free from constraints which could be mitigated. As such, Policy AL/BE3 does not meet the criteria needed under the NPPF, Section 11, para 117 for development in "a way that makes as much use as possible of previously-developed or 'brownfield' land." AL/BE 4 contains in-use residential housing and an LWS and therefore is not brownfield.

Policy STR 5 states that "New residential ... development will be supported if sufficient infrastructure capacity is either available or can be provided in time to serve the development." Will this happen at AL/BE3&4? Developers themselves are to provide the infrastructure at AL/BE 3&4. The LP proposes to take on trust suggestions that the BHS will avoid building on the LWS and will provide play-grounds,

sports facilities and tennis courts. We know from submissions following the first draft LP, that BHS is actually planning to remove one LWS entirely and that its plans include building on the LWS and beyond the foot print of previous buildings. BHS suggests, in its response to the first draft LP (DLP_4956) that it is unlikely to provide play-grounds, sports facilities and tennis courts. The PSLP's approach does not take comments to the first draft LP into account.

Policy STR 6 proposes to “Deliver future development in accessible locations, normally within or in close proximity to existing towns and villages across the borough.” In the case of the two isolated hospital sites, the PSLP contradicts its own strategic policy and fails to offer choices in transport or to prioritise active travel and public transport. The Benenden hospital sites have no daily bus service and no active travel link to the village, and neither the PSLP nor the BHS provide credible information on how these links are to be provided. The KCC email of Nov 13 suggests that the hospital is uncooperative on the proposal to organise a minibus service and the SHELAA says of AL/BE3 that it is “Remote from a settlement centre,” (unlike sites 158, 222 and LS8); that residents will rely heavily on private cars and thus air quality and travel objectives score negatively; and that, “although promoted by the policy, shared transport and active travel options are unlikely to take precedence over private vehicle use thus air quality and climate change score negatively.” This we feel is the nub of the issue. For all the talk of mitigating the remoteness of the hospital sites with a minibus link and cycle routes, nobody actually believes that any of these measures will succeed. As for the proposal to create links suitable for electric personal vehicles, such as mobility scooters (as suggested under STR 6), it is difficult to see, when the closest link with the village is a single-track lane (Walkhurst Road), how any personal electric vehicle could make that journey. The PSLP is creating, through its policies AL/BE3&4, a car dependent community. This thereby negates the sense of the LP's supporting document, *Transport Strategy Review Sept 2019* which urges reducing the need to travel.

AL/BE3&4 also undermine TWBC's Full Council motion of July 2019 to reduce CO2 emissions. “The dominance of the car as a mode of transport can lead to congestion, more road accidents, air and noise pollution. In addition it contributes to climate change, reduces social cohesion and leads to less healthy lifestyles” (para 44 *Transport Review*). According to TW's own SA from 2006, if social cohesion, reduction in air pollutants, and public health were indeed the borough's priorities, sites chosen for development in Benenden would have included site 158.

PSLP paras 5.453 and 5.467 state that “residents of development in this location will rely heavily on private cars.” These plans runs counter to STR6 policy on the environment see paras 6.8, 6.9, 6.10, 6.11 and 6.13. It also contravenes KCC policies on climate change and the NPPF (see KCC's Nov 13, 2019 letter on this subject).

Para 5.414 “The parish provides two relatively large sources of employment: at Benenden Hospital and at Benenden School.” The inference is that the employment opportunities are linked somehow to the population of Benenden. There is in fact little connection. The 300 plus staff at the hospital drive into the parish along GGR to work and, since the hospital is isolated from the village, their contribution to the local economy is negligible.

Policy STR 6 The LP proposes to “Deliver future development in accessible locations, normally within or in close proximity to existing towns and villages across the borough.” In the case of the two isolated hospital sites, the LP contradicts its own strategic policy and fails to offer choices in transport or to prioritise active travel and public transport.

Cycle routes: The PSLP's standards on the public benefits of cycling and walking are based on the *Cycle Strategy Supporting Document*, but these standards are undermined by site allocation in Benenden. The Cycle document states that: “When more people cycle or walk the health of the population improves and our roads become safer and less congested.” Its objectives 4 and 5 are to improve safety for cyclists and air quality for all, but AL/BE 3 & 4 will create a community, deep in the countryside, entirely dependent on the car and will contribute to poorer air quality for all. The allocation of these sites, as opposed to sites such as 158, is difficult to understand.

The *Cycle Strategy* states that fear of traffic is possibly the main factor discouraging people from cycling. National Cycle Route 18 runs from the Rolvenden Road, down Stepneyford Lane, to Green Lane, before joining the Benenden Road near the hospital, turning right and leading to Castleton's Oak Cross roads and Gribblebridge Lane. This route is a largely on-road ride travelling through the High Weald, using narrow, picturesque country lanes as much as possible. Green Lane/Stepneyford Lane is mentioned in TWBC's Rural Lanes: Supplementary Planning Guidance. It is particularly high scoring in terms of its landscape, its recreational value, its natural beauty and its history. For these

reasons, it is part of National Route 18. Rather than encouraging cycling, AL/BE3, which proposes two exits for this major development on GGR and two on Green Lane (where a second housing estate, at Cleveland Farm is already leading to Kent Highways calling for road widening and the elimination of grass verges - see building application 20/03267/FULL) will cause an increase in those factors, identified in *TW Cycle Strategy*, as discouraging cyclists, namely, traffic and the loss of unspoilt country lanes. Policy AL/BE3 also contravenes Kent Structure Plan Policy ENV13: "Rural lanes which are of landscape, amenity, nature conservation, historic or archaeological importance will be protected from changes which would damage their character, and enhanced." In any event, the cycle route is purely recreational and will not enhance the sustainability of these sites.

Policy STR 7 proposes, in dealing with TWBC's 2019 legally binding commitment to manage climate change, that all development in the borough will support the Council's target to achieve net zero emissions by 2030. It is unsound, with such a goal, to propose a major development on the parish periphery, 3 miles equidistant from two villages where there is no shop (in spite of the PLSP's statement AL/BE 3&4) and no café (BHS says its café was built for its own use not for the use of the public - see comments on the first draft of the LP). Residents will need their cars for almost everything.

Policy STR1 promotes the effective use of previously developed land, having due regard to relevant Plan policies, but in promoting AL/BE3&4, the PSLP disregards STR6 (environmental goals) & STR7 (transport goals).

Under the NPPF, sustainability is the priority, as the PSLP acknowledges in STR3, 4.65 "A presumption of sustainability lies at the heart of the NPPF", but in allocating AL/BE 3&4, the PSLP fails to respect its own and the NPPF's strategic priorities.

Policy STR 8 states that development should contribute to and enhance rural landscapes with particular regard to the High Weald (HW) AONB. The PSLP promotes nature conservation. Its biodiversity objective is to achieve net gains and, where possible, secure long-term management of sites for biodiversity. AL/BE3 runs counter to this strategy since the BHS has produced plans showing houses built over the LWS. It has, furthermore, produced a document requiring that one of the two LWS be dug up and removed to another unspecified location, thereby nullifying the terms of the existing Landscape and Ecology Management Plan (LEMP) for that site. Para 3.21 of the BHS submission on the first draft LP states: *"The Society supports the requirement for long-term management of the core areas of LWS associated with the hospital land. This includes all but the modest area within the SEQ adjoining Peak Lodge which is too constraining on the South East Quadrant redevelopment proposals. Accordingly, the soils in the area will be translocated to a nearby receptor site to try to ensure that the rare fungi can continue to thrive in this local area."* This is a particularly significant site for biodiversity. A letter from Keith Nicholson, former Planning and Conservation officer for the Kent Wildlife Trust, dated 4 March 2013, to TWBC Development Control Officer, Ellen Gilbert states that the hospital LWS are of national importance, mainly for the large number of different varieties of waxcaps. He states that they could well have been designated SSSI. Both in terms of waxcaps and in terms of valuable acid grassland, the hospital sites have high environmental value, see Comment DLP_3458 on the first draft of the LP, from the High Weald AONB Unit. The Benenden Hospital site *"includes rare and vulnerable acid grassland which should form a core area for unimproved grassland as part of a High Weald nature recovery network."* AL/BE3&4 threaten the biodiversity of significant species in the LWS at the hospital sites, contrary to EN1.

The LWS to the south of AL/BE3 is included in the BNP and BPC argues that this has been done in order to protect it (see their response to the Independent Examiner April 2021). It is difficult to follow this logic. The inclusion of the site in the area to be developed suggests that it too could be under threat.

There is no plan showing the placement of houses on AL/BE 4, which is currently home to a large LWS and is the site of 18 habitable dwellings, almost all of the them currently in use and let. The proposal allows for these to be demolished and another 25 dwellings added to the site. The PSLP includes the LWS in the area to be developed and the BNP excludes most of it. Benenden Parish Council (BPC), in its April 2021 response to the Independent Examiner, has said that, in this case of a successful referendum, the PSLP's plan (which includes the LWS), will prevail. In other words, of the 3 LWS in AL/BE 3&4, one is slated for removal, one will be built over if the PSLP prevails and one may be built over if the BNP prevails. This undermines STR8.

The PSLP claims that the hospital development “has the potential to improve the setting of the HW AONB through the delivery of a more sensitive redevelopment of existing buildings” (para 5.454), but the claim is not supported by evidence produced by the *Hankinson & Duckett* (see above) while the HW AONB unit’s own view is the opposite. See TW first Draft LP, **DLP_3458 High Weald AONB Unit** (which objects to the Plan) : “....In our view the development at Benenden Hospital will have a significant effect on the setting of the AONB and the purposes of its designation, and this issue has not been properly considered by the Plan.”

Also, the NPPF section 2 para 11

“Plans and decisions should apply a presumption in favour of sustainable development... (b) strategic policies should provide for objectively assessed needs for housing ...that cannot be met within neighbouring areas unless ... (i) the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area.” And see Footnote 6: the policies referred to are those in the Framework ...relating to habitat sites (and those sites listed in para 176) and /or designated as SSSI, AONBs

NPPF para 177 requires that *“an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.”* No such assessment has been undertaken.

PSLP EN1 para 5. Biodiversity and geodiversity.

AL/BE 3&4 run counter to this policy as stated above in relation to the LWS.

The Environment

STR8 sets high environmental standards but these are undermined in the site allocations. This is particularly startling in the light of the July 2019 Full Council motion to recognise the climate and biodiversity emergency, in fact, the Benenden allocations put into question whether the motion was passed in good faith.

EN1 para 5 (Biodiversity and geodiversity) says that proposals should maximise opportunities to increase biodiversity. This goal may make sense in an urban setting, but development in the countryside, as is proposed in AL/BE 3 & 4, cannot hope to ever mitigate biodiversity loss. The destruction of trees and wild spaces, the introduction of lighting, kerbs, driveways, wider roads and narrower verges, the use of concrete, tarmac, bricks and mortar in a deeply rural setting cannot “increase biodiversity”.

EN1 provides for Long-term Management plans which would be satisfactory within an urban context. In a rural location like the East End, such plans are no substitute for natural wild spaces. A ‘managed’ green space set among streets is less likely to promote biodiversity and less likely to conserve wildlife than ‘unmanaged’ green space. Further, the three LWS in AL/BE3 are all already part of an existing LEMP agreement, and since one or all would be removed in the case of development as outlined by BHS under AL/BE3&4, instead of creating a long-term management plan, AL/BE3&4 would all but terminate an existing one. The sentiments expressed in EN1 are mocked by AL/BE3&4.

1 Site policies

AL/BE3 excludes one of the 2 LWS at the site, and the BNP includes both, yet para 5.458 states “Both this policy and BNP draft Policy SSP3 broadly follow the same approach towards the potential for developing this site for a residential development..” This does not appear to be the case. Further, the SHELAA treats this site twice, once including the southern LWS (and excluding Windmill Cottage) and once excluding the LWS and including Windmill Cottage (SHELAA pages 1-3 and pages 18-19). In the second instance, the suggestion is for 67-73 houses, presumably building over the LWS. The first plan is the one adopted in the PSLP and appears to be the more accurate of the two in that it describes the site as “mostly PDL”. The second ignores all greenfield aspects and is almost identical to the plan in the BNP, a plan which BNP claims will prevail if it wins a referendum. Is AL/BE3 presenting us with the wrong plan?

AL/BE3 and AL/BE4 provide for a phased timetable for development of the two sites at different time intervals without calling for a comprehensive masterplan for the hospital site as a whole i.e. for the entire built up area. This is inconsistent with STR2, which requires a masterplan for large developments. The full extent of the area to be developed must be clear. See para 1a of Policy AL/BE3 which states that there is a need to “show indicatively how the other areas included within Policies AL/BE3 and AL/BE 4 can be developed to meet the overall policy requirements as set out within each of these policies, and *how the future needs for Benenden Hospital will be met on areas to the north west and south west that currently comprise the hospital buildings and associated ancillary uses and is previously developed land.*” It is not sound to proceed with an LP where the land to be developed is not indicated from the start.

AL/BE3&4 both call for an active travel link between the site and Benenden village. This proposal has been costed (see BPC’s April 2021 reply to the Independent Examiner) at between £180,000 and £220,000 for a 3m wide tarmacked surface, plus costs to upgrade it to a bridleway, plus the costs associated with obtaining landowners’ consent or, failing that, of starting compulsory purchase proceedings which TWBC expresses reluctance to undertake because of the significant compensation costs and legal costs which would be involved. No steps have been taken either by the BNP or TWBC to ascertain the willingness of landowners to give up their land although the major landowner involved wrote to BNP on 11th Sept. 2019 objecting to the plan. It is understood that he was not contacted for subsequent discussion.

AL/BE3&4 calls for the repurposing of the existing tennis courts for the use of local residents, which BHS denies it will offer for public use; for the public use of the hospital’s café; for the creation of a hospital shop (5.413); for a minibus service linking the hospital to the village (“The Society is not a transport provider” is BHS’ response); for green space, a playground and provision of a community hall - most of these policies are refuted in Savills’ comments on behalf of BHS, in the first draft of the LP, DLP_ 4956 paras 3.14, 3.18, 3.19, 3.20, 3.46 and 3.47. Rather than agreeing to such policies, the hospital is calling on TWBC to introduce a more flexible funding system to allow a *reduction* of developer costs. BHS argues these will be high because they wish to demolish existing buildings. It is unsound to propose policies which cannot be implemented. Once the sites are sold, no relevant conditions to this effect could be imposed.

1 **The PSLP is unsound because of inconsistencies in the treatment of different sites.**

- . **Uphill, AL/BE1** is described as having archaeological potential (para 5.428) requiring possible mitigation measures. This is not because of historical finds on the site, but because they might be found. A listed manor house lies on the other side of New Pond Road and, according to AL/BE1, “the site lies within, or very close to the relevant impact risk zone for Parsonage Wood”, a SSSI which is, in fact, several miles away. The archaeological significance of AL/BE 3&4 is far more certain and substantial. The hospital sites are where a bronze age palstaff was found (see the National Monument Register - SMR Number /Hob UID)) and the sites lie close to two ancient routeways. A Roman Road runs west-east (on BHS farmland) a few yards to the south of AL/BE3 and a medieval drove road (GGR), runs west-east between the two sites. Further, two Grade II Listed Buildings are sited here, also on BHS land. The Lister building stands a few yards to the west of AL/BE3 and Cleveland Farm house (the farmyard of which BHS is trying to develop separately and simultaneously as if a minor planning project) lies a few yards to the south. Instead of mentioning these facts, AL/BE3&4 reads (5.456 and 5.468) “Kent County Council states that the site includes significant archaeology, which could be dealt with through suitable conditions on a planning approval.” The imbalance in the treatment of the two sites is substantial and suggests prejudice.
- . The SHELAA assessment of site 158 suggests a potential yield of 50-65 houses, but then concludes that only the Uphill part of the site is suitable (20 houses). It states that “the remainder of the site is sensitive in landscaping terms and there is concern regarding scale and impact on the character of the landscape and settlement pattern”. This is contrary to the views of TW’s 2006 SA; to the TW 2018 document proposing 174 houses; and to the first draft of the LP. The dismissal of 158 as a suitable site is not supported by the evidence and suggests prejudice.
- . Site 222, west of the cross roads, was also considered in 2006, as a possible site for the new village school, though it was not one of the top two sites put to a referendum. The SHELAA

suggests 222 has a potential for 76 houses. The site is considered unsuitable partly because the new LBD, if adopted, will exclude all houses west of the cross roads, when the village actually extends a considerable length along this road to the west. There is no mention of the fact that the owners of this site are offering the pond at the south west corner of the crossroads as village green space. The dismissal of 222 is not supported by the evidence and suggests prejudice.

The SHELAA suggests a capacity of 26 houses at Site LS8 in Iden Green, stating that it lies adjacent to the recreation ground and a children's nursery and that there is a pavement on both sides of Iden Green's main road. It fails to mention that the easternmost side of this pavement connects the village to the village primary school. The SHELAA dismisses the site as unsuitable saying that it is located in a remote location relative to services, facilities and public transport, but this site is far less remote than sites AL/BE 3&4. The dismissal of site LS8 is not supported by the evidence and suggests prejudice.

The proposed new LBD has been constructed so as to include the new site at Uphill and to exclude 222, when in fact, the actual built development extends westwards from the crossroads and includes site 222. The LBD is ignored in respect of AL/BE3&4. Manipulation of the LBD to suit allocated sites is inappropriate.

As a general comment, I have found the process unnecessarily difficult to navigate. There are likely to be many people who will give up before they even get started.

Question 6

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Question 5 above. (Please note that non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

The modifications needed are included in the submissions set out above. In summary, development on site AL/BE 3 should be limited to the existing, so far unused, planning permission for 24 houses, preferably by adapting the Garland Wing, which is a building of historic value, either to a wellness centre, in accordance with its original intention, or to a row of up to 10 terraced houses. Site AL/BE 4 already has 18 semi-detached houses on it, and cannot support any more. It should therefore be excluded. Housing should be allocated to sites (such as 158 and 222 in the village centre or LS8 in Iden Green) which lie on bus routes or are within walking distance of the village centre and school. Paragraphs 5.421 and 5.422 should be omitted.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

For office use only

If responder hasn't ticked an option on this box, Not Stated data inputter to tick 'not stated' box.

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:

Yes, I wish to be notified of future stages of the Local Plan

Comment

Consultee	Amanda Petch [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] Benenden [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Amanda Petch [REDACTED]
Comment ID	PSLP_110
Response Date	08/05/21 16:18
Consultation Point	Policy AL/BE 3 Land at Benenden Hospital (south of Goddards Green Road), East End (View)
Status	Processed
Submission Type	Email
Version	0.4
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Amanda Petch
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy AL/BE 3: Land at Benenden Hospital (south of Goddards Green Road), East End

[TWBC: this representation has been input against Policies PSTR/BE 1, AL/BE 3 and AL/BE 3 – see Comment Numbers PSLP_109, PSLP_110 and PSLP_111]

Question 4

Do you consider that the Local Plan:

Is legally compliant	No
Is sound	No
Complies with the Duty to Cooperate	No

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

- . It is not positively prepared
- . It is not effective
- . It is not justified
- . It is not consistent with national policy

Question 5

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

Paragraph No(s) Para5.4135.4145.4165.4205.4215.4225.4285.4525.4535.4545.4565.4585.4675.468
Policy No. Objective 1Objective 2STR1STR2STR3STR5STR6STR7STR8PSTR/BE1Policy AL/BE1Policy AL/BE3Policy AL/BE4EN1Sustainability AppraisalSHELAA Policies Map (Inset Map No(s)) Inset Map 18

This submission concerns the parish of Benenden, the only parish in the borough to have made its own allocations. The Benenden Neighbourhood Plan (BNP) has been developed in close consultation with TWBC, with the BNP in the lead. The BNP announced its allocations in February 2019, before inviting AECOM to produce its Strategic Environmental Assessment. Pre-Submission Local Plan, para 5.420 reads "The BNP was submitted to TWBC in October 2020 and was consulted on between 30 October and 11 December 2020." But the allocations had been made and published in February 2019. Further, Para 5.420 states "The BNP proposes to include site allocation policies that follow the approach of the site allocation policies for Benenden in this Local Plan." BNP allocations were first published in February 2019 i.e. before LP site allocation policies.

Allocations made by the LP, when it took up the BNP's baton, are therefore inevitably linked to BNP's weaknesses. Yet if the BNP passes a referendum before acceptance of the LP, it is said that it will take precedence over the LP (see para 5.421), with the exception of its plans for the northern site at Benenden hospital, which will be overruled by the plans advanced in the LP (see Benenden Parish Council April 2021 response to Independent Examiner queries on the BNP). This is in contravention of para 5.422 which talks of making "modifications to the LP" so that it matches the BNP.

1 Community involvement. EN1: this requirement has not been respected.

In Benenden, almost all new housing is slated for the East End, yet the Friends of the East End (FEE), were never asked to meet with the BNP steering group.

- . See EN1 para 9 requiring the effective engagement of the local community, neighbours of sites and others. The FEE submitted three petitions, two to the BNP and one in relation to the LP. A FEE submission with 127 signatures was submitted on April 4th 2019 in response the Informal Draft NP (published on February 23, 2019), in which the allocations later adopted by the LP were first set out. A FEE submission with 164 signatures was submitted in October 2019 objecting to the first draft of the LP, and in the same month, a FEE submission with 167 signatures was submitted in relation to the Reg 16 draft BNP. See the FEE's current online petition with more than 450 signatures <https://www.change.org/EastEndFriends>

- . Instead of being consulted, the FEE were ignored and belittled. They were informed on 11th March 2019 by the editor of the Parish Magazine (PM), husband of the Chair of the Parish Council, that “I’m of the view that much of the uncertainty has passed since the presentation of the plan to the village - to a highly favourable reception. At least we no longer have to give polite credence to *uninformed views* that fly in the face of TWBC policy and advocate direct and *pointless confrontation* with TWBC, thereby running the risk of having the entire BNDP thrown back in our faces. *The ensuing chaos hardly bears thinking about.* At least it seems the opinions now being afforded most weight are those of *people who have worked hard for two years to understand the issues* and come up with a coherent way forward.”
- . One of the regular articles on the BNP submitted by the chair of the BNP Steering Group appeared in January 2020. It dismisses FEE opposition suggesting only “31 residents from the East End” sent in comments.
- . The core group behind the BNP has consistently tried to persuade those who support the FEE to desist. The chair of the Parish Council and the chair of the BNP Steering Group have twice asked to meet a Tunbridge Wells Alliance (TWA) Borough Councillor for the parish, once together with a TWA borough council candidate, in efforts to persuade them to adhere to the BNP’s approach and not to listen to the FEE.
- . The organiser of the FEE was a member of the Steering Committee 2017/2018 as chair of the Environmental Group. She expressed strong disagreement with a Borough Councillor who lives in the village (on occasion, he deputises as chair of the Steering Group) about his wish to step up allocations in the East End and suppress TWBC’s wish to build 174 houses on site 158. As a result, the Steering Group chair (using his own word), “sacked” her. This is contrary to EN1 para 9, encouraging early, proactive and effective engagements and the requirement that views expressed should be properly considered.
- . Consultation also failed in relation to the neighbouring parish of Biddenden. The Clerk of Biddenden Council has repeatedly responded to BPC in the course of the BNP consultation process, but received only acknowledgments. A Kent County Councillor and Ashford Borough Councillor wrote an article about BNP’s mismanagement of the parish of Biddenden in the Biddenden Parish Magazine, February 2021.
- . The LP is based on the BNP and BNP allocations were made before consultations with stakeholders such as the AONB. This is not consulting in a timely fashion. Further, the LP requires surveys of the hospital sites *after* the designation of the sites for development, for example, archaeological surveys (see AL/BE 3&4). Historic England (HE) asks for the surveys to be carried out *before*. See HE’s comments on the first draft LP (DLP_4556) - “we would expect the allocation of sites following on from this Strategy policy (STR1) to be subject to appropriately robust and detailed heritage impact assessment *prior to the allocations being adopted.*”
- 1 **The PSLP is not based on sound evidence**
 - . Throughout the LP process, misstatements have been made about amenities in Benenden’s East End. These may be traced back to a submission made by traffic and highways consultants, Transport Planning Associates (TPA) to Benenden Healthcare Society Ltd. (BHS). This submission was recently disclosed in BHS’s response to the Independent Examiner’s queries in relation to the BNP. TPA’s information is sometimes inaccurate and sometimes misleading and we consider it here in detail because it is difficult otherwise, to understand how the LP was able to continue, iteration after iteration, to relate false information about the hospital site.
 - . In October 2019, TPA reported (para 2.6) that there was a footpath along the southern edge of Goddards Green Road (GGR) and the PSLP, para 5.452 states “There is an intermittent pavement along GGR”. The GGR is a long road running from New Pond Road to Castleton’s Oak crossroads, and was formerly a lane. The pavement is limited to the short section immediately outside the hospital buildings. To say that there is an intermittent pavement along GGR is misleading.
 - . The TPA refers to the East End as a village, which it is not. The East End runs from the junction of GGR and Walkhurst Road, along the GGR to the border with Tenterden, then turns south to reach close to Hole Park in Rolvenden, then east back to Walkhurst Road at the site of the stream, then along Walkhurst Road back to GGR (see the old Electoral Roll for 2004 when the East End had its own polling station). It is a large, totally rural area of several square miles, which was why it was chosen as the site for an isolation hospital in 1906. Today it contains only 76 houses scattered across the entire area. The PSLP consistently refers to the East End as a hamlet. It is not, which is why BPC is able to advertise itself on its website as “Serving the people of Benenden and Iden Green” without any reference to the East End.

- . The TPA says that “a day nursery is located immediately to the north of the Site within 400m.” There is incorrect, yet this error is repeated in para 5.413 of the PSLP “There are also nursery/pre-school facilities at Iden Green and East End.” An accurate account would mention Iden Green only.
- . The TPA states that there are daily bus services along GGR provided by bus nos. 24 and 299, and twice a day service provided by the Hopper bus. This information is incorrect. The 2019 Hopper bus, operated by the Tenterden social services hub on an experimental basis, failed in only a matter of months. While the 24 and the 299 buses pass along GGR, they do so on only one day a week. The 24 on Tuesdays and the 299 on Wednesdays. The East End has almost no public transport.
- . The TPA makes several statements in relation to traffic which have fed misinformation into the system to be reflected in AL/BA3&4. This misinformation was only recently revealed when documents were provided by BHS following April 2021 queries raised by the Independent Examiner on the BNP. These documents include a TPA ‘Scoping Note’ on road and traffic conditions at the site and a letter written in response to this Note from KCC Highways, dated 13 Nov. 2019. The TPA states that the GGR is 7m wide at the hospital site which detracts from the fact that it is actually a winding rural lane, now called a road, and varies considerably in width. It may at some point be 7m wide, but at others, it is so narrow that two lorries have difficulty passing each other. The TPA claims that there is no need for a road safety review because there have been “no personal injury accidents” recorded within 1,000m. Castleton’s Oak crossroads lie 1.5 km from the site and accidents there are frequent, largely due to increasing traffic at the hospital. The hospital has turned itself into an almost exclusively out-patient centre and almost all its 300 employees drive in to work from outside the parish (formerly, they were housed on site in hospital staff buildings). Kent County Council (KCC) Highways make constant and repeated attempts to lower the risk of injury at the crossroads. Works there are ongoing at this time. The TPA claims that no traffic surveys are necessary which is a point queried in the KCC Highways’ email. The email talks of the “heavy car dependency” of residents in any housing in this location and says this was one of its concerns, even at the time of the original application asking for only 24 houses. The email states that BHS’s plans (and therefore AL/BE 3&4) are contrary to the NPPF and to KCC’s own policy objectives, and points out that the hospital has not co-operated over the idea of a minibus to provide transport from the site to Benenden. The letter calls for: traffic counts along the GGR; a wider crash analysis; and expresses concern over the proposed access points to the SE Quadrant - 2 on Green Lane and 2 on GGR. Lastly, on trip generation, the TPA projects that 47 houses at the site will produce only 106 trips a day, though the consultants admit that they have difficulty in basing their estimate on comparable sites because there are none. These trip generation figures ignore existing traffic from local residents, from patients, from hospital staff and from the newly (January 2021) proposed housing estate at Cleveland. The AL/BE 3&4 fails to provide a traffic count, fails to ask for a road safety review and fails to acknowledge frequent traffic accidents near the sites.
- . Pre-submission supporting documents also produce inaccurate and sometimes irrelevant evidence. The hospital sites are within the setting of an AONB and even overlap into it, yet *Inset Map 18* (Benenden Hospital), unlike other maps attached, makes no reference to the AONB boundary. The BNP claims that the hospital is outside the AONB and on this basis, since the rest of the village is wholly within the AONB, largely justifies placing most of Benenden’s housing in the East End. The relationship of the AONB boundary to the hospital sites is important yet it is ignored on the map. This looks like prejudice.
- . Hankinson Duckett Associates’s *AONB Setting Analysis Report* (a supporting document for the PSLP, referred to as an evidence base) is, in its analysis of AL/BE3&4, unsound. The analysis argues that development at these sites will enhance the setting of the AONB. It illustrates the argument with photos of the hospital chapel and its carpark. Neither chapel nor car park are in the area up for development.
- . The *Sustainability Appraisal* (SA) is misleading. Table 58 on page 163 states that all Benenden sites “lack services, facilities and travel options”. This belies the fact that AL/BE2 (Feoffee almshouses) is close to the Street as is AL/BE1 (Uphill). Both sites are within walking distance of the bus stop for daily bus services, the post office, village shop, the primary school, the village green, the butchers, pub, community hall, church, recreation ground and children’s playground. AL/BE 3 & 4 are three miles northeast of the village with no daily bus service and no amenities whatsoever.

- . The commentary on Table 58, (page 163 of the SA), states that East End sites score badly on Climate Change and Travel, yet these are the sites promoted for most houses.
- . The SA argues on page 163 that East End residents will send their children to schools in Tenterden instead of to the village primary school, and that this will lessen the otherwise seriously negative effects of the two hospital sites. This is pure conjecture and possibly wishful thinking. The school has a good reputation and currently between 70 and 75% of children there come from outside the parish. East End children will have precedence over these, since intake depends on the distance of a child's residence from the school. Pressure on Benenden Primary School will increase, not decrease. Further, the use of a car, whether it drives to Tenterden (5-6 miles) or to Benenden (3 miles), pollutes and deprives residents of the health-giving pleasure of walking to school. The AL/BE 3&4 are contrary to STR2, to the NPPF and to KCC policy on climate change.
- . Appendix L (pp331-2) shows *Scores for Reasonable Sites in Benenden*. Here we see scores for 158 and 222, two sites close to the village centre. Of 158, we read "A site that scores several neutrals with some positives, let down by its land use and landscape score impacted by a loss of a greenfield site in the AONB and *lack of services and facilities including public transport at the settlement.*" This SA report compares poorly with the SA TWBC carried on site 158 in 2006. 158 is parallel to and just north of the Street with its exit onto New Pond Road. In 2006 site 158 was chosen in a village referendum as the site for a new C of E primary school. It was the preferred site out of a choice of two, both of which were greenfield. TWBC's 2006 SA on 158 decided (see page 18 of the *Sustainability Appraisal Benenden Church of England Primary School Land Allocation DPD - Issues and Options* report), that 158 was one of two top sites. "Situated adjacent to an area of ancient woodland, the site provides the potential for habitat linkages and wildlife corridors. The site is not adjacent to the CA and does not form a significant role in its setting. There are no Listed Buildings on or adjacent to the site. The site is consistent with the surrounding landscape character. There are limited views into the site and no public rights of way over the site." On page 38, we read, "This site is anticipated to have a major beneficial effect on improving educational standards and travel choice/traffic levels". In spite of the referendum result, the school was eventually built at the less preferred site and, since then, TWBC had been in consultation with 158's owners to build houses there. In April 2018, BNP Steering Committee Deputy Chair, a borough councillor, showed the committee a piece of paper from TWBC saying that TWBC wishes to build 174 houses on site 158. He committed himself to seeing these numbers reduced and the numbers at the East End raised. After a meeting between representatives from the BNP group and TW planners on June 19th, 2018, the minutes reported that "At times the workshop was emotive ...". Following that meeting TW planners put site 158 on temporary hold, limiting development there to a future Local Plan by asking, in the first draft of the LP on page 270, that the Uphill site on New Pond Road, adjacent to 158 and allocated at that time as AL/BE3, should, under Clause 8, provide for vehicular access through Uphill to the site behind (158) "which may be allocated for development as part of a future Local Plan." In the PSLP, this wording for Clause 8 has disappeared. Where is the evidence-base for such wording to be included in the first draft and excluded in the second? Why is the site considered suitable in 2006, in 2018, and in the first draft, but not suitable in the PSLP?
- . Site 222, like 158 is described in Appendix L of the PSLP's SA as suffering from "a lack of services and facilities including public transport at the settlement." This is inaccurate. There is a daily bus service along Benenden Street and site 222 is within easy walking distance of the bus stop, shops, pub, community hall, primary school and all other amenities.
- . Site LS8, in the heart of Iden Green is, along with site 158 and 222, a site which on-the-ground evidence suggests is eminently suitable for development, but which the SA fails to allocate. Appendix L of the SA gives LS8 virtually the same scores as Uphill (LS16 of AL/BE1) yet the latter is included for development and the former is not. The commentary states of LS8 "A number of scores are negative however, reflecting the remote location of the site from services and facilities and public transport. It scores negatively in heritage terms as the site is a relatively sizeable piece of the Iden Green Conservation Area." This site is far less remote than sites AL/BE 3 & 4. It is one mile from the village and connected to it by a paved footpath running past a Roadside Conservation Area and then (still paved) through a field to the church and primary school. It is on a bus route and the bus stop is next to LS8. Iden Green has a community hall, tennis courts, a children's playground and pub/restaurant. The SA information is unreliable and the PSLP's use of it for site allocation is unwise.

1 Policies AL/BE3&4 are not consistent with the PSLP's Vision objectives nor with its strategies, nor with KCC's policies, nor with the NPPF.

The PSLP's Vision Objective 1 is : "to improve access to suitable, especially affordable housing, including for local young people and older households." But this is inconsistent with allocations AL/BE 3 & 4. BHS is asking in its comments on the LP first draft, for a lower number of affordable homes because of the high cost of brownfield development. Living isolated in the countryside, families will need at least two cars. Old and young will be unable to walk to schools, shops or any other amenities. This is not a suitable site for a borough which (see para 2.16) expects the population over the age of 65 + to increase by around 40% between 2020 and 2038.

The PSLP's Vision Objective 2 is to ensure sustainable development which allocations at AL/BE 3&4 do not achieve. On the contrary, the KCC warns that even with the existing permission for 24 houses on AL/BE3, the highway authority had concerns. This is an isolated location, deep in the countryside (see KCC Highways email 13 Nov 2019). More than 24 houses in this location is not sustainable.

Policy PSTR/BE1, LBD 5.416 states "the LBD around Benenden village sets the extent of existing and planned development .." This conflicts with the recommendation that major development be instated three miles beyond the LBD, on the border with Biddenden.

Policy STR 2 "The Council requires the use of masterplanning, including the use of design codes and sustainable design standards where appropriate, for strategic and larger-scale developments.." This is undermined by AL/BE 3&4 which calls for a masterplan for an area not included in the PSLP and not presented. Para 1a of Policy AL/BE3 states that there is a need to "show indicatively how the other areas included within Policies AL/BE3 and AL/BE 4 can be developed to meet the overall policy requirements as set out within each of these policies, and *how the future needs for Benenden Hospital will be met on areas to the north west and south west that currently comprise the hospital buildings and associated ancillary uses and is previously developed land.*" It is not sound to proceed with an LP where the land to be developed is not clearly indicated from the start.

A masterplan is essential to avoid current inconsistencies on the size of areas to be developed: AL/BE3 excludes one of the 2 Local Wildlife Sites (LWS) at the site, yet the BNP includes both. Para 5.458 states "Both this policy and BNP draft Policy SSP3 broadly follow the same approach towards the potential for developing this site for a residential development.." They do not. The PSLP states that in the event of a successful referendum, the BNP's proposals will prevail. If this is so, are we supposed to assume that AL/BE3 map is inaccurate?

A similar problem arises at the northern site (AL/BE4) here there are currently 18 dwellings. The proposal allows for these to be demolished and another 25 dwellings added to the site. The size of the area to be developed varies between the LP and the BNP. The LP includes the LWS in the area to be developed but the BNP includes only a small section, but says in the event of a successful referendum the BNP plan will be over-ruled by the LP plan (see the BPC response April 2021 to the Independent Examiner's queries). This is the reverse of 5.421 & 2. It is unsound to proceed with a plan when the NP and the LP are at odds with each other.

The PSLP claims building will only be within existing footprints, an approach which is at odds with that of the BHS. Plans for 47 new houses in AL/BE3, presented to the village on 17th February 2020 by the hospital architects, show the buildings are not to be built within the footprint of previous buildings nor to respect LWS.

Policy STR 3 calls for the use of brownfield sites "within settlements" and in "sustainable locations." AL/BE 3 consists of disused medical buildings and 2 LWS with parkland and veteran trees (depending on whether this second LWS is included or not). 5.448 is therefore incorrect. The site should be described not as brownfield but as partly brownfield. It is not on the brownfield register. Because of its remote location and its valuable LWS sites, it is not free from constraints which could be mitigated. As such, Policy AL/BE3 does not meet the criteria needed under the NPPF, Section 11, para 117 for development in "a way that makes as much use as possible of previously-developed or 'brownfield' land." AL/BE 4 contains in-use residential housing and an LWS and therefore is not brownfield.

Policy STR 5 states that "New residential ... development will be supported if sufficient infrastructure capacity is either available or can be provided in time to serve the development." Will this happen at AL/BE3&4? Developers themselves are to provide the infrastructure at AL/BE 3&4. The LP proposes to take on trust suggestions that the BHS will avoid building on the LWS and will provide play-grounds, sports facilities and tennis courts. We know from submissions following the first draft LP, that BHS is actually planning to remove one LWS entirely and that its plans include building on the LWS and

beyond the foot print of previous buildings. BHS suggests, in its response to the first draft LP (DLP_4956) that it is unlikely to provide play-grounds, sports facilities and tennis courts. The PSLP's approach does not take comments to the first draft LP into account.

Policy STR 6 proposes to “Deliver future development in accessible locations, normally within or in close proximity to existing towns and villages across the borough.” In the case of the two isolated hospital sites, the PSLP contradicts its own strategic policy and fails to offer choices in transport or to prioritise active travel and public transport. The Benenden hospital sites have no daily bus service and no active travel link to the village, and neither the PSLP nor the BHS provide credible information on how these links are to be provided. The KCC email of Nov 13 suggests that the hospital is uncooperative on the proposal to organise a minibus service and the SHELAA says of AL/BE3 that it is “Remote from a settlement centre,” (unlike sites 158, 222 and LS8); that residents will rely heavily on private cars and thus air quality and travel objectives score negatively; and that, “although promoted by the policy, shared transport and active travel options are unlikely to take precedence over private vehicle use thus air quality and climate change score negatively.” This we feel is the nub of the issue. For all the talk of mitigating the remoteness of the hospital sites with a minibus link and cycle routes, nobody actually believes that any of these measures will succeed. As for the proposal to create links suitable for electric personal vehicles, such as mobility scooters (as suggested under STR 6), it is difficult to see, when the closest link with the village is a single-track lane (Walkhurst Road), how any personal electric vehicle could make that journey. The PSLP is creating, through its policies AL/BE3&4, a car dependent community. This thereby negates the sense of the LP's supporting document, *Transport Strategy Review Sept 2019* which urges reducing the need to travel.

AL/BE3&4 also undermine TWBC's Full Council motion of July 2019 to reduce CO2 emissions. “The dominance of the car as a mode of transport can lead to congestion, more road accidents, air and noise pollution. In addition it contributes to climate change, reduces social cohesion and leads to less healthy lifestyles” (para 44 *Transport Review*). According to TW's own SA from 2006, if social cohesion, reduction in air pollutants, and public health were indeed the borough's priorities, sites chosen for development in Benenden would have included site 158.

PSLP paras 5.453 and 5.467 state that “residents of development in this location will rely heavily on private cars.” These plans runs counter to STR6 policy on the environment see paras 6.8, 6.9, 6.10, 6.11 and 6.13. It also contravenes KCC policies on climate change and the NPPF (see KCC's Nov 13, 2019 letter on this subject).

Para 5.414 “The parish provides two relatively large sources of employment: at Benenden Hospital and at Benenden School.” The inference is that the employment opportunities are linked somehow to the population of Benenden. There is in fact little connection. The 300 plus staff at the hospital drive into the parish along GGR to work and, since the hospital is isolated from the village, their contribution to the local economy is negligible.

Policy STR 6 The LP proposes to “Deliver future development in accessible locations, normally within or in close proximity to existing towns and villages across the borough.” In the case of the two isolated hospital sites, the LP contradicts its own strategic policy and fails to offer choices in transport or to prioritise active travel and public transport.

Cycle routes: The PSLP's standards on the public benefits of cycling and walking are based on the *Cycle Strategy Supporting Document*, but these standards are undermined by site allocation in Benenden. The Cycle document states that: “When more people cycle or walk the health of the population improves and our roads become safer and less congested.” Its objectives 4 and 5 are to improve safety for cyclists and air quality for all, but AL/BE 3 & 4 will create a community, deep in the countryside, entirely dependent on the car and will contribute to poorer air quality for all. The allocation of these sites, as opposed to sites such as 158, is difficult to understand.

The *Cycle Strategy* states that fear of traffic is possibly the main factor discouraging people from cycling. National Cycle Route 18 runs from the Rolvenden Road, down Stepneyford Lane, to Green Lane, before joining the Benenden Road near the hospital, turning right and leading to Castleton's Oak Cross roads and Gribblebridge Lane. This route is a largely on-road ride travelling through the High Weald, using narrow, picturesque country lanes as much as possible. Green Lane/Stepneyford Lane is mentioned in TWBC's Rural Lanes: Supplementary Planning Guidance. It is particularly high scoring in terms of its landscape, its recreational value, its natural beauty and its history. For these reasons, it is part of National Route 18. Rather than encouraging cycling, AL/BE3, which proposes two exits for this major development on GGR and two on Green Lane (where a second housing estate,

at Clevelands Farm is already leading to Kent Highways calling for road widening and the elimination of grass verges - see building application 20/03267/FULL) will cause an increase in those factors, identified in *TW Cycle Strategy*, as discouraging cyclists, namely, traffic and the loss of unspoilt country lanes. Policy AL/BE3 also contravenes Kent Structure Plan Policy ENV13: "Rural lanes which are of landscape, amenity, nature conservation, historic or archaeological importance will be protected from changes which would damage their character, and enhanced." In any event, the cycle route is purely recreational and will not enhance the sustainability of these sites.

Policy STR 7 proposes, in dealing with TWBC's 2019 legally binding commitment to manage climate change, that all development in the borough will support the Council's target to achieve net zero emissions by 2030. It is unsound, with such a goal, to propose a major development on the parish periphery, 3 miles equidistant from two villages where there is no shop (in spite of the PSLP's statement AL/BE 3&4) and no café (BHS says its café was built for its own use not for the use of the public - see comments on the first draft of the LP). Residents will need their cars for almost everything.

Policy STR1 promotes the effective use of previously developed land, having due regard to relevant Plan policies, but in promoting AL/BE3&4, the PSLP disregards STR6 (environmental goals) & STR7 (transport goals).

Under the NPPF, sustainability is the priority, as the PSLP acknowledges in STR3, 4.65 "A presumption of sustainability lies at the heart of the NPPF", but in allocating AL/BE 3&4, the PSLP fails to respect its own and the NPPF's strategic priorities.

Policy STR 8 states that development should contribute to and enhance rural landscapes with particular regard to the High Weald (HW) AONB. The PSLP promotes nature conservation. Its biodiversity objective is to achieve net gains and, where possible, secure long-term management of sites for biodiversity. AL/BE3 runs counter to this strategy since the BHS has produced plans showing houses built over the LWS. It has, furthermore, produced a document requiring that one of the two LWS be dug up and removed to another unspecified location, thereby nullifying the terms of the existing Landscape and Ecology Management Plan (LEMP) for that site. Para 3.21 of the BHS submission on the first draft LP states: *"The Society supports the requirement for long-term management of the core areas of LWS associated with the hospital land. This includes all but the modest area within the SEQ adjoining Peak Lodge which is too constraining on the South East Quadrant redevelopment proposals. Accordingly, the soils in the area will be translocated to a nearby receptor site to try to ensure that the rare fungi can continue to thrive in this local area."* This is a particularly significant site for biodiversity. A letter from Keith Nicholson, former Planning and Conservation officer for the Kent Wildlife Trust, dated 4 March 2013, to TWBC Development Control Officer, Ellen Gilbert states that the hospital LWS are of national importance, mainly for the large number of different varieties of waxcaps. He states that they could well have been designated SSSI. Both in terms of waxcaps and in terms of valuable acid grassland, the hospital sites have high environmental value, see Comment DLP_3458 on the first draft of the LP, from the High Weald AONB Unit. The Benenden Hospital site *"includes rare and vulnerable acid grassland which should form a core area for unimproved grassland as part of a High Weald nature recovery network."* AL/BE3&4 threaten the biodiversity of significant species in the LWS at the hospital sites, contrary to EN1.

The LWS to the south of AL/BE3 is included in the BNP and BPC argues that this has been done in order to protect it (see their response to the Independent Examiner April 2021). It is difficult to follow this logic. The inclusion of the site in the area to be developed suggests that it too could be under threat.

There is no plan showing the placement of houses on AL/BE 4, which is currently home to a large LWS and is the site of 18 habitable dwellings, almost all of the them currently in use and let. The proposal allows for these to be demolished and another 25 dwellings added to the site. The PSLP includes the LWS in the area to be developed and the BNP excludes most of it. Benenden Parish Council (BPC), in its April 2021 response to the Independent Examiner, has said that, in this case of a successful referendum, the PSLP's plan (which includes the LWS), will prevail. In other words, of the 3 LWS in AL/BE 3&4, one is slated for removal, one will be built over if the PSLP prevails and one may be built over if the BNP prevails. This undermines STR8.

The PSLP claims that the hospital development "has the potential to improve the setting of the HW AONB through the delivery of a more sensitive redevelopment of existing buildings" (para 5.454), but the claim is not supported by evidence produced by the *Hankinson & Duckett* (see above) while the HW AONB unit's own view is the opposite. See TW first Draft LP, **DLP_3458 High Weald AONB Unit**

(which objects to the Plan) : *“...In our view the development at Benenden Hospital will have a significant effect on the setting of the AONB and the purposes of its designation, and this issue has not been properly considered by the Plan.”*

Also, the NPPF section 2 para 11

“Plans and decisions should apply a presumption in favour of sustainable development... (b) strategic policies should provide for objectively assessed needs for housing ...that cannot be met within neighbouring areas unless ... (i) the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area.” And see Footnote 6: the policies referred to are those in the Framework ...relating to habitat sites (and those sites listed in para 176) and /or designated as SSSI, AONBs

NPPF para 177 requires that *“an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.”* No such assessment has been undertaken.

PSLP EN1 para 5. Biodiversity and geodiversity.

AL/BE 3&4 run counter to this policy as stated above in relation to the LWS.

The Environment

STR8 sets high environmental standards but these are undermined in the site allocations. This is particularly startling in the light of the July 2019 Full Council motion to recognise the climate and biodiversity emergency, in fact, the Benenden allocations put into question whether the motion was passed in good faith.

EN1 para 5 (Biodiversity and geodiversity) says that proposals should maximise opportunities to increase biodiversity. This goal may make sense in an urban setting, but development in the countryside, as is proposed in AL/BE 3 & 4, cannot hope to ever mitigate biodiversity loss. The destruction of trees and wild spaces, the introduction of lighting, kerbs, driveways, wider roads and narrower verges, the use of concrete, tarmac, bricks and mortar in a deeply rural setting cannot “increase biodiversity”.

EN1 provides for Long-term Management plans which would be satisfactory within an urban context. In a rural location like the East End, such plans are no substitute for natural wild spaces. A ‘managed’ green space set among streets is less likely to promote biodiversity and less likely to conserve wildlife than ‘unmanaged’ green space. Further, the three LWS in AL/BE3 are all already part of an existing LEMP agreement, and since one or all would be removed in the case of development as outlined by BHS under AL/BE3&4, instead of creating a long-term management plan, AL/BE3&4 would all but terminate an existing one. The sentiments expressed in EN1 are mocked by AL/BE3&4.

1 Site policies

AL/BE3 excludes one of the 2 LWS at the site, and the BNP includes both, yet para 5.458 states “Both this policy and BNP draft Policy SSP3 broadly follow the same approach towards the potential for developing this site for a residential development..” This does not appear to be the case. Further, the SHELAA treats this site twice, once including the southern LWS (and excluding Windmill Cottage) and once excluding the LWS and including Windmill Cottage (SHELAA pages 1-3 and pages 18-19). In the second instance, the suggestion is for 67-73 houses, presumably building over the LWS. The first plan is the one adopted in the PSLP and appears to be the more accurate of the two in that it describes the site as “mostly PDL”. The second ignores all greenfield aspects and is almost identical to the plan in the BNP, a plan which BNP claims will prevail if it wins a referendum. Is AL/BE3 presenting us with the wrong plan?

AL/BE3 and AL/BE4 provide for a phased timetable for development of the two sites at different time intervals without calling for a comprehensive masterplan for the hospital site as a whole i.e. for the entire built up area. This is inconsistent with STR2, which requires a masterplan for large developments. The full extent of the area to be developed must be clear. See para 1a of Policy AL/BE3 which states that there is a need to “show indicatively how the other areas included within Policies AL/BE3 and AL/BE 4 can be developed to meet the overall policy requirements as set out within each of these policies, and *how the future needs for Benenden Hospital will be met on areas to the north west and south west that currently comprise the hospital buildings and associated ancillary uses and is previously developed land.*” It is not sound to proceed with an LP where the land to be developed is not indicated from the start.

AL/BE3&4 both call for an active travel link between the site and Benenden village. This proposal has been costed (see BPC's April 2021 reply to the Independent Examiner) at between £180,000 and £220,000 for a 3m wide tarmacked surface, plus costs to upgrade it to a bridleway, plus the costs associated with obtaining landowners' consent or, failing that, of starting compulsory purchase proceedings which TWBC expresses reluctance to undertake because of the significant compensation costs and legal costs which would be involved. No steps have been taken either by the BNP or TWBC to ascertain the willingness of landowners to give up their land although the major landowner involved wrote to BNP on 11th Sept. 2019 objecting to the plan. It is understood that he was not contacted for subsequent discussion.

AL/BE3&4 calls for the repurposing of the existing tennis courts for the use of local residents, which BHS denies it will offer for public use; for the public use of the hospital's café; for the creation of a hospital shop (5.413); for a minibus service linking the hospital to the village ("The Society is not a transport provider" is BHS' response); for green space, a playground and provision of a community hall - most of these policies are refuted in Savills' comments on behalf of BHS, in the first draft of the LP, DLP_ 4956 paras 3.14, 3.18, 3.19, 3.20, 3.46 and 3.47. Rather than agreeing to such policies, the hospital is calling on TWBC to introduce a more flexible funding system to allow a *reduction* of developer costs. BHS argues these will be high because they wish to demolish existing buildings. It is unsound to propose policies which cannot be implemented. Once the sites are sold, no relevant conditions to this effect could be imposed.

1 The PSLP is unsound because of inconsistencies in the treatment of different sites.

- . **Uphill, AL/BE1** is described as having archaeological potential (para 5.428) requiring possible mitigation measures. This is not because of historical finds on the site, but because they might be found. A listed manor house lies on the other side of New Pond Road and, according to AL/BE1, "the site lies within, or very close to the relevant impact risk zone for Parsonage Wood", a SSSI which is, in fact, several miles away. The archaeological significance of AL/BE 3&4 is far more certain and substantial. The hospital sites are where a bronze age palstaff was found (see the National Monument Register - SMR Number /Hob UID)) and the sites lie close to two ancient routeways. A Roman Road runs west-east (on BHS farmland) a few yards to the south of AL/BE3 and a medieval drove road (GGR), runs west-east between the two sites. Further, two Grade II Listed Buildings are sited here, also on BHS land. The Lister building stands a few yards to the west of AL/BE3 and Cleveland Farm house (the farmyard of which BHS is trying to develop separately and simultaneously as if a minor planning project) lies a few yards to the south. Instead of mentioning these facts, AL/BE3&4 reads (5.456 and 5.468) "Kent County Council states that the site includes significant archaeology, which could be dealt with through suitable conditions on a planning approval." The imbalance in the treatment of the two sites is substantial and suggests prejudice.
- . The SHELAA assessment of site 158 suggests a potential yield of 50-65 houses, but then concludes that only the Uphill part of the site is suitable (20 houses). It states that "the remainder of the site is sensitive in landscaping terms and there is concern regarding scale and impact on the character of the landscape and settlement pattern". This is contrary to the views of TW's 2006 SA; to the TW 2018 document proposing 174 houses; and to the first draft of the LP. The dismissal of 158 as a suitable site is not supported by the evidence and suggests prejudice.
- . Site 222, west of the cross roads, was also considered in 2006, as a possible site for the new village school, though it was not one of the top two sites put to a referendum. The SHELAA suggests 222 has a potential for 76 houses. The site is considered unsuitable partly because the new LBD, if adopted, will exclude all houses west of the cross roads, when the village actually extends a considerable length along this road to the west. There is no mention of the fact that the owners of this site are offering the pond at the south west corner of the crossroads as village green space. The dismissal of 222 is not supported by the evidence and suggests prejudice.
- . The SHELAA suggests a capacity of 26 houses at Site LS8 in Iden Green, stating that it lies adjacent to the recreation ground and a children's nursery and that there is a pavement on both sides of Iden Green's main road. It fails to mention that the easternmost side of this pavement connects the village to the village primary school. The SHELAA dismisses the site as unsuitable saying that it is located in a remote location relative to services, facilities and public transport, but this site is far less remote than sites AL/BE 3&4. The dismissal of site LS8 is not supported by the evidence and suggests prejudice.
- . The proposed new LBD has been constructed so as to include the new site at Uphill and to exclude 222, when in fact, the actual built development extends westwards from the crossroads

and includes site 222. The LBD is ignored in respect of AL/BE3&4. Manipulation of the LBD to suit allocated sites is inappropriate.

As a general comment, I have found the process unnecessarily difficult to navigate. There are likely to be many people who will give up before they even get started.

Question 6

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For office use only

If responder hasn't ticked an option on this box, data inputter to tick 'not stated' box. Not Stated

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box: Yes, I wish to be notified of future stages of the Local Plan

Comment

Consultee	Amanda Petch [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] Benenden [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Amanda Petch [REDACTED]
Comment ID	PSLP_107
Response Date	08/05/21 16:18
Consultation Point	Policy AL/BE 3 Land at Benenden Hospital (south of Goddards Green Road), East End (View)
Status	Processed
Submission Type	Email
Version	0.7
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Amanda Petch
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Paragraph Nos. 5.410 to 5.470

Policy AL/BE 3: Land at Benenden Hospital (south of Goddards Green Road), East End and

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Inset Maps 17 and 18

[TWBC: this representation has been input against Policies PSTR/BE 1, AL/BE 3 and AL/BE 3 – see Comment Numbers PSLP_107, PSLP_108 and PSLP_124]

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Do you consider that the Local Plan:

Is legally compliant	No
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The amenity problem is to be partly overcome, according to the LP, by establishing public access to the hospital shop and to its café, but this mitigation measure is wholly unsound because:

- . There is no hospital shop at present
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Policy STR1, which calls for a focus on new development within LBDs and for a limit to development in the countryside.

Sites AL/BE 3 & 4 are almost three miles outside the LBD and in the countryside, midway between the villages of Benenden and Biddenden.

Policy STR 2

"The Council requires the use of master planning, including the use of design codes and sustainable design standards where appropriate, for strategic and larger-scale developments.."

This is undermined since no master plan has been produced for sites AL/BE 3 & 4

Policy STR 3 Calls for the use of brownfield sites "within settlements" and in "sustainable locations."

AL/BE 3 & 4 are neither.

AL/BE 3 consists of disused medical buildings and 2 Local Wildlife Sites (LWS), one of them containing fine specimen trees and another an important collection of waxcap fungi. BHS plans for the site show houses built over the LWS and beyond the footprint of existing buildings.

There is no such plan for AL/BE 4 which is currently home to a large LWS and is the site of 18 habitable dwellings, almost all of the them currently in use and available to let. The proposal allows for these to be demolished and another 25 dwellings added to the site. The size of the area to be developed varies between the LP and the BNP, with the LP potentially including the LWS in the area to be developed. The BHS in its response to the LP has stated that its proposals for an additional 25 houses is based on the land allocated it in the LP, and not on the land allocated in the BNP. This implies that the BNP does not offer them sufficient hectareage. It is unsound to proceed with a plan when the developer's plans and the land that they are expecting to develop are not clearly stated, especially when an LWS is at stake. It is unsound to accept a proposal 'on trust'. **The Benenden Neighbourhood Plan cannot be used as a substitute for AL/BE 3 or 4 when it is at variance with it.**

Policy STR 5 states that "New residential ... development will be supported if sufficient infrastructure capacity is either available or can be provided in time to serve the development."

Developers themselves would have to provide the infrastructure at AL/BE 3&4, since no one else would. The LP proposes to take on trust suggestions that the BHS will avoid building on the LWS and will provide play-grounds, sports facilities and tennis courts. BHS suggests, in its response to the earlier draft LP (DLP_4956.3 3.14) that it may encroach on the LWS and it is unlikely to provide play-grounds, sports facilities and tennis courts. Since BHS has put part of the site up for sale, it is clear that, if it sells, it will no longer be bound by any planning conditions, and the purchaser will have no power to make use of facilities in the hospital itself. There is no provision in the published layout for any such facilities on site. The LP's approach is therefore unsound.

Policy STR 6

The LP proposes to "Deliver future development in accessible locations, normally within or in close proximity to existing towns and villages across the borough."

In the case of the two isolated hospital sites, the LP contradicts its own strategic policy and fails to offer choices in transport and to prioritise active travel and public transport. The Benenden hospital sites have no active travel link with the village, no existing daily bus route and neither the LP nor the BHS provide credible information on how these links are to be provided. As for the proposal to create

links suitable for electrical personal vehicles, such as mobility scooters (as suggested under STR 6) it is difficult to see, when the only link with the village is a single-track lane, how it can be used by personal electric vehicles.

Policy STR 7

The LP proposes in dealing with TWBC's legally binding commitment to manage climate change, that all development in the borough will support the Council's target to achieve net zero emissions by 2030.

It is unsound with such a goal, to propose a major development on the parish periphery, 3 miles equidistant from two villages, where it is accepted that all journeys will be by motor car.

Policy STR 8

The LP states that development should contribute to and enhance ... rural landscapes with particular regard to the HW AONB and developers will have to demonstrate that they do this. The LP promotes nature conservation. Its biodiversity objective is to achieve net gains and where possible secure long-term managements of sites for biodiversity. The proposals for a suburban-style estate of 92 houses, plus a further 6 at Cleveland's Farm, if passed, produces the very opposite effect. No commercially viable scheme can produce net gains in a rural setting such as this. Sites AL/BE 3 and 4 are surrounded by the AONB, although this is not shown on the Inset map 18, in distinction to map 17, which does show it for the rest of the village. The sites are plainly land which affects the AONB, for the purposes of section 85(1) of the Countryside and Rights of Way Act 2000, which says: "In exercising or performing any functions in relation to, *or so as to affect*, land in an area of outstanding natural beauty, a relevant authority shall have regard to the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty." (my italics)

1 Irrelevant and misguided supporting document

Part of the LP's conclusions are based on supporting document *AONB Settings Study, Plans and Photos of Benenden Hospital*, by *Hankinson & Duckett*. This report is on the entire hospital site and not on sites AL/BE 3 & 4 on their own. Their conclusions that the north western car park might look better with houses on it may or may not be true, but since this area is not part of the site under consideration, the conclusion is irrelevant.

Its review of Green Lane to the south is relevant to AL/BE3 but the conclusions fail to impress. Green Lane is a rural lane which, according to TWBC's *Rural Lanes: Supplementary Planning Guidance*, scores very highly in terms of its landscape, recreational value, natural beauty and history. As such it is designated part of National Route 18, a 42-mile cycle ride between Ashford and Tunbridge Wells, running largely through unspoilt country lanes with wide grass verges and undisturbed rural scenery. AL/BE 3 proposes two major entrances onto this lane for a housing estate of up to 49 houses. Such a development would almost certainly entail a widening of the lane itself and the abolition of its grass verges which would be a contravention of Kent Structure Plan Policy ENV13: *Rural lanes which are of landscape, amenity, nature conservation, historic or archaeological importance will be protected from changes which would damage their character, and enhanced.*

1 Local Wildlife Sites (LWS)

There are 60 LWS in the entire borough and of these, 4 are situated in Benenden hospital grounds, with 3 in the grounds proposed for almost 100 new houses. One of these is in the northern site of AL/BE4 and two are in AL/BE3. A letter from Keith Nicholson, former Planning and Conservation officer for the Kent Wildlife Trust, dated 4 March 2013, to TWBC Development Control Officer, Ellen Gilbert states that the hospital LWS are of national importance, mainly for the large number of different varieties of waxcaps. He states that they could well have been designated SSSI.

The LP purports to protect the LWS but Para 3.21 of the BHS submission on the LP shows plans to remove one of the LWS.

"3.21. The Society supports the requirement for long-term management of the core areas of LWS associated with the hospital land. This includes all but the modest area within the SEQ adjoining Peek Lodge which is too constraining on the South East Quadrant redevelopment proposals. Accordingly, the soils in the area will be translocated to a nearby receptor site to try to ensure that the rare fungi can continue to thrive in this local area." This is ecologically illiterate. Moving a LWS by digging it up and putting the earth somewhere else is unlikely to protect the rare waxcap

fungi which are of national importance. Indeed, the LP now speaks of the LWS in AL/BE3 in the singular, (para 5.451) as if one of the sites had already been removed.

High value environmental area

Comment DLP_3458 from the High Weald AONB Unit states that the Benenden Hospital site *“includes rare and vulnerable acid grassland which should form a core area for unimproved grassland as part of a High Weald nature recovery network.”*

No respect for LWS

Although the LP claims building will only be within existing footprints, the developers, with whom the BNP Steering Committee is working closely, do not appear to reflect the same standards. Plans for 47 new houses in the SE Quadrant, presented to the village on 17th February 2020 by the hospital architects, show the buildings are not to be built within the footprint of previous buildings nor to respect LWS. The TW Local Plan has allocated sites originally allocated by the BNP (the only parish in the borough to allocate its own sites) and the hospital sites are the major target for all building in the parish.

Long-term Management plans

Long-term management plans of green spaces within housing estates are, unfortunately, no substitute for natural wild spaces of the kind you find in field hedgerows and shaws. A ‘managed’ and regularly mown green space set between tarmacked streets, lit housing estates and pavements is less likely to promote biodiversity and less likely to conserve wildlife than an ‘unmanaged’ green space of the kind you currently find along our country lanes. Net biodiversity gain from the construction of a housing estate in the countryside is a contradiction in terms.

1 The AONB

The LP claims that the hospital development “has the potential to improve the setting of the HW AONB through the delivery of a more sensitive redevelopment of existing buildings” (para 5.454) but the claim is not supported by the evidence (*Hankinson & Duckett*) and differs from the HW AONB unit’s own assessment of the plans.

See the comment on TW Draft Plan **DLP_3458 High Weald AONB Unit:** *“...In our view the development at Benenden Hospital will have a significant effect on the setting of the AONB and the purposes of its designation, and this issue has not been properly considered by the Plan.”*

1 Failure to hold consultations with stakeholders or to hold them in a timely fashion.

- . The BNP, on which the LP’s allocations are based, allocated sites in its first draft in February 2019. These are the same sites that appear today in the LP.
- . These sites were allocated before writing to the SEA requesting a review of sites.
- . The BNP steering committee did not ask the High Weald AONB Unit to review the hospital sites, although it asked them to review the other sites.
- . Heritage England was, we believe not invited to review the plan and was only able to make comments on publication of the draft TW LP

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Question 8

If you have any separate comments you wish to make on the accompanying Sustainability Appraisal, please make them here.

In so far as Benenden is concerned, the sites were allocated before any sustainability appraisal was commissioned. It is not therefore a relevant factor in the allocation of sites for housing.

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Consultee	Amanda Petch [REDACTED]
Email Address	[REDACTED]
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Sites AL/BE 3 & 4 are almost three miles outside the LBD and in the countryside, midway between the villages of Benenden and Biddenden.

Policy STR 2

"The Council requires the use of master planning, including the use of design codes and sustainable design standards where appropriate, for strategic and larger-scale developments.."

This is undermined since no master plan has been produced for sites AL/BE 3 & 4

Policy STR 3 Calls for the use of brownfield sites "within settlements" and in "sustainable locations."

AL/BE 3 & 4 are neither.

AL/BE 3 consists of disused medical buildings and 2 Local Wildlife Sites (LWS), one of them containing fine specimen trees and another an important collection of waxcap fungi. BHS plans for the site show houses built over the LWS and beyond the footprint of existing buildings.

There is no such plan for AL/BE 4 which is currently home to a large LWS and is the site of 18 habitable dwellings, almost all of the them currently in use and available to let. The proposal allows for these to be demolished and another 25 dwellings added to the site. The size of the area to be developed varies between the LP and the BNP, with the LP potentially including the LWS in the area to be developed. The BHS in its response to the LP has stated that its proposals for an additional 25 houses is based on the land allocated it in the LP, and not on the land allocated in the BNP. This implies that the BNP does not offer them sufficient hectareage. It is unsound to proceed with a plan when the developer's plans and the land that they are expecting to develop are not clearly stated, especially when an LWS is at stake. It is unsound to accept a proposal 'on trust'. **The Benenden Neighbourhood Plan cannot be used as a substitute for AL/BE 3 or 4 when it is at variance with it.**

Policy STR 5 states that "New residential ... development will be supported if sufficient infrastructure capacity is either available or can be provided in time to serve the development."

Developers themselves would have to provide the infrastructure at AL/BE 3&4, since no one else would. The LP proposes to take on trust suggestions that the BHS will avoid building on the LWS and will provide play-grounds, sports facilities and tennis courts. BHS suggests, in its response to the earlier draft LP (DLP_4956.3 3.14) that it may encroach on the LWS and it is unlikely to provide play-grounds, sports facilities and tennis courts. Since BHS has put part of the site up for sale, it is clear that, if it sells, it will no longer be bound by any planning conditions, and the purchaser will have no power to make use of facilities in the hospital itself. There is no provision in the published layout for any such facilities on site. The LP's approach is therefore unsound.

Policy STR 6

The LP proposes to "Deliver future development in accessible locations, normally within or in close proximity to existing towns and villages across the borough."

In the case of the two isolated hospital sites, the LP contradicts its own strategic policy and fails to offer choices in transport and to prioritise active travel and public transport. The Benenden hospital sites have no active travel link with the village, no existing daily bus route and neither the LP nor the BHS provide credible information on how these links are to be provided. As for the proposal to create

links suitable for electrical personal vehicles, such as mobility scooters (as suggested under STR 6) it is difficult to see, when the only link with the village is a single-track lane, how it can be used by personal electric vehicles.

Policy STR 7

The LP proposes in dealing with TWBC's legally binding commitment to manage climate change, that all development in the borough will support the Council's target to achieve net zero emissions by 2030.

It is unsound with such a goal, to propose a major development on the parish periphery, 3 miles equidistant from two villages, where it is accepted that all journeys will be by motor car.

Policy STR 8

The LP states that development should contribute to and enhance ... rural landscapes with particular regard to the HW AONB and developers will have to demonstrate that they do this. The LP promotes nature conservation. Its biodiversity objective is to achieve net gains and where possible secure long-term managements of sites for biodiversity. The proposals for a suburban-style estate of 92 houses, plus a further 6 at Cleveland's Farm, if passed, produces the very opposite effect. No commercially viable scheme can produce net gains in a rural setting such as this. Sites AL/BE 3 and 4 are surrounded by the AONB, although this is not shown on the Inset map 18, in distinction to map 17, which does show it for the rest of the village. The sites are plainly land which affects the AONB, for the purposes of section 85(1) of the Countryside and Rights of Way Act 2000, which says: "In exercising or performing any functions in relation to, *or so as to affect*, land in an area of outstanding natural beauty, a relevant authority shall have regard to the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty." (my italics)

1 Irrelevant and misguided supporting document

Part of the LP's conclusions are based on supporting document *AONB Settings Study, Plans and Photos of Benenden Hospital*, by *Hankinson & Duckett*. This report is on the entire hospital site and not on sites AL/BE 3 & 4 on their own. Their conclusions that the north western car park might look better with houses on it may or may not be true, but since this area is not part of the site under consideration, the conclusion is irrelevant.

Its review of Green Lane to the south is relevant to AL/BE3 but the conclusions fail to impress. Green Lane is a rural lane which, according to TWBC's *Rural Lanes: Supplementary Planning Guidance*, scores very highly in terms of its landscape, recreational value, natural beauty and history. As such it is designated part of National Route 18, a 42-mile cycle ride between Ashford and Tunbridge Wells, running largely through unspoilt country lanes with wide grass verges and undisturbed rural scenery. AL/BE 3 proposes two major entrances onto this lane for a housing estate of up to 49 houses. Such a development would almost certainly entail a widening of the lane itself and the abolition of its grass verges which would be a contravention of Kent Structure Plan Policy ENV13: *Rural lanes which are of landscape, amenity, nature conservation, historic or archaeological importance will be protected from changes which would damage their character, and enhanced.*

1 Local Wildlife Sites (LWS)

There are 60 LWS in the entire borough and of these, 4 are situated in Benenden hospital grounds, with 3 in the grounds proposed for almost 100 new houses. One of these is in the northern site of AL/BE4 and two are in AL/BE3. A letter from Keith Nicholson, former Planning and Conservation officer for the Kent Wildlife Trust, dated 4 March 2013, to TWBC Development Control Officer, Ellen Gilbert states that the hospital LWS are of national importance, mainly for the large number of different varieties of waxcaps. He states that they could well have been designated SSSI.

The LP purports to protect the LWS but Para 3.21 of the BHS submission on the LP shows plans to remove one of the LWS.

"3.21. The Society supports the requirement for long-term management of the core areas of LWS associated with the hospital land. This includes all but the modest area within the SEQ adjoining Peek Lodge which is too constraining on the South East Quadrant redevelopment proposals. Accordingly, the soils in the area will be translocated to a nearby receptor site to try to ensure that the rare fungi can continue to thrive in this local area." This is ecologically illiterate. Moving a LWS by digging it up and putting the earth somewhere else is unlikely to protect the rare waxcap

fungi which are of national importance. Indeed, the LP now speaks of the LWS in AL/BE3 in the singular, (para 5.451) as if one of the sites had already been removed.

High value environmental area

Comment DLP_3458 from the High Weald AONB Unit states that the Benenden Hospital site *“includes rare and vulnerable acid grassland which should form a core area for unimproved grassland as part of a High Weald nature recovery network.”*

No respect for LWS

Although the LP claims building will only be within existing footprints, the developers, with whom the BNP Steering Committee is working closely, do not appear to reflect the same standards. Plans for 47 new houses in the SE Quadrant, presented to the village on 17th February 2020 by the hospital architects, show the buildings are not to be built within the footprint of previous buildings nor to respect LWS. The TW Local Plan has allocated sites originally allocated by the BNP (the only parish in the borough to allocate its own sites) and the hospital sites are the major target for all building in the parish.

Long-term Management plans

Long-term management plans of green spaces within housing estates are, unfortunately, no substitute for natural wild spaces of the kind you find in field hedgerows and shaws. A ‘managed’ and regularly mown green space set between tarmacked streets, lit housing estates and pavements is less likely to promote biodiversity and less likely to conserve wildlife than an ‘unmanaged’ green space of the kind you currently find along our country lanes. Net biodiversity gain from the construction of a housing estate in the countryside is a contradiction in terms.

1 The AONB

The LP claims that the hospital development “has the potential to improve the setting of the HW AONB through the delivery of a more sensitive redevelopment of existing buildings” (para 5.454) but the claim is not supported by the evidence (*Hankinson & Duckett*) and differs from the HW AONB unit’s own assessment of the plans.

See the comment on TW Draft Plan **DLP_3458 High Weald AONB Unit:** *“...In our view the development at Benenden Hospital will have a significant effect on the setting of the AONB and the purposes of its designation, and this issue has not been properly considered by the Plan.”*

1 Failure to hold consultations with stakeholders or to hold them in a timely fashion.

- . The BNP, on which the LP’s allocations are based, allocated sites in its first draft in February 2019. These are the same sites that appear today in the LP.
- . These sites were allocated before writing to the SEA requesting a review of sites.
- . The BNP steering committee did not ask the High Weald AONB Unit to review the hospital sites, although it asked them to review the other sites.
- . Heritage England was, we believe not invited to review the plan and was only able to make comments on publication of the draft TW LP

Question 6

Please note: *In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.*

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Question 5 above. (Please note that non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

The modifications needed are included in the submissions set out above. In summary, development on site AL/BE 3 should be limited to the existing, so far unused, planning permission for 24 houses,

preferably by adapting the Garland Wing, which is a building of historic value, either to a wellness centre, in accordance with its original intention, or to a row of up to 10 terraced houses. Site AL/BE 4 already has 18 semi-detached houses on it, and cannot support any more. It should therefore be excluded. Housing should be allocated to sites (such as 158 and 222 in the village centre or LS8 in Iden Green) which lie on bus routes or are within walking distance of the village centre and school. Paragraphs 5.421 and 5.422 should be omitted.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)? . No, I do not wish to participate in examination hearing session(s)

Question 8

If you have any separate comments you wish to make on the accompanying Sustainability Appraisal, please make them here.

In so far as Benenden is concerned, the sites were allocated before any sustainability appraisal was commissioned. It is not therefore a relevant factor in the allocation of sites for housing.

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box: Yes, I wish to be notified of future stages of the Local Plan

Comment

Consultee	Amanda Petch [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] Benenden [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Amanda Petch [REDACTED]
Comment ID	PSLP_111
Response Date	08/05/21 16:18
Consultation Point	Policy AL/BE 4 Land at Benenden Hospital (north of Goddards Green Road), East End (View)
Status	Processed
Submission Type	Email
Version	0.3
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Amanda Petch
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy AL/BE 4: Land at Benenden Hospital (north of Goddards Green Road), East End

[TWBC: this representation has been input against Policies PSTR/BE 1, AL/BE 3 and AL/BE 3 – see Comment Numbers PSLP_109, PSLP_110 and PSLP_111]

Question 4

Do you consider that the Local Plan:

Is legally compliant	No
Is sound	No
Complies with the Duty to Cooperate	No

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

- . It is not positively prepared
- . It is not effective
- . It is not justified
- . It is not consistent with national policy

Question 5

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

Paragraph No(s) Para5.4135.4145.4165.4205.4215.4225.4285.4525.4535.4545.4565.4585.4675.468
Policy No. Objective 1Objective 2STR1STR2STR3STR5STR6STR7STR8PSTR/BE1Policy AL/BE1Policy AL/BE3Policy AL/BE4EN1Sustainability AppraisalSHELAA Policies Map (Inset Map No(s)) Inset Map 18

This submission concerns the parish of Benenden, the only parish in the borough to have made its own allocations. The Benenden Neighbourhood Plan (BNP) has been developed in close consultation with TWBC, with the BNP in the lead. The BNP announced its allocations in February 2019, before inviting AECOM to produce its Strategic Environmental Assessment. Pre-Submission Local Plan, para 5.420 reads "The BNP was submitted to TWBC in October 2020 and was consulted on between 30 October and 11 December 2020." But the allocations had been made and published in February 2019. Further, Para 5.420 states "The BNP proposes to include site allocation policies that follow the approach of the site allocation policies for Benenden in this Local Plan." BNP allocations were first published in February 2019 i.e. before LP site allocation policies.

Allocations made by the LP, when it took up the BNP's baton, are therefore inevitably linked to BNP's weaknesses. Yet if the BNP passes a referendum before acceptance of the LP, it is said that it will take precedence over the LP (see para 5.421), with the exception of its plans for the northern site at Benenden hospital, which will be overruled by the plans advanced in the LP (see Benenden Parish Council April 2021 response to Independent Examiner queries on the BNP). This is in contravention of para 5.422 which talks of making "modifications to the LP" so that it matches the BNP.

1 Community involvement. EN1: this requirement has not been respected.

In Benenden, almost all new housing is slated for the East End, yet the Friends of the East End (FEE), were never asked to meet with the BNP steering group.

- . See EN1 para 9 requiring the effective engagement of the local community, neighbours of sites and others. The FEE submitted three petitions, two to the BNP and one in relation to the LP. A FEE submission with 127 signatures was submitted on April 4th 2019 in response the Informal Draft NP (published on February 23, 2019), in which the allocations later adopted by the LP were first set out. A FEE submission with 164 signatures was submitted in October 2019 objecting to the first draft of the LP, and in the same month, a FEE submission with 167 signatures was

submitted in relation to the Reg 16 draft BNP. See the FEE's current online petition with more than 450 signatures <https://www.change.org/EastEndFriends>

- . Instead of being consulted, the FEE were ignored and belittled. They were informed on 11th March 2019 by the editor of the Parish Magazine (PM), husband of the Chair of the Parish Council, that "I'm of the view that much of the uncertainty has passed since the presentation of the plan to the village - to a highly favourable reception. At least we no longer have to give polite credence to *uninformed views* that fly in the face of TWBC policy and advocate direct and *pointless confrontation* with TWBC, thereby running the risk of having the entire BNDP thrown back in our faces. *The ensuing chaos hardly bears thinking about.* At least it seems the opinions now being afforded most weight are those of *people who have worked hard for two years to understand the issues* and come up with a coherent way forward."
- . One of the regular articles on the BNP submitted by the chair of the BNP Steering Group appeared in January 2020. It dismisses FEE opposition suggesting only "31 residents from the East End" sent in comments.
- . The core group behind the BNP has consistently tried to persuade those who support the FEE to desist. The chair of the Parish Council and the chair of the BNP Steering Group have twice asked to meet a Tunbridge Wells Alliance (TWA) Borough Councillor for the parish, once together with a TWA borough council candidate, in efforts to persuade them to adhere to the BNP's approach and not to listen to the FEE.
- . The organiser of the FEE was a member of the Steering Committee 2017/2018 as chair of the Environmental Group. She expressed strong disagreement with a Borough Councillor who lives in the village (on occasion, he deputises as chair of the Steering Group) about his wish to step up allocations in the East End and suppress TWBC's wish to build 174 houses on site 158. As a result, the Steering Group chair (using his own word), "sacked" her. This is contrary to EN1 para 9, encouraging early, proactive and effective engagements and the requirement that views expressed should be properly considered.
- . Consultation also failed in relation to the neighbouring parish of Biddenden. The Clerk of Biddenden Council has repeatedly responded to BPC in the course of the BNP consultation process, but received only acknowledgments. A Kent County Councillor and Ashford Borough Councillor wrote an article about BNP's mismanagement of the parish of Biddenden in the Biddenden Parish Magazine, February 2021.
- . The LP is based on the BNP and BNP allocations were made before consultations with stakeholders such as the AONB. This is not consulting in a timely fashion. Further, the LP requires surveys of the hospital sites *after* the designation of the sites for development, for example, archaeological surveys (see AL/BE 3&4). Historic England (HE) asks for the surveys to be carried out *before*. See HE's comments on the first draft LP (DLP_4556) - "we would expect the allocation of sites following on from this Strategy policy (STR1) to be subject to appropriately robust and detailed heritage impact assessment *prior to the allocations being adopted.*"

1 The PSLP is not based on sound evidence

- . Throughout the LP process, misstatements have been made about amenities in Benenden's East End. These may be traced back to a submission made by traffic and highways consultants, Transport Planning Associates (TPA) to Benenden Healthcare Society Ltd. (BHS). This submission was recently disclosed in BHS's response to the Independent Examiner's queries in relation to the BNP. TPA's information is sometimes inaccurate and sometimes misleading and we consider it here in detail because it is difficult otherwise, to understand how the LP was able to continue, iteration after iteration, to relate false information about the hospital site.
- . In October 2019, TPA reported (para 2.6) that there was a footpath along the southern edge of Goddards Green Road (GGR) and the PSLP, para 5.452 states "There is an intermittent pavement along GGR". The GGR is a long road running from New Pond Road to Castleton's Oak crossroads, and was formerly a lane. The pavement is limited to the short section immediately outside the hospital buildings. To say that there is an intermittent pavement along GGR is misleading.
- . The TPA refers to the East End as a village, which it is not. The East End runs from the junction of GGR and Walkhurst Road, along the GGR to the border with Tenterden, then turns south to reach close to Hole Park in Rolvenden, then east back to Walkhurst Road at the site of the stream, then along Walkhurst Road back to GGR (see the old Electoral Roll for 2004 when the East End had its own polling station). It is a large, totally rural area of several square miles, which was why it was chosen as the site for an isolation hospital in 1906. Today it contains only 76 houses scattered across the entire area. The PSLP consistently refers to the East End as a hamlet. It is

not, which is why BPC is able to advertise itself on its website as “Serving the people of Benenden and Iden Green” without any reference to the East End.

- . The TPA says that “a day nursery is located immediately to the north of the Site within 400m.” There is incorrect, yet this error is repeated in para 5.413 of the PSLP “There are also nursery/pre-school facilities at Iden Green and East End.” An accurate account would mention Iden Green only.
- . The TPA states that there are daily bus services along GGR provided by bus nos. 24 and 299, and twice a day service provided by the Hopper bus. This information is incorrect. The 2019 Hopper bus, operated by the Tenterden social services hub on an experimental basis, failed in only a matter of months. While the 24 and the 299 buses pass along GGR, they do so on only one day a week. The 24 on Tuesdays and the 299 on Wednesdays. The East End has almost no public transport.
- . The TPA makes several statements in relation to traffic which have fed misinformation into the system to be reflected in AL/BA3&4. This misinformation was only recently revealed when documents were provided by BHS following April 2021 queries raised by the Independent Examiner on the BNP. These documents include a TPA ‘Scoping Note’ on road and traffic conditions at the site and a letter written in response to this Note from KCC Highways, dated 13 Nov. 2019. The TPA states that the GGR is 7m wide at the hospital site which detracts from the fact that it is actually a winding rural lane, now called a road, and varies considerably in width. It may at some point be 7m wide, but at others, it is so narrow that two lorries have difficulty passing each other. The TPA claims that there is no need for a road safety review because there have been “no personal injury accidents” recorded within 1,000m. Castleton’s Oak crossroads lie 1.5 km from the site and accidents there are frequent, largely due to increasing traffic at the hospital. The hospital has turned itself into an almost exclusively out-patient centre and almost all its 300 employees drive in to work from outside the parish (formerly, they were housed on site in hospital staff buildings). Kent County Council (KCC) Highways make constant and repeated attempts to lower the risk of injury at the crossroads. Works there are ongoing at this time. The TPA claims that no traffic surveys are necessary which is a point queried in the KCC Highways’ email. The email talks of the “heavy car dependency” of residents in any housing in this location and says this was one of its concerns, even at the time of the original application asking for only 24 houses. The email states that BHS’s plans (and therefore AL/BE 3&4) are contrary to the NPPF and to KCC’s own policy objectives, and points out that the hospital has not co-operated over the idea of a minibus to provide transport from the site to Benenden. The letter calls for: traffic counts along the GGR; a wider crash analysis; and expresses concern over the proposed access points to the SE Quadrant - 2 on Green Lane and 2 on GGR. Lastly, on trip generation, the TPA projects that 47 houses at the site will produce only 106 trips a day, though the consultants admit that they have difficulty in basing their estimate on comparable sites because there are none. These trip generation figures ignore existing traffic from local residents, from patients, from hospital staff and from the newly (January 2021) proposed housing estate at Cleveland. The AL/BE 3&4 fails to provide a traffic count, fails to ask for a road safety review and fails to acknowledge frequent traffic accidents near the sites.
- . Pre-submission supporting documents also produce inaccurate and sometimes irrelevant evidence. The hospital sites are within the setting of an AONB and even overlap into it, yet *Inset Map 18* (Benenden Hospital), unlike other maps attached, makes no reference to the AONB boundary. The BNP claims that the hospital is outside the AONB and on this basis, since the rest of the village is wholly within the AONB, largely justifies placing most of Benenden’s housing in the East End. The relationship of the AONB boundary to the hospital sites is important yet it is ignored on the map. This looks like prejudice.
- . Hankinson Duckett Associates’s *AONB Setting Analysis Report* (a supporting document for the PSLP, referred to as an evidence base) is, in its analysis of AL/BE3&4, unsound. The analysis argues that development at these sites will enhance the setting of the AONB. It illustrates the argument with photos of the hospital chapel and its carpark. Neither chapel nor car park are in the area up for development.
- . The *Sustainability Appraisal* (SA) is misleading. Table 58 on page 163 states that all Benenden sites “lack services, facilities and travel options”. This belies the fact that AL/BE2 (Feoffee almshouses) is close to the Street as is AL/BE1 (Uphill). Both sites are within walking distance of the bus stop for daily bus services, the post office, village shop, the primary school, the village green, the butchers, pub, community hall, church, recreation ground and children’s playground.

AL/BE 3 & 4 are three miles northeast of the village with no daily bus service and no amenities whatsoever.

- . The commentary on Table 58, (page 163 of the SA), states that East End sites score badly on Climate Change and Travel, yet these are the sites promoted for most houses.
- . The SA argues on page 163 that East End residents will send their children to schools in Tenterden instead of to the village primary school, and that this will lessen the otherwise seriously negative effects of the two hospital sites. This is pure conjecture and possibly wishful thinking. The school has a good reputation and currently between 70 and 75% of children there come from outside the parish. East End children will have precedence over these, since intake depends on the distance of a child's residence from the school. Pressure on Benenden Primary School will increase, not decrease. Further, the use of a car, whether it drives to Tenterden (5-6 miles) or to Benenden (3 miles), pollutes and deprives residents of the health-giving pleasure of walking to school. The AL/BE 3&4 are contrary to STR2, to the NPPF and to KCC policy on climate change.
- . Appendix L (pp331-2) shows *Scores for Reasonable Sites in Benenden*. Here we see scores for 158 and 222, two sites close to the village centre. Of 158, we read "A site that scores several neutrals with some positives, let down by its land use and landscape score impacted by a loss of a greenfield site in the AONB and *lack of services and facilities including public transport at the settlement.*" This SA report compares poorly with the SA TWBC carried on site 158 in 2006. 158 is parallel to and just north of the Street with its exit onto New Pond Road. In 2006 site 158 was chosen in a village referendum as the site for a new C of E primary school. It was the preferred site out of a choice of two, both of which were greenfield. TWBC's 2006 SA on 158 decided (see page 18 of the *Sustainability Appraisal Benenden Church of England Primary School Land Allocation DPD - Issues and Options* report), that 158 was one of two top sites. "Situated adjacent to an area of ancient woodland, the site provides the potential for habitat linkages and wildlife corridors. The site is not adjacent to the CA and does not form a significant role in its setting. There are no Listed Buildings on or adjacent to the site. The site is consistent with the surrounding landscape character. There are limited views into the site and no public rights of way over the site." On page 38, we read, "This site is anticipated to have a major beneficial effect on improving educational standards and travel choice/traffic levels". In spite of the referendum result, the school was eventually built at the less preferred site and, since then, TWBC had been in consultation with 158's owners to build houses there. In April 2018, BNP Steering Committee Deputy Chair, a borough councillor, showed the committee a piece of paper from TWBC saying that TWBC wishes to build 174 houses on site 158. He committed himself to seeing these numbers reduced and the numbers at the East End raised. After a meeting between representatives from the BNP group and TW planners on June 19th, 2018, the minutes reported that "At times the workshop was emotive ...". Following that meeting TW planners put site 158 on temporary hold, limiting development there to a future Local Plan by asking, in the first draft of the LP on page 270, that the Uphill site on New Pond Road, adjacent to 158 and allocated at that time as AL/BE3, should, under Clause 8, provide for vehicular access through Uphill to the site behind (158) "which may be allocated for development as part of a future Local Plan." In the PSLP, this wording for Clause 8 has disappeared. Where is the evidence-base for such wording to be included in the first draft and excluded in the second? Why is the site considered suitable in 2006, in 2018, and in the first draft, but not suitable in the PSLP?
- . Site 222, like 158 is described in Appendix L of the PSLP's SA as suffering from "a lack of services and facilities including public transport at the settlement." This is inaccurate. There is a daily bus service along Benenden Street and site 222 is within easy walking distance of the bus stop, shops, pub, community hall, primary school and all other amenities.
- . Site LS8, in the heart of Iden Green is, along with site 158 and 222, a site which on-the-ground evidence suggests is eminently suitable for development, but which the SA fails to allocate. Appendix L of the SA gives LS8 virtually the same scores as Uphill (LS16 of AL/BE1) yet the latter is included for development and the former is not. The commentary states of LS8 "A number of scores are negative however, reflecting the remote location of the site from services and facilities and public transport. It scores negatively in heritage terms as the site is a relatively sizeable piece of the Iden Green Conservation Area." This site is far less remote than sites AL/BE 3 & 4. It is one mile from the village and connected to it by a paved footpath running past a Roadside Conservation Area and then (still paved) through a field to the church and primary school. It is on a bus route and the bus stop is next to LS8. Iden Green has a community hall,

tennis courts, a children's playground and pub/restaurant. The SA information is unreliable and the PSLP's use of it for site allocation is unwise.

1 Policies AL/BE3&4 are not consistent with the PSLP's Vision objectives nor with its strategies, nor with KCC's policies, nor with the NPPF.

The PSLP's Vision Objective 1 is : "to improve access to suitable, especially affordable housing, including for local young people and older households." But this is inconsistent with allocations AL/BE 3 & 4. BHS is asking in its comments on the LP first draft, for a lower number of affordable homes because of the high cost of brownfield development. Living isolated in the countryside, families will need at least two cars. Old and young will be unable to walk to schools, shops or any other amenities. This is not a suitable site for a borough which (see para 2.16) expects the population over the age of 65 + to increase by around 40% between 2020 and 2038.

The PSLP's Vision Objective 2 is to ensure sustainable development which allocations at AL/BE 3&4 do not achieve. On the contrary, the KCC warns that even with the existing permission for 24 houses on AL/BE3, the highway authority had concerns. This is an isolated location, deep in the countryside (see KCC Highways email 13 Nov 2019). More than 24 houses in this location is not sustainable.

Policy PSTR/BE1, LBD 5.416 states "the LBD around Benenden village sets the extent of existing and planned development .." This conflicts with the recommendation that major development be instated three miles beyond the LBD, on the border with Biddenden.

Policy STR 2 "The Council requires the use of masterplanning, including the use of design codes and sustainable design standards where appropriate, for strategic and larger-scale developments.." This is undermined by AL/BE 3&4 which calls for a masterplan for an area not included in the PSLP and not presented. Para 1a of Policy AL/BE3 states that there is a need to "show indicatively how the other areas included within Policies AL/BE3 and AL/BE 4 can be developed to meet the overall policy requirements as set out within each of these policies, and *how the future needs for Benenden Hospital will be met on areas to the north west and south west that currently comprise the hospital buildings and associated ancillary uses and is previously developed land.*" It is not sound to proceed with an LP where the land to be developed is not clearly indicated from the start.

A masterplan is essential to avoid current inconsistencies on the size of areas to be developed: AL/BE3 excludes one of the 2 Local Wildlife Sites (LWS) at the site, yet the BNP includes both. Para 5.458 states "Both this policy and BNP draft Policy SSP3 broadly follow the same approach towards the potential for developing this site for a residential development.." They do not. The PSLP states that in the event of a successful referendum, the BNP's proposals will prevail. If this is so, are we supposed to assume that AL/BE3 map is inaccurate?

A similar problem arises at the northern site (AL/BE4) here there are currently 18 dwellings. The proposal allows for these to be demolished and another 25 dwellings added to the site. The size of the area to be developed varies between the LP and the BNP. The LP includes the LWS in the area to be developed but the BNP includes only a small section, but says in the event of a successful referendum the BNP plan will be over-ruled by the LP plan (see the BPC response April 2021 to the Independent Examiner's queries). This is the reverse of 5.421 & 2. It is unsound to proceed with a plan when the NP and the LP are at odds with each other.

The PSLP claims building will only be within existing footprints, an approach which is at odds with that of the BHS. Plans for 47 new houses in AL/BE3, presented to the village on 17th February 2020 by the hospital architects, show the buildings are not to be built within the footprint of previous buildings nor to respect LWS.

Policy STR 3 calls for the use of brownfield sites "within settlements" and in "sustainable locations." AL/BE 3 consists of disused medical buildings and 2 LWS with parkland and veteran trees (depending on whether this second LWS is included or not). 5.448 is therefore incorrect. The site should be described not as brownfield but as partly brownfield. It is not on the brownfield register. Because of its remote location and its valuable LWS sites, it is not free from constraints which could be mitigated. As such, Policy AL/BE3 does not meet the criteria needed under the NPPF, Section 11, para 117 for development in "a way that makes as much use as possible of previously-developed or 'brownfield' land." AL/BE 4 contains in-use residential housing and an LWS and therefore is not brownfield.

Policy STR 5 states that "New residential ... development will be supported if sufficient infrastructure capacity is either available or can be provided in time to serve the development." Will this happen at AL/BE3&4? Developers themselves are to provide the infrastructure at AL/BE 3&4. The LP proposes to take on trust suggestions that the BHS will avoid building on the LWS and will provide play-grounds,

sports facilities and tennis courts. We know from submissions following the first draft LP, that BHS is actually planning to remove one LWS entirely and that its plans include building on the LWS and beyond the foot print of previous buildings. BHS suggests, in its response to the first draft LP (DLP_4956) that it is unlikely to provide play-grounds, sports facilities and tennis courts. The PSLP's approach does not take comments to the first draft LP into account.

Policy STR 6 proposes to "Deliver future development in accessible locations, normally within or in close proximity to existing towns and villages across the borough." In the case of the two isolated hospital sites, the PSLP contradicts its own strategic policy and fails to offer choices in transport or to prioritise active travel and public transport. The Benenden hospital sites have no daily bus service and no active travel link to the village, and neither the PSLP nor the BHS provide credible information on how these links are to be provided. The KCC email of Nov 13 suggests that the hospital is uncooperative on the proposal to organise a minibus service and the SHELAA says of AL/BE3 that it is "Remote from a settlement centre," (unlike sites 158, 222 and LS8); that residents will rely heavily on private cars and thus air quality and travel objectives score negatively; and that, "although promoted by the policy, shared transport and active travel options are unlikely to take precedence over private vehicle use thus air quality and climate change score negatively." This we feel is the nub of the issue. For all the talk of mitigating the remoteness of the hospital sites with a minibus link and cycle routes, nobody actually believes that any of these measures will succeed. As for the proposal to create links suitable for electric personal vehicles, such as mobility scooters (as suggested under STR 6), it is difficult to see, when the closest link with the village is a single-track lane (Walkhurst Road), how any personal electric vehicle could make that journey. The PSLP is creating, through its policies AL/BE3&4, a car dependent community. This thereby negates the sense of the LP's supporting document, *Transport Strategy Review Sept 2019* which urges reducing the need to travel.

AL/BE3&4 also undermine TWBC's Full Council motion of July 2019 to reduce CO2 emissions. "The dominance of the car as a mode of transport can lead to congestion, more road accidents, air and noise pollution. In addition it contributes to climate change, reduces social cohesion and leads to less healthy lifestyles" (para 44 *Transport Review*). According to TW's own SA from 2006, if social cohesion, reduction in air pollutants, and public health were indeed the borough's priorities, sites chosen for development in Benenden would have included site 158.

PSLP paras 5.453 and 5.467 state that "residents of development in this location will rely heavily on private cars." These plans runs counter to STR6 policy on the environment see paras 6.8, 6.9, 6.10, 6.11 and 6.13. It also contravenes KCC policies on climate change and the NPPF (see KCC's Nov 13, 2019 letter on this subject).

Para 5.414 "The parish provides two relatively large sources of employment: at Benenden Hospital and at Benenden School." The inference is that the employment opportunities are linked somehow to the population of Benenden. There is in fact little connection. The 300 plus staff at the hospital drive into the parish along GGR to work and, since the hospital is isolated from the village, their contribution to the local economy is negligible.

Policy STR 6 The LP proposes to "Deliver future development in accessible locations, normally within or in close proximity to existing towns and villages across the borough." In the case of the two isolated hospital sites, the LP contradicts its own strategic policy and fails to offer choices in transport or to prioritise active travel and public transport.

Cycle routes: The PSLP's standards on the public benefits of cycling and walking are based on the *Cycle Strategy Supporting Document*, but these standards are undermined by site allocation in Benenden. The Cycle document states that: "When more people cycle or walk the health of the population improves and our roads become safer and less congested." Its objectives 4 and 5 are to improve safety for cyclists and air quality for all, but AL/BE 3 & 4 will create a community, deep in the countryside, entirely dependent on the car and will contribute to poorer air quality for all. The allocation of these sites, as opposed to sites such as 158, is difficult to understand.

The *Cycle Strategy* states that fear of traffic is possibly the main factor discouraging people from cycling. National Cycle Route 18 runs from the Rolvenden Road, down Stepneyford Lane, to Green Lane, before joining the Benenden Road near the hospital, turning right and leading to Castleton's Oak Cross roads and Gribblebridge Lane. This route is a largely on-road ride travelling through the High Weald, using narrow, picturesque country lanes as much as possible. Green Lane/Stepneyford Lane is mentioned in TWBC's Rural Lanes: Supplementary Planning Guidance. It is particularly high scoring in terms of its landscape, its recreational value, its natural beauty and its history. For these

reasons, it is part of National Route 18. Rather than encouraging cycling, AL/BE3, which proposes two exits for this major development on GGR and two on Green Lane (where a second housing estate, at Cleveland Farm is already leading to Kent Highways calling for road widening and the elimination of grass verges - see building application 20/03267/FULL) will cause an increase in those factors, identified in *TW Cycle Strategy*, as discouraging cyclists, namely, traffic and the loss of unspoilt country lanes. Policy AL/BE3 also contravenes Kent Structure Plan Policy ENV13: "Rural lanes which are of landscape, amenity, nature conservation, historic or archaeological importance will be protected from changes which would damage their character, and enhanced." In any event, the cycle route is purely recreational and will not enhance the sustainability of these sites.

Policy STR 7 proposes, in dealing with TWBC's 2019 legally binding commitment to manage climate change, that all development in the borough will support the Council's target to achieve net zero emissions by 2030. It is unsound, with such a goal, to propose a major development on the parish periphery, 3 miles equidistant from two villages where there is no shop (in spite of the PLSP's statement AL/BE 3&4) and no café (BHS says its café was built for its own use not for the use of the public - see comments on the first draft of the LP). Residents will need their cars for almost everything.

Policy STR1 promotes the effective use of previously developed land, having due regard to relevant Plan policies, but in promoting AL/BE3&4, the PSLP disregards STR6 (environmental goals) & STR7 (transport goals).

Under the NPPF, sustainability is the priority, as the PSLP acknowledges in STR3, 4.65 "A presumption of sustainability lies at the heart of the NPPF", but in allocating AL/BE 3&4, the PSLP fails to respect its own and the NPPF's strategic priorities.

Policy STR 8 states that development should contribute to and enhance rural landscapes with particular regard to the High Weald (HW) AONB. The PSLP promotes nature conservation. Its biodiversity objective is to achieve net gains and, where possible, secure long-term management of sites for biodiversity. AL/BE3 runs counter to this strategy since the BHS has produced plans showing houses built over the LWS. It has, furthermore, produced a document requiring that one of the two LWS be dug up and removed to another unspecified location, thereby nullifying the terms of the existing Landscape and Ecology Management Plan (LEMP) for that site. Para 3.21 of the BHS submission on the first draft LP states: *"The Society supports the requirement for long-term management of the core areas of LWS associated with the hospital land. This includes all but the modest area within the SEQ adjoining Peak Lodge which is too constraining on the South East Quadrant redevelopment proposals. Accordingly, the soils in the area will be translocated to a nearby receptor site to try to ensure that the rare fungi can continue to thrive in this local area."* This is a particularly significant site for biodiversity. A letter from Keith Nicholson, former Planning and Conservation officer for the Kent Wildlife Trust, dated 4 March 2013, to TWBC Development Control Officer, Ellen Gilbert states that the hospital LWS are of national importance, mainly for the large number of different varieties of waxcaps. He states that they could well have been designated SSSI. Both in terms of waxcaps and in terms of valuable acid grassland, the hospital sites have high environmental value, see Comment DLP_3458 on the first draft of the LP, from the High Weald AONB Unit. The Benenden Hospital site *"includes rare and vulnerable acid grassland which should form a core area for unimproved grassland as part of a High Weald nature recovery network."* AL/BE3&4 threaten the biodiversity of significant species in the LWS at the hospital sites, contrary to EN1.

The LWS to the south of AL/BE3 is included in the BNP and BPC argues that this has been done in order to protect it (see their response to the Independent Examiner April 2021). It is difficult to follow this logic. The inclusion of the site in the area to be developed suggests that it too could be under threat.

There is no plan showing the placement of houses on AL/BE 4, which is currently home to a large LWS and is the site of 18 habitable dwellings, almost all of the them currently in use and let. The proposal allows for these to be demolished and another 25 dwellings added to the site. The PSLP includes the LWS in the area to be developed and the BNP excludes most of it. Benenden Parish Council (BPC), in its April 2021 response to the Independent Examiner, has said that, in this case of a successful referendum, the PSLP's plan (which includes the LWS), will prevail. In other words, of the 3 LWS in AL/BE 3&4, one is slated for removal, one will be built over if the PSLP prevails and one may be built over if the BNP prevails. This undermines STR8.

The PSLP claims that the hospital development “has the potential to improve the setting of the HW AONB through the delivery of a more sensitive redevelopment of existing buildings” (para 5.454), but the claim is not supported by evidence produced by the *Hankinson & Duckett* (see above) while the HW AONB unit’s own view is the opposite. See TW first Draft LP, **DLP_3458 High Weald AONB Unit** (which objects to the Plan) : “....*In our view the development at Benenden Hospital will have a significant effect on the setting of the AONB and the purposes of its designation, and this issue has not been properly considered by the Plan.*”

Also, the NPPF section 2 para 11

“Plans and decisions should apply a presumption in favour of sustainable development... ..(b) strategic policies should provide for objectively assessed needs for housing ...that cannot be met within neighbouring areas unless ... (i) the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area.” And see Footnote 6: the policies referred to are those in the Framework ...relating to habitat sites (and those sites listed in para 176) and /or designated as SSSI, AONBs

NPPF para 177 requires that *“an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.”* No such assessment has been undertaken.

PSLP EN1 para 5. Biodiversity and geodiversity.

AL/BE 3&4 run counter to this policy as stated above in relation to the LWS.

The Environment

STR8 sets high environmental standards but these are undermined in the site allocations. This is particularly startling in the light of the July 2019 Full Council motion to recognise the climate and biodiversity emergency, in fact, the Benenden allocations put into question whether the motion was passed in good faith.

EN1 para 5 (Biodiversity and geodiversity) says that proposals should maximise opportunities to increase biodiversity. This goal may make sense in an urban setting, but development in the countryside, as is proposed in AL/BE 3 & 4, cannot hope to ever mitigate biodiversity loss. The destruction of trees and wild spaces, the introduction of lighting, kerbs, driveways, wider roads and narrower verges, the use of concrete, tarmac, bricks and mortar in a deeply rural setting cannot “increase biodiversity”.

EN1 provides for Long-term Management plans which would be satisfactory within an urban context. In a rural location like the East End, such plans are no substitute for natural wild spaces. A ‘managed’ green space set among streets is less likely to promote biodiversity and less likely to conserve wildlife than ‘unmanaged’ green space. Further, the three LWS in AL/BE3 are all already part of an existing LEMP agreement, and since one or all would be removed in the case of development as outlined by BHS under AL/BE3&4, instead of creating a long-term management plan, AL/BE3&4 would all but terminate an existing one. The sentiments expressed in EN1 are mocked by AL/BE3&4.

1 Site policies

AL/BE3 excludes one of the 2 LWS at the site, and the BNP includes both, yet para 5.458 states “Both this policy and BNP draft Policy SSP3 broadly follow the same approach towards the potential for developing this site for a residential development..” This does not appear to be the case. Further, the SHELAA treats this site twice, once including the southern LWS (and excluding Windmill Cottage) and once excluding the LWS and including Windmill Cottage (SHELAA pages 1-3 and pages 18-19). In the second instance, the suggestion is for 67-73 houses, presumably building over the LWS. The first plan is the one adopted in the PSLP and appears to be the more accurate of the two in that it describes the site as “mostly PDL”. The second ignores all greenfield aspects and is almost identical to the plan in the BNP, a plan which BNP claims will prevail if it wins a referendum. Is AL/BE3 presenting us with the wrong plan?

AL/BE3 and AL/BE4 provide for a phased timetable for development of the two sites at different time intervals without calling for a comprehensive masterplan for the hospital site as a whole i.e. for the entire built up area. This is inconsistent with STR2, which requires a masterplan for large developments. The full extent of the area to be developed must be clear. See para 1a of Policy AL/BE3 which states that there is a need to “show indicatively how the other areas included within Policies AL/BE3 and AL/BE 4 can be developed to meet the overall policy requirements as set out within each of these policies, and *how the future needs for Benenden Hospital will be met on areas to the north west and south west that currently comprise the hospital buildings and associated ancillary uses and is previously developed land.*” It is not sound to proceed with an LP where the land to be developed is not indicated from the start.

AL/BE3&4 both call for an active travel link between the site and Benenden village. This proposal has been costed (see BPC’s April 2021 reply to the Independent Examiner) at between £180,000 and £220,000 for a 3m wide tarmacked surface, plus costs to upgrade it to a bridleway, plus the costs associated with obtaining landowners’ consent or, failing that, of starting compulsory purchase proceedings which TWBC expresses reluctance to undertake because of the significant compensation costs and legal costs which would be involved. No steps have been taken either by the BNP or TWBC to ascertain the willingness of landowners to give up their land although the major landowner involved wrote to BNP on 11th Sept. 2019 objecting to the plan. It is understood that he was not contacted for subsequent discussion.

AL/BE3&4 calls for the repurposing of the existing tennis courts for the use of local residents, which BHS denies it will offer for public use; for the public use of the hospital’s café; for the creation of a hospital shop (5.413); for a minibus service linking the hospital to the village (“The Society is not a transport provider” is BHS’ response); for green space, a playground and provision of a community hall - most of these policies are refuted in Savills’ comments on behalf of BHS, in the first draft of the LP, DLP_ 4956 paras 3.14, 3.18, 3.19, 3.20, 3.46 and 3.47. Rather than agreeing to such policies, the hospital is calling on TWBC to introduce a more flexible funding system to allow a *reduction* of developer costs. BHS argues these will be high because they wish to demolish existing buildings. It is unsound to propose policies which cannot be implemented. Once the sites are sold, no relevant conditions to this effect could be imposed.

1 **The PSLP is unsound because of inconsistencies in the treatment of different sites.**

- . **Uphill, AL/BE1** is described as having archaeological potential (para 5.428) requiring possible mitigation measures. This is not because of historical finds on the site, but because they might be found. A listed manor house lies on the other side of New Pond Road and, according to AL/BE1, “the site lies within, or very close to the relevant impact risk zone for Parsonage Wood”, a SSSI which is, in fact, several miles away. The archaeological significance of AL/BE 3&4 is far more certain and substantial. The hospital sites are where a bronze age palstaff was found (see the National Monument Register - SMR Number /Hob UID)) and the sites lie close to two ancient routeways. A Roman Road runs west-east (on BHS farmland) a few yards to the south of AL/BE3 and a medieval drove road (GGR), runs west-east between the two sites. Further, two Grade II Listed Buildings are sited here, also on BHS land. The Lister building stands a few yards to the west of AL/BE3 and Cleveland Farm house (the farmyard of which BHS is trying to develop separately and simultaneously as if a minor planning project) lies a few yards to the south. Instead of mentioning these facts, AL/BE3&4 reads (5.456 and 5.468) “Kent County Council states that the site includes significant archaeology, which could be dealt with through suitable conditions on a planning approval.” The imbalance in the treatment of the two sites is substantial and suggests prejudice.
- . The SHELAA assessment of site 158 suggests a potential yield of 50-65 houses, but then concludes that only the Uphill part of the site is suitable (20 houses). It states that “the remainder of the site is sensitive in landscaping terms and there is concern regarding scale and impact on the character of the landscape and settlement pattern”. This is contrary to the views of TW’s 2006 SA; to the TW 2018 document proposing 174 houses; and to the first draft of the LP. The dismissal of 158 as a suitable site is not supported by the evidence and suggests prejudice.
- . Site 222, west of the cross roads, was also considered in 2006, as a possible site for the new village school, though it was not one of the top two sites put to a referendum. The SHELAA

suggests 222 has a potential for 76 houses. The site is considered unsuitable partly because the new LBD, if adopted, will exclude all houses west of the cross roads, when the village actually extends a considerable length along this road to the west. There is no mention of the fact that the owners of this site are offering the pond at the south west corner of the crossroads as village green space. The dismissal of 222 is not supported by the evidence and suggests prejudice.

The SHELAA suggests a capacity of 26 houses at Site LS8 in Iden Green, stating that it lies adjacent to the recreation ground and a children's nursery and that there is a pavement on both sides of Iden Green's main road. It fails to mention that the easternmost side of this pavement connects the village to the village primary school. The SHELAA dismisses the site as unsuitable saying that it is located in a remote location relative to services, facilities and public transport, but this site is far less remote than sites AL/BE 3&4. The dismissal of site LS8 is not supported by the evidence and suggests prejudice.

The proposed new LBD has been constructed so as to include the new site at Uphill and to exclude 222, when in fact, the actual built development extends westwards from the crossroads and includes site 222. The LBD is ignored in respect of AL/BE3&4. Manipulation of the LBD to suit allocated sites is inappropriate.

As a general comment, I have found the process unnecessarily difficult to navigate. There are likely to be many people who will give up before they even get started.

Question 6

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Question 5 above. (Please note that non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

The modifications needed are included in the submissions set out above. In summary, development on site AL/BE 3 should be limited to the existing, so far unused, planning permission for 24 houses, preferably by adapting the Garland Wing, which is a building of historic value, either to a wellness centre, in accordance with its original intention, or to a row of up to 10 terraced houses. Site AL/BE 4 already has 18 semi-detached houses on it, and cannot support any more. It should therefore be excluded. Housing should be allocated to sites (such as 158 and 222 in the village centre or LS8 in Iden Green) which lie on bus routes or are within walking distance of the village centre and school. Paragraphs 5.421 and 5.422 should be omitted.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

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If responder hasn't ticked an option on this box, data inputter to tick 'not stated' box. Not Stated

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:

Yes, I wish to be notified of future stages of the Local Plan

Comment

Consultee	William Bernard Phillips [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] Ashford [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	William Bernard Phillips [REDACTED]
Comment ID	PSLP_229
Response Date	09/05/21 18:33
Consultation Point	Policy PSTR/BE 1 The Strategy for Benenden parish (View)
Status	Processed
Submission Type	Email
Version	0.2
Data inputter to enter their initials here	AT
Question 1	
Respondent's Name and/or Organisation	Mr William Bernard Phillips
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy PSTR/BE 1 The Strategy for Benenden parish

Policies AL/BE1, AL/BE3 and AL/BE4

Inset Map 18

Question 4

Do you consider that the Local Plan:

Is legally compliant	No
Is sound	No
Complies with the Duty to Cooperate	No

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

- . It is not positively prepared
- . It is not effective
- . It is not justified
- . It is not consistent with national policy

Question 5

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

This submission concerns the parish of Benenden, the only parish in the borough to have made its own allocations. The Benenden Neighbourhood Plan (BNP) has been developed in close consultation with TWBC, with the BNP in the lead. The BNP announced its allocations in February 2019, before inviting AECOM to produce its Strategic Environmental Assessment. Pre-Submission Local Plan, para 5.420 reads "The BNP was submitted to TWBC in October 2020 and was consulted on between 30 October and 11 December 2020." But the allocations had been made and published in February 2019. Further, Para 5.420 states "The BNP proposes to include site allocation policies that follow the approach of the site allocation policies for Benenden in this Local Plan." BNP allocations were first published in February 2019 i.e. before LP site allocation policies.

Allocations made by the LP, when it took up the BNP's baton, are therefore inevitably linked to BNP's weaknesses. Yet if the BNP passes a referendum before acceptance of the LP, it is said that it will take precedence over the LP (see para 5.421), with the exception of its plans for the northern site at Benenden hospital, which will be overruled by the plans advanced in the LP (see Benenden Parish Council April 2021 response to Independent Examiner queries on the BNP). This is in contravention of para 5.422 which talks of making "modifications to the LP" so that it matches the BNP.

1 Community involvement. EN1: this requirement has not been respected.

- . In Benenden, almost all new housing is slated for the East End, yet the Friends of the East End (FEE), were never asked to meet with the BNP steering group.
- . See EN1 para 9 requiring the effective engagement of the local community, neighbours of sites and others. The FEE submitted three petitions, two to the BNP and one in relation to the LP. A FEE submission with 127 signatures was submitted on April 4th 2019 in response the Informal Draft NP (published on February 23, 2019), in which the allocations later adopted by the LP were first set out. A FEE submission with 164 signatures was submitted in October 2019 objecting to the first draft of the LP, and in the same month, a FEE submission with 167 signatures was submitted in relation to the Reg 16 draft BNP. See the FEE's current online petition with more than 450 signatures <https://www.change.org/EastEndFriends>
- . Instead of being consulted, the FEE were ignored and belittled. They were informed on 11th March 2019 by the editor of the Parish Magazine (PM), husband of the Chair of the Parish Council, that "I'm of the view that much of the uncertainty has passed since the presentation of the plan to the village - to a highly favourable reception. At least we no longer have to give polite credence to *uninformed* views that fly in the face of TWBC policy and advocate direct and *pointless*

confrontation with TWBC, thereby running the risk of having the entire BNDP thrown back in our faces. *The ensuing chaos hardly bears thinking about.* At least it seems the opinions now being afforded most weight are those of *people who have worked hard for two years to understand the issues* and come up with a coherent way forward.”

- . One of the regular articles on the BNP submitted by the chair of the BNP Steering Group appeared in January 2020. It dismisses FEE opposition suggesting only “31 residents from the East End” sent in comments.
- . The core group behind the BNP has consistently tried to persuade those who support the FEE to desist. The chair of the Parish Council and the chair of the BNP Steering Group have twice asked to meet a Tunbridge Wells Alliance (TWA) Borough Councillor for the parish, once together with a TWA borough council candidate, in efforts to persuade them to adhere to the BNP’s approach and not to listen to the FEE.
- . The organiser of the FEE was a member of the Steering Committee 2017/2018 as chair of the Environmental Group. She expressed strong disagreement with a Borough Councillor who lives in the village (on occasion, he deputises as chair of the Steering Group) about his wish to step up allocations in the East End and suppress TWBC’s wish to build 174 houses on site 158. As a result, the Steering Group chair (using his own word), “sacked” her. This is contrary to EN1 para 9, encouraging early, proactive and effective engagements and the requirement that views expressed should be properly considered.
- . Consultation also failed in relation to the neighbouring parish of Biddenden. The Clerk of Biddenden Council has repeatedly responded to BPC in the course of the BNP consultation process, but received only acknowledgments. A Kent County Councillor and Ashford Borough Councillor wrote an article about BNP’s mismanagement of the parish of Biddenden in the Biddenden Parish Magazine, February 2021.
- . The LP is based on the BNP and BNP allocations were made before consultations with stakeholders such as the AONB. This is not consulting in a timely fashion. Further, the LP requires surveys of the hospital sites *after* the designation of the sites for development, for example, archaeological surveys (see AL/BE 3&4). Historic England (HE) asks for the surveys to be carried out *before*. See HE’s comments on the first draft LP (DLP_4556) - “we would expect the allocation of sites following on from this Strategy policy (STR1) to be subject to appropriately robust and detailed heritage impact assessment *prior to the allocations being adopted*.”

2. The PSLP is not based on sound evidence

- . Throughout the LP process, misstatements have been made about amenities in Benenden’s East End. These may be traced back to a submission made by traffic and highways consultants, Transport Planning Associates (TPA) to Benenden Healthcare Society Ltd. (BHS). This submission was recently disclosed in BHS’s response to the Independent Examiner’s queries in relation to the BNP. TPA’s information is sometimes inaccurate and sometimes misleading and we consider it here in detail because it is difficult otherwise, to understand how the LP was able to continue, iteration after iteration, to relate false information about the hospital site.
- . In October 2019, TPA reported (para 2.6) that there was a footpath along the southern edge of Goddards Green Road (GGR) and the PSLP, para 5.452 states “There is an intermittent pavement along GGR”. The GGR is a long road running from New Pond Road to Castleton’s Oak crossroads, and was formerly a lane. The pavement is limited to the short section immediately outside the hospital buildings. To say that there is an intermittent pavement along GGR is misleading.
- . The TPA refers to the East End as a village, which it is not. The East End runs from the junction of GGR and Walkhurst Road, along the GGR to the border with Tenterden, then turns south to reach close to Hole Park in Rolvenden, then east back to Walkhurst Road at the site of the stream, then along Walkhurst Road back to GGR (see the old Electoral Roll for 2004 when the East End had its own polling station). It is a large, totally rural area of several square miles, which was why it was chosen as the site for an isolation hospital in 1906. Today it contains only 76 houses scattered across the entire area. The PSLP consistently refers to the East End as a hamlet. It is not, which is why BPC is able to advertise itself on its website as “Serving the people of Benenden and Iden Green” without any reference to the East End.
- . The TPA says that “a day nursery is located immediately to the north of the Site within 400m.” There is incorrect, yet this error is repeated in para 5.413 of the PSLP “There are also nursery/pre-school facilities at Iden Green and East End.” An accurate account would mention Iden Green only.
- . The TPA states that there are daily bus services along GGR provided by bus nos. 24 and 299, and twice a day service provided by the Hopper bus. This information is incorrect. The 2019

Hopper bus, operated by the Tenterden social services hub on an experimental basis, failed in only a matter of months. While the 24 and the 299 buses pass along GGR, they do so on only one day a week. The 24 on Tuesdays and the 299 on Wednesdays. The East End has almost no public transport.

- . The TPA makes several statements in relation to traffic which have fed misinformation into the system to be reflected in AL/BA3&4. This misinformation was only recently revealed when documents were provided by BHS following April 2021 queries raised by the Independent Examiner on the BNP. These documents include a TPA 'Scoping Note' on road and traffic conditions at the site and a letter written in response to this Note from KCC Highways, dated 13 Nov. 2019. The TPA states that the GGR is 7m wide at the hospital site which detracts from the fact that it is actually a winding rural lane, now called a road, and varies considerably in width. It may at some point be 7m wide, but at others, it is so narrow that two lorries have difficulty passing each other. The TPA claims that there is no need for a road safety review because there have been "no personal injury accidents" recorded within 1,000m. Castleton's Oak crossroads lie 1.5 km from the site and accidents there are frequent, largely due to increasing traffic at the hospital. The hospital has turned itself into an almost exclusively out-patient centre and almost all its 300 employees drive in to work from outside the parish (formerly, they were housed on site in hospital staff buildings). Kent County Council (KCC) Highways make constant and repeated attempts to lower the risk of injury at the crossroads. Works there are ongoing at this time. The TPA claims that no traffic surveys are necessary which is a point queried in the KCC Highways' email. The email talks of the "heavy car dependency" of residents in any housing in this location and says this was one of its concerns, even at the time of the original application asking for only 24 houses. The email states that BHS's plans (and therefore AL/BE 3&4) are contrary to the NPPF and to KCC's own policy objectives, and points out that the hospital has not co-operated over the idea of a minibus to provide transport from the site to Benenden. The letter calls for: traffic counts along the GGR; a wider crash analysis; and expresses concern over the proposed access points to the SE Quadrant - 2 on Green Lane and 2 on GGR. Lastly, on trip generation, the TPA projects that 47 houses at the site will produce only 106 trips a day, though the consultants admit that they have difficulty in basing their estimate on comparable sites because there are none. These trip generation figures ignore existing traffic from local residents, from patients, from hospital staff and from the newly (January 2021) proposed housing estate at Cleveland. The AL/BE 3&4 fails to provide a traffic count, fails to ask for a road safety review and fails to acknowledge frequent traffic accidents near the sites.
 - . Pre-submission supporting documents also produce inaccurate and sometimes irrelevant evidence. The hospital sites are within the setting of an AONB and even overlap into it, yet *Inset Map 18* (Benenden Hospital), unlike other maps attached, makes no reference to the AONB boundary. The BNP claims that the hospital is outside the AONB and on this basis, since the rest of the village is wholly within the AONB, largely justifies placing most of Benenden's housing in the East End. This is misleading, since the AONB boundary wraps tightly round AL/BE3, which actually overlaps into the AONB in the southwest corner. In any event both sites affect land in the AONB. The relationship of the AONB boundary to the hospital sites is important yet it is ignored on the map. This looks like prejudice.
 - . Hankinson Duckett Associates's *AONB Setting Analysis Report* (a supporting document for the PSLP, referred to as an evidence base) is, in its analysis of AL/BE3&4, unsound. The analysis argues that development at these sites will enhance the setting of the AONB. It illustrates the argument with photos of the hospital chapel and its carpark. Neither the chapel nor car park are in the area up for development.
- 1 **Policies AL/BE3&4 are not consistent with the PSLP's Vision objectives nor with its strategies, nor with KCC's policies, nor with the NPPF.**
- . The PSLP's Vision Objective 1 is : "to improve access to suitable, especially affordable housing, including for local young people and older households." But this is inconsistent with allocations AL/BE 3 &4. BHS is asking in its comments on the LP first draft, for a lower number of affordable homes because of the high cost of brownfield development. Living isolated in the countryside, families will need at least two cars. Old and young will be unable to walk to schools, shops or any other amenities. This is not a suitable site for a borough which (see para 2.16) expects the population over the age of 65 + to increase by around 40% between 2020 and 2038.

The PSLP's Vision Objective 2 is to ensure sustainable development which allocations at AL/BE 3&4 do not achieve. On the contrary, the KCC warns that even with the existing permission for 24 houses

on AL/BE3, the highway authority had concerns. This is an isolated location, deep in the countryside (see KCC Highways email 13 Nov 2019). More than 24 houses in this location is not sustainable.

- . **Policy PSTR/BE1**, LBD 5.416 states “the LBD around Benenden village sets the extent of existing and planned development ..” This conflicts with the recommendation that major development be instated three miles beyond the LBD, on the border with Biddenden.
- . **Policy STR 2** “The Council requires the use of masterplanning, including the use of design codes and sustainable design standards where appropriate, for strategic and larger-scale developments..” This is undermined by AL/BE 3&4 which calls for a masterplan for an area not included in the PSLP and not Para 1a of Policy AL/BE3 states that there is a need to “show indicatively how the other areas included within Policies AL/BE3 and AL/BE 4 can be developed to meet the overall policy requirements as set out within each of these policies, and *how the future needs for Benenden Hospital will be met on areas to the north west and south west that currently comprise the hospital buildings and associated ancillary uses and is previously developed land.*” It is not sound to proceed with an LP where the land to be developed is not clearly indicated from the start.
- . **A masterplan is essential to avoid current inconsistencies on the size of areas to be developed:** AL/BE3 excludes one of the 2 Local Wildlife Sites (LWS) at the site, yet the BNP includes both. Para 5.458 states “Both this policy and BNP draft Policy SSP3 broadly follow the same approach towards the potential for developing this site for a residential development..” They do not. The PSLP states that in the event of a successful referendum, the BNP’s proposals will prevail. If this is so, are we supposed to assume that AL/BE3 map is inaccurate?
- . A similar problem arises at the northern site (AL/BE4) here there are currently 18 dwellings. The proposal allows for these to be demolished and another 25 dwellings added to the site. The size of the area to be developed varies between the LP and the BNP. The LP includes the LWS in the area to be developed but the BNP includes only a small section, but says in the event of a successful referendum the BNP plan will be over-ruled by the LP plan (see the BPC response April 2021 to the Independent Examiner’s queries). This is the reverse of 5.421 & 2. It is unsound to proceed with a plan when the NP and the LP are at odds with each other.
- . **The PSLP claims building will only be within existing footprints**, an approach which is at odds with that of the BHS. Plans for 47 new houses in AL/BE3, presented to the village on 17th February 2020 by the hospital architects, show the buildings are not to be built within the footprint of previous buildings nor to respect LWS.
- . **Policy STR 3** calls for the use of brownfield sites “within settlements” and in “sustainable locations.” AL/BE 3 consists of disused medical buildings and 2 LWS with parkland and veteran trees (depending on whether this second LWS is included or not). 5.448 is therefore incorrect. The site should be described not as brownfield but as partly brownfield. It is not on the Brownfield Register. Because of its remote location and its valuable LWS sites, it is not free from constraints which could be mitigated. As such, Policy AL/BE3 does not meet the criteria needed under the NPPF, Section 11, para 117 for development in “a way that makes as much use as possible of previously-developed or ‘brownfield’ land.” AL/BE 4 contains in-use residential housing and an LWS and therefore is not entirely brownfield.
- . **Policy STR 5** states that “New residential ... development will be supported if sufficient infrastructure capacity is either available or can be provided in time to serve the development.” Will this happen at AL/BE3&4? Developers themselves are to provide the infrastructure at AL/BE 3&4. The LP proposes to take on trust suggestions that the BHS will avoid building on the LWS and will provide play-grounds, sports facilities and tennis courts. We know from submissions following the first draft LP, that BHS is actually planning to remove one LWS entirely and that its plans include building on the LWS and beyond the foot print of previous buildings. BHS suggests, in its response to the first draft LP (DLP_4956) that it is unlikely to provide play-grounds, sports facilities and tennis courts. The PSLP’s approach does not take comments to the first draft LP into account.
- . **Policy STR 6** proposes to “Deliver future development in accessible locations, normally within or in close proximity to existing towns and villages across the borough.” In the case of the two isolated hospital sites, the PSLP contradicts its own strategic policy and fails to offer choices in transport or to prioritise active travel and public transport. The Benenden hospital sites have no daily bus service and no active travel link to the village, and neither the PSLP nor the BHS provide credible information on how these links are to be provided. The KCC email of Nov 13 suggests that the hospital is uncooperative on the proposal to organise a minibus service and the SHELAA says of AL/BE3 that it is “Remote from a settlement centre,” (unlike sites 158, 222 and LS8); that

residents will rely heavily on private cars and thus air quality and travel objectives score negatively; and that, “although promoted by the policy, shared transport and active travel options are unlikely to take precedence over private vehicle use thus air quality and climate change score negatively.” This is crucial. For all the talk of mitigating the remoteness of the hospital sites with a minibus link and cycle routes, nobody actually believes that any of these measures will succeed. As for the proposal to create links suitable for electric personal vehicles, such as mobility scooters (as suggested under STR 6), it is difficult to see, when the closest link with the village is a single-track lane (Walkhurst Road), how any personal electric vehicle could make that journey. The PSLP is creating, through its policies AL/BE3&4, a car dependent community. This thereby negates the sense of the LP’s supporting document, *Transport Strategy Review Sept 2019* which urges reducing the need to travel.

- . AL/BE3&4 also undermine TWBC’s Full Council motion of July 2019 to reduce CO2 emissions. “The dominance of the car as a mode of transport can lead to congestion, more road accidents, air and noise pollution. In addition it contributes to climate change, reduces social cohesion and leads to less healthy lifestyles” (para 44 *Transport Review*). According to TW’s own SA from 2006, if social cohesion, reduction in air pollutants, and public health were indeed the borough’s priorities, site 158 would have been among those chosen for Benenden, as originally intended.
- . **PSLP paras 5.453 and 5.467** state that “residents of development in this location will rely heavily on private cars.” These plans runs counter to STR6 policy on the environment see paras 6.8, 6.9, 6.10, 6.11 and 6.13. It also contravenes KCC policies on climate change and the NPPF (see KCC’s Nov 13, 2019 letter on this subject).
- . **Para 5.414** “The parish provides two relatively large sources of employment: at Benenden Hospital and at Benenden School.” The inference is that the employment opportunities are linked somehow to the population of Benenden. There is in fact little connection. The 300 plus staff at the hospital drive into the parish along GGR to work and, since the hospital is isolated from the village, their contribution to the local economy is negligible.
- . **Policy STR 6** The LP proposes to “**Deliver future development in accessible locations, normally within or in close proximity to existing towns and villages across the borough.**” In the case of the two isolated hospital sites, the LP contradicts its own strategic policy and fails to offer choices in transport or to prioritise active travel and public transport.
- . **Cycle routes:** The PSLP’s standards on the public benefits of cycling and walking are based on the *Cycle Strategy Supporting Document*, but these standards are undermined by site allocation in Benenden. The Cycle document states that: “When more people cycle or walk the health of the population improves and our roads become safer and less congested.” Its objectives 4 and 5 are to improve safety for cyclists and air quality for all, but AL/BE 3 & 4 will create a community, deep in the countryside, entirely dependent on the car and will contribute to poorer air quality for all. The allocation of these sites, as opposed to sites such as 158, is difficult to understand.
- . The *Cycle Strategy* states that fear of traffic is possibly the main factor discouraging people from cycling. National Cycle Route 18 runs from the Rolvenden Road, down Stepneyford Lane, to Green Lane, before joining the Benenden Road near the hospital, turning right and leading to Castleton’s Oak Cross roads and Gribblebridge Lane. This route is a largely on-road ride travelling through the High Weald, using narrow, picturesque country lanes as much as possible. Green Lane/Stepneyford Lane is mentioned in TWBC’s *Rural Lanes: Supplementary Planning Guidance*. It is particularly high scoring in terms of its landscape, its recreational value, its natural beauty and its history. For these reasons, it is part of National Route 18. Rather than encouraging cycling, AL/BE3, which proposes two exits for this major development on GGR and two on Green Lane (where a second housing estate, at Cleveland Farm is already leading to Kent Highways calling for road widening and the elimination of grass verges - see building application 20/03267/FULL) will cause an increase in those factors, identified in *TW Cycle Strategy*, as discouraging cyclists, namely, traffic and the loss of unspoilt country lanes. Policy AL/BE3 also contravenes Kent Structure Plan Policy ENV13: “Rural lanes which are of landscape, amenity, nature conservation, historic or archaeological importance will be protected from changes which would damage their character, and enhanced.” In any event, the cycle route is purely recreational and will not enhance the sustainability of these sites.
- . **Policy STR 7** proposes, in dealing with TWBC’s 2019 legally binding commitment to manage climate change, that all development in the borough will support the Council’s target to achieve net zero emissions by 2030. It is unsound, with such a goal, to propose a major development on the parish periphery, 3 miles equidistant from two villages where there is no shop (in spite of the PLSP’s statement AL/BE 3&4) and no café (BHS says its café was built for its own use not for

the use of the public - see comments on the first draft of the LP). Residents will need their cars for almost everything.

- . **Policy STR1** promotes the effective use of previously developed land, having due regard to relevant Plan policies, but in promoting AL/BE3&4, the PSLP disregards STR6 (environmental goals) & STR7 (transport goals). Under the NPPF, sustainability is the priority, as the PSLP acknowledges in STR3, 4.65 “A presumption of sustainability lies at the heart of the NPPF”, but in allocating AL/BE 3&4, the PSLP fails to respect its own and the NPPF’s strategic priorities.
- . **Policy STR 8** states that development should contribute to and enhance rural landscapes with particular regard to the High Weald (HW) AONB. The PSLP promotes nature conservation. Its biodiversity objective is to achieve net gains and, where possible, secure long-term management of sites for biodiversity. AL/BE3 runs counter to this strategy since the BHS has produced plans showing houses built over the LWS. It has, furthermore, produced a document requiring that one of the two LWS be dug up and removed to another unspecified location, thereby nullifying the terms of the existing Landscape and Ecology Management Plan (LEMP) for that site. Para 3.21 of the BHS submission on the first draft LP states: *“The Society supports the requirement for long-term management of the core areas of LWS associated with the hospital land. This includes all but the modest area within the SEQ adjoining Peak Lodge which is too constraining on the South East Quadrant redevelopment proposals. Accordingly, the soils in the area will be translocated to a nearby receptor site to try to ensure that the rare fungi can continue to thrive in this local area.”* This is a particularly significant site for biodiversity. A letter from Keith Nicholson, former Planning and Conservation officer for the Kent Wildlife Trust, dated 4 March 2013, to TWBC Development Control Officer, Ellen Gilbert states that the hospital LWS are of national importance, mainly for the large number of different varieties of waxcaps. He states that they could well have been designated SSSI. Both in terms of waxcaps and in terms of valuable acid grassland, the hospital sites have high environmental value, see Comment DLP_3458 on the first draft of the LP, from the High Weald AONB Unit. The Benenden Hospital site *“includes rare and vulnerable acid grassland which should form a core area for unimproved grassland as part of a High Weald nature recovery network.”* AL/BE3&4 threaten the biodiversity of significant species in the LWS at the hospital sites, contrary to EN1.
- . The LWS to the south of AL/BE3 is included in the BNP and BPC argues that this has been done in order to protect it (see their response to the Independent Examiner April 2021). It is difficult to follow this logic. The inclusion of the site in the area to be developed suggests that it too could be under threat.
- . There is no plan showing the placement of houses on AL/BE 4, which is currently home to a large LWS and is the site of 18 habitable dwellings, almost all of the them currently in use and let. The proposal allows for these to be demolished and another 25 dwellings added to the site. The PSLP includes the LWS in the area to be developed and the BNP excludes most of it. Benenden Parish Council (BPC), in its April 2021 response to the Independent Examiner, has said that, in the case of a successful referendum, the PSLP’s plan (which includes the LWS), will prevail. In other words, of the 3 LWS in AL/BE 3&4, one is slated for removal, one will be built over if the PSLP prevails and one may be built over if the BNP prevails. This undermines STR8.
- . The PSLP claims that the hospital development “has the potential to improve the setting of the HW AONB through the delivery of a more sensitive redevelopment of existing buildings” (para 5.454), but the claim is not supported by evidence produced by *Hankinson & Duckett* (see above) while the HW AONB unit’s own view is the opposite. See TW first Draft LP, **DLP_3458 High Weald AONB Unit** (which objects to the Plan) : *“...In our view the development at Benenden Hospital will have a significant effect on the setting of the AONB and the purposes of its designation, and this issue has not been properly considered by the Plan.”*
- . The NPPF section 2 para 11 states: *“Plans and decisions should apply a presumption in favour of sustainable development... (b) strategic policies should provide for objectively assessed needs for housing ...that cannot be met within neighbouring areas unless ... (i) the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area.”* And see Footnote 6: the policies referred to are those in the Framework ...relating to habitat sites (and those sites listed in para 176) and /or designated as SSSI, AONBs
- . NPPF para 177 states: *“The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.”*

PSLP EN1 para 5. Biodiversity and geodiversity.

AL/BE 3&4 run counter to this policy as stated above in relation to the LWS.

The Environment

STR8 sets high environmental standards but these are undermined in the site allocations. This is particularly startling in the light of the July 2019 Full Council motion to recognise the climate and biodiversity emergency, in fact, the Benenden allocations put into question whether the motion was passed in good faith.

EN1 para 5 (Biodiversity and geodiversity) says that proposals should maximise opportunities to increase biodiversity. This goal may make sense in an urban setting, but development in the countryside, as is proposed in AL/BE 3 & 4, cannot hope to ever mitigate biodiversity loss. The destruction of trees and wild spaces, the introduction of lighting, kerbs, driveways, wider roads and narrower verges, the use of concrete, tarmac, bricks and mortar in a deeply rural setting cannot “increase biodiversity”.

EN1 provides for Long-term Management plans which would be satisfactory within an urban context. In a rural location like the East End, such plans are no substitute for natural wild spaces. A ‘managed’ green space set among streets is less likely to promote biodiversity and less likely to conserve wildlife than ‘unmanaged’ green space. Further, the three LWS in AL/BE3 & 4 are all already part of an existing LEMP agreement, and since one or all would be removed in the case of development as outlined by BHS under AL/BE3&4, instead of creating a long-term management plan, AL/BE3 & 4 would all but terminate an existing one. The sentiments expressed in EN1 are mocked by AL/BE3 & 4.

1 Site policies

AL/BE3 excludes one of the 2 LWS at the site, and the BNP includes both, yet para 5.458 states “Both this policy and BNP draft Policy SSP3 broadly follow the same approach towards the potential for developing this site for a residential development..” This does not appear to be the case. Further, the SHELAA treats this site twice, once including the southern LWS (and excluding Windmill Cottage) and once excluding the LWS and including Windmill Cottage (SHELAA pages 1-3 and pages 18-19). In the second instance, the suggestion is for 67-73 houses, presumably building over the LWS. The first plan is the one adopted in the PSLP and appears to be the more accurate of the two in that it describes the site as “mostly PDL”. The second ignores all greenfield aspects and is almost identical to the plan in the BNP, a plan which BNP claims will prevail if it wins a referendum. Is AL/BE3 presenting us with the wrong plan?

AL/BE3 and AL/BE4 provide for a phased timetable for development of the two sites at different time intervals without calling for a comprehensive masterplan for the hospital site as a whole i.e. for the entire built up area. This is inconsistent with STR2, which requires a masterplan for large developments. The full extent of the area to be developed must be clear. See para 1a of Policy AL/BE3 which states that there is a need to “show indicatively how the other areas included within Policies AL/BE3 and AL/BE 4 can be developed to meet the overall policy requirements as set out within each of these policies, and *how the future needs for Benenden Hospital will be met on areas to the north west and south west that currently comprise the hospital buildings and associated ancillary uses and is previously developed land.*” It is not sound to proceed with an LP where the land to be developed is not indicated from the start

AL/BE3&4 both call for an active travel link between the site and Benenden village. This proposal has been costed (see BPC’s April 2021 reply to the Independent Examiner) at between £180,000 and £220,000 for a 3m wide tarmacked surface, plus costs to upgrade it to a bridleway, plus the costs associated with obtaining landowners’ consent or, failing that, of starting compulsory purchase proceedings which TWBC expresses reluctance to undertake because of the significant compensation costs and legal costs which would be involved. No steps have been taken either by the BNP or TWBC to ascertain the willingness of landowners to give up their land although the major landowner involved wrote to BNP on 11th Sept. 2019 objecting to the plan. It is understood that he was not contacted for subsequent discussion.

AL/BE3&4 calls for the repurposing of the existing tennis courts for the use of local residents, which BHS denies it will offer for public use; for the public use of the hospital’s café; for the creation of a hospital shop (5.413); for a minibus service linking the hospital to the village (“The Society is not a transport provider” is BHS’ response); for green space, a playground and provision of a community hall - most of these policies are refuted in Savills’ comments on behalf of BHS, in the first draft of the LP, DLP_ 4956 paras 3.14, 3.18, 3.19, 3.20, 3.46 and 3.47. Rather than agreeing to such policies, the

hospital is calling on TWBC to introduce a more flexible funding system to allow a *reduction* of developer costs. BHS argues these will be high because they wish to demolish existing buildings. It is unsound to propose policies which cannot be implemented. Once the sites are sold, no relevant conditions to this effect could be imposed.

1 The PSLP is unsound because of inconsistencies in the treatment of different sites.

- . **Uphill, AL/BE1** is described as having archaeological potential (para 5.428) requiring possible mitigation measures. This is not because of historical finds on the site, but because they *might* be found. A listed manor house lies on the other side of New Pond Road and, according to AL/BE1, “the site lies within, or very close to the relevant impact risk zone for Parsonage Wood”, a SSSI which is, in fact, several miles away. The archaeological significance of AL/BE 3&4 is far more certain and substantial. The hospital sites are where a bronze age palstaff was found (see the National Monument Register - SMR Number /Hob UID)) and the sites lie close to two ancient routeways. A Roman Road runs west-east (on BHS farmland) a few yards to the south of AL/BE3 and a medieval drove road (GGR), runs west-east between the two sites. Further, two Grade II Listed Buildings are sited here, also on BHS land. The Lister building stands a few yards to the west of AL/BE3 and Cleveland Farm house (the farmyard of which BHS is trying to develop separately and simultaneously as if a minor planning project) lies a few yards to the south. Instead of mentioning these facts, AL/BE3&4 reads (5.456 and 5.468) “Kent County Council states that the site includes significant archaeology, which could be dealt with through suitable conditions on a planning approval.” The imbalance in the treatment of the two sites is substantial and suggests confirmatory bias or
- . The SHELAA assessment of site 158 suggests a potential yield of 50-65 houses, but then concludes that only the Uphill part of the site is suitable (20 houses). It states that “the remainder of the site is sensitive in landscaping terms and there is concern regarding scale and impact on the character of the landscape and settlement pattern”. This is contrary to the views of TW’s 2006 SA; to the TW 2018 document proposing 174 houses; and to the first draft of the LP. The dismissal of 158 as a suitable site is not supported by the evidence and suggests prejudice.
- . Site 222, west of the cross roads, was also considered in 2006, as a possible site for the new village school, though it was not one of the top two sites put to a referendum. The SHELAA suggests 222 has a potential for 76 houses. The site is considered unsuitable partly because the new LBD, if adopted, will exclude all houses west of the cross roads, when the village actually extends a considerable length along this road to the west. There is no mention of the fact that the owners of this site are offering the pond at the south west corner of the crossroads as village green space. The dismissal of 222 is not supported by the evidence and suggests prejudice.
- . The SHELAA suggests a capacity of 26 houses at Site LS8 in Iden Green, stating that it lies adjacent to the recreation ground and a children’s nursery and that there is a pavement on both sides of Iden Green’s main road. It fails to mention that the easternmost side of this pavement connects the village to the village primary school. The SHELAA dismisses the site as unsuitable saying that it is located in a remote location relative to services, facilities and public transport, but this site is far less remote than sites AL/BE 3&4. The dismissal of site LS8 is not supported by the evidence and suggests prejudice.
- . The proposed new LBD has been constructed so as to include the new site at Uphill and to exclude 222, when in fact, the actual built development extends westwards from the crossroads and includes site 222. The LBD is ignored in respect of AL/BE3&4. Manipulation of the LBD to suit allocated sites is inappropriate.

As a general comment, I have found the process unnecessarily difficult to navigate. In fact, from the point of view of the ordinary lay-man, I would term the process ‘hostile’. The interactive on-line site was unmanageable. Question 4a is very badly worded. The PSLP’s prose entirely suited the opacity of the procedure. Here is one example from the SA (page 163) “However, the education objective does not deteriorate when considering cumulative effects as the schools in Tenterden will be a viable option for residents in East End and thus are likely to take the pressure off Benenden Primary School.” What does that mean?

Question 6

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Question 5 above. (Please note that non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

The modifications needed are included in the submissions set out above. In summary, development on site AL/BE 3 should be limited to the existing, so far unused, planning permission for 24 houses, preferably by adapting the Garland Wing, which is a building of historic value, either to a wellness centre, in accordance with its original intention, or to a row of up to 10 terraced houses. Site AL/BE 4 already has 18 semi-detached houses on it, and cannot support any more. It should therefore be excluded. Housing should be allocated to sites (such as 158 and 222 in the village centre or LS8 in Iden Green) which lie on bus routes or are within walking distance of the village centre and school.

Paragraphs 5.421 and 5.422 should be omitted.

Question 7

***Please note** the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.*

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)? . Yes, I wish to participate in hearing session(s)

Question 7a

***Please note** the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.*

If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

In order to put over my case, and to answer those with vested interests who may seek to put forward arguments against it.

Question 8

If you have any separate comments you wish to make on the accompanying Sustainability Appraisal, please make them here.

1. The Sustainability Appraisal (SA) is misleading. Table 58 on page 163 states that all Benenden sites "lack services, facilities and travel options". This belies the fact that AL/BE2 (Feoffee almshouses) is close to the Street as is AL/BE1 (Uphill). Both sites are within walking distance of the bus stop for daily bus services, the post office, village shop, the primary school, the village green, the butchers, pub, community hall, church, recreation ground and children's playground. AL/BE 3 & 4 are three miles north east of the village with no daily bus service and no amenities whatsoever.

2. The commentary on Table 58, (page 163 of the SA), states that East End sites score badly on Climate Change and Travel, yet these are the sites promoted for most houses.

3. The SA argues on page 163 that East End residents will send their children to schools in Tenterden instead of to the village primary school, and that this will lessen the otherwise seriously negative effects of the two hospital sites. This is pure conjecture and possibly wishful thinking. The school has a good

reputation and currently between 70 and 75% of children there come from outside the parish. East End children will have precedence over these, since intake depends on the distance of a child's residence from the school. Pressure on Benenden Primary School will increase, not decrease. Further, the use of a car, whether it drives to Tenterden (5-6 miles) or to Benenden (3 miles), pollutes and deprives residents of the health-giving pleasure of walking to school. The AL/BE 3&4 are contrary to STR2, to the NPPF and to KCC policy on climate change.

4. Appendix L (pp331-2) shows Scores for Reasonable Sites in Benenden. Here we see scores for 158 and 222, two sites close to the village centre. Of 158, we read "A site that scores several neutrals with some positives, let down by its land use and landscape score impacted by a loss of a greenfield site in the AONB and lack of services and facilities including public transport at the settlement." This SA report compares poorly with the SA which TWBC carried out on site 158 in 2006. 158 is parallel to and just north of the Street with its exit onto New Pond Road. In 2006 site 158 was chosen in a village referendum as the site for a new C of E primary school. It was the preferred site out of a choice of two, both of which were greenfield. TWBC's 2006 SA on 158 decided (see page 18 of the Sustainability Appraisal Benenden Church of England Primary School Land Allocation DPD - Issues and Options report), that 158 was one of two top sites. "Situated adjacent to an area of ancient woodland, the site provides the potential for habitat linkages and wildlife corridors. The site is not adjacent to the CA [Conservation Area] and does not form a significant role in its setting. There are no Listed Buildings on or adjacent to the site. The site is consistent with the surrounding landscape character. There are limited views into the site and no public rights of way over the site." On page 38, we read, "This site is anticipated to have a major beneficial effect on improving educational standards and travel choice/traffic levels". In spite of the referendum result, the school was eventually built at the less preferred site and, since then, TWBC had been in consultation with 158's owners to build houses there.

5. In April 2018, BNP Steering Committee Deputy Chair, a borough councillor, showed the committee a piece of paper from TWBC saying that TWBC wishes to build 174 houses on site 158. He committed himself to seeing these numbers reduced and the numbers at the East End raised. After a meeting between representatives from the BNP group and TW planners on June 19th, 2018, the minutes reported that "At times the workshop was emotive ..." Following that meeting TW planners put site 158 on temporary hold, limiting development there to a future Local Plan by asking, in the first draft of the LP on page 270, that the Uphill site on New Pond Road, adjacent to 158 and allocated at that time as AL/BE3, should, under Clause 8, provide for vehicular access through Uphill to the site behind (158) "which may be allocated for development as part of a future Local Plan." In the PSLP, this wording for Clause 8 has disappeared. Where is the evidence-base for such wording to be included in the first draft and excluded in the second? Why is the site considered suitable in 2006, in 2018, and in the first draft, but not suitable in the PSLP?

6. Site 222, like 158 is described in Appendix L of the PSLP's SA as suffering from "a lack of services and facilities including public transport at the settlement." This is inaccurate. There is a daily bus service along Benenden Street and site 222 is within easy walking distance of the bus stop, shops, pub, community hall, primary school and all other amenities.

7. Site LS8, in the heart of Iden Green is, along with site 158 and 222, a site which on-the-ground evidence suggests is eminently suitable for development, but which the SA fails to allocate. Appendix L of the SA gives LS8 virtually the same scores as Uphill (LS16 of AL/BE1) yet the latter is included for development and the former is not. The commentary states of LS8 "A number of scores are negative however, reflecting the remote location of the site from services and facilities and public transport. It scores negatively in heritage terms as the site is a relatively sizeable piece of the Iden Green Conservation Area." This site is far less remote than sites AL/BE 3 & 4. It is one mile from the village and connected to it by a paved footpath running past a Roadside Conservation Area and then (still paved) through a field to the church and primary school. It is on a bus route and the bus stop is next to LS8. Iden Green has a community hall, tennis courts, a children's playground and pub/restaurant. The SA information is unreliable and the PSLP's use of it for site allocation is unwise.

8. In so far as Benenden is concerned, the sites were allocated before any sustainability appraisal was commissioned. It is not therefore a relevant factor in the allocation of sites for housing.

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:

Yes, I wish to be notified of future stages of the Local Plan

Comment

Consultee	William Bernard Phillips [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] Ashford [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	William Bernard Phillips [REDACTED]
Comment ID	PSLP_186
Response Date	08/05/21 21:44
Consultation Point	Policy PSTR/BE 1 The Strategy for Benenden parish (View)
Status	Processed
Submission Type	Email
Version	0.4
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Mr William Bernard Philips
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy PSTR/BE 1 The Strategy for Benenden parish
Paragraph Nos. 5.410 to 5.470
Policies AL/BE 3 and AL/BE 4
STR 1-3 & 5-8
Inset Maps 17 & 18

Question 4

Do you consider that the Local Plan:

Is legally compliant No

Is sound No

Complies with the Duty to Cooperate No

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

- . It is not positively prepared
- . It is not effective
- . It is not justified
- . It is not consistent with national policy

Question 5

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

- 1 Regulation 3(2) of the Town and Country Planning (Local Planning) (England) Regulations 2012, as amended provides: "*where within these Regulations a person may make representations on any matter or document, those representations may be made—*
(a) *in writing, or*
(b) *by way of electronic communications*".

These options are not stated to be available on the website, except by using the Representation Form. The process of getting to download and complete this response form is unnecessarily convoluted, which has the effect, if not the intention, of making it difficult for the ordinary citizen without special IT skills. For example, we are asked to log in to an organisation to which this process has no doubt been outsourced, complete a separate form for each representation which we wish to make, and limit ourselves to specific areas of comment. This is unnecessarily laborious and does not meet the requirements of Regulation 3(2).

- 1 Paragraphs 5.421 and 5.422 state that in the event that the Benenden Neighbourhood Plan is adopted all the policies relating to Benenden AL/BE 1 to 4 will be omitted and the Neighbourhood Plan will be used instead. It is submitted that this is unlawful. Nowhere in the Act or in the Regulations is the Local Planning Authority given the power to delegate its statutory duty to another authority. Regulation 5 does not have this effect. Section 15 of the Planning and Compulsory Purchase Act 2004, as amended, requires the Local Planning Authority to prepare and maintain a local development scheme which must specify development plan documents. Section 19 (2) sets out the matters to which it must have regard. Nowhere is it given power to pass the duty over to a parish council. This is important because the *merits* of a Local Plan must undergo an independent examination (see Section 20) whereas the merits of a Neighbourhood Plan do not. They are subject to independent scrutiny to see whether they comply with the rules, thus a Neighbourhood Plan may be adopted without any consideration of its merits. This amounts to a breach of the rules of Natural Justice (*delegatus non potest delegare*).
- 2 Under the Town and Country Planning (Local Planning) (England) Regulations 2012 as amended, regulation 18 (3), the Local Planning Authority *must* take into account any representation made in response to a representation made under Regulation 18 (1). The Local Authority has been

told in the clearest terms in my previous submission of 30 October 2019 and that of many others at the same time, that there is no shop nor pre-school nursery at the East End. Yet paragraph 5.413 of the Plan perpetuates the myth that there is a shop in the hospital and nursery/pre-school facilities at the East End. This statement appears in the original versions of the Local Plan, to which its attention was drawn in many other earlier objections. There are no public amenities at the East End, there is an in-house café at the hospital, reserved for patients and staff, not open to the public. The Planning Authority should know this. This affects the sustainability of the proposals at AL/BE 3 and AL/BE 4.

- 3 Policy PSTR/BE1 item 3b and c requires that developers who acquire land in Benenden village will have to make contributions which will be used towards the provision of the expansion of Hawkhurst primary school (which does not serve Benenden since it has its own primary school) and library provision, adult learning and social care at a new Cranbrook Community Hub, which has nothing to do with Benenden. These items do not appear in the Benenden Neighbourhood Plan for obvious reasons. They cannot properly amount to proposals for Benenden.

4 **Soundness, consistency and correct evidence**

The Local Plan (LP) sets out a vision and strategies which are undermined by its allocations, particularly by its allocations to the East End of Benenden at the two hospital sites, AL/BE3 & 4, sites which are roughly 3 miles equidistant from both Benenden and Biddenden (but just in the parish of Benenden). The LP is not sound nor are its strategies consistent with its policies in relation to AL/BE 3 & 4.

1 **Vision**

Vision Objective 1: “to improve access to suitable, especially affordable housing, including for local young people and older households.”

- . Para 5.467 states of AL/BE3 “it is likely that residents of development in this location will rely heavily on private cars”. The same is said for AL/BE4.
- . The plan allocates affordable housing to an area with intrinsically higher living costs instead of to sites (such as 158 and 222 in the village centre or LS8 in Iden Green) which lie on bus routes or are within walking distance of the village centre
- . While the LP asks for 30% affordable housing, the Benenden Health Society (BHS) is asking, in its comments on the TWLP draft plan, to have this figure reduced
- . The sites will not be suitable for the elderly who will be unable to walk to shops or amenities, yet the LP states that the over 65s are an increasingly important part of the population. They are expected to increase, as a percentage of the total population, by 40% during the period of this plan.

The viability of the two sites depends almost entirely on the plan’s attempt to mitigate the problem of unsustainability. The mitigation proposals are unsound.

1 **Transport:**

- . The proposal is for public transport connections and active travel links, but the BHS in its response to the TW draft LP states (DLP_4956.3) that it not a transport provider and will not run a daily service into Benenden, nor a regular service to Tenterden. All it offers is some financial contribution towards such services. Who will bear financial and organisational responsibility for them? This proposal is based on conjecture and wishful thinking.
- . The LP does not map out any active travel links with the village because there are none. Establishing such links would require land purchase. Who will purchase the land and set up the links? The proposal is based on conjecture and wishful thinking. Even if such a link in the form of a cycle path is provided, it would only be used for leisure cycling, not for shopping or taking the children to school.

Amenities:

The SHELAA acknowledges that the hospital sites are unsustainable. It states they are “remote from a settlement centre”. The unsustainable nature of site AL/BE4 is demonstrated in Table 58 of the Sustainability Appraisal (page 163). AL/BE4 scores as being “very negative” to “negative” on the sustainability topic of Services and Facilities, and as being “negative” on the sustainability topic of Travel. The same is true of AL/BE3. Sites 158 in the village, and LS8 in Iden Green, on the other hand, have no very negative scores, appendix L page 331.

The amenity problem is to be partly overcome, according to the LP, by establishing public access to the hospital shop and to its café, but this mitigation measure is wholly unsound because:

- . There is no hospital shop at present

- . The BHS states in its response to the TW draft LP that its facilities, including the café, have been designed solely for hospital use so even if there were a shop, it would not be available to the public.
- . The land at AL/BE 3 is currently up for sale. Once it has been sold, the BHS could not be bound by any planning conditions, which run with the land.

1 Strategies

The LP's policies on AL/BE 3 & 4 undermine the following Strategic Policies

Policy STR1, which calls for a focus on new development within LBDs and for a limit to development in the countryside.

Sites AL/BE 3 & 4 are almost three miles outside the LBD and in the countryside, midway between the villages of Benenden and Biddenden.

Policy STR 2

“The Council requires the use of master planning, including the use of design codes and sustainable design standards where appropriate, for strategic and larger-scale developments..”

This is undermined since no master plan has been produced for sites AL/BE 3 & 4

Policy STR 3 Calls for the use of brownfield sites “within settlements” and in “sustainable locations.”

AL/BE 3 & 4 are neither.

AL/BE 3 consists of disused medical buildings and 2 Local Wildlife Sites (LWS), one of them containing fine specimen trees and another an important collection of waxcap fungi. BHS plans for the site show houses built over the LWS and beyond the footprint of existing buildings.

There is no such plan for AL/BE 4 which is currently home to a large LWS and is the site of 18 habitable dwellings, almost all of the them currently in use and available to let. The proposal allows for these to be demolished and another 25 dwellings added to the site. The size of the area to be developed varies between the LP and the BNP, with the LP potentially including the LWS in the area to be developed. The BHS in its response to the LP has stated that its proposals for an additional 25 houses is based on the land allocated it in the LP, and not on the land allocated in the BNP. This implies that the BNP does not offer them sufficient hectarage. It is unsound to proceed with a plan when the developer's plans and the land that they are expecting to develop are not clearly stated, especially when an LWS is at stake. It is unsound to accept a proposal 'on trust'. **The Benenden Neighbourhood Plan cannot be used as a substitute for AL/BE 3 or 4 when it is at variance with it.**

Policy STR 5 states that “New residential ... development will be supported if sufficient infrastructure capacity is either available or can be provided in time to serve the development.”

Developers themselves would have to provide the infrastructure at AL/BE 3&4, since no one else would. The LP proposes to take on trust suggestions that the BHS will avoid building on the LWS and will provide play-grounds, sports facilities and tennis courts. BHS suggests, in its response to the earlier draft LP (DLP_4956.3 3.14) that it may encroach on the LWS and it is unlikely to provide play-grounds, sports facilities and tennis courts. Since BHS has put part of the site up for sale, it is clear that, if it sells, it will no longer be bound by any planning conditions, and the purchaser will have no power to make use of facilities in the hospital itself. There is no provision in the published layout for any such facilities on site. The LP's approach is therefore unsound.

Policy STR 6

The LP proposes to “Deliver future development in accessible locations, normally within or in close proximity to existing towns and villages across the borough.”

In the case of the two isolated hospital sites, the LP contradicts its own strategic policy and fails to offer choices in transport and to prioritise active travel and public transport. The Benenden hospital sites have no active travel link with the village, no existing daily bus route and neither the LP nor the BHS provide credible information on how these links are to be provided. As for the proposal to create links suitable for electrical personal vehicles, such as mobility scooters (as suggested under STR 6) it is difficult to see, when the only link with the village is a single-track lane, how it can be used by personal electric vehicles.

Policy STR 7

The LP proposes in dealing with TWBC's legally binding commitment to manage climate change, that all development in the borough will support the Council's target to achieve net zero emissions by 2030.

It is unsound with such a goal, to propose a major development on the parish periphery, 3 miles equidistant from two villages, where it is accepted that all journeys will be by motor car.

Policy STR 8

The LP states that development should contribute to and enhance ... rural landscapes with particular regard to the HW AONB and developers will have to demonstrate that they do this. The LP promotes nature conservation. Its biodiversity objective is to achieve net gains and where possible secure long-term managements of sites for biodiversity. The proposals for a suburban-style estate of 92 houses, plus a further 6 at Cleveland's Farm, if passed, produces the very opposite effect. No commercially viable scheme can produce net gains in a rural setting such as this. Sites AL/BE 3 and 4 are surrounded by the AONB, although this is not shown on the Inset map 18, in distinction to map 17, which does show it for the rest of the village. The sites are plainly land which affects the AONB, for the purposes of section 85(1) of the Countryside and Rights of Way Act 2000, which says: "In exercising or performing any functions in relation to, or so as to affect, land in an area of outstanding natural beauty, a relevant authority shall have regard to the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty." (my italics)

1 Irrelevant and misguided supporting document

Part of the LP's conclusions are based on supporting document *AONB Settings Study, Plans and Photos of Benenden Hospital*, by *Hankinson & Duckett*. This report is on the entire hospital site and not on sites AL/BE 3 & 4 on their own. Their conclusions that the north western car park might look better with houses on it may or may not be true, but since this area is not part of the site under consideration, the conclusion is irrelevant.

Its review of Green Lane to the south is relevant to AL/BE3 but the conclusions fail to impress. Green Lane is a rural lane which, according to TWBC's *Rural Lanes: Supplementary Planning Guidance*, scores very highly in terms of its landscape, recreational value, natural beauty and history. As such it is designated part of National Route 18, a 42-mile cycle ride between Ashford and Tunbridge Wells, running largely through unspoilt country lanes with wide grass verges and undisturbed rural scenery. AL/BE 3 proposes two major entrances onto this lane for a housing estate of up to 49 houses. Such a development would almost certainly entail a widening of the lane itself and the abolition of its grass verges which would be a contravention of Kent Structure Plan Policy ENV13: *Rural lanes which are of landscape, amenity, nature conservation, historic or archaeological importance will be protected from changes which would damage their character, and enhanced.*

1 Local Wildlife Sites (LWS)

There are 60 LWS in the entire borough and of these, 4 are situated in Benenden hospital grounds, with 3 in the grounds proposed for almost 100 new houses. One of these is in the northern site of AL/BE4 and two are in AL/BE3. A letter from Keith Nicholson, former Planning and Conservation officer for the Kent Wildlife Trust, dated 4 March 2013, to TWBC Development Control Officer, Ellen Gilbert states that the hospital LWS are of national importance, mainly for the large number of different varieties of waxcaps. He states that they could well have been designated SSSI.

The LP purports to protect the LWS but Para 3.21 of the BHS submission on the LP shows plans to remove one of the LWS.

"3.21. The Society supports the requirement for long-term management of the core areas of LWS associated with the hospital land. This includes all but the modest area within the SEQ adjoining Peek Lodge which is too constraining on the South East Quadrant redevelopment proposals. Accordingly, the soils in the area will be translocated to a nearby receptor site to try to ensure that the rare fungi can continue to thrive in this local area." This is ecologically illiterate. Moving a LWS by digging it up and putting the earth somewhere else is unlikely to protect the rare waxcap fungi which are of national importance. Indeed, the LP now speaks of the LWS in AL/BE3 in the singular, (para 5.451) as if one of the sites had already been removed.

High value environmental area

Comment DLP_3458 from the High Weald AONB Unit states that the Benenden Hospital site “includes rare and vulnerable acid grassland which should form a core area for unimproved grassland as part of a High Weald nature recovery network.”

No respect for LWS

Although the LP claims building will only be within existing footprints, the developers, with whom the BNP Steering Committee is working closely, do not appear to reflect the same standards. Plans for 47 new houses in the SE Quadrant, presented to the village on 17th February 2020 by the hospital architects, show the buildings are not to be built within the footprint of previous buildings nor to respect LWS. The TW Local Plan has allocated sites originally allocated by the BNP (the only parish in the borough to allocate its own sites) and the hospital sites are the major target for all building in the parish.

Long-term Management plans

Long-term management plans of green spaces within housing estates are, unfortunately, no substitute for natural wild spaces of the kind you find in field hedgerows and shaws. A ‘managed’ and regularly mown green space set between tarmacked streets, lit housing estates and pavements is less likely to promote biodiversity and less likely to conserve wildlife than an ‘unmanaged’ green space of the kind you currently find along our country lanes. Net biodiversity gain from the construction of a housing estate in the countryside is a contradiction in terms.

1 The AONB

The LP claims that the hospital development “has the potential to improve the setting of the HW AONB through the delivery of a more sensitive redevelopment of existing buildings” (para 5.454) but the claim is not supported by the evidence (*Hankinson & Duckett*) and differs from the HW AONB unit’s own assessment of the plans.

See the comment on TW Draft Plan **DLP_3458 High Weald AONB Unit**: “...In our view the development at Benenden Hospital will have a significant effect on the setting of the AONB and the purposes of its designation, and this issue has not been properly considered by the Plan.”

1 Failure to hold consultations with stakeholders or to hold them in a timely fashion.

- . The BNP, on which the LP’s allocations are based, allocated sites in its first draft in February 2019. These are the same sites that appear today in the LP.
- . These sites were allocated before writing to the SEA requesting a review of sites.
- . The BNP steering committee did not ask the High Weald AONB Unit to review the hospital sites, although it asked them to review the other sites.
- . Heritage England was, we believe not invited to review the plan and was only able to make comments on publication of the draft TW LP

Question 6

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Question 5 above. (Please note that non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

The modifications needed are included in the submissions set out above. In summary, development on site AL/BE 3 should be limited to the existing, so far unused, planning permission for 24 houses, preferably by adapting the Garland Wing, which is a building of historic value, either to a wellness centre, in accordance with its original intention, or to a row of up to 10 terraced houses. Site AL/BE 4 already has 18 semi-detached houses on it, and cannot support any more. It should therefore be excluded. Housing should be allocated to sites (such as 158 and 222 in the village centre or LS8 in Iden Green) which lie on bus routes or are within walking distance of the village centre and school.

Paragraphs 5.421 and 5.422 should be omitted.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)? . Yes, I wish to participate in hearing session(s)

Question 7a

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

In order to put over my case, and to answer those with vested interests who may seek to put forward arguments against it.

Question 8

If you have any separate comments you wish to make on the accompanying Sustainability Appraisal, please make them here.

In so far as Benenden is concerned, the sites were allocated before any sustainability appraisal was commissioned. It is not therefore a relevant factor in the allocation of sites for housing.

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box: Yes, I wish to be notified of future stages of the Local Plan

Comment

Consultee	William Bernard Phillips [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] Ashford [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	William Bernard Phillips [REDACTED]
Comment ID	PSLP_230
Response Date	09/05/21 18:33
Consultation Point	Policy AL/BE 1 Land adjacent to New Pond Road (known as Uphill), Benenden (View)
Status	Processed
Submission Type	Email
Version	0.2
Data inputter to enter their initials here	AT
Question 1	
Respondent's Name and/or Organisation	Mr William Bernard Phillips
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
Policy PSTR/BE 1 The Strategy for Benenden parish	
Policies AL/BE1	
Question 4	
Do you consider that the Local Plan:	
Is legally compliant	No

Is sound No

Complies with the Duty to Cooperate No

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

- . It is not positively prepared
- . It is not effective
- . It is not justified
- . It is not consistent with national policy

Question 5

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[TWBC comment: Representation copied against policy PSTR/BE1]

This submission concerns the parish of Benenden, the only parish in the borough to have made its own allocations. The Benenden Neighbourhood Plan (BNP) has been developed in close consultation with TWBC, with the BNP in the lead. The BNP announced its allocations in February 2019, before inviting AECOM to produce its Strategic Environmental Assessment. Pre-Submission Local Plan, para 5.420 reads "The BNP was submitted to TWBC in October 2020 and was consulted on between 30 October and 11 December 2020." But the allocations had been made and published in February 2019. Further, Para 5.420 states "The BNP proposes to include site allocation policies that follow the approach of the site allocation policies for Benenden in this Local Plan." BNP allocations were first published in February 2019 i.e. before LP site allocation policies.

Allocations made by the LP, when it took up the BNP's baton, are therefore inevitably linked to BNP's weaknesses. Yet if the BNP passes a referendum before acceptance of the LP, it is said that it will take precedence over the LP (see para 5.421), with the exception of its plans for the northern site at Benenden hospital, which will be overruled by the plans advanced in the LP (see Benenden Parish Council April 2021 response to Independent Examiner queries on the BNP). This is in contravention of para 5.422 which talks of making "modifications to the LP" so that it matches the BNP.

1 Community involvement. EN1: this requirement has not been respected.

- . In Benenden, almost all new housing is slated for the East End, yet the Friends of the East End (FEE), were never asked to meet with the BNP steering group.
- . See EN1 para 9 requiring the effective engagement of the local community, neighbours of sites and others. The FEE submitted three petitions, two to the BNP and one in relation to the LP. A FEE submission with 127 signatures was submitted on April 4th 2019 in response the Informal Draft NP (published on February 23, 2019), in which the allocations later adopted by the LP were first set out. A FEE submission with 164 signatures was submitted in October 2019 objecting to the first draft of the LP, and in the same month, a FEE submission with 167 signatures was submitted in relation to the Reg 16 draft BNP. See the FEE's current online petition with more than 450 signatures <https://www.change.org/EastEndFriends>
- . Instead of being consulted, the FEE were ignored and belittled. They were informed on 11th March 2019 by the editor of the Parish Magazine (PM), husband of the Chair of the Parish Council, that "I'm of the view that much of the uncertainty has passed since the presentation of the plan to the village - to a highly favourable reception. At least we no longer have to give polite credence to *uninformed views* that fly in the face of TWBC policy and advocate direct and *pointless*

confrontation with TWBC, thereby running the risk of having the entire BNDP thrown back in our faces. *The ensuing chaos hardly bears thinking about.* At least it seems the opinions now being afforded most weight are those of *people who have worked hard for two years to understand the issues* and come up with a coherent way forward.”

- . One of the regular articles on the BNP submitted by the chair of the BNP Steering Group appeared in January 2020. It dismisses FEE opposition suggesting only “31 residents from the East End” sent in comments.
- . The core group behind the BNP has consistently tried to persuade those who support the FEE to desist. The chair of the Parish Council and the chair of the BNP Steering Group have twice asked to meet a Tunbridge Wells Alliance (TWA) Borough Councillor for the parish, once together with a TWA borough council candidate, in efforts to persuade them to adhere to the BNP’s approach and not to listen to the FEE.
- . The organiser of the FEE was a member of the Steering Committee 2017/2018 as chair of the Environmental Group. She expressed strong disagreement with a Borough Councillor who lives in the village (on occasion, he deputises as chair of the Steering Group) about his wish to step up allocations in the East End and suppress TWBC’s wish to build 174 houses on site 158. As a result, the Steering Group chair (using his own word), “sacked” her. This is contrary to EN1 para 9, encouraging early, proactive and effective engagements and the requirement that views expressed should be properly considered.
- . Consultation also failed in relation to the neighbouring parish of Biddenden. The Clerk of Biddenden Council has repeatedly responded to BPC in the course of the BNP consultation process, but received only acknowledgments. A Kent County Councillor and Ashford Borough Councillor wrote an article about BNP’s mismanagement of the parish of Biddenden in the Biddenden Parish Magazine, February 2021.
- . The LP is based on the BNP and BNP allocations were made before consultations with stakeholders such as the AONB. This is not consulting in a timely fashion. Further, the LP requires surveys of the hospital sites *after* the designation of the sites for development, for example, archaeological surveys (see AL/BE 3&4). Historic England (HE) asks for the surveys to be carried out *before*. See HE’s comments on the first draft LP (DLP_4556) - “we would expect the allocation of sites following on from this Strategy policy (STR1) to be subject to appropriately robust and detailed heritage impact assessment *prior to the allocations being adopted*.”

2. The PSLP is not based on sound evidence

- . Throughout the LP process, misstatements have been made about amenities in Benenden’s East End. These may be traced back to a submission made by traffic and highways consultants, Transport Planning Associates (TPA) to Benenden Healthcare Society Ltd. (BHS). This submission was recently disclosed in BHS’s response to the Independent Examiner’s queries in relation to the BNP. TPA’s information is sometimes inaccurate and sometimes misleading and we consider it here in detail because it is difficult otherwise, to understand how the LP was able to continue, iteration after iteration, to relate false information about the hospital site.
- . In October 2019, TPA reported (para 2.6) that there was a footpath along the southern edge of Goddards Green Road (GGR) and the PSLP, para 5.452 states “There is an intermittent pavement along GGR”. The GGR is a long road running from New Pond Road to Castleton’s Oak crossroads, and was formerly a lane. The pavement is limited to the short section immediately outside the hospital buildings. To say that there is an intermittent pavement along GGR is misleading.
- . The TPA refers to the East End as a village, which it is not. The East End runs from the junction of GGR and Walkhurst Road, along the GGR to the border with Tenterden, then turns south to reach close to Hole Park in Rolvenden, then east back to Walkhurst Road at the site of the stream, then along Walkhurst Road back to GGR (see the old Electoral Roll for 2004 when the East End had its own polling station). It is a large, totally rural area of several square miles, which was why it was chosen as the site for an isolation hospital in 1906. Today it contains only 76 houses scattered across the entire area. The PSLP consistently refers to the East End as a hamlet. It is not, which is why BPC is able to advertise itself on its website as “Serving the people of Benenden and Iden Green” without any reference to the East End.
- . The TPA says that “a day nursery is located immediately to the north of the Site within 400m.” There is incorrect, yet this error is repeated in para 5.413 of the PSLP “There are also nursery/pre-school facilities at Iden Green and East End.” An accurate account would mention Iden Green only.
- . The TPA states that there are daily bus services along GGR provided by bus nos. 24 and 299, and twice a day service provided by the Hopper bus. This information is incorrect. The 2019

Hopper bus, operated by the Tenterden social services hub on an experimental basis, failed in only a matter of months. While the 24 and the 299 buses pass along GGR, they do so on only one day a week. The 24 on Tuesdays and the 299 on Wednesdays. The East End has almost no public transport.

- . The TPA makes several statements in relation to traffic which have fed misinformation into the system to be reflected in AL/BA3&4. This misinformation was only recently revealed when documents were provided by BHS following April 2021 queries raised by the Independent Examiner on the BNP. These documents include a TPA 'Scoping Note' on road and traffic conditions at the site and a letter written in response to this Note from KCC Highways, dated 13 Nov. 2019. The TPA states that the GGR is 7m wide at the hospital site which detracts from the fact that it is actually a winding rural lane, now called a road, and varies considerably in width. It may at some point be 7m wide, but at others, it is so narrow that two lorries have difficulty passing each other. The TPA claims that there is no need for a road safety review because there have been "no personal injury accidents" recorded within 1,000m. Castleton's Oak crossroads lie 1.5 km from the site and accidents there are frequent, largely due to increasing traffic at the hospital. The hospital has turned itself into an almost exclusively out-patient centre and almost all its 300 employees drive in to work from outside the parish (formerly, they were housed on site in hospital staff buildings). Kent County Council (KCC) Highways make constant and repeated attempts to lower the risk of injury at the crossroads. Works there are ongoing at this time. The TPA claims that no traffic surveys are necessary which is a point queried in the KCC Highways' email. The email talks of the "heavy car dependency" of residents in any housing in this location and says this was one of its concerns, even at the time of the original application asking for only 24 houses. The email states that BHS's plans (and therefore AL/BE 3&4) are contrary to the NPPF and to KCC's own policy objectives, and points out that the hospital has not co-operated over the idea of a minibus to provide transport from the site to Benenden. The letter calls for: traffic counts along the GGR; a wider crash analysis; and expresses concern over the proposed access points to the SE Quadrant - 2 on Green Lane and 2 on GGR. Lastly, on trip generation, the TPA projects that 47 houses at the site will produce only 106 trips a day, though the consultants admit that they have difficulty in basing their estimate on comparable sites because there are none. These trip generation figures ignore existing traffic from local residents, from patients, from hospital staff and from the newly (January 2021) proposed housing estate at Cleveland. The AL/BE 3&4 fails to provide a traffic count, fails to ask for a road safety review and fails to acknowledge frequent traffic accidents near the sites.
 - . Pre-submission supporting documents also produce inaccurate and sometimes irrelevant evidence. The hospital sites are within the setting of an AONB and even overlap into it, yet *Inset Map 18* (Benenden Hospital), unlike other maps attached, makes no reference to the AONB boundary. The BNP claims that the hospital is outside the AONB and on this basis, since the rest of the village is wholly within the AONB, largely justifies placing most of Benenden's housing in the East End. This is misleading, since the AONB boundary wraps tightly round AL/BE3, which actually overlaps into the AONB in the southwest corner. In any event both sites affect land in the AONB. The relationship of the AONB boundary to the hospital sites is important yet it is ignored on the map. This looks like prejudice.
 - . Hankinson Duckett Associates's *AONB Setting Analysis Report* (a supporting document for the PSLP, referred to as an evidence base) is, in its analysis of AL/BE3&4, unsound. The analysis argues that development at these sites will enhance the setting of the AONB. It illustrates the argument with photos of the hospital chapel and its carpark. Neither the chapel nor car park are in the area up for development.
- 1 **Policies AL/BE3&4 are not consistent with the PSLP's Vision objectives nor with its strategies, nor with KCC's policies, nor with the NPPF.**
- . The PSLP's Vision Objective 1 is : "to improve access to suitable, especially affordable housing, including for local young people and older households." But this is inconsistent with allocations AL/BE 3 &4. BHS is asking in its comments on the LP first draft, for a lower number of affordable homes because of the high cost of brownfield development. Living isolated in the countryside, families will need at least two cars. Old and young will be unable to walk to schools, shops or any other amenities. This is not a suitable site for a borough which (see para 2.16) expects the population over the age of 65 + to increase by around 40% between 2020 and 2038.

The PSLP's Vision Objective 2 is to ensure sustainable development which allocations at AL/BE 3&4 do not achieve. On the contrary, the KCC warns that even with the existing permission for 24 houses

on AL/BE3, the highway authority had concerns. This is an isolated location, deep in the countryside (see KCC Highways email 13 Nov 2019). More than 24 houses in this location is not sustainable.

- . **Policy PSTR/BE1**, LBD 5.416 states “the LBD around Benenden village sets the extent of existing and planned development ..” This conflicts with the recommendation that major development be instated three miles beyond the LBD, on the border with Biddenden.
- . **Policy STR 2** “The Council requires the use of masterplanning, including the use of design codes and sustainable design standards where appropriate, for strategic and larger-scale developments..” This is undermined by AL/BE 3&4 which calls for a masterplan for an area not included in the PSLP and not Para 1a of Policy AL/BE3 states that there is a need to “show indicatively how the other areas included within Policies AL/BE3 and AL/BE 4 can be developed to meet the overall policy requirements as set out within each of these policies, and *how the future needs for Benenden Hospital will be met on areas to the north west and south west that currently comprise the hospital buildings and associated ancillary uses and is previously developed land.*” It is not sound to proceed with an LP where the land to be developed is not clearly indicated from the start.
- . **A masterplan is essential to avoid current inconsistencies on the size of areas to be developed:** AL/BE3 excludes one of the 2 Local Wildlife Sites (LWS) at the site, yet the BNP includes both. Para 5.458 states “Both this policy and BNP draft Policy SSP3 broadly follow the same approach towards the potential for developing this site for a residential development..” They do not. The PSLP states that in the event of a successful referendum, the BNP’s proposals will prevail. If this is so, are we supposed to assume that AL/BE3 map is inaccurate?
- . A similar problem arises at the northern site (AL/BE4) here there are currently 18 dwellings. The proposal allows for these to be demolished and another 25 dwellings added to the site. The size of the area to be developed varies between the LP and the BNP. The LP includes the LWS in the area to be developed but the BNP includes only a small section, but says in the event of a successful referendum the BNP plan will be over-ruled by the LP plan (see the BPC response April 2021 to the Independent Examiner’s queries). This is the reverse of 5.421 & 2. It is unsound to proceed with a plan when the NP and the LP are at odds with each other.
- . **The PSLP claims building will only be within existing footprints**, an approach which is at odds with that of the BHS. Plans for 47 new houses in AL/BE3, presented to the village on 17th February 2020 by the hospital architects, show the buildings are not to be built within the footprint of previous buildings nor to respect LWS.
- . **Policy STR 3** calls for the use of brownfield sites “within settlements” and in “sustainable locations.” AL/BE 3 consists of disused medical buildings and 2 LWS with parkland and veteran trees (depending on whether this second LWS is included or not). 5.448 is therefore incorrect. The site should be described not as brownfield but as partly brownfield. It is not on the Brownfield Register. Because of its remote location and its valuable LWS sites, it is not free from constraints which could be mitigated. As such, Policy AL/BE3 does not meet the criteria needed under the NPPF, Section 11, para 117 for development in “a way that makes as much use as possible of previously-developed or ‘brownfield’ land.” AL/BE 4 contains in-use residential housing and an LWS and therefore is not entirely brownfield.
- . **Policy STR 5** states that “New residential ... development will be supported if sufficient infrastructure capacity is either available or can be provided in time to serve the development.” Will this happen at AL/BE3&4? Developers themselves are to provide the infrastructure at AL/BE 3&4. The LP proposes to take on trust suggestions that the BHS will avoid building on the LWS and will provide play-grounds, sports facilities and tennis courts. We know from submissions following the first draft LP, that BHS is actually planning to remove one LWS entirely and that its plans include building on the LWS and beyond the foot print of previous buildings. BHS suggests, in its response to the first draft LP (DLP_4956) that it is unlikely to provide play-grounds, sports facilities and tennis courts. The PSLP’s approach does not take comments to the first draft LP into account.
- . **Policy STR 6** proposes to “Deliver future development in accessible locations, normally within or in close proximity to existing towns and villages across the borough.” In the case of the two isolated hospital sites, the PSLP contradicts its own strategic policy and fails to offer choices in transport or to prioritise active travel and public transport. The Benenden hospital sites have no daily bus service and no active travel link to the village, and neither the PSLP nor the BHS provide credible information on how these links are to be provided. The KCC email of Nov 13 suggests that the hospital is uncooperative on the proposal to organise a minibus service and the SHELAA says of AL/BE3 that it is “Remote from a settlement centre,” (unlike sites 158, 222 and LS8); that

residents will rely heavily on private cars and thus air quality and travel objectives score negatively; and that, “although promoted by the policy, shared transport and active travel options are unlikely to take precedence over private vehicle use thus air quality and climate change score negatively.” This is crucial. For all the talk of mitigating the remoteness of the hospital sites with a minibus link and cycle routes, nobody actually believes that any of these measures will succeed. As for the proposal to create links suitable for electric personal vehicles, such as mobility scooters (as suggested under STR 6), it is difficult to see, when the closest link with the village is a single-track lane (Walkhurst Road), how any personal electric vehicle could make that journey. The PSLP is creating, through its policies AL/BE3&4, a car dependent community. This thereby negates the sense of the LP’s supporting document, *Transport Strategy Review Sept 2019* which urges reducing the need to travel.

- . AL/BE3&4 also undermine TWBC’s Full Council motion of July 2019 to reduce CO2 emissions. “The dominance of the car as a mode of transport can lead to congestion, more road accidents, air and noise pollution. In addition it contributes to climate change, reduces social cohesion and leads to less healthy lifestyles” (para 44 *Transport Review*). According to TW’s own SA from 2006, if social cohesion, reduction in air pollutants, and public health were indeed the borough’s priorities, site 158 would have been among those chosen for Benenden, as originally intended.
- . **PSLP paras 5.453 and 5.467** state that “residents of development in this location will rely heavily on private cars.” These plans runs counter to STR6 policy on the environment see paras 6.8, 6.9, 6.10, 6.11 and 6.13. It also contravenes KCC policies on climate change and the NPPF (see KCC’s Nov 13, 2019 letter on this subject).
- . **Para 5.414** “The parish provides two relatively large sources of employment: at Benenden Hospital and at Benenden School.” The inference is that the employment opportunities are linked somehow to the population of Benenden. There is in fact little connection. The 300 plus staff at the hospital drive into the parish along GGR to work and, since the hospital is isolated from the village, their contribution to the local economy is negligible.
- . **Policy STR 6** The LP proposes to “**Deliver future development in accessible locations, normally within or in close proximity to existing towns and villages across the borough.**” In the case of the two isolated hospital sites, the LP contradicts its own strategic policy and fails to offer choices in transport or to prioritise active travel and public transport.
- . **Cycle routes:** The PSLP’s standards on the public benefits of cycling and walking are based on the *Cycle Strategy Supporting Document*, but these standards are undermined by site allocation in Benenden. The Cycle document states that: “When more people cycle or walk the health of the population improves and our roads become safer and less congested.” Its objectives 4 and 5 are to improve safety for cyclists and air quality for all, but AL/BE 3 & 4 will create a community, deep in the countryside, entirely dependent on the car and will contribute to poorer air quality for all. The allocation of these sites, as opposed to sites such as 158, is difficult to understand.
- . The *Cycle Strategy* states that fear of traffic is possibly the main factor discouraging people from cycling. National Cycle Route 18 runs from the Rolvenden Road, down Stepneyford Lane, to Green Lane, before joining the Benenden Road near the hospital, turning right and leading to Castleton’s Oak Cross roads and Gribblebridge Lane. This route is a largely on-road ride travelling through the High Weald, using narrow, picturesque country lanes as much as possible. Green Lane/Stepneyford Lane is mentioned in TWBC’s *Rural Lanes: Supplementary Planning Guidance*. It is particularly high scoring in terms of its landscape, its recreational value, its natural beauty and its history. For these reasons, it is part of National Route 18. Rather than encouraging cycling, AL/BE3, which proposes two exits for this major development on GGR and two on Green Lane (where a second housing estate, at Cleveland Farm is already leading to Kent Highways calling for road widening and the elimination of grass verges - see building application 20/03267/FULL) will cause an increase in those factors, identified in *TW Cycle Strategy*, as discouraging cyclists, namely, traffic and the loss of unspoilt country lanes. Policy AL/BE3 also contravenes Kent Structure Plan Policy ENV13: “Rural lanes which are of landscape, amenity, nature conservation, historic or archaeological importance will be protected from changes which would damage their character, and enhanced.” In any event, the cycle route is purely recreational and will not enhance the sustainability of these sites.
- . **Policy STR 7** proposes, in dealing with TWBC’s 2019 legally binding commitment to manage climate change, that all development in the borough will support the Council’s target to achieve net zero emissions by 2030. It is unsound, with such a goal, to propose a major development on the parish periphery, 3 miles equidistant from two villages where there is no shop (in spite of the PLSP’s statement AL/BE 3&4) and no café (BHS says its café was built for its own use not for

the use of the public - see comments on the first draft of the LP). Residents will need their cars for almost everything.

- . **Policy STR1** promotes the effective use of previously developed land, having due regard to relevant Plan policies, but in promoting AL/BE3&4, the PSLP disregards STR6 (environmental goals) & STR7 (transport goals). Under the NPPF, sustainability is the priority, as the PSLP acknowledges in STR3, 4.65 “A presumption of sustainability lies at the heart of the NPPF”, but in allocating AL/BE 3&4, the PSLP fails to respect its own and the NPPF’s strategic priorities.
- . **Policy STR 8** states that development should contribute to and enhance rural landscapes with particular regard to the High Weald (HW) AONB. The PSLP promotes nature conservation. Its biodiversity objective is to achieve net gains and, where possible, secure long-term management of sites for biodiversity. AL/BE3 runs counter to this strategy since the BHS has produced plans showing houses built over the LWS. It has, furthermore, produced a document requiring that one of the two LWS be dug up and removed to another unspecified location, thereby nullifying the terms of the existing Landscape and Ecology Management Plan (LEMP) for that site. Para 3.21 of the BHS submission on the first draft LP states: *“The Society supports the requirement for long-term management of the core areas of LWS associated with the hospital land. This includes all but the modest area within the SEQ adjoining Peak Lodge which is too constraining on the South East Quadrant redevelopment proposals. Accordingly, the soils in the area will be translocated to a nearby receptor site to try to ensure that the rare fungi can continue to thrive in this local area.”* This is a particularly significant site for biodiversity. A letter from Keith Nicholson, former Planning and Conservation officer for the Kent Wildlife Trust, dated 4 March 2013, to TWBC Development Control Officer, Ellen Gilbert states that the hospital LWS are of national importance, mainly for the large number of different varieties of waxcaps. He states that they could well have been designated SSSI. Both in terms of waxcaps and in terms of valuable acid grassland, the hospital sites have high environmental value, see Comment DLP_3458 on the first draft of the LP, from the High Weald AONB Unit. The Benenden Hospital site *“includes rare and vulnerable acid grassland which should form a core area for unimproved grassland as part of a High Weald nature recovery network.”* AL/BE3&4 threaten the biodiversity of significant species in the LWS at the hospital sites, contrary to EN1.
- . The LWS to the south of AL/BE3 is included in the BNP and BPC argues that this has been done in order to protect it (see their response to the Independent Examiner April 2021). It is difficult to follow this logic. The inclusion of the site in the area to be developed suggests that it too could be under threat.
- . There is no plan showing the placement of houses on AL/BE 4, which is currently home to a large LWS and is the site of 18 habitable dwellings, almost all of the them currently in use and let. The proposal allows for these to be demolished and another 25 dwellings added to the site. The PSLP includes the LWS in the area to be developed and the BNP excludes most of it. Benenden Parish Council (BPC), in its April 2021 response to the Independent Examiner, has said that, in the case of a successful referendum, the PSLP’s plan (which includes the LWS), will prevail. In other words, of the 3 LWS in AL/BE 3&4, one is slated for removal, one will be built over if the PSLP prevails and one may be built over if the BNP prevails. This undermines STR8.
- . The PSLP claims that the hospital development “has the potential to improve the setting of the HW AONB through the delivery of a more sensitive redevelopment of existing buildings” (para 5.454), but the claim is not supported by evidence produced by *Hankinson & Duckett* (see above) while the HW AONB unit’s own view is the opposite. See TW first Draft LP, **DLP_3458 High Weald AONB Unit** (which objects to the Plan) : *“...In our view the development at Benenden Hospital will have a significant effect on the setting of the AONB and the purposes of its designation, and this issue has not been properly considered by the Plan.”*
- . The NPPF section 2 para 11 states: *“Plans and decisions should apply a presumption in favour of sustainable development... (b) strategic policies should provide for objectively assessed needs for housing ...that cannot be met within neighbouring areas unless ... (i) the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area.”* And see Footnote 6: the policies referred to are those in the Framework ...relating to habitat sites (and those sites listed in para 176) and /or designated as SSSI, AONBs
- . NPPF para 177 states: *“The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.”*

PSLP EN1 para 5. Biodiversity and geodiversity.

AL/BE 3&4 run counter to this policy as stated above in relation to the LWS.

The Environment

STR8 sets high environmental standards but these are undermined in the site allocations. This is particularly startling in the light of the July 2019 Full Council motion to recognise the climate and biodiversity emergency, in fact, the Benenden allocations put into question whether the motion was passed in good faith.

EN1 para 5 (Biodiversity and geodiversity) says that proposals should maximise opportunities to increase biodiversity. This goal may make sense in an urban setting, but development in the countryside, as is proposed in AL/BE 3 & 4, cannot hope to ever mitigate biodiversity loss. The destruction of trees and wild spaces, the introduction of lighting, kerbs, driveways, wider roads and narrower verges, the use of concrete, tarmac, bricks and mortar in a deeply rural setting cannot “increase biodiversity”.

EN1 provides for Long-term Management plans which would be satisfactory within an urban context. In a rural location like the East End, such plans are no substitute for natural wild spaces. A ‘managed’ green space set among streets is less likely to promote biodiversity and less likely to conserve wildlife than ‘unmanaged’ green space. Further, the three LWS in AL/BE3 & 4 are all already part of an existing LEMP agreement, and since one or all would be removed in the case of development as outlined by BHS under AL/BE3&4, instead of creating a long-term management plan, AL/BE3 & 4 would all but terminate an existing one. The sentiments expressed in EN1 are mocked by AL/BE3 & 4.

1 Site policies

AL/BE3 excludes one of the 2 LWS at the site, and the BNP includes both, yet para 5.458 states “Both this policy and BNP draft Policy SSP3 broadly follow the same approach towards the potential for developing this site for a residential development..” This does not appear to be the case. Further, the SHELAA treats this site twice, once including the southern LWS (and excluding Windmill Cottage) and once excluding the LWS and including Windmill Cottage (SHELAA pages 1-3 and pages 18-19). In the second instance, the suggestion is for 67-73 houses, presumably building over the LWS. The first plan is the one adopted in the PSLP and appears to be the more accurate of the two in that it describes the site as “mostly PDL”. The second ignores all greenfield aspects and is almost identical to the plan in the BNP, a plan which BNP claims will prevail if it wins a referendum. Is AL/BE3 presenting us with the wrong plan?

AL/BE3 and AL/BE4 provide for a phased timetable for development of the two sites at different time intervals without calling for a comprehensive masterplan for the hospital site as a whole i.e. for the entire built up area. This is inconsistent with STR2, which requires a masterplan for large developments. The full extent of the area to be developed must be clear. See para 1a of Policy AL/BE3 which states that there is a need to “show indicatively how the other areas included within Policies AL/BE3 and AL/BE 4 can be developed to meet the overall policy requirements as set out within each of these policies, and *how the future needs for Benenden Hospital will be met on areas to the north west and south west that currently comprise the hospital buildings and associated ancillary uses and is previously developed land.*” It is not sound to proceed with an LP where the land to be developed is not indicated from the start

AL/BE3&4 both call for an active travel link between the site and Benenden village. This proposal has been costed (see BPC’s April 2021 reply to the Independent Examiner) at between £180,000 and £220,000 for a 3m wide tarmacked surface, plus costs to upgrade it to a bridleway, plus the costs associated with obtaining landowners’ consent or, failing that, of starting compulsory purchase proceedings which TWBC expresses reluctance to undertake because of the significant compensation costs and legal costs which would be involved. No steps have been taken either by the BNP or TWBC to ascertain the willingness of landowners to give up their land although the major landowner involved wrote to BNP on 11th Sept. 2019 objecting to the plan. It is understood that he was not contacted for subsequent discussion.

AL/BE3&4 calls for the repurposing of the existing tennis courts for the use of local residents, which BHS denies it will offer for public use; for the public use of the hospital’s café; for the creation of a hospital shop (5.413); for a minibus service linking the hospital to the village (“The Society is not a transport provider” is BHS’ response); for green space, a playground and provision of a community hall - most of these policies are refuted in Savills’ comments on behalf of BHS, in the first draft of the LP, DLP_ 4956 paras 3.14, 3.18, 3.19, 3.20, 3.46 and 3.47. Rather than agreeing to such policies, the

hospital is calling on TWBC to introduce a more flexible funding system to allow a *reduction* of developer costs. BHS argues these will be high because they wish to demolish existing buildings. It is unsound to propose policies which cannot be implemented. Once the sites are sold, no relevant conditions to this effect could be imposed.

1 The PSLP is unsound because of inconsistencies in the treatment of different sites.

- . **Uphill, AL/BE1** is described as having archaeological potential (para 5.428) requiring possible mitigation measures. This is not because of historical finds on the site, but because they *might* be found. A listed manor house lies on the other side of New Pond Road and, according to AL/BE1, “the site lies within, or very close to the relevant impact risk zone for Parsonage Wood”, a SSSI which is, in fact, several miles away. The archaeological significance of AL/BE 3&4 is far more certain and substantial. The hospital sites are where a bronze age palstaff was found (see the National Monument Register - SMR Number /Hob UID)) and the sites lie close to two ancient routeways. A Roman Road runs west-east (on BHS farmland) a few yards to the south of AL/BE3 and a medieval drove road (GGR), runs west-east between the two sites. Further, two Grade II Listed Buildings are sited here, also on BHS land. The Lister building stands a few yards to the west of AL/BE3 and Cleveland Farm house (the farmyard of which BHS is trying to develop separately and simultaneously as if a minor planning project) lies a few yards to the south. Instead of mentioning these facts, AL/BE3&4 reads (5.456 and 5.468) “Kent County Council states that the site includes significant archaeology, which could be dealt with through suitable conditions on a planning approval.” The imbalance in the treatment of the two sites is substantial and suggests confirmatory bias or
- . The SHELAA assessment of site 158 suggests a potential yield of 50-65 houses, but then concludes that only the Uphill part of the site is suitable (20 houses). It states that “the remainder of the site is sensitive in landscaping terms and there is concern regarding scale and impact on the character of the landscape and settlement pattern”. This is contrary to the views of TW’s 2006 SA; to the TW 2018 document proposing 174 houses; and to the first draft of the LP. The dismissal of 158 as a suitable site is not supported by the evidence and suggests prejudice.
- . Site 222, west of the cross roads, was also considered in 2006, as a possible site for the new village school, though it was not one of the top two sites put to a referendum. The SHELAA suggests 222 has a potential for 76 houses. The site is considered unsuitable partly because the new LBD, if adopted, will exclude all houses west of the cross roads, when the village actually extends a considerable length along this road to the west. There is no mention of the fact that the owners of this site are offering the pond at the south west corner of the crossroads as village green space. The dismissal of 222 is not supported by the evidence and suggests prejudice.
- . The SHELAA suggests a capacity of 26 houses at Site LS8 in Iden Green, stating that it lies adjacent to the recreation ground and a children’s nursery and that there is a pavement on both sides of Iden Green’s main road. It fails to mention that the easternmost side of this pavement connects the village to the village primary school. The SHELAA dismisses the site as unsuitable saying that it is located in a remote location relative to services, facilities and public transport, but this site is far less remote than sites AL/BE 3&4. The dismissal of site LS8 is not supported by the evidence and suggests prejudice.
- . The proposed new LBD has been constructed so as to include the new site at Uphill and to exclude 222, when in fact, the actual built development extends westwards from the crossroads and includes site 222. The LBD is ignored in respect of AL/BE3&4. Manipulation of the LBD to suit allocated sites is inappropriate.

As a general comment, I have found the process unnecessarily difficult to navigate. In fact, from the point of view of the ordinary lay-man, I would term the process ‘hostile’. The interactive on-line site was unmanageable. Question 4a is very badly worded. The PSLP’s prose entirely suited the opacity of the procedure. Here is one example from the SA (page 163) “However, the education objective does not deteriorate when considering cumulative effects as the schools in Tenterden will be a viable option for residents in East End and thus are likely to take the pressure off Benenden Primary School.” What does that mean?

Question 6

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Question 5 above. (Please note that non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

The modifications needed are included in the submissions set out above. In summary, development on site AL/BE 3 should be limited to the existing, so far unused, planning permission for 24 houses, preferably by adapting the Garland Wing, which is a building of historic value, either to a wellness centre, in accordance with its original intention, or to a row of up to 10 terraced houses. Site AL/BE 4 already has 18 semi-detached houses on it, and cannot support any more. It should therefore be excluded. Housing should be allocated to sites (such as 158 and 222 in the village centre or LS8 in Iden Green) which lie on bus routes or are within walking distance of the village centre and school.

Paragraphs 5.421 and 5.422 should be omitted.

Question 7

***Please note** the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.*

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)? . Yes, I wish to participate in hearing session(s)

Question 7a

***Please note** the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.*

If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

In order to put over my case, and to answer those with vested interests who may seek to put forward arguments against it.

Question 8

If you have any separate comments you wish to make on the accompanying Sustainability Appraisal, please make them here.

1. The Sustainability Appraisal (SA) is misleading. Table 58 on page 163 states that all Benenden sites "lack services, facilities and travel options". This belies the fact that AL/BE2 (Feoffee almshouses) is close to the Street as is AL/BE1 (Uphill). Both sites are within walking distance of the bus stop for daily bus services, the post office, village shop, the primary school, the village green, the butchers, pub, community hall, church, recreation ground and children's playground. AL/BE 3 & 4 are three miles north east of the village with no daily bus service and no amenities whatsoever.

2. The commentary on Table 58, (page 163 of the SA), states that East End sites score badly on Climate Change and Travel, yet these are the sites promoted for most houses.

3. The SA argues on page 163 that East End residents will send their children to schools in Tenterden instead of to the village primary school, and that this will lessen the otherwise seriously negative effects of the two hospital sites. This is pure conjecture and possibly wishful thinking. The school has a good

reputation and currently between 70 and 75% of children there come from outside the parish. East End children will have precedence over these, since intake depends on the distance of a child's residence from the school. Pressure on Benenden Primary School will increase, not decrease. Further, the use of a car, whether it drives to Tenterden (5-6 miles) or to Benenden (3 miles), pollutes and deprives residents of the health-giving pleasure of walking to school. The AL/BE 3&4 are contrary to STR2, to the NPPF and to KCC policy on climate change.

4. Appendix L (pp331-2) shows Scores for Reasonable Sites in Benenden. Here we see scores for 158 and 222, two sites close to the village centre. Of 158, we read "A site that scores several neutrals with some positives, let down by its land use and landscape score impacted by a loss of a greenfield site in the AONB and lack of services and facilities including public transport at the settlement." This SA report compares poorly with the SA which TWBC carried out on site 158 in 2006. 158 is parallel to and just north of the Street with its exit onto New Pond Road. In 2006 site 158 was chosen in a village referendum as the site for a new C of E primary school. It was the preferred site out of a choice of two, both of which were greenfield. TWBC's 2006 SA on 158 decided (see page 18 of the Sustainability Appraisal Benenden Church of England Primary School Land Allocation DPD - Issues and Options report), that 158 was one of two top sites. "Situated adjacent to an area of ancient woodland, the site provides the potential for habitat linkages and wildlife corridors. The site is not adjacent to the CA [Conservation Area] and does not form a significant role in its setting. There are no Listed Buildings on or adjacent to the site. The site is consistent with the surrounding landscape character. There are limited views into the site and no public rights of way over the site." On page 38, we read, "This site is anticipated to have a major beneficial effect on improving educational standards and travel choice/traffic levels". In spite of the referendum result, the school was eventually built at the less preferred site and, since then, TWBC had been in consultation with 158's owners to build houses there.

5. In April 2018, BNP Steering Committee Deputy Chair, a borough councillor, showed the committee a piece of paper from TWBC saying that TWBC wishes to build 174 houses on site 158. He committed himself to seeing these numbers reduced and the numbers at the East End raised. After a meeting between representatives from the BNP group and TW planners on June 19th, 2018, the minutes reported that "At times the workshop was emotive ..." Following that meeting TW planners put site 158 on temporary hold, limiting development there to a future Local Plan by asking, in the first draft of the LP on page 270, that the Uphill site on New Pond Road, adjacent to 158 and allocated at that time as AL/BE3, should, under Clause 8, provide for vehicular access through Uphill to the site behind (158) "which may be allocated for development as part of a future Local Plan." In the PSLP, this wording for Clause 8 has disappeared. Where is the evidence-base for such wording to be included in the first draft and excluded in the second? Why is the site considered suitable in 2006, in 2018, and in the first draft, but not suitable in the PSLP?

6. Site 222, like 158 is described in Appendix L of the PSLP's SA as suffering from "a lack of services and facilities including public transport at the settlement." This is inaccurate. There is a daily bus service along Benenden Street and site 222 is within easy walking distance of the bus stop, shops, pub, community hall, primary school and all other amenities.

7. Site LS8, in the heart of Iden Green is, along with site 158 and 222, a site which on-the-ground evidence suggests is eminently suitable for development, but which the SA fails to allocate. Appendix L of the SA gives LS8 virtually the same scores as Uphill (LS16 of AL/BE1) yet the latter is included for development and the former is not. The commentary states of LS8 "A number of scores are negative however, reflecting the remote location of the site from services and facilities and public transport. It scores negatively in heritage terms as the site is a relatively sizeable piece of the Iden Green Conservation Area." This site is far less remote than sites AL/BE 3 & 4. It is one mile from the village and connected to it by a paved footpath running past a Roadside Conservation Area and then (still paved) through a field to the church and primary school. It is on a bus route and the bus stop is next to LS8. Iden Green has a community hall, tennis courts, a children's playground and pub/restaurant. The SA information is unreliable and the PSLP's use of it for site allocation is unwise.

8. In so far as Benenden is concerned, the sites were allocated before any sustainability appraisal was commissioned. It is not therefore a relevant factor in the allocation of sites for housing.

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:

Yes, I wish to be notified of future stages of the Local Plan

Comment

Consultee	William Bernard Phillips [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] Ashford [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	William Bernard Phillips [REDACTED]
Comment ID	PSLP_231
Response Date	09/05/21 18:33
Consultation Point	Policy AL/BE 3 Land at Benenden Hospital (south of Goddards Green Road), East End (View)
Status	Processed
Submission Type	Email
Version	0.3
Data inputter to enter their initials here	AT
Question 1	
Respondent's Name and/or Organisation	Mr William Bernard Phillips
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
Policy PSTR/BE 1 The Strategy for Benenden parish	
Policies AL/BE3	
Question 4	
Do you consider that the Local Plan:	
Is legally compliant	No

Is sound No

Complies with the Duty to Cooperate No

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

- . It is not positively prepared
- . It is not effective
- . It is not justified
- . It is not consistent with national policy

Question 5

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

[TWBC comment: Representation copied against policy PSTR/BE1]

This submission concerns the parish of Benenden, the only parish in the borough to have made its own allocations. The Benenden Neighbourhood Plan (BNP) has been developed in close consultation with TWBC, with the BNP in the lead. The BNP announced its allocations in February 2019, before inviting AECOM to produce its Strategic Environmental Assessment. Pre-Submission Local Plan, para 5.420 reads "The BNP was submitted to TWBC in October 2020 and was consulted on between 30 October and 11 December 2020." But the allocations had been made and published in February 2019. Further, Para 5.420 states "The BNP proposes to include site allocation policies that follow the approach of the site allocation policies for Benenden in this Local Plan." BNP allocations were first published in February 2019 i.e. before LP site allocation policies.

Allocations made by the LP, when it took up the BNP's baton, are therefore inevitably linked to BNP's weaknesses. Yet if the BNP passes a referendum before acceptance of the LP, it is said that it will take precedence over the LP (see para 5.421), with the exception of its plans for the northern site at Benenden hospital, which will be overruled by the plans advanced in the LP (see Benenden Parish Council April 2021 response to Independent Examiner queries on the BNP). This is in contravention of para 5.422 which talks of making "modifications to the LP" so that it matches the BNP.

1 Community involvement. EN1: this requirement has not been respected.

- . In Benenden, almost all new housing is slated for the East End, yet the Friends of the East End (FEE), were never asked to meet with the BNP steering group.
- . See EN1 para 9 requiring the effective engagement of the local community, neighbours of sites and others. The FEE submitted three petitions, two to the BNP and one in relation to the LP. A FEE submission with 127 signatures was submitted on April 4th 2019 in response the Informal Draft NP (published on February 23, 2019), in which the allocations later adopted by the LP were first set out. A FEE submission with 164 signatures was submitted in October 2019 objecting to the first draft of the LP, and in the same month, a FEE submission with 167 signatures was submitted in relation to the Reg 16 draft BNP. See the FEE's current online petition with more than 450 signatures <https://www.change.org/EastEndFriends>
- . Instead of being consulted, the FEE were ignored and belittled. They were informed on 11th March 2019 by the editor of the Parish Magazine (PM), husband of the Chair of the Parish Council, that "I'm of the view that much of the uncertainty has passed since the presentation of the plan to the village - to a highly favourable reception. At least we no longer have to give polite credence to *uninformed views* that fly in the face of TWBC policy and advocate direct and *pointless*

confrontation with TWBC, thereby running the risk of having the entire BNDP thrown back in our faces. *The ensuing chaos hardly bears thinking about.* At least it seems the opinions now being afforded most weight are those of *people who have worked hard for two years to understand the issues* and come up with a coherent way forward.”

- . One of the regular articles on the BNP submitted by the chair of the BNP Steering Group appeared in January 2020. It dismisses FEE opposition suggesting only “31 residents from the East End” sent in comments.
- . The core group behind the BNP has consistently tried to persuade those who support the FEE to desist. The chair of the Parish Council and the chair of the BNP Steering Group have twice asked to meet a Tunbridge Wells Alliance (TWA) Borough Councillor for the parish, once together with a TWA borough council candidate, in efforts to persuade them to adhere to the BNP’s approach and not to listen to the FEE.
- . The organiser of the FEE was a member of the Steering Committee 2017/2018 as chair of the Environmental Group. She expressed strong disagreement with a Borough Councillor who lives in the village (on occasion, he deputises as chair of the Steering Group) about his wish to step up allocations in the East End and suppress TWBC’s wish to build 174 houses on site 158. As a result, the Steering Group chair (using his own word), “sacked” her. This is contrary to EN1 para 9, encouraging early, proactive and effective engagements and the requirement that views expressed should be properly considered.
- . Consultation also failed in relation to the neighbouring parish of Biddenden. The Clerk of Biddenden Council has repeatedly responded to BPC in the course of the BNP consultation process, but received only acknowledgments. A Kent County Councillor and Ashford Borough Councillor wrote an article about BNP’s mismanagement of the parish of Biddenden in the Biddenden Parish Magazine, February 2021.
- . The LP is based on the BNP and BNP allocations were made before consultations with stakeholders such as the AONB. This is not consulting in a timely fashion. Further, the LP requires surveys of the hospital sites *after* the designation of the sites for development, for example, archaeological surveys (see AL/BE 3&4). Historic England (HE) asks for the surveys to be carried out *before*. See HE’s comments on the first draft LP (DLP_4556) - “we would expect the allocation of sites following on from this Strategy policy (STR1) to be subject to appropriately robust and detailed heritage impact assessment *prior to the allocations being adopted*.”

2. The PSLP is not based on sound evidence

- . Throughout the LP process, misstatements have been made about amenities in Benenden’s East End. These may be traced back to a submission made by traffic and highways consultants, Transport Planning Associates (TPA) to Benenden Healthcare Society Ltd. (BHS). This submission was recently disclosed in BHS’s response to the Independent Examiner’s queries in relation to the BNP. TPA’s information is sometimes inaccurate and sometimes misleading and we consider it here in detail because it is difficult otherwise, to understand how the LP was able to continue, iteration after iteration, to relate false information about the hospital site.
- . In October 2019, TPA reported (para 2.6) that there was a footpath along the southern edge of Goddards Green Road (GGR) and the PSLP, para 5.452 states “There is an intermittent pavement along GGR”. The GGR is a long road running from New Pond Road to Castleton’s Oak crossroads, and was formerly a lane. The pavement is limited to the short section immediately outside the hospital buildings. To say that there is an intermittent pavement along GGR is misleading.
- . The TPA refers to the East End as a village, which it is not. The East End runs from the junction of GGR and Walkhurst Road, along the GGR to the border with Tenterden, then turns south to reach close to Hole Park in Rolvenden, then east back to Walkhurst Road at the site of the stream, then along Walkhurst Road back to GGR (see the old Electoral Roll for 2004 when the East End had its own polling station). It is a large, totally rural area of several square miles, which was why it was chosen as the site for an isolation hospital in 1906. Today it contains only 76 houses scattered across the entire area. The PSLP consistently refers to the East End as a hamlet. It is not, which is why BPC is able to advertise itself on its website as “Serving the people of Benenden and Iden Green” without any reference to the East End.
- . The TPA says that “a day nursery is located immediately to the north of the Site within 400m.” There is incorrect, yet this error is repeated in para 5.413 of the PSLP “There are also nursery/pre-school facilities at Iden Green and East End.” An accurate account would mention Iden Green only.
- . The TPA states that there are daily bus services along GGR provided by bus nos. 24 and 299, and twice a day service provided by the Hopper bus. This information is incorrect. The 2019

Hopper bus, operated by the Tenterden social services hub on an experimental basis, failed in only a matter of months. While the 24 and the 299 buses pass along GGR, they do so on only one day a week. The 24 on Tuesdays and the 299 on Wednesdays. The East End has almost no public transport.

- . The TPA makes several statements in relation to traffic which have fed misinformation into the system to be reflected in AL/BA3&4. This misinformation was only recently revealed when documents were provided by BHS following April 2021 queries raised by the Independent Examiner on the BNP. These documents include a TPA 'Scoping Note' on road and traffic conditions at the site and a letter written in response to this Note from KCC Highways, dated 13 Nov. 2019. The TPA states that the GGR is 7m wide at the hospital site which detracts from the fact that it is actually a winding rural lane, now called a road, and varies considerably in width. It may at some point be 7m wide, but at others, it is so narrow that two lorries have difficulty passing each other. The TPA claims that there is no need for a road safety review because there have been "no personal injury accidents" recorded within 1,000m. Castleton's Oak crossroads lie 1.5 km from the site and accidents there are frequent, largely due to increasing traffic at the hospital. The hospital has turned itself into an almost exclusively out-patient centre and almost all its 300 employees drive in to work from outside the parish (formerly, they were housed on site in hospital staff buildings). Kent County Council (KCC) Highways make constant and repeated attempts to lower the risk of injury at the crossroads. Works there are ongoing at this time. The TPA claims that no traffic surveys are necessary which is a point queried in the KCC Highways' email. The email talks of the "heavy car dependency" of residents in any housing in this location and says this was one of its concerns, even at the time of the original application asking for only 24 houses. The email states that BHS's plans (and therefore AL/BE 3&4) are contrary to the NPPF and to KCC's own policy objectives, and points out that the hospital has not co-operated over the idea of a minibus to provide transport from the site to Benenden. The letter calls for: traffic counts along the GGR; a wider crash analysis; and expresses concern over the proposed access points to the SE Quadrant - 2 on Green Lane and 2 on GGR. Lastly, on trip generation, the TPA projects that 47 houses at the site will produce only 106 trips a day, though the consultants admit that they have difficulty in basing their estimate on comparable sites because there are none. These trip generation figures ignore existing traffic from local residents, from patients, from hospital staff and from the newly (January 2021) proposed housing estate at Cleveland. The AL/BE 3&4 fails to provide a traffic count, fails to ask for a road safety review and fails to acknowledge frequent traffic accidents near the sites.
 - . Pre-submission supporting documents also produce inaccurate and sometimes irrelevant evidence. The hospital sites are within the setting of an AONB and even overlap into it, yet *Inset Map 18* (Benenden Hospital), unlike other maps attached, makes no reference to the AONB boundary. The BNP claims that the hospital is outside the AONB and on this basis, since the rest of the village is wholly within the AONB, largely justifies placing most of Benenden's housing in the East End. This is misleading, since the AONB boundary wraps tightly round AL/BE3, which actually overlaps into the AONB in the southwest corner. In any event both sites affect land in the AONB. The relationship of the AONB boundary to the hospital sites is important yet it is ignored on the map. This looks like prejudice.
 - . Hankinson Duckett Associates's *AONB Setting Analysis Report* (a supporting document for the PSLP, referred to as an evidence base) is, in its analysis of AL/BE3&4, unsound. The analysis argues that development at these sites will enhance the setting of the AONB. It illustrates the argument with photos of the hospital chapel and its carpark. Neither the chapel nor car park are in the area up for development.
- 1 **Policies AL/BE3&4 are not consistent with the PSLP's Vision objectives nor with its strategies, nor with KCC's policies, nor with the NPPF.**
- . The PSLP's Vision Objective 1 is : "to improve access to suitable, especially affordable housing, including for local young people and older households." But this is inconsistent with allocations AL/BE 3 &4. BHS is asking in its comments on the LP first draft, for a lower number of affordable homes because of the high cost of brownfield development. Living isolated in the countryside, families will need at least two cars. Old and young will be unable to walk to schools, shops or any other amenities. This is not a suitable site for a borough which (see para 2.16) expects the population over the age of 65 + to increase by around 40% between 2020 and 2038.

The PSLP's Vision Objective 2 is to ensure sustainable development which allocations at AL/BE 3&4 do not achieve. On the contrary, the KCC warns that even with the existing permission for 24 houses

on AL/BE3, the highway authority had concerns. This is an isolated location, deep in the countryside (see KCC Highways email 13 Nov 2019). More than 24 houses in this location is not sustainable.

- . **Policy PSTR/BE1**, LBD 5.416 states “the LBD around Benenden village sets the extent of existing and planned development ..” This conflicts with the recommendation that major development be instated three miles beyond the LBD, on the border with Biddenden.
- . **Policy STR 2** “The Council requires the use of masterplanning, including the use of design codes and sustainable design standards where appropriate, for strategic and larger-scale developments..” This is undermined by AL/BE 3&4 which calls for a masterplan for an area not included in the PSLP and not Para 1a of Policy AL/BE3 states that there is a need to “show indicatively how the other areas included within Policies AL/BE3 and AL/BE 4 can be developed to meet the overall policy requirements as set out within each of these policies, and *how the future needs for Benenden Hospital will be met on areas to the north west and south west that currently comprise the hospital buildings and associated ancillary uses and is previously developed land.*” It is not sound to proceed with an LP where the land to be developed is not clearly indicated from the start.
- . **A masterplan is essential to avoid current inconsistencies on the size of areas to be developed:** AL/BE3 excludes one of the 2 Local Wildlife Sites (LWS) at the site, yet the BNP includes both. Para 5.458 states “Both this policy and BNP draft Policy SSP3 broadly follow the same approach towards the potential for developing this site for a residential development..” They do not. The PSLP states that in the event of a successful referendum, the BNP’s proposals will prevail. If this is so, are we supposed to assume that AL/BE3 map is inaccurate?
- . A similar problem arises at the northern site (AL/BE4) here there are currently 18 dwellings. The proposal allows for these to be demolished and another 25 dwellings added to the site. The size of the area to be developed varies between the LP and the BNP. The LP includes the LWS in the area to be developed but the BNP includes only a small section, but says in the event of a successful referendum the BNP plan will be over-ruled by the LP plan (see the BPC response April 2021 to the Independent Examiner’s queries). This is the reverse of 5.421 & 2. It is unsound to proceed with a plan when the NP and the LP are at odds with each other.
- . **The PSLP claims building will only be within existing footprints**, an approach which is at odds with that of the BHS. Plans for 47 new houses in AL/BE3, presented to the village on 17th February 2020 by the hospital architects, show the buildings are not to be built within the footprint of previous buildings nor to respect LWS.
- . **Policy STR 3** calls for the use of brownfield sites “within settlements” and in “sustainable locations.” AL/BE 3 consists of disused medical buildings and 2 LWS with parkland and veteran trees (depending on whether this second LWS is included or not). 5.448 is therefore incorrect. The site should be described not as brownfield but as partly brownfield. It is not on the Brownfield Register. Because of its remote location and its valuable LWS sites, it is not free from constraints which could be mitigated. As such, Policy AL/BE3 does not meet the criteria needed under the NPPF, Section 11, para 117 for development in “a way that makes as much use as possible of previously-developed or ‘brownfield’ land.” AL/BE 4 contains in-use residential housing and an LWS and therefore is not entirely brownfield.
- . **Policy STR 5** states that “New residential ... development will be supported if sufficient infrastructure capacity is either available or can be provided in time to serve the development.” Will this happen at AL/BE3&4? Developers themselves are to provide the infrastructure at AL/BE 3&4. The LP proposes to take on trust suggestions that the BHS will avoid building on the LWS and will provide play-grounds, sports facilities and tennis courts. We know from submissions following the first draft LP, that BHS is actually planning to remove one LWS entirely and that its plans include building on the LWS and beyond the foot print of previous buildings. BHS suggests, in its response to the first draft LP (DLP_4956) that it is unlikely to provide play-grounds, sports facilities and tennis courts. The PSLP’s approach does not take comments to the first draft LP into account.
- . **Policy STR 6** proposes to “Deliver future development in accessible locations, normally within or in close proximity to existing towns and villages across the borough.” In the case of the two isolated hospital sites, the PSLP contradicts its own strategic policy and fails to offer choices in transport or to prioritise active travel and public transport. The Benenden hospital sites have no daily bus service and no active travel link to the village, and neither the PSLP nor the BHS provide credible information on how these links are to be provided. The KCC email of Nov 13 suggests that the hospital is uncooperative on the proposal to organise a minibus service and the SHELAA says of AL/BE3 that it is “Remote from a settlement centre,” (unlike sites 158, 222 and LS8); that

residents will rely heavily on private cars and thus air quality and travel objectives score negatively; and that, “although promoted by the policy, shared transport and active travel options are unlikely to take precedence over private vehicle use thus air quality and climate change score negatively.” This is crucial. For all the talk of mitigating the remoteness of the hospital sites with a minibus link and cycle routes, nobody actually believes that any of these measures will succeed. As for the proposal to create links suitable for electric personal vehicles, such as mobility scooters (as suggested under STR 6), it is difficult to see, when the closest link with the village is a single-track lane (Walkhurst Road), how any personal electric vehicle could make that journey. The PSLP is creating, through its policies AL/BE3&4, a car dependent community. This thereby negates the sense of the LP’s supporting document, *Transport Strategy Review Sept 2019* which urges reducing the need to travel.

- . AL/BE3&4 also undermine TWBC’s Full Council motion of July 2019 to reduce CO2 emissions. “The dominance of the car as a mode of transport can lead to congestion, more road accidents, air and noise pollution. In addition it contributes to climate change, reduces social cohesion and leads to less healthy lifestyles” (para 44 *Transport Review*). According to TW’s own SA from 2006, if social cohesion, reduction in air pollutants, and public health were indeed the borough’s priorities, site 158 would have been among those chosen for Benenden, as originally intended.
- . **PSLP paras 5.453 and 5.467** state that “residents of development in this location will rely heavily on private cars.” These plans runs counter to STR6 policy on the environment see paras 6.8, 6.9, 6.10, 6.11 and 6.13. It also contravenes KCC policies on climate change and the NPPF (see KCC’s Nov 13, 2019 letter on this subject).
- . **Para 5.414** “The parish provides two relatively large sources of employment: at Benenden Hospital and at Benenden School.” The inference is that the employment opportunities are linked somehow to the population of Benenden. There is in fact little connection. The 300 plus staff at the hospital drive into the parish along GGR to work and, since the hospital is isolated from the village, their contribution to the local economy is negligible.
- . **Policy STR 6** The LP proposes to “**Deliver future development in accessible locations, normally within or in close proximity to existing towns and villages across the borough.**” In the case of the two isolated hospital sites, the LP contradicts its own strategic policy and fails to offer choices in transport or to prioritise active travel and public transport.
- . **Cycle routes:** The PSLP’s standards on the public benefits of cycling and walking are based on the *Cycle Strategy Supporting Document*, but these standards are undermined by site allocation in Benenden. The Cycle document states that: “When more people cycle or walk the health of the population improves and our roads become safer and less congested.” Its objectives 4 and 5 are to improve safety for cyclists and air quality for all, but AL/BE 3 & 4 will create a community, deep in the countryside, entirely dependent on the car and will contribute to poorer air quality for all. The allocation of these sites, as opposed to sites such as 158, is difficult to understand.
- . The *Cycle Strategy* states that fear of traffic is possibly the main factor discouraging people from cycling. National Cycle Route 18 runs from the Rolvenden Road, down Stepneyford Lane, to Green Lane, before joining the Benenden Road near the hospital, turning right and leading to Castleton’s Oak Cross roads and Gribblebridge Lane. This route is a largely on-road ride travelling through the High Weald, using narrow, picturesque country lanes as much as possible. Green Lane/Stepneyford Lane is mentioned in TWBC’s *Rural Lanes: Supplementary Planning Guidance*. It is particularly high scoring in terms of its landscape, its recreational value, its natural beauty and its history. For these reasons, it is part of National Route 18. Rather than encouraging cycling, AL/BE3, which proposes two exits for this major development on GGR and two on Green Lane (where a second housing estate, at Cleveland Farm is already leading to Kent Highways calling for road widening and the elimination of grass verges - see building application 20/03267/FULL) will cause an increase in those factors, identified in *TW Cycle Strategy*, as discouraging cyclists, namely, traffic and the loss of unspoilt country lanes. Policy AL/BE3 also contravenes Kent Structure Plan Policy ENV13: “Rural lanes which are of landscape, amenity, nature conservation, historic or archaeological importance will be protected from changes which would damage their character, and enhanced.” In any event, the cycle route is purely recreational and will not enhance the sustainability of these sites.
- . **Policy STR 7** proposes, in dealing with TWBC’s 2019 legally binding commitment to manage climate change, that all development in the borough will support the Council’s target to achieve net zero emissions by 2030. It is unsound, with such a goal, to propose a major development on the parish periphery, 3 miles equidistant from two villages where there is no shop (in spite of the PLSP’s statement AL/BE 3&4) and no café (BHS says its café was built for its own use not for

the use of the public - see comments on the first draft of the LP). Residents will need their cars for almost everything.

- . **Policy STR1** promotes the effective use of previously developed land, having due regard to relevant Plan policies, but in promoting AL/BE3&4, the PSLP disregards STR6 (environmental goals) & STR7 (transport goals). Under the NPPF, sustainability is the priority, as the PSLP acknowledges in STR3, 4.65 “A presumption of sustainability lies at the heart of the NPPF”, but in allocating AL/BE 3&4, the PSLP fails to respect its own and the NPPF’s strategic priorities.
- . **Policy STR 8** states that development should contribute to and enhance rural landscapes with particular regard to the High Weald (HW) AONB. The PSLP promotes nature conservation. Its biodiversity objective is to achieve net gains and, where possible, secure long-term management of sites for biodiversity. AL/BE3 runs counter to this strategy since the BHS has produced plans showing houses built over the LWS. It has, furthermore, produced a document requiring that one of the two LWS be dug up and removed to another unspecified location, thereby nullifying the terms of the existing Landscape and Ecology Management Plan (LEMP) for that site. Para 3.21 of the BHS submission on the first draft LP states: *“The Society supports the requirement for long-term management of the core areas of LWS associated with the hospital land. This includes all but the modest area within the SEQ adjoining Peak Lodge which is too constraining on the South East Quadrant redevelopment proposals. Accordingly, the soils in the area will be translocated to a nearby receptor site to try to ensure that the rare fungi can continue to thrive in this local area.”* This is a particularly significant site for biodiversity. A letter from Keith Nicholson, former Planning and Conservation officer for the Kent Wildlife Trust, dated 4 March 2013, to TWBC Development Control Officer, Ellen Gilbert states that the hospital LWS are of national importance, mainly for the large number of different varieties of waxcaps. He states that they could well have been designated SSSI. Both in terms of waxcaps and in terms of valuable acid grassland, the hospital sites have high environmental value, see Comment DLP_3458 on the first draft of the LP, from the High Weald AONB Unit. The Benenden Hospital site *“includes rare and vulnerable acid grassland which should form a core area for unimproved grassland as part of a High Weald nature recovery network.”* AL/BE3&4 threaten the biodiversity of significant species in the LWS at the hospital sites, contrary to EN1.
- . The LWS to the south of AL/BE3 is included in the BNP and BPC argues that this has been done in order to protect it (see their response to the Independent Examiner April 2021). It is difficult to follow this logic. The inclusion of the site in the area to be developed suggests that it too could be under threat.
- . There is no plan showing the placement of houses on AL/BE 4, which is currently home to a large LWS and is the site of 18 habitable dwellings, almost all of the them currently in use and let. The proposal allows for these to be demolished and another 25 dwellings added to the site. The PSLP includes the LWS in the area to be developed and the BNP excludes most of it. Benenden Parish Council (BPC), in its April 2021 response to the Independent Examiner, has said that, in the case of a successful referendum, the PSLP’s plan (which includes the LWS), will prevail. In other words, of the 3 LWS in AL/BE 3&4, one is slated for removal, one will be built over if the PSLP prevails and one may be built over if the BNP prevails. This undermines STR8.
- . The PSLP claims that the hospital development “has the potential to improve the setting of the HW AONB through the delivery of a more sensitive redevelopment of existing buildings” (para 5.454), but the claim is not supported by evidence produced by *Hankinson & Duckett* (see above) while the HW AONB unit’s own view is the opposite. See TW first Draft LP, **DLP_3458 High Weald AONB Unit** (which objects to the Plan) : *“...In our view the development at Benenden Hospital will have a significant effect on the setting of the AONB and the purposes of its designation, and this issue has not been properly considered by the Plan.”*
- . The NPPF section 2 para 11 states: *“Plans and decisions should apply a presumption in favour of sustainable development... (b) strategic policies should provide for objectively assessed needs for housing ...that cannot be met within neighbouring areas unless ... (i) the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area.”* And see Footnote 6: the policies referred to are those in the Framework ...relating to habitat sites (and those sites listed in para 176) and /or designated as SSSI, AONBs
- . NPPF para 177 states: *“The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.”*

PSLP EN1 para 5. Biodiversity and geodiversity.

AL/BE 3&4 run counter to this policy as stated above in relation to the LWS.

The Environment

STR8 sets high environmental standards but these are undermined in the site allocations. This is particularly startling in the light of the July 2019 Full Council motion to recognise the climate and biodiversity emergency, in fact, the Benenden allocations put into question whether the motion was passed in good faith.

EN1 para 5 (Biodiversity and geodiversity) says that proposals should maximise opportunities to increase biodiversity. This goal may make sense in an urban setting, but development in the countryside, as is proposed in AL/BE 3 & 4, cannot hope to ever mitigate biodiversity loss. The destruction of trees and wild spaces, the introduction of lighting, kerbs, driveways, wider roads and narrower verges, the use of concrete, tarmac, bricks and mortar in a deeply rural setting cannot “increase biodiversity”.

EN1 provides for Long-term Management plans which would be satisfactory within an urban context. In a rural location like the East End, such plans are no substitute for natural wild spaces. A ‘managed’ green space set among streets is less likely to promote biodiversity and less likely to conserve wildlife than ‘unmanaged’ green space. Further, the three LWS in AL/BE3 & 4 are all already part of an existing LEMP agreement, and since one or all would be removed in the case of development as outlined by BHS under AL/BE3&4, instead of creating a long-term management plan, AL/BE3 & 4 would all but terminate an existing one. The sentiments expressed in EN1 are mocked by AL/BE3 & 4.

1 Site policies

AL/BE3 excludes one of the 2 LWS at the site, and the BNP includes both, yet para 5.458 states “Both this policy and BNP draft Policy SSP3 broadly follow the same approach towards the potential for developing this site for a residential development..” This does not appear to be the case. Further, the SHELAA treats this site twice, once including the southern LWS (and excluding Windmill Cottage) and once excluding the LWS and including Windmill Cottage (SHELAA pages 1-3 and pages 18-19). In the second instance, the suggestion is for 67-73 houses, presumably building over the LWS. The first plan is the one adopted in the PSLP and appears to be the more accurate of the two in that it describes the site as “mostly PDL”. The second ignores all greenfield aspects and is almost identical to the plan in the BNP, a plan which BNP claims will prevail if it wins a referendum. Is AL/BE3 presenting us with the wrong plan?

AL/BE3 and AL/BE4 provide for a phased timetable for development of the two sites at different time intervals without calling for a comprehensive masterplan for the hospital site as a whole i.e. for the entire built up area. This is inconsistent with STR2, which requires a masterplan for large developments. The full extent of the area to be developed must be clear. See para 1a of Policy AL/BE3 which states that there is a need to “show indicatively how the other areas included within Policies AL/BE3 and AL/BE 4 can be developed to meet the overall policy requirements as set out within each of these policies, and *how the future needs for Benenden Hospital will be met on areas to the north west and south west that currently comprise the hospital buildings and associated ancillary uses and is previously developed land.*” It is not sound to proceed with an LP where the land to be developed is not indicated from the start

AL/BE3&4 both call for an active travel link between the site and Benenden village. This proposal has been costed (see BPC’s April 2021 reply to the Independent Examiner) at between £180,000 and £220,000 for a 3m wide tarmacked surface, plus costs to upgrade it to a bridleway, plus the costs associated with obtaining landowners’ consent or, failing that, of starting compulsory purchase proceedings which TWBC expresses reluctance to undertake because of the significant compensation costs and legal costs which would be involved. No steps have been taken either by the BNP or TWBC to ascertain the willingness of landowners to give up their land although the major landowner involved wrote to BNP on 11th Sept. 2019 objecting to the plan. It is understood that he was not contacted for subsequent discussion.

AL/BE3&4 calls for the repurposing of the existing tennis courts for the use of local residents, which BHS denies it will offer for public use; for the public use of the hospital’s café; for the creation of a hospital shop (5.413); for a minibus service linking the hospital to the village (“The Society is not a transport provider” is BHS’ response); for green space, a playground and provision of a community hall - most of these policies are refuted in Savills’ comments on behalf of BHS, in the first draft of the LP, DLP_ 4956 paras 3.14, 3.18, 3.19, 3.20, 3.46 and 3.47. Rather than agreeing to such policies, the

hospital is calling on TWBC to introduce a more flexible funding system to allow a *reduction* of developer costs. BHS argues these will be high because they wish to demolish existing buildings. It is unsound to propose policies which cannot be implemented. Once the sites are sold, no relevant conditions to this effect could be imposed.

1 The PSLP is unsound because of inconsistencies in the treatment of different sites.

- . **Uphill, AL/BE1** is described as having archaeological potential (para 5.428) requiring possible mitigation measures. This is not because of historical finds on the site, but because they *might* be found. A listed manor house lies on the other side of New Pond Road and, according to AL/BE1, “the site lies within, or very close to the relevant impact risk zone for Parsonage Wood”, a SSSI which is, in fact, several miles away. The archaeological significance of AL/BE 3&4 is far more certain and substantial. The hospital sites are where a bronze age palstaff was found (see the National Monument Register - SMR Number /Hob UID)) and the sites lie close to two ancient routeways. A Roman Road runs west-east (on BHS farmland) a few yards to the south of AL/BE3 and a medieval drove road (GGR), runs west-east between the two sites. Further, two Grade II Listed Buildings are sited here, also on BHS land. The Lister building stands a few yards to the west of AL/BE3 and Cleveland Farm house (the farmyard of which BHS is trying to develop separately and simultaneously as if a minor planning project) lies a few yards to the south. Instead of mentioning these facts, AL/BE3&4 reads (5.456 and 5.468) “Kent County Council states that the site includes significant archaeology, which could be dealt with through suitable conditions on a planning approval.” The imbalance in the treatment of the two sites is substantial and suggests confirmatory bias or
- . The SHELAA assessment of site 158 suggests a potential yield of 50-65 houses, but then concludes that only the Uphill part of the site is suitable (20 houses). It states that “the remainder of the site is sensitive in landscaping terms and there is concern regarding scale and impact on the character of the landscape and settlement pattern”. This is contrary to the views of TW’s 2006 SA; to the TW 2018 document proposing 174 houses; and to the first draft of the LP. The dismissal of 158 as a suitable site is not supported by the evidence and suggests prejudice.
- . Site 222, west of the cross roads, was also considered in 2006, as a possible site for the new village school, though it was not one of the top two sites put to a referendum. The SHELAA suggests 222 has a potential for 76 houses. The site is considered unsuitable partly because the new LBD, if adopted, will exclude all houses west of the cross roads, when the village actually extends a considerable length along this road to the west. There is no mention of the fact that the owners of this site are offering the pond at the south west corner of the crossroads as village green space. The dismissal of 222 is not supported by the evidence and suggests prejudice.
- . The SHELAA suggests a capacity of 26 houses at Site LS8 in Iden Green, stating that it lies adjacent to the recreation ground and a children’s nursery and that there is a pavement on both sides of Iden Green’s main road. It fails to mention that the easternmost side of this pavement connects the village to the village primary school. The SHELAA dismisses the site as unsuitable saying that it is located in a remote location relative to services, facilities and public transport, but this site is far less remote than sites AL/BE 3&4. The dismissal of site LS8 is not supported by the evidence and suggests prejudice.
- . The proposed new LBD has been constructed so as to include the new site at Uphill and to exclude 222, when in fact, the actual built development extends westwards from the crossroads and includes site 222. The LBD is ignored in respect of AL/BE3&4. Manipulation of the LBD to suit allocated sites is inappropriate.

As a general comment, I have found the process unnecessarily difficult to navigate. In fact, from the point of view of the ordinary lay-man, I would term the process ‘hostile’. The interactive on-line site was unmanageable. Question 4a is very badly worded. The PSLP’s prose entirely suited the opacity of the procedure. Here is one example from the SA (page 163) “However, the education objective does not deteriorate when considering cumulative effects as the schools in Tenterden will be a viable option for residents in East End and thus are likely to take the pressure off Benenden Primary School.” What does that mean?

Question 6

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Question 5 above. (Please note that non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

The modifications needed are included in the submissions set out above. In summary, development on site AL/BE 3 should be limited to the existing, so far unused, planning permission for 24 houses, preferably by adapting the Garland Wing, which is a building of historic value, either to a wellness centre, in accordance with its original intention, or to a row of up to 10 terraced houses. Site AL/BE 4 already has 18 semi-detached houses on it, and cannot support any more. It should therefore be excluded. Housing should be allocated to sites (such as 158 and 222 in the village centre or LS8 in Iden Green) which lie on bus routes or are within walking distance of the village centre and school.

Paragraphs 5.421 and 5.422 should be omitted.

Question 7

***Please note** the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.*

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)? . Yes, I wish to participate in hearing session(s)

Question 7a

***Please note** the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.*

If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

In order to put over my case, and to answer those with vested interests who may seek to put forward arguments against it.

Question 8

If you have any separate comments you wish to make on the accompanying Sustainability Appraisal, please make them here.

1. The Sustainability Appraisal (SA) is misleading. Table 58 on page 163 states that all Benenden sites "lack services, facilities and travel options". This belies the fact that AL/BE2 (Feoffee almshouses) is close to the Street as is AL/BE1 (Uphill). Both sites are within walking distance of the bus stop for daily bus services, the post office, village shop, the primary school, the village green, the butchers, pub, community hall, church, recreation ground and children's playground. AL/BE 3 & 4 are three miles north east of the village with no daily bus service and no amenities whatsoever.
2. The commentary on Table 58, (page 163 of the SA), states that East End sites score badly on Climate Change and Travel, yet these are the sites promoted for most houses.
3. The SA argues on page 163 that East End residents will send their children to schools in Tenterden instead of to the village primary school, and that this will lessen the otherwise seriously negative effects of the two hospital sites. This is pure conjecture and possibly wishful thinking. The school has a good reputation and currently between 70 and 75% of children there come from outside the parish. East End children will have precedence over these, since intake depends on the distance of a child's

residence from the school. Pressure on Benenden Primary School will increase, not decrease. Further, the use of a car, whether it drives to Tenterden (5-6 miles) or to Benenden (3 miles), pollutes and deprives residents of the health-giving pleasure of walking to school. The AL/BE 3&4 are contrary to STR2, to the NPPF and to KCC policy on climate change.

4. Appendix L (pp331-2) shows Scores for Reasonable Sites in Benenden. Here we see scores for 158 and 222, two sites close to the village centre. Of 158, we read "A site that scores several neutrals with some positives, let down by its land use and landscape score impacted by a loss of a greenfield site in the AONB and lack of services and facilities including public transport at the settlement." This SA report compares poorly with the SA which TWBC carried out on site 158 in 2006. 158 is parallel to and just north of the Street with its exit onto New Pond Road. In 2006 site 158 was chosen in a village referendum as the site for a new C of E primary school. It was the preferred site out of a choice of two, both of which were greenfield. TWBC's 2006 SA on 158 decided (see page 18 of the Sustainability Appraisal Benenden Church of England Primary School Land Allocation DPD - Issues and Options report), that 158 was one of two top sites. "Situated adjacent to an area of ancient woodland, the site provides the potential for habitat linkages and wildlife corridors. The site is not adjacent to the CA [Conservation Area] and does not form a significant role in its setting. There are no Listed Buildings on or adjacent to the site. The site is consistent with the surrounding landscape character. There are limited views into the site and no public rights of way over the site." On page 38, we read, "This site is anticipated to have a major beneficial effect on improving educational standards and travel choice/traffic levels". In spite of the referendum result, the school was eventually built at the less preferred site and, since then, TWBC had been in consultation with 158's owners to build houses there.

5. In April 2018, BNP Steering Committee Deputy Chair, a borough councillor, showed the committee a piece of paper from TWBC saying that TWBC wishes to build 174 houses on site 158. He committed himself to seeing these numbers reduced and the numbers at the East End raised. After a meeting between representatives from the BNP group and TW planners on June 19th, 2018, the minutes reported that "At times the workshop was emotive ..." Following that meeting TW planners put site 158 on temporary hold, limiting development there to a future Local Plan by asking, in the first draft of the LP on page 270, that the Uphill site on New Pond Road, adjacent to 158 and allocated at that time as AL/BE3, should, under Clause 8, provide for vehicular access through Uphill to the site behind (158) "which may be allocated for development as part of a future Local Plan." In the PSLP, this wording for Clause 8 has disappeared. Where is the evidence-base for such wording to be included in the first draft and excluded in the second? Why is the site considered suitable in 2006, in 2018, and in the first draft, but not suitable in the PSLP?

6. Site 222, like 158 is described in Appendix L of the PSLP's SA as suffering from "a lack of services and facilities including public transport at the settlement." This is inaccurate. There is a daily bus service along Benenden Street and site 222 is within easy walking distance of the bus stop, shops, pub, community hall, primary school and all other amenities.

7. Site LS8, in the heart of Iden Green is, along with site 158 and 222, a site which on-the-ground evidence suggests is eminently suitable for development, but which the SA fails to allocate. Appendix L of the SA gives LS8 virtually the same scores as Uphill (LS16 of AL/BE1) yet the latter is included for development and the former is not. The commentary states of LS8 "A number of scores are negative however, reflecting the remote location of the site from services and facilities and public transport. It scores negatively in heritage terms as the site is a relatively sizeable piece of the Iden Green Conservation Area." This site is far less remote than sites AL/BE 3 & 4. It is one mile from the village and connected to it by a paved footpath running past a Roadside Conservation Area and then (still paved) through a field to the church and primary school. It is on a bus route and the bus stop is next to LS8. Iden Green has a community hall, tennis courts, a children's playground and pub/restaurant. The SA information is unreliable and the PSLP's use of it for site allocation is unwise.

8. In so far as Benenden is concerned, the sites were allocated before any sustainability appraisal was commissioned. It is not therefore a relevant factor in the allocation of sites for housing.

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:

Yes, I wish to be notified of future stages of the Local Plan

Comment

Consultee	William Bernard Phillips [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] Ashford [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	William Bernard Phillips [REDACTED]
Comment ID	PSLP_188
Response Date	08/05/21 21:44
Consultation Point	Policy AL/BE 3 Land at Benenden Hospital (south of Goddards Green Road), East End (View)
Status	Processed
Submission Type	Email
Version	0.3
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Mr William Bernard Philips
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy AL/BE 3 Land at Benenden Hospital (south of Goddards Green Road), East End
Paragraph Nos. 5.410 to 5.470
Policies AL/BE 3 and AL/BE 4
STR 1-3 & 5-8
Inset Maps 17 & 18

Question 4

Do you consider that the Local Plan:

Is legally compliant No

Is sound No

Complies with the Duty to Cooperate No

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

- . It is not positively prepared
- . It is not effective
- . It is not justified
- . It is not consistent with national policy

Question 5

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

- 1 Regulation 3(2) of the Town and Country Planning (Local Planning) (England) Regulations 2012, as amended provides: "*where within these Regulations a person may make representations on any matter or document, those representations may be made—*
(a) *in writing, or*
(b) *by way of electronic communications*".

These options are not stated to be available on the website, except by using the Representation Form. The process of getting to download and complete this response form is unnecessarily convoluted, which has the effect, if not the intention, of making it difficult for the ordinary citizen without special IT skills. For example, we are asked to log in to an organisation to which this process has no doubt been outsourced, complete a separate form for each representation which we wish to make, and limit ourselves to specific areas of comment. This is unnecessarily laborious and does not meet the requirements of Regulation 3(2).

- 1 Paragraphs 5.421 and 5.422 state that in the event that the Benenden Neighbourhood Plan is adopted all the policies relating to Benenden AL/BE 1 to 4 will be omitted and the Neighbourhood Plan will be used instead. It is submitted that this is unlawful. Nowhere in the Act or in the Regulations is the Local Planning Authority given the power to delegate its statutory duty to another authority. Regulation 5 does not have this effect. Section 15 of the Planning and Compulsory Purchase Act 2004, as amended, requires the Local Planning Authority to prepare and maintain a local development scheme which must specify development plan documents. Section 19 (2) sets out the matters to which it must have regard. Nowhere is it given power to pass the duty over to a parish council. This is important because the *merits* of a Local Plan must undergo an independent examination (see Section 20) whereas the merits of a Neighbourhood Plan do not. They are subject to independent scrutiny to see whether they comply with the rules, thus a Neighbourhood Plan may be adopted without any consideration of its merits. This amounts to a breach of the rules of Natural Justice (*delegatus non potest delegare*).
- 2 Under the Town and Country Planning (Local Planning) (England) Regulations 2012 as amended, regulation 18 (3), the Local Planning Authority *must* take into account any representation made in response to a representation made under Regulation 18 (1). The Local Authority has been

told in the clearest terms in my previous submission of 30 October 2019 and that of many others at the same time, that there is no shop nor pre-school nursery at the East End. Yet paragraph 5.413 of the Plan perpetuates the myth that there is a shop in the hospital and nursery/pre-school facilities at the East End. This statement appears in the original versions of the Local Plan, to which its attention was drawn in many other earlier objections. There are no public amenities at the East End, there is an in-house café at the hospital, reserved for patients and staff, not open to the public. The Planning Authority should know this. This affects the sustainability of the proposals at AL/BE 3 and AL/BE 4.

- 3 Policy PSTR/BE1 item 3b and c requires that developers who acquire land in Benenden village will have to make contributions which will be used towards the provision of the expansion of Hawkhurst primary school (which does not serve Benenden since it has its own primary school) and library provision, adult learning and social care at a new Cranbrook Community Hub, which has nothing to do with Benenden. These items do not appear in the Benenden Neighbourhood Plan for obvious reasons. They cannot properly amount to proposals for Benenden.

4 **Soundness, consistency and correct evidence**

The Local Plan (LP) sets out a vision and strategies which are undermined by its allocations, particularly by its allocations to the East End of Benenden at the two hospital sites, AL/BE3 & 4, sites which are roughly 3 miles equidistant from both Benenden and Biddenden (but just in the parish of Benenden). The LP is not sound nor are its strategies consistent with its policies in relation to AL/BE 3 & 4.

1 **Vision**

Vision Objective 1: “to improve access to suitable, especially affordable housing, including for local young people and older households.”

- . Para 5.467 states of AL/BE3 “it is likely that residents of development in this location will rely heavily on private cars”. The same is said for AL/BE4.
- . The plan allocates affordable housing to an area with intrinsically higher living costs instead of to sites (such as 158 and 222 in the village centre or LS8 in Iden Green) which lie on bus routes or are within walking distance of the village centre
- . While the LP asks for 30% affordable housing, the Benenden Health Society (BHS) is asking, in its comments on the TWLP draft plan, to have this figure reduced
- . The sites will not be suitable for the elderly who will be unable to walk to shops or amenities, yet the LP states that the over 65s are an increasingly important part of the population. They are expected to increase, as a percentage of the total population, by 40% during the period of this plan.

The viability of the two sites depends almost entirely on the plan’s attempt to mitigate the problem of unsustainability. The mitigation proposals are unsound.

1 **Transport:**

- . The proposal is for public transport connections and active travel links, but the BHS in its response to the TW draft LP states (DLP_4956.3) that it not a transport provider and will not run a daily service into Benenden, nor a regular service to Tenterden. All it offers is some financial contribution towards such services. Who will bear financial and organisational responsibility for them? This proposal is based on conjecture and wishful thinking.
- . The LP does not map out any active travel links with the village because there are none. Establishing such links would require land purchase. Who will purchase the land and set up the links? The proposal is based on conjecture and wishful thinking. Even if such a link in the form of a cycle path is provided, it would only be used for leisure cycling, not for shopping or taking the children to school.

Amenities:

The SHELAA acknowledges that the hospital sites are unsustainable. It states they are “remote from a settlement centre”. The unsustainable nature of site AL/BE4 is demonstrated in Table 58 of the Sustainability Appraisal (page 163). AL/BE4 scores as being “very negative” to “negative” on the sustainability topic of Services and Facilities, and as being “negative” on the sustainability topic of Travel. The same is true of AL/BE3. Sites 158 in the village, and LS8 in Iden Green, on the other hand, have no very negative scores, appendix L page 331.

The amenity problem is to be partly overcome, according to the LP, by establishing public access to the hospital shop and to its café, but this mitigation measure is wholly unsound because:

- . There is no hospital shop at present

- . The BHS states in its response to the TW draft LP that its facilities, including the café, have been designed solely for hospital use so even if there were a shop, it would not be available to the public.
- . The land at AL/BE 3 is currently up for sale. Once it has been sold, the BHS could not be bound by any planning conditions, which run with the land.

1 Strategies

The LP's policies on AL/BE 3 & 4 undermine the following Strategic Policies

Policy STR1, which calls for a focus on new development within LBDs and for a limit to development in the countryside.

Sites AL/BE 3 & 4 are almost three miles outside the LBD and in the countryside, midway between the villages of Benenden and Biddenden.

Policy STR 2

“The Council requires the use of master planning, including the use of design codes and sustainable design standards where appropriate, for strategic and larger-scale developments..”

This is undermined since no master plan has been produced for sites AL/BE 3 & 4

Policy STR 3 Calls for the use of brownfield sites “within settlements” and in “sustainable locations.”

AL/BE 3 & 4 are neither.

AL/BE 3 consists of disused medical buildings and 2 Local Wildlife Sites (LWS), one of them containing fine specimen trees and another an important collection of waxcap fungi. BHS plans for the site show houses built over the LWS and beyond the footprint of existing buildings.

There is no such plan for AL/BE 4 which is currently home to a large LWS and is the site of 18 habitable dwellings, almost all of the them currently in use and available to let. The proposal allows for these to be demolished and another 25 dwellings added to the site. The size of the area to be developed varies between the LP and the BNP, with the LP potentially including the LWS in the area to be developed. The BHS in its response to the LP has stated that its proposals for an additional 25 houses is based on the land allocated it in the LP, and not on the land allocated in the BNP. This implies that the BNP does not offer them sufficient hectarage. It is unsound to proceed with a plan when the developer's plans and the land that they are expecting to develop are not clearly stated, especially when an LWS is at stake. It is unsound to accept a proposal 'on trust'. **The Benenden Neighbourhood Plan cannot be used as a substitute for AL/BE 3 or 4 when it is at variance with it.**

Policy STR 5 states that “New residential ... development will be supported if sufficient infrastructure capacity is either available or can be provided in time to serve the development.”

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In order to put over my case, and to answer those with vested interests who may seek to put forward arguments against it.

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If you have any separate comments you wish to make on the accompanying Sustainability Appraisal, please make them here.

In so far as Benenden is concerned, the sites were allocated before any sustainability appraisal was commissioned. It is not therefore a relevant factor in the allocation of sites for housing.

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Comment

Consultee	William Bernard Phillips [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] Ashford [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	William Bernard Phillips [REDACTED]
Comment ID	PSLP_189
Response Date	08/05/21 21:44
Consultation Point	Policy AL/BE 4 Land at Benenden Hospital (north of Goddards Green Road), East End (View)
Status	Processed
Submission Type	Email
Version	0.4
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Mr William Bernard Philips
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy AL/BE 4 Land at Benenden Hospital (north of Goddards Green Road), East End
Paragraph Nos. 5.410 to 5.470
Policies AL/BE 3 and AL/BE 4
STR 1-3 & 5-8
Inset Maps 17 & 18

Question 4

Do you consider that the Local Plan:

Is legally compliant No

Is sound No

Complies with the Duty to Cooperate No

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

- . It is not positively prepared
- . It is not effective
- . It is not justified
- . It is not consistent with national policy

Question 5

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Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

- 1 Regulation 3(2) of the Town and Country Planning (Local Planning) (England) Regulations 2012, as amended provides: "*where within these Regulations a person may make representations on any matter or document, those representations may be made—*
(a) *in writing, or*
(b) *by way of electronic communications*".

These options are not stated to be available on the website, except by using the Representation Form. The process of getting to download and complete this response form is unnecessarily convoluted, which has the effect, if not the intention, of making it difficult for the ordinary citizen without special IT skills. For example, we are asked to log in to an organisation to which this process has no doubt been outsourced, complete a separate form for each representation which we wish to make, and limit ourselves to specific areas of comment. This is unnecessarily laborious and does not meet the requirements of Regulation 3(2).

- 1 Paragraphs 5.421 and 5.422 state that in the event that the Benenden Neighbourhood Plan is adopted all the policies relating to Benenden AL/BE 1 to 4 will be omitted and the Neighbourhood Plan will be used instead. It is submitted that this is unlawful. Nowhere in the Act or in the Regulations is the Local Planning Authority given the power to delegate its statutory duty to another authority. Regulation 5 does not have this effect. Section 15 of the Planning and Compulsory Purchase Act 2004, as amended, requires the Local Planning Authority to prepare and maintain a local development scheme which must specify development plan documents. Section 19 (2) sets out the matters to which it must have regard. Nowhere is it given power to pass the duty over to a parish council. This is important because the *merits* of a Local Plan must undergo an independent examination (see Section 20) whereas the merits of a Neighbourhood Plan do not. They are subject to independent scrutiny to see whether they comply with the rules, thus a Neighbourhood Plan may be adopted without any consideration of its merits. This amounts to a breach of the rules of Natural Justice (*delegatus non potest delegare*).
- 2 Under the Town and Country Planning (Local Planning) (England) Regulations 2012 as amended, regulation 18 (3), the Local Planning Authority *must* take into account any representation made in response to a representation made under Regulation 18 (1). The Local Authority has been

told in the clearest terms in my previous submission of 30 October 2019 and that of many others at the same time, that there is no shop nor pre-school nursery at the East End. Yet paragraph 5.413 of the Plan perpetuates the myth that there is a shop in the hospital and nursery/pre-school facilities at the East End. This statement appears in the original versions of the Local Plan, to which its attention was drawn in many other earlier objections. There are no public amenities at the East End, there is an in-house café at the hospital, reserved for patients and staff, not open to the public. The Planning Authority should know this. This affects the sustainability of the proposals at AL/BE 3 and AL/BE 4.

- 3 Policy PSTR/BE1 item 3b and c requires that developers who acquire land in Benenden village will have to make contributions which will be used towards the provision of the expansion of Hawkhurst primary school (which does not serve Benenden since it has its own primary school) and library provision, adult learning and social care at a new Cranbrook Community Hub, which has nothing to do with Benenden. These items do not appear in the Benenden Neighbourhood Plan for obvious reasons. They cannot properly amount to proposals for Benenden.

4 **Soundness, consistency and correct evidence**

The Local Plan (LP) sets out a vision and strategies which are undermined by its allocations, particularly by its allocations to the East End of Benenden at the two hospital sites, AL/BE3 & 4, sites which are roughly 3 miles equidistant from both Benenden and Biddenden (but just in the parish of Benenden). The LP is not sound nor are its strategies consistent with its policies in relation to AL/BE 3 & 4.

1 **Vision**

Vision Objective 1: “to improve access to suitable, especially affordable housing, including for local young people and older households.”

- . Para 5.467 states of AL/BE3 “it is likely that residents of development in this location will rely heavily on private cars”. The same is said for AL/BE4.
- . The plan allocates affordable housing to an area with intrinsically higher living costs instead of to sites (such as 158 and 222 in the village centre or LS8 in Iden Green) which lie on bus routes or are within walking distance of the village centre
- . While the LP asks for 30% affordable housing, the Benenden Health Society (BHS) is asking, in its comments on the TWLP draft plan, to have this figure reduced
- . The sites will not be suitable for the elderly who will be unable to walk to shops or amenities, yet the LP states that the over 65s are an increasingly important part of the population. They are expected to increase, as a percentage of the total population, by 40% during the period of this plan.

The viability of the two sites depends almost entirely on the plan’s attempt to mitigate the problem of unsustainability. The mitigation proposals are unsound.

1 **Transport:**

- . The proposal is for public transport connections and active travel links, but the BHS in its response to the TW draft LP states (DLP_4956.3) that it not a transport provider and will not run a daily service into Benenden, nor a regular service to Tenterden. All it offers is some financial contribution towards such services. Who will bear financial and organisational responsibility for them? This proposal is based on conjecture and wishful thinking.
- . The LP does not map out any active travel links with the village because there are none. Establishing such links would require land purchase. Who will purchase the land and set up the links? The proposal is based on conjecture and wishful thinking. Even if such a link in the form of a cycle path is provided, it would only be used for leisure cycling, not for shopping or taking the children to school.

Amenities:

The SHELAA acknowledges that the hospital sites are unsustainable. It states they are “remote from a settlement centre”. The unsustainable nature of site AL/BE4 is demonstrated in Table 58 of the Sustainability Appraisal (page 163). AL/BE4 scores as being “very negative” to “negative” on the sustainability topic of Services and Facilities, and as being “negative” on the sustainability topic of Travel. The same is true of AL/BE3. Sites 158 in the village, and LS8 in Iden Green, on the other hand, have no very negative scores, appendix L page 331.

The amenity problem is to be partly overcome, according to the LP, by establishing public access to the hospital shop and to its café, but this mitigation measure is wholly unsound because:

- . There is no hospital shop at present

- . The BHS states in its response to the TW draft LP that its facilities, including the café, have been designed solely for hospital use so even if there were a shop, it would not be available to the public.
- . The land at AL/BE 3 is currently up for sale. Once it has been sold, the BHS could not be bound by any planning conditions, which run with the land.

1 Strategies

The LP's policies on AL/BE 3 & 4 undermine the following Strategic Policies

Policy STR1, which calls for a focus on new development within LBDs and for a limit to development in the countryside.

Sites AL/BE 3 & 4 are almost three miles outside the LBD and in the countryside, midway between the villages of Benenden and Biddenden.

Policy STR 2

“The Council requires the use of master planning, including the use of design codes and sustainable design standards where appropriate, for strategic and larger-scale developments..”

This is undermined since no master plan has been produced for sites AL/BE 3 & 4

Policy STR 3 Calls for the use of brownfield sites “within settlements” and in “sustainable locations.”

AL/BE 3 & 4 are neither.

AL/BE 3 consists of disused medical buildings and 2 Local Wildlife Sites (LWS), one of them containing fine specimen trees and another an important collection of waxcap fungi. BHS plans for the site show houses built over the LWS and beyond the footprint of existing buildings.

There is no such plan for AL/BE 4 which is currently home to a large LWS and is the site of 18 habitable dwellings, almost all of the them currently in use and available to let. The proposal allows for these to be demolished and another 25 dwellings added to the site. The size of the area to be developed varies between the LP and the BNP, with the LP potentially including the LWS in the area to be developed. The BHS in its response to the LP has stated that its proposals for an additional 25 houses is based on the land allocated it in the LP, and not on the land allocated in the BNP. This implies that the BNP does not offer them sufficient hectarage. It is unsound to proceed with a plan when the developer's plans and the land that they are expecting to develop are not clearly stated, especially when an LWS is at stake. It is unsound to accept a proposal 'on trust'. **The Benenden Neighbourhood Plan cannot be used as a substitute for AL/BE 3 or 4 when it is at variance with it.**

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Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box: Yes, I wish to be notified of future stages of the Local Plan

Comment

Consultee	William Bernard Phillips [REDACTED]
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Event Name	Pre-Submission Local Plan
Comment by	William Bernard Phillips [REDACTED]
Comment ID	PSLP_232
Response Date	09/05/21 18:33
Consultation Point	Policy AL/BE 4 Land at Benenden Hospital (north of Goddards Green Road), East End (View)
Status	Processed
Submission Type	Email
Version	0.2
Data inputter to enter their initials here	AT
Question 1	
Respondent's Name and/or Organisation	Mr William Bernard Phillips
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
Policy PSTR/BE 1 The Strategy for Benenden parish	
Policy AL/BE4	
Question 4	
Do you consider that the Local Plan:	
Is legally compliant	No

Is sound No
Complies with the Duty to Cooperate No

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

- . It is not positively prepared
- . It is not effective
- . It is not justified
- . It is not consistent with national policy

Question 5

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

[TWBC comment: Representation copied against policy PSTR/BE1]

This submission concerns the parish of Benenden, the only parish in the borough to have made its own allocations. The Benenden Neighbourhood Plan (BNP) has been developed in close consultation with TWBC, with the BNP in the lead. The BNP announced its allocations in February 2019, before inviting AECOM to produce its Strategic Environmental Assessment. Pre-Submission Local Plan, para 5.420 reads "The BNP was submitted to TWBC in October 2020 and was consulted on between 30 October and 11 December 2020." But the allocations had been made and published in February 2019. Further, Para 5.420 states "The BNP proposes to include site allocation policies that follow the approach of the site allocation policies for Benenden in this Local Plan." BNP allocations were first published in February 2019 i.e. before LP site allocation policies.

Allocations made by the LP, when it took up the BNP's baton, are therefore inevitably linked to BNP's weaknesses. Yet if the BNP passes a referendum before acceptance of the LP, it is said that it will take precedence over the LP (see para 5.421), with the exception of its plans for the northern site at Benenden hospital, which will be overruled by the plans advanced in the LP (see Benenden Parish Council April 2021 response to Independent Examiner queries on the BNP). This is in contravention of para 5.422 which talks of making "modifications to the LP" so that it matches the BNP.

1 Community involvement. EN1: this requirement has not been respected.

- . In Benenden, almost all new housing is slated for the East End, yet the Friends of the East End (FEE), were never asked to meet with the BNP steering group.
- . See EN1 para 9 requiring the effective engagement of the local community, neighbours of sites and others. The FEE submitted three petitions, two to the BNP and one in relation to the LP. A FEE submission with 127 signatures was submitted on April 4th 2019 in response the Informal Draft NP (published on February 23, 2019), in which the allocations later adopted by the LP were first set out. A FEE submission with 164 signatures was submitted in October 2019 objecting to the first draft of the LP, and in the same month, a FEE submission with 167 signatures was submitted in relation to the Reg 16 draft BNP. See the FEE's current online petition with more than 450 signatures <https://www.change.org/EastEndFriends>
- . Instead of being consulted, the FEE were ignored and belittled. They were informed on 11th March 2019 by the editor of the Parish Magazine (PM), husband of the Chair of the Parish Council, that "I'm of the view that much of the uncertainty has passed since the presentation of the plan to the village - to a highly favourable reception. At least we no longer have to give polite credence to *uninformed views* that fly in the face of TWBC policy and advocate direct and *pointless*

confrontation with TWBC, thereby running the risk of having the entire BNDP thrown back in our faces. *The ensuing chaos hardly bears thinking about.* At least it seems the opinions now being afforded most weight are those of *people who have worked hard for two years to understand the issues* and come up with a coherent way forward.”

- . One of the regular articles on the BNP submitted by the chair of the BNP Steering Group appeared in January 2020. It dismisses FEE opposition suggesting only “31 residents from the East End” sent in comments.
- . The core group behind the BNP has consistently tried to persuade those who support the FEE to desist. The chair of the Parish Council and the chair of the BNP Steering Group have twice asked to meet a Tunbridge Wells Alliance (TWA) Borough Councillor for the parish, once together with a TWA borough council candidate, in efforts to persuade them to adhere to the BNP’s approach and not to listen to the FEE.
- . The organiser of the FEE was a member of the Steering Committee 2017/2018 as chair of the Environmental Group. She expressed strong disagreement with a Borough Councillor who lives in the village (on occasion, he deputises as chair of the Steering Group) about his wish to step up allocations in the East End and suppress TWBC’s wish to build 174 houses on site 158. As a result, the Steering Group chair (using his own word), “sacked” her. This is contrary to EN1 para 9, encouraging early, proactive and effective engagements and the requirement that views expressed should be properly considered.
- . Consultation also failed in relation to the neighbouring parish of Biddenden. The Clerk of Biddenden Council has repeatedly responded to BPC in the course of the BNP consultation process, but received only acknowledgments. A Kent County Councillor and Ashford Borough Councillor wrote an article about BNP’s mismanagement of the parish of Biddenden in the Biddenden Parish Magazine, February 2021.
- . The LP is based on the BNP and BNP allocations were made before consultations with stakeholders such as the AONB. This is not consulting in a timely fashion. Further, the LP requires surveys of the hospital sites *after* the designation of the sites for development, for example, archaeological surveys (see AL/BE 3&4). Historic England (HE) asks for the surveys to be carried out *before*. See HE’s comments on the first draft LP (DLP_4556) - “we would expect the allocation of sites following on from this Strategy policy (STR1) to be subject to appropriately robust and detailed heritage impact assessment *prior to the allocations being adopted.*”

2. The PSLP is not based on sound evidence

- . Throughout the LP process, misstatements have been made about amenities in Benenden’s East End. These may be traced back to a submission made by traffic and highways consultants, Transport Planning Associates (TPA) to Benenden Healthcare Society Ltd. (BHS). This submission was recently disclosed in BHS’s response to the Independent Examiner’s queries in relation to the BNP. TPA’s information is sometimes inaccurate and sometimes misleading and we consider it here in detail because it is difficult otherwise, to understand how the LP was able to continue, iteration after iteration, to relate false information about the hospital site.
- . In October 2019, TPA reported (para 2.6) that there was a footpath along the southern edge of Goddards Green Road (GGR) and the PSLP, para 5.452 states “There is an intermittent pavement along GGR”. The GGR is a long road running from New Pond Road to Castleton’s Oak crossroads, and was formerly a lane. The pavement is limited to the short section immediately outside the hospital buildings. To say that there is an intermittent pavement along GGR is misleading.
- . The TPA refers to the East End as a village, which it is not. The East End runs from the junction of GGR and Walkhurst Road, along the GGR to the border with Tenterden, then turns south to reach close to Hole Park in Rolvenden, then east back to Walkhurst Road at the site of the stream, then along Walkhurst Road back to GGR (see the old Electoral Roll for 2004 when the East End had its own polling station). It is a large, totally rural area of several square miles, which was why it was chosen as the site for an isolation hospital in 1906. Today it contains only 76 houses scattered across the entire area. The PSLP consistently refers to the East End as a hamlet. It is not, which is why BPC is able to advertise itself on its website as “Serving the people of Benenden and Iden Green” without any reference to the East End.
- . The TPA says that “a day nursery is located immediately to the north of the Site within 400m.” There is incorrect, yet this error is repeated in para 5.413 of the PSLP “There are also nursery/pre-school facilities at Iden Green and East End.” An accurate account would mention Iden Green only.
- . The TPA states that there are daily bus services along GGR provided by bus nos. 24 and 299, and twice a day service provided by the Hopper bus. This information is incorrect. The 2019

Hopper bus, operated by the Tenterden social services hub on an experimental basis, failed in only a matter of months. While the 24 and the 299 buses pass along GGR, they do so on only one day a week. The 24 on Tuesdays and the 299 on Wednesdays. The East End has almost no public transport.

- . The TPA makes several statements in relation to traffic which have fed misinformation into the system to be reflected in AL/BA3&4. This misinformation was only recently revealed when documents were provided by BHS following April 2021 queries raised by the Independent Examiner on the BNP. These documents include a TPA 'Scoping Note' on road and traffic conditions at the site and a letter written in response to this Note from KCC Highways, dated 13 Nov. 2019. The TPA states that the GGR is 7m wide at the hospital site which detracts from the fact that it is actually a winding rural lane, now called a road, and varies considerably in width. It may at some point be 7m wide, but at others, it is so narrow that two lorries have difficulty passing each other. The TPA claims that there is no need for a road safety review because there have been "no personal injury accidents" recorded within 1,000m. Castleton's Oak crossroads lie 1.5 km from the site and accidents there are frequent, largely due to increasing traffic at the hospital. The hospital has turned itself into an almost exclusively out-patient centre and almost all its 300 employees drive in to work from outside the parish (formerly, they were housed on site in hospital staff buildings). Kent County Council (KCC) Highways make constant and repeated attempts to lower the risk of injury at the crossroads. Works there are ongoing at this time. The TPA claims that no traffic surveys are necessary which is a point queried in the KCC Highways' email. The email talks of the "heavy car dependency" of residents in any housing in this location and says this was one of its concerns, even at the time of the original application asking for only 24 houses. The email states that BHS's plans (and therefore AL/BE 3&4) are contrary to the NPPF and to KCC's own policy objectives, and points out that the hospital has not co-operated over the idea of a minibus to provide transport from the site to Benenden. The letter calls for: traffic counts along the GGR; a wider crash analysis; and expresses concern over the proposed access points to the SE Quadrant - 2 on Green Lane and 2 on GGR. Lastly, on trip generation, the TPA projects that 47 houses at the site will produce only 106 trips a day, though the consultants admit that they have difficulty in basing their estimate on comparable sites because there are none. These trip generation figures ignore existing traffic from local residents, from patients, from hospital staff and from the newly (January 2021) proposed housing estate at Cleveland. The AL/BE 3&4 fails to provide a traffic count, fails to ask for a road safety review and fails to acknowledge frequent traffic accidents near the sites.
 - . Pre-submission supporting documents also produce inaccurate and sometimes irrelevant evidence. The hospital sites are within the setting of an AONB and even overlap into it, yet *Inset Map 18* (Benenden Hospital), unlike other maps attached, makes no reference to the AONB boundary. The BNP claims that the hospital is outside the AONB and on this basis, since the rest of the village is wholly within the AONB, largely justifies placing most of Benenden's housing in the East End. This is misleading, since the AONB boundary wraps tightly round AL/BE3, which actually overlaps into the AONB in the southwest corner. In any event both sites affect land in the AONB. The relationship of the AONB boundary to the hospital sites is important yet it is ignored on the map. This looks like prejudice.
 - . Hankinson Duckett Associates's *AONB Setting Analysis Report* (a supporting document for the PSLP, referred to as an evidence base) is, in its analysis of AL/BE3&4, unsound. The analysis argues that development at these sites will enhance the setting of the AONB. It illustrates the argument with photos of the hospital chapel and its carpark. Neither the chapel nor car park are in the area up for development.
- 1 **Policies AL/BE3&4 are not consistent with the PSLP's Vision objectives nor with its strategies, nor with KCC's policies, nor with the NPPF.**
- . The PSLP's Vision Objective 1 is : "to improve access to suitable, especially affordable housing, including for local young people and older households." But this is inconsistent with allocations AL/BE 3 &4. BHS is asking in its comments on the LP first draft, for a lower number of affordable homes because of the high cost of brownfield development. Living isolated in the countryside, families will need at least two cars. Old and young will be unable to walk to schools, shops or any other amenities. This is not a suitable site for a borough which (see para 2.16) expects the population over the age of 65 + to increase by around 40% between 2020 and 2038.

The PSLP's Vision Objective 2 is to ensure sustainable development which allocations at AL/BE 3&4 do not achieve. On the contrary, the KCC warns that even with the existing permission for 24 houses

on AL/BE3, the highway authority had concerns. This is an isolated location, deep in the countryside (see KCC Highways email 13 Nov 2019). More than 24 houses in this location is not sustainable.

- . **Policy PSTR/BE1**, LBD 5.416 states “the LBD around Benenden village sets the extent of existing and planned development ..” This conflicts with the recommendation that major development be instated three miles beyond the LBD, on the border with Biddenden.
- . **Policy STR 2** “The Council requires the use of masterplanning, including the use of design codes and sustainable design standards where appropriate, for strategic and larger-scale developments..” This is undermined by AL/BE 3&4 which calls for a masterplan for an area not included in the PSLP and not Para 1a of Policy AL/BE3 states that there is a need to “show indicatively how the other areas included within Policies AL/BE3 and AL/BE 4 can be developed to meet the overall policy requirements as set out within each of these policies, and *how the future needs for Benenden Hospital will be met on areas to the north west and south west that currently comprise the hospital buildings and associated ancillary uses and is previously developed land.*” It is not sound to proceed with an LP where the land to be developed is not clearly indicated from the start.
- . **A masterplan is essential to avoid current inconsistencies on the size of areas to be developed:** AL/BE3 excludes one of the 2 Local Wildlife Sites (LWS) at the site, yet the BNP includes both. Para 5.458 states “Both this policy and BNP draft Policy SSP3 broadly follow the same approach towards the potential for developing this site for a residential development..” They do not. The PSLP states that in the event of a successful referendum, the BNP’s proposals will prevail. If this is so, are we supposed to assume that AL/BE3 map is inaccurate?
- . A similar problem arises at the northern site (AL/BE4) here there are currently 18 dwellings. The proposal allows for these to be demolished and another 25 dwellings added to the site. The size of the area to be developed varies between the LP and the BNP. The LP includes the LWS in the area to be developed but the BNP includes only a small section, but says in the event of a successful referendum the BNP plan will be over-ruled by the LP plan (see the BPC response April 2021 to the Independent Examiner’s queries). This is the reverse of 5.421 & 2. It is unsound to proceed with a plan when the NP and the LP are at odds with each other.
- . **The PSLP claims building will only be within existing footprints**, an approach which is at odds with that of the BHS. Plans for 47 new houses in AL/BE3, presented to the village on 17th February 2020 by the hospital architects, show the buildings are not to be built within the footprint of previous buildings nor to respect LWS.
- . **Policy STR 3** calls for the use of brownfield sites “within settlements” and in “sustainable locations.” AL/BE 3 consists of disused medical buildings and 2 LWS with parkland and veteran trees (depending on whether this second LWS is included or not). 5.448 is therefore incorrect. The site should be described not as brownfield but as partly brownfield. It is not on the Brownfield Register. Because of its remote location and its valuable LWS sites, it is not free from constraints which could be mitigated. As such, Policy AL/BE3 does not meet the criteria needed under the NPPF, Section 11, para 117 for development in “a way that makes as much use as possible of previously-developed or ‘brownfield’ land.” AL/BE 4 contains in-use residential housing and an LWS and therefore is not entirely brownfield.
- . **Policy STR 5** states that “New residential ... development will be supported if sufficient infrastructure capacity is either available or can be provided in time to serve the development.” Will this happen at AL/BE3&4? Developers themselves are to provide the infrastructure at AL/BE 3&4. The LP proposes to take on trust suggestions that the BHS will avoid building on the LWS and will provide play-grounds, sports facilities and tennis courts. We know from submissions following the first draft LP, that BHS is actually planning to remove one LWS entirely and that its plans include building on the LWS and beyond the foot print of previous buildings. BHS suggests, in its response to the first draft LP (DLP_4956) that it is unlikely to provide play-grounds, sports facilities and tennis courts. The PSLP’s approach does not take comments to the first draft LP into account.
- . **Policy STR 6** proposes to “Deliver future development in accessible locations, normally within or in close proximity to existing towns and villages across the borough.” In the case of the two isolated hospital sites, the PSLP contradicts its own strategic policy and fails to offer choices in transport or to prioritise active travel and public transport. The Benenden hospital sites have no daily bus service and no active travel link to the village, and neither the PSLP nor the BHS provide credible information on how these links are to be provided. The KCC email of Nov 13 suggests that the hospital is uncooperative on the proposal to organise a minibus service and the SHELAA says of AL/BE3 that it is “Remote from a settlement centre,” (unlike sites 158, 222 and LS8); that

residents will rely heavily on private cars and thus air quality and travel objectives score negatively; and that, “although promoted by the policy, shared transport and active travel options are unlikely to take precedence over private vehicle use thus air quality and climate change score negatively.” This is crucial. For all the talk of mitigating the remoteness of the hospital sites with a minibus link and cycle routes, nobody actually believes that any of these measures will succeed. As for the proposal to create links suitable for electric personal vehicles, such as mobility scooters (as suggested under STR 6), it is difficult to see, when the closest link with the village is a single-track lane (Walkhurst Road), how any personal electric vehicle could make that journey. The PSLP is creating, through its policies AL/BE3&4, a car dependent community. This thereby negates the sense of the LP’s supporting document, *Transport Strategy Review Sept 2019* which urges reducing the need to travel.

- . AL/BE3&4 also undermine TWBC’s Full Council motion of July 2019 to reduce CO2 emissions. “The dominance of the car as a mode of transport can lead to congestion, more road accidents, air and noise pollution. In addition it contributes to climate change, reduces social cohesion and leads to less healthy lifestyles” (para 44 *Transport Review*). According to TW’s own SA from 2006, if social cohesion, reduction in air pollutants, and public health were indeed the borough’s priorities, site 158 would have been among those chosen for Benenden, as originally intended.
- . **PSLP paras 5.453 and 5.467** state that “residents of development in this location will rely heavily on private cars.” These plans runs counter to STR6 policy on the environment see paras 6.8, 6.9, 6.10, 6.11 and 6.13. It also contravenes KCC policies on climate change and the NPPF (see KCC’s Nov 13, 2019 letter on this subject).
- . **Para 5.414** “The parish provides two relatively large sources of employment: at Benenden Hospital and at Benenden School.” The inference is that the employment opportunities are linked somehow to the population of Benenden. There is in fact little connection. The 300 plus staff at the hospital drive into the parish along GGR to work and, since the hospital is isolated from the village, their contribution to the local economy is negligible.
- . **Policy STR 6** The LP proposes to “**Deliver future development in accessible locations, normally within or in close proximity to existing towns and villages across the borough.**” In the case of the two isolated hospital sites, the LP contradicts its own strategic policy and fails to offer choices in transport or to prioritise active travel and public transport.
- . **Cycle routes:** The PSLP’s standards on the public benefits of cycling and walking are based on the *Cycle Strategy Supporting Document*, but these standards are undermined by site allocation in Benenden. The Cycle document states that: “When more people cycle or walk the health of the population improves and our roads become safer and less congested.” Its objectives 4 and 5 are to improve safety for cyclists and air quality for all, but AL/BE 3 & 4 will create a community, deep in the countryside, entirely dependent on the car and will contribute to poorer air quality for all. The allocation of these sites, as opposed to sites such as 158, is difficult to understand.
- . The *Cycle Strategy* states that fear of traffic is possibly the main factor discouraging people from cycling. National Cycle Route 18 runs from the Rolvenden Road, down Stepneyford Lane, to Green Lane, before joining the Benenden Road near the hospital, turning right and leading to Castleton’s Oak Cross roads and Gribblebridge Lane. This route is a largely on-road ride travelling through the High Weald, using narrow, picturesque country lanes as much as possible. Green Lane/Stepneyford Lane is mentioned in TWBC’s *Rural Lanes: Supplementary Planning Guidance*. It is particularly high scoring in terms of its landscape, its recreational value, its natural beauty and its history. For these reasons, it is part of National Route 18. Rather than encouraging cycling, AL/BE3, which proposes two exits for this major development on GGR and two on Green Lane (where a second housing estate, at Cleveland Farm is already leading to Kent Highways calling for road widening and the elimination of grass verges - see building application 20/03267/FULL) will cause an increase in those factors, identified in *TW Cycle Strategy*, as discouraging cyclists, namely, traffic and the loss of unspoilt country lanes. Policy AL/BE3 also contravenes Kent Structure Plan Policy ENV13: “Rural lanes which are of landscape, amenity, nature conservation, historic or archaeological importance will be protected from changes which would damage their character, and enhanced.” In any event, the cycle route is purely recreational and will not enhance the sustainability of these sites.
- . **Policy STR 7** proposes, in dealing with TWBC’s 2019 legally binding commitment to manage climate change, that all development in the borough will support the Council’s target to achieve net zero emissions by 2030. It is unsound, with such a goal, to propose a major development on the parish periphery, 3 miles equidistant from two villages where there is no shop (in spite of the PLSP’s statement AL/BE 3&4) and no café (BHS says its café was built for its own use not for

the use of the public - see comments on the first draft of the LP). Residents will need their cars for almost everything.

- . **Policy STR1** promotes the effective use of previously developed land, having due regard to relevant Plan policies, but in promoting AL/BE3&4, the PSLP disregards STR6 (environmental goals) & STR7 (transport goals). Under the NPPF, sustainability is the priority, as the PSLP acknowledges in STR3, 4.65 “A presumption of sustainability lies at the heart of the NPPF”, but in allocating AL/BE 3&4, the PSLP fails to respect its own and the NPPF’s strategic priorities.
- . **Policy STR 8** states that development should contribute to and enhance rural landscapes with particular regard to the High Weald (HW) AONB. The PSLP promotes nature conservation. Its biodiversity objective is to achieve net gains and, where possible, secure long-term management of sites for biodiversity. AL/BE3 runs counter to this strategy since the BHS has produced plans showing houses built over the LWS. It has, furthermore, produced a document requiring that one of the two LWS be dug up and removed to another unspecified location, thereby nullifying the terms of the existing Landscape and Ecology Management Plan (LEMP) for that site. Para 3.21 of the BHS submission on the first draft LP states: *“The Society supports the requirement for long-term management of the core areas of LWS associated with the hospital land. This includes all but the modest area within the SEQ adjoining Peak Lodge which is too constraining on the South East Quadrant redevelopment proposals. Accordingly, the soils in the area will be translocated to a nearby receptor site to try to ensure that the rare fungi can continue to thrive in this local area.”* This is a particularly significant site for biodiversity. A letter from Keith Nicholson, former Planning and Conservation officer for the Kent Wildlife Trust, dated 4 March 2013, to TWBC Development Control Officer, Ellen Gilbert states that the hospital LWS are of national importance, mainly for the large number of different varieties of waxcaps. He states that they could well have been designated SSSI. Both in terms of waxcaps and in terms of valuable acid grassland, the hospital sites have high environmental value, see Comment DLP_3458 on the first draft of the LP, from the High Weald AONB Unit. The Benenden Hospital site *“includes rare and vulnerable acid grassland which should form a core area for unimproved grassland as part of a High Weald nature recovery network.”* AL/BE3&4 threaten the biodiversity of significant species in the LWS at the hospital sites, contrary to EN1.
- . The LWS to the south of AL/BE3 is included in the BNP and BPC argues that this has been done in order to protect it (see their response to the Independent Examiner April 2021). It is difficult to follow this logic. The inclusion of the site in the area to be developed suggests that it too could be under threat.
- . There is no plan showing the placement of houses on AL/BE 4, which is currently home to a large LWS and is the site of 18 habitable dwellings, almost all of the them currently in use and let. The proposal allows for these to be demolished and another 25 dwellings added to the site. The PSLP includes the LWS in the area to be developed and the BNP excludes most of it. Benenden Parish Council (BPC), in its April 2021 response to the Independent Examiner, has said that, in the case of a successful referendum, the PSLP’s plan (which includes the LWS), will prevail. In other words, of the 3 LWS in AL/BE 3&4, one is slated for removal, one will be built over if the PSLP prevails and one may be built over if the BNP prevails. This undermines STR8.
- . The PSLP claims that the hospital development “has the potential to improve the setting of the HW AONB through the delivery of a more sensitive redevelopment of existing buildings” (para 5.454), but the claim is not supported by evidence produced by *Hankinson & Duckett* (see above) while the HW AONB unit’s own view is the opposite. See TW first Draft LP, **DLP_3458 High Weald AONB Unit** (which objects to the Plan) : *“...In our view the development at Benenden Hospital will have a significant effect on the setting of the AONB and the purposes of its designation, and this issue has not been properly considered by the Plan.”*
- . The NPPF section 2 para 11 states: *“Plans and decisions should apply a presumption in favour of sustainable development... (b) strategic policies should provide for objectively assessed needs for housing ...that cannot be met within neighbouring areas unless ... (i) the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area.”* And see Footnote 6: the policies referred to are those in the Framework ...relating to habitat sites (and those sites listed in para 176) and /or designated as SSSI, AONBs
- . NPPF para 177 states: *“The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.”*

PSLP EN1 para 5. Biodiversity and geodiversity.

AL/BE 3&4 run counter to this policy as stated above in relation to the LWS.

The Environment

STR8 sets high environmental standards but these are undermined in the site allocations. This is particularly startling in the light of the July 2019 Full Council motion to recognise the climate and biodiversity emergency, in fact, the Benenden allocations put into question whether the motion was passed in good faith.

EN1 para 5 (Biodiversity and geodiversity) says that proposals should maximise opportunities to increase biodiversity. This goal may make sense in an urban setting, but development in the countryside, as is proposed in AL/BE 3 & 4, cannot hope to ever mitigate biodiversity loss. The destruction of trees and wild spaces, the introduction of lighting, kerbs, driveways, wider roads and narrower verges, the use of concrete, tarmac, bricks and mortar in a deeply rural setting cannot “increase biodiversity”.

EN1 provides for Long-term Management plans which would be satisfactory within an urban context. In a rural location like the East End, such plans are no substitute for natural wild spaces. A ‘managed’ green space set among streets is less likely to promote biodiversity and less likely to conserve wildlife than ‘unmanaged’ green space. Further, the three LWS in AL/BE3 & 4 are all already part of an existing LEMP agreement, and since one or all would be removed in the case of development as outlined by BHS under AL/BE3&4, instead of creating a long-term management plan, AL/BE3 & 4 would all but terminate an existing one. The sentiments expressed in EN1 are mocked by AL/BE3 & 4.

1 Site policies

AL/BE3 excludes one of the 2 LWS at the site, and the BNP includes both, yet para 5.458 states “Both this policy and BNP draft Policy SSP3 broadly follow the same approach towards the potential for developing this site for a residential development..” This does not appear to be the case. Further, the SHELAA treats this site twice, once including the southern LWS (and excluding Windmill Cottage) and once excluding the LWS and including Windmill Cottage (SHELAA pages 1-3 and pages 18-19). In the second instance, the suggestion is for 67-73 houses, presumably building over the LWS. The first plan is the one adopted in the PSLP and appears to be the more accurate of the two in that it describes the site as “mostly PDL”. The second ignores all greenfield aspects and is almost identical to the plan in the BNP, a plan which BNP claims will prevail if it wins a referendum. Is AL/BE3 presenting us with the wrong plan?

AL/BE3 and AL/BE4 provide for a phased timetable for development of the two sites at different time intervals without calling for a comprehensive masterplan for the hospital site as a whole i.e. for the entire built up area. This is inconsistent with STR2, which requires a masterplan for large developments. The full extent of the area to be developed must be clear. See para 1a of Policy AL/BE3 which states that there is a need to “show indicatively how the other areas included within Policies AL/BE3 and AL/BE 4 can be developed to meet the overall policy requirements as set out within each of these policies, and *how the future needs for Benenden Hospital will be met on areas to the north west and south west that currently comprise the hospital buildings and associated ancillary uses and is previously developed land.*” It is not sound to proceed with an LP where the land to be developed is not indicated from the start

AL/BE3&4 both call for an active travel link between the site and Benenden village. This proposal has been costed (see BPC’s April 2021 reply to the Independent Examiner) at between £180,000 and £220,000 for a 3m wide tarmacked surface, plus costs to upgrade it to a bridleway, plus the costs associated with obtaining landowners’ consent or, failing that, of starting compulsory purchase proceedings which TWBC expresses reluctance to undertake because of the significant compensation costs and legal costs which would be involved. No steps have been taken either by the BNP or TWBC to ascertain the willingness of landowners to give up their land although the major landowner involved wrote to BNP on 11th Sept. 2019 objecting to the plan. It is understood that he was not contacted for subsequent discussion.

AL/BE3&4 calls for the repurposing of the existing tennis courts for the use of local residents, which BHS denies it will offer for public use; for the public use of the hospital’s café; for the creation of a hospital shop (5.413); for a minibus service linking the hospital to the village (“The Society is not a transport provider” is BHS’ response); for green space, a playground and provision of a community hall - most of these policies are refuted in Savills’ comments on behalf of BHS, in the first draft of the LP, DLP_ 4956 paras 3.14, 3.18, 3.19, 3.20, 3.46 and 3.47. Rather than agreeing to such policies, the

hospital is calling on TWBC to introduce a more flexible funding system to allow a *reduction* of developer costs. BHS argues these will be high because they wish to demolish existing buildings. It is unsound to propose policies which cannot be implemented. Once the sites are sold, no relevant conditions to this effect could be imposed.

1 The PSLP is unsound because of inconsistencies in the treatment of different sites.

- . **Uphill, AL/BE1** is described as having archaeological potential (para 5.428) requiring possible mitigation measures. This is not because of historical finds on the site, but because they *might* be found. A listed manor house lies on the other side of New Pond Road and, according to AL/BE1, “the site lies within, or very close to the relevant impact risk zone for Parsonage Wood”, a SSSI which is, in fact, several miles away. The archaeological significance of AL/BE 3&4 is far more certain and substantial. The hospital sites are where a bronze age palstaff was found (see the National Monument Register - SMR Number /Hob UID)) and the sites lie close to two ancient routeways. A Roman Road runs west-east (on BHS farmland) a few yards to the south of AL/BE3 and a medieval drove road (GGR), runs west-east between the two sites. Further, two Grade II Listed Buildings are sited here, also on BHS land. The Lister building stands a few yards to the west of AL/BE3 and Cleveland Farm house (the farmyard of which BHS is trying to develop separately and simultaneously as if a minor planning project) lies a few yards to the south. Instead of mentioning these facts, AL/BE3&4 reads (5.456 and 5.468) “Kent County Council states that the site includes significant archaeology, which could be dealt with through suitable conditions on a planning approval.” The imbalance in the treatment of the two sites is substantial and suggests confirmatory bias or
- . The SHELAA assessment of site 158 suggests a potential yield of 50-65 houses, but then concludes that only the Uphill part of the site is suitable (20 houses). It states that “the remainder of the site is sensitive in landscaping terms and there is concern regarding scale and impact on the character of the landscape and settlement pattern”. This is contrary to the views of TW’s 2006 SA; to the TW 2018 document proposing 174 houses; and to the first draft of the LP. The dismissal of 158 as a suitable site is not supported by the evidence and suggests prejudice.
- . Site 222, west of the cross roads, was also considered in 2006, as a possible site for the new village school, though it was not one of the top two sites put to a referendum. The SHELAA suggests 222 has a potential for 76 houses. The site is considered unsuitable partly because the new LBD, if adopted, will exclude all houses west of the cross roads, when the village actually extends a considerable length along this road to the west. There is no mention of the fact that the owners of this site are offering the pond at the south west corner of the crossroads as village green space. The dismissal of 222 is not supported by the evidence and suggests prejudice.
- . The SHELAA suggests a capacity of 26 houses at Site LS8 in Iden Green, stating that it lies adjacent to the recreation ground and a children’s nursery and that there is a pavement on both sides of Iden Green’s main road. It fails to mention that the easternmost side of this pavement connects the village to the village primary school. The SHELAA dismisses the site as unsuitable saying that it is located in a remote location relative to services, facilities and public transport, but this site is far less remote than sites AL/BE 3&4. The dismissal of site LS8 is not supported by the evidence and suggests prejudice.
- . The proposed new LBD has been constructed so as to include the new site at Uphill and to exclude 222, when in fact, the actual built development extends westwards from the crossroads and includes site 222. The LBD is ignored in respect of AL/BE3&4. Manipulation of the LBD to suit allocated sites is inappropriate.

As a general comment, I have found the process unnecessarily difficult to navigate. In fact, from the point of view of the ordinary lay-man, I would term the process ‘hostile’. The interactive on-line site was unmanageable. Question 4a is very badly worded. The PSLP’s prose entirely suited the opacity of the procedure. Here is one example from the SA (page 163) “However, the education objective does not deteriorate when considering cumulative effects as the schools in Tenterden will be a viable option for residents in East End and thus are likely to take the pressure off Benenden Primary School.” What does that mean?

Question 6

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Question 5 above. (Please note that non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

The modifications needed are included in the submissions set out above. In summary, development on site AL/BE 3 should be limited to the existing, so far unused, planning permission for 24 houses, preferably by adapting the Garland Wing, which is a building of historic value, either to a wellness centre, in accordance with its original intention, or to a row of up to 10 terraced houses. Site AL/BE 4 already has 18 semi-detached houses on it, and cannot support any more. It should therefore be excluded. Housing should be allocated to sites (such as 158 and 222 in the village centre or LS8 in Iden Green) which lie on bus routes or are within walking distance of the village centre and school.

Paragraphs 5.421 and 5.422 should be omitted.

Question 7

***Please note** the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.*

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)? . Yes, I wish to participate in hearing session(s)

Question 7a

***Please note** the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.*

If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

In order to put over my case, and to answer those with vested interests who may seek to put forward arguments against it.

Question 8

If you have any separate comments you wish to make on the accompanying Sustainability Appraisal, please make them here.

1. The Sustainability Appraisal (SA) is misleading. Table 58 on page 163 states that all Benenden sites "lack services, facilities and travel options". This belies the fact that AL/BE2 (Feoffee almshouses) is close to the Street as is AL/BE1 (Uphill). Both sites are within walking distance of the bus stop for daily bus services, the post office, village shop, the primary school, the village green, the butchers, pub, community hall, church, recreation ground and children's playground. AL/BE 3 & 4 are three miles north east of the village with no daily bus service and no amenities whatsoever.

2. The commentary on Table 58, (page 163 of the SA), states that East End sites score badly on Climate Change and Travel, yet these are the sites promoted for most houses.

3. The SA argues on page 163 that East End residents will send their children to schools in Tenterden instead of to the village primary school, and that this will lessen the otherwise seriously negative effects of the two hospital sites. This is pure conjecture and possibly wishful thinking. The school has a good

reputation and currently between 70 and 75% of children there come from outside the parish. East End children will have precedence over these, since intake depends on the distance of a child's residence from the school. Pressure on Benenden Primary School will increase, not decrease. Further, the use of a car, whether it drives to Tenterden (5-6 miles) or to Benenden (3 miles), pollutes and deprives residents of the health-giving pleasure of walking to school. The AL/BE 3&4 are contrary to STR2, to the NPPF and to KCC policy on climate change.

4. Appendix L (pp331-2) shows Scores for Reasonable Sites in Benenden. Here we see scores for 158 and 222, two sites close to the village centre. Of 158, we read "A site that scores several neutrals with some positives, let down by its land use and landscape score impacted by a loss of a greenfield site in the AONB and lack of services and facilities including public transport at the settlement." This SA report compares poorly with the SA which TWBC carried out on site 158 in 2006. 158 is parallel to and just north of the Street with its exit onto New Pond Road. In 2006 site 158 was chosen in a village referendum as the site for a new C of E primary school. It was the preferred site out of a choice of two, both of which were greenfield. TWBC's 2006 SA on 158 decided (see page 18 of the Sustainability Appraisal Benenden Church of England Primary School Land Allocation DPD - Issues and Options report), that 158 was one of two top sites. "Situated adjacent to an area of ancient woodland, the site provides the potential for habitat linkages and wildlife corridors. The site is not adjacent to the CA [Conservation Area] and does not form a significant role in its setting. There are no Listed Buildings on or adjacent to the site. The site is consistent with the surrounding landscape character. There are limited views into the site and no public rights of way over the site." On page 38, we read, "This site is anticipated to have a major beneficial effect on improving educational standards and travel choice/traffic levels". In spite of the referendum result, the school was eventually built at the less preferred site and, since then, TWBC had been in consultation with 158's owners to build houses there.

5. In April 2018, BNP Steering Committee Deputy Chair, a borough councillor, showed the committee a piece of paper from TWBC saying that TWBC wishes to build 174 houses on site 158. He committed himself to seeing these numbers reduced and the numbers at the East End raised. After a meeting between representatives from the BNP group and TW planners on June 19th, 2018, the minutes reported that "At times the workshop was emotive ..." Following that meeting TW planners put site 158 on temporary hold, limiting development there to a future Local Plan by asking, in the first draft of the LP on page 270, that the Uphill site on New Pond Road, adjacent to 158 and allocated at that time as AL/BE3, should, under Clause 8, provide for vehicular access through Uphill to the site behind (158) "which may be allocated for development as part of a future Local Plan." In the PSLP, this wording for Clause 8 has disappeared. Where is the evidence-base for such wording to be included in the first draft and excluded in the second? Why is the site considered suitable in 2006, in 2018, and in the first draft, but not suitable in the PSLP?

6. Site 222, like 158 is described in Appendix L of the PSLP's SA as suffering from "a lack of services and facilities including public transport at the settlement." This is inaccurate. There is a daily bus service along Benenden Street and site 222 is within easy walking distance of the bus stop, shops, pub, community hall, primary school and all other amenities.

7. Site LS8, in the heart of Iden Green is, along with site 158 and 222, a site which on-the-ground evidence suggests is eminently suitable for development, but which the SA fails to allocate. Appendix L of the SA gives LS8 virtually the same scores as Uphill (LS16 of AL/BE1) yet the latter is included for development and the former is not. The commentary states of LS8 "A number of scores are negative however, reflecting the remote location of the site from services and facilities and public transport. It scores negatively in heritage terms as the site is a relatively sizeable piece of the Iden Green Conservation Area." This site is far less remote than sites AL/BE 3 & 4. It is one mile from the village and connected to it by a paved footpath running past a Roadside Conservation Area and then (still paved) through a field to the church and primary school. It is on a bus route and the bus stop is next to LS8. Iden Green has a community hall, tennis courts, a children's playground and pub/restaurant. The SA information is unreliable and the PSLP's use of it for site allocation is unwise.

8. In so far as Benenden is concerned, the sites were allocated before any sustainability appraisal was commissioned. It is not therefore a relevant factor in the allocation of sites for housing.

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:

Yes, I wish to be notified of future stages of the Local Plan

Comment

Consultee	Philip Pickard [REDACTED]
Email Address	[REDACTED]
Address	
Event Name	Pre-Submission Local Plan
Comment by	Philip Pickard [REDACTED]
Comment ID	PSLP_377
Response Date	25/05/21 10:57
Consultation Point	Policy AL/RTW 14 Land at Tunbridge Wells Garden Centre (View)
Status	Processed
Submission Type	Web
Version	0.4
Question 1	
Respondent's Name and/or Organisation	Philip Pickard
Question 3	
To which part of the Local Plan does this representation relate?	Paragraph(s)
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy AL/RTW 14
5.91, 5.92, 5.93, 5.94

Question 4

Do you consider that the Local Plan:

Is legally compliant	Don't know
Is sound	No
Complies with the Duty to Cooperate	Yes

If you consider that the Local Plan is not sound, please answer this question.

Question 5

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

River Grom flooding Report 2017 (Currently Correct /Relevant unless structural changes have been made)– Ref pages 7-9 Extracts:(page 7 – 2.3 para 4)To the south and east of The Pantiles, much of the area has separate surface water and foul water drainage. The surface water sewers generally discharge to watercourses which ultimately flow into the River Grom.(Page 9 – 2.4.1 para 3).... There is a Combined Sewer Overflow (CSO) from the public combined sewer in the culverted section of the River Grom that allows the combined sewer in the Pantiles area of Tunbridge Wells to discharge into it if its capacity is exceeded.

The development is in a river valley. Under present conditions High Rocks Lane regularly floods as the point where it meets Hungershall Park (and where it is presumed the proposed “emergency exit” will be for the development). As a result the road is always in a poor condition with potholes that reappear quickly after frequent repairs. The road at this point is a blind bend with no footpath so pedestrians and cyclists often veer across the roadway to avoid the potholes and create a real danger of accidents to oncoming vehicles. This situation will only get worse once a large area of the valley floor is concreted over as a result of the development.

It was recently noticed by local residents that the site currently suffers from a sewage problem. A large manhole cover had been dislodged and was surrounded by household waste which had obviously been forced out. It is hoped that this would be resolved as part of the development, especially as the River Grom is in close proximity and there is a seasonal flooding issue in that area, as referred to above in the 2017 flooding report.

5.94 *Development would need to be sensitively designed to respect the location in proximity to the Common, the conservation area, and the topography of the site. However, it constitutes a sustainable site on the edge of the town centre and could accommodate a mix of uses, to include the retention/expansion of the existing garden centre business and the introduction of some residential development within the site. However, Kent County Council, as the local highways authority, considers that the scale of development on the site may be limited due to the current access constraints. 108 Tunbridge Wells Borough Local Plan Regulation 19 Consultation Pre-Submission Local Plan Map 14 Site Layout Plan*

Policy AL/RTW 14 Land at Tunbridge Wells Garden Centre This site, as defined on the Royal Tunbridge Wells Policies Map, is allocated for the expansion of the existing Use Class E (a) commercial use (garden centre) with an element of residential of approximately 25-30 residential dwellings, of which 30 percent shall be affordable housing. Development on the site shall accord with the following requirements:

- 1 *Means of access, including secondary and emergency means of access, to be informed by a transport statement; it is likely that the scale of any development may be limited by the quality of access arrangements that can be achieved within the confines of the site. An emergency access is likely to be required to the north;*

Planning consents often require provision of social/affordable housing under Section 106 Agreements, but invariably the developer comes back to the local authority later and pleads that it renders the scheme unviable. The 30% (eg) then falls away to 10% or less. The infrastructure requirements on this site will render development especially expensive. The contribution this site could make to meeting housing need is negligible.

Previous planning for access - Refused(89/02011/FUL | New vehicular access. New gate and 1.8m high chain link boundary fence | Wyevale Garden Centre Eridge Road Royal Tunbridge Wells Kent TN4 8HP (midkent.gov.uk). Ref. No: 89/02011/FUL | Received: Tue 07 Nov 1989 | Validated: Thu 14 Jun 1990 | Status: Decided Council Letter 1990 - Extracts detailing the Refusal reasons:1 a) The proposed access would be likely to create unacceptable additional hazard to traffic.2 a) The sight lines are inadequate and would create unacceptable additional hazards to traffic3 a) The proposal would be undesirable in an area which is predominately rural in character, and would be detrimental both to the appearance and to the rural amenities of the locality.4 a) The proposal would be likely to be unacceptably detrimental to residential amenities of adjacent dwellings

The only change since 1990 is higher volumes of traffic on High Rocks Lane and Hungershall Park.

No known local precedents have been set for a requirement of a secondary and/or an emergency access. Example: The existing adjacent large estate has no secondary or emergency access.

Access: The suggested ‘North’ secondary and emergency access point will:

- . Destroy a Bio Diverse habitat, impacting the natural rural dynamic .
- . By default the access point becomes a tacit ‘extra access’ immediately opening onto High Rocks Lane with hazardous restricted/limited line of sight which is onto a speed de-restricted area and is a width constricted lane, plus opposite another lane entrance point; as highlighted in the council’s planning permission access refusal 1990.
- . There is a high probability for this access to become a local shortcut

Proposing a Secondary and Emergency access appears to be a leverage argument to open up the site with another access point thereby ignoring the hazards identified, refer to previous valid refusal rational.

There is a high probability for dangerous additional 'on road parking' at the lower end of Hungershall Park/ corner of High Rocks lane/ Cabbage Stalk Lane. The proposed new developments at Spratsbrook Farm and the old Plant & Tools Hire site by The West Station which is to have access directly on to Eridge Road, will both increase traffic flows along this busy stretch and force drivers to find alternative routes.

Newts and a variety of amphibian wildlife have been seen in the site North aspect / River Grom area of this location.

In traffic management terms an emergency exit would require either traffic light control, or a roundabout (taking up additional land) further eroding the natural character of the area. *2. The provision of pedestrian and cycle access to the north and improved pedestrian and cycle access into the town;*

If the access point is allowed to the north, then the suggested access is onto a hazardous speed de-restricted and width restricted lane. This was one of the reasons the previous planning for access was refused.

This would also create a safety hazard for pedestrians as there is no pavement from the suggested access secondary/emergency point towards Cabbage Stalk Lane.

- 1 *Adequate servicing and parking to serve the expanded commercial use on the site;*
- 2 *Provision of a green route through the site from east to west connecting to existing Public Rights of Way on Tunbridge Wells Common and Cabbage Stalk Lane;* Site East West access – Cabbage Stalk Lane will cause additional volume of use. This poses the following problems: 1) Compromise to safety and hazard as now a designated cycle path. Several near misses have already occurred with current multi-use volumes; as the majority of cyclists appear to disregard this lane as being a shared facility with pedestrians, pedestrians and dog walkers, plus vehicular access traffic.
2) Cyclists coming out of the new development will generally turn right into Cabbage Stalk Lane, adding to the volumes of cyclists using that lane. Furthermore, this will surely add to the number of cyclists on the Common who increasingly seem to be ignoring the "no cycling" rule there.
3) For those who might turn left into High Rocks Lane, this would add to the number of cyclists on this narrow lane with blind corners and numerous potholes - adding yet further risk to themselves, pedestrians and cars.
4) This is likely to further increase the volume of cyclists coming down the hill in Hungershall Park and towards the proposed development. Residents are increasingly concerned about the number of cyclists coming around the corner at very high speed and oblivious to the blind entrance several drives. There have been near misses recently and including one cyclist who recently came off his bike near the entrance to the drive at no. 12 Hungershall.

- 1 *Development shall be located on the areas identified for mixed use on the site layout plan; Tunbridge Wells Borough Local Plan 109 Pre-Submission Local Plan Regulation 19 Consultation*
- 2 *Green infrastructure shall be provided on the areas shown indicatively in green on the site layout plan, and these shall be retained and enhanced. This shall include suitable buffering and enhancements to the River Grom corridor and to the setting of the adjacent Tunbridge Wells and Rusthall Common;* The plan shows a green space buffer running alongside Cabbage Stalk Lane. The current woodland buffer is substantial and therefore the developer is likely to bulldoze and excavate as much as is feasible subject to ground stability and the preservation of valuable and species trees etc. The trees provide cover and privacy for wildlife and seclusion for walkers and local residents but are not in themselves wonderful specimens but are nevertheless very important to the semi rural nature of the area. The retention of as much tree cover as possible is very important.

The River Grom flows along the Southern boundary of the plot alongside the railway line. The woodland and the river provide a habitat for deer and other wild animals. It would be desirable if the western end of the plot be preserved for wildlife, not be built upon and not used for vehicular access. *7. Regard will be given to existing hedgerows and mature trees on-site, with the layout and design of the development protecting those of most amenity value, as informed by an arboricultural survey and a landscape and visual impact assessment;*

The development will inevitably destroy and erode an established valuable bio-diverse habitat in a unique rural area.

Question 6

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Question 5 above. (Please note that non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Very significant road re-engineering will need to occur both at the Eridge Rd entrance (possibly involving the railway bridge as well) and at the proposed northern 'emergency access' exit on/near the corner of Hungershall Park and High Rocks Lane, where at the very least major parking restrictions would need to be applied. I do also wonder how long the latter exit would remain emergency only (it has a 'thin end of wedge' feel about it) and what that would mean for 'rat runs' and even greater traffic issues.

Flood issues are significant as has been noted. Again for our purchase in the area, the flood risk assessment shows some risks to the area of proposed development and indeed there is a form of levee (certainly not a natural feature) in the woods at the north-western extreme of this planning proposal that would appear to be designed to prevent water flow south-eastwards. A full plan would be needed to manage this in the event of any development.

Road widening/damage on the northern exit would likely be significant and create further restrictions for householders at the bottom of Cabbage Stalk Lane and into Hungershall Park Close. It is very difficult to see how this can be mitigated in any reasonable way.

Animals in the area would be significantly affected. We recently found a deer antler on a walk through the woods from the garden centre to the proposed 'emergency exit' in High Rocks Lane. We have seen deer walking down from the fields between Nevill and Hungershall Park and across the road into the woods on the south side of High Rocks Lane. These and other wildlife would be severely affected by loss of habitat on the scale proposed. Additionally, it is likely that diversity of fauna would also be lost. Again, it is difficult to see how this can be mitigated within the plan for this area.

I totally accept the need for a mix of new housing, but this cannot be so fixed as to need a greenbelt area (until recently) to be ploughed down when there are fallow areas in town. In this regard I am not just talking about the ones detailed in this planning proposal, but the new ones that are becoming more apparent as changes, not least retail, have accelerated through the Pandemic. Repurposing and redevelopment of some central areas could help reinvigorate suffering parts of TW at the same time as preserving green areas. Retail loss could be residential gain?

Finally, as someone who has recently moved more permanently into the TW area as a result of changes in the last year, I trust a major expansion of infrastructure and services will run alongside this development, or any that is finalised. I am struggling to find a GP surgery that has availability and I strongly suspect that a dentist will be equally difficult to secure. There is no point building the houses if the breadth of services needed by families are not expanding at least in proportion. I trust that is in hand?

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)? . Yes, I wish to participate in hearing session(s)

Question 7a

***Please note** the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.*

If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

It matters to me that a sensible balance is reached and not one that serves a limited constituency.

I believe major re-planning is necessary in the area and am not convinced the council is alert to all the opportunities (as well as risks) for our amenity of life in the Borough and in TW in particular. Having listened to a recent council meeting it was clear that some things were being pursued reasonably sensibly, but there seem to be huge longer term issues which are not really being faced, but with good planning are surmountable and would help regenerate the area.

I would like to contribute constructively if I can.

Question 8

If you have any separate comments you wish to make on the accompanying Sustainability Appraisal, please make them here.

I believe I have made the necessary comments above, so will not repeat here bar one further comment. As part of a planning application I recently undertook in the vicinity I had to give detailed plans for landscaping involving tree planting, hedging (where types consistent with the area were (rightly) required), hiberniculae for invertebrates and other factors to encourage and maintain the local wildlife and fauna. I wonder to what end if a major swathe of established woodland that is directly connected to the land I am landscaping and to the wider greenbelt is to be ploughed down for housing and the increased traffic that will accompany it.

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box: Yes, I wish to be notified of future stages of the Local Plan

Comment

Consultee	Mrs Susan Pickett [REDACTED]
Address	[REDACTED] [REDACTED] Tonbridge [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Mrs Susan Pickett [REDACTED]
Comment ID	PSLP_470
Response Date	24/05/21 15:54
Consultation Point	Policy STR/SS 3 The Strategy for Tudeley Village (View)
Status	Processed
Submission Type	Other
Version	0.5

Data inputter to enter their initials here KH

Question 1

Respondent's Name and/or Organisation Mrs Susan Pickett

Question 3

To which part of the Local Plan does this representation relate? Policy

Question 3a

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy STR/CA 1 The Strategy for Capel parish

Policy STR/SS3 The Strategy for Tudeley Village

[TWBC: this representation has been input against Policies STR/CA1 and STR/SS3 – see Comment Numbers PSLP_444 and PSLP_470]

Question 4

Do you consider that the Local Plan:

Is legally compliant	Don't know
Is sound	No
Complies with the Duty to Cooperate	Don't know

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

- . It is not positively prepared
- . It is not justified

Question 5

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

5.262 The land proposed for 'Tudeley Village' is within green belt and is also partly High Weald AONB. This proposal has not been thought through. So many additional houses would burden this countryside area. And although situated in Tunbridge Wells Borough Council, it is blatantly obvious that Tonbridge would bear the brunt of a larger population which it is not able to bear, IE doctors, dentists, schools etc Tonbridge rail station is nearer, also, than Tunbridge Wells. more cars for less parking availability. This development would alter irreparably the very important rural setting that it now enjoys. Think again please! The proposed site will encircle all Saints Church, Tudeley which has stood on its foundations for centuries. People coming and visiting this unique church with its rare chagall windows will not have a view over the Medway River valley to the North Downs which is currently available. Who wants to look at modern housing when out for the day?

also what about noise and light pollution? We are supposed to be reducing these things - not adding to them. To many cars and traffic on lanes and roads too small to take them. There is no infrastructure to accommodate this increase in population.

Flooding Over the past few years, flooding has been a problem that has increased. Concreting over vast areas of land which helps take water away will inevitably mean more 'run off'. Concrete is not absorbant. It is a known fact our climate is changing. We have far more rain now and for longer periods. Flooding is an ever increasing problem.

Nature What of the animal, insect and bird life which will be detrimentally affected by this development? Years of building works (and it will take years) can only do more harm than good. Please take into account the natural environment which will be irretrievably damaged should this development go ahead.

Question 6

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This proposed development is not acceptable. It is thoroughly ill-conceived and not thought through as I have previously stated. Ore land owner is beneficial to the Council but not to the environment.

Question 7

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Future Notifications

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Comment

Consultee	Mrs Susan Pickett [REDACTED]
Address	[REDACTED] [REDACTED] Tonbridge [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Mrs Susan Pickett [REDACTED]
Comment ID	PSLP_444
Response Date	24/05/21 15:54
Consultation Point	Policy STR/CA 1 The Strategy for Capel parish (View)
Status	Processed
Submission Type	Other
Version	0.8

Data inputter to enter their initials here KH

Question 1

Respondent's Name and/or Organisation Mrs Susan Pickett

Question 3

To which part of the Local Plan does this representation relate? Policy

Question 3a

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy STR/CA 1 The Strategy for Capel parish

Policy STR/SS3 The Strategy for Tudeley Village

[TWBC: this representation has been input against Policies STR/CA1 and STR/SS3 – see Comment Numbers PSLP_444 and PSLP_470]

Question 4

Do you consider that the Local Plan:

Is legally compliant	Don't know
Is sound	No
Complies with the Duty to Cooperate	Don't know

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

- . It is not positively prepared
- . It is not justified

Question 5

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5.262 The land proposed for 'Tudeley Village' is within green belt and is also partly High Weald AONB. This proposal has not been thought through. So many additional houses would burden this countryside area. And although situated in Tunbridge Wells Borough Council, it is blatantly obvious that Tonbridge would bear the brunt of a larger population which it is not able to bear, IE doctors, dentists, schools etc Tonbridge rail station is nearer, also, than Tunbridge Wells. More cars for less parking availability. This development would alter irreparably the very important rural setting that it now enjoys. Think again please!

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Comment

Consultee	Norman Pickett [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] Tonbridge [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Norman Pickett [REDACTED]
Comment ID	PSLP_430
Response Date	26/05/21 11:50
Consultation Point	Policy STR/SS 3 The Strategy for Tudeley Village (View)
Status	Processed
Submission Type	Other
Version	0.3
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Mr Norman Pickett
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy STR/SS 3 The Strategy for Tudeley Village

Paragraph Nos. 5.199 to 5.229

Inset Maps 33 & 34

Question 4

Do you consider that the Local Plan:

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Is sound	No
Complies with the Duty to Cooperate	Don't know

Question 4a

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Question 5

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5.199 to 5.229 The whole of this proposal is objected to. It is misconceived; it is a massive development in the wrong place. It is dissected by a railway (5.204) - entirely inappropriate for a new settlement with no station, a school and other facilities.

All Saints Church (5.206) would be swamped by the development, and the extensive views to the north would be destroyed forever.

5.207 - Flooding The land proposed to be developed lies within Flood Zones 1 and 2. new run-off will only worsen the situation.

Please see the above comments for paragraphs 5.262 to 5.266 which have a direct bearing on the whole of the "Tudeley Village" proposal. [TWBC: for response to paragraphs 5.262 to 5.266 see PSLP_425].

Infrastructure should come first in any proposal of this magnitude.

Looking at the map on p.164, I cannot see an explanation for the large purple circles on Tudeley Road (3 in all) nor the smaller ones on the railway line (4 in all). What do they signify? They cannot be the "Junction improvements" as on the map legend, as they aren't at junctions. Please clarify. Maps 33 & 34 are relevant to this question.

Question 6

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or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

There are no modifications which would make these proposals acceptable. The development proposed is in the wrong place for the reasons I have set out. It is ill-conceived in its entirety.

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Comment

Consultee	Norman Pickett [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] Tonbridge [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Norman Pickett [REDACTED]
Comment ID	PSLP_425
Response Date	26/05/21 11:50
Consultation Point	Policy STR/CA 1 The Strategy for Capel parish (View)
Status	Processed
Submission Type	Other
Version	0.5

Data inputter to enter their initials here KJ

Question 1

Respondent's Name and/or Organisation Mr Norman Pickett

Question 3

To which part of the Local Plan does this representation relate? Policy

Question 3a

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy STR/CA 1 The Strategy for Capel parish

Paragraphs 5.262 to 5.266

Question 4

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Is legally compliant	Don't know
Is sound	No
Complies with the Duty to Cooperate	Don't know

Question 4a

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5.262 The land proposed for "Tudeley Village" lies within green belt and is partly High Weald AONB. There are no "exceptional circumstances" to justify a new settlement on this land. The proposal for the new village is misconceived and entirely inappropriate. A significant increase in the local population (currently some 950 souls) by some 2800 new houses would overburden ancient woodland and completely change for ever the rural setting and way of life.

5.263 Flooding Five Oak Green, Capel, The Postern and surrounding areas are susceptible to flooding. Some of the land proposed to be built upon lies within Flood Zones 1 & 2. It is inevitable that a huge development will massively increase run off and thereafter existing homes already regularly inundated, particularly at Five Oak Green. In times of flood, the River Medway is flowing at capacity and beyond. Increasing run-off will only worsen this.

5.264 Rural Lanes The existing network of designated rural lanes will be overburdened by an inevitable increase in traffic. They are already running at capacity. The proposal of new roads (under Policy STR/SS3) is mis-conceived as they will do nothing to take traffic away as they run in the wrong direction - most people will want to access Tonbridge facilities, including the station, not go towards Colts Hill.

5.265 "Tudeley Village" proposal is in the wrong place - it's too close to developments towards Paddock Wood, areas of AONB, green belt and agricultural land. The Council has failed to consider properly an alternative proposal at Castle Hill - close to the A21 and with good access to shops, leisure facilities and transport connections. Tunbridge Wells Borough Council may prefer to deal with a single landowner (The Hadlow Estate) for their proposed new "Garden Village", which makes life easier as to contracts, conveyancing etc, and also because a development at Tudeley is far from the centre of Tunbridge Wells, on the extremity of its Borough - in fact closer to Tonbridge Town Centre, than Tunbridge Wells Town Centre.

5.266 "Land to the east of Capel ..." "... part of a significant extension to Paddock Wood for 3490-3590 new homes". This is a colossal increase to the existing populations of both Paddock Wood and Capel, and is unacceptable for a relatively small rural area. It would damage irretrievably the locality and its rurality. This is why any further proposed development at Capel "The Garden Village" would be simply too much. It is urbanisation on a massive scale. Light and noise pollution will be increased dramatically, even without the Tudeley Garden Village proposal.

Question 6

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There are no modifications which would make these proposals acceptable. The development proposed is in the wrong place for the reasons I have set out. It is ill-conceived in its entirety.

Question 7

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Supporting Information File Ref No: SI_129

Comment

Agent	Jack Harley [REDACTED]
Email Address	[REDACTED]
Company / Organisation	DHA Planning Ltd
Address	- Maidstone -
Consultee	Pickhill Developments Ltd [REDACTED]
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Pickhill Developments Ltd [REDACTED]
Comment ID	PSLP_1957
Response Date	04/06/21 11:28
Consultation Point	Section 3: Vision and Objectives (View)
Status	Processed
Submission Type	Email
Version	0.5
Files	DHA Planning for Pickhill Developments Ltd full representation.pdf
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Pickhill Developments Ltd
Question 2	
Agent's Name and Organisation (if applicable)	DHA Planning
Question 3	
To which part of the Local Plan does this representation relate?	Paragraph(s)
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Section 3: Vision and Objectives

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

Question 5

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1.1 Introduction

1.1.1 These representations have been prepared by DHA Planning on behalf of Pickhill Developments Ltd in respect of the Tunbridge Wells Borough Council Regulation 19 Local Plan consultation.

1.1.2 Tunbridge Wells Borough Council (TWBC) has produced a new Local Plan to guide future development within the borough. As the Council is now satisfied that it has a sound plan it proposes to submit the plan for Independent Examination following completion of this final round of consultation.

1.1.3 Once submitted, the Local Plan will be examined by an Inspector whose role is to assess whether the plan has been prepared in accordance with the Duty to Cooperate, legal and procedural requirements, and whether it is 'sound'. In this regard, the Government published a revised NPPF in February 2019, which provides that to be "sound" a local plan must be:

- 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;
- Justified – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;
- 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
- Consistent with national policy – enabling the delivery of sustainable development in accordance with the policies in this Framework.

1.1.4 This submission comments on the plan having regard to these tests of soundness as well as wider legal compliance. However, for context, we first provide an overview of the land within Pickhill Developments Ltd control, which was included in the Regulation 18 Draft Local Plan as an allocation (draft policy AL/CRS 6) for residential development (Known as 'Gate Farm, adjacent to Hartley Road and Glassenbury Road, Hartley (plus Bull Farm) (SHELAA reference: Sites 59, 70, 323 & 345, and Late Site 53)' but subsequently omitted from the pre-submission draft. The Pickhill land is site 70.

1.1.5 Based on the current national and local planning context, we object to the site's omission, which was not based on sound planning grounds but as a basis to help defend against a s78 planning appeal. The outcomes of that appeal, and the commentary of the Inspector, provides a clear basis to conclude that the land is a suitable location for proportionate plan led growth.

1.3 Wider Assessment of Soundness

1.3.1 The TWBC Draft Local Plan (herein referred to as 'the plan') sets out the spatial vision, strategic objectives, and overarching development strategy for the borough.

1.3.2 It details overarching place shaping policies for each parish and settlement, as well as site specific allocations to deliver the strategy and detailed policies to be applied to all new development.

1.3.3 The plan will set the agenda for development across the borough to 2038 and replace the current Development Plan, which comprises the Local Plan 2006 (saved policies), the Core Strategy 2010, and the Site Allocations Local Plan 2016.

1.3.4 This representation comments on the following elements of the plan:

• Vision and Strategic Objectives; • Development Strategy and Strategic Policies; • Place Shaping Policies; and • Development Management Policies.

Vision and Strategic Objectives

1.3.5 The pre-submission plan is underpinned by vision and strategic objectives.

1.3.6 The vision is set out below:

[TWBC: PSLP Vision was duplicated here - see full representation].

1.3.7 In order to deliver the vision the plan sets a number of strategic objectives:

[TWBC: PSLP Strategic Objectives were duplicated here - see full representation].

1.3.8 Response

1.3.9 We broadly support the general thrust of the vision and these objectives, which seek to meet identified housing needs and boost the supply of new affordable homes. However, the vision and objectives could be more positive and set a framework whereby suitable development opportunities are actively embraced. As drafted, the message is clear that meeting need is somewhat enforced.

1.3.10 Indeed, we would suggest some minor modification to ensure that the plan is positively prepared and fully aligned with the provisions of the National Planning Policy Framework ('NPPF'). Indeed, we consider that the vision should be modified to read.

'Growth in new homes, jobs, and supporting infrastructure to meet boroughwide needs will actively be pursued in full and in a manner that best compliments the distinctive qualities of the borough'.

1.3.11 We consider that objective 2 should be modified to read:

'To significantly boost the supply of all forms of housing to meet the full needs of our population, with particular emphasis on affordable housing'

1.3.12 With the above modifications, the objectives and vision will then be positively prepared.

1.5 Summary and Conclusions

1.5.1 In summary, this representation has been prepared on behalf of Pickhill Developments Ltd in response to the Tunbridge Wells Borough Council Pre-submission Local Plan Consultation. The purpose being to provide comment on the Council's proposed development strategy ahead of Examination.

1.5.2 We support the aspiration to meet housing need in full and consider that a dispersed growth strategy represents the optimum means to achieve this. Nonetheless, we object to the exclusion of our client's land at the late stage of the process, the deletion of which is unsubstantiated and based on unsound conclusions. Furthermore, we object to the reduced growth promoted around Cranbrook and Hartley.

1.5.3 Finally, we consider that the Local Plan strategy relies heavily on the delivery of strategic sites that would require the provision of supporting infrastructure. Moreover, the Council have applied overly optimistic projections to the delivery of housing for the extension of Paddock Wood and the Tudeley Garden Village. 1.5.4 In our view, further small to medium sites are needed to remedy these matters or soundness and such additional sites should be directed to sustainable locations such as Cranbrook and Hartley.

[TWBC: for further representations on Policy STR/CRS 1 and Policy STR1, please see PSLP_1957 and PSLP_1958 respectively].

Question 6

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Supporting Information File Ref No: SI_129

Comment

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Email Address	[REDACTED]
Company / Organisation	DHA Planning Ltd
Address	- Maidstone -
Consultee	Pickhill Developments Ltd [REDACTED]
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Pickhill Developments Ltd [REDACTED]
Comment ID	PSLP_1956
Response Date	04/06/21 11:28
Consultation Point	Policy STR/CRS 1 The Strategy for Cranbrook and Sissinghurst parish (View)
Status	Processed
Submission Type	Email
Version	0.6
Files	DHA Planning for Pickhill Developments Ltd full representation.pdf
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Pickhill Developments Ltd
Question 2	
Agent's Name and Organisation (if applicable)	DHA Planning
Question 3	
To which part of the Local Plan does this representation relate?	Policy

Question 3a

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Policy STR/CRS 1 The Strategy for Cranbrook and Sissinghurst parish

Question 4a

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1.1.5 Based on the current national and local planning context, we object to the site's omission, which was not based on sound planning grounds but as a basis to help defend against a s78 planning appeal. The outcomes of that appeal, and the commentary of the Inspector, provides a clear basis to conclude that the land is a suitable location for proportionate plan led growth.

1.2 Land at Gate Farm, Hartley Road, Hartley (Cranbrook)

1.2.1 The site to which this representation relates is located on the northern side of Hartley Road/A229 and is approximately 0.23 hectares in area. It is located to the south west of Cranbrook outside built confines but adjacent to the built up area of Hartley. The site is deliverable, would provide affordable dwellings and the application is supported by the Parish Council.

[TWBC: for site plan please see full representation attached].

1.2.2 The land sits immediately adjacent to residential development to the north. The site falls entirely within the High Weald Area of Outstanding Natural Beauty AONB.

1.2.3 There are several listed buildings in the vicinity of the site, including:

(i) Hartley Gate Farmhouse (Grade II listed);(ii) Hartley Farmhouse (Grade II listed);(iii) Bull Farm House (Grade II listed); and(iv) Barn 50 Yards North of Bull Farmhouse (Grade II listed).

1.2.4 The surrounding area is characterised by the settlements of Hartley and Cranbrook, residential development with in and around those settlements, commercial land.

1.2.5 To the northeast are residential properties. Opposite the site is the well-established Hartley Dyke Commercial Centre, consisting of Juniors Day Nursery, the Hartley Dyke Coffee House and Farm Shop and several other commercial premises.

1.2.6 In terms of public transport, there are two bus stops located approximately 160m to the east of the site providing a service to Maidstone Town Centre, Loose, Staplehurst, Cranbrook and Hawkhurst. Staplehurst, approximately 10km to the north of the site, provides a regular train service to London, with up to 3no. trains per hour in peak periods (travel time under 1 hour to London Charing Cross and Cannon Street).

1.2.7 The site is not subject to any wider policy designations. The Environment Agency mapping also confirms that the site does not fall within a flood risk zone.

1.2.8 The site has been subject to previous smaller scale development proposals as follows:

- 84/00175/OUT - Outline application for 8 semi detached dwellings -Refused; and
- 96/00283/FUL - 3 Detached dwellings – Refused.
- 17/03481/FULL - Proposed erection of 8no. dwellings with access, parking, landscaping and replacement of TPO tree T2.

1.2.9 Planning Application ref: 17/03481/FULL subsequently went to appeal (APP/M2270/W/18/3203543). The appeal was dismissed, but in doing so the Inspector narrowed the sole issue to the effect of the proposed vehicular access on highway safety (i.e. it was suitable in all other respects). The Inspector endorsed the principal of development and had no issue with the impacts of that scheme on the AONB, the character and appearance of the area and on settlement morphology.

1.2.10 As part of the appeal process, a Statement of Common Ground (SoCG) was agreed by the appellant and Tunbridge Wells Borough Council.

1.2.11 The Statement of Common Ground confirmed that the appellant and the LPA agreed that:

i. the site and the proposal represented sustainable development;ii. that the Landscape Officer had no objections to the appeal scheme and any impact on the locality would be localised and would need to be viewed in the wider context of housing need;iii. there are no significant long-range views of the site and only glimpsed medium views of the site;

iv. KCC Highways raised no objections in terms of parking or capacity grounds;v. there were no objections to the proposed development based on impacts on protected species;vi. there was no objection to the appeal proposal in relation to trees or arboricultural impact, subject to the retention of the TPO Tree T1;vii. there were no objections raised on the loss of agricultural land at the site;viii. there were no objections raised to the loss of agricultural land at the site;ix. there were no objections to the appeal based on flood risk or drainage grounds;x. there were no objections to the appeal based on heritage grounds; andxi. the proposal did not constitute major development within the AONB.

1.2.12 In addition to the above, Cranbrook and Sissinghurst Parish Council had supported the application. We reiterate that the proposed development would provide truly affordable 2 bed terraced housing and 3 bed semi detached housing which are of high demand in the vicinity.

1.3 Wider Assessment of Soundness

1.3.1 The TWBC Draft Local Plan (herein referred to as 'the plan') sets out the spatial vision, strategic objectives, and overarching development strategy for the borough.

1.3.2 It details overarching place shaping policies for each parish and settlement, as well as site specific allocations to deliver the strategy and detailed policies to be applied to all new development.

1.3.3 The plan will set the agenda for development across the borough to 2038 and replace the current Development Plan, which comprises the Local Plan 2006 (saved policies), the Core Strategy 2010, and the Site Allocations Local Plan 2016.

1.3.4 This representation comments on the following elements of the plan:

• Vision and Strategic Objectives; • Development Strategy and Strategic Policies; • Place Shaping Policies; and • Development Management Policies.

1.5 Summary and Conclusions

1.5.1 In summary, this representation has been prepared on behalf of Pickhill Developments Ltd in response to the Tunbridge Wells Borough Council Pre-submission Local Plan Consultation. The purpose being to provide comment on the Council's proposed development strategy ahead of Examination.

1.5.2 We support the aspiration to meet housing need in full and consider that a dispersed growth strategy represents the optimum means to achieve this. Nonetheless, we object to the exclusion of our client's land at the late stage of the process, the deletion of which is unsubstantiated and based on unsound conclusions. Furthermore, we object to the reduced growth promoted around Cranbrook and Hartley.

1.5.3 Finally, we consider that the Local Plan strategy relies heavily on the delivery of strategic sites that would require the provision of supporting infrastructure. Moreover, the Council have applied overly optimistic projections to the delivery of housing for the extension of Paddock Wood and the Tudeley Garden Village. 1.5.4 In our view, further small to medium sites are needed to remedy these matters or soundness and such additional sites should be directed to sustainable locations such as Cranbrook and Hartley.

[TWBC: for further representations on Section 3: Vision and Strategic Objectives and Policy STR1, please see PSLP_1957 and PSLP_1958 respectively].

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

Supporting Information File Ref No: SI_129

Comment

Agent	Jack Harley [REDACTED]
Email Address	[REDACTED]
Company / Organisation	DHA Planning Ltd
Address	- Maidstone -
Consultee	Pickhill Developments Ltd [REDACTED]
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Pickhill Developments Ltd [REDACTED]
Comment ID	PSLP_1958
Response Date	04/06/21 11:28
Consultation Point	Policy STR 1 The Development Strategy (View)
Status	Processed
Submission Type	Email
Version	0.4
Files	DHA Planning for Pickhill Developments Ltd full representation.pdf
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Pickhill Developments Ltd
Question 2	
Agent's Name and Organisation (if applicable)	DHA Planning
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy STR 1 The Development Strategy

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

Question 5

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

1.1 Introduction

1.1.1 These representations have been prepared by DHA Planning on behalf of Pickhill Developments Ltd in respect of the Tunbridge Wells Borough Council Regulation 19 Local Plan consultation.

1.1.2 Tunbridge Wells Borough Council (TWBC) has produced a new Local Plan to guide future development within the borough. As the Council is now satisfied that it has a sound plan it proposes to submit the plan for Independent Examination following completion of this final round of consultation.

1.1.3 Once submitted, the Local Plan will be examined by an Inspector whose role is to assess whether the plan has been prepared in accordance with the Duty to Cooperate, legal and procedural requirements, and whether it is 'sound'. In this regard, the Government published a revised NPPF in February 2019, which provides that to be "sound" a local plan must be:

- 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;
- Justified – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;
- 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
- Consistent with national policy – enabling the delivery of sustainable development in accordance with the policies in this Framework.

1.1.4 This submission comments on the plan having regard to these tests of soundness as well as wider legal compliance. However, for context, we first provide an overview of the land within Pickhill Developments Ltd control, which was included in the Regulation 18 Draft Local Plan as an allocation (draft policy AL/CRS 6) for residential development (Known as 'Gate Farm, adjacent to Hartley Road and Glassenbury Road, Hartley (plus Bull Farm) (SHELAA reference: Sites 59, 70, 323 & 345, and Late Site 53)' but subsequently omitted from the pre-submission draft. The Pickhill land is site 70.

1.1.5 Based on the current national and local planning context, we object to the site's omission, which was not based on sound planning grounds but as a basis to help defend against a s78 planning appeal. The outcomes of that appeal, and the commentary of the Inspector, provides a clear basis to conclude that the land is a suitable location for proportionate plan led growth.

1.3 Wider Assessment of Soundness

1.3.1 The TWBC Draft Local Plan (herein referred to as 'the plan') sets out the spatial vision, strategic objectives, and overarching development strategy for the borough.

1.3.2 It details overarching place shaping policies for each parish and settlement, as well as site specific allocations to deliver the strategy and detailed policies to be applied to all new development.

1.3.3 The plan will set the agenda for development across the borough to 2038 and replace the current Development Plan, which comprises the Local Plan 2006 (saved policies), the Core Strategy 2010, and the Site Allocations Local Plan 2016.

1.3.4 This representation comments on the following elements of the plan:

• Vision and Strategic Objectives; • Development Strategy and Strategic Policies; • Place Shaping Policies; and • Development Management Policies.

Development Strategy and Strategic Policies (Policy STR1)

1.3.13 The purpose of the Development Strategy is to outline how much development will be provided to meet the needs of the borough and where that development will be located.

1.3.14 In terms of the amount of housing, paragraph 59 of the NPPF states that to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed. Further, to determine the number of homes needed, strategic policies should be informed by a local housing needs assessment conducted using the standard method in national planning guidance – unless exceptional circumstances justify an alternative approach which also reflects current and future demographic trends and market signals.

1.3.15 The Council confirm that their housing need target for the plan period to 2038 is 12,200 dwellings (678 dwellings per annum), which is calculated using the Government's standard method and the 2014-based household projections. We support this approach.

1.3.16 In terms of the different supply components, the Council consider that the Local Plan must (as a minimum) include additional allocations to accommodate 6,945 homes. This figure was formulated taking into account; extant planning permissions (3,313); Windfall allowances (1,670); and outstanding site allocations (276).

1.3.17 At Regulation 18 the Council subsequently applied a 10% non-delivery rate to these figures to err on the side of caution. This is not referenced within the Regulation 19 version as such requires clarification and potential modification if this provision has not been carried forward to the pre-submission plan.

[TWBC: Figure 5 Key diagram duplicated here from PSLP - see full representation attached].

1.3.18 In terms of how these needs will be met, policy ST1 sets the development strategy and states:

[TWBC: Policy STR1 duplicated here from PSLP - see full representation attached].

1.3.19 By way of justification, the Council state that The Draft Local Plan consultation concluded that, having seized all reasonable opportunities for growth 'across the board', meeting the housing need can only be met if the development strategy includes the strategic growth of certain settlements. However, it goes on to state that it is evident from site assessment work that there is very little scope for adding much in the way of further housing numbers to the rural settlements. Indeed, in some cases, the scale of major developments in the AONB have been found to be unacceptably great.

1.3.20 Paddock Wood is said to be a logical choice for strategic growth for a number of reasons; being an existing service and employment centre, having a central railway station and main road links, giving wider accessibility.

1.3.21 Tudeley Village is acknowledged to involve the loss of a large area of Green Belt but this is justified because it is outside the AONB, is well located in terms of accessibility to nearby towns, would be of a scale that supports a good range of services, and can be planned in a holistic, comprehensive manner.

1.3.22 The full proposed distribution of development is set out below.

[TWBC: Table 4 Distribution of housing allocations duplicated here from PSLP - see full representation attached].

Response

1.3.23 We agree that TWBC is capable of meeting its need in full and support this approach to plan-making. However, given its role in failing to fulfil the duty to cooperate with its West Kent

Neighbours, we consider the review process should cease and a cohesive and coordinated approach be progressed with the relevant surrounding authorities. Failing to work with the West Kent Authorities represents a rejection of any form of genuinely strategic thinking and planning and opportunities to meet the full needs of the housing market area is likely to be lost. By not assisting in this process the plan is not positively prepared, is not justified and is therefore not sound or legally compliant.

1.3.24 We broadly support the general thrust of the development strategy, which proposes a strategy to meet the housing needs of the borough with a dispersed growth approach. Nonetheless, we have concerns regarding the deliverability of the strategy. The Council's Housing Trajectory Topic Paper states that for Tudeley Village (STR/SS 3), it is proposed that for the first 10 years of delivery from 2025/26, 150 units are expected per annum, increasing to 200 per annum during the years after. For the plan period, 2,100 homes are allowed for.

1.3.25 Based on this statement, we say that the proposed trajectory is potentially over optimistic and the assumption that a new village is likely to be found to be acceptable via the examination process, be masterplanned, obtain planning consent, deliver key infrastructure and to commence delivering 150 dwellings per annum from the period 2025/26 is wholly unrealistic.

1.3.26 In this regard, we would draw attention back to the 2016 document published by Nathaniel Lichfield's and Partners (NLP) - 'Start to Finish: How Quickly do Large-Scale Housing Sites Deliver', which provides evidence pertaining to the speed and rate of delivery of large-scale housing, based on a large number of sites across England and Wales. It identifies that the average lead in time for the submission of a planning application is 3.9 years, from the date the site is first identified. In terms of the planning approval period, for larger scale sites (2,000 + homes) this is circa 6 years. In summary, based on real life case studies, and the scale of development proposed, housing is unlikely to be delivered at Tudeley until circa 8 years after the first planning permission is approved.

1.3.27 After planning permission is granted, larger sites start to deliver within a year and the average build out rate thereafter is 161 dwellings per annum, although it can be as high as 301 dwellings per annum.

1.3.28 On the basis of this research, if the Local plan is adopted by 2022, planning permission approved by 2024 and delivery commences within 6 years (2030), the likely deliver for the plan period would be significantly less than envisaged by the Council, with minimal units being delivered within the current plan period.

1.3.29 Taking the above into account, our view is that the Council has applied an overly optimistic development trajectory for the delivery of strategic sites, both in terms of the start date for completions and the expected build out rates.

1.3.30 Given the absence of any similar scale strategic sites in Tunbridge Wells Borough as a point of comparison, one could have regard to similar scale delivery in neighbouring authority Tonbridge and Malling Borough. In this respect, we provide evidence below of its three key strategic sites and the associated delivery rates (derived from the Tonbridge and Malling BV Annual Monitoring Report).

1.3.31 Kings Hill is an extremely prudent example to consider in the context of the Paddock Wood extension and new garden village at Tudeley, how deliverable this would be. Indeed, Kings Hill was a new village started in 1989 near land previously occupied by RAF West Malling. The concept was for a multipurpose site of both residential and office business space. The development is still being delivered some 30 years later, despite having multiple national housebuilders delivering different phases concurrently. Based on the most up-to-date delivery data for the last decade, Kings Hill has only delivered 131 dwellings per annum, despite being a highly desirable location and multiple developers delivering concurrently. Furthermore, the earlier delivery phases we delivered at lower rates given the need to front load infrastructure.

1.3.32 Therefore, we consider that whilst some development may come forward in the plan period from the two proposed strategic sites, in reality these strategic allocations are longer term aspirations that will extend beyond 2038.

1.3.33 Having regard to paragraph 11 of the NPPF, plans and decisions should apply a presumption in favour of sustainable development. For plan-making this means that plans should positively seek opportunities to meet the development needs of their area, and be sufficiently flexible to adapt to rapid change.

1.3.34 The over reliance upon Tudeley Garden Village is such that if it is not delivered as planned there is no flexibility to address any resulting shortfall in housing. Accordingly, the plan is unsound on the basis it conflicts with paragraph 11 and lacks sufficient strategic flexibility.

1.3.35 Notwithstanding our objection, the over reliance of the site within the trajectory need not be fatal. In order to remedy it, we consider that any delivery from Tudeley should be assumed to come forward in the next plan period, once there is a greater degree of certainty that the scheme will be progressed and is acceptable from a Green Belt perspective. In the intervening time, further sites such as our client's land should be added to offset the loss of the housing relied upon from Tudeley.

1.3.36 In respect of the wider, strategy, we support the general principle of proportionately spreading the benefits of growth. Adopting a pattern of dispersed growth approach would allow a number of sites to be developed at the same time, serving different segments of the local housing market, which is preferable to saturation of the market in a single area. Nonetheless, we do not accept the Council's conclusion that there is very little scope for adding much in the way of further housing numbers to the rural settlements. To the contrary, the objective of the planning system is to deliver the right homes in the right locations.

1.3.37 As the borough is covered by more than 60% AONB designation, it is clear that a vast number of its residents wish to live in a village setting and within the eastern aspect of the borough. As such, the needs of these people must be met in the most sustainable manner possible. It is not reasonable to assume that residents in these areas, and those that cannot afford their own homes, wish to be displaced to the more built up non-Green Belt areas nor to congregate in the Paddock Wood/Tudeley corridor.

1.3.38 Indeed, it can be seen by the Core Diagram that the proposed strategy is to direct development to the west of the borough with far more limited growth to the east.

1.3.39 Accordingly, we would encourage the Council to increase the balance of small and medium sized sites to the eastern of the borough. Many of these sites, including our client's land, can deliver quickly and usually require limited intervention to infrastructure.

1.3.40 As explained, our client's land is suitable, available and achievable and was, in our view, removed as response to our client's planning appeal rather than as a result of and robust planning evidence.

Green Belt vs AONB Release

1.3.41 Policy SRT9 sets out that exceptional circumstances justify the proposed release of Green Belt land for development.

1.3.42 We broadly support this conclusion and agree that some greenfield Green Belt release is needed to meet housing need in the areas of the borough affected by that designation. However, we disagree with the scale of Green Belt release as an alternative to sensitive redevelopment of AONB land.

1.3.43 The Council's unmet housing need is sufficient to amount to exceptional circumstance to justify a review of Green Belt boundaries. Indeed, this approach has been endorsed by the Court in the Hunston High Court judgment in St Albans where judge stated:

'Having identified the full objectively assessed needs figure the decision maker must then consider the impact of the other policies set out in the NPPF. The Green Belt policy is not an outright prohibition on development in the Green Belt. Rather it is a prohibition on inappropriate development in the absence of very special circumstances. It is entirely circular to argue that there are no very special circumstances based on objectively assessed but unfulfilled need that can justify development in the Green Belt by reference to a figure that has been arrived at under a revoked policy which was arrived at taking account of the need to avoid development in the Green Belt.'

1.3.44 It should also be noted that neighbouring authorities such as Sevenoaks, Tonbridge and Malling and Tandridge are all instigating Green Belt reviews based on need being the driver of Exceptional Circumstances.

1.3.45 However, as set out above, we are concerned with the Council's approach to the scale of the Green Belt release vs that of AONB land.

1.3.46 From a Green Belt context, *Calverton Parish Council v Nottingham City Council, Broxtowe Borough Council and Gedling Borough Council* [2015] EWHC 1078 (Admin)) provides very clear guidelines for determining whether exceptional circumstances exist.

'planning judgments involved in the ascertainment of exceptional circumstances in the context of both national policy and the positive obligation located in section 39(2) should, at least ideally, identify and then grapple with the following matters:

(i) the acuteness/intensity of the objectively assessed need (matters of degree may be important);(ii) the inherent constraints on supply/availability of land prima facie suitable for sustainable development;(iii) (on the facts of this case) the consequent difficulties in achieving sustainable development without impinging on the Green Belt;(iv) the nature and extent of the harm to this Green Belt (or those parts of it which would be lost if the boundaries were reviewed); and(v) the extent to which the consequent impacts on the purposes of the Green Belt may be ameliorated or reduced to the lowest reasonably practicable extent'.

1.3.47 Considering these parameters, the acuteness of the local housing need is clear. The Council's housing need (12,200 for the plan period) is more than double of that previously been required (6,000 between 2006 and 2026) and many urban sites have been depleted since the last plan review. However, it must also be recognised that only 22% of borough lies within the Metropolitan Green Belt and designated area.

1.3.48 In respect of the extent to which the consequent impacts on the purposes of the Green Belt may be ameliorated or reduced, this is to be judged on a site by site basis and small scale release can be mitigated with relative ease given many have limited role in fulfilling the requirements of the Green Belt. However, the same cannot be said of a new settlement within the Green Belt whereby the impact by way of loss of openness would be substantial.

1.3.49 Taking the above into consideration, it is our view that the Calverton judgement sets out very clear parameters for assessing whether Exceptional Circumstances exist and that a sound case could be made for releasing some Green Belt land in line with NPPF guidance. However, we do not consider the evidence exists to justify the scale currently proposed within the plan, at least not until all reasonable alternatives have been assessed.

1.3.50 When dealing with AONBs, paragraph 172 of the NPPF states that great weight should be given to conserving landscape and scenic beauty. It goes on to state that planning permission should be refused for major developments in AONB areas except in exceptional circumstances and where it can be demonstrated they are in the public interest.

1.3.51 Consideration of such major applications should include an assessment of:

(1) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;(2) the cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way; and(3) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.

1.3.52 It is important to stress that footnote 55 of the NPPF is clear that for the purposes of paragraphs 172 and 173, whether a proposal is 'major development' is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined. The term has no direct correlation with the definitions set out in the Town and Country Planning (Development Management Procedure) (England) Order 2015.

1.3.53 The above being the case, we believe that the housing currently being pursued on Green Belt land at Tudeley could potentially be disbursed across the wider extent of the non-Green Belt areas of the borough in a manner that is not major development and thus not requiring an exceptional circumstance test to be met. For example, on the sites like our clients that were wrongly omitted.

1.3.54 Turning to the requirements of paragraph 172, there is an overriding and growing housing need within the Borough. The Council's SHMA findings initially identified the future need to plan for some 678 new homes per year. In addition to the need moving forward, the previous difficulties in keeping pace with delivery has term with a deficit in five year supply.

1.3.55 With respect to the cost of, and scope for, developing elsewhere, we recognise that Tunbridge Wells is a constrained borough. There are a number of archaeological and heritage sites, including 45 Historic Parks and Gardens, 25 Conservation Areas and 11 Scheduled Ancient Monuments. In addition, there are approximately 3,000 Listed Buildings.

1.3.56 The landscape of the High Weald AONB contains numerous historic landscape features, including field patterns, settlements and ancient woodland, whilst the borough also hosts a number of, or is close to, areas of ecological importance. These include:

- Ancient Woodland (approximately 16% of the borough)- Circa 60 Local Wildlife Sites (approximately 11% of the borough)- Ten Sites of Special Scientific Interest (SSSI)- Five Local Nature Reserves (including one Community Woodland)- One Regionally Important Geological Site, at Scotney Castle Quarry.

1.3.57 The nearby Ashdown Forest is a designated Special Area of Conservation (SAC) and Special Protection Area (SPA).

1.3.58 Although not an environmental constraint, the Metropolitan Green Belt covers 22% of Tunbridge Wells borough.

1.3.59 Given the above constraints, it is acknowledged that planning for housing requires the need to balance a number of core environmental and planning matters in order to reach a sensitive future development strategy. However, there is no doubt that the threshold for there being a need to develop in the Green Belt and AONB is patently met and with every development comes an opportunity to moderate the effects of development, including substantial areas of landscaping and associated ecological and heritage buffers and the opportunity to increase public access to the land.

1.3.60 Ultimately it is our view that the Council has wrongly taken the AONB designation and treated it as a 'higher bar' or more significant constraint to development than Green Belt. We consider this approach to be wrong and inconsistent with the NPPF.

1.3.61 As a fundamental principle of planning, there is no barrier to development within AONB. It is a landscape designation and indeed much of the AONB is characterised by built up areas, including villages and towns such as Matfield, Hawkhurst and Cranbrook that are washed over by the designation. In planning terms it is entirely possible to develop within, or adjacent to these (and other AONB) settlements and have development sensitively integrate within the protected landscape. In contrast, Green Belt is an absolute constraint and exists to fulfil a strategic planning role. Once encroachment occurs, of any scale or quality, permanent harm is caused.

1.3.62 The NPPF tells us that the Government attaches great importance to Green Belts and the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and their permanence. In releasing land within the Green Belt the ability to mitigate the impact does not exist in the same manner as it does within the AONB.

1.3.63 The above context in mind, whilst we support a level of Green Belt release, we object to the soundness of the Council's plan on the assumption that Green Belt has been treated as a lesser constraint than the AONB area of the borough. This assumption has dictated the entire growth strategy and renders the strategy inconsistent with the NPPF, not justified and not positively planned.

1.3.64 The over estimation of harm to the AONB, and under estimation of the strategic impact of Green Belt release, is such that this matter can only be addressed through main modification and the redistribution of some of the proposed growth.

1.3.65 Finally, it is important to address that demographically the eastern AONB extent of the borough, characterised by rural villages, represents some of the most affluent part of the borough. Accordingly, there is a risk that the strategy as drafted seeks to concentrate development to the more deprived areas so as to preserve the status quo in the more affluent villages whilst not delivering housing of all tenures throughout the entire borough meeting the borough wide housing need.

Housing Delivery

1.3.66 It is widely acknowledged that there is a housing crisis in this country, which has arisen as a direct consequence of too few houses being built to keep pace with a growing population. Accordingly, the Government has repeatedly indicated that 300,000 additional homes per year should be constructed.

1.3.67 It is evidence that the LPA has fallen a long way behind the required rate of delivery in the years since the NPPF was published. Indeed, the LPA's average annual housing delivery for the period 2016 to 2020 is 506 dwellings per annum, resulting in a deficit that is increasing by circa 172 dwellings per annum. Whilst the draft plan seeks to bridge this gap in delivery, we remain concerned about where

a consistent level of delivery is likely to be achievable based on the pre-submission draft and the close repetition of the current Core Strategy.

1.3.68 The current Core Strategy pre-dates the publication of the NPPF, published in March 2012. The effectiveness of the strategy was in question long before this date and there is an evidenced legacy of failure of the Core Strategy that is unrelated to the introduction of the need to plan for the full objectively assessed development needs of the area.

1.3.69 Indeed, as outlined within the table below, for the immediate five years since adoption of the Core Strategy in 2010, the LPA achieved only 829 new homes against a target of 1,500 dwellings. This amounts to just 166 dwellings per annum for the initial five year plan period.

[TWBC: for table showing housing completion rates 2010 to 2015 see full representation attached].

1.3.70 Based on this evidence, the persistent failure of the Core Strategy began long prior to the introduction of housing targets set by the SHMA and Standard Methodology. As a consequence, mirroring the early strategy with a stringent restriction of development beyond the established limits to built development is likely to result in a similar failure. Instead, a mechanism is needed to ensure that a consistent level of housing can be brought forward at all times to ensure the new plan is sufficiently flexible.

1.3.71 Turning to the context following the publication of the standard methodology, the LPA's delivery rate between 2015 and 2020 has improved slightly, but not to a level that meets the recognised needs of the area. The LPA achieved 2,473 new homes against a target of 3,360 dwellings. This amounts to just 495 dwellings per annum for the five year period and a reduction on the previous five year rate.

[TWBC: for table showing housing completion rates 2015 to 2020 (statement of common ground) see full representation attached].

1.3.72 The recently published Housing Delivery Test (January 2021) results also confirm the need for the LPA to prepare a further action plan to demonstrate how delivery will be addressed moving forward.

1.3.73 In summary, there is a historic legacy of under delivery over the last decade and even with the preparation of the pre-submission plan, past delivery rates provide compelling evidence that the Core Strategy has never been effective in delivering housing at the rates needed to meet the needs of borough residents and that a far more significant buffer or contingency is needed if the new plan is to be effective.

Maintaining a Five Year Housing Land Supply

1.3.74 The continued need to deliver more houses is reflected within the NPPF. In particular, paragraph 11 reiterates the presumption in favour of sustainable development and that plans should positively seek opportunities to meet the development needs of their area and be sufficiently flexible to adapt to rapid change. Furthermore, strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas.

1.3.75 The NPPF requires Local Planning Authorities to ensure that their Local Plan meets the full needs for market and affordable housing. Policies for the supply of housing should not be considered up to date if the Local Planning Authority cannot show a robust five year supply of housing land and cannot fulfil the requirements of the Government's Housing Delivery Test.

1.3.76 It is common ground that the LPA is not currently able to demonstrate a robust five year housing land supply pending the outcome of the development plan review process. Indeed, based on the latest published update is agreed that the Tunbridge Wells Borough Council Five-Year Housing Land Supply Statement 2019/2020 (September 2020) that the supply to be 4.83 years, an improvement on the 4.69 years published for the period 2018/2019.

1.3.77 Nonetheless, we would express our caution in accepting there has been a material improvement in position over the last monitoring year and that the Council is close to achieving a robust supply of land. Published data shows that within the latest monitoring year the annual housing delivery target was missed by 204 units and the published supply only increased by 82 homes. As such, the overall supply context actually worsened by 122 homes. Indeed, the projected supply is a single unit more than it was when the 2017/18 updated position was published suggesting little genuine progress in increasing the supply of land.

[TWBC: for table showing information extracted from the LPA's published supply statements, see full representation attached].

1.3.78 Based upon the evidence, the Council's supply position appears much more robust than it really is owing to the repeated resetting of the base date upon which the five year supply calculation is based. The justification for this is the Standard Method takes into account previous delivery so there is no need to separately address any previous under-supply.

1.3.79 Whilst we do not challenge the fact that guidance permits this, the underlying effect of resetting the base date is to disguise a worsening situation as an improvement. This allied with a persistent failure to meet historic targets means that there must be a clear basis for assuming that adoption of the pre-submission Local Plan will result in an immediate step change in decision making and delivery therefore the plan fails the test of being both positively prepared and effective.

Affordable Housing Need

1.3.80 There is a chronic affordable housing need within the Borough. In this respect, The LPA's SHMA (2015) finds that the borough would need 341 affordable homes per annum to meet their housing needs.

1.3.81 The more recent Housing Needs Study (2018) prepared to accompany work on the pre-submission Local Plan, further assessed affordable requirements by taking into account the need from existing and newly-forming households within sub-areas of the borough of Tunbridge Wells, and comparing this with the supply of affordable housing. This assessment reveals that there is a net annual imbalance of 443 affordable dwellings across the Borough.

1.3.82 The LPA's Local Plan Housing Need Assessment Topic Paper (2019) concludes that the corrected affordable housing need over a 15-year period is actually 391 dwellings/year.

1.3.83 In terms of past delivery, Table 26 of the Annual Monitoring Report 2018/19 outlines the completion rates for affordable units, with an annual average delivery rate of just 82.5 affordable units per annum for the period 2006 to 2019.

1.3.84 Based on this context, immediate delivery of onsite affordable housing is a significant benefit that should weigh heavily in devising a new strategy. In this regard, the absence of a cogent strategy for a new garden village places grave uncertainty as to whether it can deliver at the same rate as non-strategic sites. Even if it would, there is likely to be a long delay with any affordable being delivered towards the back end of this current plan period. In the context, the plan fails to put in place a robust strategy to meet affordable need and is therefore ineffective, not justified and inconsistent with National Planning Policy.

1.3.85 This being the case, removing the reliance of delivery of Tudeley Garden Village in this plan period, and supplementing the plan with genuinely immediately deliverable sites, capable of providing affordable housing, would be an appropriate remedy.

Place Shaping Policies

1.3.86 The place shaping policies establish the spatial priorities for different areas in the borough, organised according to non-parish and parish areas. For each area, there is an overarching policy that development should adhere to and details are provided for individual allocated sites that will deliver the quantum of development proposed. The site-specific allocations provide both strategic and development management guidance.

1.3.87 Policy STR/CR1 sets the proposed strategy for Cranbrook and Sissinghurst parish and states that Approximately 415 to 429 net new dwellings will be allocated. This represents a substantial reduction on the 718-803 new dwellings that were proposed as part of the Regulation 18 plan. Furthermore, the draft allocations for Hartley have been removed in their entirety.

[TWBC: for extract of proposed proposal map for Cranbrook see full representation attached].

1.3.88 Based on the above context, the place shaping aspects of the strategy are unsound and require modification, including the redistribution of housing proposed at Tudeley to genuinely deliverable sites like our client's land at Hartley that is not major development and is not requiring of an 'exceptional circumstances' case for the land to be released.

1.3.89 As outlined above, Hartley is a moderately sustainable location as found by the Inspector during the course of the recent appeal. Indeed, it is situated within the heart of the hamlet of Hartley and in close proximity to the range of services available in Cranbrook.

1.3.90 The site benefits from good access to public transport links. The bus stops in closest proximity to the site are located on the A229 Hartley Road, approximately 3 minutes' walk to the south of the site access. From these bus stops, Routes 5 and 349 are accessible providing links to Maidstone and Hastings. Further bus stops are located approximately 5 minutes' walk to the north of the site access, again on the A229 Hartley Road. In addition to Routes 5 and 349, Routes 267 and 268 can also be accessed providing links to Tonbridge and Tunbridge Wells. Accordingly, there are opportunities for access to services and facilities without reliance upon private vehicle.

1.3.91 Staplehurst Railway Station is located approximately 11km to the north of the site (via the A229 Hartley Road), equating to a 14-minute drive. From this station, Priory can be accessed, with trains departing to and from London up to six times per hour during weekday peak periods. Additionally, Etchingham Railway Station is located approximately 12km to the west of the site by road and provides access to regular train services between Hastings, Tunbridge Wells and London.

1.3.92 Within the vicinity of the site, there are a number of Public Rights of Way (PRoW) provided, as shown in Figure 2.2 of the supporting Transport Statement [CD6.10]. These routes provide safe, pleasant off-carriageway access to the surrounding countryside. National Cycle Route 18 routes along Park Lane and Water Lane, approximately 1.1km to the south of the site access. This route provides a link between Canterbury and Tunbridge Wells, via Ashford and Tenterden.

1.3.93 In addition to transport linkages, there is access to services by foot. Hartley Farm House and Coffee Shop are accessible from the site in under a five-minute walk. Additionally, a number of services and amenities can be accessed in nearby Cranbrook. These services include further public transport facilities, a supermarket, places of worship, primary and secondary schools, a doctors' surgery, dental practices, banks, a pharmacy, a post office and several public houses. Cranbrook can be accessed via a 25-minute walk, a 6-minute cycle, a 9-minute bus journey or a 4-minute drive.

1.3.94 From a wider perspective, achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives). These being economic, social and environmental objectives.

1.3.95 In this respect, the site is suitable, sustainable, available and deliverable for development, and would help contribute to the borough's immediate housing need in a timely manner. We note that paragraph 68 of the Framework supports the development of small and medium sized developments as they can often be 'built out' quickly.

1.3.96 Household expenditure generated by future residents will help to support economic activity locally and help to sustain the jobs and services within the local area. The new dwellings will also contribute to the public purse in respect of Council Tax and the New Homes Bonus. The scheme will also be capable of contributing to local services and infrastructure.

1.3.97 The site has the opportunity to provide for a quality residential development to meet the needs of the local population. The proposed development can provide circa 8-10 additional homes to meet this supply. This includes a policy compliant mix of market and affordable units.

1.3.98 Having regard to these matters, we challenge the LPA's deletion of the site. Paragraph 103 of the NPPF is clear that the planning system should actively manage patterns of growth and development should be focused on locations which are or can be made sustainable through limiting the need to travel and offering a genuine choice of transport modes. The close proximity of the site to Cranbrook and the services offers residents far greater access to facilities than many of the smaller rural settlements that have defined LBD such as Benenden, Brenchley and other tier three settlements. Accordingly, in a boroughwide context, the appeal site is sustainable.

Development Management Policies

1.3.99 In addition to our comments on the strategy, we have reviewed the proposed replacement development management policies as set out in chapter 6 of the document.

1.3.100 In general terms, we would refer back to paragraph 15 of the NPPF that promotes succinct and up-to-date plans, which provide a positive vision.

1.3.101 As a general comment, there are large numbers of policies that effectively seek to provide a localised policy approach that mirrors the NPPF. For example, good design, protection of heritage assets etc. Not only are these policies repetitive, but many are of such prescriptive detail that they are neither positively prepared nor flexible enough to allow for a range of different circumstances. On this

basis, we would recommend that the majority of proposed policies are deleted where they offer nothing beyond the guidance already contained in the NPPF. This will also avoid the plan being quickly rendered out of date in the event of a change to the NPPF.

1.3.102 Turning to detailed policies, there are a number of contradictory elements that need to be remedied. For example, policy EN1 seeks to ensure development must respect the established character and surrounding form. However, policy EN3 places significant emphasis on measures to radically reduce greenhouse gas emissions.

1.3.103 The provision of a step change towards more sustainable construction and climate change is, inevitably going to result in a need for a change in attitude towards design, material and construction. Accordingly, a cohesive policy approach is needed that allows innovative and different design if supported on wider environmental and planning grounds. As drafted the policies fail to provide clear direction to the user.

1.3.104 A number of policies also seek to provide guidance rather than policy. For example, policy EN4 seeks to clarify what information is needed in order to assess a heritage proposal. This level of information is already established via the NPPF and should instead feature within a supporting SPD not policy.

1.3.105 Turning to housing policies, policy H2 states that development should make efficient use of land, having full regard to the context of the site, including its character, landscape setting, topography, surrounding built form, and access to infrastructure and services.

1.3.106 In our view, this policy adds nothing beyond the advice contained in the NPPF and therefore adds little. It also goes against the principle of preparing succinct Local Plans.

1.3.107 The Council will be aware of wider country wide discussions regarding the viability of providing social rented accommodation as part of a wider offer. Such provision is becoming increasingly difficult and without robust policy in place that addresses this matter, this matter is likely to significantly slow delivery.

1.3.108 In summary, whilst this overview is not exhaustive, we do have concerns about the nature of the proposed policy framework and the degree to which it appears to be trying to limit and frustrate development. Accordingly, in the interests of positive planning, we recommend that the policy framework is simplified and refined and subject to further detailed consultation and focussed on planning matters.

1.3.109 Finally, paragraph 6.335 has regard to development viability and places the onus on the Developer to demonstrate the 'price paid for land' when testing viability. It also requires applicants to factor in on site mitigation measures as well as measures to mitigate the impact of development. By way of response, viability assessments should be based upon Benchmark Land Value in accordance with the NPPF/NPPG guidance. Furthermore, the detailed constraints and infrastructure needs are not always known at the outset, nor is it possible to make informed decisions on mitigating matters such as biodiversity net gain until late in the development process. As such, viability cases must be assessed in an open manner based on the merits and unique circumstances of the sites on their own merits. Failure to recognise this means that the plan is neither positively prepared nor effective.

1.4 Legal Compliance

1.4.1 In terms of legal compliance, the main requirements for the early stages of Local Plan consultation are in relation to:

- planning for community engagement;
- the sustainability appraisal (including consultation with the statutory environment consultation bodies);
- identifying significant cross boundary and inter-authority issues; and
- ensuring that the plan rests on a credible evidence base, including meeting the Act's requirement for keeping matters affecting the development of the area under review.

1.4.2 The Council has undertaken public consultation at various stages. Furthermore, it has liaised with the development industry via Agents Forums and as such we raise no objection to this aspect of legal compliance.

1.4.3 From a wider perspective, and having regard to the duty to cooperate, there is grave concern in respect of the degree of cross boundary working and the extent to which Tunbridge Wells Borough has genuinely sought to assist with unmet housing need arising from neighbouring authorities. Indeed, the Sevenoaks, Tonbridge and Malling and Wealden Local Plans have all recently failed to pass through

independent examination because of inadequate efforts to work collectively. Given these failures, it is difficult to conclude that Tunbridge Wells Borough Council should be absolved of similar criticisms.

1.4.4 Indeed, within the Duty to Cooperate Topic Paper the Council confirms that it relies upon the Statements of Common Ground (SOCG) agreed with Sevenoaks DC in May 2019, yet this agreement was deemed inadequate for Sevenoaks to have properly discharged its duty to cooperate. It was seen as too little too late.

1.4.5 The topic paper then states that an updated SoCG between TWBC and SDC is currently being prepared, but is delayed due to ongoing legal action by SDC following an adverse decision by the High Court (note this was Court of Appeal) in relation to its own Local Plan. That Court of Appeal judgement has now been handed down and reinforces the failure to discharge the duty.

1.4.6 Having regard to the above, we are concerned about the degree to which the Council has complied with the statutory framework for preparing a new plan, albeit we will reserve our position on this matter until all final consultation documentation and statements of common ground have been published.

1.4.7 In any event, the deletion of a vast number of suitable sites at the Regulation 19 stage would suggest that there are opportunities to meet the needs of the adjacent and potentially more constrained neighbours and that this is a matter that should be address via the plan making process, collectively with the West Kent neighbouring authorities, rather than Tunbridge Wells proceeding ahead in isolation.

1.5 Summary and Conclusions

1.5.1 In summary, this representation has been prepared on behalf of Pickhill Developments Ltd in response to the Tunbridge Wells Borough Council Pre-submission Local Plan Consultation. The purpose being to provide comment on the Council's proposed development strategy ahead of Examination.

1.5.2 We support the aspiration to meet housing need in full and consider that a dispersed growth strategy represents the optimum means to achieve this. Nonetheless, we object to the exclusion of our client's land at the late stage of the process, the deletion of which is unsubstantiated and based on unsound conclusions. Furthermore, we object to the reduced growth promoted around Cranbrook and Hartley.

1.5.3 Finally, we consider that the Local Plan strategy relies heavily on the delivery of strategic sites that would require the provision of supporting infrastructure. Moreover, the Council have applied overly optimistic projections to the delivery of housing for the extension of Paddock Wood and the Tudeley Garden Village. 1.5.4 In our view, further small to medium sites are needed to remedy these matters or soundness and such additional sites should be directed to sustainable locations such as Cranbrook and Hartley.

[TWBC: for further representations on Policy STR/CRS 1 and Section 3 Vision and Objectives, please see PSLP_1956 and PSLP_1957 respectively].

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

Comment

Consultee	Adrian Pitts [REDACTED]
Email Address	[REDACTED]
Address	
Event Name	Pre-Submission Local Plan
Comment by	Adrian Pitts [REDACTED]
Comment ID	PSLP_297
Response Date	24/05/21 11:31
Consultation Point	Policy STR/SS 1 The Strategy for Paddock Wood, including land at east Capel (View)
Status	Processed
Submission Type	Web
Version	0.3
Question 1	
Respondent's Name and/or Organisation	Adrian Pitts
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
Policy STR/SS 1 Strategy for Paddock Wood, including land east of Capel	
Question 4	
Do you consider that the Local Plan:	
Is legally compliant	Don't know
Is sound	No
Complies with the Duty to Cooperate	Don't know
Question 4a	

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

- . It is not effective
- . It is not justified
- . It is not consistent with national policy

Question 5

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

I have lived with my wife and two (now adult) children in Paddock Wood for 22 or more years, working locally in Tonbridge. I directed the Paddock Wood Choral Society for 10 years and was a Governor at the Paddock Wood Primary School. Over that time the congestion on the route between Paddock Wood and Tonbridge has become increasingly difficult particularly at school start and finish times. In the main shopping area there has been less and less monitoring of traffic and congestion by traffic wardens leading to frequent double parking and congestion. The 'improvements' to cycling and pedestrianisation rushed in 2020 with no consultation with local people was even worse, and had to be suspended due to the road works going on in the town. The already approved developments are expensive and although my daughter has trained to become a teacher locally, she will be unable to afford the housing being built now. Through a genetic condition we all have to wait many days to gain an appointment at the GP (Woodlands) and dentist services. Most serious in some ways is the increase in flooding in recent years - the main sewer for Allington Road is outside our house. For us it is surface flooding but all around us is road and field flooding. Despite the environment agency maps delivered to my door showing the problem, houses are and from the plan will be built on flood plains.

Traffic - the Badsell Road development has already led to months of traffic lights and road works. The local plan will make this worse through evidence submitted being out of date as the new partially constructed development sites would not have been taken account of in any traffic monitoring. The road from Five Oak Green to Tonbridge is already a busy minor road, with Somerhill School causing congestion at one end (Tonbridge) backed up to Tudeley most mornings. The established corridor between Tonbridge, Paddock Wood and Tunbridge Wells (KCC Schools travel) also means this is a vital conduit. TWBC estimates about 20 years of on-going disruption during the lifetime of the plan. The proposals to make the centre a 'low traffic' town through closure of the Maidstone Road bridge would not reduce the number of vehicle trips to the town from that end. The dentist and other businesses are located there, and would create more traffic on Badsell Road and other cut throughs as it does when there is an accident at the Hop Farm roundabout. Sending traffic past the development being completed (where there is already planned traffic management eg queuing lane etc). Bus only access on a limited weight bridge coupled with the plan for Commercial Road would further restrict access to the Railway Car park. I am very concerned that the car parking should be taken away as approved development at Bell's Chip Shop cites them as part of the approval for the flats proposed there. The temporary removal of access and through traffic arrangements were very unpopular with locals. Very few pupils cycle to Mascalls school, as they come by train from a wide area. Overdevelopment will create more traffic not less. Most houses will have 2 cars per house.

Loss of green belt/productive farmland - the plan may emphasise the 'village' and low traffic nature of the ideas behind the building work, but as Government policy has recognised the importance of countryside with established trees and water systems the replacement with thousands of homes will take years to replace and establish, with most infrastructure coming at the end after the homes have been sold.

Flooding - a serious concern as the plan does not seem to take account of development already in progress with consequent destruction of fields, trees and bio-diversity. There needs to be much more

detail on flood mitigation and drainage. Coupled with an ageing and stretch water supply system the plan does not currently provide for futureproof supply and adequate sewerage disposal.

The council have shown little engagement with the public negative response to Reg 18 and the consultation process here is long, legal and jargon-istic. The Facebook discussion opportunities with the planning team do little more than refer you to a detailed part of the plan which is not in plain English and is very dense to unpick. Specific questions are answered very generally. Paddock Wood Town Council has objected to the Plan several times on behalf of residents this also has been ignored at Borough level.

Paddock Wood is already in the throes of development and potential overdevelopment. The quotas proposed increase the population of the town significantly. The plan gives an unfair burden of development in a largely rural area. Together with proposals by the Hop Farm considered by Maidstone Council, the developments between Capel and Tonbridge the existing rural character and attractive lanes for cyclists will be congested and have a negative impact on the environment and climate (carbon emissions). A no idling policy is not a replacement in an AONB setting.

Because of the lack of engagement with locals for Reg 18, Paddock Wood seems to be focus for all the housing requirements for TWBC sacrificing its rural nature and small urban town nature fundamentally. The level of housing, including unwelcome provision for Gypsies and Travellers is disproportionate and unsound as so much is on a flood plain.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

No, I do not wish to participate in examination hearing session(s)

Question 8

If you have any separate comments you wish to make on the accompanying Sustainability Appraisal, please make them here.

Growth strategy 3 - capped housing at 678 with large Paddock Wood Extension.

Should be based on up to date proportionate growth distributed across existing settlements. We believe this plan is disproportionate.

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:

Yes, I wish to be notified of future stages of the Local Plan

Comment

Consultee	Adrian Pitts [REDACTED]
Email Address	[REDACTED]
Address	
Event Name	Pre-Submission Local Plan
Comment by	Adrian Pitts [REDACTED]
Comment ID	PSLP_3
Response Date	04/06/21 15:40
Consultation Point	Policy STR/SS 1 The Strategy for Paddock Wood, including land at east Capel (View)
Status	Processed
Submission Type	Web
Version	0.3
Question 1	
Respondent's Name and/or Organisation	Adrian Pitts
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
Policy STR/SS 1 Strategy for Paddock Wood including land at east Capel	
Question 4	
Do you consider that the Local Plan:	
Is legally compliant	Don't know
Is sound	No
Complies with the Duty to Cooperate	No
Question 4a	

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

- . It is not effective
- . It is not justified
- . It is not consistent with national policy

Question 5

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

I am resident in Paddock Wood West Ward. A local teacher. I have been a governor at PW Primary School. During in the 22 years I have lived here I have been concerned by growing traffic congestion between PW and Tonbridge on the schools corridor and PW and Maidstone. My GP surgery wait times have lengthened which means you rarely get a timely appointment. Outside our house we have experienced flooding issues which were supposed to be once in a generation events quite regularly.

I am concerned about increased traffic that is evident from existing and already approved overdevelopment of Paddock Wood. Badsell Road queuing system has not been built for the FoalHurst estate and the crazy proposals for shutting the Railway bridge effectively cuts off half of the town in addition to routing traffic from Laddingford Yalding etc into Badsell Road. I believe the local plan is not currently sound on account of changing national policies of green belt development. It does not take account of the intervening approvals between its development and consideration. The assessed needs for homes had changed significantly since it was developed. Last week councillors from TMBC have objected to proposals revealing an outdated consultation as a duty to cooperate. The plan has not been positively prepared to take sufficient objective account of building approvals without sufficient prior investment in infrastructure - sewage treatment and water supply concerns.

Traffic evidence cited seems to be without taking in to account current and already approved building work in PW. The small road from PW via Five Oak Green to Tonbridge carries school traffic almost always clogged at the Somerhill end. With a plan envisaging another school and no infrastructure the thoroughfare will be confested still further.

Affordable housing for the young people in PW has been a cited reason for building approval in the past by TWBC. Rarely are the houses affordable for young people and I believe the current plan will not be effective in delivering this aim. The engagement with the town over our responses to Reg 18 consultation was very poor. The lack of any consultation over rushed pedestrian and cycling measures in the town centre in 2020 that were subsequently withdrawn lead me to suspect this plan also is not sound on community engagement or represents local views accurately. Cycling on Kent's lanes is a popular pastime. Most students attending Mascalls secondary school are local or come by train. Car parking in the town and at the station serves a wide community beyond PW. More traffic wardens would be a more cost effective solution to much of the issues in the town centre. Putting retirement homes where shops had been is not an effective way to regenerate the town.

long term flooding in PW is not effectively addressed by the plan which is clearly already being build on Environment Agency flood plains. - attenuation pools and neutral impact over time will put incredible stress on the systems which are overdue renewal and replacement.

lastly the environment and climate change has become a government priority this plan is therefore not now consistent with the government policy

Question 7

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If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

No, I do not wish to participate in examination hearing session(s)

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:

Yes, I wish to be notified of future stages of the Local Plan

Comment

Consultee	Joanna Pope [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] Cranbrook [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Joanna Pope [REDACTED]
Comment ID	PSLP_1847
Response Date	04/06/21 16:57
Consultation Point	Policy AL/BE 1 Land adjacent to New Pond Road (known as Uphill), Benenden (View)
Status	Processed
Submission Type	Email
Version	0.8
Data inputter to enter their initials here	KH
Question 1	
Respondent's Name and/or Organisation	Joanna Pope
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy AL/BE 1 Land adjacent to New Pond Road (known as Uphill), Benenden

Policy AL/BE2 Feoffee Cottages and Land, Walkhurst Road, Benenden

Policy AL/BE3 Land at Benenden Hospital (south of Goddards Green Road) East End

Policy AL/BE4 Land at Benenden Hospital (north of Goddards Green Road) East End

EN1 Sustainable Design

Sustainability Appraisal

[TWBC: this representation has been input against Policies AL/BE 1, AL/BE 2, AL/BE 3, AL/BE4, EN1 and Sustainability Appraisal – see Comment Numbers PSLP_1847, PSLP_1850, PSLP_1851, PSLP_1852 and PSLP_1853]

Question 4

Do you consider that the Local Plan:

Is legally compliant	Don't know
Is sound	No
Complies with the Duty to Cooperate	Don't know

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

- . It is not positively prepared
- . It is not justified

Question 5

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

The Local Wildlife Sites for AL/BE3 and AL/BE4 should be consistently recognised across the Pre-Submission Local Plan, Benenden Neighbourhood Plan and the Benenden Healthcare Society development plans. Any development plans cannot be taken into consideration until these are accurately recorded in all documents.

The sustainability of adding additional housing to sites AL/BE3 and AL/BE4 has not fully been taken into consideration when comparing potential development sites which are closer to the centre of Benenden Village. The effect on the surrounding rural lanes of significant additional housing has not been taken into account.

Question 6

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

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Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Question 5 above. (Please note that non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

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Question 7

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Future Notifications

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Yes, I wish to be notified of future stages of the Local Plan

Comment

Consultee	Joanna Pope [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] Cranbrook [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Joanna Pope [REDACTED]
Comment ID	PSLP_1850
Response Date	04/06/21 16:57
Consultation Point	Policy AL/BE 2 Feoffee Cottages and land, Walkhurst Road, Benenden (View)
Status	Processed
Submission Type	Email
Version	0.6
Data inputter to enter their initials here	KH
Question 1	
Respondent's Name and/or Organisation	Joanna Pope
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy AL/BE 1 Land adjacent to New Pond Road (known as Uphill), Benenden

Policy AL/BE2 Feoffee Cottages and Land, Walkhurst Road, Benenden

Policy AL/BE3 Land at Benenden Hospital (south of Goddards Green Road) East End

Policy AL/BE4 Land at Benenden Hospital (north of Goddards Green Road) East End

EN1 Sustainable Design

Sustainability Appraisal

[TWBC: this representation has been input against Policies AL/BE 1, AL/BE 2, AL/BE 3, AL/BE4, EN1 and Sustainability Appraisal – see Comment Numbers PSLP_1847, PSLP_1850, PSLP_1851, PSLP_1852 and PSLP_1853]

Question 4

Do you consider that the Local Plan:

Is legally compliant	Don't know
Is sound	No
Complies with the Duty to Cooperate	Don't know

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

- . It is not positively prepared
- . It is not justified

Question 5

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The sustainability of adding additional housing to sites AL/BE3 and AL/BE4 has not fully been taken into consideration when comparing potential development sites which are closer to the centre of Benenden Village. The effect on the surrounding rural lanes of significant additional housing has not been taken into account.

Question 6

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Comment

Consultee	Joanna Pope [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] Cranbrook [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Joanna Pope [REDACTED]
Comment ID	PSLP_1851
Response Date	04/06/21 16:57
Consultation Point	Policy AL/BE 3 Land at Benenden Hospital (south of Goddards Green Road), East End (View)
Status	Processed
Submission Type	Email
Version	0.4
Data inputter to enter their initials here	KH
Question 1	
Respondent's Name and/or Organisation	Joanna Pope
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy AL/BE 1 Land adjacent to New Pond Road (known as Uphill), Benenden

Policy AL/BE2 Feoffee Cottages and Land, Walkhurst Road, Benenden

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EN1 Sustainable Design

Sustainability Appraisal

[TWBC: this representation has been input against Policies AL/BE 1, AL/BE 2, AL/BE 3, AL/BE4, EN1 and Sustainability Appraisal – see Comment Numbers PSLP_1847, PSLP_1850, PSLP_1851, PSLP_1852 and PSLP_1853]

Question 4

Do you consider that the Local Plan:

Is legally compliant	Don't know
Is sound	No
Complies with the Duty to Cooperate	Don't know

Question 4a

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Question 5

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Comment

Consultee	Joanna Pope [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] Cranbrook [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Joanna Pope [REDACTED]
Comment ID	PSLP_1852
Response Date	04/06/21 16:57
Consultation Point	Policy AL/BE 4 Land at Benenden Hospital (north of Goddards Green Road), East End (View)
Status	Processed
Submission Type	Email
Version	0.5
Data inputter to enter their initials here	KH
Question 1	
Respondent's Name and/or Organisation	Joanna Pope
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

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Consultee	Joanna Pope [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] Cranbrook [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Joanna Pope [REDACTED]
Comment ID	PSLP_1853
Response Date	04/06/21 16:57
Consultation Point	Policy EN 1 Sustainable Design (View)
Status	Processed
Submission Type	Email
Version	0.7
Data inputter to enter their initials here	KH
Question 1	
Respondent's Name and/or Organisation	Joanna Pope
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

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Is sound	No
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Question 4a

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Yes, I wish to be notified of future stages of the Local Plan

Comment

Consultee	Helen Adam [REDACTED]
Email Address	[REDACTED]
Address	
Event Name	Pre-Submission Local Plan
Comment by	Helen Adam [REDACTED]
Comment ID	PSLP_1007
Response Date	02/06/21 23:22
Consultation Point	Policy STR/SS 3 The Strategy for Tudeley Village (View)
Status	Processed
Submission Type	Web
Version	0.3
Question 1	
Respondent's Name and/or Organisation	Postern Lane Residents' Association (PLRA)
Question 2	
Agent's Name and Organisation (if applicable)	Helen Adam (on behalf of PLRA)
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
Policy STR/SS3 - Strategy for Tudeley Village	
Question 4	
Do you consider that the Local Plan:	
Is legally compliant	Don't know
Is sound	No

Complies with the Duty to Cooperate

Don't know

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

- . It is not positively prepared
- . It is not effective
- . It is not justified
- . It is not consistent with national policy

Question 5

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The Postern Lane Residents' Association (PLRA) is an unincorporated association of 33 households on Postern Lane (a private road between Tonbridge and Tudeley). These comments are on behalf of the lane residents.

The PLRA objects to Policy STR/SS3 for the reasons summarised below.

SUSTAINABILITY

The new town has been proposed in a wholly unsustainable rural location. Residents of this new settlement would regularly travel to Tonbridge and Paddock Wood, the two local centres. How would they do so?

The obvious answer is that most of them will go by car, because (a) all the evidence shows that that is what people do unless there is a very attractive and convenient public transport alternative, and (b) the new settlement will not have any serious public transport at all. There is no train station and there is no evidence that one ever would be agreed by Network Rail. The "four bus an hour" service vaguely floated by TWBC will never attract enough market share to reduce car usage to the necessary levels (and is not financially viable, and no doubt would be quietly withdrawn as loss-making after a few years). Nor will sufficient numbers of people cycle or walk: the distances are too great and the inconvenience too high (eg for school runs, for larger shopping trips, for the elderly or even when it is raining).

So what will happen when the residents of this new settlement turn to their cars, as they inevitably will? TWBC's own evidence shows that the answer is gridlock. Tudeley's major road connection is a B road (the B2017) which is already overloaded. Many of our residents do not exit the southern end of Postern Lane onto the B2017 in the morning rush hour as it is already a traffic jam, and that is before a single new house has been built.

Without a major road building programme (which TWBC acknowledges would be economically and environmentally unacceptable) the traffic which the new settlement would generate would overwhelm the local infrastructure.

The new settlement would thus be wholly car-dependent in an area with poor road connections. This is not sustainable planning.

What is more, TWBC is seeking to meet around 25% of the housing proposed by the Plan through this one single site. With such a complex project complications and delays are almost inevitable, and because of the heavy reliance on the Tudeley site to deliver, that will mean that the predicted housing need will not be met.

AGRICULTURAL LAND

The new settlement is mostly on Grade 2 agricultural land (See TWBC Development Constraints Study October 2016, Figure 5) and Grade 2 land is rare in the Borough (See TWBC Agricultural Land Classification Study 2014). The NPPF states that *“Planning policies and decisions should contribute to and enhance the natural and local environment by ... recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land”* (see NPPF para 170(b); “best and most versatile agricultural land” includes Grade 2 - see Glossary, p65). NPPF footnote 53 adds that *“Where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality”*. There is no evidence that TWBC has considered seeking out poorer quality land and it is obvious that building on 180ha of prime agricultural land will not contribute to or enhance the natural and local environment.

GREEN BELT

TWBC could only lawfully remove this very large amount of land (182ha) from the Green Belt if it could positively show that “exceptional circumstances” exist justifying this course of action: NPPF para 137. It cannot begin to do so.

NPPF para 143 protects the Green Belt from inappropriate development and paragraph 144 requires substantial weight to be given in planning decisions to “any harm to the Green Belt”. TWBC’s own assessment of harm, in 2016/7, stated that removal of Green Belt land in this location would cause “Very High” harm to the Green Belt: see Table 6.1 of *Tunbridge Wells Green Belt Study, Stage Two Final Report* prepared for TWBC by Land Use Consultants Limited July 2017.

That, of course, was before TWBC had decided that it could solve all its housing problems by dumping them into this giant housing estate. After that decision, TWBC’s consultants miraculously decided that the harm to the Green Belt could after all be downgraded to “High” (Green Belt Study Stage 3, LUC, issued Nov 2020, Rev 1 (corrected) March 2021). It is impossible to avoid the suspicion that this conclusion was reached because it was the desired answer, rather than the right one. It is obviously wrong and the methodology used to reach it is obviously unsound. The short point is that this new settlement goes right up to the edge of Five Oak Green and in effect will create a giant new “super-settlement” running from Hartlake Road in the west through to the eastern edge of Five Oak Green. It will thus occupy the bulk of the 6km gap between Tonbridge and Paddock Wood and in doing so will actively contribute to neighbouring settlements merging.

TWBC has not even bothered to undertake a Landscape and Visual Impact Assessment, which is an extraordinary omission. The site is virgin Green Belt land of the highest landscape quality, very vulnerable to development. No vague talk of “improvements” elsewhere could compensate for its loss (and to seek to justify the destruction of prime Green Belt land by improving other land, necessarily of lower quality, is a bizarre strategy in any event).

AONB

Creation of a substantial new settlement on the very edge of the AONB will create both indirect harm to the AONB (by damaging its setting) and also direct harm (by adversely affecting its tranquillity and by creating light pollution over its dark skies).

CONCLUSION

Policy STR/SS3 is unsustainable and inconsistent with national policy; it is not sound.

Question 6

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It is hard to provide a modification to the local plan when it is so fundamentally flawed. We suggest a removal of STR/SS3 (The Strategy for Tudeley Village), from the local plan and instead we invite TWBC to plan a number of smaller developments, spread around the Borough, and adjacent to existing communities.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

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Question 8

If you have any separate comments you wish to make on the accompanying Sustainability Appraisal, please make them here.

The Sustainability Appraisal is fundamentally flawed and has not accurately nor sufficiently assessed the likely environmental effects, nor the social or economic effects, of the Local Plan. They have worked with one landowner for convenience but this does not amount in itself to a sustainable strategy. TWBC have failed to consider reasonable alternatives.

Future Notifications

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Comment

Consultee	John Potter & Jan Roberts [REDACTED]
Address	[REDACTED] Tonbridge [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	John Potter & Jan Roberts [REDACTED]
Comment ID	PSLP_1121
Response Date	03/06/21 11:50
Consultation Point	Policy STR/SS 3 The Strategy for Tudeley Village (View)
Status	Processed
Submission Type	Email
Version	0.3
Data inputter to enter their initials here	HB

Question 1

Respondent's Name and/or Organisation	John Potter & Jan Roberts
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Question 3

To which part of the Local Plan does this representation relate?	Policy
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Question 3a

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy STR/SS 3 The Strategy for Tudeley Village

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

Question 5

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We are John Potter and Jan Roberts

xxxx

TONBRIDGE

TNxx xxx

Home tel: xxxx

[TWBC: full address and phone number redacted for data protection purposes]

We have already written to you concerning the effect of the proposed local plan by TWBC.

This letter is to reiterate our, and we believe many others, horror, at the ill-thought out intention to “grow” Tunbridge Wells beyond what you can actually cope with. For so many years the major site opposite the Council Offices has been left undeveloped. And there are probably more than enough other “brown field” sites in your town that can be used for housing etc. Ones that you should be concentrating on instead of scarring the beautiful Kentish landscape.

Your plan to build across from the old people’s accommodation near Woodgate Way was abhorrent and we understand that mercifully you have had the grace to drop this thoughtless idea.

You are aware that Tonbridge has a large number of schools within the town and that pupils are brought in from far and wide. Regularly the town is gridlocked with pupils and the resulting increased traffic. Any new housing developments in the area which will contribute to this situation will, of course, result in extra congestion.

Lastly, and most important, green fields sites are environmentally SO important to everyone’s well being and need to be preserved and not be available to those building developers who are happy to grease the palms of whoever will give them carte blanc to destroy them.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

For office use only

If responder hasn't ticked an option on this box, data inputter to tick 'not stated' box. Not Stated

Comment

Consultee	Alan Powell [REDACTED]
Email Address	[REDACTED]
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Alan Powell [REDACTED]
Comment ID	PSLP_1646
Response Date	04/06/21 11:43
Consultation Point	Policy STR/SS 3 The Strategy for Tudeley Village (View)
Status	Processed
Submission Type	Email
Version	0.4
Data inputter to enter their initials here	KH
Question 1	
Respondent's Name and/or Organisation	Alan Powell
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy STR/SS 3 The Strategy for Tudeley Village

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

Question 5

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

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I live on the Somerhill Green development, off the A26 (Woodgate Way) and I am writing to strongly object to your Strategy for development in Tudeley and Capel Parish.

Creating a garden settlement of so many residential dwellings at Tudeley will cause immense harm not only to the existing residents of the Parish of Capel but also to the residents of Tonbridge and in particular residents of Somerhill Green. There will be a significant increase in traffic into Tonbridge from the B2017 (Tudeley Road). This road is already heavily congested, particular in the mornings and late afternoons. This makes it very difficult to leave the Somerhill Green site onto the A26 via the roundabout. This is the only vehicle access into and out of Somerhill Green residential development and The Bishops Chavasse primary school. The A26/B2017 roundabout on Woodgate Way is difficult for traffic to enter due to its layout. There is a blind spot when leaving the residential/primary school developments and you cannot see traffic coming from the Vauxhall roundabout until the last minute. The construction of all these new dwellings in this area is a recipe for disaster, with the increased volume of traffic causing not only gridlock, but a vast increase in pollution.

Many of the people living in the new houses will use Tonbridge Railway Station for commuting, where will they park ?. The additional traffic will be more than the roads can cope with. The towns roads are already full at peak times, the trains are already packed. With all the new houses at Tudeley and at East Capel it could mean a very large increase in the number of additional cars on the narrow lanes. I don't believe this proposal is sustainable. There will also be a big impact on health services and other amenities in the Tonbridge area.

Concreting over farmed fields will have a large impact on flood risk. Much of the Medway floodplain will be lost. I believe that flood risks will increase. The developments will make the Medway more likely to flood more often and cause increased flood risks in the whole area of Tonbridge to Yalding.

Creating such a large development and destroying so much Green Belt land will kill wildlife and ruin the habitat for many others, with increased noise and light pollution. We should be protecting our woodland, hedgerows and the environment. Future generations will not thank you for vandalising the countryside.

I would ask you to please think very carefully before adopting this environmental unfriendly plan. Destroying acres of pristine Green Belt land, teeming with wildlife and rich in biodiversity is not in keeping with todays thoughts for reducing climate change and helping to protect our planet for the children of the future. There must be a better way forward, what about utilising all the empty property in the borough and brown field land left vacant ?.

Question 7

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If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

For office use only

**If responder hasn't ticked an option on this box,
data inputter to tick 'not stated' box.** Not Stated

Comment

Consultee	Lee Prebble [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] Tonbridge [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Lee Prebble [REDACTED]
Comment ID	PSLP_68
Response Date	28/04/21 15:17
Consultation Point	Section 1: Introduction (View)
Status	Processed
Submission Type	Web
Version	0.1
Question 1	
Respondent's Name and/or Organisation	Lee Prebble
Question 3	
To which part of the Local Plan does this representation relate?	Paragraph(s)
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
1.19, 2.16, 2.32, 4.10, 4.47	
Question 4	
Do you consider that the Local Plan:	
Is legally compliant	Don't know
Is sound	No
Complies with the Duty to Cooperate	Don't know
Question 4a	

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

- . It is not positively prepared
- . It is not effective
- . It is not justified
- . It is not consistent with national policy

Question 5

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Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

Pre-Submission Local Plan Introduction – Draft Local Plan – para 1.19 - p.15 The list of issues is incomplete. Representations made in response to the Regulation 18 consultation referred to the failure to undertake proper assessments of the proposed Tudeley Village site before including it in the Draft Plan. This meant that the largest housing area in the plan didn't go through most of the plan preparation process. There was no Green Belt Study for the site, no Landscape and Visual Impact Assessment, no Biodiversity Assessment. I made representations that the Draft Local Plan was not complete enough to be ready for public consultation when the land for such a big proportion of the housing had not had the same level of assessment as the rest of the plan. The Issues and Options process led to most people (60%) wanting a growth corridor led approach. Less than half wanted a garden settlement and that was when no one knew that the garden settlement would involve destruction of Green Belt and attractive countryside. Protecting Green Belt was a key priority for people who participated in the Issues and Options consultation.

PSLP Population Projections –para 2.16 p.23 Table 1 shows that, by and large the population is shrinking apart from the over 65s. The projected overall increase is due entirely to a rise of 9450 in the 65+ group. For the overall increase of 6155 the Plan proposes to build some 12200 new dwellings and a range of house types (more than one per person for the projected population increase). Clearly the intention is not to meet local needs but to cater for significant inward migration.

PSLP Natural, built and historic environment – para 2.32 p.26 This is a key point. It says that it is recognised that there will be direct impacts on landscape and environmental assets and their settings. It is confirmed that “full account needs to be taken of the landscape and environmental sensitivities of each site, as well as respecting local distinctiveness and providing for enhancements”. It will be demonstrated in this submission that the Plan fails to do this, in particular in relation to the proposed Tudeley Village and its associated infrastructure. For this reason the PSLP is unsound.

PSLP The Development Strategy Housing Needs para 4.10 p.35 The figure for local needs does not acknowledge the projected reduction in population in all sectors apart from the age group 65+. The Plan has taken the housing need figure calculated using a standard method despite having strong grounds to lower it due to the population projections as well as the large amount of Green Belt and AONB land in the borough. The NPPF makes provision for councils to have a choice in the provision of the standard calculation. If provision of these houses is really only possible by sacrificing Green Belt land and harm to the identified local environment then the NPPF makes it perfectly possible for TWBC to say that this is not achievable. TWBC have chosen not to do so. The number of houses delivered by the Local Plan should be reduced by removing any houses planned for Green Belt and sites where the environmental impact, when properly assessed, is not adverse.

PSLP Formulating the Development Strategy para 4.47 p.40 This fails to acknowledge the impact on the local environment in the vicinity of the proposed garden settlement, the landscape and rural character of the area, and is contrary to the vision and strategic objectives. In this respect the Plan is unsound and should not proceed. Furthermore the Council failed to reassess the Strategy in the light of the damage that it would do to the local environment. There is no evidence that there was any reconsideration of the Strategy.

Question 6

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Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Question 5 above. (Please note that non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Remove the policies and sections proposing the new garden settlement at Tudeley and the proposed Five Oak Green By-Pass.

This comment and objection has concentrated on the proposed garden settlement at Tudeley and in particular on the failure to properly assess the impact of the development especially in relation to landscape and visual amenity. That should not be taken to mean that other aspects of the PSLP are considered acceptable. As an individual with limited resources there may well be significant concerns regarding other aspects but the fact that the Plan is unsound as demonstrated should mean that it is withdrawn and the whole strategy reconsidered.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)? . Yes, I wish to participate in hearing session(s)

Question 7a

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If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

I would like the opportunity to ask Council officers to respond to the points and objections i have raised.

Question 8

If you have any separate comments you wish to make on the accompanying Sustainability Appraisal, please make them here.

The Sustainability Appraisal adds little or nothing. The summary for the Capel garden settlement site at Tudeley demonstrates that there was no landscape and visual amenity assessment only that it ticked a box for being outside the AONB. In relation to Air Quality the high risk for deterioration is recorded yet a mixed score is given on the possibility of discouraging private car use. Landscape is scored negatively but only apparently because of impact on the AONB. There is no visual impact assessment or assessment of impact on rural character and amenity or the features identified in the Council's own Landscape Character Assessment.

The score in relation to biodiversity should be very negative. For example; in the garden settlement of 2800 dwellings there could be hundreds of cats. Cats have a strong intrinsic hunting urge, even those that are well fed, and in a rural environment prey items will be more abundant. A cat will roam to hunt; farm and country cats will range anywhere from 100m to 3km. A recent Mammal Society study found that 987 cats over a period of 5 months brought home 11,537 items of prey including a minimum of 20 species of wild mammal, 44 species of wild birds, furs species of reptile and three species of amphibians. The RSPB nature reserve at Tudeley Woods is 750m from the proposed garden settlement. The following specifically protected species are on site CA1: Noctule, serotine, brown long-eared, common pipistrelle and soprano pipistrelle bats (recorded flying). There is evidence of BAP, KRDB or other notable species on site: House sparrow (red list & KRDB), Peregrine falcon (KRDB), Spotted flycatcher (red list & KRDB). Kent Ornithological Society Records show that 70 species of birds regularly rely upon the area within the proposed Tudeley site boundary either over winter or during the breeding season. 53 bird species are considered to breed within the proposed site. 12 of the breeding species are Species of Principle Importance as listed under section 41 (England) of the NERC Act (2006). These species need to be taken into consideration by a public body when performing any of its functions with a view to conserving biodiversity. 10 of the species breeding within the proposed site are also red list Birds of Conservation Concern (BoCC), largely due to significant population decline as a result of habitat loss and change in agricultural practices. Yellowhammer, linnet and skylark (all Species of Principle Importance and Red List BoCC) occur within the proposed site in high densities and all three species are undergoing significant population declines. Four species of owl also occur in the area – Tawny, Little, Barn and Long-eared - itself an unusually high number. There are only a few breeding pairs of Long eared owls recorded in Kent, two of which may be resident in the area. This would represent a significant number and would be a serious consideration for developers. There is no up-to-date Biodiversity Assessment of the site to support this allocation. This should be completed and assessed before such a large development is included.

Climate Change The score in relation to the impact on Climate Change is given as slightly negative. This is incorrect. The impact on Climate Change should be "Very Negative" as soils, mature hedgerows and mature trees will be destroyed during the development to be replaced by housing consuming energy in their construction and subsequent use. This will happen regardless of the green spaces and clusters of mature trees retained in masterplanning. To facilitate the development link roads and road within the settlements will result in soils being covered in hard surfaces and mature trees and hedgerows being destroyed. If Tunbridge Wells Borough Council really is in a "Climate Change emergency" then building thousands of houses on open countryside, including new roads is contrary to that declaration. Travel The score for the impact on Travel is given as Positive. This is incorrect. The score for Travel should be Negative. 58% of Capel residents have 2 or more cars (according to the Transport Evidence Base). The site is at least a 45 minute walk from the nearest train station. Network Rail have ruled out building a train station at Tudeley. Many of the new households will have 2 private cars. Many residents will commute to London. Very few commuters (less than 1%) use bikes and buses to get them to the station each day. This won't change. Their behaviour is based on anxiety over missing their trains (they can control private car use more easily than bus timetables/capacity) and the weather (riding a bike in January? Clothing, footwear and bags?).

It is maintained that the site is unsuitable for a garden settlement because it has a main railway line running through the middle of it. No amount of crossings can join the garden settlement in to one settlement. The proposal is for two settlements divided by a railway line, neither of which satisfy garden settlement principles.

The NPPF states "Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting (my emphasis), should require clear and convincing justification". (Paragraph 194). In its consideration of planning applications, TWBC

requires an assessment of the impact of the proposed development on all heritage assets within a kilometre. Applying its own metric to its own development proposals the following approximate numbers of heritage assets in, or within a kilometre of CA1 are; 2 Grade 1, 1 Grade 2* and 70 Grade 2 listed heritage assets. This is a high number of assets that should be protected. Tudeley is particularly sensitive in terms of heritage around All Saints Church, which is a Grade I listed building and the only church in the world with all of its stained glass windows designed by Marc Chagall. Significant consideration should have been given to the heritage and conservation impact of the development proposed in this area on the setting of this unique global heritage asset.

There are clearly a significant number of considerations that need to be taken into account when deciding on a significant allocation for a garden settlement but the evidence set out above demonstrates that the PSLP has failed to comprehensively assess the site at Tudeley. For this reason the Plan is unsound.

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:

<input type="checkbox"/>	Yes, I wish to be notified of future stages of the Local Plan
--------------------------	---

Comment

Consultee	Lee Prebble [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] Tonbridge [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Lee Prebble [REDACTED]
Comment ID	PSLP_69
Response Date	28/04/21 15:20
Consultation Point	Section 3: Vision and Objectives (View)
Status	Processed
Submission Type	Web
Version	0.1

Question 1

Respondent's Name and/or Organisation	Lee Prebble
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Question 3

To which part of the Local Plan does this representation relate?	Paragraph(s)
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Question 3a

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

3.13 and 3.15 Vision and Strategic Objectives

Question 4

Do you consider that the Local Plan:

Is legally compliant	Don't know
Is sound	No
Complies with the Duty to Cooperate	Don't know

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

- . It is not positively prepared
- . It is not effective
- . It is not justified
- . It is not consistent with national policy

Question 5

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Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

PSLP Vision and Strategic Objectives 1(Section 3) p.30 The Vision is not consistent. It does not respect the distinctive qualities of the Borough that are identified in the Council's own studies. The proposed garden settlement does not reflect local character in particular as identified in the Borough Landscape Character Assessment SPD. The actual impact on the landscape and visual amenity has not been assessed. Moreover the new settlement will not be well connected with nearby towns and will adversely impact on the rural character and amenities of the area. The countryside in the vicinity of the proposed Tudeley development will not retain the landscape, biodiversity and historic character of the area. It is entirely unclear why there is this inconsistency in treatment between the proposed garden settlement and other settlements – why is Tudeley chosen as a place not to retain the essential local character and why is the countryside in the vicinity not to have its landscape, biodiversity and historic character retained?

PSLP Vision and Strategic Objectives 2 p31 Objective 3 is not consistent with the remainder of the Plan. There is no apparent concern at the possible impact on the existing settlement of Tudeley and its highly valued environmental qualities and amenities. There is no apparent intention to conserve and enhance the historic, built and natural environment of the locality where the proposed garden settlement and its associated infrastructure will have such a significant and devastating impact. The objective should be revised to ensure that if there is to be a garden village full and proper account is taken of the impact on the existing settlement and surrounding countryside and landscape.

Question 6

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The proposal to include the new garden settlement and its associated infrastructure should be removed and all policies relating to it unless and until a full and proper assessment of the effects and implications are undertaken. Proposals should be consistent with the policies and strategy for protection of the countryside, landscape and other assets.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)? . Yes, I wish to participate in hearing session(s)

Question 7a

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If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

to question the officers to ascertain how the proposals are considered to be consistent with the policies.

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box: Yes, I wish to be notified of future stages of the Local Plan

Comment

Consultee	Lee Prebble [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] Tonbridge [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Lee Prebble [REDACTED]
Comment ID	PSLP_70
Response Date	28/04/21 15:24
Consultation Point	Section 4: The Development Strategy and Strategic Policies (View)
Status	Processed
Submission Type	Web
Version	0.1
Question 1	
Respondent's Name and/or Organisation	Lee Prebble
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
4.19, STR1, STR9	
Question 4	
Do you consider that the Local Plan:	
Is legally compliant	Don't know
Is sound	No
Complies with the Duty to Cooperate	Don't know

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

- . It is not positively prepared
- . It is not effective
- . It is not justified
- . It is not consistent with national policy

Question 5

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PSLP Economic Needs p36 There is no acknowledgement of the sea change arising from the Covid pandemic in working patterns. In this respect the 2016 Study is significantly out of date and cannot have anticipated the dramatic changes that have taken place in 2020. (There is a parallel in commercial premises which was acknowledged to some extent in the RCLTCU Study Updates 2020/1). For this reason the Local Plan is unsound and needs to be reconsidered.

PSLP The Development Strategy Policy STR1 p.41 As set out above the Strategy is wrong to seek to develop so many houses without proper consideration of actual local needs and the impact on the high quality landscape and environment of the Borough. The Strategy is inconsistent with the vision and inconsistent in the treatment of the land in the vicinity of Tudeley compared with the approach of the Plan to the remainder of the countryside. This policy is not consistent with Policy STR2 1 in that the development at Tudeley will not respond positively to the local character and preserve and enhance the quality of the existing community and its environs. It is not consistent with Policy STR 3 in that it will not conserve and enhance assets of historic, landscape or biodiversity value in the vicinity of the Tudeley development. The policy is not consistent with Policy STR8 in that the development at Tudeley will not conserve or enhance the natural, built and historic environment of the borough. It does not conserve or enhance the landscape assets, biodiversity geodiversity or habitats of the area. It does not retain or enhance key characteristics or valued landscape features and qualities identified in the Borough Landscape Character SPD. It does not accord with the objectives of that SPD. The allocation of the garden settlement at Tudeley, together with the associated infrastructure, has not been informed by a clear understanding of the landscape context, either on or off-site. There is no demonstration of how the characteristics and landscape features of the area have been incorporated or how harm to the landscape has been avoided or minimised. In these respects the Policy is unsound.

PSLP Policy STR9 p.70 It is not accepted that proper justification has been provided for the removal of areas of Green Belt. For much of the land identified for removal there has been no proper landscape, visual amenity or other environmental impact assessment.

Question 6

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The proposals for a new garden village at Tudeley and its associated infrastructure should be removed. Before any plan is adopted a full assessment of the landscape and visual impact should be undertaken and detailed impact studies relating to impact on biodiversity and heritage assets should be carried out.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)? . Yes, I wish to participate in hearing session(s)

Question 7a

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

I wish to ask officers about the processes undertaken and why no proper LVIA was carried out in relation to large housing site allocations including the proposals for Tudeley Village

Question 8

If you have any separate comments you wish to make on the accompanying Sustainability Appraisal, please make them here.

This comment and objection has concentrated on the proposed garden settlement at Tudeley and in particular on the failure to properly assess the impact of the development especially in relation to landscape and visual amenity. That should not be taken to mean that other aspects of the PSLP are considered acceptable. As an individual with limited resources there may well be significant concerns regarding other aspects but the fact that the Plan is unsound as demonstrated should mean that it is withdrawn and the whole strategy reconsidered.

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box: Yes, I wish to be notified of future stages of the Local Plan

Comment

Consultee	Lee Prebble [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] Tonbridge [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Lee Prebble [REDACTED]
Comment ID	PSLP_71
Response Date	28/04/21 15:29
Consultation Point	Section 5: Place Shaping Policies (View)
Status	Processed
Submission Type	Web
Version	0.1
Question 1	
Respondent's Name and/or Organisation	Lee Prebble
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
STR/SS3, STR/CA1	
Question 4	
Do you consider that the Local Plan:	
Is legally compliant	Don't know
Is sound	No
Complies with the Duty to Cooperate	Don't know
Question 4a	

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

- . It is not positively prepared
- . It is not effective
- . It is not justified
- . It is not consistent with national policy

Question 5

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Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

PSLP Policy STR/SS3 Strong objection to this policy for the reasons set out elsewhere in my submissions. It is contrary to strategic policies STR2, STR3 and STR8. It is inconsistent with the approach of the Plan in respect of the countryside in general and to other proposed sites. It is inconsistent with the approach of the Plan in relation to other developments. There is no assessment of the proposed development in respect of Policy EN18. Policy STR/SS3 makes no attempt to respond positively to the local character or conserve and enhance environmental assets such as the landscape, visual amenities and biodiversity of the area. As such this policy is unsound and should be deleted. Furthermore the suggestion that there will be compensatory improvements to the Green Belt has not been demonstrated. There has been no proper assessment of the impact of the proposed Five Oak Green By-pass which is deemed to be essential infrastructure for the development. The absence of proper environmental impact assessment, including the impact on the local landscape, visual amenities and biodiversity makes the proposal unsound.

The Strategic Sites Masterplanning and Infrastructure Report refers to the TCPA Garden City Principles including:

“Development that enhances the natural environment, providing a comprehensive green infrastructure network and net biodiversity gains, and that uses zero-carbon and energy-positive technology to ensure climate resilience.”

There does not appear to be any assessment as to how this objective is achieved in relation to Tudeley. That SSMI Report assesses the viability of the Five Oak Green By-Pass but provides no environmental impact or sustainability assessment. In response to a query the Local Plan Team could only advise that in looking at the route they considered ‘existing landscape constraints’ but could provide no evidence of an actual Landscape and Visual Impact Assessment in accordance with normal practice.

The Tudeley Village Baseline Review makes no reference to the impact on landscape and visual amenity or rural amenity in general as a key development constraint. It does not appear to consider PSLP Strategic policies STR8 or Policies EN8 Outdoor Lighting and Dark Skies, EN18 Rural Landscape, or EN19 the High Weald AONB.

The Strategic Housing and Economic Land Availability Assessment (SHELAA) for this site appears to have been based on a decision that there has to be a garden village site regardless of any further assessment of the impact. This is evidenced by the first bullet point of para 3.32 confirming that remoteness assessment assumes the development of a new Garden Village. The approach to this site is not consistent with the approach to other sites across the Borough.

Other sites are rejected because of “landscape concerns” (e.g. sites 48, 143, 207, 329, 331, 355, 447) but no real consideration appears to have been given to the impact of the proposed garden settlement on the landscape of the Tudeley locality.

The Landscape Character Assessment 2017 states in Chapter 2 page 20 that it is a guide “to help consider landscape character when planning change”. It sets out objectives in Chapter 3 broadly to

conserve, enhance and restore the landscape. It refers to detractors and these include developments that would result in loss of landscape features. One of the pressures is the loss of a sense of remoteness including by artificial light pollution (figure 7 gives an assessment of light pollution at the time and shows the Tudeley site as being a current darker gap in the lighter skies of Tonbridge, Five Oak Green and Paddock Wood – the garden settlement will destroy this).

The Assessment also refers to the intrusion of transport infrastructure (such as the Five Oak Green by-pass?).

At Chapter 5 it says *“The quality of the landscape across the whole borough is high with much of it very high, and has been identified by residents as one of its main assets.”* and *“The description of the landscape character areas within the borough will assist in assessing whether development is acceptable in a particular location.”*

The Tudeley site is in Character Area 13. The report for the area includes features and qualities considered to be of particular landscape and visual value to the character area including

“4) Areas which retain a sense of the historic landscape, where the irregular and sinuous field boundaries are overlaid on more undulating slopes, divided by hedgerows and trees – particularly around the small hamlets of Tudeley and Capel.

5) The hamlets of Tudeley and Capel which retain strong vernacular character as well as views to the surrounding countryside.”

Under *Detractors and Opportunities* it lists:

“ 1) Extensive suburban residential development at Paddock Wood and, to a lesser extent, at Five Oak Green, often with a flat and open urban/rural interface. The settlements are frequently ringed by poorly managed urban fringe countryside. Large buildings on the edge of Paddock Wood are visually conspicuous due to their white or light colour which contrasts with the surrounding green/ brown landscape.

New development around the edge of existing settlements should be unobtrusive and tie in with the local landscape character through appropriate planting treatments. It would be beneficial to target landscape enhancements anywhere but most importantly along the transport corridors and settlement margins.”

The *Strategy* states:

“The Local Character Area should be considered in the context of the High Weald AONB, particularly the role the character area plays in the setting of the AONB. The valued features and qualities of the landscape should be conserved and enhanced.

Respect the vulnerability of the slopes rising up to the south to new developments/land use change. New developments can be highly visible over a wide area on these slopes and detract from the essential countryside character”

It is entirely unclear how the content of the Landscape Character Assessment and its strategy has been taken into account in the assessment of the proposed development at Tudeley. The available evidence is that the Council has only considered landscape designations and not actual landscape and visual impact. In this respect the assessment for the Tudeley site is incomplete and the decision to include the allocation is unsound.

To return to the SHELAA assessment other sites are rejected for impact on heritage assets (297, 329 and 321), lack of pavement (377), being disproportionate to the size of the settlement (144), and railway noise (329, 330 and 331). Garden settlements at Frittenden and Horsmonden are rejected for being very rural and remote and impact on landscape and heritage. It is entirely unclear why these concerns do not apply to Tudeley.

PSLP Policy STR/CA1 (The Strategy for Capel Parish) p.174 This strategy is totally unacceptable and inconsistent with Strategic policies STR2, STR3 and STR8 as set out above.

Question 6

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Question 5 above. (Please note that non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Remove the allocation for a new settlement at Tudeley and all policies that promote it. Reconsider the Plan once full and proper assessments of the impact of proposed developments have been undertaken.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)? . Yes, I wish to participate in hearing session(s)

Question 7a

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

I wish to have an explanation as to how allocations have been made without first undertaking proper impact assessments.

Question 8

If you have any separate comments you wish to make on the accompanying Sustainability Appraisal, please make them here.

This comment and objection has concentrated on the proposed garden settlement at Tudeley and in particular on the failure to properly assess the impact of the development especially in relation to landscape and visual amenity. That should not be taken to mean that other aspects of the PSLP are considered acceptable. As an individual with limited resources there may well be significant concerns regarding other aspects but the fact that the Plan is unsound as demonstrated should mean that it is withdrawn and the whole strategy reconsidered.

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box: Yes, I wish to be notified of future stages of the Local Plan

Comment

Consultee	Ms Catriona Prynne [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] Benenden [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Ms Catriona Prynne [REDACTED]
Comment ID	PSLP_494
Response Date	27/05/21 12:00
Consultation Point	Policy PSTR/BE 1 The Strategy for Benenden parish (View)
Status	Processed
Submission Type	Other
Version	0.5
Data inputter to enter their initials here	AT
Question 1	
Respondent's Name and/or Organisation	Catriona Prynne
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy PSTR/BE 1 The Strategy for Benenden parish

Inset Map 18

[TWBC: this representation has been input against Policies PSTR/BE 1, AL/BE 1, AL/BE 3 and AL/BE 4 – see Comment Numbers PSLP_494, PSLP_]

Question 4

Do you consider that the Local Plan:

Is legally compliant	No
Is sound	No
Complies with the Duty to Cooperate	No

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:	. It is not positively prepared
	. It is not effective
	. It is not justified
	. It is not consistent with national policy

Question 5

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This submission concerns the parish of Benenden, the only parish in the borough to have made its own allocations. The Benenden Neighbourhood Plan (BNP) has been developed in close consultation with TWBC, with the BNP in the lead. The BNP announced its allocations in February 2019, before inviting AECOM to produce its Strategic Environmental Assessment. Pre-Submission Local Plan, para 5.420 reads "The BNP was submitted to TWBC in October 2020 and was consulted on between 30 October and 11 December 2020." But the allocations had been made and published in February 2019. Further, Para 5.420 states "The BNP proposes to include site allocation policies that follow the approach of the site allocation policies for Benenden in this Local Plan." BNP allocations were first published in February 2019 i.e. before LP site allocation policies.

Allocations made by the LP, when it took up the BNP's baton, are therefore inevitably linked to BNP's weaknesses. Yet if the BNP passes a referendum before acceptance of the LP, it is said that it will take precedence over the LP (see para 5.421), with the exception of its plans for the northern site at Benenden hospital, which will be overruled by the plans advanced in the LP (see Benenden Parish Council April 2021 response to Independent Examiner queries on the BNP). This is in contravention of para 5.422 which talks of making "modifications to the LP" so that it matches the BNP.

1 Community involvement. EN1: this requirement has not been respected.

- . In Benenden, almost all new housing is slated for the East End, yet the Friends of the East End (FEE), were never asked to meet with the BNP steering group.
- . See EN1 para 9 requiring the effective engagement of the local community, neighbours of sites and others. The FEE submitted three petitions, two to the BNP and one in relation to the LP. A FEE submission with 127 signatures was submitted on April 4th 2019 in response the Informal Draft NP (published on February 23, 2019), in which the allocations later adopted by the LP were first set out. A FEE submission with 167 signatures was submitted in October 2019 objecting to the first draft of the LP, and in the same month, a FEE submission with 167 signatures was submitted in relation to the Reg 16 draft BNP. See the FEE's current online petition with more than 450 signatures <https://www.change.org/EastEndFriends>
- . Instead of being consulted, the FEE were ignored and belittled. They were informed on 11th March 2019 by the editor of the Parish Magazine (PM), husband of the Chair of the Parish Council, that "I'm of the view that much of the uncertainty has passed since the presentation of the plan

to the village - to a highly favourable reception. At least we no longer have to give polite credence to *uninformed views* that fly in the face of TWBC policy and advocate direct and *pointless confrontation* with TWBC, thereby running the risk of having the entire BNDP thrown back in our faces. *The ensuing chaos hardly bears thinking about.* At least it seems the opinions now being afforded most weight are those of *people who have worked hard for two years to understand the issues* and come up with a coherent way forward."

- . One of the regular articles on the BNP submitted by the chair of the BNP Steering Group appeared in January 2020. It dismisses FEE opposition suggesting only "31 residents from the East End" sent in comments.
- . The core group behind the BNP has consistently tried to persuade those who support the FEE to desist. The chair of the Parish Council and the chair of the BNP Steering Group have twice asked to meet a Tunbridge Wells Alliance (TWA) Borough Councillor for the parish, once together with a TWA borough council candidate, in efforts to persuade them to adhere to the BNP's approach and not to listen to the FEE.
- . The organiser of the FEE was a member of the Steering Committee 2017/2018 as chair of the Environmental Group. She expressed strong disagreement with a Borough Councillor who lives in the village (on occasion, he deputises as chair of the Steering Group) about his wish to step up allocations in the East End and suppress TWBC's wish to build 174 houses on site 158. As a result, the Steering Group chair (using his own word), "sacked" her. This is contrary to EN1 para 9, encouraging early, proactive and effective engagements and the requirement that views expressed should be properly considered.
- . Consultation also failed in relation to the neighbouring parish of Biddenden. The Clerk of Biddenden Council has repeatedly responded to BPC in the course of the BNP consultation process, but received only acknowledgments. A Kent County Councillor and Ashford Borough Councillor wrote an article about BNP's mismanagement of the parish of Biddenden in the Biddenden Parish Magazine, February 2021.
- . The LP is based on the BNP and BNP allocations were made before consultations with stakeholders such as the AONB. This is not consulting in a timely fashion. Further, the LP requires surveys of the hospital sites *after* the designation of the sites for development, for example, archaeological surveys (see AL/BE 3&4). Historic England (HE) asks for the surveys to be carried out *before*. See HE's comments on the first draft LP (DLP_4556) - "we would expect the allocation of sites following on from this Strategy policy (STR1) to be subject to appropriately robust and detailed heritage impact assessment *prior to the allocations being adopted.*"
- 1 **The PSLP is not based on sound evidence**
 - . Throughout the LP process, misstatements have been made about amenities in Benenden's East End. These may be traced back to a submission made by traffic and highways consultants, Transport Planning Associates (TPA) to Benenden Healthcare Society Ltd. (BHS). This submission was recently disclosed in BHS's response to the Independent Examiner's queries in relation to the BNP. TPA's information is sometimes inaccurate and sometimes misleading and we consider it here in detail because it is difficult otherwise, to understand how the LP was able to continue, iteration after iteration, to relate false information about the hospital site.
 - . In October 2019, TPA reported (para 2.6) that there was a footpath along the southern edge of Goddards Green Road (GGR) and the PSLP, para 5.452 states "There is an intermittent pavement along GGR". The GGR is a long road running from New Pond Road to Castleton's Oak crossroads, and was formerly a lane. The pavement is limited to the short section immediately outside the hospital buildings. To say that there is an intermittent pavement along GGR is misleading.
 - . The TPA refers to the East End as a village, which it is not. The East End runs from the junction of GGR and Walkhurst Road, along the GGR to the border with Tenterden, then turns south to reach close to Hole Park in Rolvenden, then east back to Walkhurst Road at the site of the stream, then along Walkhurst Road back to GGR (see the old Electoral Roll for 2004 when the East End had its own polling station). It is a large, totally rural area of several square miles, which was why it was chosen as the site for an isolation hospital in 1906. Today it contains only 76 houses scattered across the entire area. The PSLP consistently refers to the East End as a hamlet. It is not, which is why BPC is able to advertise itself on its website as "Serving the people of Benenden and Iden Green" without any reference to the East End.
 - . The TPA says that "a day nursery is located immediately to the north of the Site within 400m." There is incorrect, yet this error is repeated in para 5.413 of the PSLP "There are also nursery/pre-school facilities at Iden Green and East End." An accurate account would mention Iden Green only.

- . The TPA states that there are daily bus services along GGR provided by bus nos. 24 and 299, and twice a day service provided by the Hopper bus. This information is incorrect. The 2019 Hopper bus, operated by the Tenterden social services hub on an experimental basis, failed in only a matter of months. While the 24 and the 299 buses pass along GGR, they do so on only one day a week. The 24 on Tuesdays and the 299 on Wednesdays. The East End has almost no public transport.
- . The TPA makes several statements in relation to traffic which have fed misinformation into the system to be reflected in AL/BA3&4. This misinformation was only recently revealed when documents were provided by BHS following April 2021 queries raised by the Independent Examiner on the BNP. These documents include a TPA 'Scoping Note' on road and traffic conditions at the site and a letter written in response to this Note from KCC Highways, dated 13 Nov. 2019. The TPA states that the GGR is 7m wide at the hospital site which detracts from the fact that it is actually a winding rural lane, now called a road, and varies considerably in width. It may at some point be 7m wide, but at others, it is so narrow that two lorries have difficulty passing each other. The TPA claims that there is no need for a road safety review because there have been "no personal injury accidents" recorded within 1,000m. Castleton's Oak crossroads lie 1.5 km from the site and accidents there are frequent, largely due to increasing traffic at the hospital. The hospital has turned itself into an almost exclusively out-patient centre and almost all its 300 employees drive in to work from outside the parish (formerly, they were housed on site in hospital staff buildings). Kent County Council (KCC) Highways make constant and repeated attempts to lower the risk of injury at the crossroads. Works there are ongoing at this time. The TPA claims that no traffic surveys are necessary which is a point queried in the KCC Highways' email. The email talks of the "heavy car dependency" of residents in any housing in this location and says this was one of its concerns, even at the time of the original application asking for only 24 houses. The email states that BHS's plans (and therefore AL/BE 3&4) are contrary to the NPPF and to KCC's own policy objectives, and points out that the hospital has not co-operated over the idea of a minibus to provide transport from the site to Benenden. The letter calls for: traffic counts along the GGR; a wider crash analysis; and expresses concern over the proposed access points to the SE Quadrant - 2 on Green Lane and 2 on GGR. Lastly, on trip generation, the TPA projects that 47 houses at the site will produce only 106 trips a day, though the consultants admit that they have difficulty in basing their estimate on comparable sites because there are none. These trip generation figures ignore existing traffic from local residents, from patients, from hospital staff and from the newly (January 2021) proposed housing estate at Cleveland. The AL/BE 3&4 fails to provide a traffic count, fails to ask for a road safety review and fails to acknowledge frequent traffic accidents near the sites.
- . Pre-submission supporting documents also produce inaccurate and sometimes irrelevant evidence. The hospital sites are within the setting of an AONB and even overlap into it, yet *Inset Map 18* (Benenden Hospital), unlike other maps attached, makes no reference to the AONB boundary. The BNP claims that the hospital is outside the AONB and on this basis, since the rest of the village is wholly within the AONB, largely justifies placing most of Benenden's housing in the East End. This is misleading, since the AONB boundary wraps tightly round AL/BE3, which actually overlaps into the AONB in the southwest corner. In any event both sites affect land in the AONB. The relationship of the AONB boundary to the hospital sites is important yet it is ignored on the map. This looks like prejudice.
- . Hankinson Duckett Associates's *AONB Setting Analysis Report* (a supporting document for the PSLP, referred to as an evidence base) is, in its analysis of AL/BE3&4, unsound. The analysis argues that development at these sites will enhance the setting of the AONB. It illustrates the argument with photos of the hospital chapel and its carpark. Neither chapel nor car park are in the area up for development.
- 1 **Policies AL/BE3&4 are not consistent with the PSLP's Vision objectives nor with its strategies, nor with KCC's policies, nor with the NPPF.**
 - . The PSLP's Vision Objective 1 is : "to improve access to suitable, especially affordable housing, including for local young people and older households." But this is inconsistent with allocations AL/BE 3 & 4. BHS is asking in its comments on the LP first draft, for a lower number of affordable homes because of the high cost of brownfield development. Living isolated in the countryside, families will need at least two cars. Old and young will be unable to walk to schools, shops or any other amenities. This is not a suitable site for a borough which (see para 2.16) expects the population over the age of 65 + to increase by around 40% between 2020 and 2038. The PSLP's Vision Objective 2 is to ensure sustainable development which allocations at AL/BE 3&4 do not

achieve. On the contrary, the KCC warns that even with the existing permission for 24 houses on AL/BE3, the highway authority had concerns. This is an isolated location, deep in the countryside (see KCC Highways email 13 Nov 2019). More than 24 houses in this location is not sustainable.

- . **Policy PSTR/BE1**, LBD 5.416 states “the LBD around Benenden village sets the extent of existing and planned development ..” This conflicts with the recommendation that major development be instated three miles beyond the LBD, on the border with Biddenden.
- . **Policy STR 2** “The Council requires the use of masterplanning, including the use of design codes and sustainable design standards where appropriate, for strategic and larger-scale developments..” This is undermined by AL/BE 3&4 which calls for a masterplan for an area not included in the PSLP and not presented. Para 1a of Policy AL/BE3 states that there is a need to “show indicatively how the other areas included within Policies AL/BE3 and AL/BE 4 can be developed to meet the overall policy requirements as set out within each of these policies, and *how the future needs for Benenden Hospital will be met on areas to the north west and south west that currently comprise the hospital buildings and associated ancillary uses and is previously developed land.*” It is not sound to proceed with an LP where the land to be developed is not clearly indicated from the start.
- . **A masterplan is essential to avoid current inconsistencies on the size of areas to be developed:** AL/BE3 excludes one of the 2 Local Wildlife Sites (LWS) at the site, yet the BNP includes both. Para 5.458 states “Both this policy and BNP draft Policy SSP3 broadly follow the same approach towards the potential for developing this site for a residential development..” They do not. The PSLP states that in the event of a successful referendum, the BNP’s proposals will prevail. If this is so, are we supposed to assume that AL/BE3 map is inaccurate?
- . A similar problem arises at the northern site (AL/BE4) here there are currently 18 dwellings. The proposal allows for these to be demolished and another 25 dwellings added to the site. The size of the area to be developed varies between the LP and the BNP. The LP includes the LWS in the area to be developed but the BNP includes only a small section, but says in the event of a successful referendum the BNP plan will be over-ruled by the LP plan (see the BPC response April 2021 to the Independent Examiner’s queries). This is the reverse of 5.421 & 2. It is unsound to proceed with a plan when the NP and the LP are at odds with each other.
- . **The PSLP claims building will only be within existing footprints**, an approach which is at odds with that of the BHS. Plans for 47 new houses in AL/BE3, presented to the village on 17th February 2020 by the hospital architects, show the buildings are not to be built within the footprint of previous buildings nor to respect LWS.
- . **Policy STR 3** calls for the use of brownfield sites “within settlements” and in “sustainable locations.” AL/BE 3 consists of disused medical buildings and 2 LWS with parkland and veteran trees (depending on whether this second LWS is included or not). 5.448 is therefore incorrect. The site should be described not as brownfield but as partly brownfield. It is not on the Brownfield Register. Because of its remote location and its valuable LWS sites, it is not free from constraints which could be mitigated. As such, Policy AL/BE3 does not meet the criteria needed under the NPPF, Section 11, para 117 for development in “a way that makes as much use as possible of previously-developed or ‘brownfield’ land.” AL/BE 4 contains in-use residential housing and an LWS and therefore is not entirely brownfield.
- . **Policy STR 5** states that “New residential ... development will be supported if sufficient infrastructure capacity is either available or can be provided in time to serve the development.” Will this happen at AL/BE3&4? Developers themselves are to provide the infrastructure at AL/BE 3&4. The LP proposes to take on trust suggestions that the BHS will avoid building on the LWS and will provide play-grounds, sports facilities and tennis courts. We know from submissions following the first draft LP, that BHS is actually planning to remove one LWS entirely and that its plans include building on the LWS and beyond the foot print of previous buildings. BHS suggests, in its response to the first draft LP (DLP_4956) that it is unlikely to provide play-grounds, sports facilities and tennis courts. The PSLP’s approach does not take comments to the first draft LP into account.
- . **Policy STR 6** proposes to “Deliver future development in accessible locations, normally within or in close proximity to existing towns and villages across the borough.” In the case of the two isolated hospital sites, the PSLP contradicts its own strategic policy and fails to offer choices in transport or to prioritise active travel and public transport. The Benenden hospital sites have no daily bus service and no active travel link to the village, and neither the PSLP nor the BHS provide credible information on how these links are to be provided. The KCC email of Nov 13 suggests

that the hospital is uncooperative on the proposal to organise a minibus service and the SHELAA says of AL/BE3 that it is “Remote from a settlement centre,” (unlike sites 158, 222 and LS8); that residents will rely heavily on private cars and thus air quality and travel objectives score negatively; and that, “although promoted by the policy, shared transport and active travel options are unlikely to take precedence over private vehicle use thus air quality and climate change score negatively.” This is crucial. For all the talk of mitigating the remoteness of the hospital sites with a minibus link and cycle routes, nobody actually believes that any of these measures will succeed. As for the proposal to create links suitable for electric personal vehicles, such as mobility scooters (as suggested under STR 6), it is difficult to see, when the closest link with the village is a single-track lane (Walkhurst Road), how any personal electric vehicle could make that journey. The PSLP is creating, through its policies AL/BE3&4, a car dependent community. This thereby negates the sense of the LP’s supporting document, *Transport Strategy Review Sept 2019* which urges reducing the need to travel.

- . AL/BE3&4 also undermine TWBC’s Full Council motion of July 2019 to reduce CO2 emissions. “The dominance of the car as a mode of transport can lead to congestion, more road accidents, air and noise pollution. In addition it contributes to climate change, reduces social cohesion and leads to less healthy lifestyles” (para 44 *Transport Review*). According to TW’s own SA from 2006, if social cohesion, reduction in air pollutants, and public health were indeed the borough’s priorities, site 158 would have been among those chosen for Benenden, as originally intended.
- . **PSLP paras 5.453 and 5.467** state that “residents of development in this location will rely heavily on private cars.” These plans runs counter to STR6 policy on the environment see paras 6.8, 6.9, 6.10, 6.11 and 6.13. It also contravenes KCC policies on climate change and the NPPF (see KCC’s Nov 13, 2019 letter on this subject).
- . **Para 5.414** “The parish provides two relatively large sources of employment: at Benenden Hospital and at Benenden School.” The inference is that the employment opportunities are linked somehow to the population of Benenden. There is in fact little connection. The 300 plus staff at the hospital drive into the parish along GGR to work and, since the hospital is isolated from the village, their contribution to the local economy is negligible.
- . **Policy STR 6** The LP proposes to “**Deliver future development in accessible locations, normally within or in close proximity to existing towns and villages across the borough.**” In the case of the two isolated hospital sites, the LP contradicts its own strategic policy and fails to offer choices in transport or to prioritise active travel and public transport.
- . **Cycle routes:** The PSLP’s standards on the public benefits of cycling and walking are based on the *Cycle Strategy Supporting Document*, but these standards are undermined by site allocation in Benenden. The Cycle document states that: “When more people cycle or walk the health of the population improves and our roads become safer and less congested.” Its objectives 4 and 5 are to improve safety for cyclists and air quality for all, but AL/BE 3 & 4 will create a community, deep in the countryside, entirely dependent on the car and will contribute to poorer air quality for all. The allocation of these sites, as opposed to sites such as 158, is difficult to understand.
- . The *Cycle Strategy* states that fear of traffic is possibly the main factor discouraging people from cycling. National Cycle Route 18 runs from the Rolvenden Road, down Stepneyford Lane, to Green Lane, before joining the Benenden Road near the hospital, turning right and leading to Castleton’s Oak Cross roads and Gribblebridge Lane. This route is a largely on-road ride travelling through the High Weald, using narrow, picturesque country lanes as much as possible. Green Lane/Stepneyford Lane is mentioned in TWBC’s Rural Lanes: Supplementary Planning Guidance. It is particularly high scoring in terms of its landscape, its recreational value, its natural beauty and its history. For these reasons, it is part of National Route 18. Rather than encouraging cycling, AL/BE3, which proposes two exits for this major development on GGR and two on Green Lane (where a second housing estate, at Cleveland Farm is already leading to Kent Highways calling for road widening and the elimination of grass verges - see building application 20/03267/FULL) will cause an increase in those factors, identified in *TW Cycle Strategy*, as discouraging cyclists, namely, traffic and the loss of unspoilt country lanes. Policy AL/BE3 also contravenes Kent Structure Plan Policy ENV13: “Rural lanes which are of landscape, amenity, nature conservation, historic or archaeological importance will be protected from changes which would damage their character, and enhanced.” In any event, the cycle route is purely recreational and will not enhance the sustainability of these sites.
- . **Policy STR 7** proposes, in dealing with TWBC’s 2019 legally binding commitment to manage climate change, that all development in the borough will support the Council’s target to achieve net zero emissions by 2030. It is unsound, with such a goal, to propose a major development on

the parish periphery, 3 miles equidistant from two villages where there is no shop (in spite of the PLSP's statement AL/BE 3&4) and no café (BHS says its café was built for its own use not for the use of the public - see comments on the first draft of the LP). Residents will need their cars for almost everything.

- . **Policy STR1** promotes the effective use of previously developed land, having due regard to relevant Plan policies, but in promoting AL/BE3&4, the PSLP disregards STR6 (environmental goals) & STR7 (transport goals). Under the NPPF, sustainability is the priority, as the PSLP acknowledges in STR3, 4.65 "A presumption of sustainability lies at the heart of the NPPF", but in allocating AL/BE 3&4, the PSLP fails to respect its own and the NPPF's strategic priorities.
- . **Policy STR 8** states that development should contribute to and enhance rural landscapes with particular regard to the High Weald (HW) AONB. The PSLP promotes nature conservation. Its biodiversity objective is to achieve net gains and, where possible, secure long-term management of sites for biodiversity. AL/BE3 runs counter to this strategy since the BHS has produced plans showing houses built over the LWS. It has, furthermore, produced a document requiring that one of the two LWS be dug up and removed to another unspecified location, thereby nullifying the terms of the existing Landscape and Ecology Management Plan (LEMP) for that site. Para 3.21 of the BHS submission on the first draft LP states: *"The Society supports the requirement for long-term management of the core areas of LWS associated with the hospital land. This includes all but the modest area within the SEQ adjoining Peak Lodge which is too constraining on the South East Quadrant redevelopment proposals. Accordingly, the soils in the area will be translocated to a nearby receptor site to try to ensure that the rare fungi can continue to thrive in this local area."* This is a particularly significant site for biodiversity. A letter from Keith Nicholson, former Planning and Conservation officer for the Kent Wildlife Trust, dated 4 March 2013, to TWBC Development Control Officer, Ellen Gilbert states that the hospital LWS are of national importance, mainly for the large number of different varieties of waxcaps. He states that they could well have been designated SSSI. Both in terms of waxcaps and in terms of valuable acid grassland, the hospital sites have high environmental value, see Comment DLP_3458 on the first draft of the LP, from the High Weald AONB Unit. The Benenden Hospital site *"includes rare and vulnerable acid grassland which should form a core area for unimproved grassland as part of a High Weald nature recovery network."* AL/BE3&4 threaten the biodiversity of significant species in the LWS at the hospital sites, contrary to EN1.
- . The LWS to the south of AL/BE3 is included in the BNP and BPC argues that this has been done in order to protect it (see their response to the Independent Examiner April 2021). It is difficult to follow this logic. The inclusion of the site in the area to be developed suggests that it too could be under threat.
- . There is no plan showing the placement of houses on AL/BE 4, which is currently home to a large LWS and is the site of 18 habitable dwellings, almost all of the them currently in use and let. The proposal allows for these to be demolished and another 25 dwellings added to the site. The PSLP includes the LWS in the area to be developed and the BNP excludes most of it. Benenden Parish Council (BPC), in its April 2021 response to the Independent Examiner, has said that, in this case of a successful referendum, the PSLP's plan (which includes the LWS), will prevail. In other words, of the 3 LWS in AL/BE 3&4, one is slated for removal, one will be built over if the PSLP prevails and one may be built over if the BNP prevails. This undermines STR8.
- . The PSLP claims that the hospital development "has the potential to improve the setting of the HW AONB through the delivery of a more sensitive redevelopment of existing buildings" (para 5.454), but the claim is not supported by evidence produced by the *Hankinson & Duckett* (see above) while the HW AONB unit's own view is the opposite. See TW first Draft LP, **DLP_3458 High Weald AONB Unit** (which objects to the Plan) : *"....In our view the development at Benenden Hospital will have a significant effect on the setting of the AONB and the purposes of its designation, and this issue has not been properly considered by the Plan."*
- . The NPPF section 2 para 11 *"Plans and decisions should apply a presumption in favour of sustainable development... ..(b) strategic policies should provide for objectively assessed needs for housing ...that cannot be met within neighbouring areas unless ... (i) the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area."* And see Footnote 6: the policies referred to are those in the Framework ...relating to habitat sites (and those sites listed in para 176) and /or designated as SSSI, AONBs

NPPF para 177 requires that *“The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.”*

PSLP EN1 para 5. Biodiversity and geodiversity.

AL/BE 3&4 run counter to this policy as stated above in relation to the LWS.

The Environment

STR8 sets high environmental standards but these are undermined in the site allocations. This is particularly startling in the light of the July 2019 Full Council motion to recognise the climate and biodiversity emergency, in fact, the Benenden allocations put into question whether the motion was passed in good faith.

EN1 para 5 (Biodiversity and geodiversity) says that proposals should maximise opportunities to increase biodiversity. This goal may make sense in an urban setting, but development in the countryside, as is proposed in AL/BE 3 & 4, cannot hope to ever mitigate biodiversity loss. The destruction of trees and wild spaces, the introduction of lighting, kerbs, driveways, wider roads and narrower verges, the use of concrete, tarmac, bricks and mortar in a deeply rural setting cannot “increase biodiversity”.

EN1 provides for Long-term Management plans which would be satisfactory within an urban context. In a rural location like the East End, such plans are no substitute for natural wild spaces. A ‘managed’ green space set among streets is less likely to promote biodiversity and less likely to conserve wildlife than ‘unmanaged’ green space. Further, the three LWS in AL/BE3 are all already part of an existing LEMP agreement, and since one or all would be removed in the case of development as outlined by BHS under AL/BE3&4, instead of creating a long-term management plan, AL/BE3&4 would all but terminate an existing one. The sentiments expressed in EN1 are mocked by AL/BE3&4.

1 Site policies

AL/BE3 excludes one of the 2 LWS at the site, and the BNP includes both, yet para 5.458 states “Both this policy and BNP draft Policy SSP3 broadly follow the same approach towards the potential for developing this site for a residential development..” This does not appear to be the case. Further, the SHELAA treats this site twice, once including the southern LWS (and excluding Windmill Cottage) and once excluding the LWS and including Windmill Cottage (SHELAA pages 1-3 and pages 18-19). In the second instance, the suggestion is for 67-73 houses, presumably building over the LWS. The first plan is the one adopted in the PSLP and appears to be the more accurate of the two in that it describes the site as “mostly PDL”. The second ignores all greenfield aspects and is almost identical to the plan in the BNP, a plan which BNP claims will prevail if it wins a referendum. Is AL/BE3 presenting us with the wrong plan?

AL/BE3 and AL/BE4 provide for a phased timetable for development of the two sites at different time intervals without calling for a comprehensive masterplan for the hospital site as a whole i.e. for the entire built up area. This is inconsistent with STR2, which requires a masterplan for large developments. The full extent of the area to be developed must be clear. See para 1a of Policy AL/BE3 which states that there is a need to “show indicatively how the other areas included within Policies AL/BE3 and AL/BE 4 can be developed to meet the overall policy requirements as set out within each of these policies, and how the future needs for Benenden Hospital will be met on areas to the north west and south west that currently comprise the hospital buildings and associated ancillary uses and is previously developed land.” It is not sound to proceed with an LP where the land to be developed is not indicated from the start.

AL/BE3&4 both call for an active travel link between the site and Benenden village. This proposal has been costed (see BPC’s April 2021 reply to the Independent Examiner) at between £180,000 and £220,000 for a 3m wide tarmacked surface, plus costs to upgrade it to a bridleway, plus the costs associated with obtaining landowners’ consent or, failing that, of starting compulsory purchase proceedings which TWBC expresses reluctance to undertake because of the significant compensation costs and legal costs which would be involved. No steps have been taken either by the BNP or TWBC to ascertain the willingness of landowners to give up their land although the major landowner involved wrote to BNP on 11th Sept. 2019 objecting to the plan. It is understood that he was not contacted for subsequent discussion.

AL/BE3&4 calls for the repurposing of the existing tennis courts for the use of local residents, which BHS denies it will offer for public use; for the public use of the hospital’s café; for the creation of a

hospital shop (5.413); for a minibus service linking the hospital to the village ("The Society is not a transport provider" is BHS' response); for green space, a playground and provision of a community hall - most of these policies are refuted in Savills' comments on behalf of BHS, in the first draft of the LP, DLP_ 4956 paras 3.14, 3.18, 3.19, 3.20, 3.46 and 3.47. Rather than agreeing to such policies, the hospital is calling on TWBC to introduce a more flexible funding system to allow a *reduction* of developer costs. BHS argues these will be high because they wish to demolish existing buildings. It is unsound to propose policies which cannot be implemented. Once the sites are sold, no relevant conditions to this effect could be imposed.

1 **The PSLP is unsound because of inconsistencies in the treatment of different sites.** (i) **Uphill, AL/BE1** is described as having archaeological potential (para 5.428) requiring possible mitigation measures. This is not because of historical finds on the site, but because they might be found. A listed manor house lies on the other side of New Pond Road and, according to AL/BE1, "the site lies within, or very close to the relevant impact risk zone for Parsonage Wood", a SSSI which is, in fact, several miles away. The archaeological significance of AL/BE 3&4 is far more certain and substantial. The hospital sites are where a bronze age palstaff was found (see the National Monument Register - SMR Number /Hob UID)) and the sites lie close to two ancient routeways. A Roman Road runs west-east (on BHS farmland) a few yards to the south of AL/BE3 and a medieval drove road (GGR), runs west-east between the two sites. Further, two Grade II Listed Buildings are sited here, also on BHS land. The Lister building stands a few yards to the west of AL/BE3 and Cleveland Farm house (the farmyard of which BHS is trying to develop separately and simultaneously as if a minor planning project) lies a few yards to the south. Instead of mentioning these facts, AL/BE3&4 reads (5.456 and 5.468) "Kent County Council states that the site includes significant archaeology, which could be dealt with through suitable conditions on a planning approval." The imbalance in the treatment of the two sites is substantial and suggests confirmatory bias or prejudice.

(ii) The SHELAA assessment of site 158 suggests a potential yield of 50-65 houses, but then concludes that only the Uphill part of the site is suitable (20 houses). It states that "the remainder of the site is sensitive in landscaping terms and there is concern regarding scale and impact on the character of the landscape and settlement pattern". This is contrary to the views of TW's 2006 SA; to the TW 2018 document proposing 174 houses; and to the first draft of the LP. The dismissal of 158 as a suitable site is not supported by the evidence and suggests prejudice.

(iii) Site 222, west of the cross roads, was also considered in 2006, as a possible site for the new village school, though it was not one of the top two sites put to a referendum. The SHELAA suggests 222 has a potential for 76 houses. The site is considered unsuitable partly because the new LBD, if adopted, will exclude all houses west of the cross roads, when the village actually extends a considerable length along this road to the west. There is no mention of the fact that the owners of this site are offering the pond at the south west corner of the crossroads as village green space. The dismissal of 222 is not supported by the evidence and suggests prejudice.

(iv) The SHELAA suggests a capacity of 26 houses at Site LS8 in Iden Green, stating that it lies adjacent to the recreation ground and a children's nursery and that there is a pavement on both sides of Iden Green's main road. It fails to mention that the easternmost side of this pavement connects the village to the village primary school. The SHELAA dismisses the site as unsuitable saying that it is located in a remote location relative to services, facilities and public transport, but this site is far less remote than sites AL/BE 3&4. The dismissal of site LS8 is not supported by the evidence and suggests prejudice.

(v) The proposed new LBD has been constructed so as to include the new site at Uphill and to exclude 222, when in fact, the actual built development extends westwards from the crossroads and includes site 222. The LBD is ignored in respect of AL/BE3&4. Manipulation of the LBD to suit allocated sites is inappropriate.

As a general comment, I have found the process unnecessarily difficult to navigate. In fact, from the point of view of the ordinary lay-man, I would term the process 'hostile'. The interactive on-line site was unmanageable. Question 4a is very badly worded. The PSLP's prose entirely suited the opaqueness of the procedure. Here is one example from the SA (page 163) "However, the education objective does not deteriorate when considering cumulative effects as the schools in Tenterden will be a viable option for residents in East End and thus are likely to take the pressure off Benenden Primary School ." What does that mean?

Question 6

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Question 5 above. (Please note that non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

The modifications needed are included in the submissions set out above. In summary, development on site AL/BE3 should be limited to the existing, so far unused, planning permission for 24 houses, preferably by adapting the Garland Wing, which is a building of historic value, either to a wellness centre, in accordance with its original intention, or to a row of up to 10 terraced houses. Site AL/BE4 already has 18 semi-detached houses on it, and cannot support any more. It should therefore be excluded. Housing should be allocated to sites (such as 158 and 222 in the village centre or LS8 in Iden Green) which lie on bus routes or are within walking distance of the village centre and school.

Paragraphs 5.421 and 5.422 should be omitted.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)? . Yes, I wish to participate in hearing session(s)

Question 7a

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

In order to put over my case, and to answer those with vested interests who may seek to put forward arguments against it.

Question 8

If you have any separate comments you wish to make on the accompanying Sustainability Appraisal, please make them here.

1. The Sustainability Appraisal (SA) is misleading. Table 58 on page 163 states that all Benenden sites "lack services, facilities and travel options". This belies the fact that AL/BE2 (Feoffee almshouses) is close to the Street as is AL/BE1 (Uphill). Both sites are within walking distance of the bus stop for daily bus services, the post office, village shop, the primary school, the village green, the butchers, pub, community hall, church, recreation ground and children's playground. AL/BE 3 & 4 are three miles northeast of the village with no daily bus service and no amenities whatsoever.
2. The commentary on Table 58, (page 163 of the SA), states that East End sites score badly on

Climate Change and Travel, yet these are the sites promoted for most houses.

3. The SA argues on page 163 that East End residents will send their children to schools in Tenterden instead of to the village primary school, and that this will lessen the otherwise seriously negative effects of the two hospital sites. This is pure conjecture and possibly wishful thinking. The school has a good reputation and currently between 70 and 75% of children there come from outside the parish. East End children will have precedence over these, since intake depends on the distance of a child's residence from the school. Pressure on Benenden Primary School will increase, not decrease. Further, the use of a car, whether it drives to Tenterden (5-6 miles) or to Benenden (3 miles), pollutes and deprives residents of the health-giving pleasure of walking to school. The AL/BE 3&4 are contrary to STR2, to the NPPF and to KCC policy on climate change.

4. Appendix L (pp331-2) shows Scores for Reasonable Sites in Benenden. Here we see scores for 158 and 222, two sites close to the village centre. Of 158, we read "A site that scores several neutrals with some positives, let down by its land use and landscape score impacted by a loss of a greenfield site in the AONB and lack of services and facilities including public transport at the settlement." This SA report compares poorly with the SA TWBC carried on site 158 in 2006. 158 is parallel to and just north of the Street with its exit onto New Pond Road. In 2006 site 158 was chosen in a village referendum as the site for a new C of E primary school. It was the preferred site out of a choice of two, both of which were greenfield. TWBC's 2006 SA on 158 decided (see page 18 of the Sustainability Appraisal Benenden Church of England Primary School Land Allocation DPD - Issues and Options report), that 158 was one of two top sites. "Situated adjacent to an area of ancient woodland, the site provides the potential for habitat linkages and wildlife corridors. The site is not adjacent to the CA and does not form a significant role in its setting. There are no Listed Buildings on or adjacent to the site. The site is consistent with the surrounding landscape character. There are limited views into the site and no public rights of way over the site." On page 38, we read, "This site is anticipated to have a major beneficial effect on improving educational standards and travel choice/traffic levels". In spite of the referendum result, the school was eventually built at the less preferred site and, since then, TWBC had been in consultation with 158's owners to build houses there.

5. In April 2018, BNP Steering Committee Deputy Chair, a borough councillor, showed the committee a piece of paper from TWBC saying that TWBC wishes to build 174 houses on site 158. He committed himself to seeing these numbers reduced and the numbers at the East End raised. After a meeting between representatives from the BNP group and TW planners on June 19th, 2018, the minutes reported that "At times the workshop was emotive ..." Following that meeting TW planners put site 158 on temporary hold, limiting development there to a future Local Plan by asking, in the first draft of the LP on page 270, that the Uphill site on New Pond Road, adjacent to 158 and allocated at that time as AL/BE3, should, under Clause 8, provide for vehicular access through Uphill to the site behind (158) "which may be allocated for development as part of a future Local Plan." In the PSLP, this wording for Clause 8 has disappeared. Where is the evidence-base for such wording to be included in the first draft and excluded in the second? Why is the site considered suitable in 2006, in 2018, and in the first draft, but not suitable in the PSLP?

6. Site 222, like 158 is described in Appendix L of the PSLP's SA as suffering from "a lack of services and facilities including public transport at the settlement." This is inaccurate. There is a daily bus service along Benenden Street and site 222 is within easy walking distance of the bus stop, shops, pub, community hall, primary school and all other amenities.

7. Site LS8, in the heart of Iden Green is, along with site 158 and 222, a site which on-the-ground evidence suggests is eminently suitable for development, but which the SA fails to allocate. Appendix L of the SA gives LS8 virtually the same scores as Uphill (LS16 of AL/BE1) yet the latter is included for development and the former is not. The commentary states of LS8 "A number of scores are negative however, reflecting the remote location of the site from services and facilities and public transport. It scores negatively in heritage terms as the site is a relatively sizeable piece of the Iden Green Conservation Area." This site is far less remote than sites AL/BE 3 & 4. It is one mile from the village and connected to it by a paved footpath running past a Roadside Conservation Area and then (still paved) through a field to the church and primary school. It is on a bus route and the bus stop is next to LS8. Iden Green has a community hall, tennis courts, a children's playground and pub/restaurant. The SA information is unreliable and the PSLP's use of it for site allocation is unwise.

8. In so far as Benenden is concerned, the sites were allocated before any sustainability appraisal was commissioned. It is not therefore a relevant factor in the allocation of sites for housing.

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:

Yes, I wish to be notified of future stages of the Local Plan

Comment

Consultee	Ms Catriona Prynne [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] Benenden [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Ms Catriona Prynne [REDACTED]
Comment ID	PSLP_504
Response Date	27/05/21 12:00
Consultation Point	Policy AL/BE 1 Land adjacent to New Pond Road (known as Uphill), Benenden (View)
Status	Processed
Submission Type	Other
Version	0.3
Data inputter to enter their initials here	AT
Question 1	
Respondent's Name and/or Organisation	Catriona Prynne
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy AL/BE 1 Land adjacent to New Pond Road (known as Uphill), Benenden

Inset Map 18

[TWBC: this representation has been input against Policies PSTR/BE 1, AL/BE 1, AL/BE 3 and AL/BE 4 – see Comment Numbers PSLP_494, PSLP_504, PSLP_505 & PSLP_506]

Question 4

Do you consider that the Local Plan:

Is legally compliant No

Is sound No

Complies with the Duty to Cooperate No

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

- . It is not positively prepared
- . It is not effective
- . It is not justified
- . It is not consistent with national policy

Question 5

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

This submission concerns the parish of Benenden, the only parish in the borough to have made its own allocations. The Benenden Neighbourhood Plan (BNP) has been developed in close consultation with TWBC, with the BNP in the lead. The BNP announced its allocations in February 2019, before inviting AECOM to produce its Strategic Environmental Assessment. Pre-Submission Local Plan, para 5.420 reads "The BNP was submitted to TWBC in October 2020 and was consulted on between 30 October and 11 December 2020." But the allocations had been made and published in February 2019. Further, Para 5.420 states "The BNP proposes to include site allocation policies that follow the approach of the site allocation policies for Benenden in this Local Plan." BNP allocations were first published in February 2019 i.e. before LP site allocation policies.

Allocations made by the LP, when it took up the BNP's baton, are therefore inevitably linked to BNP's weaknesses. Yet if the BNP passes a referendum before acceptance of the LP, it is said that it will take precedence over the LP (see para 5.421), with the exception of its plans for the northern site at Benenden hospital, which will be overruled by the plans advanced in the LP (see Benenden Parish Council April 2021 response to Independent Examiner queries on the BNP). This is in contravention of para 5.422 which talks of making "modifications to the LP" so that it matches the BNP.

1 Community involvement. EN1: this requirement has not been respected.

- . In Benenden, almost all new housing is slated for the East End, yet the Friends of the East End (FEE), were never asked to meet with the BNP steering group.
- . See EN1 para 9 requiring the effective engagement of the local community, neighbours of sites and others. The FEE submitted three petitions, two to the BNP and one in relation to the LP. A FEE submission with 127 signatures was submitted on April 4th 2019 in response the Informal Draft NP (published on February 23, 2019), in which the allocations later adopted by the LP were first set out. A FEE submission with 167 signatures was submitted in October 2019 objecting to the first draft of the LP, and in the same month, a FEE submission with 167 signatures was submitted in relation to the Reg 16 draft BNP. See the FEE's current online petition with more than 450 signatures <https://www.change.org/EastEndFriends>
- . Instead of being consulted, the FEE were ignored and belittled. They were informed on 11th March 2019 by the editor of the Parish Magazine (PM), husband of the Chair of the Parish Council, that "I'm of the view that much of the uncertainty has passed since the presentation of the plan

to the village - to a highly favourable reception. At least we no longer have to give polite credence to *uninformed views* that fly in the face of TWBC policy and advocate direct and *pointless confrontation* with TWBC, thereby running the risk of having the entire BNDP thrown back in our faces. *The ensuing chaos hardly bears thinking about.* At least it seems the opinions now being afforded most weight are those of *people who have worked hard for two years to understand the issues* and come up with a coherent way forward."

- . One of the regular articles on the BNP submitted by the chair of the BNP Steering Group appeared in January 2020. It dismisses FEE opposition suggesting only "31 residents from the East End" sent in comments.
- . The core group behind the BNP has consistently tried to persuade those who support the FEE to desist. The chair of the Parish Council and the chair of the BNP Steering Group have twice asked to meet a Tunbridge Wells Alliance (TWA) Borough Councillor for the parish, once together with a TWA borough council candidate, in efforts to persuade them to adhere to the BNP's approach and not to listen to the FEE.
- . The organiser of the FEE was a member of the Steering Committee 2017/2018 as chair of the Environmental Group. She expressed strong disagreement with a Borough Councillor who lives in the village (on occasion, he deputises as chair of the Steering Group) about his wish to step up allocations in the East End and suppress TWBC's wish to build 174 houses on site 158. As a result, the Steering Group chair (using his own word), "sacked" her. This is contrary to EN1 para 9, encouraging early, proactive and effective engagements and the requirement that views expressed should be properly considered.
- . Consultation also failed in relation to the neighbouring parish of Biddenden. The Clerk of Biddenden Council has repeatedly responded to BPC in the course of the BNP consultation process, but received only acknowledgments. A Kent County Councillor and Ashford Borough Councillor wrote an article about BNP's mismanagement of the parish of Biddenden in the Biddenden Parish Magazine, February 2021.
- . The LP is based on the BNP and BNP allocations were made before consultations with stakeholders such as the AONB. This is not consulting in a timely fashion. Further, the LP requires surveys of the hospital sites *after* the designation of the sites for development, for example, archaeological surveys (see AL/BE 3&4). Historic England (HE) asks for the surveys to be carried out *before*. See HE's comments on the first draft LP (DLP_4556) - "we would expect the allocation of sites following on from this Strategy policy (STR1) to be subject to appropriately robust and detailed heritage impact assessment *prior to the allocations being adopted.*"
- 1 **The PSLP is not based on sound evidence**
 - . Throughout the LP process, misstatements have been made about amenities in Benenden's East End. These may be traced back to a submission made by traffic and highways consultants, Transport Planning Associates (TPA) to Benenden Healthcare Society Ltd. (BHS). This submission was recently disclosed in BHS's response to the Independent Examiner's queries in relation to the BNP. TPA's information is sometimes inaccurate and sometimes misleading and we consider it here in detail because it is difficult otherwise, to understand how the LP was able to continue, iteration after iteration, to relate false information about the hospital site.
 - . In October 2019, TPA reported (para 2.6) that there was a footpath along the southern edge of Goddards Green Road (GGR) and the PSLP, para 5.452 states "There is an intermittent pavement along GGR". The GGR is a long road running from New Pond Road to Castleton's Oak crossroads, and was formerly a lane. The pavement is limited to the short section immediately outside the hospital buildings. To say that there is an intermittent pavement along GGR is misleading.
 - . The TPA refers to the East End as a village, which it is not. The East End runs from the junction of GGR and Walkhurst Road, along the GGR to the border with Tenterden, then turns south to reach close to Hole Park in Rolvenden, then east back to Walkhurst Road at the site of the stream, then along Walkhurst Road back to GGR (see the old Electoral Roll for 2004 when the East End had its own polling station). It is a large, totally rural area of several square miles, which was why it was chosen as the site for an isolation hospital in 1906. Today it contains only 76 houses scattered across the entire area. The PSLP consistently refers to the East End as a hamlet. It is not, which is why BPC is able to advertise itself on its website as "Serving the people of Benenden and Iden Green" without any reference to the East End.
 - . The TPA says that "a day nursery is located immediately to the north of the Site within 400m." There is incorrect, yet this error is repeated in para 5.413 of the PSLP "There are also nursery/pre-school facilities at Iden Green and East End." An accurate account would mention Iden Green only.

- . The TPA states that there are daily bus services along GGR provided by bus nos. 24 and 299, and twice a day service provided by the Hopper bus. This information is incorrect. The 2019 Hopper bus, operated by the Tenterden social services hub on an experimental basis, failed in only a matter of months. While the 24 and the 299 buses pass along GGR, they do so on only one day a week. The 24 on Tuesdays and the 299 on Wednesdays. The East End has almost no public transport.
- . The TPA makes several statements in relation to traffic which have fed misinformation into the system to be reflected in AL/BA3&4. This misinformation was only recently revealed when documents were provided by BHS following April 2021 queries raised by the Independent Examiner on the BNP. These documents include a TPA 'Scoping Note' on road and traffic conditions at the site and a letter written in response to this Note from KCC Highways, dated 13 Nov. 2019. The TPA states that the GGR is 7m wide at the hospital site which detracts from the fact that it is actually a winding rural lane, now called a road, and varies considerably in width. It may at some point be 7m wide, but at others, it is so narrow that two lorries have difficulty passing each other. The TPA claims that there is no need for a road safety review because there have been "no personal injury accidents" recorded within 1,000m. Castleton's Oak crossroads lie 1.5 km from the site and accidents there are frequent, largely due to increasing traffic at the hospital. The hospital has turned itself into an almost exclusively out-patient centre and almost all its 300 employees drive in to work from outside the parish (formerly, they were housed on site in hospital staff buildings). Kent County Council (KCC) Highways make constant and repeated attempts to lower the risk of injury at the crossroads. Works there are ongoing at this time. The TPA claims that no traffic surveys are necessary which is a point queried in the KCC Highways' email. The email talks of the "heavy car dependency" of residents in any housing in this location and says this was one of its concerns, even at the time of the original application asking for only 24 houses. The email states that BHS's plans (and therefore AL/BE 3&4) are contrary to the NPPF and to KCC's own policy objectives, and points out that the hospital has not co-operated over the idea of a minibus to provide transport from the site to Benenden. The letter calls for: traffic counts along the GGR; a wider crash analysis; and expresses concern over the proposed access points to the SE Quadrant - 2 on Green Lane and 2 on GGR. Lastly, on trip generation, the TPA projects that 47 houses at the site will produce only 106 trips a day, though the consultants admit that they have difficulty in basing their estimate on comparable sites because there are none. These trip generation figures ignore existing traffic from local residents, from patients, from hospital staff and from the newly (January 2021) proposed housing estate at Cleveland. The AL/BE 3&4 fails to provide a traffic count, fails to ask for a road safety review and fails to acknowledge frequent traffic accidents near the sites.
- . Pre-submission supporting documents also produce inaccurate and sometimes irrelevant evidence. The hospital sites are within the setting of an AONB and even overlap into it, yet *Inset Map 18* (Benenden Hospital), unlike other maps attached, makes no reference to the AONB boundary. The BNP claims that the hospital is outside the AONB and on this basis, since the rest of the village is wholly within the AONB, largely justifies placing most of Benenden's housing in the East End. This is misleading, since the AONB boundary wraps tightly round AL/BE3, which actually overlaps into the AONB in the southwest corner. In any event both sites affect land in the AONB. The relationship of the AONB boundary to the hospital sites is important yet it is ignored on the map. This looks like prejudice.
- . Hankinson Duckett Associates's *AONB Setting Analysis Report* (a supporting document for the PSLP, referred to as an evidence base) is, in its analysis of AL/BE3&4, unsound. The analysis argues that development at these sites will enhance the setting of the AONB. It illustrates the argument with photos of the hospital chapel and its carpark. Neither chapel nor car park are in the area up for development.
- 1 **Policies AL/BE3&4 are not consistent with the PSLP's Vision objectives nor with its strategies, nor with KCC's policies, nor with the NPPF.**
- . The PSLP's Vision Objective 1 is: "to improve access to suitable, especially affordable housing, including for local young people and older households." But this is inconsistent with allocations AL/BE 3 & 4. BHS is asking in its comments on the LP first draft, for a lower number of affordable homes because of the high cost of brownfield development. Living isolated in the countryside, families will need at least two cars. Old and young will be unable to walk to schools, shops or any other amenities. This is not a suitable site for a borough which (see para 2.16) expects the population over the age of 65 + to increase by around 40% between 2020 and 2038. The PSLP's Vision Objective 2 is to ensure sustainable development which allocations at AL/BE 3&4 do not

achieve. On the contrary, the KCC warns that even with the existing permission for 24 houses on AL/BE3, the highway authority had concerns. This is an isolated location, deep in the countryside (see KCC Highways email 13 Nov 2019). More than 24 houses in this location is not sustainable.

- . **Policy PSTR/BE1**, LBD 5.416 states “the LBD around Benenden village sets the extent of existing and planned development ..” This conflicts with the recommendation that major development be instated three miles beyond the LBD, on the border with Biddenden.
- . **Policy STR 2** “The Council requires the use of masterplanning, including the use of design codes and sustainable design standards where appropriate, for strategic and larger-scale developments..” This is undermined by AL/BE 3&4 which calls for a masterplan for an area not included in the PSLP and not presented. Para 1a of Policy AL/BE3 states that there is a need to “show indicatively how the other areas included within Policies AL/BE3 and AL/BE 4 can be developed to meet the overall policy requirements as set out within each of these policies, and *how the future needs for Benenden Hospital will be met on areas to the north west and south west that currently comprise the hospital buildings and associated ancillary uses and is previously developed land.*” It is not sound to proceed with an LP where the land to be developed is not clearly indicated from the start.
- . **A masterplan is essential to avoid current inconsistencies on the size of areas to be developed:** AL/BE3 excludes one of the 2 Local Wildlife Sites (LWS) at the site, yet the BNP includes both. Para 5.458 states “Both this policy and BNP draft Policy SSP3 broadly follow the same approach towards the potential for developing this site for a residential development..” They do not. The PSLP states that in the event of a successful referendum, the BNP’s proposals will prevail. If this is so, are we supposed to assume that AL/BE3 map is inaccurate?
- . A similar problem arises at the northern site (AL/BE4) here there are currently 18 dwellings. The proposal allows for these to be demolished and another 25 dwellings added to the site. The size of the area to be developed varies between the LP and the BNP. The LP includes the LWS in the area to be developed but the BNP includes only a small section, but says in the event of a successful referendum the BNP plan will be over-ruled by the LP plan (see the BPC response April 2021 to the Independent Examiner’s queries). This is the reverse of 5.421 & 2. It is unsound to proceed with a plan when the NP and the LP are at odds with each other.
- . **The PSLP claims building will only be within existing footprints**, an approach which is at odds with that of the BHS. Plans for 47 new houses in AL/BE3, presented to the village on 17th February 2020 by the hospital architects, show the buildings are not to be built within the footprint of previous buildings nor to respect LWS.
- . **Policy STR 3** calls for the use of brownfield sites “within settlements” and in “sustainable locations.” AL/BE 3 consists of disused medical buildings and 2 LWS with parkland and veteran trees (depending on whether this second LWS is included or not). 5.448 is therefore incorrect. The site should be described not as brownfield but as partly brownfield. It is not on the Brownfield Register. Because of its remote location and its valuable LWS sites, it is not free from constraints which could be mitigated. As such, Policy AL/BE3 does not meet the criteria needed under the NPPF, Section 11, para 117 for development in “a way that makes as much use as possible of previously-developed or ‘brownfield’ land.” AL/BE 4 contains in-use residential housing and an LWS and therefore is not entirely brownfield.
- . **Policy STR 5** states that “New residential ... development will be supported if sufficient infrastructure capacity is either available or can be provided in time to serve the development.” Will this happen at AL/BE3&4? Developers themselves are to provide the infrastructure at AL/BE 3&4. The LP proposes to take on trust suggestions that the BHS will avoid building on the LWS and will provide play-grounds, sports facilities and tennis courts. We know from submissions following the first draft LP, that BHS is actually planning to remove one LWS entirely and that its plans include building on the LWS and beyond the foot print of previous buildings. BHS suggests, in its response to the first draft LP (DLP_4956) that it is unlikely to provide play-grounds, sports facilities and tennis courts. The PSLP’s approach does not take comments to the first draft LP into account.
- . **Policy STR 6** proposes to “Deliver future development in accessible locations, normally within or in close proximity to existing towns and villages across the borough.” In the case of the two isolated hospital sites, the PSLP contradicts its own strategic policy and fails to offer choices in transport or to prioritise active travel and public transport. The Benenden hospital sites have no daily bus service and no active travel link to the village, and neither the PSLP nor the BHS provide credible information on how these links are to be provided. The KCC email of Nov 13 suggests

that the hospital is uncooperative on the proposal to organise a minibus service and the SHELAA says of AL/BE3 that it is “Remote from a settlement centre,” (unlike sites 158, 222 and LS8); that residents will rely heavily on private cars and thus air quality and travel objectives score negatively; and that, “although promoted by the policy, shared transport and active travel options are unlikely to take precedence over private vehicle use thus air quality and climate change score negatively.” This is crucial. For all the talk of mitigating the remoteness of the hospital sites with a minibus link and cycle routes, nobody actually believes that any of these measures will succeed. As for the proposal to create links suitable for electric personal vehicles, such as mobility scooters (as suggested under STR 6), it is difficult to see, when the closest link with the village is a single-track lane (Walkhurst Road), how any personal electric vehicle could make that journey. The PSLP is creating, through its policies AL/BE3&4, a car dependent community. This thereby negates the sense of the LP’s supporting document, *Transport Strategy Review Sept 2019* which urges reducing the need to travel.

- . AL/BE3&4 also undermine TWBC’s Full Council motion of July 2019 to reduce CO2 emissions. “The dominance of the car as a mode of transport can lead to congestion, more road accidents, air and noise pollution. In addition it contributes to climate change, reduces social cohesion and leads to less healthy lifestyles” (para 44 *Transport Review*). According to TW’s own SA from 2006, if social cohesion, reduction in air pollutants, and public health were indeed the borough’s priorities, site 158 would have been among those chosen for Benenden, as originally intended.
- . **PSLP paras 5.453 and 5.467** state that “residents of development in this location will rely heavily on private cars.” These plans runs counter to STR6 policy on the environment see paras 6.8, 6.9, 6.10, 6.11 and 6.13. It also contravenes KCC policies on climate change and the NPPF (see KCC’s Nov 13, 2019 letter on this subject).
- . **Para 5.414** “The parish provides two relatively large sources of employment: at Benenden Hospital and at Benenden School.” The inference is that the employment opportunities are linked somehow to the population of Benenden. There is in fact little connection. The 300 plus staff at the hospital drive into the parish along GGR to work and, since the hospital is isolated from the village, their contribution to the local economy is negligible.
- . **Policy STR 6** The LP proposes to “**Deliver future development in accessible locations, normally within or in close proximity to existing towns and villages across the borough.**” In the case of the two isolated hospital sites, the LP contradicts its own strategic policy and fails to offer choices in transport or to prioritise active travel and public transport.
- . **Cycle routes:** The PSLP’s standards on the public benefits of cycling and walking are based on the *Cycle Strategy Supporting Document*, but these standards are undermined by site allocation in Benenden. The Cycle document states that: “When more people cycle or walk the health of the population improves and our roads become safer and less congested.” Its objectives 4 and 5 are to improve safety for cyclists and air quality for all, but AL/BE 3 & 4 will create a community, deep in the countryside, entirely dependent on the car and will contribute to poorer air quality for all. The allocation of these sites, as opposed to sites such as 158, is difficult to understand.
- . The *Cycle Strategy* states that fear of traffic is possibly the main factor discouraging people from cycling. National Cycle Route 18 runs from the Rolvenden Road, down Stepneyford Lane, to Green Lane, before joining the Benenden Road near the hospital, turning right and leading to Castleton’s Oak Cross roads and Gribblebridge Lane. This route is a largely on-road ride travelling through the High Weald, using narrow, picturesque country lanes as much as possible. Green Lane/Stepneyford Lane is mentioned in TWBC’s Rural Lanes: Supplementary Planning Guidance. It is particularly high scoring in terms of its landscape, its recreational value, its natural beauty and its history. For these reasons, it is part of National Route 18. Rather than encouraging cycling, AL/BE3, which proposes two exits for this major development on GGR and two on Green Lane (where a second housing estate, at Cleveland Farm is already leading to Kent Highways calling for road widening and the elimination of grass verges - see building application 20/03267/FULL) will cause an increase in those factors, identified in *TW Cycle Strategy*, as discouraging cyclists, namely, traffic and the loss of unspoilt country lanes. Policy AL/BE3 also contravenes Kent Structure Plan Policy ENV13: “Rural lanes which are of landscape, amenity, nature conservation, historic or archaeological importance will be protected from changes which would damage their character, and enhanced.” In any event, the cycle route is purely recreational and will not enhance the sustainability of these sites.
- . **Policy STR 7** proposes, in dealing with TWBC’s 2019 legally binding commitment to manage climate change, that all development in the borough will support the Council’s target to achieve net zero emissions by 2030. It is unsound, with such a goal, to propose a major development on

the parish periphery, 3 miles equidistant from two villages where there is no shop (in spite of the PLSP's statement AL/BE 3&4) and no café (BHS says its café was built for its own use not for the use of the public - see comments on the first draft of the LP). Residents will need their cars for almost everything.

- . **Policy STR1** promotes the effective use of previously developed land, having due regard to relevant Plan policies, but in promoting AL/BE3&4, the PSLP disregards STR6 (environmental goals) & STR7 (transport goals). Under the NPPF, sustainability is the priority, as the PSLP acknowledges in STR3, 4.65 "A presumption of sustainability lies at the heart of the NPPF", but in allocating AL/BE 3&4, the PSLP fails to respect its own and the NPPF's strategic priorities.
- . **Policy STR 8** states that development should contribute to and enhance rural landscapes with particular regard to the High Weald (HW) AONB. The PSLP promotes nature conservation. Its biodiversity objective is to achieve net gains and, where possible, secure long-term management of sites for biodiversity. AL/BE3 runs counter to this strategy since the BHS has produced plans showing houses built over the LWS. It has, furthermore, produced a document requiring that one of the two LWS be dug up and removed to another unspecified location, thereby nullifying the terms of the existing Landscape and Ecology Management Plan (LEMP) for that site. Para 3.21 of the BHS submission on the first draft LP states: *"The Society supports the requirement for long-term management of the core areas of LWS associated with the hospital land. This includes all but the modest area within the SEQ adjoining Peak Lodge which is too constraining on the South East Quadrant redevelopment proposals. Accordingly, the soils in the area will be translocated to a nearby receptor site to try to ensure that the rare fungi can continue to thrive in this local area."* This is a particularly significant site for biodiversity. A letter from Keith Nicholson, former Planning and Conservation officer for the Kent Wildlife Trust, dated 4 March 2013, to TWBC Development Control Officer, Ellen Gilbert states that the hospital LWS are of national importance, mainly for the large number of different varieties of waxcaps. He states that they could well have been designated SSSI. Both in terms of waxcaps and in terms of valuable acid grassland, the hospital sites have high environmental value, see Comment DLP_3458 on the first draft of the LP, from the High Weald AONB Unit. The Benenden Hospital site *"includes rare and vulnerable acid grassland which should form a core area for unimproved grassland as part of a High Weald nature recovery network."* AL/BE3&4 threaten the biodiversity of significant species in the LWS at the hospital sites, contrary to EN1.
- . The LWS to the south of AL/BE3 is included in the BNP and BPC argues that this has been done in order to protect it (see their response to the Independent Examiner April 2021). It is difficult to follow this logic. The inclusion of the site in the area to be developed suggests that it too could be under threat.
- . There is no plan showing the placement of houses on AL/BE 4, which is currently home to a large LWS and is the site of 18 habitable dwellings, almost all of the them currently in use and let. The proposal allows for these to be demolished and another 25 dwellings added to the site. The PSLP includes the LWS in the area to be developed and the BNP excludes most of it. Benenden Parish Council (BPC), in its April 2021 response to the Independent Examiner, has said that, in this case of a successful referendum, the PSLP's plan (which includes the LWS), will prevail. In other words, of the 3 LWS in AL/BE 3&4, one is slated for removal, one will be built over if the PSLP prevails and one may be built over if the BNP prevails. This undermines STR8.
- . The PSLP claims that the hospital development "has the potential to improve the setting of the HW AONB through the delivery of a more sensitive redevelopment of existing buildings" (para 5.454), but the claim is not supported by evidence produced by the *Hankinson & Duckett* (see above) while the HW AONB unit's own view is the opposite. See TW first Draft LP, **DLP_3458 High Weald AONB Unit** (which objects to the Plan) : *"....In our view the development at Benenden Hospital will have a significant effect on the setting of the AONB and the purposes of its designation, and this issue has not been properly considered by the Plan."*
- . The NPPF section 2 para 11 *"Plans and decisions should apply a presumption in favour of sustainable development... ..(b) strategic policies should provide for objectively assessed needs for housing ...that cannot be met within neighbouring areas unless ... (i) the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area."* And see Footnote 6: the policies referred to are those in the Framework ...relating to habitat sites (and those sites listed in para 176) and /or designated as SSSI, AONBs

NPPF para 177 requires that *“The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.”*

PSLP EN1 para 5. Biodiversity and geodiversity.

AL/BE 3&4 run counter to this policy as stated above in relation to the LWS.

The Environment

STR8 sets high environmental standards but these are undermined in the site allocations. This is particularly startling in the light of the July 2019 Full Council motion to recognise the climate and biodiversity emergency, in fact, the Benenden allocations put into question whether the motion was passed in good faith.

EN1 para 5 (Biodiversity and geodiversity) says that proposals should maximise opportunities to increase biodiversity. This goal may make sense in an urban setting, but development in the countryside, as is proposed in AL/BE 3 & 4, cannot hope to ever mitigate biodiversity loss. The destruction of trees and wild spaces, the introduction of lighting, kerbs, driveways, wider roads and narrower verges, the use of concrete, tarmac, bricks and mortar in a deeply rural setting cannot “increase biodiversity”.

EN1 provides for Long-term Management plans which would be satisfactory within an urban context. In a rural location like the East End, such plans are no substitute for natural wild spaces. A ‘managed’ green space set among streets is less likely to promote biodiversity and less likely to conserve wildlife than ‘unmanaged’ green space. Further, the three LWS in AL/BE3 are all already part of an existing LEMP agreement, and since one or all would be removed in the case of development as outlined by BHS under AL/BE3&4, instead of creating a long-term management plan, AL/BE3&4 would all but terminate an existing one. The sentiments expressed in EN1 are mocked by AL/BE3&4.

1 Site policies

AL/BE3 excludes one of the 2 LWS at the site, and the BNP includes both, yet para 5.458 states “Both this policy and BNP draft Policy SSP3 broadly follow the same approach towards the potential for developing this site for a residential development..” This does not appear to be the case. Further, the SHELAA treats this site twice, once including the southern LWS (and excluding Windmill Cottage) and once excluding the LWS and including Windmill Cottage (SHELAA pages 1-3 and pages 18-19). In the second instance, the suggestion is for 67-73 houses, presumably building over the LWS. The first plan is the one adopted in the PSLP and appears to be the more accurate of the two in that it describes the site as “mostly PDL”. The second ignores all greenfield aspects and is almost identical to the plan in the BNP, a plan which BNP claims will prevail if it wins a referendum. Is AL/BE3 presenting us with the wrong plan?

AL/BE3 and AL/BE4 provide for a phased timetable for development of the two sites at different time intervals without calling for a comprehensive masterplan for the hospital site as a whole i.e. for the entire built up area. This is inconsistent with STR2, which requires a masterplan for large developments. The full extent of the area to be developed must be clear. See para 1a of Policy AL/BE3 which states that there is a need to “show indicatively how the other areas included within Policies AL/BE3 and AL/BE 4 can be developed to meet the overall policy requirements as set out within each of these policies, and how the future needs for Benenden Hospital will be met on areas to the north west and south west that currently comprise the hospital buildings and associated ancillary uses and is previously developed land.” It is not sound to proceed with an LP where the land to be developed is not indicated from the start.

AL/BE3&4 both call for an active travel link between the site and Benenden village. This proposal has been costed (see BPC’s April 2021 reply to the Independent Examiner) at between £180,000 and £220,000 for a 3m wide tarmacked surface, plus costs to upgrade it to a bridleway, plus the costs associated with obtaining landowners’ consent or, failing that, of starting compulsory purchase proceedings which TWBC expresses reluctance to undertake because of the significant compensation costs and legal costs which would be involved. No steps have been taken either by the BNP or TWBC to ascertain the willingness of landowners to give up their land although the major landowner involved wrote to BNP on 11th Sept. 2019 objecting to the plan. It is understood that he was not contacted for subsequent discussion.

AL/BE3&4 calls for the repurposing of the existing tennis courts for the use of local residents, which BHS denies it will offer for public use; for the public use of the hospital’s café; for the creation of a

hospital shop (5.413); for a minibus service linking the hospital to the village ("The Society is not a transport provider" is BHS' response); for green space, a playground and provision of a community hall - most of these policies are refuted in Savills' comments on behalf of BHS, in the first draft of the LP, DLP_ 4956 paras 3.14, 3.18, 3.19, 3.20, 3.46 and 3.47. Rather than agreeing to such policies, the hospital is calling on TWBC to introduce a more flexible funding system to allow a *reduction* of developer costs. BHS argues these will be high because they wish to demolish existing buildings. It is unsound to propose policies which cannot be implemented. Once the sites are sold, no relevant conditions to this effect could be imposed.

1 **The PSLP is unsound because of inconsistencies in the treatment of different sites.** (i) **Uphill, AL/BE1** is described as having archaeological potential (para 5.428) requiring possible mitigation measures. This is not because of historical finds on the site, but because they might be found. A listed manor house lies on the other side of New Pond Road and, according to AL/BE1, "the site lies within, or very close to the relevant impact risk zone for Parsonage Wood", a SSSI which is, in fact, several miles away. The archaeological significance of AL/BE 3&4 is far more certain and substantial. The hospital sites are where a bronze age palstaff was found (see the National Monument Register - SMR Number /Hob UID)) and the sites lie close to two ancient routeways. A Roman Road runs west-east (on BHS farmland) a few yards to the south of AL/BE3 and a medieval drove road (GGR), runs west-east between the two sites. Further, two Grade II Listed Buildings are sited here, also on BHS land. The Lister building stands a few yards to the west of AL/BE3 and Cleveland Farm house (the farmyard of which BHS is trying to develop separately and simultaneously as if a minor planning project) lies a few yards to the south. Instead of mentioning these facts, AL/BE3&4 reads (5.456 and 5.468) "Kent County Council states that the site includes significant archaeology, which could be dealt with through suitable conditions on a planning approval." The imbalance in the treatment of the two sites is substantial and suggests confirmatory bias or prejudice.

(ii) The SHELAA assessment of site 158 suggests a potential yield of 50-65 houses, but then concludes that only the Uphill part of the site is suitable (20 houses). It states that "the remainder of the site is sensitive in landscaping terms and there is concern regarding scale and impact on the character of the landscape and settlement pattern". This is contrary to the views of TW's 2006 SA; to the TW 2018 document proposing 174 houses; and to the first draft of the LP. The dismissal of 158 as a suitable site is not supported by the evidence and suggests prejudice.

(iii) Site 222, west of the cross roads, was also considered in 2006, as a possible site for the new village school, though it was not one of the top two sites put to a referendum. The SHELAA suggests 222 has a potential for 76 houses. The site is considered unsuitable partly because the new LBD, if adopted, will exclude all houses west of the cross roads, when the village actually extends a considerable length along this road to the west. There is no mention of the fact that the owners of this site are offering the pond at the south west corner of the crossroads as village green space. The dismissal of 222 is not supported by the evidence and suggests prejudice.

(iv) The SHELAA suggests a capacity of 26 houses at Site LS8 in Iden Green, stating that it lies adjacent to the recreation ground and a children's nursery and that there is a pavement on both sides of Iden Green's main road. It fails to mention that the easternmost side of this pavement connects the village to the village primary school. The SHELAA dismisses the site as unsuitable saying that it is located in a remote location relative to services, facilities and public transport, but this site is far less remote than sites AL/BE 3&4. The dismissal of site LS8 is not supported by the evidence and suggests prejudice.

(v) The proposed new LBD has been constructed so as to include the new site at Uphill and to exclude 222, when in fact, the actual built development extends westwards from the crossroads and includes site 222. The LBD is ignored in respect of AL/BE3&4. Manipulation of the LBD to suit allocated sites is inappropriate.

As a general comment, I have found the process unnecessarily difficult to navigate. In fact, from the point of view of the ordinary lay-man, I would term the process 'hostile'. The interactive on-line site was unmanageable. Question 4a is very badly worded. The PSLP's prose entirely suited the opaqueness of the procedure. Here is one example from the SA (page 163) "However, the education objective does not deteriorate when considering cumulative effects as the schools in Tenterden will be a viable option for residents in East End and thus are likely to take the pressure off Benenden Primary School ." What does that mean?

Question 6

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Question 5 above. (Please note that non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

The modifications needed are included in the submissions set out above. In summary, development on site AL/BE3 should be limited to the existing, so far unused, planning permission for 24 houses, preferably by adapting the Garland Wing, which is a building of historic value, either to a wellness centre, in accordance with its original intention, or to a row of up to 10 terraced houses. Site AL/BE4 already has 18 semi-detached houses on it, and cannot support any more. It should therefore be excluded. Housing should be allocated to sites (such as 158 and 222 in the village centre or LS8 in Iden Green) which lie on bus routes or are within walking distance of the village centre and school.

Paragraphs 5.421 and 5.422 should be omitted.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)? . Yes, I wish to participate in hearing session(s)

Question 7a

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

In order to put over my case, and to answer those with vested interests who may seek to put forward arguments against it.

Question 8

If you have any separate comments you wish to make on the accompanying Sustainability Appraisal, please make them here.

1. The Sustainability Appraisal (SA) is misleading. Table 58 on page 163 states that all Benenden sites "lack services, facilities and travel options". This belies the fact that AL/BE2 (Feoffee almshouses) is close to the Street as is AL/BE1 (Uphill). Both sites are within walking distance of the bus stop for daily bus services, the post office, village shop, the primary school, the village green, the butchers, pub, community hall, church, recreation ground and children's playground. AL/BE 3 & 4 are three miles northeast of the village with no daily bus service and no amenities whatsoever.
2. The commentary on Table 58, (page 163 of the SA), states that East End sites score badly on

Climate Change and Travel, yet these are the sites promoted for most houses.

3. The SA argues on page 163 that East End residents will send their children to schools in Tenterden instead of to the village primary school, and that this will lessen the otherwise seriously negative effects of the two hospital sites. This is pure conjecture and possibly wishful thinking. The school has a good reputation and currently between 70 and 75% of children there come from outside the parish. East End children will have precedence over these, since intake depends on the distance of a child's residence from the school. Pressure on Benenden Primary School will increase, not decrease. Further, the use of a car, whether it drives to Tenterden (5-6 miles) or to Benenden (3 miles), pollutes and deprives residents of the health-giving pleasure of walking to school. The AL/BE 3&4 are contrary to STR2, to the NPPF and to KCC policy on climate change.

4. Appendix L (pp331-2) shows Scores for Reasonable Sites in Benenden. Here we see scores for 158 and 222, two sites close to the village centre. Of 158, we read "A site that scores several neutrals with some positives, let down by its land use and landscape score impacted by a loss of a greenfield site in the AONB and lack of services and facilities including public transport at the settlement." This SA report compares poorly with the SA TWBC carried on site 158 in 2006. 158 is parallel to and just north of the Street with its exit onto New Pond Road. In 2006 site 158 was chosen in a village referendum as the site for a new C of E primary school. It was the preferred site out of a choice of two, both of which were greenfield. TWBC's 2006 SA on 158 decided (see page 18 of the Sustainability Appraisal Benenden Church of England Primary School Land Allocation DPD - Issues and Options report), that 158 was one of two top sites. "Situated adjacent to an area of ancient woodland, the site provides the potential for habitat linkages and wildlife corridors. The site is not adjacent to the CA and does not form a significant role in its setting. There are no Listed Buildings on or adjacent to the site. The site is consistent with the surrounding landscape character. There are limited views into the site and no public rights of way over the site." On page 38, we read, "This site is anticipated to have a major beneficial effect on improving educational standards and travel choice/traffic levels". In spite of the referendum result, the school was eventually built at the less preferred site and, since then, TWBC had been in consultation with 158's owners to build houses there.

5. In April 2018, BNP Steering Committee Deputy Chair, a borough councillor, showed the committee a piece of paper from TWBC saying that TWBC wishes to build 174 houses on site 158. He committed himself to seeing these numbers reduced and the numbers at the East End raised. After a meeting between representatives from the BNP group and TW planners on June 19th, 2018, the minutes reported that "At times the workshop was emotive ..." Following that meeting TW planners put site 158 on temporary hold, limiting development there to a future Local Plan by asking, in the first draft of the LP on page 270, that the Uphill site on New Pond Road, adjacent to 158 and allocated at that time as AL/BE3, should, under Clause 8, provide for vehicular access through Uphill to the site behind (158) "which may be allocated for development as part of a future Local Plan." In the PSLP, this wording for Clause 8 has disappeared. Where is the evidence-base for such wording to be included in the first draft and excluded in the second? Why is the site considered suitable in 2006, in 2018, and in the first draft, but not suitable in the PSLP?

6. Site 222, like 158 is described in Appendix L of the PSLP's SA as suffering from "a lack of services and facilities including public transport at the settlement." This is inaccurate. There is a daily bus service along Benenden Street and site 222 is within easy walking distance of the bus stop, shops, pub, community hall, primary school and all other amenities.

7. Site LS8, in the heart of Iden Green is, along with site 158 and 222, a site which on-the-ground evidence suggests is eminently suitable for development, but which the SA fails to allocate. Appendix L of the SA gives LS8 virtually the same scores as Uphill (LS16 of AL/BE1) yet the latter is included for development and the former is not. The commentary states of LS8 "A number of scores are negative however, reflecting the remote location of the site from services and facilities and public transport. It scores negatively in heritage terms as the site is a relatively sizeable piece of the Iden Green Conservation Area." This site is far less remote than sites AL/BE 3 & 4. It is one mile from the village and connected to it by a paved footpath running past a Roadside Conservation Area and then (still paved) through a field to the church and primary school. It is on a bus route and the bus stop is next to LS8. Iden Green has a community hall, tennis courts, a children's playground and pub/restaurant. The SA information is unreliable and the PSLP's use of it for site allocation is unwise.

8. In so far as Benenden is concerned, the sites were allocated before any sustainability appraisal was commissioned. It is not therefore a relevant factor in the allocation of sites for housing.

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:

Yes, I wish to be notified of future stages of the Local Plan

Comment

Consultee	Ms Catriona Prynne [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] Benenden [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Ms Catriona Prynne [REDACTED]
Comment ID	PSLP_505
Response Date	27/05/21 12:00
Consultation Point	Policy AL/BE 3 Land at Benenden Hospital (south of Goddards Green Road), East End (View)
Status	Processed
Submission Type	Other
Version	0.3
Data inputter to enter their initials here	AT
Question 1	
Respondent's Name and/or Organisation	Catriona Prynne
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy AL/BE 3 Land at Benenden Hospital (south of Goddards Green Road), East End

Inset Map 18

[TWBC: this representation has been input against Policies PSTR/BE 1, AL/BE 1, AL/BE 3 and AL/BE 4 – see Comment Numbers PSLP_494, PSLP_504, PSLP_505 & PSLP_506]

Question 4

Do you consider that the Local Plan:

Is legally compliant	No
Is sound	No
Complies with the Duty to Cooperate	No

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:	. It is not positively prepared
	. It is not effective
	. It is not justified
	. It is not consistent with national policy

Question 5

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

This submission concerns the parish of Benenden, the only parish in the borough to have made its own allocations. The Benenden Neighbourhood Plan (BNP) has been developed in close consultation with TWBC, with the BNP in the lead. The BNP announced its allocations in February 2019, before inviting AECOM to produce its Strategic Environmental Assessment. Pre-Submission Local Plan, para 5.420 reads "The BNP was submitted to TWBC in October 2020 and was consulted on between 30 October and 11 December 2020." But the allocations had been made and published in February 2019. Further, Para 5.420 states "The BNP proposes to include site allocation policies that follow the approach of the site allocation policies for Benenden in this Local Plan." BNP allocations were first published in February 2019 i.e. before LP site allocation policies.

Allocations made by the LP, when it took up the BNP's baton, are therefore inevitably linked to BNP's weaknesses. Yet if the BNP passes a referendum before acceptance of the LP, it is said that it will take precedence over the LP (see para 5.421), with the exception of its plans for the northern site at Benenden hospital, which will be overruled by the plans advanced in the LP (see Benenden Parish Council April 2021 response to Independent Examiner queries on the BNP). This is in contravention of para 5.422 which talks of making "modifications to the LP" so that it matches the BNP.

1 Community involvement. EN1: this requirement has not been respected.

- . In Benenden, almost all new housing is slated for the East End, yet the Friends of the East End (FEE), were never asked to meet with the BNP steering group.
- . See EN1 para 9 requiring the effective engagement of the local community, neighbours of sites and others. The FEE submitted three petitions, two to the BNP and one in relation to the LP. A FEE submission with 127 signatures was submitted on April 4th 2019 in response the Informal Draft NP (published on February 23, 2019), in which the allocations later adopted by the LP were first set out. A FEE submission with 167 signatures was submitted in October 2019 objecting to the first draft of the LP, and in the same month, a FEE submission with 167 signatures was submitted in relation to the Reg 16 draft BNP. See the FEE's current online petition with more than 450 signatures <https://www.change.org/EastEndFriends>
- . Instead of being consulted, the FEE were ignored and belittled. They were informed on 11th March 2019 by the editor of the Parish Magazine (PM), husband of the Chair of the Parish Council, that "I'm of the view that much of the uncertainty has passed since the presentation of the plan

to the village - to a highly favourable reception. At least we no longer have to give polite credence to *uninformed views* that fly in the face of TWBC policy and advocate direct and *pointless confrontation* with TWBC, thereby running the risk of having the entire BNDP thrown back in our faces. *The ensuing chaos hardly bears thinking about.* At least it seems the opinions now being afforded most weight are those of *people who have worked hard for two years to understand the issues* and come up with a coherent way forward."

- . One of the regular articles on the BNP submitted by the chair of the BNP Steering Group appeared in January 2020. It dismisses FEE opposition suggesting only "31 residents from the East End" sent in comments.
- . The core group behind the BNP has consistently tried to persuade those who support the FEE to desist. The chair of the Parish Council and the chair of the BNP Steering Group have twice asked to meet a Tunbridge Wells Alliance (TWA) Borough Councillor for the parish, once together with a TWA borough council candidate, in efforts to persuade them to adhere to the BNP's approach and not to listen to the FEE.
- . The organiser of the FEE was a member of the Steering Committee 2017/2018 as chair of the Environmental Group. She expressed strong disagreement with a Borough Councillor who lives in the village (on occasion, he deputises as chair of the Steering Group) about his wish to step up allocations in the East End and suppress TWBC's wish to build 174 houses on site 158. As a result, the Steering Group chair (using his own word), "sacked" her. This is contrary to EN1 para 9, encouraging early, proactive and effective engagements and the requirement that views expressed should be properly considered.
- . Consultation also failed in relation to the neighbouring parish of Biddenden. The Clerk of Biddenden Council has repeatedly responded to BPC in the course of the BNP consultation process, but received only acknowledgments. A Kent County Councillor and Ashford Borough Councillor wrote an article about BNP's mismanagement of the parish of Biddenden in the Biddenden Parish Magazine, February 2021.
- . The LP is based on the BNP and BNP allocations were made before consultations with stakeholders such as the AONB. This is not consulting in a timely fashion. Further, the LP requires surveys of the hospital sites *after* the designation of the sites for development, for example, archaeological surveys (see AL/BE 3&4). Historic England (HE) asks for the surveys to be carried out *before*. See HE's comments on the first draft LP (DLP_4556) - "we would expect the allocation of sites following on from this Strategy policy (STR1) to be subject to appropriately robust and detailed heritage impact assessment *prior to the allocations being adopted.*"
- 1 **The PSLP is not based on sound evidence**
 - . Throughout the LP process, misstatements have been made about amenities in Benenden's East End. These may be traced back to a submission made by traffic and highways consultants, Transport Planning Associates (TPA) to Benenden Healthcare Society Ltd. (BHS). This submission was recently disclosed in BHS's response to the Independent Examiner's queries in relation to the BNP. TPA's information is sometimes inaccurate and sometimes misleading and we consider it here in detail because it is difficult otherwise, to understand how the LP was able to continue, iteration after iteration, to relate false information about the hospital site.
 - . In October 2019, TPA reported (para 2.6) that there was a footpath along the southern edge of Goddards Green Road (GGR) and the PSLP, para 5.452 states "There is an intermittent pavement along GGR". The GGR is a long road running from New Pond Road to Castleton's Oak crossroads, and was formerly a lane. The pavement is limited to the short section immediately outside the hospital buildings. To say that there is an intermittent pavement along GGR is misleading.
 - . The TPA refers to the East End as a village, which it is not. The East End runs from the junction of GGR and Walkhurst Road, along the GGR to the border with Tenterden, then turns south to reach close to Hole Park in Rolvenden, then east back to Walkhurst Road at the site of the stream, then along Walkhurst Road back to GGR (see the old Electoral Roll for 2004 when the East End had its own polling station). It is a large, totally rural area of several square miles, which was why it was chosen as the site for an isolation hospital in 1906. Today it contains only 76 houses scattered across the entire area. The PSLP consistently refers to the East End as a hamlet. It is not, which is why BPC is able to advertise itself on its website as "Serving the people of Benenden and Iden Green" without any reference to the East End.
 - . The TPA says that "a day nursery is located immediately to the north of the Site within 400m." There is incorrect, yet this error is repeated in para 5.413 of the PSLP "There are also nursery/pre-school facilities at Iden Green and East End." An accurate account would mention Iden Green only.

- . The TPA states that there are daily bus services along GGR provided by bus nos. 24 and 299, and twice a day service provided by the Hopper bus. This information is incorrect. The 2019 Hopper bus, operated by the Tenterden social services hub on an experimental basis, failed in only a matter of months. While the 24 and the 299 buses pass along GGR, they do so on only one day a week. The 24 on Tuesdays and the 299 on Wednesdays. The East End has almost no public transport.
- . The TPA makes several statements in relation to traffic which have fed misinformation into the system to be reflected in AL/BA3&4. This misinformation was only recently revealed when documents were provided by BHS following April 2021 queries raised by the Independent Examiner on the BNP. These documents include a TPA 'Scoping Note' on road and traffic conditions at the site and a letter written in response to this Note from KCC Highways, dated 13 Nov. 2019. The TPA states that the GGR is 7m wide at the hospital site which detracts from the fact that it is actually a winding rural lane, now called a road, and varies considerably in width. It may at some point be 7m wide, but at others, it is so narrow that two lorries have difficulty passing each other. The TPA claims that there is no need for a road safety review because there have been "no personal injury accidents" recorded within 1,000m. Castleton's Oak crossroads lie 1.5 km from the site and accidents there are frequent, largely due to increasing traffic at the hospital. The hospital has turned itself into an almost exclusively out-patient centre and almost all its 300 employees drive in to work from outside the parish (formerly, they were housed on site in hospital staff buildings). Kent County Council (KCC) Highways make constant and repeated attempts to lower the risk of injury at the crossroads. Works there are ongoing at this time. The TPA claims that no traffic surveys are necessary which is a point queried in the KCC Highways' email. The email talks of the "heavy car dependency" of residents in any housing in this location and says this was one of its concerns, even at the time of the original application asking for only 24 houses. The email states that BHS's plans (and therefore AL/BE 3&4) are contrary to the NPPF and to KCC's own policy objectives, and points out that the hospital has not co-operated over the idea of a minibus to provide transport from the site to Benenden. The letter calls for: traffic counts along the GGR; a wider crash analysis; and expresses concern over the proposed access points to the SE Quadrant - 2 on Green Lane and 2 on GGR. Lastly, on trip generation, the TPA projects that 47 houses at the site will produce only 106 trips a day, though the consultants admit that they have difficulty in basing their estimate on comparable sites because there are none. These trip generation figures ignore existing traffic from local residents, from patients, from hospital staff and from the newly (January 2021) proposed housing estate at Cleveland. The AL/BE 3&4 fails to provide a traffic count, fails to ask for a road safety review and fails to acknowledge frequent traffic accidents near the sites.
- . Pre-submission supporting documents also produce inaccurate and sometimes irrelevant evidence. The hospital sites are within the setting of an AONB and even overlap into it, yet *Inset Map 18* (Benenden Hospital), unlike other maps attached, makes no reference to the AONB boundary. The BNP claims that the hospital is outside the AONB and on this basis, since the rest of the village is wholly within the AONB, largely justifies placing most of Benenden's housing in the East End. This is misleading, since the AONB boundary wraps tightly round AL/BE3, which actually overlaps into the AONB in the southwest corner. In any event both sites affect land in the AONB. The relationship of the AONB boundary to the hospital sites is important yet it is ignored on the map. This looks like prejudice.
- . Hankinson Duckett Associates's *AONB Setting Analysis Report* (a supporting document for the PSLP, referred to as an evidence base) is, in its analysis of AL/BE3&4, unsound. The analysis argues that development at these sites will enhance the setting of the AONB. It illustrates the argument with photos of the hospital chapel and its carpark. Neither chapel nor car park are in the area up for development.
- 1 **Policies AL/BE3&4 are not consistent with the PSLP's Vision objectives nor with its strategies, nor with KCC's policies, nor with the NPPF.**
 - . The PSLP's Vision Objective 1 is : "to improve access to suitable, especially affordable housing, including for local young people and older households." But this is inconsistent with allocations AL/BE 3 & 4. BHS is asking in its comments on the LP first draft, for a lower number of affordable homes because of the high cost of brownfield development. Living isolated in the countryside, families will need at least two cars. Old and young will be unable to walk to schools, shops or any other amenities. This is not a suitable site for a borough which (see para 2.16) expects the population over the age of 65 + to increase by around 40% between 2020 and 2038. The PSLP's Vision Objective 2 is to ensure sustainable development which allocations at AL/BE 3&4 do not

achieve. On the contrary, the KCC warns that even with the existing permission for 24 houses on AL/BE3, the highway authority had concerns. This is an isolated location, deep in the countryside (see KCC Highways email 13 Nov 2019). More than 24 houses in this location is not sustainable.

- . **Policy PSTR/BE1**, LBD 5.416 states “the LBD around Benenden village sets the extent of existing and planned development ..” This conflicts with the recommendation that major development be instated three miles beyond the LBD, on the border with Biddenden.
- . **Policy STR 2** “The Council requires the use of masterplanning, including the use of design codes and sustainable design standards where appropriate, for strategic and larger-scale developments..” This is undermined by AL/BE 3&4 which calls for a masterplan for an area not included in the PSLP and not presented. Para 1a of Policy AL/BE3 states that there is a need to “show indicatively how the other areas included within Policies AL/BE3 and AL/BE 4 can be developed to meet the overall policy requirements as set out within each of these policies, and *how the future needs for Benenden Hospital will be met on areas to the north west and south west that currently comprise the hospital buildings and associated ancillary uses and is previously developed land.*” It is not sound to proceed with an LP where the land to be developed is not clearly indicated from the start.
- . **A masterplan is essential to avoid current inconsistencies on the size of areas to be developed:** AL/BE3 excludes one of the 2 Local Wildlife Sites (LWS) at the site, yet the BNP includes both. Para 5.458 states “Both this policy and BNP draft Policy SSP3 broadly follow the same approach towards the potential for developing this site for a residential development..” They do not. The PSLP states that in the event of a successful referendum, the BNP’s proposals will prevail. If this is so, are we supposed to assume that AL/BE3 map is inaccurate?
- . A similar problem arises at the northern site (AL/BE4) here there are currently 18 dwellings. The proposal allows for these to be demolished and another 25 dwellings added to the site. The size of the area to be developed varies between the LP and the BNP. The LP includes the LWS in the area to be developed but the BNP includes only a small section, but says in the event of a successful referendum the BNP plan will be over-ruled by the LP plan (see the BPC response April 2021 to the Independent Examiner’s queries). This is the reverse of 5.421 & 2. It is unsound to proceed with a plan when the NP and the LP are at odds with each other.
- . **The PSLP claims building will only be within existing footprints**, an approach which is at odds with that of the BHS. Plans for 47 new houses in AL/BE3, presented to the village on 17th February 2020 by the hospital architects, show the buildings are not to be built within the footprint of previous buildings nor to respect LWS.
- . **Policy STR 3** calls for the use of brownfield sites “within settlements” and in “sustainable locations.” AL/BE 3 consists of disused medical buildings and 2 LWS with parkland and veteran trees (depending on whether this second LWS is included or not). 5.448 is therefore incorrect. The site should be described not as brownfield but as partly brownfield. It is not on the Brownfield Register. Because of its remote location and its valuable LWS sites, it is not free from constraints which could be mitigated. As such, Policy AL/BE3 does not meet the criteria needed under the NPPF, Section 11, para 117 for development in “a way that makes as much use as possible of previously-developed or ‘brownfield’ land.” AL/BE 4 contains in-use residential housing and an LWS and therefore is not entirely brownfield.
- . **Policy STR 5** states that “New residential ... development will be supported if sufficient infrastructure capacity is either available or can be provided in time to serve the development.” Will this happen at AL/BE3&4? Developers themselves are to provide the infrastructure at AL/BE 3&4. The LP proposes to take on trust suggestions that the BHS will avoid building on the LWS and will provide play-grounds, sports facilities and tennis courts. We know from submissions following the first draft LP, that BHS is actually planning to remove one LWS entirely and that its plans include building on the LWS and beyond the foot print of previous buildings. BHS suggests, in its response to the first draft LP (DLP_4956) that it is unlikely to provide play-grounds, sports facilities and tennis courts. The PSLP’s approach does not take comments to the first draft LP into account.
- . **Policy STR 6** proposes to “Deliver future development in accessible locations, normally within or in close proximity to existing towns and villages across the borough.” In the case of the two isolated hospital sites, the PSLP contradicts its own strategic policy and fails to offer choices in transport or to prioritise active travel and public transport. The Benenden hospital sites have no daily bus service and no active travel link to the village, and neither the PSLP nor the BHS provide credible information on how these links are to be provided. The KCC email of Nov 13 suggests

that the hospital is uncooperative on the proposal to organise a minibus service and the SHELAA says of AL/BE3 that it is “Remote from a settlement centre,” (unlike sites 158, 222 and LS8); that residents will rely heavily on private cars and thus air quality and travel objectives score negatively; and that, “although promoted by the policy, shared transport and active travel options are unlikely to take precedence over private vehicle use thus air quality and climate change score negatively.” This is crucial. For all the talk of mitigating the remoteness of the hospital sites with a minibus link and cycle routes, nobody actually believes that any of these measures will succeed. As for the proposal to create links suitable for electric personal vehicles, such as mobility scooters (as suggested under STR 6), it is difficult to see, when the closest link with the village is a single-track lane (Walkhurst Road), how any personal electric vehicle could make that journey. The PSLP is creating, through its policies AL/BE3&4, a car dependent community. This thereby negates the sense of the LP’s supporting document, *Transport Strategy Review Sept 2019* which urges reducing the need to travel.

- . AL/BE3&4 also undermine TWBC’s Full Council motion of July 2019 to reduce CO2 emissions. “The dominance of the car as a mode of transport can lead to congestion, more road accidents, air and noise pollution. In addition it contributes to climate change, reduces social cohesion and leads to less healthy lifestyles” (para 44 *Transport Review*). According to TW’s own SA from 2006, if social cohesion, reduction in air pollutants, and public health were indeed the borough’s priorities, site 158 would have been among those chosen for Benenden, as originally intended.
- . **PSLP paras 5.453 and 5.467** state that “residents of development in this location will rely heavily on private cars.” These plans runs counter to STR6 policy on the environment see paras 6.8, 6.9, 6.10, 6.11 and 6.13. It also contravenes KCC policies on climate change and the NPPF (see KCC’s Nov 13, 2019 letter on this subject).
- . **Para 5.414** “The parish provides two relatively large sources of employment: at Benenden Hospital and at Benenden School.” The inference is that the employment opportunities are linked somehow to the population of Benenden. There is in fact little connection. The 300 plus staff at the hospital drive into the parish along GGR to work and, since the hospital is isolated from the village, their contribution to the local economy is negligible.
- . **Policy STR 6** The LP proposes to “**Deliver future development in accessible locations, normally within or in close proximity to existing towns and villages across the borough.**” In the case of the two isolated hospital sites, the LP contradicts its own strategic policy and fails to offer choices in transport or to prioritise active travel and public transport.
- . **Cycle routes:** The PSLP’s standards on the public benefits of cycling and walking are based on the *Cycle Strategy Supporting Document*, but these standards are undermined by site allocation in Benenden. The Cycle document states that: “When more people cycle or walk the health of the population improves and our roads become safer and less congested.” Its objectives 4 and 5 are to improve safety for cyclists and air quality for all, but AL/BE 3 & 4 will create a community, deep in the countryside, entirely dependent on the car and will contribute to poorer air quality for all. The allocation of these sites, as opposed to sites such as 158, is difficult to understand.
- . The *Cycle Strategy* states that fear of traffic is possibly the main factor discouraging people from cycling. National Cycle Route 18 runs from the Rolvenden Road, down Stepneyford Lane, to Green Lane, before joining the Benenden Road near the hospital, turning right and leading to Castleton’s Oak Cross roads and Gribblebridge Lane. This route is a largely on-road ride travelling through the High Weald, using narrow, picturesque country lanes as much as possible. Green Lane/Stepneyford Lane is mentioned in TWBC’s Rural Lanes: Supplementary Planning Guidance. It is particularly high scoring in terms of its landscape, its recreational value, its natural beauty and its history. For these reasons, it is part of National Route 18. Rather than encouraging cycling, AL/BE3, which proposes two exits for this major development on GGR and two on Green Lane (where a second housing estate, at Cleveland Farm is already leading to Kent Highways calling for road widening and the elimination of grass verges - see building application 20/03267/FULL) will cause an increase in those factors, identified in *TW Cycle Strategy*, as discouraging cyclists, namely, traffic and the loss of unspoilt country lanes. Policy AL/BE3 also contravenes Kent Structure Plan Policy ENV13: “Rural lanes which are of landscape, amenity, nature conservation, historic or archaeological importance will be protected from changes which would damage their character, and enhanced.” In any event, the cycle route is purely recreational and will not enhance the sustainability of these sites.
- . **Policy STR 7** proposes, in dealing with TWBC’s 2019 legally binding commitment to manage climate change, that all development in the borough will support the Council’s target to achieve net zero emissions by 2030. It is unsound, with such a goal, to propose a major development on

the parish periphery, 3 miles equidistant from two villages where there is no shop (in spite of the PLSP's statement AL/BE 3&4) and no café (BHS says its café was built for its own use not for the use of the public - see comments on the first draft of the LP). Residents will need their cars for almost everything.

- . **Policy STR1** promotes the effective use of previously developed land, having due regard to relevant Plan policies, but in promoting AL/BE3&4, the PSLP disregards STR6 (environmental goals) & STR7 (transport goals). Under the NPPF, sustainability is the priority, as the PSLP acknowledges in STR3, 4.65 "A presumption of sustainability lies at the heart of the NPPF", but in allocating AL/BE 3&4, the PSLP fails to respect its own and the NPPF's strategic priorities.
- . **Policy STR 8** states that development should contribute to and enhance rural landscapes with particular regard to the High Weald (HW) AONB. The PSLP promotes nature conservation. Its biodiversity objective is to achieve net gains and, where possible, secure long-term management of sites for biodiversity. AL/BE3 runs counter to this strategy since the BHS has produced plans showing houses built over the LWS. It has, furthermore, produced a document requiring that one of the two LWS be dug up and removed to another unspecified location, thereby nullifying the terms of the existing Landscape and Ecology Management Plan (LEMP) for that site. Para 3.21 of the BHS submission on the first draft LP states: *"The Society supports the requirement for long-term management of the core areas of LWS associated with the hospital land. This includes all but the modest area within the SEQ adjoining Peak Lodge which is too constraining on the South East Quadrant redevelopment proposals. Accordingly, the soils in the area will be translocated to a nearby receptor site to try to ensure that the rare fungi can continue to thrive in this local area."* This is a particularly significant site for biodiversity. A letter from Keith Nicholson, former Planning and Conservation officer for the Kent Wildlife Trust, dated 4 March 2013, to TWBC Development Control Officer, Ellen Gilbert states that the hospital LWS are of national importance, mainly for the large number of different varieties of waxcaps. He states that they could well have been designated SSSI. Both in terms of waxcaps and in terms of valuable acid grassland, the hospital sites have high environmental value, see Comment DLP_3458 on the first draft of the LP, from the High Weald AONB Unit. The Benenden Hospital site *"includes rare and vulnerable acid grassland which should form a core area for unimproved grassland as part of a High Weald nature recovery network."* AL/BE3&4 threaten the biodiversity of significant species in the LWS at the hospital sites, contrary to EN1.
- . The LWS to the south of AL/BE3 is included in the BNP and BPC argues that this has been done in order to protect it (see their response to the Independent Examiner April 2021). It is difficult to follow this logic. The inclusion of the site in the area to be developed suggests that it too could be under threat.
- . There is no plan showing the placement of houses on AL/BE 4, which is currently home to a large LWS and is the site of 18 habitable dwellings, almost all of the them currently in use and let. The proposal allows for these to be demolished and another 25 dwellings added to the site. The PSLP includes the LWS in the area to be developed and the BNP excludes most of it. Benenden Parish Council (BPC), in its April 2021 response to the Independent Examiner, has said that, in this case of a successful referendum, the PSLP's plan (which includes the LWS), will prevail. In other words, of the 3 LWS in AL/BE 3&4, one is slated for removal, one will be built over if the PSLP prevails and one may be built over if the BNP prevails. This undermines STR8.
- . The PSLP claims that the hospital development "has the potential to improve the setting of the HW AONB through the delivery of a more sensitive redevelopment of existing buildings" (para 5.454), but the claim is not supported by evidence produced by the *Hankinson & Duckett* (see above) while the HW AONB unit's own view is the opposite. See TW first Draft LP, **DLP_3458 High Weald AONB Unit** (which objects to the Plan) : *"....In our view the development at Benenden Hospital will have a significant effect on the setting of the AONB and the purposes of its designation, and this issue has not been properly considered by the Plan."*
- . The NPPF section 2 para 11 *"Plans and decisions should apply a presumption in favour of sustainable development... ..(b) strategic policies should provide for objectively assessed needs for housing ...that cannot be met within neighbouring areas unless ... (i) the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area."* And see Footnote 6: the policies referred to are those in the Framework ...relating to habitat sites (and those sites listed in para 176) and /or designated as SSSI, AONBs

NPPF para 177 requires that *“The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.”*

PSLP EN1 para 5. Biodiversity and geodiversity.

AL/BE 3&4 run counter to this policy as stated above in relation to the LWS.

The Environment

STR8 sets high environmental standards but these are undermined in the site allocations. This is particularly startling in the light of the July 2019 Full Council motion to recognise the climate and biodiversity emergency, in fact, the Benenden allocations put into question whether the motion was passed in good faith.

EN1 para 5 (Biodiversity and geodiversity) says that proposals should maximise opportunities to increase biodiversity. This goal may make sense in an urban setting, but development in the countryside, as is proposed in AL/BE 3 & 4, cannot hope to ever mitigate biodiversity loss. The destruction of trees and wild spaces, the introduction of lighting, kerbs, driveways, wider roads and narrower verges, the use of concrete, tarmac, bricks and mortar in a deeply rural setting cannot “increase biodiversity”.

EN1 provides for Long-term Management plans which would be satisfactory within an urban context. In a rural location like the East End, such plans are no substitute for natural wild spaces. A ‘managed’ green space set among streets is less likely to promote biodiversity and less likely to conserve wildlife than ‘unmanaged’ green space. Further, the three LWS in AL/BE3 are all already part of an existing LEMP agreement, and since one or all would be removed in the case of development as outlined by BHS under AL/BE3&4, instead of creating a long-term management plan, AL/BE3&4 would all but terminate an existing one. The sentiments expressed in EN1 are mocked by AL/BE3&4.

1 Site policies

AL/BE3 excludes one of the 2 LWS at the site, and the BNP includes both, yet para 5.458 states “Both this policy and BNP draft Policy SSP3 broadly follow the same approach towards the potential for developing this site for a residential development..” This does not appear to be the case. Further, the SHELAA treats this site twice, once including the southern LWS (and excluding Windmill Cottage) and once excluding the LWS and including Windmill Cottage (SHELAA pages 1-3 and pages 18-19). In the second instance, the suggestion is for 67-73 houses, presumably building over the LWS. The first plan is the one adopted in the PSLP and appears to be the more accurate of the two in that it describes the site as “mostly PDL”. The second ignores all greenfield aspects and is almost identical to the plan in the BNP, a plan which BNP claims will prevail if it wins a referendum. Is AL/BE3 presenting us with the wrong plan?

AL/BE3 and AL/BE4 provide for a phased timetable for development of the two sites at different time intervals without calling for a comprehensive masterplan for the hospital site as a whole i.e. for the entire built up area. This is inconsistent with STR2, which requires a masterplan for large developments. The full extent of the area to be developed must be clear. See para 1a of Policy AL/BE3 which states that there is a need to “show indicatively how the other areas included within Policies AL/BE3 and AL/BE 4 can be developed to meet the overall policy requirements as set out within each of these policies, and how the future needs for Benenden Hospital will be met on areas to the north west and south west that currently comprise the hospital buildings and associated ancillary uses and is previously developed land.” It is not sound to proceed with an LP where the land to be developed is not indicated from the start.

AL/BE3&4 both call for an active travel link between the site and Benenden village. This proposal has been costed (see BPC’s April 2021 reply to the Independent Examiner) at between £180,000 and £220,000 for a 3m wide tarmacked surface, plus costs to upgrade it to a bridleway, plus the costs associated with obtaining landowners’ consent or, failing that, of starting compulsory purchase proceedings which TWBC expresses reluctance to undertake because of the significant compensation costs and legal costs which would be involved. No steps have been taken either by the BNP or TWBC to ascertain the willingness of landowners to give up their land although the major landowner involved wrote to BNP on 11th Sept. 2019 objecting to the plan. It is understood that he was not contacted for subsequent discussion.

AL/BE3&4 calls for the repurposing of the existing tennis courts for the use of local residents, which BHS denies it will offer for public use; for the public use of the hospital’s café; for the creation of a

hospital shop (5.413); for a minibus service linking the hospital to the village ("The Society is not a transport provider" is BHS' response); for green space, a playground and provision of a community hall - most of these policies are refuted in Savills' comments on behalf of BHS, in the first draft of the LP, DLP_ 4956 paras 3.14, 3.18, 3.19, 3.20, 3.46 and 3.47. Rather than agreeing to such policies, the hospital is calling on TWBC to introduce a more flexible funding system to allow a *reduction* of developer costs. BHS argues these will be high because they wish to demolish existing buildings. It is unsound to propose policies which cannot be implemented. Once the sites are sold, no relevant conditions to this effect could be imposed.

1 **The PSLP is unsound because of inconsistencies in the treatment of different sites.** (i) **Uphill, AL/BE1** is described as having archaeological potential (para 5.428) requiring possible mitigation measures. This is not because of historical finds on the site, but because they might be found. A listed manor house lies on the other side of New Pond Road and, according to AL/BE1, "the site lies within, or very close to the relevant impact risk zone for Parsonage Wood", a SSSI which is, in fact, several miles away. The archaeological significance of AL/BE 3&4 is far more certain and substantial. The hospital sites are where a bronze age palstaff was found (see the National Monument Register - SMR Number /Hob UID)) and the sites lie close to two ancient routeways. A Roman Road runs west-east (on BHS farmland) a few yards to the south of AL/BE3 and a medieval drove road (GGR), runs west-east between the two sites. Further, two Grade II Listed Buildings are sited here, also on BHS land. The Lister building stands a few yards to the west of AL/BE3 and Cleveland Farm house (the farmyard of which BHS is trying to develop separately and simultaneously as if a minor planning project) lies a few yards to the south. Instead of mentioning these facts, AL/BE3&4 reads (5.456 and 5.468) "Kent County Council states that the site includes significant archaeology, which could be dealt with through suitable conditions on a planning approval." The imbalance in the treatment of the two sites is substantial and suggests confirmatory bias or prejudice.

(ii) The SHELAA assessment of site 158 suggests a potential yield of 50-65 houses, but then concludes that only the Uphill part of the site is suitable (20 houses). It states that "the remainder of the site is sensitive in landscaping terms and there is concern regarding scale and impact on the character of the landscape and settlement pattern". This is contrary to the views of TW's 2006 SA; to the TW 2018 document proposing 174 houses; and to the first draft of the LP. The dismissal of 158 as a suitable site is not supported by the evidence and suggests prejudice.

(iii) Site 222, west of the cross roads, was also considered in 2006, as a possible site for the new village school, though it was not one of the top two sites put to a referendum. The SHELAA suggests 222 has a potential for 76 houses. The site is considered unsuitable partly because the new LBD, if adopted, will exclude all houses west of the cross roads, when the village actually extends a considerable length along this road to the west. There is no mention of the fact that the owners of this site are offering the pond at the south west corner of the crossroads as village green space. The dismissal of 222 is not supported by the evidence and suggests prejudice.

(iv) The SHELAA suggests a capacity of 26 houses at Site LS8 in Iden Green, stating that it lies adjacent to the recreation ground and a children's nursery and that there is a pavement on both sides of Iden Green's main road. It fails to mention that the easternmost side of this pavement connects the village to the village primary school. The SHELAA dismisses the site as unsuitable saying that it is located in a remote location relative to services, facilities and public transport, but this site is far less remote than sites AL/BE 3&4. The dismissal of site LS8 is not supported by the evidence and suggests prejudice.

(v) The proposed new LBD has been constructed so as to include the new site at Uphill and to exclude 222, when in fact, the actual built development extends westwards from the crossroads and includes site 222. The LBD is ignored in respect of AL/BE3&4. Manipulation of the LBD to suit allocated sites is inappropriate.

As a general comment, I have found the process unnecessarily difficult to navigate. In fact, from the point of view of the ordinary lay-man, I would term the process 'hostile'. The interactive on-line site was unmanageable. Question 4a is very badly worded. The PSLP's prose entirely suited the opaqueness of the procedure. Here is one example from the SA (page 163) "However, the education objective does not deteriorate when considering cumulative effects as the schools in Tenterden will be a viable option for residents in East End and thus are likely to take the pressure off Benenden Primary School ." What does that mean?

Question 6

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Question 5 above. (Please note that non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

The modifications needed are included in the submissions set out above. In summary, development on site AL/BE3 should be limited to the existing, so far unused, planning permission for 24 houses, preferably by adapting the Garland Wing, which is a building of historic value, either to a wellness centre, in accordance with its original intention, or to a row of up to 10 terraced houses. Site AL/BE4 already has 18 semi-detached houses on it, and cannot support any more. It should therefore be excluded. Housing should be allocated to sites (such as 158 and 222 in the village centre or LS8 in Iden Green) which lie on bus routes or are within walking distance of the village centre and school.

Paragraphs 5.421 and 5.422 should be omitted.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)? . Yes, I wish to participate in hearing session(s)

Question 7a

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

In order to put over my case, and to answer those with vested interests who may seek to put forward arguments against it.

Question 8

If you have any separate comments you wish to make on the accompanying Sustainability Appraisal, please make them here.

1. The Sustainability Appraisal (SA) is misleading. Table 58 on page 163 states that all Benenden sites "lack services, facilities and travel options". This belies the fact that AL/BE2 (Feoffee almshouses) is close to the Street as is AL/BE1 (Uphill). Both sites are within walking distance of the bus stop for daily bus services, the post office, village shop, the primary school, the village green, the butchers, pub, community hall, church, recreation ground and children's playground. AL/BE 3 & 4 are three miles northeast of the village with no daily bus service and no amenities whatsoever.
2. The commentary on Table 58, (page 163 of the SA), states that East End sites score badly on

Climate Change and Travel, yet these are the sites promoted for most houses.

3. The SA argues on page 163 that East End residents will send their children to schools in Tenterden instead of to the village primary school, and that this will lessen the otherwise seriously negative effects of the two hospital sites. This is pure conjecture and possibly wishful thinking. The school has a good reputation and currently between 70 and 75% of children there come from outside the parish. East End children will have precedence over these, since intake depends on the distance of a child's residence from the school. Pressure on Benenden Primary School will increase, not decrease. Further, the use of a car, whether it drives to Tenterden (5-6 miles) or to Benenden (3 miles), pollutes and deprives residents of the health-giving pleasure of walking to school. The AL/BE 3&4 are contrary to STR2, to the NPPF and to KCC policy on climate change.

4. Appendix L (pp331-2) shows Scores for Reasonable Sites in Benenden. Here we see scores for 158 and 222, two sites close to the village centre. Of 158, we read "A site that scores several neutrals with some positives, let down by its land use and landscape score impacted by a loss of a greenfield site in the AONB and lack of services and facilities including public transport at the settlement." This SA report compares poorly with the SA TWBC carried on site 158 in 2006. 158 is parallel to and just north of the Street with its exit onto New Pond Road. In 2006 site 158 was chosen in a village referendum as the site for a new C of E primary school. It was the preferred site out of a choice of two, both of which were greenfield. TWBC's 2006 SA on 158 decided (see page 18 of the Sustainability Appraisal Benenden Church of England Primary School Land Allocation DPD - Issues and Options report), that 158 was one of two top sites. "Situated adjacent to an area of ancient woodland, the site provides the potential for habitat linkages and wildlife corridors. The site is not adjacent to the CA and does not form a significant role in its setting. There are no Listed Buildings on or adjacent to the site. The site is consistent with the surrounding landscape character. There are limited views into the site and no public rights of way over the site." On page 38, we read, "This site is anticipated to have a major beneficial effect on improving educational standards and travel choice/traffic levels". In spite of the referendum result, the school was eventually built at the less preferred site and, since then, TWBC had been in consultation with 158's owners to build houses there.

5. In April 2018, BNP Steering Committee Deputy Chair, a borough councillor, showed the committee a piece of paper from TWBC saying that TWBC wishes to build 174 houses on site 158. He committed himself to seeing these numbers reduced and the numbers at the East End raised. After a meeting between representatives from the BNP group and TW planners on June 19th, 2018, the minutes reported that "At times the workshop was emotive ..." Following that meeting TW planners put site 158 on temporary hold, limiting development there to a future Local Plan by asking, in the first draft of the LP on page 270, that the Uphill site on New Pond Road, adjacent to 158 and allocated at that time as AL/BE3, should, under Clause 8, provide for vehicular access through Uphill to the site behind (158) "which may be allocated for development as part of a future Local Plan." In the PSLP, this wording for Clause 8 has disappeared. Where is the evidence-base for such wording to be included in the first draft and excluded in the second? Why is the site considered suitable in 2006, in 2018, and in the first draft, but not suitable in the PSLP?

6. Site 222, like 158 is described in Appendix L of the PSLP's SA as suffering from "a lack of services and facilities including public transport at the settlement." This is inaccurate. There is a daily bus service along Benenden Street and site 222 is within easy walking distance of the bus stop, shops, pub, community hall, primary school and all other amenities.

7. Site LS8, in the heart of Iden Green is, along with site 158 and 222, a site which on-the-ground evidence suggests is eminently suitable for development, but which the SA fails to allocate. Appendix L of the SA gives LS8 virtually the same scores as Uphill (LS16 of AL/BE1) yet the latter is included for development and the former is not. The commentary states of LS8 "A number of scores are negative however, reflecting the remote location of the site from services and facilities and public transport. It scores negatively in heritage terms as the site is a relatively sizeable piece of the Iden Green Conservation Area." This site is far less remote than sites AL/BE 3 & 4. It is one mile from the village and connected to it by a paved footpath running past a Roadside Conservation Area and then (still paved) through a field to the church and primary school. It is on a bus route and the bus stop is next to LS8. Iden Green has a community hall, tennis courts, a children's playground and pub/restaurant. The SA information is unreliable and the PSLP's use of it for site allocation is unwise.

8. In so far as Benenden is concerned, the sites were allocated before any sustainability appraisal was commissioned. It is not therefore a relevant factor in the allocation of sites for housing.

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:

Yes, I wish to be notified of future stages of the Local Plan

Comment

Consultee	Ms Catriona Prynne [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] Benenden [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Ms Catriona Prynne [REDACTED]
Comment ID	PSLP_506
Response Date	27/05/21 12:00
Consultation Point	Policy AL/BE 4 Land at Benenden Hospital (north of Goddards Green Road), East End (View)
Status	Processed
Submission Type	Other
Version	0.3
Data inputter to enter their initials here	AT
Question 1	
Respondent's Name and/or Organisation	Catriona Prynne
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy AL/BE 4 Land at Benenden Hospital (north of Goddards Green Road), East End

Inset Map 18

[TWBC: this representation has been input against Policies PSTR/BE 1, AL/BE 1, AL/BE 3 and AL/BE 4 – see Comment Numbers PSLP_494, PSLP_504, PSLP_505 & PSLP_506]

Question 4

Do you consider that the Local Plan:

Is legally compliant	No
Is sound	No
Complies with the Duty to Cooperate	No

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:	. It is not positively prepared
	. It is not effective
	. It is not justified
	. It is not consistent with national policy

Question 5

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

This submission concerns the parish of Benenden, the only parish in the borough to have made its own allocations. The Benenden Neighbourhood Plan (BNP) has been developed in close consultation with TWBC, with the BNP in the lead. The BNP announced its allocations in February 2019, before inviting AECOM to produce its Strategic Environmental Assessment. Pre-Submission Local Plan, para 5.420 reads "The BNP was submitted to TWBC in October 2020 and was consulted on between 30 October and 11 December 2020." But the allocations had been made and published in February 2019. Further, Para 5.420 states "The BNP proposes to include site allocation policies that follow the approach of the site allocation policies for Benenden in this Local Plan." BNP allocations were first published in February 2019 i.e. before LP site allocation policies.

Allocations made by the LP, when it took up the BNP's baton, are therefore inevitably linked to BNP's weaknesses. Yet if the BNP passes a referendum before acceptance of the LP, it is said that it will take precedence over the LP (see para 5.421), with the exception of its plans for the northern site at Benenden hospital, which will be overruled by the plans advanced in the LP (see Benenden Parish Council April 2021 response to Independent Examiner queries on the BNP). This is in contravention of para 5.422 which talks of making "modifications to the LP" so that it matches the BNP.

1 Community involvement. EN1: this requirement has not been respected.

- . In Benenden, almost all new housing is slated for the East End, yet the Friends of the East End (FEE), were never asked to meet with the BNP steering group.
- . See EN1 para 9 requiring the effective engagement of the local community, neighbours of sites and others. The FEE submitted three petitions, two to the BNP and one in relation to the LP. A FEE submission with 127 signatures was submitted on April 4th 2019 in response the Informal Draft NP (published on February 23, 2019), in which the allocations later adopted by the LP were first set out. A FEE submission with 167 signatures was submitted in October 2019 objecting to the first draft of the LP, and in the same month, a FEE submission with 167 signatures was submitted in relation to the Reg 16 draft BNP. See the FEE's current online petition with more than 450 signatures <https://www.change.org/EastEndFriends>
- . Instead of being consulted, the FEE were ignored and belittled. They were informed on 11th March 2019 by the editor of the Parish Magazine (PM), husband of the Chair of the Parish Council, that "I'm of the view that much of the uncertainty has passed since the presentation of the plan

to the village - to a highly favourable reception. At least we no longer have to give polite credence to *uninformed views* that fly in the face of TWBC policy and advocate direct and *pointless confrontation* with TWBC, thereby running the risk of having the entire BNDP thrown back in our faces. *The ensuing chaos hardly bears thinking about.* At least it seems the opinions now being afforded most weight are those of *people who have worked hard for two years to understand the issues* and come up with a coherent way forward."

- . One of the regular articles on the BNP submitted by the chair of the BNP Steering Group appeared in January 2020. It dismisses FEE opposition suggesting only "31 residents from the East End" sent in comments.
- . The core group behind the BNP has consistently tried to persuade those who support the FEE to desist. The chair of the Parish Council and the chair of the BNP Steering Group have twice asked to meet a Tunbridge Wells Alliance (TWA) Borough Councillor for the parish, once together with a TWA borough council candidate, in efforts to persuade them to adhere to the BNP's approach and not to listen to the FEE.
- . The organiser of the FEE was a member of the Steering Committee 2017/2018 as chair of the Environmental Group. She expressed strong disagreement with a Borough Councillor who lives in the village (on occasion, he deputises as chair of the Steering Group) about his wish to step up allocations in the East End and suppress TWBC's wish to build 174 houses on site 158. As a result, the Steering Group chair (using his own word), "sacked" her. This is contrary to EN1 para 9, encouraging early, proactive and effective engagements and the requirement that views expressed should be properly considered.
- . Consultation also failed in relation to the neighbouring parish of Biddenden. The Clerk of Biddenden Council has repeatedly responded to BPC in the course of the BNP consultation process, but received only acknowledgments. A Kent County Councillor and Ashford Borough Councillor wrote an article about BNP's mismanagement of the parish of Biddenden in the Biddenden Parish Magazine, February 2021.
- . The LP is based on the BNP and BNP allocations were made before consultations with stakeholders such as the AONB. This is not consulting in a timely fashion. Further, the LP requires surveys of the hospital sites *after* the designation of the sites for development, for example, archaeological surveys (see AL/BE 3&4). Historic England (HE) asks for the surveys to be carried out *before*. See HE's comments on the first draft LP (DLP_4556) - "we would expect the allocation of sites following on from this Strategy policy (STR1) to be subject to appropriately robust and detailed heritage impact assessment *prior to the allocations being adopted.*"
- 1 **The PSLP is not based on sound evidence**
 - . Throughout the LP process, misstatements have been made about amenities in Benenden's East End. These may be traced back to a submission made by traffic and highways consultants, Transport Planning Associates (TPA) to Benenden Healthcare Society Ltd. (BHS). This submission was recently disclosed in BHS's response to the Independent Examiner's queries in relation to the BNP. TPA's information is sometimes inaccurate and sometimes misleading and we consider it here in detail because it is difficult otherwise, to understand how the LP was able to continue, iteration after iteration, to relate false information about the hospital site.
 - . In October 2019, TPA reported (para 2.6) that there was a footpath along the southern edge of Goddards Green Road (GGR) and the PSLP, para 5.452 states "There is an intermittent pavement along GGR". The GGR is a long road running from New Pond Road to Castleton's Oak crossroads, and was formerly a lane. The pavement is limited to the short section immediately outside the hospital buildings. To say that there is an intermittent pavement along GGR is misleading.
 - . The TPA refers to the East End as a village, which it is not. The East End runs from the junction of GGR and Walkhurst Road, along the GGR to the border with Tenterden, then turns south to reach close to Hole Park in Rolvenden, then east back to Walkhurst Road at the site of the stream, then along Walkhurst Road back to GGR (see the old Electoral Roll for 2004 when the East End had its own polling station). It is a large, totally rural area of several square miles, which was why it was chosen as the site for an isolation hospital in 1906. Today it contains only 76 houses scattered across the entire area. The PSLP consistently refers to the East End as a hamlet. It is not, which is why BPC is able to advertise itself on its website as "Serving the people of Benenden and Iden Green" without any reference to the East End.
 - . The TPA says that "a day nursery is located immediately to the north of the Site within 400m." There is incorrect, yet this error is repeated in para 5.413 of the PSLP "There are also nursery/pre-school facilities at Iden Green and East End." An accurate account would mention Iden Green only.

- . The TPA states that there are daily bus services along GGR provided by bus nos. 24 and 299, and twice a day service provided by the Hopper bus. This information is incorrect. The 2019 Hopper bus, operated by the Tenterden social services hub on an experimental basis, failed in only a matter of months. While the 24 and the 299 buses pass along GGR, they do so on only one day a week. The 24 on Tuesdays and the 299 on Wednesdays. The East End has almost no public transport.
- . The TPA makes several statements in relation to traffic which have fed misinformation into the system to be reflected in AL/BA3&4. This misinformation was only recently revealed when documents were provided by BHS following April 2021 queries raised by the Independent Examiner on the BNP. These documents include a TPA 'Scoping Note' on road and traffic conditions at the site and a letter written in response to this Note from KCC Highways, dated 13 Nov. 2019. The TPA states that the GGR is 7m wide at the hospital site which detracts from the fact that it is actually a winding rural lane, now called a road, and varies considerably in width. It may at some point be 7m wide, but at others, it is so narrow that two lorries have difficulty passing each other. The TPA claims that there is no need for a road safety review because there have been "no personal injury accidents" recorded within 1,000m. Castleton's Oak crossroads lie 1.5 km from the site and accidents there are frequent, largely due to increasing traffic at the hospital. The hospital has turned itself into an almost exclusively out-patient centre and almost all its 300 employees drive in to work from outside the parish (formerly, they were housed on site in hospital staff buildings). Kent County Council (KCC) Highways make constant and repeated attempts to lower the risk of injury at the crossroads. Works there are ongoing at this time. The TPA claims that no traffic surveys are necessary which is a point queried in the KCC Highways' email. The email talks of the "heavy car dependency" of residents in any housing in this location and says this was one of its concerns, even at the time of the original application asking for only 24 houses. The email states that BHS's plans (and therefore AL/BE 3&4) are contrary to the NPPF and to KCC's own policy objectives, and points out that the hospital has not co-operated over the idea of a minibus to provide transport from the site to Benenden. The letter calls for: traffic counts along the GGR; a wider crash analysis; and expresses concern over the proposed access points to the SE Quadrant - 2 on Green Lane and 2 on GGR. Lastly, on trip generation, the TPA projects that 47 houses at the site will produce only 106 trips a day, though the consultants admit that they have difficulty in basing their estimate on comparable sites because there are none. These trip generation figures ignore existing traffic from local residents, from patients, from hospital staff and from the newly (January 2021) proposed housing estate at Cleveland. The AL/BE 3&4 fails to provide a traffic count, fails to ask for a road safety review and fails to acknowledge frequent traffic accidents near the sites.
- . Pre-submission supporting documents also produce inaccurate and sometimes irrelevant evidence. The hospital sites are within the setting of an AONB and even overlap into it, yet *Inset Map 18* (Benenden Hospital), unlike other maps attached, makes no reference to the AONB boundary. The BNP claims that the hospital is outside the AONB and on this basis, since the rest of the village is wholly within the AONB, largely justifies placing most of Benenden's housing in the East End. This is misleading, since the AONB boundary wraps tightly round AL/BE3, which actually overlaps into the AONB in the southwest corner. In any event both sites affect land in the AONB. The relationship of the AONB boundary to the hospital sites is important yet it is ignored on the map. This looks like prejudice.
- . Hankinson Duckett Associates's *AONB Setting Analysis Report* (a supporting document for the PSLP, referred to as an evidence base) is, in its analysis of AL/BE3&4, unsound. The analysis argues that development at these sites will enhance the setting of the AONB. It illustrates the argument with photos of the hospital chapel and its carpark. Neither chapel nor car park are in the area up for development.
- 1 **Policies AL/BE3&4 are not consistent with the PSLP's Vision objectives nor with its strategies, nor with KCC's policies, nor with the NPPF.**
- . The PSLP's Vision Objective 1 is : "to improve access to suitable, especially affordable housing, including for local young people and older households." But this is inconsistent with allocations AL/BE 3 & 4. BHS is asking in its comments on the LP first draft, for a lower number of affordable homes because of the high cost of brownfield development. Living isolated in the countryside, families will need at least two cars. Old and young will be unable to walk to schools, shops or any other amenities. This is not a suitable site for a borough which (see para 2.16) expects the population over the age of 65 + to increase by around 40% between 2020 and 2038. The PSLP's Vision Objective 2 is to ensure sustainable development which allocations at AL/BE 3&4 do not

achieve. On the contrary, the KCC warns that even with the existing permission for 24 houses on AL/BE3, the highway authority had concerns. This is an isolated location, deep in the countryside (see KCC Highways email 13 Nov 2019). More than 24 houses in this location is not sustainable.

- . **Policy PSTR/BE1**, LBD 5.416 states “the LBD around Benenden village sets the extent of existing and planned development ..” This conflicts with the recommendation that major development be instated three miles beyond the LBD, on the border with Biddenden.
- . **Policy STR 2** “The Council requires the use of masterplanning, including the use of design codes and sustainable design standards where appropriate, for strategic and larger-scale developments..” This is undermined by AL/BE 3&4 which calls for a masterplan for an area not included in the PSLP and not presented. Para 1a of Policy AL/BE3 states that there is a need to “show indicatively how the other areas included within Policies AL/BE3 and AL/BE 4 can be developed to meet the overall policy requirements as set out within each of these policies, and *how the future needs for Benenden Hospital will be met on areas to the north west and south west that currently comprise the hospital buildings and associated ancillary uses and is previously developed land.*” It is not sound to proceed with an LP where the land to be developed is not clearly indicated from the start.
- . **A masterplan is essential to avoid current inconsistencies on the size of areas to be developed:** AL/BE3 excludes one of the 2 Local Wildlife Sites (LWS) at the site, yet the BNP includes both. Para 5.458 states “Both this policy and BNP draft Policy SSP3 broadly follow the same approach towards the potential for developing this site for a residential development..” They do not. The PSLP states that in the event of a successful referendum, the BNP’s proposals will prevail. If this is so, are we supposed to assume that AL/BE3 map is inaccurate?
- . A similar problem arises at the northern site (AL/BE4) here there are currently 18 dwellings. The proposal allows for these to be demolished and another 25 dwellings added to the site. The size of the area to be developed varies between the LP and the BNP. The LP includes the LWS in the area to be developed but the BNP includes only a small section, but says in the event of a successful referendum the BNP plan will be over-ruled by the LP plan (see the BPC response April 2021 to the Independent Examiner’s queries). This is the reverse of 5.421 & 2. It is unsound to proceed with a plan when the NP and the LP are at odds with each other.
- . **The PSLP claims building will only be within existing footprints**, an approach which is at odds with that of the BHS. Plans for 47 new houses in AL/BE3, presented to the village on 17th February 2020 by the hospital architects, show the buildings are not to be built within the footprint of previous buildings nor to respect LWS.
- . **Policy STR 3** calls for the use of brownfield sites “within settlements” and in “sustainable locations.” AL/BE 3 consists of disused medical buildings and 2 LWS with parkland and veteran trees (depending on whether this second LWS is included or not). 5.448 is therefore incorrect. The site should be described not as brownfield but as partly brownfield. It is not on the Brownfield Register. Because of its remote location and its valuable LWS sites, it is not free from constraints which could be mitigated. As such, Policy AL/BE3 does not meet the criteria needed under the NPPF, Section 11, para 117 for development in “a way that makes as much use as possible of previously-developed or ‘brownfield’ land.” AL/BE 4 contains in-use residential housing and an LWS and therefore is not entirely brownfield.
- . **Policy STR 5** states that “New residential ... development will be supported if sufficient infrastructure capacity is either available or can be provided in time to serve the development.” Will this happen at AL/BE3&4? Developers themselves are to provide the infrastructure at AL/BE 3&4. The LP proposes to take on trust suggestions that the BHS will avoid building on the LWS and will provide play-grounds, sports facilities and tennis courts. We know from submissions following the first draft LP, that BHS is actually planning to remove one LWS entirely and that its plans include building on the LWS and beyond the foot print of previous buildings. BHS suggests, in its response to the first draft LP (DLP_4956) that it is unlikely to provide play-grounds, sports facilities and tennis courts. The PSLP’s approach does not take comments to the first draft LP into account.
- . **Policy STR 6** proposes to “Deliver future development in accessible locations, normally within or in close proximity to existing towns and villages across the borough.” In the case of the two isolated hospital sites, the PSLP contradicts its own strategic policy and fails to offer choices in transport or to prioritise active travel and public transport. The Benenden hospital sites have no daily bus service and no active travel link to the village, and neither the PSLP nor the BHS provide credible information on how these links are to be provided. The KCC email of Nov 13 suggests

that the hospital is uncooperative on the proposal to organise a minibus service and the SHELAA says of AL/BE3 that it is “Remote from a settlement centre,” (unlike sites 158, 222 and LS8); that residents will rely heavily on private cars and thus air quality and travel objectives score negatively; and that, “although promoted by the policy, shared transport and active travel options are unlikely to take precedence over private vehicle use thus air quality and climate change score negatively.” This is crucial. For all the talk of mitigating the remoteness of the hospital sites with a minibus link and cycle routes, nobody actually believes that any of these measures will succeed. As for the proposal to create links suitable for electric personal vehicles, such as mobility scooters (as suggested under STR 6), it is difficult to see, when the closest link with the village is a single-track lane (Walkhurst Road), how any personal electric vehicle could make that journey. The PSLP is creating, through its policies AL/BE3&4, a car dependent community. This thereby negates the sense of the LP’s supporting document, *Transport Strategy Review Sept 2019* which urges reducing the need to travel.

- . AL/BE3&4 also undermine TWBC’s Full Council motion of July 2019 to reduce CO2 emissions. “The dominance of the car as a mode of transport can lead to congestion, more road accidents, air and noise pollution. In addition it contributes to climate change, reduces social cohesion and leads to less healthy lifestyles” (para 44 *Transport Review*). According to TW’s own SA from 2006, if social cohesion, reduction in air pollutants, and public health were indeed the borough’s priorities, site 158 would have been among those chosen for Benenden, as originally intended.
- . **PSLP paras 5.453 and 5.467** state that “residents of development in this location will rely heavily on private cars.” These plans runs counter to STR6 policy on the environment see paras 6.8, 6.9, 6.10, 6.11 and 6.13. It also contravenes KCC policies on climate change and the NPPF (see KCC’s Nov 13, 2019 letter on this subject).
- . **Para 5.414** “The parish provides two relatively large sources of employment: at Benenden Hospital and at Benenden School.” The inference is that the employment opportunities are linked somehow to the population of Benenden. There is in fact little connection. The 300 plus staff at the hospital drive into the parish along GGR to work and, since the hospital is isolated from the village, their contribution to the local economy is negligible.
- . **Policy STR 6** The LP proposes to “**Deliver future development in accessible locations, normally within or in close proximity to existing towns and villages across the borough.**” In the case of the two isolated hospital sites, the LP contradicts its own strategic policy and fails to offer choices in transport or to prioritise active travel and public transport.
- . **Cycle routes:** The PSLP’s standards on the public benefits of cycling and walking are based on the *Cycle Strategy Supporting Document*, but these standards are undermined by site allocation in Benenden. The Cycle document states that: “When more people cycle or walk the health of the population improves and our roads become safer and less congested.” Its objectives 4 and 5 are to improve safety for cyclists and air quality for all, but AL/BE 3 & 4 will create a community, deep in the countryside, entirely dependent on the car and will contribute to poorer air quality for all. The allocation of these sites, as opposed to sites such as 158, is difficult to understand.
- . The *Cycle Strategy* states that fear of traffic is possibly the main factor discouraging people from cycling. National Cycle Route 18 runs from the Rolvenden Road, down Stepneyford Lane, to Green Lane, before joining the Benenden Road near the hospital, turning right and leading to Castleton’s Oak Cross roads and Gribblebridge Lane. This route is a largely on-road ride travelling through the High Weald, using narrow, picturesque country lanes as much as possible. Green Lane/Stepneyford Lane is mentioned in TWBC’s Rural Lanes: Supplementary Planning Guidance. It is particularly high scoring in terms of its landscape, its recreational value, its natural beauty and its history. For these reasons, it is part of National Route 18. Rather than encouraging cycling, AL/BE3, which proposes two exits for this major development on GGR and two on Green Lane (where a second housing estate, at Cleveland Farm is already leading to Kent Highways calling for road widening and the elimination of grass verges - see building application 20/03267/FULL) will cause an increase in those factors, identified in *TW Cycle Strategy*, as discouraging cyclists, namely, traffic and the loss of unspoilt country lanes. Policy AL/BE3 also contravenes Kent Structure Plan Policy ENV13: “Rural lanes which are of landscape, amenity, nature conservation, historic or archaeological importance will be protected from changes which would damage their character, and enhanced.” In any event, the cycle route is purely recreational and will not enhance the sustainability of these sites.
- . **Policy STR 7** proposes, in dealing with TWBC’s 2019 legally binding commitment to manage climate change, that all development in the borough will support the Council’s target to achieve net zero emissions by 2030. It is unsound, with such a goal, to propose a major development on

the parish periphery, 3 miles equidistant from two villages where there is no shop (in spite of the PLSP's statement AL/BE 3&4) and no café (BHS says its café was built for its own use not for the use of the public - see comments on the first draft of the LP). Residents will need their cars for almost everything.

- . **Policy STR1** promotes the effective use of previously developed land, having due regard to relevant Plan policies, but in promoting AL/BE3&4, the PSLP disregards STR6 (environmental goals) & STR7 (transport goals). Under the NPPF, sustainability is the priority, as the PSLP acknowledges in STR3, 4.65 "A presumption of sustainability lies at the heart of the NPPF", but in allocating AL/BE 3&4, the PSLP fails to respect its own and the NPPF's strategic priorities.
- . **Policy STR 8** states that development should contribute to and enhance rural landscapes with particular regard to the High Weald (HW) AONB. The PSLP promotes nature conservation. Its biodiversity objective is to achieve net gains and, where possible, secure long-term management of sites for biodiversity. AL/BE3 runs counter to this strategy since the BHS has produced plans showing houses built over the LWS. It has, furthermore, produced a document requiring that one of the two LWS be dug up and removed to another unspecified location, thereby nullifying the terms of the existing Landscape and Ecology Management Plan (LEMP) for that site. Para 3.21 of the BHS submission on the first draft LP states: *"The Society supports the requirement for long-term management of the core areas of LWS associated with the hospital land. This includes all but the modest area within the SEQ adjoining Peak Lodge which is too constraining on the South East Quadrant redevelopment proposals. Accordingly, the soils in the area will be translocated to a nearby receptor site to try to ensure that the rare fungi can continue to thrive in this local area."* This is a particularly significant site for biodiversity. A letter from Keith Nicholson, former Planning and Conservation officer for the Kent Wildlife Trust, dated 4 March 2013, to TWBC Development Control Officer, Ellen Gilbert states that the hospital LWS are of national importance, mainly for the large number of different varieties of waxcaps. He states that they could well have been designated SSSI. Both in terms of waxcaps and in terms of valuable acid grassland, the hospital sites have high environmental value, see Comment DLP_3458 on the first draft of the LP, from the High Weald AONB Unit. The Benenden Hospital site *"includes rare and vulnerable acid grassland which should form a core area for unimproved grassland as part of a High Weald nature recovery network."* AL/BE3&4 threaten the biodiversity of significant species in the LWS at the hospital sites, contrary to EN1.
- . The LWS to the south of AL/BE3 is included in the BNP and BPC argues that this has been done in order to protect it (see their response to the Independent Examiner April 2021). It is difficult to follow this logic. The inclusion of the site in the area to be developed suggests that it too could be under threat.
- . There is no plan showing the placement of houses on AL/BE 4, which is currently home to a large LWS and is the site of 18 habitable dwellings, almost all of the them currently in use and let. The proposal allows for these to be demolished and another 25 dwellings added to the site. The PSLP includes the LWS in the area to be developed and the BNP excludes most of it. Benenden Parish Council (BPC), in its April 2021 response to the Independent Examiner, has said that, in this case of a successful referendum, the PSLP's plan (which includes the LWS), will prevail. In other words, of the 3 LWS in AL/BE 3&4, one is slated for removal, one will be built over if the PSLP prevails and one may be built over if the BNP prevails. This undermines STR8.
- . The PSLP claims that the hospital development "has the potential to improve the setting of the HW AONB through the delivery of a more sensitive redevelopment of existing buildings" (para 5.454), but the claim is not supported by evidence produced by the *Hankinson & Duckett* (see above) while the HW AONB unit's own view is the opposite. See TW first Draft LP, **DLP_3458 High Weald AONB Unit** (which objects to the Plan) : *"....In our view the development at Benenden Hospital will have a significant effect on the setting of the AONB and the purposes of its designation, and this issue has not been properly considered by the Plan."*
- . The NPPF section 2 para 11 *"Plans and decisions should apply a presumption in favour of sustainable development... ..(b) strategic policies should provide for objectively assessed needs for housing ...that cannot be met within neighbouring areas unless ... (i) the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area."* And see Footnote 6: the policies referred to are those in the Framework ...relating to habitat sites (and those sites listed in para 176) and /or designated as SSSI, AONBs

NPPF para 177 requires that *“The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.”*

PSLP EN1 para 5. Biodiversity and geodiversity.

AL/BE 3&4 run counter to this policy as stated above in relation to the LWS.

The Environment

STR8 sets high environmental standards but these are undermined in the site allocations. This is particularly startling in the light of the July 2019 Full Council motion to recognise the climate and biodiversity emergency, in fact, the Benenden allocations put into question whether the motion was passed in good faith.

EN1 para 5 (Biodiversity and geodiversity) says that proposals should maximise opportunities to increase biodiversity. This goal may make sense in an urban setting, but development in the countryside, as is proposed in AL/BE 3 & 4, cannot hope to ever mitigate biodiversity loss. The destruction of trees and wild spaces, the introduction of lighting, kerbs, driveways, wider roads and narrower verges, the use of concrete, tarmac, bricks and mortar in a deeply rural setting cannot “increase biodiversity”.

EN1 provides for Long-term Management plans which would be satisfactory within an urban context. In a rural location like the East End, such plans are no substitute for natural wild spaces. A ‘managed’ green space set among streets is less likely to promote biodiversity and less likely to conserve wildlife than ‘unmanaged’ green space. Further, the three LWS in AL/BE3 are all already part of an existing LEMP agreement, and since one or all would be removed in the case of development as outlined by BHS under AL/BE3&4, instead of creating a long-term management plan, AL/BE3&4 would all but terminate an existing one. The sentiments expressed in EN1 are mocked by AL/BE3&4.

1 Site policies

AL/BE3 excludes one of the 2 LWS at the site, and the BNP includes both, yet para 5.458 states “Both this policy and BNP draft Policy SSP3 broadly follow the same approach towards the potential for developing this site for a residential development..” This does not appear to be the case. Further, the SHELAA treats this site twice, once including the southern LWS (and excluding Windmill Cottage) and once excluding the LWS and including Windmill Cottage (SHELAA pages 1-3 and pages 18-19). In the second instance, the suggestion is for 67-73 houses, presumably building over the LWS. The first plan is the one adopted in the PSLP and appears to be the more accurate of the two in that it describes the site as “mostly PDL”. The second ignores all greenfield aspects and is almost identical to the plan in the BNP, a plan which BNP claims will prevail if it wins a referendum. Is AL/BE3 presenting us with the wrong plan?

AL/BE3 and AL/BE4 provide for a phased timetable for development of the two sites at different time intervals without calling for a comprehensive masterplan for the hospital site as a whole i.e. for the entire built up area. This is inconsistent with STR2, which requires a masterplan for large developments. The full extent of the area to be developed must be clear. See para 1a of Policy AL/BE3 which states that there is a need to “show indicatively how the other areas included within Policies AL/BE3 and AL/BE 4 can be developed to meet the overall policy requirements as set out within each of these policies, and how the future needs for Benenden Hospital will be met on areas to the north west and south west that currently comprise the hospital buildings and associated ancillary uses and is previously developed land.” It is not sound to proceed with an LP where the land to be developed is not indicated from the start.

AL/BE3&4 both call for an active travel link between the site and Benenden village. This proposal has been costed (see BPC’s April 2021 reply to the Independent Examiner) at between £180,000 and £220,000 for a 3m wide tarmacked surface, plus costs to upgrade it to a bridleway, plus the costs associated with obtaining landowners’ consent or, failing that, of starting compulsory purchase proceedings which TWBC expresses reluctance to undertake because of the significant compensation costs and legal costs which would be involved. No steps have been taken either by the BNP or TWBC to ascertain the willingness of landowners to give up their land although the major landowner involved wrote to BNP on 11th Sept. 2019 objecting to the plan. It is understood that he was not contacted for subsequent discussion.

AL/BE3&4 calls for the repurposing of the existing tennis courts for the use of local residents, which BHS denies it will offer for public use; for the public use of the hospital’s café; for the creation of a

hospital shop (5.413); for a minibus service linking the hospital to the village ("The Society is not a transport provider" is BHS' response); for green space, a playground and provision of a community hall - most of these policies are refuted in Savills' comments on behalf of BHS, in the first draft of the LP, DLP_ 4956 paras 3.14, 3.18, 3.19, 3.20, 3.46 and 3.47. Rather than agreeing to such policies, the hospital is calling on TWBC to introduce a more flexible funding system to allow a *reduction* of developer costs. BHS argues these will be high because they wish to demolish existing buildings. It is unsound to propose policies which cannot be implemented. Once the sites are sold, no relevant conditions to this effect could be imposed.

1 **The PSLP is unsound because of inconsistencies in the treatment of different sites.** (i) **Uphill, AL/BE1** is described as having archaeological potential (para 5.428) requiring possible mitigation measures. This is not because of historical finds on the site, but because they might be found. A listed manor house lies on the other side of New Pond Road and, according to AL/BE1, "the site lies within, or very close to the relevant impact risk zone for Parsonage Wood", a SSSI which is, in fact, several miles away. The archaeological significance of AL/BE 3&4 is far more certain and substantial. The hospital sites are where a bronze age palstaff was found (see the National Monument Register - SMR Number /Hob UID)) and the sites lie close to two ancient routeways. A Roman Road runs west-east (on BHS farmland) a few yards to the south of AL/BE3 and a medieval drove road (GGR), runs west-east between the two sites. Further, two Grade II Listed Buildings are sited here, also on BHS land. The Lister building stands a few yards to the west of AL/BE3 and Cleveland Farm house (the farmyard of which BHS is trying to develop separately and simultaneously as if a minor planning project) lies a few yards to the south. Instead of mentioning these facts, AL/BE3&4 reads (5.456 and 5.468) "Kent County Council states that the site includes significant archaeology, which could be dealt with through suitable conditions on a planning approval." The imbalance in the treatment of the two sites is substantial and suggests confirmatory bias or prejudice.

(ii) The SHELAA assessment of site 158 suggests a potential yield of 50-65 houses, but then concludes that only the Uphill part of the site is suitable (20 houses). It states that "the remainder of the site is sensitive in landscaping terms and there is concern regarding scale and impact on the character of the landscape and settlement pattern". This is contrary to the views of TW's 2006 SA; to the TW 2018 document proposing 174 houses; and to the first draft of the LP. The dismissal of 158 as a suitable site is not supported by the evidence and suggests prejudice.

(iii) Site 222, west of the cross roads, was also considered in 2006, as a possible site for the new village school, though it was not one of the top two sites put to a referendum. The SHELAA suggests 222 has a potential for 76 houses. The site is considered unsuitable partly because the new LBD, if adopted, will exclude all houses west of the cross roads, when the village actually extends a considerable length along this road to the west. There is no mention of the fact that the owners of this site are offering the pond at the south west corner of the crossroads as village green space. The dismissal of 222 is not supported by the evidence and suggests prejudice.

(iv) The SHELAA suggests a capacity of 26 houses at Site LS8 in Iden Green, stating that it lies adjacent to the recreation ground and a children's nursery and that there is a pavement on both sides of Iden Green's main road. It fails to mention that the easternmost side of this pavement connects the village to the village primary school. The SHELAA dismisses the site as unsuitable saying that it is located in a remote location relative to services, facilities and public transport, but this site is far less remote than sites AL/BE 3&4. The dismissal of site LS8 is not supported by the evidence and suggests prejudice.

(v) The proposed new LBD has been constructed so as to include the new site at Uphill and to exclude 222, when in fact, the actual built development extends westwards from the crossroads and includes site 222. The LBD is ignored in respect of AL/BE3&4. Manipulation of the LBD to suit allocated sites is inappropriate.

As a general comment, I have found the process unnecessarily difficult to navigate. In fact, from the point of view of the ordinary lay-man, I would term the process 'hostile'. The interactive on-line site was unmanageable. Question 4a is very badly worded. The PSLP's prose entirely suited the opaqueness of the procedure. Here is one example from the SA (page 163) "However, the education objective does not deteriorate when considering cumulative effects as the schools in Tenterden will be a viable option for residents in East End and thus are likely to take the pressure off Benenden Primary School ." What does that mean?

Question 6

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Question 5 above. (Please note that non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

The modifications needed are included in the submissions set out above. In summary, development on site AL/BE3 should be limited to the existing, so far unused, planning permission for 24 houses, preferably by adapting the Garland Wing, which is a building of historic value, either to a wellness centre, in accordance with its original intention, or to a row of up to 10 terraced houses. Site AL/BE4 already has 18 semi-detached houses on it, and cannot support any more. It should therefore be excluded. Housing should be allocated to sites (such as 158 and 222 in the village centre or LS8 in Iden Green) which lie on bus routes or are within walking distance of the village centre and school.

Paragraphs 5.421 and 5.422 should be omitted.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)? . Yes, I wish to participate in hearing session(s)

Question 7a

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

In order to put over my case, and to answer those with vested interests who may seek to put forward arguments against it.

Question 8

If you have any separate comments you wish to make on the accompanying Sustainability Appraisal, please make them here.

1. The Sustainability Appraisal (SA) is misleading. Table 58 on page 163 states that all Benenden sites "lack services, facilities and travel options". This belies the fact that AL/BE2 (Feoffee almshouses) is close to the Street as is AL/BE1 (Uphill). Both sites are within walking distance of the bus stop for daily bus services, the post office, village shop, the primary school, the village green, the butchers, pub, community hall, church, recreation ground and children's playground. AL/BE 3 & 4 are three miles northeast of the village with no daily bus service and no amenities whatsoever.
2. The commentary on Table 58, (page 163 of the SA), states that East End sites score badly on

Climate Change and Travel, yet these are the sites promoted for most houses.

3. The SA argues on page 163 that East End residents will send their children to schools in Tenterden instead of to the village primary school, and that this will lessen the otherwise seriously negative effects of the two hospital sites. This is pure conjecture and possibly wishful thinking. The school has a good reputation and currently between 70 and 75% of children there come from outside the parish. East End children will have precedence over these, since intake depends on the distance of a child's residence from the school. Pressure on Benenden Primary School will increase, not decrease. Further, the use of a car, whether it drives to Tenterden (5-6 miles) or to Benenden (3 miles), pollutes and deprives residents of the health-giving pleasure of walking to school. The AL/BE 3&4 are contrary to STR2, to the NPPF and to KCC policy on climate change.

4. Appendix L (pp331-2) shows Scores for Reasonable Sites in Benenden. Here we see scores for 158 and 222, two sites close to the village centre. Of 158, we read "A site that scores several neutrals with some positives, let down by its land use and landscape score impacted by a loss of a greenfield site in the AONB and lack of services and facilities including public transport at the settlement." This SA report compares poorly with the SA TWBC carried on site 158 in 2006. 158 is parallel to and just north of the Street with its exit onto New Pond Road. In 2006 site 158 was chosen in a village referendum as the site for a new C of E primary school. It was the preferred site out of a choice of two, both of which were greenfield. TWBC's 2006 SA on 158 decided (see page 18 of the Sustainability Appraisal Benenden Church of England Primary School Land Allocation DPD - Issues and Options report), that 158 was one of two top sites. "Situated adjacent to an area of ancient woodland, the site provides the potential for habitat linkages and wildlife corridors. The site is not adjacent to the CA and does not form a significant role in its setting. There are no Listed Buildings on or adjacent to the site. The site is consistent with the surrounding landscape character. There are limited views into the site and no public rights of way over the site." On page 38, we read, "This site is anticipated to have a major beneficial effect on improving educational standards and travel choice/traffic levels". In spite of the referendum result, the school was eventually built at the less preferred site and, since then, TWBC had been in consultation with 158's owners to build houses there.

5. In April 2018, BNP Steering Committee Deputy Chair, a borough councillor, showed the committee a piece of paper from TWBC saying that TWBC wishes to build 174 houses on site 158. He committed himself to seeing these numbers reduced and the numbers at the East End raised. After a meeting between representatives from the BNP group and TW planners on June 19th, 2018, the minutes reported that "At times the workshop was emotive ..." Following that meeting TW planners put site 158 on temporary hold, limiting development there to a future Local Plan by asking, in the first draft of the LP on page 270, that the Uphill site on New Pond Road, adjacent to 158 and allocated at that time as AL/BE3, should, under Clause 8, provide for vehicular access through Uphill to the site behind (158) "which may be allocated for development as part of a future Local Plan." In the PSLP, this wording for Clause 8 has disappeared. Where is the evidence-base for such wording to be included in the first draft and excluded in the second? Why is the site considered suitable in 2006, in 2018, and in the first draft, but not suitable in the PSLP?

6. Site 222, like 158 is described in Appendix L of the PSLP's SA as suffering from "a lack of services and facilities including public transport at the settlement." This is inaccurate. There is a daily bus service along Benenden Street and site 222 is within easy walking distance of the bus stop, shops, pub, community hall, primary school and all other amenities.

7. Site LS8, in the heart of Iden Green is, along with site 158 and 222, a site which on-the-ground evidence suggests is eminently suitable for development, but which the SA fails to allocate. Appendix L of the SA gives LS8 virtually the same scores as Uphill (LS16 of AL/BE1) yet the latter is included for development and the former is not. The commentary states of LS8 "A number of scores are negative however, reflecting the remote location of the site from services and facilities and public transport. It scores negatively in heritage terms as the site is a relatively sizeable piece of the Iden Green Conservation Area." This site is far less remote than sites AL/BE 3 & 4. It is one mile from the village and connected to it by a paved footpath running past a Roadside Conservation Area and then (still paved) through a field to the church and primary school. It is on a bus route and the bus stop is next to LS8. Iden Green has a community hall, tennis courts, a children's playground and pub/restaurant. The SA information is unreliable and the PSLP's use of it for site allocation is unwise.

8. In so far as Benenden is concerned, the sites were allocated before any sustainability appraisal was commissioned. It is not therefore a relevant factor in the allocation of sites for housing.

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:

Yes, I wish to be notified of future stages of the Local Plan

Comment

Consultee	Michael Purton ([REDACTED])
Email Address	[REDACTED]
Address	
Event Name	Pre-Submission Local Plan
Comment by	Michael Purton ([REDACTED])
Comment ID	PSLP_1304
Response Date	04/06/21 15:12
Consultation Point	Policy STR/SS 3 The Strategy for Tudeley Village (View)
Status	Processed
Submission Type	Web
Version	0.3

Question 1

Respondent's Name and/or Organisation	Michael Purton
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Question 3

To which part of the Local Plan does this representation relate?	Policy
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Question 3a

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy STR/SS 3 Strategy for Tudeley Village

Question 4

Do you consider that the Local Plan:

Is legally compliant	Don't know
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Is sound	No
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Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

- . It is not effective
- . It is not justified
- . It is not consistent with national policy

Question 5

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

I work as a freelance classical recording producer and have an editing studio in my garden at home. My wife and I moved to Five Oak Green from central Tunbridge Wells in 2013 (we moved to Tunbridge Wells in 1993) seeking relative peace and tranquility. This tranquility has been gradually eroded.

During our 28 years in the Borough, we have seen house prices go beyond the reach of our children and indeed most local people not on high incomes.

We have also seen an exponential increase in traffic over the years, including during our time at Five Oak Green, indeed the current amount of traffic through Five Oak Green is far heavier than is safe for our roads. The B2017 through Five Oak Green is used as a rat run and there is an unacceptably high number of HGVs already using this route. The stretch near Capel School is very dangerous, especially at the beginning and end of the school day. Speeding is frequent.

The stretch of the B2017 near Tonbridge is frequently jammed morning and evening and there are often long tailbacks. The proposed development would increase traffic hugely and unfortunately the development is not within easy walking distance of a railway station, of shops or of other facilities. Residents will be compelled to use cars to travel locally. I understand there is no possibility of a railway station in the proposed development.

I am aware from my GP in Paddock Wood that it will be nigh impossible to establish and more importantly staff a health centre in the proposed development at 'Tudeley Village'.

The proposed development at Tudeley Village is adjacent to a large area of land which is at risk of flooding, from streams, rivers and reservoirs, which is compounded by a frequent inability for the land to absorb rainwater, which often results in surface flooding, which we have experienced at our own house. Building close to this area that is prone to flooding and concreting over a large area of ground will increase severely the risk of additional flooding in Five Oak Green.

The policy of the Green Belt aims to check urban sprawl and ensure that neighbouring towns do not merge. This proposal does not comply with this aim, there is a real danger of an urban sprawl joining Tonbridge, Five Oak green and Paddock Wood.

Another aim is to safeguard the countryside from encroachment and to preserve the setting and special character of local communities. This proposal fails to safeguard and preserve our local communities.

Access to open countryside will be reduced, attractive landscapes will be lost forever, Nature conservation interests will be severely damaged and precious agricultural land will be lost forever.

The B2017 borders the High Weald AONB. The considerable increase in traffic and ensuing noise will further impact the peaceful character of this AONB.

TWBC has failed to engage with the public response to Reg. 18, we do not consider that the Council has invested appropriately in its own Town Centre and in providing affordable houses. Building this development at Tudeley will impact severely on the residents of Tonbridge. Indeed I am aware that a number of Tonbridge and Malling Councillors have already written to TWBC expressing deep concern about the major negative impact of the proposed development on their Borough and the fact that it does not reflect the Statement of Common Ground between the two Boroughs.

Finally, I believe that the proposed development is purely speculative and has nothing to do with the wellbeing and needs of residents of this part or indeed any part of the Borough. It appears that with the land offered up by the Hadlow Estate, TWBC have found an easy way to fulfil their perceived new housing obligations and to make a great deal of profit for the Hadlow Estate by creating an ineffective and inappropriate development that would destroy forever an area of Green Belt and indeed the wonderful local community that is Five Oak Green.

Michael Purton B Mus M Mus

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

Future Notifications

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Yes, I wish to be notified of future stages of the Local Plan