

Comment

Agent	Miss Joanna Chambers [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Changing Cities
Address	[REDACTED] LONDON [REDACTED]
Consultee	42 Leisure PLC [REDACTED]
Company / Organisation	42 Leisure PLC
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	42 Leisure PLC [REDACTED]
Comment ID	PSLP_1722
Response Date	04/06/21 12:06
Consultation Point	Policy STR/RTW 2 Royal Tunbridge Wells Town Centre (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	42 Leisure Ltd
Question 2	
Agent's Name and Organisation (if applicable)	Changing Cities
Question 3	
To which part of the Local Plan does this 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 5.28 and 5.70

Policy STR/RTW 2 Royal Tunbridge Wells Town Centre

Policy AL/RTW 10 Montacute Gardens

inset Maps 1 & 2

[TWBC: this representation has been input against Policies STR/RTW2 and AL/RTW10 – see Comment Numbers PSLP_1722 and PSLP_1723]

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

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.

42 Leisure welcomes the reinstatement of land at Montacute Gardens as a site allocation under Policy AL/RTW10. Montacute Gardens is allocated in the adopted Local Plan for mixed use development as part of a comprehensive strategy to regenerate and revitalise the southern part of the Town Centre. Following the redevelopment of Union House, the site is critical to achieving the objectives for regeneration of this part of the town centre and cannot be viewed in isolation. However, whilst welcoming this change, 42 Leisure is concerned that the site has been excluded from the Town Centre Boundary and is no longer viewed in the context of the wider regeneration of this part of the town centre (previously referred to as the Eridge Road Area of Change).

42 Leisure Ltd has a long-standing commitment to helping Tunbridge Wells fulfil its great potential. The Company was established with the purpose of delivering high quality development and area regeneration which will ensure the town centre remains prosperous and vibrant whilst protecting and enhancing its unique character and heritage- making it the destination of choice with a stronger visitor economy and cultural offer. 42 Leisure previously prepared a comprehensive vision for the area incorporating Montacute Gardens, Union House and the surface car park (formerly referred to by the Council as the Eridge Road Area of Change) and remains committed to working with the Council and other landowners in delivering this.

In conjunction with other neighbouring sites, the land at Montacute Gardens has an important contribution to make in achieving the strategic objectives for the regeneration of this part of the town centre. 42 Leisure Ltd is concerned that as currently worded, Policy AL/RTW10 will not be effective and will lead to continued piecemeal development which will undermine these objectives. It is therefore requested that full consideration is given to the proposed amendments to enable all stakeholders to work together to realise their shared ambitions for the town.

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.

42 Leisure considers further changes are required to the Draft Local Plan to make the policies effective and to reflect the importance of AL/RTW10 and the regeneration of this part of the town centre in achieving the overall vision for Royal Tunbridge Wells.

The following amendments are proposed:

1. Include reference in Paragraph 5.28 and Policy STR/RTW2 to regeneration of the southern part of the town centre- formerly the Eridge Road Area of Change. This area (including Montacute Gardens and Site AL/RTW2 Land at Auction House, Linden Park Road) should be included in the list of sites/areas identified for change within the town centre which are integral to the vision for the town and offer scope for redevelopment and enhancement to uses and the public realm as part of a comprehensive vision for the town centre. It is underutilised and poorly integrated with the Pantiles and wider town centre. Development within this area will act as a catalyst for the rejuvenation of the Pantiles and the wider town centre and help to ensure the future prosperity and vitality of the town. The redevelopment of the Union House site has started this process but on its own, will not deliver the full potential for revitalisation and enhancement of this part of the town centre. Development and enhancement of the existing properties and land at Montacute Gardens and the surface public car park are essential to realising the benefits for Tunbridge Wells. This should be acknowledged in the vision for the town centre which should promote high quality development well integrated with the wider area which delivers a rich mix of uses, high quality design and attractive streets and public spaces and respects the character and heritage of Royal Tunbridge Wells. This will require collaborative working between the Council, landowners and other stakeholders.
2. Paragraph 5.70 makes reference to the site allocation being on the edge of the town centre. The Town Centre Boundary (Inset Map 2) should be extended to include Land at Montacute Gardens (AL/RTW10).
3. Extend boundary of AL/RTW 10 to include the surface public car park fronting Eridge Road (A26).
4. Amend Paragraph 5.70 to reflect the importance of the site to the regeneration of the southern part of the town centre and the need for an overall vision and integration with the wider area.
5. Amend Policy AL/RTW 10 as follows:
 - Add to introductory paragraph: 'The site forms a gateway to the town centre and proposals should contribute to the strategic objectives for the regeneration of this part of the town centre. An overall vision will be required to avoid piecemeal development. The site, as defined on the Royal Tunbridge Wells Policies Map and the Town Centre Inset Map, is allocated for a residential led mixed use development which may include other appropriate town centre uses'.
 - Add to requirements: 'Proposals should be considered within the context of an overall masterplan and vision for the site'.
 - Add to requirement 2: 'Proposals should enhance the conservation area and the adjacent Tunbridge Wells Common and the setting of The Pantiles'.
 - Add to requirements: 'Development

of the surface car park will be permitted as part of a comprehensive development subject to satisfying the criteria set out in Policy TP4'.

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:

42 Leisure Ltd may wish to participate in the hearing sessions to highlight the importance of the site and the regeneration of the southern part of the town centre to achieving the strategic vision and objectives for Royal Tunbridge Wells.

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	Miss Joanna Chambers [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Changing Cities
Address	[REDACTED] LONDON [REDACTED]
Consultee	42 Leisure PLC [REDACTED]
Company / Organisation	42 Leisure PLC
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	42 Leisure PLC (42 Leisure PLC - 763367)
Comment ID	PSLP_1723
Response Date	04/06/21 12:06
Consultation Point	Policy AL/RTW 10 Montacute Gardens (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	42 Leisure Ltd
Question 2	
Agent's Name and Organisation (if applicable)	Changing Cities
Question 3	
To which part of the Local Plan does this 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 5.28 and 5.70

Policy STR/RTW 2 Royal Tunbridge Wells Town Centre

Policy AL/RTW 10 Montacute Gardens

inset Maps 1 & 2

[TWBC: this representation has been input against Policies STR/RTW2 and AL/RTW10 – see Comment Numbers PSLP_1722 and PSLP_1723]

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

Question 5

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The following amendments are proposed:

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2. Paragraph 5.70 makes reference to the site allocation being on the edge of the town centre. The Town Centre Boundary (Inset Map 2) should be extended to include Land at Montacute Gardens (AL/RTW10).

3. Extend boundary of AL/RTW 10 to include the surface public car park fronting Eridge Road (A26).

4. Amend Paragraph 5.70 to reflect the importance of the site to the regeneration of the southern part of the town centre and the need for an overall vision and integration with the wider area.

5. Amend Policy AL/RTW 10 as follows:

- Add to introductory paragraph: 'The site forms a gateway to the town centre and proposals should contribute to the strategic objectives for the regeneration of this part of the town centre. An overall vision will be required to avoid piecemeal development. The site, as defined on the Royal Tunbridge Wells Policies Map and the Town Centre Inset Map, is allocated for a residential led mixed use development which may include other appropriate town centre uses'.
- Add to requirements: 'Proposals should be considered within the context of an overall masterplan and vision for the site'.
- Add to requirement 2: 'Proposals should enhance the conservation area and the adjacent Tunbridge Wells

Common and the setting of The Pantiles'. • Add to requirements: 'Development of the surface car park will be permitted as part of a comprehensive development subject to satisfying the criteria set out in Policy TP4'.

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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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 Mark Airey [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] TONBRIDGE [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Mr Mark Airey [REDACTED]
Comment ID	PSLP_1913
Response Date	04/06/21 12:28
Consultation Point	Policy STR/SS 1 The Strategy for Paddock Wood, including land at east Capel (View)
Status	Processed
Submission Type	Email
Version	0.2
Data inputter to enter their initials here	AT
Question 1	
Respondent's Name and/or Organisation	Mark Airey
Question 3	
To which part of the Local Plan does this representation 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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I have been a resident of Paddock Wood for over 20 years, I work in Tonbridge and commute using the train service. My wife works in Watlingtonbury using a car to work, my teenage son is a pupil on the outskirts of Maidstone and uses the bus service to travel. We try and shop locally where possible.

Traffic in the centre of Paddock Wood is getting gridlocked despite the effects of the pandemic. For example a proposal to shut the railway bridge would cause huge inconvenience to my family and increase apprehension by being diverted through driving narrow not fit for purpose country lanes. In general, Paddock Wood roads are not sufficient for the capacity.

I am very concerned at the huge increase in housing along the railway line is going to lead to overcrowding of the trains I use which are already over capacity at times.

I am concerned at a lack of infrastructure improvements before building commencement.

I am concerned at the loss of green field sites that have been purchased and land banked for development. Paddock Wood is a very densely packed conurbation already.

Our road has seen sewerage flooding from time to time and I am concerned not enough has been undertaken to mitigate the effects of the developments in totality.

There is a significant lack of public consultation, and what little there is is of the tick box variety.

There are brownfield sites in the Borough that should be developed as a priority before green field sites.

Paddock Wood has taken a substantial over proportionate hit on developments, already approved developments increasing capacity by 30% with no improvements to the town.

Previous studies have shown a shortage of one/two bed dwellings and affordable housing stock, and the 30% increase in approved housing did nothing to alleviate that and significantly worsened it.

The roads are very narrow, and there is no cycle route from Paddock Wood to Tonbridge which I would consider travelling to work. The bus service is almost non-existent.

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	Paul Alderman [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] Tonbridge [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Paul Alderman [REDACTED]
Comment ID	PSLP_1686
Response Date	04/06/21 08:48
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	Paul Alderman
Question 3	
To which part of the Local Plan does this representation 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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I moved to Tonbridge with my family five years ago. I am extremely worried and concerned about the plans to turn bulldoze Capel into a building site to build thousands of new properties.

The disruption to the local area, the traffic congestion and knock-on effects will be overwhelming for me and my family – the nearest roundabout to us is already busy, especially during rush hour and the surrounding roads seem to be overrun already.

Although I work in London, we moved to Tonbridge to enjoy a relaxing time at home and feel the new sites would spoil our way of life beyond all recognition for the worse. And, if the vast building project were to go ahead, it would force us to consider moving to a new area.

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.

Thank you.

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

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Comment

Consultee	Diana Allchorne [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] Five Oak Green [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Diana Allchorne [REDACTED]
Comment ID	PSLP_25
Response Date	01/04/21 10:16
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	KJ
Question 1	
Respondent's Name and/or Organisation	Diana Allchorne
Question 3	
To which part of the Local Plan does this representation 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.

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Question 5

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My objections to the master plan of a new town in Tudeley have already been sent to you. Now you are asking for people to submit their views once again with the use of portals (!). Further evidence of the lack of democracy. There are many people who do not have access to a computer so making it really difficult to put their views before planning. I do not believe that people's views are considered at all. It is not a democracy at all. The only people who have control are the government, property developers, rich landowners, and donors to the Tory party. We who strongly object to houses being built on Green Belt land in the few remaining bits of countryside are accused of 'nimbyism'.

I wish to register my objections to the Tudeley master plan (once again) on the grounds that it is being built on Green Belt land when already our countryside is being wrecked by hideous developments, particularly in Paddock Wood. Also, there will be a greatly increased risk of flooding (already a problem) the air pollution, which has deteriorated rapidly because of more development and thus greater volume of traffic on country lanes. I also object on the grounds of there will be a massive loss of wildlife and wildlife habitats.

Will you go on asking people to resubmit their objections in the hope that they will eventually give up and you can say, 'oh well it is a democracy because we consulted the people?' This appears to be the pattern, however much people do object to the proposals. You may argue that the provision of more housing is a requirement of the government. But you may also be aware that there is a housing 'problem' not a housing shortage. Most of the buyers of these new unaffordable homes are bought by people living in London and not local people who mostly cannot afford them.

[TWBC: further comments received and confirmed as an addition to response on 17/04/21 as follows]:

Many thanks for your prompt response. I wonder how independent government officials i.e. planning inspectors can be. Yes, maybe they are not involved in the local plan, but this could be regarded as a disadvantage compared to someone who has lived and enjoyed the countryside hereabouts. I would be grateful if you could include the comments in my previous email in the consultation. I am very concerned re development on Green belt, the pressure (in both senses of the word) on sewerage systems, water supplies and also the encroachment and trashing of the River Medway. Don't forget we have lost half of our wildlife habitats in recent years and this development will have a very detrimental effect on wildlife. The plans for a road through Five Oak Gn pass through one of the few remaining hop gardens in the area. I am very concerned also about the chumocracy of this government, which I know you can do nothing about, but this has an effect on planning decisions which can be overturned at the drop of a hat or should I say dinner plate? This makes a mockery of democracy and, as the landowner of Tudeley went to Eton, possibly at the same time as Boris, what chance do we stand of a democratic result? I am not hopeful that the wishes of a vast majority of residents will be taken into account or have any effect on the result. These homes will be for a London residents who can afford to move to the country due to the high prices commanded for property, including ex council houses. There is no really affordable housing for local people. My son a lorry driver who is in his 50s can not afford to buy even a studio flat, as he is a single person and two incomes are needed for big mortgages and high rents.

[TWBC: further comments received on 21/04/21 as follows:]

Thank you. I also have major concerns in respect of the traffic this development on Green Belt land will generate. Yesterday I was driving back from Hadlow along Hartlake at around 4pm so not in rush hour (though people rush along this country lane at high speeds) When I reached the narrow railway bridge at Tudeley, which is virtually impossible to take two cars going in opposite directions, there was

a queue of traffic waiting to cross the bridge. It looked as the queue reached back to the junction of Tudeley Lane. I try to avoid the rush hour so I don't know how bad it is at the busiest times but this was supposedly a quiet time of day. This is another example of the effect of the over population of this area and the pressure on country lanes, schools, doctors' surgeries, hospitals etc. It will be absolutely untenable if the population I.e major development on the scale of the Tudeley proposals is allowed to go ahead. I would be grateful if you could include these observations in the Strategy for Tudeley.

Question 7

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Comment

Consultee	Mr Peter Allen [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] CRANBROOK [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Mr Peter Allen [REDACTED]
Comment ID	PSLP_64
Response Date	24/04/21 11:19
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	KJ
Question 1	
Respondent's Name and/or Organisation	Peter Allen
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

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STR/CRS 1: The Strategy for Cranbrook and Sissinghurst parish

Question 4a

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Question 5

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I wish to object to Policy STR/CRS 1 of the draft Local Plan.

STR/CRS entirely fails to emphasise the almost unique character of the three distinguished Conservation Areas within Cranbrook, Wilsley and Sissinghurst, and to require their protection and enhancement. The sentence calling for 'appropriate mix of uses' in central Cranbrook is almost insulting in its failure to ignore pre-Tudor, Tudor and 19th century (Victorian including Arts & Crafts) exceptional richness.

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	Dr Ian Anderson [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] BRENCHLEY [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Dr Ian Anderson [REDACTED]
Comment ID	PSLP_830
Response Date	29/05/21 11:13
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	HB
Question 1	
Respondent's Name and/or Organisation	Ian Anderson
Question 3	
To which part of the Local Plan does this representation 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 4a

If 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.

Horsmonden local plan

The development proposals for this village are now in the very advanced stages and from my perspective whatever argument has been proposed has been totally ignored.

In your missive detailing the present situation it is full of reasons why further development is impractical. You mention the bus service to Tunbridge Wells, it may run as described, but try getting a return at a convenient time. As for commenting on the public transport to Maidstone,, has anyone actually done this return journey?

You mention the stretched education, medical and youth facilities; the developers offer a few square metres so these can be improved and rectify the problem but their overall proposals will rip the heart out of this community.

Finally, the main, totally impractical reason for these proposals is the traffic and parking, to ignore these deficiencies is totally crass. Suggesting putting approximately 200houses shows lack of thought and total greed. People live in villages for the warmth and local companionship, if they wanted to live like battery chickens they could live in a town or city. The failure to recognise the congestion these proposals exhibit demonstrate and basic lack of understanding , extraordinarily, a fleeting visit by the Planners would not show the complete picture. Of course I understand there is a need for new houses, wrecking the infrastructure of villages to sate greed and tick boxes is hardly the right way to satisfy this problem. There have been notices already threatening double yellow lines along Gibbet Lane. Cars parked in Furnace Lane make that narrow already and is frequently used as a "rat run" to Paddock Wood station. It's an accident waiting to happen.

Finally it is noted that the hedgerows are to be preserved, this will be very closely monitored.

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	Graeme Anderson [REDACTED]
Email Address	[REDACTED]
Address	
Event Name	Pre-Submission Local Plan
Comment by	Graeme Anderson [REDACTED]
Comment ID	PSLP_1033
Response Date	03/06/21 10:29
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	Graeme and Tina Anderson
Question 3	
To which part of the Local Plan does this representation 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	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.

We have lived in the parish for more than 25 years. The land subject to these plans is Green Belt land and should only be built upon if an "exceptional circumstance" exists. TWBC's own assessments show that Paddock Wood can expand and meet most of the plan's aims without using the Green Belt land at East Capel. This can avoid coalescence and the creation of a conurbation from Paddock Wood right across to Tonbridge. This land operates as a flood plain and is simply unsuitable for the proposals.

The lack of action taken by TWBC since the Reg 18 consultation, is laughable, but wholly predictable.

Creating a settlement at East Capel of an unsustainable number of new houses will cause immense harm to residents of the Parish of Capel and to residents of Paddock Wood. There will be a significant increase in traffic in to both Paddock Wood and Tonbridge from the B2017, exacerbating the extreme traffic congestion that exists on this road every morning. Which schools will the children of this development be expected to attend? Whether it is Mascalls in Paddock Wood, or the new school in Capel they will need to be bussed there or driven in private cars as there is no safe footway on the B2017 in either direction, and not enough land at the side of the road to create one, for the majority of the distance.

People living in East Capel will use either Paddock Wood Station or Tonbridge Station for commuting and either Paddock Wood or Tonbridge for services that will need more parking. The increase in traffic will be more than Paddock Wood and Tonbridge can cope with. Their 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 Paddock Wood and Tonbridge Station will be unsustainable. Parking in and around Paddock Wood and Tonbridge Stations will be even more difficult.

The impact on traffic using the A228 between Pembury and the Hop Farm, in particular the Colts Hill section, will be unsustainable. It takes very little already for the traffic to become backed-up on this stretch of single carriageway.

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. Our personal observations are that in the twenty-five years in which we have lived here, the water table has got significantly higher. Now, even in high summer, after weeks or months of dry weather, the soil remains sodden just below the surface. Flood mitigation measures may help, but we believe that flood risks will increase. Covering farmed fields and woodland with houses and roads will make the consequences of Medway flooding more severe and cause increased flood risk not only in East Capel but in Five Oak Green and Paddock Wood.

As with Tudeley, creating so much housing in East Capel 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. Please look again at brownfield sites in the borough - of which there are many - and explain honestly, why destroying Capel is preferable to using them first.

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	Graeme Anderson [REDACTED]
Email Address	[REDACTED]
Address	
Event Name	Pre-Submission Local Plan
Comment by	Graeme Anderson [REDACTED]
Comment ID	PSLP_1034
Response Date	03/06/21 10:41
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	Graeme and Tina Anderson
Question 3	
To which part of the Local Plan does this representation 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

Please note: In your representation you should provide succinctly all the evidence and supporting information 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 write as residents of Royal Tunbridge Wells Borough. Our house is on the B2017, between Five Oak Green and Paddock Wood, adjacent to the proposed East Capel development. We have lived here for twenty-five years and are extremely concerned about the proposed developments and their impact on Tudeley, Five Oak Green and Paddock Wood, given our knowledge of the area and our observations of the local environment and infrastructure in that time.

Creating a garden settlement at Tudeley of a large number of 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.

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 we believe that flood risks will increase. Covering farmed fields with houses and roads will make the consequences of Medway flooding more severe 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 Tudeley 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.

We 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. Recent ONS figures show that population growth in the borough is slowing, making this proposed approach honest and relevant.

We 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 and Paddock Wood.

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	Juliet Andrew [REDACTED]
Email Address	[REDACTED]
Address	
Event Name	Pre-Submission Local Plan
Comment by	Juliet Andrew [REDACTED]
Comment ID	PSLP_990
Response Date	02/06/21 20:24
Consultation Point	Index of Policies Maps and Inset Maps (View)
Status	Processed
Submission Type	Web
Version	0.1

Question 1

Respondent's Name and/or Organisation	Juliet Andrew
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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.

Inset Map 4 - 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 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 resident in Queens Street Paddock Wood and have lived here since 2010. Since the new developments in Mascalls Farm the traffic has already increased considerably since we have lived here. Further down Queens street bridges over the railway lines. These are effectively single lane and there has already been an increase of road traffic accidents since the Mascalls development due to the high volume of traffic travelling over these bridges and on the bends either side.

Our house flooded December 2013 from the downwards journey of the water across the neighbouring concreted yard of the farm adjacent to us. It was able to flow through our house and disperse into the lower ground which is current apple orchards. This will not be able to happen once the land is developed.

I am a resident in Queens Street Paddock Wood and have lived here since 2010. Since the new developments in Mascalls Farm the traffic has already increased considerably. Further down Queens street the bridges over the railway lines are effectively single lane and there has already been an increase of road traffic accidents since the Mascalls development due to the high volume of traffic travelling over these bridges and on the bends either side.

Our house flooded December 2013 from the downwards journey of the water across the neighbouring concreted yard of the farm adjacent to us. It was able to flow through our house and disperse into the lower ground which is currently apple orchards. This will not be able to happen once the land is developed.

We appreciate the government has a housing target to meet, however we strongly object to the disproportion allocation of development in Paddock Wood. Out of an overall housing target of 12000 dwellings. Paddock Wood is currently being allocated approximately 4000 of these, approximately 1/3 of the total borough's allocation. If we include our neighboring villages, Capel and Tudeley figures our joint allocation is over 6000 dwellings over half of the boroughs target.

The development should be spread across the borough using brown sites, expanding areas such as the Longfield site where millions of government funds has already been spent improving the road infrastructure and where there are community services are more opportunities of work available.

The plans should meet an economic objective– to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

Developing housing in Paddock Wood does not improve the local economy. There is no specific industry in the area and despite the rail link with London, the trains are unaffordable for many, overcrowded in peak times with insufficient parking for commuters. (Cost for annual season ticket to mainline terminals plus annual parking ticket is over £6K, however there is a waiting list for parking season tickets due to the lack of spaces).

There are limited options in terms of traffic management around the area. Many of the roads are narrow and unable to be widened due to the flood management ditches and the railway bridges. (We have confirmation from Network Rail that they will not be widening bridges to support more road traffic).

Our understanding is that parking is limited with the new developments and therefore people will end up parking in the already narrow roads leading to further congestion.

The current services such as our doctors, dentists and schools are over subscribed. The local police station has been sold off for development and therefore we would like evidence that these services including the fire services have realistic, plans to be sufficiently scaled to meet the additional demands of an increased population.

There are insufficient plans to meet **a social objective**— to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being;

Our experience so far is that our community high street is to be demolished to make way for further development. This is despite the opposition raised by the local community and the rationale of building a new community centre on green space instead of extending our local sports and leisure centre and turning that into a proper community hub rather than a tired sports hall with very little to offer the youth community of Paddock Wood. There are insufficient green spaces and developments in areas such as Foal Hurst Wood will make these over crowded. There is no parking at many of the local parks and the roads into Paddock Wood are too dangerous to allow children to walk along.

The new housing proposals are to be built on land that is subject to flooding. There are flood mapping plans that provide evidence of this. The long term strategy in previous developments around Paddock Wood has been to leave some areas of land for drainage however these have no long term maintenance strategies and in some cases have now been developed. It is clear these strategies are not working as residents across many parts of Paddock Wood are being flooded more than before. We have no confidence in the sweeping statements that flooding issues have been addressed and we would like to understand the compensation that will be provided to the existing and new residents of Paddock Wood when this occurs.

We cannot see how the development supports **an environmental objective**— to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimizing waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy

The development of the Church Farm site has already demonstrated the lack of respect for our natural environment. Trees that were subject to planning consent were 'inadvertently' destroyed by the developers.

As mentioned already flooding is of a major concern across Paddock Wood. Residents on the East side of Paddock Wood have had to purchase their pumps due to regularity of flooding down Castle Hill, Mile Oak Road and Queens Street. We are currently surrounded by apple orchards and they are assisting to disperse the run off but if these are developed the situation will be exacerbated.

We would also like to understand if Natural England have been consulted regarding the development proposals as required with a development. The government policy is to protect the best and most versatile (BMV) agricultural land from development. The proposed areas for development (Paddock Wood, Capel and Tudeley) TBWC are the most likely to meet this criteria:

Namely the agricultural land

- . gives the highest yield or output
- . has the widest range and versatility of use
- . produces the most consistent yield from a narrower range of crops
- . requires less input

and this is evidenced by our neighboring farm consistently and successfully growing asparagus see: <http://publications.naturalengland.org.uk/publication/6056482614804480>

Coupled with this is the government have promised to see hundreds of thousands of new trees planted, including in towns and cities and near rivers to reduce flood risk, and help meet the government's commitment to increase planting to 30,000 hectares per year across the UK by 2025.

A further £1.4 million has been awarded to the Environment Agency to fund 'woodlands for water' – 15 projects to plant over 850,000 trees that will protect around 160km of river and help to reduce the risk of flooding to over 500 properties. Tree planting can play a valuable role in reducing flood risk, slowing the flow of water to nearby communities.

It would seem that removing trees by developing our local orchards is counter productive to government policy.

<https://www.gov.uk/government/news/39-million-to-drive-innovative-tree-planting>

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.

I would suggest that the development across TBW Borough is more equitable therefore alleviating Paddock Wood from the issues raised above specifically:

Development of arable land when the government has specifically stated that farming must be preserved in the UK. - There are other options in Tunbridge Wells that do not consist of developing on farming land

Do not build on the orchards which is contrary to the government directive to plant more trees

Do not create an over populated area around Paddock Woods with poor infrastructure, transport links and public services and little job prospects.

Do not increase the flooding in and around Paddock Wood by concreting the 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)?

Comment

Consultee	Juliet Andrew [REDACTED]
Email Address	[REDACTED]
Address	
Event Name	Pre-Submission Local Plan
Comment by	Juliet Andrew [REDACTED]
Comment ID	PSLP_936
Response Date	02/06/21 16:49
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	Juliet Andrew
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
Map 28	
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 am a resident in Queens Street Paddock Wood and have lived here since 2010. Since the new developments in Mascalls Farm the traffic has already increased considerably since we have lived here. Further down Queens street bridges over the railway lines. These are effectively single lane and there has already been an increase of road traffic accidents since the Mascalls development due to the high volume of traffic travelling over these bridges and on the bends either side.

Our house flooded December 2013 from the downwards journey of the water across the neighbouring concreted yard of the farm adjacent to us. It was able to flow through our house and disperse into the lower ground which is currently apple orchards. This will not be able to happen once the land is developed.

We appreciate the government has a housing target to meet, however we strongly object to the disproportion allocation of development in Paddock Wood. Out of an overall housing target of 12000 dwellings. Paddock Wood is currently being allocated approximately 4000 of these, approximately 1/3 of the total borough's allocation. If we include our neighboring villages, Capel and Tudeley figures our joint allocation is over 6000 dwellings over half of the boroughs target. There are brown belt sites in the borough and also locations near the longfield site that are better suited to mass development with better transport links and community services.

an economic objective— to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

Developing housing in Paddock Wood does not improve the local economy. There is no specific industry in the area and despite the rail link with London, the trains are unaffordable for many, overcrowded in peak times and insufficient parking for commuters. (Cost for annual season ticket to mainline terminals plus annual parking ticket is over £6K, however there is a waiting list for parking season tickets due to the lack of spaces).

There are limited options in terms of traffic management around the area. Many of the roads are narrow and unable to be widened due to the flood management ditches and the railway bridges. (We have confirmation from Network Rail that they will not be widening bridges to support more road traffic).

The current services such as our doctors, dentists and schools are over subscribed. The local police centre has been sold off for development and therefore we would like evidence that these services including the fire services have realistic plans to be sufficiently scaled to meet the additional demands of an increased population.

a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being;

Our experience so far is that our community high street is to be demolished to make way for further development. This is despite the opposition raised by the local community and the rationale of building a new community centre on green space instead of extending our local sports and leisure centre and turning that into a proper community hub rather than a tired sports hall with very little to offer the youth community of Paddock Wood.

The current new housing itself has been built on land that is subject to flooding. There are flood mapping plans that provide evidence of this. The long term strategy in previous developments around Paddock Wood has been to leave some areas of land for drainage however these have no long term maintenance strategies and in some cases have now been developed. It is clear these strategies are not working as residents across many parts of Paddock Wood are being flooded.

an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimizing waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy

The development of the Church Farm site has already demonstrated the lack of respect for our natural environment. Trees that were subject to planning consent were ‘inadvertently’ destroyed by the developers.

As mentioned already flooding is of a major concern across Paddock Wood. As a resident on the East side of Paddock Wood our road has been subjected to severe flooding. Residents have had to purchase their pumps due to regularity of flooding down Castle Hill, Mile Oak Road and Queens Street. We are currently surrounded by apple orchards and they are assisting to disperse the run off but if these are developed the situation will be exacerbated.

We would also like to understand if Natural England have been consulted regarding the development proposals as required with a development of more than 20 hectares prior to planning approval. The government policy is to protect the best and most versatile (BMV) agricultural land from development. The proposed areas for development (Paddock Wood, Capel and Tudeley) TBWC are the most likely to meet this criteria:

Namely the agricultural land

- . gives the highest yield or output
- . has the widest range and versatility of use
- . produces the most consistent yield from a narrower range of crops
- . requires less input

and this is evidenced by our neighboring farm consistently and successfully growing asparagus and apples and other crops.

[1] <http://publications.naturalengland.org.uk/publication/6056482614804480>

Coupled with this is the government recently announced [1] to see hundreds of thousands of new trees planted, including in towns and cities and near rivers to reduce flood risk, and help meet the government's commitment to increase planting to 30,000 hectares per year across the UK by 2025.

A further £1.4 million has been awarded to the Environment Agency to fund ‘woodlands for water’– 15 projects to plant over 850,000 trees that will protect around 160km of river and help to reduce the risk of flooding to over 500 properties.

Tree planting can play a valuable role in reducing flood risk, slowing the flow of water to nearby communities.

It would seem that removing trees by developing our local orchards is counter productive to government policy.

[1] <https://www.gov.uk/government/news/39-million-to-drive-innovative-tree-planting>

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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. I would suggest that the development across TBWC in more equitable therefore alleviating Paddock Wood from the issues raised above specially:

Development of arable land when the government has specifically stated that farming must be preserved in the UK. - In other words there are other options in Tunbridge Wells that do not consist of developing farming land

Do not build on the orchards which is contrary to the government directive to plant more trees

Do not create an over populated area around Paddock Woods with poor infrastructure, transport links and public services and little job prospects.

Do not increase the flooding in and around Paddock Wood due by concreting the 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)? . 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	Juliet Andrew [REDACTED]
Email Address	[REDACTED]
Address	
Event Name	Pre-Submission Local Plan
Comment by	Juliet Andrew [REDACTED]
Comment ID	PSLP_975
Response Date	02/06/21 16:48
Consultation Point	Map 28 Paddock Wood and East Capel Structure Plan (published with the permission of David Lock Associates Ltd) (View)
Status	Processed
Submission Type	Web
Version	0.2
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.

Map 28

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 am a resident in Queens Street Paddock Wood and have lived here since 2010. Since the new developments in Mascalls Farm the traffic has already increased considerably. Further down Queens street the bridges over the railway lines are effectively single lane and there has already been an increase of road traffic accidents since the Mascalls development due to the high volume of traffic travelling over these bridges and on the bends either side.

Our house flooded December 2013 from the downwards journey of the water across the neighbouring concreted yard of the farm adjacent to us. It was able to flow through our house and disperse into the lower ground which is currently apple orchards. This will not be able to happen once the land is developed.

We appreciate the government has a housing target to meet, however we strongly object to the disproportion allocation of development in Paddock Wood. Out of an overall housing target of 12000 dwellings. Paddock Wood is currently being allocated approximately 4000 of these, approximately 1/3 of the total borough's allocation. If we include our neighboring villages, Capel and Tudeley figures our joint allocation is over 6000 dwellings over half of the boroughs target.

The development should be spread across the borough using brown sites, expanding areas such as the Longfield site where millions of government funds has already been spent improving the road infrastructure and where there are community services are more opportunities of work available.

The plans should meet an economic objective– to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

Developing housing in Paddock Wood does not improve the local economy. There is no specific industry in the area and despite the rail link with London, the trains are unaffordable for many, overcrowded in peak times with insufficient parking for commuters. (Cost for annual season ticket to mainline terminals plus annual parking ticket is over £6K, however there is a waiting list for parking season tickets due to the lack of spaces).

There are limited options in terms of traffic management around the area. Many of the roads are narrow and unable to be widened due to the flood management ditches and the railway bridges. (We have confirmation from Network Rail that they will not be widening bridges to support more road traffic).

Our understanding is that parking is limited with the new developments and therefore people will end up parking in the already narrow roads leading to further congestion.

The current services such as our doctors, dentists and schools are over subscribed. The local police station has been sold off for development and therefore we would like evidence that these services including the fire services have realistic, plans to be sufficiently scaled to meet the additional demands of an increased population.

There are insufficient plans to meet **a social objective**– to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment,

with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being;

Our experience so far is that our community high street is to be demolished to make way for further development. This is despite the opposition raised by the local community and the rationale of building a new community centre on green space instead of extending our local sports and leisure centre and turning that into a proper community hub rather than a tired sports hall with very little to offer the youth community of Paddock Wood. There are insufficient green spaces and developments in areas such as Foal Hurst Wood will make these over crowded. There is no parking at many of the local parks and the roads into Paddock Wood are too dangerous to allow children to walk along.

The new housing proposals are to be built on land that is subject to flooding. There are flood mapping plans that provide evidence of this. The long term strategy in previous developments around Paddock Wood has been to leave some areas of land for drainage however these have no long term maintenance strategies and in some cases have now been developed. It is clear these strategies are not working as residents across many parts of Paddock Wood are being flooded more than before. We have no confidence in the sweeping statements that flooding issues have been addressed and we would like to understand the compensation that will be provided to the existing and new residents of Paddock Wood when this occurs.

We cannot see how the development supports **an environmental objective**— to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimizing waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy

The development of the Church Farm site has already demonstrated the lack of respect for our natural environment. Trees that were subject to planning consent were 'inadvertently' destroyed by the developers.

As mentioned already flooding is of a major concern across Paddock Wood. Residents on the East side of Paddock Wood have had to purchase their pumps due to regularity of flooding down Castle Hill, Mile Oak Road and Queens Street. We are currently surrounded by apple orchards and they are assisting to disperse the run off but if these are developed the situation will be exacerbated.

We would also like to understand if Natural England have been consulted regarding the development proposals as required with a development. The government policy is to protect the best and most versatile (BMV) agricultural land from development. The proposed areas for development (Paddock Wood, Capel and Tudeley) TBWC are the most likely to meet this criteria:

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- . has the widest range and versatility of use
- . produces the most consistent yield from a narrower range of crops
- . requires less input

and this is evidenced by our neighboring farm consistently and successfully growing asparagus see: <http://publications.naturalengland.org.uk/publication/6056482614804480>

Coupled with this is the government have promised to see hundreds of thousands of new trees planted, including in towns and cities and near rivers to reduce flood risk, and help meet the government's commitment to increase planting to 30,000 hectares per year across the UK by 2025.

A further £1.4 million has been awarded to the Environment Agency to fund 'woodlands for water'— 15 projects to plant over 850,000 trees that will protect around 160km of river and help to reduce the risk of flooding to over 500 properties. Tree planting can play a valuable role in reducing flood risk, slowing the flow of water to nearby communities.

It would seem that removing trees by developing our local orchards is counter productive to government policy.

<https://www.gov.uk/government/news/39-million-to-drive-innovative-tree-planting>

Question 6

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I would suggest that the development across TBWC in more equitable therefore alleviating Paddock Wood from the issues raised above specifically:

Development of arable land when the government has specifically stated that farming must be preserved in the UK. - In other words there are other options in Tunbridge Wells that do not consist of developing farming land

Do not build on the orchards which is contrary to the government directive to plant more trees

Do not create an over populated area around Paddock Woods with poor infrastructure, transport links and public services and little job prospects.

Do not increase the flooding in and around Paddock Wood due by concreting the countryside.

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	Mark Andrew [REDACTED]
Email Address	[REDACTED]
Address	
Event Name	Pre-Submission Local Plan
Comment by	Mark Andrew [REDACTED]
Comment ID	PSLP_991
Response Date	02/06/21 21:07
Consultation Point	Policy STR/PW 1 The Strategy for Paddock Wood (View)
Status	Processed
Submission Type	Web
Version	0.3
Question 1	
Respondent's Name and/or Organisation	Mark Andrew
Question 3	
To which part of the Local Plan does this representation relate?	Policies Map
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
Inset Map 4 (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 effective
- . It is not justified
- . It is not consistent with national policy

Question 5

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I am a resident in Queens Street Paddock Wood and have lived here for over 11 years. I do not believe the local plan is sound due to the following reasons.

It is clear that since the new development has started the traffic on Queen Street and around Paddock Wood has increased considerably. Large truck using the narrow roads and the increase in general traffic is making the road system in Paddock Wood dangerous, and with the limited bridge size on Queen Street and the refusal of the rail company to improve the bridges, adding the large number of properties to Paddock Wood is an unsustainable plan, with little or no real programme to deal with the increased population.

Paddock Wood is currently being allocated approximately 4000 new homes, approximately 1/3 of the total borough's allocation. If we include our neighboring villages, Capel and Tudeley figures our joint allocation is over 6000 dwellings over half of the boroughs target. A more equitable spread throughout the borough, and reduction of the number of dwellings in Paddock Wood would improve the disastrous threat to the environment and damage to the community the local plan now poses.

The local railroad station in non-covid times has a full car park by 7:30 in the morning and standing room only on the trains. The train company have already stated they will not be increasing the number or size of trains passing through Paddock Wood. Much in the local plan for Paddock Wood is made of the public transport via train, however this is already an overcrowded and over committed facility with no plan for improvement or growth, the council are clearly aware of this, but seem to ignore this very real issue as it does not fit into their planning. However, this is already a problem and will increase in the future if the number of houses proposed goes ahead.

In addition, there is little community facilities with one very run-down gym, and little or nothing for the younger generation to do. The high street is being decimated with shops being turned into old people's homes. Already harming the community of Paddock Wood.

The doctor's facilities are already overcrowded, making it difficult to gain appointments within a reasonable time frame and nothing in the local plan addresses this. The same issue applies for school nursery's etc.

PROPOSED LAND

The local plan intends buildings to be located on high quality farmland in direct contravention of the government's policy to build on brown belt, or low-grade farmland, and avoid developing on high grade farmland. Local survey shows the land the plan intends to use is probable some of the best farmland in the UK for crop growth. Once built it is gone forever taking a very valuable and rare commodity from the country, decent planning should allow less building in a single place a better spread of building areas and avoid the destruction of high-quality farmland. This added to the destruction of so many trees, is another sign of a poorly thought-out programme.

One of the key objectives of the governments Sustainable Farming Policy is to:

Introducing the Environmental Land Management scheme to incentivise sustainable farming practices, create habitats for nature recovery and establish new woodland to help tackle climate change

A local plan which removes hundreds of trees, builds on high quality farmland and destroys wildlife habitat is clearly contra to this. A more reasonable housing number in Paddock wood could be undertaken without this wholesale destruction of farmland and orchards.

The governments Woodland Carbon Guarantee Scheme stated

Woodland Carbon Guarantee scheme will encourage farmers and landowners to plant more trees and help to tackle climate change

-

Yet the local plan for Paddock Wood includes the removal of hundreds of fruit trees which currently offer carbon enhancement and a valuable food source to the country. A more considered approach could reduce the loss of these assets considerable.

The local plan for Paddock Wood works against Government Environmental Policy's and should be reviewed with these in mind.

The removal of this number of trees will also have a negative effect on the flooding issues in Paddock Wood and the surrounding area. And although the local plan claims to address this it seems this is in words only as no workable flood reduction programme is covered in the details of the local plan and it is clear that new developments are having the ground built up to ensure water runoff. Clearly far from improving the flood issues in PW this will exasperate the issue. I note no guarantee from Tunbridge Wells local council as to the improvement in this situation is included in the documentation. At a minimum TWC should be pledging a guarantee, which should not be an issue if they believe their own words.

In addition, the council are allowing construction to be carried out by building companies who do not hold the basic standards such as considerate construction scheme membership. Paddock Wood is a community every road closure, late night working, mud on the roads and dust in the air effects people's lives, yet little or no consideration has been given to the quality of companies allowed to carry out work. I refer you to the current construction in Paddock Wood where protected trees where apparently accidentally removed, the same company had staff working on site late into the evening and have closed a major road into Paddock Wood without prior notification. At a minimum the council duty of care should ensure only high quality building firms with good reputations for considerate construction and good communication with local community's are used.

Question 6

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No destruction/ removal of high-quality farmland, with only brown belt or poor-quality farmland being built over. This would bring the plan into alliance with the national guidance.

No removal of large orchards and the destruction of trees and wild habitat on a large scale as the plan for paddock wood currently does.

An environmentally plan with consideration for local and national environmental policy's

Use of only building companies who have a commitment to the environment and local community, such as companies with considerate construction membership, not any company regardless of their lack of credentials.

Reduction of housing in and around Paddock Wood and a more equitable allocation throughout the borough.

Guarantee from Tunbridge Wells local council as to the improvement of the flood situation.

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:

Local voice has been largely ignored throughout the processes. The council have simply overruled Paddock Wood town council and local action groups have not had a large voice in the process. The process should include clear communication with the local community and consideration of the local community voice. I would like to have a voice.

Question 8

If you have any separate comments you wish to make on the accompanying Sustainability Appraisal, please make them here.

The Paddock Wood sustainability section states:

"Because the inclusion of a new garden settlement and large urban expansion were found to be fundamental to the preferred strategy, the SA also considered alternative locations and scales to these aspects of the final growth strategy. The findings of this process were that, for the urban extension, although multiple settlements were considered, Paddock Wood was the only reasonable location for an extension and that a scale that maximises benefits for the housing objective whilst being set away from the constraints in the south (ancient woodland and AONB), but with land-take in the Green Belt to the west of Paddock Wood, in Capel Parish, to help address existing flooding issues, would provide a suitable and achievable, scale of extension. This option was found to have benefits for the economic, environmental and social elements of sustainability, albeit with most benefits being social and economic, rather than environmental."

With the high street being mostly destroyed, no major industry requiring growth through increased workforce and no real road infrastructure or scalable rail infrastructure how can this have a positive economical and social aspect. This is clearly just a statement with no real truth behind the words. Many of the houses are already being advertised to investors in China "a tube video of this can be found" and pricing of houses currently being built being high, how does this improve either social or economic prospects for the area.

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	Hilary Andrews [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] Whetsted Tonbridge [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Hilary Andrews [REDACTED]
Comment ID	PSLP_960
Response Date	03/06/21 11:11
Consultation Point	Pre-Submission Local Plan (View)
Status	Processed
Submission Type	Web
Version	0.3
Question 1	
Respondent's Name and/or Organisation	Hilary and Nick Andrews
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
Overall comments	
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

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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 residents of East Capel, having lived in our house for 28 years. We consider certain aspects of the Tunbridge Wells local plan to be unsound, ill thought through and not justified. We have commented on various policies and paragraphs but also wish to make the following additional observations.

TWBC has deliberately made it very difficult for the ordinary person to be able to consider these plans as:

Borough Councillors were put under NDAs so they could not communicate with the electors;

We understand that planners were originally considering other sites as preferred but a sudden change of heart put all the housing in these two co-joined areas in Capel Parish. The rationale for that change of plan from their two preferred sites, has never been made public;

The plans and details have changed with important information hidden in hundreds if not thousands of pages of documents;

Documents integral to the plan have been hidden within odd areas of the TWBC website;

TWBC have provided misinformation all along the route;

The leader of the Council for TWBC (now ex-leader of the Council) publicly stated that the plans will go through for the two sites in Capel Parish a long time prior to the Reg 18 closure with the suggestion that it was already agreed. This smacks of dubious practice at best and corruption at worst. As TWBC is well aware, their obligation in respect of maintaining zero bribery & corruption is significant and any suspicions in the Planning Dept should be investigated thoroughly.

Stephen Baughen the TWBC Planning officer has given an explicit public guarantee (at a public meeting in Five Oak Green prior to Reg 18) on behalf of TWBC that the East Capel site will not flood – as he knows and TWBC has ignored, this will be an expensive guarantee that as local taxpayers we will be required to fund.

East Capel is well known for regularly flooding – any house purchaser will have to declare to their mortgage lender and insurer that it is built in areas that flood. To not do so will be fraudulent. The developers will have to advise any potential house purchaser that their houses are liable to flood, likewise to not do so will be fraudulent. These two factors alone mean that the likelihood of actually selling these houses will be very difficult and insurance every expensive. TWBC should be very clear that this is a major risk to the entire East Capel site and be very open that the houses may not be saleable.

Question 6

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We recommend that TWBC removes STR/SS1 and STR/SS3 from the local plan.

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:

Because we believe that the views and comments relating to the draft local plan at Reg 18 were not considered by TWBC in preparing the pre submission local plan.

Future Notifications

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Comment

Consultee Hilary Andrews [REDACTED]
Email Address [REDACTED]
Address [REDACTED]
Whetsted
Tonbridge
[REDACTED]
Event Name Pre-Submission Local Plan
Comment by Hilary Andrews [REDACTED]
Comment ID PSLP_971
Response Date 03/06/21 11:25
Consultation Point Section 2: Setting the Scene ([View](#))
Status Processed
Submission Type Web
Version 0.1
Question 1

Respondent's Name and/or Organisation Hilary and Nick Andrews

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.

Para 2.16 Population Forecasts

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

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An estimated population increase of 6155 over the plan period 2020-2038 does not necessitate the building of nearly 13,000 new homes in the Borough.

Question 6

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Revise its house building targets

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	Hilary Andrews [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] Whetsted Tonbridge [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Hilary Andrews [REDACTED]
Comment ID	PSLP_962
Response Date	03/06/21 11:14
Consultation Point	Policy STR 6 Transport and Parking (View)
Status	Processed
Submission Type	Web
Version	0.1
Question 1	
Respondent's Name and/or Organisation	Hilary and Nick Andrews
Question 3	
To which part of the Local Plan does this representation 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	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.

We are residents of East Capel, having lived in our house for 28 years. We consider certain aspects of the Tunbridge Wells local plan to be unsound, ill thought through and not justified.

We believe this policy of the local plan to be unsound. We object to the proposal to close the bridge over the railway line in Paddock Wood B2160 Maidstone Road except for buses, pedestrians and cycles. We strongly dispute statements made in the supporting documentation "Local Cycling and Walking Infrastructure Plan Phase 2 – Final Report". This report states, in regard to the proposal "This is likely to reduce the number of vehicle trips in the town". Where is the proof for this assumption? This road restriction will simply push traffic from East Peckham, Yalding, and sites North of Paddock Wood via other unsuitable routes into the town and create more problems for traffic along the A228, B2017, and B2160 south of the town. For example, residents from these neighbourhoods doing their weekly heavy shopping in the town will simply not consider cycling as an option. If the road restriction over the bridge does reduce traffic then it may hinder the vibrancy and commercial success of the shops in Paddock Wood.

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.

Remove this bridge closure 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	Hilary Andrews [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] Whetsted Tonbridge [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Hilary Andrews [REDACTED]
Comment ID	PSLP_965
Response Date	03/06/21 11:19
Consultation Point	Policy STR 8 Conserving and Enhancing the Natural, Built, and Historic Environment (View)
Status	Processed
Submission Type	Web
Version	0.1
Question 1	
Respondent's Name and/or Organisation	Hilary and Nick Andrews
Question 3	
To which part of the Local Plan does this representation 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	
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.

We are residents of East Capel, having lived in our house for 28 years. We consider certain aspects of the Tunbridge Wells local plan to be unsound, ill thought through and not justified. We wish to specifically comment on the unsoundness of this policy in light of the proposed developments at STR/SS1 and STR/SS3.

The TWBC local plan states "Development is expected to make a positive contribution to the natural, built, and historic environment of the borough." Development to the scale planned will in no way make a positive contribution to the natural, built, and historic environment of the borough especially in regards to STR/SS 1 and STR/SS 3 .

In regard to STR/SS 3 , TWBC have not fully comprehended the very close proximity of the boundary of the AONB and the proposed new development of Tudeley Village.

TWBC's approach to apply "A hierarchical approach to nature conservation and the protection of biodiversity across the sites and habitats of national, regional, and local importance within the borough" with "The objective to achieve net gains for nature and 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 simple madness in light of their proposal to remove 407 hectares of Greenbelt land.

As an example, STR/SS1 and STR/SS3 both contain bluebell woods of indigenous English bluebells. These wooded areas with the bluebells are widely considered to take 200 years to develop. TWBC seem to believe that such areas can be replaced with other planting not indigenous to the area. Wild flowers are of course protected by law.

Part of the area of STR/SS1 alongside the footpath from the A228 to Baxalls includes a long row of old oak trees with an ancient sunken road alongside. This has been partially covered at one end by the farm track but remains clearly visible underneath the oak trees. This is an area that will be destroyed by the planned building works and yet its history and archaeological significance is not mentioned. It may well be an old route from the medieval iron works that are renowned by the ancient Tudeley Charter (circa 1380) in the British Museum and if so are the last visible remains of that very important 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.

We request that sites STR/SS1 and STR SS3 are removed from the local plan and that alternative sites for a reduced housing supply are considered as we dispute that the development is expected to make a positive contribution to the natural, built and historic environment of the Borough.

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 would appreciate our voice as long standing residents being heard. Comments made at Reg 18 were largely ignored by TWBC.

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	Hilary Andrews [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] Whetsted Tonbridge [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Hilary Andrews [REDACTED]
Comment ID	PSLP_966
Response Date	03/06/21 11:23
Consultation Point	Policy STR 9 Green Belt (View)
Status	Processed
Submission Type	Web
Version	0.1
Question 1	
Respondent's Name and/or Organisation	Hilary and Nick Andrews
Question 3	
To which part of the Local Plan does this representation 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 Greenbelt	
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 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.

We are residents of East Capel, having lived in our house for 28 years. We consider certain aspects of the Tunbridge Wells local plan to be unsound, ill thought through and not justified.

We do not consider that TWBC have demonstrated "exceptional circumstances" to alter the boundaries of Greenbelt and remove large areas of land from that designation nor do we think that this is fully justified; especially the large areas at East Capel (148ha) and Tudeley Village (183ha) which will destroy the original concept of green belt to prevent urban sprawl.

TWBC's approach to apply "A hierarchical approach to nature conservation and the protection of biodiversity across the sites and habitats of national, regional, and local importance within the borough" with "The objective to achieve net gains for nature and 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 simple madness in light of their proposal to remove 407 hectares of Greenbelt 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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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 argue AGAINST the release of land from greenbelt, preserve its' precious green belt land, should reduce its' housing development targets in light of the constraints of greenbelt land and further consider use of brown field sites to meet more appropriate housing targets.

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:

Because we consider our voice was not fully heard and comments considered at the Reg 18 process.

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_58

Comment

Consultee	Hilary Andrews [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] Whetsted Tonbridge [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Hilary Andrews [REDACTED]
Comment ID	PSLP_967
Response Date	03/06/21 12:38
Consultation Point	Strategic Sites: Tudeley Village and Paddock Wood, including land at east Capel (View)
Status	Processed
Submission Type	Web
Version	0.3
Files	Flooding Evidence STR SS1.pdf
Question 1	
Respondent's Name and/or Organisation	Hilary and Nick Andrews
Question 3	
To which part of the Local Plan does this representation 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 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 positively prepared
- . It is not effective
- . It is not justified
- . It is not consistent with national policy

Question 5

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Para 5.160

See comments on release of Green Belt and lack of evidence for “exceptional circumstances”

Para 5.161

There is an easier way to “minimise perceived coalescence between settlements” and that is not to re-designate existing Green Belt land, not to build on it and maintain the GreenBelt for its original purpose of preventing urban sprawl.

Para 5.163

Fluvial flood risk is indeed considerable, one could say insurmountable. We have lived in our property for 28 years. Although our house sits in Flood zone 1 , on the edge of the STR/SS1 site, and has not flooded during the last 28 years, we have accrued photographic evidence of fluvial flooding during bouts of heavy rain. (see pdf) . We do not consider that TWBC has fully considered the risks of building on this agricultural land and that fluvial flooding will increase once the land is covered in concrete. Our house which has stood for 300 years will undoubtedly flood should this development go ahead.

Paddock Wood is already overdeveloped – (documented in 2016). Flooding and flood mitigation have not been fully addressed by the Local Plan

Our property sits on the edge of STR/SS1, East Capel. Our house pre-dates the 1890 ordnance survey map and so has been standing a long time. According to the Environment Agency pour property is classified as Zone 1. Our house is old and built on the only slight rise in elevation of land in East Capel and has not flooded during the 28 years we have lived here. However, the garden and patio areas immediately surrounding our house always flood whenever there is heavy rain or prolonged periods of heavy rain as evidenced in the photos (attached pdf). The water table quite obviously sits not far from the ground surface at times, as is usual on a flood plain.

We know the area very well. The flooding of the farmland near us (all situated within STR/SS1) has noticeably increased during this time. The farmland is surrounded by large and significant ditches that have been there for years to drain the land. They have generally worked, assuming the ditches towards

the Medway are kept clear. Flood water soaks or drains into Tudeley Brook which flows towards the Medway.

STR/SS1 is a floodplain. The fields are waterlogged in the winter with three fields in particular being perma-flooded during a typical wet winter (see photos) . There is very recent evidence (that has been ignored in the plan) that this area floods and insurance for local properties has risen significantly. We note that a mortgage application for a property in Maidstone Road, Paddock Wood (near Baxalls) was declined due to it being a flood risk. Therefore simply building and hoping that mortgages are attainable is nonsensical – each mortgage application will need to advise the lender they are in flood plains/areas of flood risk and floods have occurred regularly, (to not advise the mortgage lender is of course fraudulent and renders any insurance payout as nil). Insurance premiums and cover for residents currently in the area who have experienced flooding, is substantial, if available. Some properties on the edge of STR/SS1 that have flooded in the past have been required to build dykes, reservoirs and pumping stations simply to obtain insurance cover.

Large parts of the proposed developments will be on the Medway floodplain with flood risk assessments based on old data that do not fully consider the impact of climate change. Flood mitigation measures may help, but we believe that flood risks will increase. Covering agricultural land with houses and roads will increase flooding not only in Capel but in Golden Green, East Peckham, Tonbridge and Yalding.

The concept of fluvial flooding has not been satisfactorily addressed in the plan. Water has to go somewhere and quickly; covering the land to stop it absorbing water speeds the run off towards the Medway, the natural drain for the whole area. Whatever plans there are for flood prevention will not be sufficient without sacrificing either the houses proposed on STR/SS1 or those downstream at Yalding and ultimately Maidstone. Again, a problem that has been dumped on a neighbouring council. Flooding is a problem that does not just disappear and will get progressively worse with rising water levels/climate change. We are of course pleased that the TWBC Head of Planning, Stephen Baughan verbally “guaranteed” on behalf of TWBC at the May 2019 meeting of residents of Capel that no residence in the proposed sites will flood; this is a contingent liability that TWBC will have to manage through their balance sheet in terms of provisioning for future flood risk.

In the STR/SS1 Area, the current water table is approximately 18inches below the ground level, this is typical for the time of year and it rises rapidly in time of heavy rain. That water table is closer to the surface in some of the fields. The B2017 Badsell Road to the East of the A228 is regularly flooded (as was the case on the 11th November 2019 at 6.30am).

A neighbouring council (Nettlestead, Maidstone) recently declined a new property building application on the basis that it was likely to flood and would need to be built with the ground floor at least 2 meters above current ground level – that proposed property is in the run off area near the Medway which would drain the flood waters from the STR/SS1 and STR/SS3. That council knows the implication of future flood risk.

Para 5.177

We do not believe the masterplanning work undertaken by David Lock Associates is sufficient in determining the deliverability of the proposals in terms of flood modelling.

Para 5.181

Please see pdf photographic evidence of flooding which demonstrates a distinct lack of potential viability for active movement across site STR/SS1.

Para 5.182

Paddock Wood Wetlands Park does not need to be proposed as a “significant area of natural open space, enhancing locally distinctive natural habitats”. The fields and footpaths through this site perfectly adequately provide a natural open space at the current time.

Para 5.183

The proposed development which will cover prime agricultural land with concrete, and therefore prevent the current ability of that land to drain and absorb water will undoubtedly NOT “provide an opportunity for betterment to the flooding and drainage issues which are present...”

Para 5.187

- 1 With the developments of STR/SS1 and STR/SS3 being situated so close to Whetsted, and Five Oak Green and Tonbridge, effectively joining Paddock Wood to Tonbridge it is impossible to envisage how residents of any of these areas will be able to distinguish themselves as residing in an area with a “distinct local identity”.

Para 5.188

Construction is one of the most polluting industries both in the production of the materials and the energy consumed to build the houses and infrastructure. Concrete production is one of the worst offenders. The initial carbon emission numbers have not been provided to judge whether anything really will be zero emissions. Low carbon missions are still pollution and with 2060 and 2800 houses on both sites of STR/SS1 and STR/SS3, roads and infrastructure projects, multiples of “low emissions/pollution” will in aggregate, be significantly more than are produced at the current time.

COP26 Glasgow in 2021 will likely be announcing the need for carbon capture from natural resources to become one of the primary and most important aims in respect of the world's effort to stem rising climate temperatures. The G7 meeting in Cornwall is also likely to say the same thing. Natural assets are carbon absorbing and remove carbon from the atmosphere; low and zero carbon emissions do nothing to remove carbon, but in the latter case, make matters worse.

Ralph Chami of the IMF, the world's leading expert on carbon capture by natural resources has opined on the destruction on the land in both STR/SS1 and STR/SS3 as short sighted and contrary to the objectives that the government will likely be signing to under the Paris Accord. TWBC has not made any analysis of the obligations that the government will likely impose under this Accord regarding natural resource carbon capture and TWBC are blandly and incorrectly appearing to assume that heating and energy supplies can be switched away from gas and existing energy generation to renewable energy sources.

This is a statement being made regarding the preservation and valuation of natural assets e.g. green belt and agricultural land at STR/SS1 . The UK Government is expected sign up to this statement either through G7 , COP 26 and/or the Paris Accord . It is showing that natural assets have greater value than development value and must be preserved. *"The Committee directs the executive director of the International Monetary Fund (IMF), in consultation with the President of the World Bank, to amass evidence on the economic value of carbon sequestration and related economic benefits for ecosystem services and contributions of living, healthy keystone species, and whole ecosystems, in a portfolio of natural capital assets; to design a system of national accounts for natural capital assets, including a modular framework for governance and stewardship of natural capital assets by local communities; and to support community stewardship and monitoring of natural capital assets that is designed to maintain and increase their local and collective value and sustainability."* This needs to be taken into account.

Heat pumps as one of the alternatives to achieving TWBCs goals of zero and low carbon emissions (ie pollution) are expensive to instal, use enormous lengths of oil derived plastic tubing and bulky. The proposed houses do not have the land for the buried tubing nor will likely have the internal capacity

to house the equipment (usually standard garage size). They use a lot of electricity at a time when electric cars are growing in number and consuming a finite source of electricity. Heat pumps react slowly to changing calls for heat and cannot produce water hot enough for spot heat or for a domestic hot water system.

In this part of the UK, to be able to rely on renewable energy, solar farms would require significant battery farms to manage the supply needs when there is no sun. Battery farms do not last long in wet conditions (as Adelaide in Australia has found out). TWBC has not provided any information as to where this renewable energy will come from. There is no information as to where these renewable plants will be located within the area to provide the power required.

Solar power has also required subsidies to ensure that it is economically viable and therefore any such development to be sustainable and carbon free needs subsidies – these have not been factored into the economics of meeting TWBC's stated aim of being low and zero carbon.

TWBC has not given any thought, analysis or consideration to what this actually means and therefore the whole plans for STR/SS1 and STR/SS3 are simply using the pretence of environmental credentials and sustainability as a veneer.

Question 6

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TWBC should remove STR/SS1 from the local plan as an unsuitable, ill thought through and unjustified site for housing and 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)? . 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 have our voices heard which were largely ignored by TWBC at Reg 18 process.

If you would like to attach a file in support of your comments, please upload it here. [Flooding Evidence STR SS1.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	Hilary Andrews [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] Whetsted Tonbridge [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Hilary Andrews [REDACTED]
Comment ID	PSLP_973
Response Date	03/06/21 12:39
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	Hilary and Nick Andrews
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 The Strategy for Tudeley Village

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 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.

5.206

The internationally important heritage site of All Saints Tudeley and its' Chagall Windows will be utterly transformed for the worse should this development go ahead. This beautiful church, is the only church in the world to have all of its windows designed by Marc Chagall. It's visitors come from around the globe. Its' setting in the picturesque Kent countryside cannot be adequately protected by screening of a sufficient nature to limit the cultural damage to this heritage site.

5.210

Undoubtedly, the majority of residents of Tudeley Village will travel to Tonbridge to access retail, employment, leisure and onwards travel to London. Most of this travel will be by car. The impact of this travel and influx of non-Tonbridge resident citizens will impact Tonbridge hugely. We understand that Tonbridge and Malling Borough Councillors as well as Tonbridge residents themselves are extremely concerned about the potential effect of this. This will be in addition to the added influx of people from the East Capel and Paddock Wood developments who will also travel to Tonbridge for these activities.

5.211

We do not consider that TWBC have adequately demonstrated "exceptional circumstances" to alter the boundaries of Greenbelt and remove large areas of land from that designation nor do we think that this is fully justified; especially Tudeley Village (183ha) which will destroy the original concept of green belt to prevent urban sprawl.

TWBC's approach to apply "A hierarchical approach to nature conservation and the protection of biodiversity across the sites and habitats of national, regional, and local importance within the borough" with "The objective to achieve net gains for nature and 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 simple madness in light of their proposal to remove 407 hectares of Greenbelt land from the Parish of Capel.

The concept of "net gains" by enhancing and protecting sites elsewhere is farcical at best and illegal as worst. The land in Tudeley is filled with significant variety of wildlife from birds, to insects, reptiles, amphibians, mammals, trees and flowers that thrive in the land that has been managed in this way for thousands of years. To expect this to be improved and all of this biodiversity to thrive or even move to another site speaks loudly of how poorly TWBC understand or care for the environment. They will

simply destroy these habitats. A lot of the habitats are actually protected bat roosts and badger setts. The wild flowers have protection as do the hedges and trees of nesting birds to name a few. How anything can be built without taking this into account is shocking. However, as we have seen in other developments the destruction of these habitats are of little consequence to the fines levied (should they ever be) against the developers and of course TWBC will likely not provide any enforcement of such wanton and illegal destruction.

5.212

We do not consider TWBC to have fully considered the sustainability of the Tudeley garden settlement

5.213

The highways modelling makes a lot of assumption regarding active transport and residents not actually getting into their cars to shop, to visit friends, to get to other leisure activities and to get to work. Assuming post COVID-19 pandemic, people return in time to commuting to London (which a vast majority of Tonbridge, Tunbridge Wells and Paddock Wood residents do) then the capacity on trains (at full capacity prior to Covid -19) , at Tonbridge and Paddock Wood station car parks has not been fully addressed with the relevant stakeholders. The nearest station to the Tudeley village will be Tonbridge. Tonbridge will expect to receive extra demand on its services that will undoubtedly stretch its resources to un-sustainable proportions.

Access to Tonbridge on the A26 between the B2017 to the Hadlow Road is a bottleneck at rush hours and increasingly during weekdays and including weekends This is due to the Industrial estate in Tonbridge having increased the number of shopping outlets and therefore significant traffic to access the sites has increased. This road as the only access road to Tonbridge from Five Oak Green is also limited by cars parking along it (legally) during working hours. This road is the primary access to the station, shops, schools etc. Any further increase in traffic by the proposed homes will bring the entire area to a standstill.

5.215

Tudeley Village will be geographically so close to the border of Tonbridge and Five Oak Green, which in turn is so close to East Capel and Paddock Wood that there is limited chance of it becoming its own self contained community.

5.217

If the planners of Tudeley village think that residents will walk or cycle to Tunbridge wells for shopping, leisure, visiting friends then they really have a rose tinted view of the hills and distances involved in these activities. We realise that planning for active transport is vital. The provision of safe cycle and pedestrian routes is so important but the planners must be realistic in terms of cycling proficiency, legality of electric scooters and the pannier carrying capacity for the weekly shop for a family of four.

However, using public transport is a non starter as such services are usually subsidised for a period of time, unreliable or infrequent for the times that usage is required. Hence cars will proliferate in the two sites.

5.218

We understand that stopping distances of trains travelling between Tonbridge and Tudeley and Paddock Wood and Tudeley will prevent a station being built at this site. This is an unrealistic planning concept.

Part of the constraints on housing in the south east and specifically the proposed plans under both STR/SS1 and STR/SS3 is the lack of capacity for trains in London – in other words there is no capacity for additional services to be added on the London/Dover line due to lack of terminal space in London stations.

5.219

We understand that there is a minimum requirement in terms of likely footfall and number of houses for the major supermarkets to invest in a new retail site. With Tonbridge , Paddock Wood and Pembury having superstores , it is unlikely that the large supermarket retailers will come to Tudeley – residents will have to shop elsewhere for their weekly shop, meaning more cars on the sites which would likely be at least two per house if not more.

5.220

As can be seen on similar planned sites such as Kingshill in West Malling, the planned facilities do not create local jobs nor create an integrated community. Cars proliferate and workers drive into the offices and workplaces. The jobs in Paddock Wood itself are centred around it being a distribution hub with significant numbers of lorries from the UK and overseas coming in and out on a daily basis. These lorries will use the existing roads as they currently do. Any new warehouses built to create jobs will have the same effect – importing workers by car and greater increases in heavy vehicles and vans across the area. This is not environmentally sound (air quality, noise, pollution, light pollution, litter. Note the parked lorries on public roads in the surrounding streets at current times, plus the litter and toilet waste that is dumped out of the lorries along the road side at these areas etc).

TWBC cannot create jobs. Jobs are created by the economic environment and accessibility for the workers or to their clients. Workers no longer work close to home as desired by TWBC but travel to work by car and park their cars. This is all unplanned with the simplistic view of TWBC by assuming that “many people” can work locally in the shops, workshops, offices, cafes that will be built. They won’t, they will travel to London or work from home for London based firms – the house prices dictate this.

5.223

Clear identity addressed in 5.215 above

5.225

The proposed Five Pak Green bypass will not alleviate the excess traffic congestion which occurs at peak times at the Tonbridge end of the B2017. The two developments at STR/SS1 and STR/SS3 will only add to this already congested junction and onwards into Tonbridge.

The proposed closure of the road bridge over the railway in Paddock Wood (STR 6) , will, if approved, increase almost the entire traffic load from Paddock town and surrounding villages to the south west of Paddock wood, to be diverted into the A228. A heavily loaded road at the current time without additional traffic. The plans expect that bridleways and footpaths cross the entire area as sustainable transport (5.223 6) which without sufficient pedestrian crossings or bridges will significantly increase the risk of accidents and deaths.

5.227 Carbon zero

Construction is one of the most polluting industries both in the production of the materials and the energy consumed to build the houses and infrastructure. Concrete production is one of the worst offenders. The initial carbon emission numbers have not been provided to judge whether anything really will be zero emissions. Low carbon missions are still pollution and with 2060 and 2800 houses

on both sites of STR/SS1 and STR/SS3, roads and infrastructure projects, multiples of “low emissions/pollution” will in aggregate, be significantly more than are produced at the current time.

COP26 Glasgow in 2021 will likely be announcing the need for carbon capture from natural resources to become one of the primary and most important aims in respect of the world's effort to stem rising climate temperatures. The G7 meeting in Cornwall is also likely to say the same thing. Natural assets are carbon absorbing and remove carbon from the atmosphere; low and zero carbon emissions do nothing to remove carbon, but in the latter case, make matters worse.

Ralph Chami of the IMF, the world's leading expert on carbon capture by natural resources has opined on the destruction on the land in both STR/SS1 and STR/SS3 as short sighted and contrary to the objectives that the government will likely be signing to under the Paris Accord. TWBC has not made any analysis of the obligations that the government will likely impose under this Accord regarding natural resource carbon capture and TWBC are blandly and incorrectly appearing to assume that heating and energy supplies can be switched away from gas and existing energy generation to renewable energy sources.

This is a statement being made regarding the preservation and valuation of natural assets e.g. green belt and agricultural land at STR/SS3. The UK Government is expected sign up to this statement either through G7, COP 26 and/or the Paris Accord. It is showing that natural assets have greater value than development value and must be preserved. *"The Committee directs the executive director of the International Monetary Fund (IMF), in consultation with the President of the World Bank, to amass evidence on the economic value of carbon sequestration and related economic benefits for ecosystem services and contributions of living, healthy keystone species, and whole ecosystems, in a portfolio of natural capital assets; to design a system of national accounts for natural capital assets, including a modular framework for governance and stewardship of natural capital assets by local communities; and to support community stewardship and monitoring of natural capital assets that is designed to maintain and increase their local and collective value and sustainability."* This needs to be taken into account.

Heat pumps as one of the alternatives to achieving TWBCs goals of zero and low carbon emissions (ie pollution) are expensive to instal, use enormous lengths of oil derived plastic tubing and bulky. The proposed houses do not have the land for the buried tubing nor will likely have the internal capacity to house the equipment (usually standard garage size). They use a lot of electricity at a time when electric cars are growing in number and consuming a finite source of electricity. Heat pumps react slowly to changing calls for heat and cannot produce water hot enough for spot heat or for a domestic hot water system.

In this part of the UK, to be able to rely on renewable energy, solar farms would require significant battery farms to manage the supply needs when there is no sun. Battery farms do not last long in wet conditions (as Adelaide in Australia has found out). TWBC has not provided any information as to where this renewable energy will come from. There is no information as to where these renewable plants will be located within the area to provide the power required.

Solar power has also required subsidies to ensure that it is economically viable and therefore any such development to be sustainable and carbon free needs subsidies – these have not been factored into the economics of meeting TWBC's stated aim of being low and zero carbon.

TWBC has not given any thought, analysis or consideration to what this actually means and therefore the whole plans for STR/SS1 and STR/SS3 are simply using the pretence of environmental credentials and sustainability as a veneer.

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 STR/SS3 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	Hilary Andrews [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] Whetsted Tonbridge [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Hilary Andrews [REDACTED]
Comment ID	PSLP_968
Response Date	03/06/21 11:25
Consultation Point	Policy STR/CA 1 The Strategy for Capel parish (View)
Status	Processed
Submission Type	Web
Version	0.1
Question 1	
Respondent's Name and/or Organisation	Hilary and Nick Andrews
Question 3	
To which part of the Local Plan does this representation 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/CA1	
The Strategy for Capel 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

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 are residents of East Capel, having lived in our house for 28 years. We consider certain aspects of the Tunbridge Wells local plan to be unsound, ill thought through and not justified.

The disproportionate development of this small, rural parish compared to the rest of Tunbridge Wells Borough is unfair unjustified and ill thought through. The character of this rural community will be destroyed by the local plan should it be adopted. In addition to the housing developments at STR/SS1 and STR/SS3 TWBC seem to have forgotten about the proposed KCC Mineral extraction in the North of the Parish and the cumulative effect that these will have on a swathe of the Kent countryside and the character and communities of this area.

Also, TWBC appear to be adjusting Parish Boundaries before a formal review of Parish Boundaries has been undertaken - now calling part of Capel Parish, Paddock Wood.

"4. Provide compensatory improvements to the Green Belt". When TWBC wish to de-classify 148 hectares of Green Belt in East Capel and 184 hectares of Green Belt in Tudeley any compensatory improvements must be of an equivalent size and nature. Their proposals for compensatory improvements in the Green Belt are woefully inadequate.

"Compensatory improvements" do not mean like for like but what TWBC or the developers will consider to be the cheapest option of providing planting if they actually carry out these compensatory improvements. There is no detail as to what this really means but their more recent approach in other areas with equivalent terms is simply putting in shrubs. Furthermore, the greenbelt is naturally biodiverse and to consider that TWBC can enhance it with their compensatory measures is a statement without any factual or evidence backing so must be treated as bland and unreliable.

Compensatory improvements in respect of "improving the Greenbelt" is tragically poorly considered. The land in East Capel is filled with significant variety of wildlife from birds, to insects, reptiles, amphibians, mammals, trees and flowers that thrive in the land that has been managed in this way for thousands of years. To expect this to be improved and all of this biodiversity to thrive or even move to another site speaks loudly of how poorly TWBC understand or care for the environment. They will simply destroy these habitats. A lot of the habitats are actually protected – bats roost and feed along the bridleway on the old oak trees, badger setts are protected, the wild flowers have protection as do the hedges and trees of nesting birds to name a few specific protections. Badger setts exist in Whetsted Woods – land which will be protected from any development. However, badgers' territories range in size from 30ha-150ha and evidence of badgers drinking water from a pond and defecating in our garden, ½ mile from the sett is apparent. This ½ mile diameter territory range will be consumed with

concrete should the development of STR/SS1 go ahead. How anything can be built without taking this and the other environmental diversity destruction into account is shocking. However, as we have seen in other developments the destruction of these habitats are of little consequence to the fines levied (should they ever be) against the developers and of course TWBC will not provide any enforcement of such wanton and illegal destruction.

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.

Remove the disproportionate development and destruction of this small rural Parish from the Local Plan. Capel parishioners will willingly accept a proposal for a proportionate amount of housing in their 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)? . 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:

Because the voices and comments from a large number of Capel Parishioners were not fully considered at the Reg 18 process.

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	Hilary Andrews [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] Whetsted Tonbridge [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Hilary Andrews [REDACTED]
Comment ID	PSLP_1052
Response Date	03/06/21 12:09
Consultation Point	Policy EN 8 Outdoor Lighting and Dark Skies (View)
Status	Processed
Submission Type	Web
Version	0.1
Question 1	

Respondent's Name and/or Organisation	Hilary and Nick Andrews
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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 EN8 Outdoor lighting and Dark Skies

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 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.

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 are residents of East Capel, having lived in our house for 28 years. We consider certain aspects of the Tunbridge Wells local plan to be unsound, ill thought through and not justified.

STR/SS1 appears from the local plan documentation and maps to become part of Paddock Wood. Currently you are able to star gaze on this land as it is sufficiently separated from Paddock Wood and has dark skies. Control measures to limit light pollution in the local plan do not address the nature of this land currently.

Para 6.125 States that Paddock Wood is exempted from being treated as Zone E1 "intrinsically dark with natural surroundings" . The proposed extension to Paddock Wood with the STR/SS1 land including the proposed sports park on the edge of this parcel of land (presumably flood lit) , the redesignation of green belt in Capel Parish , the limited gaps in development between Paddock Wood and Five Oak Green and between Five Oak Green and Tudeley Village (STR/SS3) and also between STR/SS3 and the edge of Tonbridge means that the light polution from these developments will create a light corridor stretching from the East of Paddock Wood to the North West of Tonbridge.

Light polution (whether outdoor or from indoor windows - which is not addressed in the plan) from STR/SS3 will spill over onto AONB due to the close proximity of this development to the edge of the AONB.

The planners seem to ignore the fact that most houses will have external security lights which will add to any light pollution.

6.127 There are bats and owls currently living , feeding and thriving in the fields of STR/SS1 which will be affected permanently by developments and the subsequent light pollution on this agricultural 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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TWBC to abandon its plans to develop STR/SS1 and STR/SS3 and thoroughly reconsider use of existing brown field sites to meet its housing targets.

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	Mrs Diane Andrews [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] Benenden [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Mrs Diane Andrews [REDACTED]
Comment ID	PSLP_381
Response Date	21/05/21 13:43
Consultation Point	Policy PSTR/BE 1 The Strategy for Benenden parish (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	Diane Andrews
Question 3	
To which part of the Local Plan does this representation 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 put against Policies PSTR/BE 1, AL/BE 3 and AL/BE 4 - see Comment Numbers PSLP_381, PSLP_382 and PSLP_383]

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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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.
- 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, 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'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."*
- . 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 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 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:

No, I do not wish to be notified of future stages of the Local Plan

Comment

Consultee	Mrs Diane Andrews [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] Benenden [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Mrs Diane Andrews [REDACTED]
Comment ID	PSLP_382
Response Date	21/05/21 13:43
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	HB
Question 1	
Respondent's Name and/or Organisation	Diane Andrews
Question 3	
To which part of the Local Plan does this representation 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 put against Policies PSTR/BE 1, AL/BE 3 and AL/BE 4 - see Comment Numbers PSLP_381, PSLP_382 and PSLP_383]

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.
- 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, 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'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."*
- . 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 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 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:

No, I do not wish to be notified of future stages of the Local Plan

Comment

Consultee	Mrs Diane Andrews [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] Benenden [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Mrs Diane Andrews [REDACTED]
Comment ID	PSLP_383
Response Date	21/05/21 13:43
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	Diane Andrews
Question 3	
To which part of the Local Plan does this representation 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 put against Policies PST/BE 1, AL/BE 3 and AL/BE 4 - see Comment Numbers PSLP_381, PSLP_382 and PSLP_383]

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.
- 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, 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'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."*
- . 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 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 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:

No, I do not wish to be notified of future stages of the Local Plan

Comment

Consultee	Sam Andrews [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED], Benenden [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Sam Andrews [REDACTED]
Comment ID	PSLP_384
Response Date	25/05/21 12:00
Consultation Point	Policy PSTR/BE 1 The Strategy for Benenden parish (View)
Status	Processed
Submission Type	Other
Version	0.4
Data inputter to enter their initials here	AT
Question 1	
Respondent's Name and/or Organisation	Sam Andrews
Question 3	
To which part of the Local Plan does this representation 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/BE1, AL/BE3 & AL/BE4

Inset Map 18

[TWBC: this representation has been input against Policies PSTR/BE 1, AL/BE1, AL/BE 3 & AL/BE4– see Comment Numbers PSLP_384, PSLP_386, PSLP_387 and PSLP_388]

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.*"
- 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 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 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 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 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/BE4 already has 18 semi-detached houses on it, and cannot support anymore. 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 Beneden 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	Sam Andrews [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED], Benenden [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Sam Andrews [REDACTED]
Comment ID	PSLP_386
Response Date	25/05/21 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	Sam Andrews
Question 3	
To which part of the Local Plan does this representation 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/BE1, AL/BE3 & AL/BE4

Inset Map 18

[TWBC: this representation has been input against Policies PSTR/BE 1, AL/BE1, AL/BE3 & AL/BE4– see Comment Numbers PSLP_384, PSLP_386, PSLP_387 and PSLP_388]

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.*"
- 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 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 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 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 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/BE4 already has 18 semi-detached houses on it, and cannot support anymore. 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 Beneden 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	Sam Andrews [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED], Benenden [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Sam Andrews [REDACTED]
Comment ID	PSLP_387
Response Date	25/05/21 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	Sam Andrews
Question 3	
To which part of the Local Plan does this representation 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/BE1, AL/BE3 & AL/BE4

Inset Map 18

*[TWBC: this representation has been input against Policies PSTR/BE 1, AL/BE1, AL/BE3 & AL/BE4–
see Comment Numbers PSLP_384, PSLP_386, PSLP_387 and PSLP_388]*

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.*"
- 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 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 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 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 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/BE4 already has 18 semi-detached houses on it, and cannot support anymore. 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 Beneden 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	Sam Andrews [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] Benenden [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Sam Andrews [REDACTED]
Comment ID	PSLP_388
Response Date	25/05/21 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	Sam Andrews
Question 3	
To which part of the Local Plan does this representation 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/BE1, AL/BE3 & AL/BE4

Inset Map 18

[TWBC: this representation has been input against Policies PSTR/BE 1, AL/BE1, AL/BE3 & AL/BE4– see Comment Numbers PSLP_384, PSLP_386, PSLP_387 and PSLP_388]

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.*"
- 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 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 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 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 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/BE4 already has 18 semi-detached houses on it, and cannot support anymore. 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 Beneden 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	Wilfred Andrews [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] Benenden [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Wilfred Andrews [REDACTED]
Comment ID	PSLP_407
Response Date	25/05/21 12:00
Consultation Point	Policy PSTR/BE 1 The Strategy for Benenden parish (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	Mr Wilfred Andrews
Question 3	
To which part of the Local Plan does this representation 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/BE1, AL/BE3 & AL/BE4

Inset Map 18

[TWBC: this representation has been input against Policies PSTR/BE 1, AL/BE1, AL/BE3 & AL/BE4– see Comment Numbers PSLP_407, PSLP_413, PSLP_414 and PSLP_415]

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.*”
- 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 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'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."*
- . 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 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 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/BE4 already has 18 semi-detached houses on it, and cannot support anymore. 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:

No, I do not wish to be notified of future stages of the Local Plan

Comment

Consultee	Wilfred Andrews [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] Benenden [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Wilfred Andrews [REDACTED]
Comment ID	PSLP_413
Response Date	25/05/21 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	Mr Wilfred Andrews
Question 3	
To which part of the Local Plan does this representation 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/BE1, AL/BE3 & AL/BE4

Inset Map 18

[TWBC: this representation has been input against Policies PSTR/BE 1, AL/BE1, AL/BE3 & AL/BE4– see Comment Numbers PSLP_407, PSLP_413, PSLP_414 and PSLP_415]

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.*”
- 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 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 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 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 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/BE4 already has 18 semi-detached houses on it, and cannot support anymore. 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:

No, I do not wish to be notified of future stages of the Local Plan

Comment

Consultee	Wilfred Andrews [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] Benenden [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Wilfred Andrews [REDACTED]
Comment ID	PSLP_414
Response Date	25/05/21 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	0.2
Data inputter to enter their initials here	AT
Question 1	
Respondent's Name and/or Organisation	Mr Wilfred Andrews
Question 3	
To which part of the Local Plan does this representation 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/BE1, AL/BE3 & AL/BE4

Inset Map 18

[TWBC: this representation has been input against Policies PSTR/BE 1, AL/BE1, AL/BE3 & AL/BE4– see Comment Numbers PSLP_407, PSLP_413, PSLP_414 and PSLP_415]

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.*”
- 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 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 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 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 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/BE4 already has 18 semi-detached houses on it, and cannot support anymore. 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:

No, I do not wish to be notified of future stages of the Local Plan

Comment

Consultee	Wilfred Andrews [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] Benenden [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Wilfred Andrews [REDACTED]
Comment ID	PSLP_415
Response Date	25/05/21 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	0.2
Data inputter to enter their initials here	AT
Question 1	
Respondent's Name and/or Organisation	Mr Wilfred Andrews
Question 3	
To which part of the Local Plan does this representation 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/BE1, AL/BE3 & AL/BE4

Inset Map 18

[TWBC: this representation has been input against Policies PSTR/BE 1, AL/BE1, AL/BE3 & AL/BE4– see Comment Numbers PSLP_407, PSLP_413, PSLP_414 and PSLP_415]

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.*”
- 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 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 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 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 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/BE4 already has 18 semi-detached houses on it, and cannot support anymore. 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:

No, I do not wish to be notified of future stages of the Local Plan

Comment

Consultee	Brian Ardron [REDACTED]
Email Address	[REDACTED]
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Brian Ardron [REDACTED]
Comment ID	PSLP_74
Response Date	24/04/21 08:57
Consultation Point	Pre-Submission Local Plan (View)
Status	Processed
Submission Type	Email
Version	0.2

Data inputter to enter their initials here KJ

Question 1

Respondent's Name and/or Organisation Brian Ardron, Architect

Question 3a

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

General comments on whole Plan

Question 4a

If 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.

Previous History

Tunbridge Wells is an historic town surrounded by green countryside. It has developed from the original Pantiles as a high-class tourist resort, with elite landowners following. The town was expanded during the Victorian period largely by the inspired work of Decimus Burton. The railway was also introduced during this period. Several villages were established outside the town but have since been swallowed up by Tunbridge Wells natural expansion. Since that time and the evolving planning process very little inspirational work to the town has been carried out, apart from small pocket developments and individual buildings. People have now become more affluent and cars more affordable.

Tunbridge Wells West Railway Station and a section of the original track was taken over by a private company, when underpaying lines were being curtailed, and has since become a major tourist attraction; complementing other attractions in the area.

Within recent years the town and outlying villages have been expanded by zones, creating an extensive use of the motorcar. It now forms a linear town from Ramslye housing estate in the south to Tunbridge Wells Hospital in the north, with the very real possibility that other villages will soon become part of the town. Industrial areas were formed outside the town, which have since become major shopping zones and are largely to blame for the decreasing use and general decay of the town centre.

Future Planning according to the Tunbridge Wells Town Plan

The town is still evolving but no consideration is given to reducing car use and consequently will be unable to be sustainable or to come anywhere near to zero carbon emissions in the near future. Street parking has now reached a peak, but as local authorities produce revenue from parking and fines there is no incentive to reduce car use and subsequent emissions.

The town plan will remain the same, with surveys and projections of the current situation is and methods to ease the known problems. Reliance on future technologies appears to pervade.

The existing town centre is decaying and it is proposed to make it a more commercial and health area by repurposing shops.

Under the Town Plan the outlying villages are necessarily being expanded to provide more housing using the Garden City principles.

Changing Tunbridge Wells for a Sustainable Future

General

Any successful town relies on inspiration upon inspiration, which is sadly lacking in the current Town Plan, resulting in a jewel on an unworthy backdrop. More drastic measures than proposed in the Town Plan are needed for a sustainable future. Past mistakes, such as promoting out-of-town shopping which encourages car use and weekly shopping, should be better placed for walking and public transport.

Neighbours have reached out to each other during the pandemic, much as in previous eras, and has shown how the recently evolved community movements have fared better.

Car ownership should be replaced with all-day use non-emission vehicles, now becoming viable, in the form of car-sharing, clubs, and public transport. Walking and cycling are now commonplace.

Housing

The expansion of outlying villages could have used more modern concepts such as seen in the rapidly expanding Transition Towns movement and examples as in Copenhagen.

Much of the original housing emits considerable quantities of CO2 to comply with current life styles and it is imperative to rectify this. The major method would be to insulate walls, floor and roof of all

existing buildings, and seal them, with controlled ventilation for condensation control; but this will only happen if constructive financial help is available from Central or Local Authorities.

Local Communities

Copenhagen has been developing 'People-first' areas within the city and the pandemic has made them realise the distinct relation between where people live, where they work, open spaces, and shopping areas. The combination in close proximity has certainly proved to be better than ad hoc development. Prime objectives are to decrease the need for transport by promoting relatively small self-contained local communities where everything they need on a day-to-day basis is within walking distance, and to promote small businesses and a reliable public transport. This type of community makes it possible for microfactories, promote garden produce and use otherwise derelict land such as railway embankments for fruit trees. One community even produces its own solar electricity.

The pandemic has divided opinions about housing accommodation. As many people do not like working at home and become bored, others see it, or are forced to see it, as an opportunity requiring an additional room within the property as an office. Yet other people will now require a small home workshop. These are all trends that should be encouraged.

Linear Town

Tunbridge Wells has developed from its beginnings as a Health Resort into a thriving town which has been expanding mainly northwards to create a linear town and established a Town Centre that catered for the growing population. Super stores, in the 1950's, were initially within the existing town centres, resulting in weekly shopping and small local shops having to close down because they could not compete. Planning controls added segregated industrial areas, isolated from the residential communities, which have evolved into mainly shopping areas due to the greater space and car parking available. To a large extent this has resulted in increased car use due to the remote shopping, and a decaying town centre. The car now reigns supreme, with the Local Authority having a considerable income from parking and fines, which does not provide an incentive to reduce car use.

To this scenario has been added specialised hospitals catering for wide areas, which has added to the already heavy car traffic. There were originally two hospitals serving Tunbridge Wells, one close to the town centre, and another at Pembury. Very few people use the public transport system, run by private companies; and prefer to use their own cars. Doctor's surgeries have had to take more responsibility for peoples health, but should take even more for non-specialist applications.

Out-of-town shopping.

When a car is necessary to collect shopping it creates undesirable emissions and pollution. It is difficult to move superstores back to the town centre where they should be but making them responsible for deliveries would allow a weekly shop to be delivered to a persons door - it would also make it possible for one person to go to the store without a car, shop for what they want and return home. Delivery could then follow and the store location become less of a problem. The delivery trucks would be in use all day.

Although the existing town centre is decaying it is in the right position for access from all parts, whether by walking or public transport. The northern industrial zone has evolved into a shopping centre serviced by cars and is largely to blame for the decreasing use of the town centre and general decay in this area. It is now time to revitalise the town centre by bringing back the larger food shops and also providing a mix of commerce housing and the arts in a more concentrated form. To this can be added concentrated food growing such as hydroponics, and similar intense food growing facilities.

Out of town shopping areas could well become community areas with specialisation.

Sustainable Transport.

Most people consider it essential to have their own car because the alternatives are not there or are inadequate for them. Most cars are parked for the majority of the day, taking up a considerable amount of space and a source of annoyance for walking and cycling. An alternative that is more convenient than a car is essential. In the near future when the initial teething problems are overcome guided cars can take people door to door. Meanwhile more reliable public transport and hire cars, would help to reduce car use.

Cars still have considerable CO2 emissions in their construction and disposal, whether they have internal combustion or electric engines, which indicate manufacturers should change to more ecologically

friendly materials, such as plant based plastics, or manufacture less of them. Cars have to be manufactured, and then disposed of after use; which generates a considerable amount of emissions. Expensive rare earths are used in electric car manufacture. Electric cars can only claim a reduction of emissions in use if the electricity for charging is sustainably sourced.

Railways have always been more sustainable than other transport, but the stations are not always in a very good location, mainly because in the early days the noise and smoke was considered to be obnoxious.

Trams have proved to be successful in some larger towns, but the hills in Tunbridge Wells may prohibit their use.

Walking and Cycling Routes.

The Local Plan takes this seriously. Previous experience suggests walking and cycling should be separate to vehicles because of the proximity dangers, and should be continuous as previous cycle ways have not always been so.

Electric bicycles are becoming commonplace, and some towns are testing rental electric scooters, but the results will not be known for some time - eanwhile more people are being fined for riding them in towns.

Main Roads

For travel between communities or commuting. It is better to isolate fast moving traffic from local roads. Public transport is more efficient than private cars, which are only used for a small part of the day.

Green spaces.

The pandemic has shown how open green spaces and open areas have been used to a greater extent, making them essential for communities. Back roads modified for pedestrian use, but still allowing essential ambulance or fire-fighting appliance to be able to reach a property, can provide more green spaces close to housing..

Climate Change

Could mean either this country becomes warmer or colder. In either case insulated buildings whether existing or new should be essential. Much higher wind speeds could affect how roofs are finished, as traditional tiles or slates are now proving to be inadequately fixed. Sheet materials seem to have fared better.

Passive ventilation is better than air conditioning.

Flooding in many areas is becoming more commonplace and all buildings should have more effective defense. There are flood panels available for doors and closeable airbricks.

Recycling

The work of Veena Sahajwalla in Australia shows how she has considered rubbish as an asset and is working on ways to make use of it. She is also working on microfactories that mimic large-scale production and can be used locally for small-scale production. Local reduction in the use of non-degradable materials is possible, and would do much to reduce excessive emissions and road debris.

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	Ashford Borough Council [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Ashford Borough Council
Address	Civic Offices Tannery Lane ASHFORD TN23 1PL
Event Name	Pre-Submission Local Plan
Comment by	Ashford Borough Council [REDACTED] [REDACTED]
Comment ID	PSLP_784
Response Date	02/06/21 11:02
Consultation Point	Pre-Submission Local Plan (View)
Status	Processed
Submission Type	Email
Version	0.10

Data inputter to enter their initials here KJ

Question 1

Respondent's Name and/or Organisation Ashford 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.

General comments on whole 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.

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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.

Ashford Borough Council is grateful for the opportunity to comment on the Draft Local Plan that continues the on going dialogue between TWBC and ABC during the preparation of the Plan.

The Borough Council has no comments to make and would refer to the agreed SOCG that was signed and agreed on the 18th March 2021 that sets out the Council's respective positions.

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	Councillor Neil Bell [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Ashford Borough Council
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Ashford Borough Council [REDACTED] [REDACTED]
Comment ID	PSLP_1391
Response Date	04/06/21 14:05
Consultation Point	Policy PSTR/BE 1 The Strategy for Benenden parish (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	Cllr Neil Bell, Ashford Borough Councillor for Biddenden
Question 3	
To which part of the Local Plan does this representation 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 - please see Comment Numbers PSLP_1391, PSLP_1393 and PSLP_1394]

Question 4a

If 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 see below my submission regarding the Tunbridge Wells Local Plan proposals.

My comments primarily concern the Benenden/East End proposals which are located at the boundary between Tunbridge Wells and Ashford boroughs.

Correction

Paragraph 5.411 contains a factually incorrect statement

"The closest station to East End is Staplehurst (eight miles to the north west), with the station at Etchingham being located 11.8 miles away. There is a limited bus service serving the settlements"

In fact, Headcorn is, by a considerable degree, the nearest station to East End and commuter traffic will have to negotiate the notorious Castleton's Oak crossroads accident blackspot and travel through Biddenden to get to Headcorn station.

Sustainability

Paragraph 5.413 highlights the lack of facilities at the East End location. East End residents will have to travel by car to use facilities such as primary schools, most shopping and work. I suggest the detrimental impact this travel will have on the environment outweighs the benefits of preserving the Benenden AONB. I would suggest that it would be better to develop a site or sites at the edge of Benenden village rather than at East End.

Traffic

Castleton's Oak crossroads has been an accident blackspot for many years despite many attempts by the local authority to improve it. Any further households built in the East End will generate more traffic movements through this junction which will increase the likelihood of accidents and fatalities at this junction. Again, I would suggest that developing sites at the edge of the village of Benenden would be safer and less impactful.

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	Councillor Neil Bell [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Ashford Borough Council
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Ashford Borough Council [REDACTED] [REDACTED]
Comment ID	PSLP_1393
Response Date	04/06/21 14:05
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	Cllr Neil Bell, Ashford Borough Councillor for Biddenden
Question 3	
To which part of the Local Plan does this representation 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 - please see Comment Numbers PSLP_1391, PSLP_1393 and PSLP_1394]

Question 4a

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

Question 5

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Comment

Consultee	Councillor Neil Bell [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Ashford Borough Council
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Ashford Borough Council [REDACTED] [REDACTED]
Comment ID	PSLP_1394
Response Date	04/06/21 14:05
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	HB
Question 1	
Respondent's Name and/or Organisation	Cllr Neil Bell, Ashford Borough Councillor for Biddenden
Question 3	
To which part of the Local Plan does this representation 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 - please see Comment Numbers PSLP_1391, PSLP_1393 and PSLP_1394]

Question 4a

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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)?

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Comment

Consultee	Jennifer Ashwood [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] Dorchester [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Jennifer Ashwood [REDACTED]
Comment ID	PSLP_1662
Response Date	03/06/21 17:47
Consultation Point	Policy AL/RTW 16 Land to the west of Eridge Road at Spratsbrook Farm (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	Jennifer Ashwood and Christopher Oliver
Question 3	
To which part of the Local Plan does this representation 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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I wish to add my objection to the above.

My family were residents in Ramslye Old Farmhouse when the Ramslye estate was built in the late 1940's and can recall picking mushrooms on the fields prior to the building. I was born in the house in 1949 and both my brother and myself attended Ramslye school on the 50's, gaining access to the school across the field and through the rear garden of one of the houses on Ramslye Road.

The farm gave up a substantial amount of land for the Ramslye estate development and feel strongly that even more of the ancient land should not be diminished and would respectfully ask that you look at other potential sites within 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)?

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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	Lynne Assirati [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] Capel Tonbridge [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Lynne Assirati [REDACTED]
Comment ID	PSLP_271
Response Date	29/05/21 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	0.2
Question 1	
Respondent's Name and/or Organisation	Lynne Assirati
Question 3	
To which part of the Local Plan does this 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	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 am objecting to Policy STR/SS 3 because I believe it is inconsistent with TWBC policies STR 5

(Infrastructure and Connectivity), STR 6 (Transport and Parking), STR 7 (Climate Change), STR 8 (Conserving and Enhancing the Natural Built and Historic Environment), STR 9 Green Belt and EN 25 (Flood Risk).

My name is Lynne Assirati and I live in Alders Road, Capel which has flooded on a number of occasions, most recently in February 2020 which took a year to recover from. Together with my husband and neighbours we run the Capel Path Rangers group which was set up to ensure that all the footpaths within the parish are well maintained and I greatly appreciate being able to walk in such lovely countryside with outstanding views. We also run the Friends of Capel Church which is dedicated to maintaining the fabric of this ancient church and welcoming the many thousands of visitors who come to view our medieval wall paintings. Finally, I organise the village litter picks. I am therefore writing to object to "The Strategy for Tudeley Village" (Policy STR/SS 3) for a number of reasons but primarily because it will increase flood risk, will ruin a huge swathe of our beautiful countryside, and the proposed new road will increase noise pollution and destroy the peace and tranquillity of our lovely church yard which is much used by many locals for a place to come for a few quiet moments away from the bustle and business of our frantic lives. Increased pollution will damage the fabric of the building and thousands more people living in this area will increase litter to a disastrous level. We already get very little support from TWBC to keep our lanes clean and I don't anticipate there will a change in policy any time soon.

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 day especially at peak times.

It is naive to believe that the people who will buy these houses will already be living locally. Many, many will come from London seizing the opportunity to get a larger house for the same money and have access to grammar schools. People living in Tudeley New Town will therefore use Tonbridge Station for commuting and Tonbridge town services and 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. Network Rail have confirmed that a station at Tudeley is not viable at present and so will not be built in this plan period. It may be the case that more people will work from home for part of the week but we should be in no doubt that the pressure on the roads, the trains and car parking will still increase and this pressure is already at an unsustainable level. 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. We understand that Tonbridge councillors are unhappy about the TWBC proposals and there is not as yet a statement of common ground between the authorities as required by the NPPF.

There will of course be impact on Tunbridge Wells where there will be even longer queues at A&E, increased pressure on the police service, more accidents on the inadequate roads.

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 into 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). Here again, the peace and tranquillity of this very special place will be destroyed and increased pollution will cause irreparable harm. This is a Grade 1 listed building and I would remind you that as such Historic England regards the setting as extremely important.

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. Indeed, with the latest statistics on climate change it is imperative that we preserve and use every acre of agricultural land including the orchards for which this area is so famous. We need to become self-sufficient.

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. I repeat the only exceptional circumstances are that most of the borough is in an area of Outstanding Natural Beauty or is designated Metropolitan Green Belt and as such the government accepts that housing needs can be curtailed. One can only wonder what is the motive for TWBC to persist in going ahead with this very unpopular scheme when they so obviously don't need to?

Earlier in the plan (in 4.40) they 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 they 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.

It is significant that there was an overwhelming rejection of the plan at Reg 18, but none of the objections made have been recognised by TWBC, and no changes to the plans for Capel have been made in Reg 19, except to increase the number of houses proposed. This is not local democracy, and shows that the Council are determined to push through their plan against the wishes of the local population.

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.

I believe that the land in East Capel in the Paddock Wood Strategy (SS 1) should be removed from the plan, and TWBC should use more brownfield sites and empty retail space elsewhere in the borough for housing. Instead of building on Green Belt land that they assess themselves will cause HIGH harm to the Green Belt they should look again at non-Green Belt land including the area to the east of Paddock Wood. If necessary they should explain that they cannot meet the governments indicative targets due to the Green Belt constraints.

In the Daily Telegraph of 14th October 2019 the head of the CPRE said that building on Green Belt land is not solving the need for homes because the wrong sort of homes are being built. What is needed is true low cost homes for those who are currently truly homeless – the people who are living on the streets and in hostels as identified by the Heriot Watt survey of 2014 and young people in general who are forced to continue to live with their parents who cannot afford to rent or buy the small number of so-called low cost homes that it is proposed to build here and they certainly don't want to be living miles away from the town centres. So, forcing every new housing development to build a few low cost houses or flats doesn't solve anything. What will help is converting empty shops in the centre of our towns into residences and will revive our high streets as well. And after this pandemic is finally brought under control, there will be plenty of empty shops in all our local towns. In Europe every medium and large town has built blocks of flats no more than 10 storeys high, often in the centre, which is exactly the sort of accommodation that meets these people's needs and has managed to blend them in so well that you hardly notice them. There are plenty of brown field sites in Tunbridge Wells, Maidstone etc. where this would work well. There is also an alternative site at Castle Hill, still within our parish and regrettably within an AONB but because of the nearby industrial estate and the busy A21, which would actually blend in much better with its current surroundings and impact on no-one. Build here and no-one will flood, no precious agricultural land will be destroyed and no new roads will be needed.

Since his election in 2019, our Prime Minister has stated publicly more than once that it is a major aim of this government to eradicate the north/south divide and create a more equal society. In order to achieve this, businesses must be encouraged to move to other parts of our country, away from the south-east. If this is truly the desire of our government they will offer incentives to both businesses and citizens and then people will follow the jobs. The pandemic has demonstrated that people can work from home anywhere. How long before these homes are left standing empty as people move to areas where housing is cheaper, there are plentiful jobs and there are still the green spaces so important for their health that we will have been deprived of?

My husband and I, and my neighbours have chosen to give up the benefits of living in a town with all its various amenities, good phone connections, easy access to shops, transport links etc. in favour of living somewhere we can breathe clean air, enjoy the changing seasons and the lack of crime. We work hard to protect our environment for future generations and put up with the fact that we don't get value for money from our council tax but have pot holes that are not filled in, litter mounting at the side of the road etc. If you impose thousands of people on us, all that will be lost.

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	Lynne Assirati [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] Capel Tonbridge [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Lynne Assirati [REDACTED]
Comment ID	PSLP_270
Response Date	29/05/21 16:56
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	Lynne Assirati
Question 3	
To which part of the Local Plan does this 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	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.

I am objecting to Policy STR/SS 3 because I believe it is inconsistent with TWBC policies STR 5 (Infrastructure and Connectivity), STR 6 (Transport and Parking), STR 7 (Climate Change), STR 8 (Conserving and Enhancing the Natural Built and Historic Environment), STR 9 Green Belt and EN 25 (Flood Risk).

My name is Lynne Assirati and I live in Alders Road, Capel which has flooded on a number of occasions, most recently in February 2020 which took a year to recover from. Together with my husband and neighbours we run the Capel Path Rangers group which was set up to ensure that all the footpaths within the parish are well maintained and I greatly appreciate being able to walk in such lovely countryside with outstanding views. We also run the Friends of Capel Church which is dedicated to maintaining the fabric of this ancient church and welcoming the many thousands of visitors who come to view our medieval wall paintings. Finally, I organise the village litter picks. I am therefore writing to object to "The Strategy for Tudeley Village" (Policy STR/SS 3) for a number of reasons but primarily because it will increase flood risk, will ruin a huge swathe of our beautiful countryside, and the proposed new road will increase noise pollution and destroy the peace and tranquillity of our lovely church yard which is much used by many locals for a place to come for a few quiet moments away from the bustle and business of our frantic lives. Increased pollution will damage the fabric of the building and thousands more people living in this area will increase litter to a disastrous level. We already get very little support from TWBC to keep our lanes clean and I don't anticipate there will a change in policy any time soon.

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 day especially at peak times.

It is naive to believe that the people who will buy these houses will already be living locally. Many, many will come from London seizing the opportunity to get a larger house for the same money and have access to grammar schools. People living in Tudeley New Town will therefore use Tonbridge Station for commuting and Tonbridge town services and 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. Network Rail have confirmed that a station at Tudeley is not viable at present and so will not be built in this plan period. It may be the case that more people will work from home for part of the week but we should be in no doubt that the pressure on the roads, the trains and car parking will still increase and this pressure is already at an unsustainable level. 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. We understand that Tonbridge councillors are unhappy about the TWBC proposals and there is not as yet a statement of common ground between the authorities as required by the NPPF.

There will of course be impact on Tunbridge Wells where there will be even longer queues at A&E, increased pressure on the police service, more accidents on the inadequate roads.

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 into 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). Here again, the peace and tranquillity of this very special place will be destroyed and increased pollution will cause irreparable harm. This is a Grade 1 listed building and I would remind you that as such Historic England regards the setting as extremely important.

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. Indeed, with the latest statistics on climate change it is imperative that we preserve and use every acre of agricultural land including the orchards for which this area is so famous. We need to become self-sufficient.

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. I repeat the only exceptional circumstances are that most of the borough is in an area of Outstanding Natural Beauty or is designated Metropolitan Green Belt and as such the government accepts that housing needs can be curtailed. One can only wonder what is the motive for TWBC to persist in going ahead with this very unpopular scheme when they so obviously don't need to?

Earlier in the plan (in 4.40) they 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 they 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.

It is significant that there was an overwhelming rejection of the plan at Reg 18, but none of the objections made have been recognised by TWBC, and no changes to the plans for Capel have been made in

Reg 19, except to increase the number of houses proposed. This is not local democracy, and shows that the Council are determined to push through their plan against the wishes of the local population.

Question 6

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I believe that Tudeley Village (SS 3) should be removed from the plan, and TWBC should use more brownfield sites and empty retail space for housing and if necessary explain that it cannot meet the governments indicative targets due to the Green Belt constraints.

In the Daily Telegraph of 14th October, 2019, the housing minister said she would support the building of garden villages on Green Belt Land only if there is support from the local community. There is no support for this garden village. In the same newspaper the head of the CPRE said that building on Green Belt land is not solving the need for homes because the wrong sort of homes are being built. What is needed is true low cost homes for those who are currently truly homeless – the people who are living on the streets and in hostels as identified by the Heriot Watt survey of 2014 and young people in general who are forced to continue to live with their parents who cannot afford to rent or buy the small number of so-called low cost homes that it is proposed to build here and they certainly don't want to be living miles away from the town centres. So, forcing every new housing development to build a few low cost houses or flats doesn't solve anything. What will help is converting empty shops in the centre of our towns into residences and will revive our high streets as well. And after this pandemic is finally brought under control, there will be plenty of empty shops in all our local towns. In Europe every medium and large town has built blocks of flats no more than 10 storeys high, often in the centre, which is exactly the sort of accommodation that meets these people's needs and has managed to blend them in so well that you hardly notice them. There are plenty of brown field sites in Tunbridge Wells, Maidstone etc. where this would work well. There is also an alternative site at Castle Hill, still within our parish and regrettably within an AONB but because of the nearby industrial estate and the busy A21, which would actually blend in much better with its current surroundings and impact on no-one. Build here and no-one will flood, no precious agricultural land will be destroyed and no new roads will be needed.

Since his election in 2019, our Prime Minister has stated publicly more than once that it is a major aim of this government to eradicate the north/south divide and create a more equal society. In order to achieve this, businesses must be encouraged to move to other parts of our country, away from the south-east. If this is truly the desire of our government they will offer incentives to both businesses and citizens and then people will follow the jobs. The pandemic has demonstrated that people can work from home anywhere. How long before these homes are left standing empty as people move to areas where housing is cheaper, there are plentiful jobs and there are still the green spaces so important for their health that we will have been deprived of?

My husband and I, and my neighbours have chosen to give up the benefits of living in a town with all its various amenities, good phone connections, easy access to shops, transport links etc. in favour of living somewhere we can breathe clean air, enjoy the changing seasons and the lack of crime. We work hard to protect our environment for future generations and put up with the fact that we don't get value for money from our council tax but have pot holes that are not filled in, litter mounting at the side of the road etc. If you impose thousands of people on us, all that will be lost.

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	Robert Assirati [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] Capel Tonbridge [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Robert Assirati [REDACTED]
Comment ID	PSLP_274
Response Date	29/05/21 15:08
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	Robert Assirati CBE
Question 3	
To which part of the Local Plan does this 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	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/SS 1

I am objecting to the inclusion of land in East Capel in “The Strategy for Paddock Wood” (Policy STR/PW1).

I am a retired civil servant living in the Parish of Capel. I spent my career managing and reviewing major government projects, working latterly for the Cabinet Office and HM Treasury. I was Deputy President of the British Computer Society and an Honorary Fellow of the Association for Project Management. I am still invited by the Government to review their Major Projects for deliverability and value for money several times a year.

Locally I chair the Capel Path Rangers who look after local rights of way, and also chair the Friends of Capel Church. I am a Trustee of Registered Charity 1192171 Capel Greenbelt Protection Society which seeks to protect and improve the local countryside and help local people make use of and enjoy it.

I chose to live in this area because of its rural nature, with beautiful views over the Medway valley and opportunities for walking the network of footpaths and the towpath along the River Medway. I took account of the fact that my house is in both the Metropolitan Green Belt and an Area of Outstanding Natural Beauty and regarded this as a guarantee by government policy that I would not be subject to uncontrolled development. How wrong I was.

Like SS 3, this land is particularly prone to flooding, as it is part of the Medway Valley flood plain. The infrastructure is inadequate throughout the area and Paddock Wood itself regularly floods with both surface water and sewage. There are no plans to upgrade the sewage facilities for the town, which this expansion will only exacerbate.

This land is also 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 to the South and East and meet most of the plan’s aims without using the Green Belt land at East Capel.

Together with the proposals for SS 3 the result will be an almost unbroken built-up area running for ten miles from the north end of Tonbridge to the east side of Paddock Wood, exactly what the Green Belt is meant to prevent. TWBC’s own Green Belt Study concludes that building at Tudeley and East

Capel will each do a HIGH degree of harm to the Green Belt, even though they claim that these large developments will not contribute to the merging of the built-up areas of Tonbridge, Five Oak Green and Paddock Wood.

Successive Ministers for Housing and Communities have stated that protecting the Green Belt is a Government priority, and this was reiterated in the Conservative 2019 election manifesto. In June 2019, Boris Johnson said “*We should not be imposing targets on councils that they are simply finding impossible to meet without building on the Green Belt, so we have to be much more sensitive in what we are doing*”. But that was before he became Prime Minister.

The previous leadership of the Borough Council have steamrolled these plans through against the wishes of the local population, expressed in the unprecedented volume of objections to the Draft Plan Reg 18 in 2019. With a large majority and a stranglehold on the Conservative councillors, the Leader insisted on chairing all the decision-making bodies – Planning and Transportation Cabinet Advisory Board, Cabinet and full Council Meeting, a process that ignores the normal balances in the process. The approach is highly unpopular and has resulted in major U-turns under pressure from local people, such as the waste of £10 million on a vanity project for a new theatre (now dropped) and the failure to redevelop the prime cinema site in the centre of the town for the last 20 years. A concerted campaign to highlight the undemocratic processes and achieve a change in leadership resulted in the Conservatives losing their overall majority and the Leader being removed. We can only hope that the new Council proves to be more democratic.

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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I believe that site STR/SS 1 should be removed from the plan. Alternative non-Green Field sites should be pursued, together with greater attention to brownfield sites. If necessary TWBC should state that they cannot meet the Government’s indicative housing targets because of the constraints of Green Belt policy.

As a professional project planner, I find that the process for developing this plan has been faulty both in the completeness of the analysis and the lack of community involvement. There are so many shortfalls in the plan, especially with regard to the viability of SS 3 that the Council should abandon this aspect of the plan and seek realistic alternatives such as the greater use of brownfield sites and should consider apartment blocks, possibly above new shops and commercial premises as a way of providing true low cost housing to meet local needs. To continue with unrealistic proposals will waste taxpayers’ money.

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	Robert Assirati [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] Capel Tonbridge [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Robert Assirati [REDACTED]
Comment ID	PSLP_273
Response Date	29/05/21 15:12
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	Robert Assirati CBE
Question 3	
To which part of the Local Plan does this 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	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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POLICY STR/SS 3

I am writing to object to “The Strategy for Tudeley Village” (Policy STR/SS 3).

I am a retired civil servant living in the Parish of Capel. I spent my career managing and reviewing major government projects, working latterly for the Cabinet Office and HM Treasury. I was Deputy President of the British Computer Society and an Honorary Fellow of the Association for Project Management. I am still invited by the Government to review their Major Projects for deliverability and value for money several times a year.

Locally I chair the Capel Path Rangers who look after local rights of way, and also chair the Friends of Capel Church. I am a Trustee of Registered Charity 1192171 Capel Greenbelt Protection Society which seeks to protect and improve the local countryside and help local people make use of and enjoy it.

I chose to live in this area because of its rural nature, with beautiful views over the Medway valley and opportunities for walking the network of footpaths and the towpath along the River Medway. I took account of the fact that my house is in both the Metropolitan Green Belt and an Area of Outstanding Natural Beauty and regarded this as a guarantee by government policy that I would not be subject to uncontrolled development. How wrong I was.

It is clear that Government Regional Strategy is non-existent. On the one hand, they claim to want to rebalance the economy by re-invigorating the Midlands and North, and to provide better infrastructure there through rail links etc. But they bow to pressure to take a London-led approach, further increasing the pressures on the South East and forcing land and house prices ever higher.

I am opposed to building on Green Belt unless there are exceptional circumstances, which I understand is still government policy if not TWBC's. I do not believe there are any exceptional circumstances for either SS1 or SS3. Other options have been identified, and little effort has been made to identify brownfield sites in the Borough. I feel that the current plan benefits developers and landowners rather than the residents of Tunbridge Wells. In particular, evidence from other developments shows that it is unlikely that this will provide truly affordable housing in any quantity at all. I have just returned from France where just about every town and city is surrounded by apartment blocks (five to ten stories) which are the most economical way, in terms of both cost and land use, of providing housing for those who cannot afford a stand alone property or choose not to spend the majority of their income on housing. I know that TWBC approved a large apartment block at the Pantiles, in the heart of the historic centre, with no affordable element at all, and would not be surprised if this happens on the old cinema site as well.

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. Similar developments have found few purchasers

from the local area and have been offering incentives for people to move out of London and commute back in. It is clear that the majority of purchasers will be commuters. The effect of several thousand extra commuters trying to get in to Tonbridge in the rush hours, trying to park and trying to get on to already over-crowded trains will be paralysing even if the extra commuters are partly offset by an increase in home working. I understand from Network Rail that there is very little scope to increase capacity in peak hours – a few trains could be extended to 12 coaches – until the line has been fully upgraded to digital signalling which is decades away.

It is also clear that the additional infrastructure, if it happens, will be too late. We have been told that the earliest date for the Colts Hill Bypass is 2028, while at least 1500 of the houses at SS 3 will be built by 2026. And the proposed link road from Tudeley to the A228 will until then have nowhere to go. So it is clear that for many years the local roads and communities will have to live with construction traffic and thousands of extra residents with no significant road infrastructure improvements.

The SS 3 site is positioned on good agricultural land in the Green Belt, but more importantly it lies on the southern slopes of the Medway Valley. As well as the effect on the landscape as seen from the South, there will be a huge effect on views from the Northern slopes, around Mereworth, Watlingtonbury and Yalding for example. From there the Tudeley New Town will be a blot on an attractive rural landscape. Views from Tonbridge to the Low and High Weald will be impaired, including the setting of historic assets. All Saints Church at Tudeley (Grade 1 listed) will end up being surrounded by houses and bus lanes and sit next to a busy road in sight and hearing of a big roundabout. That will cause great harm to its value as a tourist attractions and a heritage asset of world renown (due to the complete set of Marc Chagall windows). If it really is necessary to build on the Green Belt, it would be better to build where the landscape is not scarred for miles around. The proposed site at Castle Hill, although AONB, would do much less damage to the landscape.

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. Government policy on Garden Villages states that the developments should involve and have the support of the local communities. There is no local support at all for development at SS 3.

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. The proposed developments will build over seven of the well used footpaths in the Parish (WT 161, 162, 165, 175, 176, 179 and 180) and affect the view from many others – although the rights of way may be maintained, they will involve walking through housing estates rather than fields and woods. Nine of the planned walks in Capel Path Rangers' "15 Walks around Capel" will be directly affected. The Plan will have a devastating effect on those people who use these walks regularly,

I also object to the fact that SS 3 was not included in the 2017 Issues and Options exercise and related consultation, which made it clear that any stand alone development was favoured by a minority of people. 60% of respondents voted for development in the A21 corridor but this was rejected by the Council. There was no opportunity to comment on any proposals for West Capel.

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 believe that Tudeley Village (SS 3) should be removed from the plan, and TWBC should use more brownfield sites and empty retail space for housing and if necessary explain that it cannot meet the Government's indicative targets due to the Green Belt constraints.

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_151

Comment

Agent	Lorraine Lau ([REDACTED])
Email Address	[REDACTED]
Company / Organisation	ROK Planning
Address	16 Upper Woburn Place London WC1H 0AF
Consultee	Gabriella Atkinson ([REDACTED])
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Gabriella Atkinson ([REDACTED])
Comment ID	PSLP_2131
Response Date	04/06/21 16:56
Consultation Point	Policy STR 3 Brownfield Land (View)
Status	Processed
Submission Type	Email
Version	0.12
Files	<u>PSLP_2131-2132, 2137-2139, 2141_ROK Planning for G Atkinson_Cover Letter</u>
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Gabriella Atkinson
Question 2	
Agent's Name and Organisation (if applicable)	Rok 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 3 Brownfield Land

[TWBC: for further comments by ROK Planning, please see Comment Numbers PSLP_2131-2132, 2137-2139 and 2141]

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 justified

Question 5

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PROPOSED AMENDMENTS TO EMERGING POLICYTUNBRIDGE WELL'S PRE-SUBMISSION LOCAL PLAN (REG. 19 VERSION)

This letter has been prepared by ROK Planning, on behalf of Ms. Gabriella Atkinson ('the Applicant'), which assesses the soundness and legal compliance of Tunbridge Well's Pre-Submission Local Plan.

A detailed review of the emerging Local Plan against NPPF guidance suggests some policy stipulations to be unsound and unjustified. Amendments to policy wording is therefore proposed in attempt to rectify this.

Development Outside Limits to Built Development

Policy STR 3 (Brownfield Land)

Paragraph 117 of the NPPF emphasises the importance of an effective use of land. Development should be steered away from greenfield land; strategic policies should instead seek to accommodate objectively assessed housing and other needs in a way that makes as much use as possible of previously developed or 'brownfield' land.

Paragraph 4.53 of the Local Plan notes there is sufficient housing land supply to deliver between 13,059 to 13,444 dwellings over the 2020 – 2038 plan period, relative to the Plan's overall target of 12,204 net additional dwellings. Paragraph 4.10 emphasises however that national policy clarifies the 12,200 some dwellings to be a minimum target. The presumption in favour delivering additional housing therefore persists.

Given national policy emphasis on focusing new developments within brownfield and previously developed land, Part 3 of Policy STR 3 restrictive is considered restrictive in its position on the redevelopment of brownfield land outside established settlement boundaries.

[TWBC: the following paragraph is from the cover letter - for the full cover letter, please see supporting documents]

Conclusion

As detailed above, specific policy stipulations within the emerging Local Plan are considered unjustified and unsound against relevant NPPF guidance. The LPA is urged to take into account the proposed amendments to policy wording to accord with national policy, enabling greater flexibility to:-

- . the redevelopment of brownfield land outside established settlement boundaries;
- . development within rural areas and the High Weald AONB; and
- . the conversion of rural buildings for business, recreational, tourism and housing purposes.

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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The following amended wording is proposed to encourage redevelopment of brownfield land beyond established settlement boundaries:-

3. Such proposals in the countryside (i.e. brownfield sites outside defined Limits to Built Development) will be supported where:

a. first sufficient consideration is given to the re-use of existing buildings, including any suitable extensions;b. they are compatible with and, where possible, enhance, the landscape setting and local amenities;c. for residential developments, the site is well related and accessible to a defined settlement and there is, or the development will provide, safe access by foot, cycling, or public transport for a high proportion of trips;d. for all proposals relating to existing brownfield sites in employment use, the criteria in Policy ED 2: Retention of Existing Employment Sites and Buildings are met;e. if relevant, they represent an appropriate use of a heritage asset or, in respect of enabling development, this is necessary to secure its future, in accordance with Policy EN 5: Heritage Assets;f. there is no unacceptable highway impact and the nature and volume of traffic is otherwise compatible with the local road network;g. they are in accordance with other relevant development plan policies.

Question 7

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If you would like to attach a file in support of your comments, please upload it here.

PSLP_2131-2132, 2137-2139, 2141_ROK Planning for G Atkinson_Cover Letter

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_151

Comment

Agent	Lorraine Lau ([REDACTED])
Email Address	[REDACTED]
Company / Organisation	ROK Planning
Address	16 Upper Woburn Place London WC1H 0AF
Consultee	Gabriella Atkinson ([REDACTED])
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Gabriella Atkinson ([REDACTED])
Comment ID	PSLP_2137
Response Date	04/06/21 16:56
Consultation Point	Policy EN 18 Rural Landscape (View)
Status	Processed
Submission Type	Email
Version	0.7
Files	<u>PSLP_2131-2132, 2137-2139, 2141_ROK Planning for G Atkinson_Cover Letter</u>
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Gabriella Atkinson
Question 2	
Agent's Name and Organisation (if applicable)	Rok Planning
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

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EN 18 Rural Landscape

[TWBC: for further comments by ROK Planning, please see Comment Numbers PSLP_2131-2132, 2137-2139 and 2141]

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 justified

Question 5

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Paragraph 70 of the NPPF states that planning policies should contribute to and enhance the natural and local environment. Particularly, with regards to rural landscape, policy should:

a) recognize the intrinsic character and beauty of the countryside

Beyond this, national policy guidance on existing rural landscape is limited.

Provisions within Policy EN 18 of the emerging Local Plan is therefore considered onerous.

[TWBC: the following paragraph is from the cover letter - for the full cover letter, please see supporting documents]

Conclusion

As detailed above, specific policy stipulations within the emerging Local Plan are considered unjustified and unsound against relevant NPPF guidance. The LPA is urged to take into account the proposed amendments to policy wording to accord with national policy, enabling greater flexibility to:-

- . the redevelopment of brownfield land outside established settlement boundaries;
- . development within rural areas and the High Weald AONB; and
- . the conversion of rural buildings for business, recreational, tourism and housing purposes.

Question 6

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The following modifications are proposed to enable greater flexibility in proposals affecting rural landscapes, whilst still ensuring they contribute to and enhance the countryside in line with NPPF guidance :-

Development will be required to:

1. Conserve Contribute to and enhance the unique and diverse variety and juxtaposition of the borough's landscape and the special features that contribute positively to the local sense of place; 2. Include appropriate mitigation to ensure against significant harm to the landscape setting of settlements, including historic farmsteads and hamlets; 3. Not result in unsympathetic change to the character of a rural lane, which is of landscape, amenity, nature conservation, or historic or archaeological importance; 4. Restore landscape character where it has been eroded; 5. Preserve intrinsically dark landscapes in accordance with Policy EN 8: Outdoor Lighting and Dark Skies.

Question 7

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PSLP 2131-2132, 2137-2139, 2141 ROK Planning for G Atkinson Cover Letter

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Supporting Information File Ref No: SI_151

Comment

Agent	Lorraine Lau ()
Email Address	
Company / Organisation	ROK Planning
Address	16 Upper Woburn Place London WC1H 0AF
Consultee	Gabriella Atkinson ()
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Gabriella Atkinson ()
Comment ID	PSLP_2138
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	0.6
Files	<u>PSLP_2131-2132, 2137-2139, 2141 ROK Planning for G Atkinson Cover Letter</u>
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Gabriella Atkinson
Question 2	
Agent's Name and Organisation (if applicable)	Rok Planning
Question 3	
To which part of the Local Plan does this representation relate?	Policy

Question 3a

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Policy EN 19 The High Weald Area of Outstanding Natural Beauty

[TWBC: for further comments by ROK Planning, please see Comment Numbers PSLP_2131-2132, 2137-2139 and 2141]

Question 4

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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.

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- . It is not effective
- . It is not justified

Question 5

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With regards to developments proposals within AONBs, Paragraph 172 of the NPPF notes that “great weight should be given to conserving and enhancing landscape and scenic beauty” in AONBs and “the scale and extent of development within these designated areas should be limited”.

It is emphasised however that specific to Tunbridge Wells, the High Weald AONB varies greatly in appearance, landscape and use of land across the borough, with some parts of the AONB comprising important parcels of previously developed ‘brownfield’ land.

[TWBC: the following paragraph is from the cover letter - for the full cover letter, please see supporting documents]

Conclusion

As detailed above, specific policy stipulations within the emerging Local Plan are considered unjustified and unsound against relevant NPPF guidance. The LPA is urged to take into account the proposed amendments to policy wording to accord with national policy, enabling greater flexibility to:-

- . the redevelopment of brownfield land outside established settlement boundaries;
- . development within rural areas and the High Weald AONB; and
- . the conversion of rural buildings for business, recreational, tourism and housing purposes.

Question 6

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Policy EN 19 of the Local Plan should therefore be amended to take into account such nuances, striking a balance between the conservation of the natural environment and making effective use of land, where at a cross roads, in line with national policy:-

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.

Development in the AONB should be limited in scale and extent, without hindering opportunities to redevelop and make effective use of existing brownfield land, be appropriate in terms of its nature and location, and should demonstrate a positive contribution to the objectives of the AONB Management Plan. It will need to:

1. Be sensitive to the topography and landscape features of the location; 2. Improve where possible connections between settlements and countryside through the provision of high quality green infrastructure (see Policy EN 14: Green, Grey, and Blue Infrastructure); 3. Where present, protect, enhance, and restore where possible key characteristics of historic routeways; 4. Retain and support the distinctiveness of individual settlements and their key characteristics; 5. Where possible and appropriate, help restore the natural functioning of watercourses; 6. Improve the management of associated agricultural land, woodland, and heaths; 7. Where possible and appropriate, improve public access to the countryside, providing way marking and interpretation material to assist in the public enjoyment, appreciation, and understanding of the AONB.

Question 7

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Supporting Information File Ref No: SI_151

Comment

Agent	Lorraine Lau ([REDACTED])
Email Address	[REDACTED]
Company / Organisation	ROK Planning
Address	16 Upper Woburn Place London WC1H 0AF
Consultee	Gabriella Atkinson ([REDACTED])
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Gabriella Atkinson ([REDACTED])
Comment ID	PSLP_2132
Response Date	04/06/21 16:56
Consultation Point	Policy H 10 Replacement Dwellings outside the Limits to Built Development (View)
Status	Processed
Submission Type	Email
Version	0.14
Files	<u>PSLP_2131-2132, 2137-2139, 2141 ROK Planning for G Atkinson Cover Letter</u>
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Gabriella Atkinson
Question 2	
Agent's Name and Organisation (if applicable)	Rok Planning
Question 3	
To which part of the Local Plan does this representation relate?	Policy

Question 3a

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Policy H 10 Replacement Dwellings outside the Limits to Built Development

[TWBC: for further comments by ROK Planning, please see Comment Numbers PSLP_2131-2132, 2137-2139 and 2141]

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 justified

Question 5

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In the same vein, Policy H 10 of the emerging Local Plan is unjustified in its restrictive stance towards replacement dwellings beyond settlement boundaries. The following points should be considered against the policy provision:-

- if lawful residential use is already established, a replacement dwelling should be supported in principle irrespective of the existing dwelling's current state and any occupancy conditions imposed previously;
- demolition of an existing dwelling, unless a locally or statutorily designated heritage asset, should not be objected against;
- the visual impact of any replacement dwelling should be assessed against its current impact in its existing form rather than in its original form when planning permission was first granted;
- any replacement dwelling should not be restricted by prescriptive standards on the increase in gross volume, but should have due regard to the importance of making effective use of brownfield land.

In terms of new housing development within rural areas and/ or outside of settlement boundaries, the NPPF notes that planning policies should be responsive to local circumstances and support housing developments that reflect local needs (paragraph 77). Planning policies should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply (paragraph 79):

“a) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;b) the development would re-use redundant or disused buildings and enhance its immediate setting;c) the development would involve the subdivision of an existing residential dwelling; ord) the design is of exceptional quality, in that it:- is truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and- would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.”

[TWBC: the following paragraph is from the cover letter - for the full cover letter, please see supporting documents]

Conclusion

As detailed above, specific policy stipulations within the emerging Local Plan are considered unjustified and unsound against relevant NPPF guidance. The LPA is urged to take into account the proposed amendments to policy wording to accord with national policy, enabling greater flexibility to:-

- . the redevelopment of brownfield land outside established settlement boundaries;
- . development within rural areas and the High Weald AONB; and
- . the conversion of rural buildings for business, recreational, tourism and housing purposes.

Question 6

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Policy H 10 should therefore be amended to include provisions relevant to new housing in remote rural locations, in accordance with paragraph 79 of the NPPF.

The following modifications to the policy are proposed:-

Replacement and New Dwellings Buildings Outside the Limits to Built Development

Outside the Limits to Built Development, as defined on the Policies Map, proposals for replacement dwellings buildings in the same residential curtilage as an existing dwelling building, will be required to satisfy all of the following criteria:

- 1. The existing dwelling must benefit from a lawful residential use (this does not include any form of temporary planning permission, a residential use that has been abandoned, or has any planning conditions relating to occupancy restrictions). In addition, mobile homes and other forms of temporary accommodation will not be classed as an existing residential dwelling for the purposes of this policy;*
- 2. Demolition of all or part of the existing dwelling must be justified on the basis that the existing structure is rendered unsafe; for example, unsound construction, subsidence, or is inherently constructed to a poor quality/constructed of poor materials and it would not be viable to rectify these as part of a modernisation or refurbishment project. Demolition may also be justified where a building is poorly sited, such as immediately adjacent to a highway, or is considered to be unduly obtrusive by virtue of its design and/or use of materials*
- 3. Where the existing dwelling building is a heritage asset, first consideration should be given to its retention, having regard to relevant NPPF policies.*

Where a dwelling is to be replaced:

- 1. The scale, form, external appearance, height, and massing of the replacement dwelling and any associated development and works, shall not be no more visually obtrusive in the landscape than the*

original dwelling (the building as it existed on 1 July 1948, or, in the case of a building constructed after 1 July 1948, as it was first built) and shall be compatible with its rural location in terms of architectural and visual amenity, landscape setting, and any existing surrounding development;

2. Any proposed increase in volume, including any previous additions to the property, will not result in an increase of more than 50 percent of the gross volume of the original dwelling (the gross volume will be ascertained by external measurements taken above ground level and include the volume of the roof), subject to a maximum of 250 cubic metres (gross). All other existing outbuildings, including garages, will be excluded from the calculation of the volume of the dwelling. If the existing dwelling has already been extended by 50 percent (or more) above the original, then no further increase in volume will be permitted for the replacement dwelling;

3. The replacement dwelling shall be located on the footprint of, or as close as practically possible to, the existing dwelling, unless an alternative location would result in clear landscape, access, or local amenity benefits. In the event that the dwelling is relocated, the removal of the existing dwelling upon completion of the new dwelling will be secured by way of planning condition or legal agreement;

4. The proposal shall not cause significant harm to the amenities of occupiers of neighbouring properties and uses in terms of loss of privacy, immediate outlook, daylight, and sunlight.

Planning decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:

a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;c) the development would re-use redundant or disused buildings and enhance its immediate setting;d) the development would involve the subdivision of an existing residential dwelling; ore) the design is of exceptional quality, in that it:

- is truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and- would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.

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Supporting Information File Ref No: SI_151

Comment

Agent	Lorraine Lau ([REDACTED])
Email Address	[REDACTED]
Company / Organisation	ROK Planning
Address	16 Upper Woburn Place London WC1H 0AF
Consultee	Gabriella Atkinson ([REDACTED])
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Gabriella Atkinson ([REDACTED])
Comment ID	PSLP_2139
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	0.7
Files	<u>PSLP_2131-2132, 2137-2139, 2141_ROK Planning for G Atkinson_Cover Letter</u>
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Gabriella Atkinson
Question 2	
Agent's Name and Organisation (if applicable)	Rok Planning
Question 3	
To which part of the Local Plan does this representation relate?	Policy

Question 3a

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Policy ED 5 Conversion of Rural Buildings outside the Limits to Built Development

[TWBC: for further comments by ROK Planning, please see Comment Numbers PSLP_2131-2132, 2137-2139 and 2141]

Question 4

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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

Question 5

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Paragraph 83 of the NPPF states that “planning policies and decisions should enable:

a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;b) the development and diversification of agricultural and other land-based rural businesses;c) sustainable rural tourism and leisure developments which respect the character of the countryside; andd) the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship

Policy ED 5 encourages the retention and conversion of existing agricultural or other suitable buildings in the countryside for business, recreation and tourism uses, which is supported.

[TWBC: the following paragraph is from the cover letter - for the full cover letter, please see supporting documents]

Conclusion

As detailed above, specific policy stipulations within the emerging Local Plan are considered unjustified and unsound against relevant NPPF guidance. The LPA is urged to take into account the proposed amendments to policy wording to accord with national policy, enabling greater flexibility to:-

- . the redevelopment of brownfield land outside established settlement boundaries;
- . development within rural areas and the High Weald AONB; and

the conversion of rural buildings for business, recreational, tourism and housing purposes.

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.

Amendments are proposed nonetheless to enable greater flexibility in future conversions of rural buildings for business, recreation, tourism and housing purposes.

Priority will be given to the retention and conversion of existing agricultural or other suitable buildings in the countryside for business, recreation, and tourism uses. The conversion of such buildings to residential use will ~~only be permitted in exceptional circumstances~~ in accordance with the criteria set out below.

Proposals for the conversion of existing agricultural or other suitable buildings outside the Limits to Built Development, as defined on the Policies Map, will be required to satisfy all of the following criteria:

1. Conversions to alternative uses shall not compromise the existing or likely future operation or management of the land for farming or forestry, or result in the need for further buildings as a result of displacement; 2. The building is of permanent, substantial, and sound construction and capable of conversion to the proposed use without significant reconstruction, modification, or additions. Any required extensions will be modest in size and the minimum necessary for the use proposed; 3. The proposed use will not be harmful to the character, amenity, and tranquility of the area; 4. Proposed alterations to the building and provision of, or changes to, access arrangements shall be in keeping with the character and appearance of the building and its wider landscape setting in terms of materials, design, and form, and shall not cause harm to the local landscape character or features; 5. A full programme of works detailing exactly what the conversion entails, from initial structural survey and analysis work through to completion, shall be submitted with any planning application or where relevant, as part of planning condition. The programming of the work to be undertaken will be controlled by way of a planning condition attached to any permission granted; 5. The building should be capable of conversion without requiring additional outbuildings or a material or significant change to the setting of the building; 6. ~~The curtilage of the building shall be drawn as tightly as possible, while allowing~~ Development proposals should allow adequate space for parking/turning for the proposed use, and the storage of business equipment where applicable, without detriment to the visual amenities of the countryside or the local landscape character; 7. The new development shall not significantly increase traffic to cause material harm to the safety of the local highway network;

8. Landscaping proposals (hard and soft landscaping), including details of sensitive boundary treatments and any changes in levels, shall be designed to enhance both the immediate landscape setting of the building and the wider rural locality.

Additionally, for residential conversions:

~~a. the building shall be worthy of retention for its historic or architectural value and makes a positive contribution to the landscape character, or is required as part of a whole farm plan and no other use is viable; b. the building should form part of a farmstead or be in a sustainable location with suitable access, including safe options for non-motorised transport, to existing services and facilities. The conversion of buildings that are physically, or appear, separated from existing farms and other built development, such that it would significantly harm the rural landscape, will not be permitted; c. the development would re-use redundant or disused buildings and enhance its immediate setting; d. it shall be demonstrated that the living conditions of future occupiers will not be harmed by proximity in relation to existing neighbouring uses, including farm activity (such as the movement of farming equipment,~~

livestock, crop spraying), noise, and odours;e. it has been clearly demonstrated that reasonable attempts have been made, without success, to secure a business reuse for the building and that uses other than residential are not viable. This should include details of active marketing at an appropriate value/rate and any interest received for a minimum period of 18 months.

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 2131-2132, 2137-2139, 2141 ROK Planning for G Atkinson Cover Letter

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_151

Comment

Agent	Lorraine Lau ([REDACTED])
Email Address	[REDACTED]
Company / Organisation	ROK Planning
Address	16 Upper Woburn Place London WC1H 0AF
Consultee	Gabriella Atkinson ([REDACTED])
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Gabriella Atkinson ([REDACTED])
Comment ID	PSLP_2141
Response Date	04/06/21 16:56
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	0.6
Files	<u>PSLP_2131-2132, 2137-2139, 2141_ROK Planning for G Atkinson_Cover Letter</u>
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Gabriella Atkinson
Question 2	
Agent's Name and Organisation (if applicable)	Rok 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 ED 7 Retention of, and improvements to existing, and the promotion of new, tourist accommodation and attractions

[TWBC: for further comments by ROK Planning, please see Comment Numbers PSLP_2131-2132, 2137-2139 and 2141]

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.

This policy promotes new or improvements to tourist accommodation and visitor attractions, which is supported and considered sound against paragraph 83 of the NPPF.

[TWBC: the following paragraph is from the cover letter - for the full cover letter, please see supporting documents]

Conclusion

As detailed above, specific policy stipulations within the emerging Local Plan are considered unjustified and unsound against relevant NPPF guidance. The LPA is urged to take into account the proposed amendments to policy wording to accord with national policy, enabling greater flexibility to:-

- . the redevelopment of brownfield land outside established settlement boundaries;
- . development within rural areas and the High Weald AONB; and
- . the conversion of rural buildings for business, recreational, tourism and housing purposes.

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_2131-2132, 2137-2139, 2141_ROK Planning for G Atkinson_Cover Letter](#)

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_159

Comment

Consultee	Jacqui Avery ([REDACTED])
Email Address	[REDACTED]
Address	[REDACTED] Tunbridge Wells TN4 [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Jacqui Avery ([REDACTED])
Comment ID	PSLP_2279
Response Date	04/06/21 09:31
Consultation Point	Pre-Submission Local Plan (View)
Status	Processed
Submission Type	Email
Version	0.3
Files	Residents Against Ramslye Development whole submission redacted.pdf
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Jacqui Avery
Question 3a	

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

General comments on whole Plan

[TWBC: see also further comments on individual sections and policies - PSLP_2269 and 2272-2279. The whole representation form (personal details redacted) has also been attached as it contains plans and images]

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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This response is made on behalf of the 669 signatories on the petition submitted in response to Regulation 18 which was delivered to TWBC Planning Services in 2019 and the Facebook group 'Residents Against Ramslye Development' whose membership is currently 247 (names can be provided if required). We have noted guidance 4.3 and have encouraged the people opposed to the development of site 137/ Policy AL/RTW 16 'Land to the west of Eridge Road at Spratsbrook Farm' not to make separate responses repeating the same points as those made here; some however will no doubt have submitted individual responses.

Forward

We appreciate the effort and thought that has gone into preparing the Pre-Submission Local Plan. We note and welcome a number of areas where our representations in respect of the Regulation 18 draft local plan consultation have been taken into account and the plan amended.

The task of developing a local plan over such a long term is very challenging especially in the context of a significant and society changing event such as the Covid pandemic. We agree with the statement set out at paragraph 2.41 of the Pre-Submission Local Plan that acknowledges the challenges of planning when faced with structural societal changes. We agree that a flexible approach should be taken when attempting to assess and balance the needs of retail, office, housing and culture.

To that end we make the following observations:

Retail

We note the plan identifies a need for increased retail space; this is in spite of the number of empty premises in the town centre. In a visual survey of Mount Pleasant, Calverley Road, Royal Victoria Place and Crescent Road we identified 51 empty premises and in addition there is the well-publicised closure of John Lewis in north farm. We consider that retail businesses are going through a period of significant structural change which the Covid pandemic has hastened but not caused in the shift to online shopping and distribution. We therefore consider the case for the need for more retail space to be very weak.

Office space

We agree with the statement at paragraph 5.24 that no additional office space is needed in the town centre and existing space may need to be re-purposed. We note a recent BBC survey of major employers reported that 85% of employers will not be returning to their offices full-time, and indeed in a straw poll of our own small group, 100% of those people working in office space will not be expected to return to the office full-time.

This represents another structural change in working patterns. However, we also consider it an opportunity for the growth of more local services in the leisure and culture sectors that will provide additional local employment, potentially reduce travelling and if managed appropriately, enhance the borough and the experiences of its residents.

To that end we consider the plan should include an addition to the strategic policies that ensures there is suitable flexibility in planning decisions in terms of purpose (e.g. between retail, office and housing) so as to avoid the highly undesirable circumstances of Green Belt and green field development running amok while the town centres languish empty and underutilised. This addition could possibly be made in STR4 but a case could be made for such a clause in all of the strategic policies.

Question 6

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Remove site 137/ AL/RTW 16 'Land to the west of Eridge Road at Spratsbrook Farm' from the 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

Supporting Information File Ref No: SI_159

Comment

Consultee	Jacqui Avery ([REDACTED])
Email Address	[REDACTED]
Address	[REDACTED] Tunbridge Wells TN4 [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Jacqui Avery ([REDACTED])
Comment ID	PSLP_2272
Response Date	04/06/21 09:31
Consultation Point	Policy STR 1 The Development Strategy (View)
Status	Processed
Submission Type	Email
Version	0.4
Files	Residents Against Ramslye Development whole submission redacted.pdf
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Jacqui Avery
Question 3	
To which part of the Local Plan does this representation 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

Submitted sites not included in the Pre-Submission Local Plan

[TWBC: see also further comments on individual sections and policies - PSLP_2269 and 2272-2279. The whole representation form (personal details redacted) has also been attached as it contains plans and images]

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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This response is made on behalf of the 669 signatories on the petition submitted in response to Regulation 18 which was delivered to TWBC Planning Services in 2019 and the Facebook group 'Residents Against Ramslye Development' whose membership is currently 247 (names can be provided if required). We have noted guidance 4.3 and have encouraged the people opposed to the development of site 137/ Policy AL/RTW 16 'Land to the west of Eridge Road at Spratsbrook Farm' not to make separate responses repeating the same points as those made here; some however will no doubt have submitted individual responses.

The broad development strategy "...is to ensure that a minimum of 12,204 dwellings and 14 hectares of employment (Use Classes B and E) land are developed, together with supporting infrastructure and services."

In January 2021 the Times of Tunbridge Wells reported that "17 per cent of retail space in and around Tunbridge Wells is currently lying vacant". It has been well documented that the impact of the Covid lockdowns on the retail sector is that many shops will be lost from the high street forever (e.g. Arcadia Group shops) and others will consolidate (e.g. John Lewis which is closing its RTW store). Last year the Courier reported that nearly a third of the Royal Victoria Place units were empty. As set out above there are still numerous empty shops so there is little point planning to build more until the current supply is exhausted. TWBC needs to think more carefully about what the future of retail and office work will be in an increasingly digitalised and flexible world rather than catering for the turn of the century's shopping and working patterns.

Policy STR 1 – The Development Strategy – Table 4 Distribution of housing allocations

As set out in our Regulation 18 representations to the draft local plan we challenge the need for such a large number of new dwellings in the Borough. Office for National Statistics data predicts the population of Tunbridge Wells will grow from 118,848 in 2020 to 123,003,092 in 2038 (Table 1 section 2.16 of the draft pre-submission plan); that is growth in the population of 6,155. TWBC reports that housing stock in 2016 was 49,880. If the occupancy rate of dwellings remains at the 2016 level (i.e. 2.35 people per dwelling) then the need by 2038 will be a further 2,620 dwellings to the stock. Even if one were to

allow for a decrease in the occupancy rate to say 2 people per dwelling, the need would still only be c.3,000 dwellings, i.e. about a quarter of the number of dwellings the plan allows for. Instead, there is an absurd situation where the plan appears to be proposing more than 2 new dwellings per person.

The Housing Supply and Trajectory Topic paper (February 2021) states there are 3,313 dwellings with extant planning permission which by any reasonable calculation will meet the need of the borough's projected population to 2038.

While we appreciate the housing requirement is set by national policy, we do not consider TWBC has appropriately represented the interests of its residents. The policy is eminently challengeable because it is fundamentally flawed. It effectively only considers supply side solutions to housing affordability. Much of the house price inflation experienced in the last 10 years is a consequence of the macro-economic environment (principally interest rates at an historic low for over 10 years driving a search for yield in assets) and other policy decisions such as 'help to buy' and the stamp duty holiday. It is clear there are external demand side issues that do not relate to population growth. By accepting the allocation, TWBC has not acted to protect the rural nature and the associated landscape of the borough that is valued by its residents and is protected under law. We remain of the view the approach to date has been supine and cavalier with our environment and interests. Indeed it is at odds with the Vision and Strategic Objectives by surrendering so much green space and the plan in its current form is not one that "respects the distinctive qualities of the borough". TWBC must take steps to challenge the allocation on our behalf so as to protect our interests.

We welcome the policy wording in respect of the Limits to Built Development (LBD) (section 2, 8 and 9).

While commenting on this section we note that RTW is presented as a whole. There appears to be no analysis or consideration of the distribution of sites within RTW itself. In the Broadwater ward the plan currently proposes c.500 new dwellings on six separate sites (RTW11, 12, 13, 14, 15 and 16). If this approach is adopted then the Broadwater ward will account for c.35% of the overall allocation to RTW. We consider this is unsustainable in terms of the available infrastructure, road network and the appropriate use of land in the case of site RTW16. The total allocation to the Broadwater ward is disproportionate (some wards are hardly affected at all) and inappropriate.

Appendix: Submitted sites not included in the Pre-Submission Local Plan

Rusthall

146 Tunbridge Wells Golf Club, Langton Road, Tunbridge Wells TN4 8XH

We wish to challenge the 'unsuitable' decision for this site because the sustainability scores are inconsistent. We consider this site is suitable for housing development.

In addition, we consider the Green Belt assessment of this site is incorrect. The score of "Strong" contribution to "preserving the special character of historic towns" is too high given the land is not visually prominent and is only adjacent to the common. The score should therefore be adjusted to "relatively strong".

RTW

73 Land at Pembury Road (south), Tunbridge Wells

We wish to challenge the 'unsuitable' decision for this site because the sustainability scores are inconsistent.

99 Land at Pembury Road, Tunbridge Wells TN2

We wish to challenge the 'unsuitable' decision for this site because the sustainability scores are inconsistent. We consider this site is suitable for housing development.

We note the site is assessed as being in the setting of the AONB whereas in Regulation 18 it was incorrectly assessed as being in the AONB – we would further challenge the setting point. We consider this land to be separate and distinct from the AONB as the A264 creates a barrier and it is not visually in the setting of the AONB.

114 Land at Sandown Park, west of A21, Royal Tunbridge Wells TN2 4RT

We wish to challenge the 'unsuitable' decision for this site because the sustainability scores are inconsistent. We consider this site is suitable for housing development.

We note the site is assessed as being in the setting of the AONB whereas in Regulation 18 it was incorrectly assessed as being in the AONB – we would further challenge the setting point. We consider this land to be separate and distinct from the AONB as Blackhurst Lane creates a barrier and it is not visually in the setting of the AONB. The land is further split and separated by Sandown Park so that parcel is not even adjacent to the AONB.

116 Land south of Pembury Road, Tunbridge Wells

We wish to challenge the 'unsuitable' decision for this site because the sustainability scores are inconsistent.

280 Land at The Midway, Nevill Court, Tunbridge Wells, Kent

We wish to challenge why this site was omitted from the sustainability appraisal – the purpose of the appraisal process is to fully consider the positives and negatives, in a structured and documented way. This site appears to have been rejected because it is "within the AONB and landscape impacts were considered too severe to warrant consideration". Other sites within the AONB with equally adverse landscape impacts have been taken forward and without a full suite of sustainability assessments it is not possible to make properly evidenced based policy. As such this omission renders the sustainability appraisal unsound as a whole.

Our response to Regulation 18 identified this site had been inaccurately assessed, for example, it is listed as being in the High Weald AONB when it is not. The site assessment sheet no longer lists the AONB as an issue to consider but the site is considered unsuitable as there is concern over the impact on the Green Belt. This site needs reassessment (sustainability objective scores and site assessment/SHELAA) and the assessment documented and published.

384 Land at Great Bayhall, Tunbridge Wells, Kent

We wish to challenge the 'unsuitable' decision for this site because the sustainability scores are inconsistent.

411 Land at Sandown Park between Pembury Grange and A21, Royal Tunbridge Wells, Kent

We wish to challenge the 'unsuitable' decision for this site because the sustainability scores are inconsistent. We consider this site is suitable for housing development.

434 Tutty's Farm, Hawkenbury, Royal Tunbridge Wells, Kent

We wish to challenge the 'unsuitable' decision for this site because the sustainability scores are inconsistent. We consider this site is suitable for housing development.

Our response to Regulation 18 identified this site has also been inaccurately assessed, for example, it is listed as having an AONB component part when this is not the case. As such the sustainability assessment is 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.

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Remove site 137/ AL/RTW 16 'Land to the west of Eridge Road at Spratsbrook Farm' 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

Supporting Information File Ref No: SI_159

Comment

Consultee	Jacqui Avery ([REDACTED])
Email Address	[REDACTED]
Address	[REDACTED] Tunbridge Wells TN4 [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Jacqui Avery ([REDACTED])
Comment ID	PSLP_2278
Response Date	04/06/21 09:31
Consultation Point	Policy STR 2 Place Shaping and Design (View)
Status	Processed
Submission Type	Email
Version	0.3
Files	Residents Against Ramslye Development whole submission redacted.pdf

Data inputter to enter their initials here HB

Question 1

Respondent's Name and/or Organisation Jacqui Avery

Question 3

To which part of the Local Plan does this representation 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 2 Place Shaping and Design

[TWBC: see also further comments on individual sections and policies - PSLP_2269 and 2272-2279. The whole representation form (personal details redacted) has also been attached as it contains plans and images]

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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This response is made on behalf of the 669 signatories on the petition submitted in response to Regulation 18 which was delivered to TWBC Planning Services in 2019 and the Facebook group 'Residents Against Ramslye Development' whose membership is currently 247 (names can be provided if required). We have noted guidance 4.3 and have encouraged the people opposed to the development of site 137/ Policy AL/RTW 16 'Land to the west of Eridge Road at Spratsbrook Farm' not to make separate responses repeating the same points as those made here; some however will no doubt have submitted individual responses.

We support the broad thrust of this policy. We are encouraged by the form of words used in "setting requirements" rather than "having regard to". In particular we support point 3 of the requirements to "Conserve and enhance assets of historic, landscape, or biodiversity value". With this in mind we consider any development of site RTW 16 which has significant value in terms of historic, landscape and biodiversity (including the eastern side) would breach this requirement.

Question 6

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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_159

Comment

Consultee	Jacqui Avery ([REDACTED])
Email Address	[REDACTED]
Address	[REDACTED] Tunbridge Wells TN4 [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Jacqui Avery ([REDACTED])
Comment ID	PSLP_2277
Response Date	04/06/21 09:31
Consultation Point	Policy STR 3 Brownfield Land (View)
Status	Processed
Submission Type	Email
Version	0.3
Files	Residents Against Ramslye Development whole submission redacted.pdf
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Jacqui Avery
Question 3	
To which part of the Local Plan does this representation 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	
[TWBC: see also further comments on individual sections and policies - PSLP_2269 and 2272-2279. The whole representation form (personal details redacted) has also been attached as it contains plans and images]	
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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This response is made on behalf of the 669 signatories on the petition submitted in response to Regulation 18 which was delivered to TWBC Planning Services in 2019 and the Facebook group 'Residents Against Ramslye Development' whose membership is currently 247 (names can be provided if required). We have noted guidance 4.3 and have encouraged the people opposed to the development of site 137/ Policy AL/RTW 16 'Land to the west of Eridge Road at Spratsbrook Farm' not to make separate responses repeating the same points as those made here; some however will no doubt have submitted individual responses.

We support the inclusion of a policy on Brownfield development. We consider the policy should be further strengthened to ensure that development of Brownfield land should be completed and built out before Green field sites and certainly before any land is released from 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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Remove site 137/ AL/RTW 16 'Land to the west of Eridge Road at Spratsbrook Farm' from the plan.

Question 7

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Future Notifications

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Supporting Information File Ref No: SI_159

Comment

Consultee	Jacqui Avery ([REDACTED])
Email Address	[REDACTED]
Address	[REDACTED] Tunbridge Wells TN4 [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Jacqui Avery ([REDACTED])
Comment ID	PSLP_2276
Response Date	04/06/21 09:31
Consultation Point	Policy STR 5 Infrastructure and Connectivity (View)
Status	Processed
Submission Type	Email
Version	0.3
Files	Residents Against Ramslye Development whole submission redacted.pdf
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Jacqui Avery
Question 3	
To which part of the Local Plan does this representation 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: see also further comments on individual sections and policies - PSLP_2269 and 2272-2279. The whole representation form (personal details redacted) has also been attached as it contains plans and images]

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

If 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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We welcome the inclusion of plans to allocate land to provide a new medical centre at Showfields Road. The surgery at Rowan Tree closed in January 2020. The policy seeks to "ensure adequate healthcare infrastructure is provided as part of new development". In view of the closure of the Rowan Tree surgery this appears to be no more than aspiration. We do not consider the policy is likely to be effective or meet residents' reasonable expectations, nor are there any clear, objective measures that would enable residents to hold TWBC to account. This policy should be revised to explain what "adequate" means by reference to availability of services within a distance that would also meet the active travel policy objective (i.e. walking distance).

Question 6

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Remove site 137/ AL/RTW 16 'Land to the west of Eridge Road at Spratsbrook Farm' from the plan.

Question 7

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Supporting Information File Ref No: SI_159

Comment

Consultee	Jacqui Avery ([REDACTED])
Email Address	[REDACTED]
Address	[REDACTED] Tunbridge Wells TN4 [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Jacqui Avery ([REDACTED])
Comment ID	PSLP_2275
Response Date	04/06/21 09:31
Consultation Point	Policy STR 7 Climate Change (View)
Status	Processed
Submission Type	Email
Version	0.3
Files	Residents Against Ramslye Development whole submission redacted.pdf

Data inputter to enter their initials here	HB
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Question 1

Respondent's Name and/or Organisation	Jacqui Avery
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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 7 Climate Change

[TWBC: see also further comments on individual sections and policies - PSLP_2269 and 2272-2279. The whole representation form (personal details redacted) has also been attached as it contains plans and images]

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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We strongly support the inclusion of a strategic policy addressing climate change. However, we are concerned that the policy will ultimately fail in its objective because of a lack of specific targets and the inevitable tension with the content of the rest of the plan. We set out below some observations and suggestions in support of our position.

Paragraph 4.109 of the Pre-Submission Local Plan quotes the NPPF as "requiring contributions to a radical reduction in greenhouse gas emissions, minimising vulnerability and improving resilience; encouraging the reuse of existing resources". However, we note there are no requirements in the plan for radical greenhouse gas emissions, or any discussion of measuring those emissions to allow reductions to take place. STR7 gives some attention to emissions from travel and the energy requirements of any new housing, but it gives no attention to the emissions caused by the building of the houses themselves, which will be considerable and result in a rise in the borough's carbon output over the term of the plan - precisely when the town is required to reduce its carbon output.

Vulnerability will largely be increased by the loss of biodiversity and local ecology, and new drainage issues - a large portion of the plan calls for building on one of the most vulnerable flood plains in the area. We believe that developers will be at liberty to interpret these phrases resulting in a plan which fails to satisfy the NPPF.

In addition, we consider section 4 of STR7 should be amended to allow for 'partner engagement' with residents, or members of the environmental community - both of whom will have important local knowledge.

Question 6

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Remove site 137/ AL/RTW 16 'Land to the west of Eridge Road at Spratsbrook Farm' from the plan.

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

Supporting Information File Ref No: SI_159

Comment

Consultee	Jacqui Avery ([REDACTED])
Email Address	[REDACTED]
Address	[REDACTED] Tunbridge Wells TN4 [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Jacqui Avery ([REDACTED])
Comment ID	PSLP_2274
Response Date	04/06/21 09:31
Consultation Point	Policy STR 8 Conserving and Enhancing the Natural, Built, and Historic Environment (View)
Status	Processed
Submission Type	Email
Version	0.3
Files	Residents Against Ramslye Development whole submission redacted.pdf
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Jacqui Avery
Question 3	
To which part of the Local Plan does this representation 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: see also further comments on individual sections and policies - PSLP_2269 and 2272-2279. The whole representation form (personal details redacted) has also been attached as it contains plans and images]

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:	<ul style="list-style-type: none">. It is not positively prepared. It is not effective. It is not justified. It is not consistent with national policy
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Question 5

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We support this policy – and as a result are mystified as to why the plan includes site AL/RTW 16 as a potential site for development given its setting adjacent to the AONB, its Greenbelt status and its sensitivity and contribution to the landscape. As things stand in this plan, it is not clear TWBC has any realistic chance of meeting this policy.

Question 6

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Question 7

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Supporting Information File Ref No: SI_159

Comment

Consultee	Jacqui Avery ([REDACTED])
Email Address	[REDACTED]
Address	[REDACTED] Tunbridge Wells TN4 [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Jacqui Avery ([REDACTED])
Comment ID	PSLP_2273
Response Date	04/06/21 09:31
Consultation Point	Policy STR 9 Green Belt (View)
Status	Processed
Submission Type	Email
Version	0.3
Files	Residents Against Ramslye Development whole submission redacted.pdf

Data inputter to enter their initials here HB

Question 1

Respondent's Name and/or Organisation Jacqui Avery

Question 3

To which part of the Local Plan does this representation 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: see also further comments on individual sections and policies - PSLP_2269 and 2272-2279. The whole representation form (personal details redacted) has also been attached as it contains plans and images]

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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"The release of Green Belt land has been undertaken through this Local Plan, and is detailed where relevant in the place shaping policies in Section 5.

In order to protect the remaining Green Belt, as defined on the draft Policies Map, the Council will consider the proposal against the relevant policy in the National Planning Policy Framework, or the national planning policy at the time a planning application is being determined."

TWBC's policy simply doesn't adequately protect the Green Belt. The plan dedesignates 5.35% of the borough's Green Belt, with only a small area South West of Paddock Wood being added. If this pattern of dedesignation is repeated each time the plan is updated/replaced, the Green Belt will disappear. The South East of England is already more densely populated than other parts of the country. The borough cannot build and build, and maintain what is special to this area. The policy should be more explicit about protecting those areas of Green Belt that are either more sensitive or contribute more to the Green Belt policy objectives.

In addition, given the number of local plans around the country that propose the development of Green Belt land, we find it very difficult to believe that each district or borough can be exceptional – we think you must agree that would be an exceptional number of exceptional circumstances.

Individual site planning applications should address the removal of land from the Green Belt. This should not be done by the Local Plan as the time period covered is lengthy and changes might negate the need.

Question 6

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Remove site 137/ AL/RTW 16 'Land to the west of Eridge Road at Spratsbrook Farm' from the plan.

Question 7

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Future Notifications

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Supporting Information File Ref No: SI_158a-b

Comment

Consultee	Jacqui Avery ([REDACTED])
Email Address	[REDACTED]
Address	[REDACTED] Tunbridge Wells TN4 [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Jacqui Avery ([REDACTED])
Comment ID	PSLP_2269
Response Date	04/06/21 09:31
Consultation Point	Policy AL/RTW 16 Land to the west of Eridge Road at Spratsbrook Farm (View)
Status	Processed
Submission Type	Email
Version	0.5
Files	Residents Against Ramslye Development whole submission redacted.pdf PSLP 945 RARD spreadsheet SI.pdf
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Jacqui Avery
Question 3	
To which part of the Local Plan does this representation 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

[TWBC: see also further comments on individual sections and policies - PSLP_2272-2279. The whole representation form (personal details redacted) has also been attached as it contains plans and images]

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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- . It is not effective
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Introduction

We consider this Policy to be unsound as it is not effective, justified or consistent with national policy. Specifically, while we welcome the decision to reduce the size of the site allocated to development from 15ha to 6ha, we consider the remaining site should be deemed unsuitable for the following reasons:

- . The case for exceptional circumstances required to remove the land from the Green Belt has not been made;
- . The site's contribution to the purposes of Green Belt has been incorrectly assessed and its contribution is far greater and thus the harm caused by its removal is far greater;
- . Insufficient weight has been given to the infrastructure implications of developing the site including but not limited to the capacity of the road network to support it and the availability of adequate primary healthcare services;
- . The landscape and visual value of the site is significantly greater than the Pre-Submission Local Plan attaches to it;
- . The development of the site would directly contravene many of the policies we support as set out in the Pre-Submission Local Plan including but not limited to STR 1, 2, 4, 5 and 8 and EN 4, 5, 9, 10, 12, 13, 18, 19, 20 and 21;
- . There are material errors and inconsistencies in the sustainability appraisal that makes the appraisal unsound and therefore the decision to make it a suitable site for development unsound; and

- . The Broadwater ward is disproportionately impacted accounting for c.500 of the c.1500 houses planned for RTW.

We set out below in more detail why we have come to the view that this Policy is unsound. We have drawn our evidence from a variety of sources and we show where there are errors and inconsistencies between the various supporting documents and assessments. We want to register our strong objection to any development on this site and we make the following points in support of our objection:

1 Green Belt designation: The land is Green Belt and it must not be released for development

The decision to declassify any Green Belt must meet the criteria set out in the National Planning Policy Framework (NPPF). In addition, the decision to declassify should be subject to significant analysis and challenge given the permanence of the decision – i.e. once it's gone it's gone. The expectation set out by government in the NPPF is that new Green Belt will not be designated, therefore the barriers to declassifying should be as high as they are for classifying new Green Belt.

Paragraph 136 of the NPPF says:

“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.”

Paragraphs 143 to 144 go on to say:

“Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.”

We do not consider the local plan meets the thresholds set in the NPPF to release the site from the Green Belt. Section 5.101 states “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”.

We do not consider that the case for the exceptional circumstances has been made to release the site from the Green Belt. We set out our reasons below covering:

- . a demonstrably incorrect Green Belt Study assessment of the harm;
- . the value the site makes to the setting of the High Weald AONB, High Rocks Hill Fort and Broadwater Down Conservation area has not been adequately reflected;
- . a planned excess of house building over and above the objectively assessed need; and
- . the release would be incompatible with several of the Pre-Submission Local Plan's policies.

Incorrect Green Belt Study assessment

The Development Strategy Topic Paper states in conclusion that this site is a “Sustainable location on edge of main settlement with connections to town and rural landscape. Can improve landscape approach to RTW”.

We do not agree with the assessment of the site as set out in the Green Belt Study 3. In particular we consider there is a clear and strong connection of the site to the rural landscape and countryside. Our conclusion is supported by the assessment made in the Green Belt Study 2 which concluded “The parcel is adjacent to the large built-up area but relates more strongly to the wider countryside”, and the conclusion of the visual impact assessment that states “The site has a strong rural character despite it's (sic) location adjacent to the settlement edge of Royal Tunbridge Wells.” We consider the assessment made in Green Belt Study 3 is incorrect and should be changed. There has been no explanation or justification as to why it departs from the assessment made in the Green Belt Study 2 which concluded that releasing the site from the Green Belt would have a high detrimental impact rather than moderate to low as set out in Green Belt Study 3.

The Tunbridge Wells Green Belt Study Stage Two (TWGBSST) prepared in July 2017 assesses the degree of harm caused by the potential loss of this site (referenced as TW10 in the TWGBSST) as high (the second highest rating). It also assesses the contribution of this site to the NPPF criteria for Green Belt as relatively strong (the second highest rating) in three out of the four criteria assessed. The TWGBSST presents a strong evidence base to retain this site in the Green Belt. It seems to us

that Green Belt Study 3 has merely sought to confirm a more convenient answer for the purposes of the local plan and cannot be justified rationally. On that basis we consider the removal of any of site AL/RTW 16 from the Green Belt cannot be justified and therefore the plan is unsound with respect to that aspect.

Using the published methodology, we consider this site's (RTW18 in the Green Belt study) contribution to purposes 1, 3 and 4 should be reassessed to "Strong". The site's contribution to "checking the sprawl of the built-up area" is clearly strong. The argument that because the boundary with the built urban area is defined mainly by gardens makes it more connected to the urban than the countryside does not bear serious scrutiny. It is clear (and the Green Belt Study 2 agrees) the site is much more connected with the countryside.

The site's contribution to purpose 3 "Assist in safeguarding the countryside from encroachment" is clearly greater than moderate because it is connected with the countryside and it is undeveloped.

The site's contribution to purpose 4 "Preserve the setting and special character of historic towns" should also be amended to reflect its visual prominence and is characteristic of medieval assart as well as contributing to the setting of the Scheduled Monument in the north west corner of the site and to the conservation area of Broadwater Down.

We also challenge the impact assessment as set out Green Belt Study 3 as we consider the methodology to be flawed. If we have understood the methodology correctly, most weight is given to the impact on adjacent Green Belt. In the case of this site, the adjacent land that is clearly connected to the countryside while being in the High Weald AONB is not Green Belt. If this methodology is taken to its logical conclusion, over the years the effect will be to continue to chip away at the remaining Green Belt until there is none left. We have set out above that the land at this site is clearly more connected to the countryside and the adjoining open fields and its loss will have a much greater impact than negligible.

The policy objective of Green Belt designation is to keep the land open. Any common-sense assessment of the land at this site will see that it is open, and in this case as set out in the visual impact assessment, the land has been open since the medieval period and as such must therefore make a strong contribution to the purposes of Green Belt. We therefore consider the overall harm of releasing this site from the Green Belt should be amended from Low-Moderate to Moderate-High.

Incorrect assessment of the landscape value of the site with respect to the High Weald AONB, Hill Fort and Broadwater Down Conservation Area

The Landscape and Visual Impact Assessment states the following in respect of this site "The site has a strong rural character despite its location adjacent to the settlement edge of Royal Tunbridge Wells. The undulating topography creates visual interest and affords some long, panoramic views from within the site, framed by woodland. These views include the settlement and spires of Royal Tunbridge Wells to the north and east, set within a wooded landscape. Views to the south are rural in character. The historic field pattern remains visible within the landscape and there is contrast between the open fields and the enclosure of the adjacent woodland." We agree with this assessment and do not consider the case has been adequately made that the removal of the southern part of the site can be justified given its contribution to the visual landscape. For example, the majority of the "undulation" is in the southern half of the site and its impact would be lost if it were developed.

In addition, we note that the Broadwater Down Conservation Area Assessment (CAA) states that "The Junction of Broadwater Down and Eridge Road is the west entry point into Tunbridge Wells. It makes the boundary between Kent and Sussex, and between town and country. Hargate Forest limits the southward expansion of development, and establishes a character of thickly wooded approaches to the town. As the ridge of Broadwater Down meets the Eridge Road views open out across the Grom River valley to Nevill Park and beyond to the common at Bishops Down. The 1950s suburb of Ramslye lies almost unnoticed in the valley." It would seem this assessment of both landscape value and the limit of the urban environment is at odds with the other assessments made. We consider the assessment made in the CAA to be more accurate and plausible than that made in Green Belt Study 3 and indeed more consistent with that made in Green Belt Study 2.

Excess building over and above the objectively assessed need

We do not consider that the case for exceptional circumstances can be made when the plan allows for building more dwellings than the objectively assessed need requires (notwithstanding our view that the methodology is deeply flawed). The decision to support some authorities (Sevenoaks) who have

not met their objectively assessed need is laudable but when so much Green Belt in the TW Borough is being sacrificed, it merely moves the problem from one district's Green Belt to another.

Incompatibility with other policies

We consider the release of this site from the Green Belt is inconsistent with policy STR8 (Conserving and enhancing the natural, built, and historic environment). In particular, it has not been demonstrated how its release would be consistent with clauses 1, 2 and 5 of that policy. If we as local citizens are to be able to rely on these policies, it is of the utmost importance that the council adheres to all of its policies and manages the inevitable tensions in a transparent and robust way. We do not consider that given the high degree of harm to the Green Belt that would be caused by its release, that this site can ever be released in a way that is consistent with this policy and we therefore urge the council to withdraw this site from further consideration.

We also consider the release of the site would be incompatible with the following policies:

STR 2 Place Shaping and Design

STR 6 Transport and Parking

STR 7 Climate Change

STR 8 Conserving and Enhancing the Natural, Built, and Historic Environment

STR 9 Green Belt

EN 3 Climate Change Mitigation and Adaptation

EN 4 Historic Environment

EN 5 Heritage Assets

EN 9 Biodiversity Net Gain

EN 10 Protection of Designated Sites and Habitats

EN 11 Ashdown Forest Special Protection Area and Special Area 359 of Conservation

EN 12 Trees, Woodland, Hedges, and Development

EN 13 Ancient Woodland and Veteran Trees

EN 16 Landscape within the Built Environment

EN 18 Rural Landscape

EN19 The High Weald Area of Outstanding Natural Beauty

EN 20 Agricultural Land

EN 26 Sustainable Drainage Systems

some of which we consider in more detail in our comments on those policies, but most importantly they do not appear to have been adequately (or in some cases at all) considered in the proposal to remove the site from the Green Belt.

- 1 Heritage matters (adjacent to Conservation Area): additionally, the site includes a Scheduled Monument (with archaeological potential), and is adjacent to listed buildings and a historic farmstead.**

Historic England lists Scheduled Monument references 1002280 (prehistoric rock shelters and a multivallate hillfort at High Rocks, 309m ESE of High Rocks Inn) and 1003816 (prehistoric rock shelters and a multivallate hillfort at High Rocks, 309m ESE of High Rocks Inn) and consequently the prescribed processes must be followed in relation to any development which might affect it. The Schedule of Monuments has only 19,854 entries (2016) and TWBC is urged to continue to support the protection of this site.

While we welcome the changes made from the draft local plan and acknowledge that the Pre-Submission Local Plan affords more protection to the Scheduled Monument and its setting, we consider the remainder of the site should also be considered as contributing to its setting. The plan as it stands does not adequately address the requirements set out in sections 189-202 of the National Planning Policy Framework regarding heritage assets. In particular, the requirement to take account of the contribution made by their setting and that any adverse impact on a Scheduled Monument should only

be sanctioned in “wholly exceptional circumstances”. With respect to the northern part of the site there is however one issue that should be clarified: the usage of the undeveloped area. Para 5.103 of the Plan suggests that it should be used for ‘informal open space/recreation’, yet Requirement 5 talks of ‘an approved scheme of agriculture with public access’, which could be very different things. Both land use and access are important considerations in assessing the impact on the setting of the Hillfort.

In addition, section 187 b requires authorities to “predict the likelihood that currently unidentified heritage assets, particularly sites of historic and archaeological interest, will be discovered in the future.” It seems clear given the overall scale of the Hill Fort it would be very likely that there lies a wealth of so far unidentified historically significant archaeology in the fields surrounding the Hill Fort and they should all therefore be conserved in accordance with section 187 b. We do not consider the assessment or SHELAA has given sufficient weight to the likely undiscovered heritage value of the rest of the site. There is evidence from previous excavations for example that an historic routeway runs through the site ‘On the conclusion of the partial excavations of the Hillfort in 1961 James Money wrote, “*The Period II entrance was realigned and it appears to join up with an old trackway which leads away from the fort, through Ramslye Farm and over to Broadwater Down*”.

We also understand that where the site narrows between west and east halves of the site, there is evidence of flint and other artefacts from amateur finds.

Additionally, the site is adjacent to two listed buildings (Ramslye Old Farmhouse and Ramslye Farmhouse), and Ramslye Old Farmhouse is an historic farmstead adjacent to the same Mesolithic and Neolithic rock formations as the High Rocks at Ramslye Farm. In James Money’s book **Excavations at High Rock Hillfort 1954-1956** he concludes that “*outcrops of Sandstone in nearby areas including Ramslye Farm were once occupied by man due to its proximity to a watercourse, however on many sites the overhanging’s are no longer visible*”. We note the site constraints include a buffer for the listed Farmstead but nothing for the other listed building; we do not consider the current mitigations to be adequate in preserving their settings.

1 Highway matters: The existing road network cannot support a development of the size and nature proposed

We do not consider any development on this site can be consistent with Policy STR 6 Transport and Parking. The proposal to develop the site will add an unsustainable level of traffic to Eridge Road.

Data from the Tunbridge Wells Park and Ride Feasibility Study shows Eridge Road supports almost the same amount of traffic as Pembury Road, which are both significantly busier than other access roads (see table 2a below reproduced). We note that the Transport Strategy document uses different and older data as its evidence base than that used in the Regulation 18 consultation (see table 2 below reproduced). It is not at all clear why the plan would use this data which we understand is based on 2014 data from the DfT when the draft plan used data from 2016. This is particularly relevant when considering any site on the south side of RTW. The 2014 data shows an 8% differential between the A264 Pembury Road and the A26 Eridge Road, whereas the 2016 data shows a differential of only 3% (see table 2a).

Examination of the change in daily traffic flow from 2014 to 2016 would lead to the reasonable conclusion that the flow on the A26 Eridge Road is growing at a faster rate than the A264 Pembury Road and notwithstanding the exceptional circumstances of 2020. The estimate is that between 2014 and 2016 traffic on the A26 Eridge Road grew by 3%, whereas it declined by 1.8% on the A264 Pembury Road. On that basis, taking a simple extrapolation, the A26 Eridge Road could easily now have the highest traffic flow of all of the major Tunbridge Wells access roads.

Table 2: DfT Estimated Daily Traffic Flows, 2014 (used for Regulation 19 consultation)

[TWBC: our underlined indicates red font in attached full representation]

Road

Link

Cars, Taxis

All Motor Vehicles

A264 Pembury Road

B2023 to Blackhurst Lane

20,233

24,669 (8% more than A26 Eridge Road)

A267 Frant Road

B2169 to A26

11,071

13,428

A26 Eridge Road

LA Boundary to A267

19,220

22,822

A264 Langton Road

A264 Mount Ephraim to A26

7,523

8,593

A26 London Road

A26 Mount Ephraim to Birchwood Avenue, Southborough

14,797

18,359

Table 2a: DfT Estimated Daily Traffic Flows, 2016 (used for Regulation 18 consultation)

Road

Link

Cars, Taxis

All Motor Vehicles

A264 Pembury Road

B2023 to Blackhurst Lane

19,408

24,215 (3% more than A26)

(-1.8% since 2014)

A26 Eridge Road

LA Boundary to A267

19,746

23,496 (+3% since 2014)

The scale of development in the Broadwater ward (sites AL/RTW 11, 12, 13, 14, 15 and 16 totalling c.500 new dwellings) will put additional pressure on both the A26 and A267. The transport strategy document states at 3.20 "East Sussex County Council (ESCC) has prepared a Local Transport Plan 3 2011-2026 (adopted 2012). The A26 and A267 connect Wealden District and the rest of East Sussex to Tunbridge Wells. These roads are heavily used by residents travelling to and from Tunbridge Wells to access jobs, services, healthcare and education. The roads have poor accident records". However, we note that neither the transport strategy document nor the infrastructure delivery plan make any proposed improvements or traffic calming measures on either of those roads.

The RAC reports that in the Tunbridge Wells Borough, car ownership is 560 per 1000 population. On that basis, the c.500 new dwellings proposed in the ward, with the same occupancy rate as the current TW average (2.35 people) would add c.658 cars to the current traffic flow. In addition, we are aware

of proposals for significant development in Crowborough which would further likely add to the daily traffic on the A26.

We do not consider the plan to be sound in respect of the development of this site when considered against transport and infrastructure policies. The data used is not the most up to date and given the poor accident rate on the road reported by East Sussex highways, the plan significantly overdevelops the area taking account of the existing road network and usage. Given this site is Green Belt and greenfield and many of the other sites in the Broadwater ward are not, we consider the site should be removed from the draft plan.

There is **no** existing road access to the site, only a private driveway to two houses, which is in fact in Wealden - we believe the Pre-Submission Local Plan is incorrect on this point - and a new access road would be required creating additional road safety issues on an already very busy road with poor visibility. The introduction of a roundabout for example (if indeed there is space without using Wealden land), would adversely affect the flow of traffic on the A26, creating the sorts of tailbacks already experienced on Pembury Road. We are disappointed by the lack of detailed consideration of the issues relating to the road and access. We consider the vague "TBC" for junction improvement schemes shows insufficient consideration has been given to this aspect of developing the site.

When considered against the evidence set out above, it is clear that the current road and parking infrastructure cannot support the level of intensive development proposed without some drastic form of intervention to divert existing and additional through traffic from the A26 to the A21 to the south of Tunbridge Wells.

Further consideration should also be given to the impact on the existing residents of the Ramslye estate. The estate is currently a relatively quiet, green environment. It benefits from public open spaces that are used by the community, which adds to its character and general feel. This has been amplified by the COVID-19 lockdown which has seen residents rely on the area for relaxation and exercise. The impacts of being able to access green space are being increasingly recognised, more so since this plan was started. <https://pubmed.ncbi.nlm.nih.gov/28882650/>

<https://post.parliament.uk/research-briefings/post-pn-0538/>

There is no firm policy to reduce car use from any new development, it is merely aspirational and based on the status of the site as urban as opposed to rural when in fact the site will be in excess of 1.5 miles from the retail centre of the town. As is the case with many semi-rural and suburban areas, many people are reliant on their cars even for short journeys.

1 Agricultural Land Classification: Grade 4, Urban

As noted in our response to the Regulation 18 draft local plan consultation the SHELAA has incorrectly graded the land as Grade 4, Urban when the correct classification is Grade 3a (in respect of the North West part of the site) and Grade 3b (in respect of the South East part of the site). We also note this error has been continued into the site assessment sheet and other documents. Had the site been correctly graded we consider the site would have been deemed unsuitable.

This Policy confirms the site consists of managed agricultural land and the site is an assart field.

[TWBC: for plan and legend see full representation attached].

An ALC of land at Ramslye Farm undertaken in October 2014 by Vaughan Redfern Agricultural and Rural Development on behalf of TWBC stated the site is a mix of subgrade 3a[1] and 3b. Grade 3a means it should be protected under the "Best and Most Versatile" (BMV) rules.

Note, this plan covering an area of 24.5 hectares extends beyond site 137, across the county border into Wealden.

[1] Subgrade 3a - good quality agricultural land

Land capable of consistently producing moderate to high yields of a narrow range of arable crops, especially cereals, or moderate yields of crops including: cereals; grass; oilseed rape; potatoes; sugar beet; less demanding horticultural crops.

FarmingUK recently reported:

"The government has been told to prioritise food security as new figures show Britain's self-sufficiency sits at just 64% - a number which has remained stagnant for years."

Today (Friday 21 August) marks the notional date in the calendar that would see the country run out of food if it relied solely on domestic produce.

The UK is only 18% self-sufficient in fruit, 55% in fresh vegetables and 71% in potatoes, according to new figures released."

We consider it highly undesirable to release productive land such as this site to development in view of these facts and indeed contrary to the national interest.

If the correct classification had been used then we consider that developing this site would have been deemed unsuitable and clearly contravening policy EN 20 Agricultural land which states "Where development of agricultural land is required, applicants should seek to use areas of poorer quality agricultural land in preference to that of higher quality, except where this would be inconsistent with other sustainability objectives." We do not consider it is appropriate to build on this actively farmed land, which has been ploughed and sown and looks to be providing a useful cereal crop, whereas sites such as AL/RTW 99, AL/RTW 114 and AL/RTW 166 have been graded as 3 and yet have not had a crop in living memory and are disconnected from the surrounding countryside and farmland by the road network. We consider there are other greenfield sites available that are not as productive and do not contribute to the land use objectives as much this site. We consider the assessment to release this agricultural land to be unsound as it cannot be justified especially given the error in classification.

1 Cross boundary

The sustainability appraisal concluded there are no cross boundary issues with Wealden District Council. We dispute this conclusion. In the TWBC FOI (ref: FO08223) response supplied in respect of this site it makes reference to "likely cross boundary issues" and we understand discussions with Wealden have taken place although conveniently it would appear no notes were taken.

1 Noise – road and air

We welcome the recognition of road noise as an issue to consider. The A26 already experiences high levels of road noise.

Noise from road traffic is the second most harmful environmental pollutant in Europe behind air pollution according to the World Health Organisation.

Noise and disturbance from flights arriving at and leaving from Gatwick is a known problem affecting the local area. Organisations such as Gatwick Area Conservation Campaign (GACC), Tunbridge Wells Anti-Aircraft Noise Group (TWAANG), Communities Against Gatwick Noise Emissions (CAGNE), Gatwick Obviously NOT (GON) and Plane Wrong have been working for many years to try to minimise Gatwick's impact. Flight paths were changed in 2014 (without consultation) and complaint numbers have risen significantly and consequently new groups have been established. Gatwick plans to substantially increase traffic by bringing its standby runway into daily use.

TWBC must fully consider the current problem as seen by residents and the scale of the problem if Gatwick is allowed to grow as planned taking account of any post pandemic structural changes to air travel. Notwithstanding the decline in air travel associated with the Covid pandemic we consider it sound to assume air traffic numbers will recover in the future and the problem will return.

From 24 hour Webtrak videos of planes crossing within audible distance of Ramslye (3km), it is calculated any new houses would be exposed to an average of 221 overflights a day, half of Gatwick traffic. From DOT calculations, World Health Organisation night noise limits would be exceeded for those living there. It would be dishonest to offer houses for sale in a location which is severely impacted by Gatwick, and will be even more so if Gatwick traffic increases by 40% as per the airport's plan.

[TWBC: see full representation attached for image of information taken from WEBTRAK website]

Landscape and Biodiversity Officer's assessment

Set out below is an excerpt from an email from TWBC's Landscape and Biodiversity Officer, obtained via TWBC FOI ref: FO08223. This email dated April 2019 details far more issues than the SHELAA for site 137 dated July 2019. Examples: "High Rocks to the north west is a Scheduled Ancient Monument and a SSSI (Site of Special Scientific Interest) [see Draft Local Plan Appendix 1: Biodiversity/ geodiversity sites within TW borough]]. A Public Right of Way extends east west just south of the site and Friezland Wood [see Appendix 1: Biodiversity/ geodiversity sites, Local Wildlife Sites (LWS) TW23] to the north is used for informal recreation...".

As the SHELAA was incomplete, either the site must be rejected as not suitable or it must be compared again to the SHELAA's for the sites listed above. The Policy made reference to many of the issues, but this cannot be relied upon as other sites had already been discounted based on the information documented on the SHELAA and therefore an accurate comparison had not been made.

[TWBC: see full representation for excerpt from TWBC's Landscape and Biodiversity Officer].

We note that Wealden District Council has carried out a thorough ecology survey of sites in its District. We are disappointed that TWBC has not commissioned its own survey given the obvious sensitivity of the site. Absent its own survey TWBC should put more weight than it has done on the Wealden survey to inform its evidence base.

Name of site

It is not clear why this site is named Spratsbrook Farm, as when an Ordnance Survey map is consulted, the name Spratsbrook Farm appears on the east of the A26, on the south side of Strawberry Hill Farm. There are buildings on the west of the A26, opposite the name Spratsbrook Farm, but this site borders Ramslye and can much more accurately be described as Ramslye Farm. The absence of 'Ramslye' from the site name means local people might have overlooked it when considering the draft local plan.

Conclusion

This site was concluded to be suitable because "it lies adjacent to the main urban area and is likely to be sustainable in this context. It is also adjacent to the A26 Eridge Road a key distributor road". We have provided much evidence to challenge the sustainability assessment which is too positive and TWBC's 2014 study shows the A26 is already a very busy road with only 3% less traffic than Pembury Road but the A26 could easily now have the highest traffic flow of all of the major Tunbridge Wells access roads.

Several sites large enough to accommodate significant housing were concluded to be unsuitable because they are in the High Weald AONB/Green Belt/there is a landscape impact, there is heritage impact and there is high traffic. Some of these sites have been incorrectly classified as AONB and rated too highly in terms of Green Belt value. This site has a Scheduled Ancient Monument and contributes to the setting of the Broadwater Down conservation area, yet other sites were dismissed for less significant heritage reasons. Traffic is already a major issue for the A26.

This site has been scored inconsistently and more favourably than other development sites. By failing to include sites not in the AONB, TWBC's policy in respect of RTW16 is unsound as it does not comply with the NPPF requirements to demonstrate the exceptional circumstances required to develop this site. We have set out a compelling and reasoned case to remove this site from the Pre-Submission Local Plan.

Section 6: Development Management Policies

We set out below some more detailed concerns where we consider the development of this site would be in direct conflict of the policies proposed in the Pre-Submission Local Plan.

As can be seen there are many policies (12 by our count but we accept there could be more). On that basis, given the seriousness and number of conflicts, we consider the plan to be unsound with respect to the proposal to develop on this site.

Policy EN 3 Climate Change Mitigation and Adaptation

No carbon audit for the plan has been carried out and TWBC has confirmed there is no intention to carry out any audit.

TWBC declared a climate emergency in 2019 with one of the aims being to achieve net-zero carbon emissions by the year 2030. Net-zero emissions have been stated as a priority at international, national and local government levels.

Given a lack of audit it is unclear how the council intends to mitigate and prevent large carbon expenditure. Given the importance of the subject, no plan should go ahead without solutions in place. The plan is aspirational but not deliverable (NPPF 16b), as the scale of the carbon problem has not been properly considered. It conflicts with the needs and wishes of the town in its declaration of a climate emergency (NPPF 16c, 25).

Policy EN 5 – Heritage Assets

We support this policy. We note the policy states “Proposals that affect a designated or non-designated heritage asset, or its setting, will only be permitted where the development conserves or enhances the character, appearance, amenity, and setting of the asset”. We do not consider any reasonable case has been made that explains how the development of site AL/RTW16 can comply with this policy given the existence of the Scheduled Monument on the site and the likely archaeological value of the surrounding area, as well as the adjacent conservation area, the historic farmstead and other listed properties.

Policy EN 9 - Biodiversity Net Gain

The policy states that development will only be permitted where it can be demonstrated that there will be a measurable long term net gain for biodiversity. The Biodiversity evidence base sets out a species list taken from the Kent and Medway Biological Records Centre (KMBRC) but it is woefully out of date and totally inadequate for site AL/RTW16. One notable omission on the KMBRC's list for this site is the skylark. Skylarks, which are on the International Union for Conservation of Nature's Red List of Threatened Species, nest every year on this site. They are ground-nesting birds, so developing the eastern part of the site and turning the western part of the site into an amenity area would result in the destruction of their habitat. No reliable assessment of net gain can be made by TWBC. TWBC ought to be consulting sources such as the RSPB (particularly given its nearby Broadwater Warren reserve) and its results from its Garden Birdwatch scheme and iRecord which allows local people to record wildlife sightings. Species missing from the KMBRC list include the following examples:

- Kingfisher
- Heron
- Sparrow Hawk
- Red and black lesser spotted Woodpecker
- Red and Green common Woodpecker
- Lapwing
- Buzzard
- Greenfinch
- Bullfinch
- Pheasants
- Mallard Ducks
- Moorhens
- Mandarin Ducks
- Swifts
- Swallows
- Coal tit
- Marsh tit
- Chaffinch
- Goldfinch
- Brambling
- Yellow hammer
- Dormice
- Deer

RSPB Broadwater Warren website sightings in April and May included:

- ring ousels
- wood warbler
- tree pipit

blackcaps
garden warblers
willow warblers
chiffchaffs
peregrine falcon
ravens
spotted flycatcher
common toad
common frog
smooth newts
comma butterfly
brimstone
orange tip
Holly blue
green hairstreak
peacock
small tortoiseshell
Beautiful Demoiselle
Azure Damselfly
Large Red Damselfly
Blue-tailed Damselfly
Emperor Dragonfly
Hairy Dragonfly
Downy Emerald
Broad Bodied Chaser
Four Spotted Chaser

Given its proximity to this site, it is likely many of these species will be present

We note also an absence of consideration of the flora on the site which includes bluebells that are protected and the common twayblade, a rare type of wild orchid.

Policy EN 10 - Protection of designated sites and Habitats

Natural environment: we consider any development of site AL/RTW16 is incompatible because of its proximity to Ashdown Forest SPA and SPAC. The site is only just outside of the 7km special protection zone at approximately 8km and therefore before any decision on its suitability can be made the requisite studies should be undertaken as per paragraph 6.166 of the Pre-Submission Local Plan. In addition, any development of this site would compromise the accessibility to important geological sites.

Policy EN 12 - Trees, Woodland, Hedges, and Development;

Policy EN 13 - Ancient Woodland and Veteran Trees

Any development of site AL/RTW16 would not be compatible with these policies because it would result in the loss of veteran trees which are outside of protected ancient woodland. On investigation, we identified at least two 'valuable' oaks i.e. >4.7m girth, and at least seven 'potentially interesting' oaks i.e. >3.2m girth. The policy says "development proposals shall not be allowed unless there are wholly exceptional reasons". No case has been made for the exceptional circumstances that necessitate their loss.

We do not consider the mitigation plan as set out in clause 6 of the place shaping policy to be sufficiently robust: “Regard shall 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. The retention and enhancement of the trees along the Eridge Road is a priority”. In order to give effect to the clause a clear system of penalties needs to be articulated that are punitive so as to ensure sufficient incentive to preserve the trees and hedgerows.

Consideration is not given to long term drainage issues and the effects of any change in soil water levels to the surrounding ancient woods and Scheduled Monument. It is likely that there will be increased water flow to these areas.

Policy EN 18 – Rural Landscape

Point 2 says “The development will be required to:.. not cause significant harm to the landscape setting”. We consider any development of this site would cause irreparable harm to the landscape as site AL/RTW16 is visually prominent. Our assessment of the harm is supported by the sustainability assessment and therefore development of this site cannot be compatible with this policy.

Policy EN 19 – The High Weald Area of Outstanding Natural Beauty

While we note and welcome the decision to reduce the size of the development on site AL/RTW16 and exclude the portion that is in the High Weald AONB, we are still of the view that any development of this site would not be compatible with this policy because it simply cannot “conserve and enhance its landscape and scenic beauty”. The site allocated for development contributes to the setting of the AONB and is visually prominent in the landscape.

Policy EN 20 – Agricultural Land

This policy requires a presumption of development in favour of poorer land. As we have set out elsewhere in these representations, site AL/RTW16 has been misclassified as Urban 4 when it is a mix of ALC 3a and 3b and therefore its development would not be compatible with this policy.

Policy EN 21 – Air Quality

Any development of site AL/RTW16, will result in significant additional traffic along an already very busy road, likely further reducing the air quality to unacceptable levels in that area.

It should be noted that the nearest air quality management station is 3 miles away. It is unclear how TWBC intends to measure and cope with any decrease in air quality before residents suffer both physical and mental health damage

Policy TP 1 - Transport Assessments/Statements, Travel Plans, and Mitigation

Transport and Parking

Any development of site AL/RTW16 cannot demonstrate “that the impacts of trips generated to and from the development are accommodated, remedied or mitigated to prevent significant residue impacts” because of the volume of traffic already using the A26 Eridge Road.

Transport Strategy Review: Context and Way Forward

See comments above:

- . Section 5: 4. Highway matters: The existing road network cannot support a development of the size and nature proposed
- . Section 6: Policy TP 1 – Transport Assessments, Travel Plans and Mitigation
“Policy Implementation: Ensure provision of new infrastructure through working with developers, submit bids for funding (e.g. Local Growth Fund) for infrastructure improvements to deliver growth, take balanced approach to parking standards in new development and parking provision in town centres, public realm improvements in town and village centres, work with businesses to reduce travel footprint grants to businesses to support active travel.”

Nobody is likely to disagree with these policy implementation statements, but they don't really offer tangible solutions.

The detail provided for each proposed development site should include specifics. Policy AL/RTW 16 simply says “Development shall accord with the following requirements: Vehicular access to be provided into the site from the A26 Eridge Road; 2. Pedestrian links from the site to be provided and improved

to connect to the existing Public Rights of Way network in the vicinity of the site and to formally designate the informal footways as Public Rights of Way to increase and improve accessibility and informal recreation within and around this area; 3. The design and layout to take the form of a Low Traffic Neighbourhood, and shall ensure pedestrian and cycle permeability through the site, including the provision of cycle and pedestrian links into the adjacent Ramslye Estate and into the town centre and to the train station; 4. Improved public transport links are required to serve the development; TWBC has published thousands of pages of plans, reports and appendices, but we don't know what is proposed in terms of access roads for this site. TWBC's most recent attempt to promote active travel during the COVID-19 lockdown resulted in a failed attempt at a new cycle lane being installed along St John's Road. The installed bollards were eventually removed. The council has a history of failing to deliver active travel infrastructure.

We regret that taken together the site policy and the transport policy are neither precise enough nor prescriptive enough to ensure appropriate transport infrastructure will be put in place and funded by developers.

The footpath adjacent to the A26 Eridge Road is a very unpleasant place to walk, until the location of the speed camera is reached. HGVs thunder past, so it is not a footpath for the faint hearted. The 'best' time to walk is when traffic is queuing to get into TW (although of course you then have to contend with poor air quality/increased emissions created by stop-start traffic). There have almost certainly been more accidents on Eridge Road than reported and it is acknowledged that the road has poor safety record. It is semi-regular occurrence for large HGVs to get stuck under the Spa Valley railway bridge causing congestion on the Eridge Road.

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.

Remove site 137/ AL/RTW 16 'Land to the west of Eridge Road at Spratsbrook Farm' 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)

Question 8

If you have any separate comments you wish to make on the accompanying Sustainability Appraisal, please make them here.

These comments are made primarily in respect of site 137 / AL/RTW 16 but they relate additionally to sites:

24 Land at Tunbridge Wells Garden Centre;
73 Land at Pembury Road South;

99 Land at Pembury Road;
114 Land at Sandown Park west of A21;
116 Land South of Pembury Road;
145 Turners Pie Factory;
146 Tunbridge Wells golf club Langton Road;
176 Former Plant and Tool Hire;
198 Land at Tunbridge Wells Telephone Engineering Centre;
267 Land at Showfields Road and Rowan Tree Road;
280 Land at The Midway Nevill Court;
384 Land at Great Bayhall;
411 Land at Sandown Park between Pembury Grange & A21; &
434 Tutty's Farm Hawkenbury.

(underlined sites are in Broadwater ward)

(also see Appendix: Submitted sites not included in the Pre-Submission Local Plan)

We wish to challenge the 'unsuitable' decisions for the sites listed above, either because the sustainability scores are inconsistent (sites 73, 99, 114, 116, 146, 411 and 434) or because no sustainability appraisal was even completed (sites 280 and 384).

We wish to challenge the content and conclusions contained within the Sustainability Appraisal, which as a consequence we consider will change the 'suitable' conclusion contained in the SHELAA in respect of site 137 / AL/RTW 16 to 'unsuitable'.

We consider many of the scores in the sustainability appraisal understate the negative impact of the development of this site. In addition, we do not consider the appraisal has been consistently carried out when compared to sites in similar positions with a similar level of sensitivity. On reading the detail, some other sites appear to have been appraised as unsuitable because a developer is no longer interested in the site (e.g. 459), whereas this site is considered suitable because a developer is still interested. This is not an appropriate way to develop a plan of this magnitude and developer interest should not be a contributory factor to making the case for exceptional circumstances required to release Green Belt or to develop adjacent to AONB designated land.

We attach a spreadsheet (below) which we submitted in response to Regulation 18 which compared the sustainability objective scores and issues to consider across a selection of sites which TWBC had deemed unsuitable. The spreadsheet showed there were number of unexplainable inconsistencies.

As part of our response to Regulation 19, we have reviewed the new site assessment sheets for the sites listed above and note some changes have been made e.g. the incorrect AONB classification has been 'reduced' to AONB setting but the corresponding Landscape score has however not been adjusted down. These site assessment sheets cannot be relied upon and used to determine the suitability of these sites either individually or when compared to this site.

We have not updated the spreadsheet but its message still stands (and the number of changes was minimal anyway). In terms of inconsistencies, we would draw your attention to the scores for:

Air: It is not clear how this score has been arrived at for this site. "Air quality is scored as negative overall because of the large size of the development and likelihood that new vehicles will utilise the A26 as a through route". "There is also a need to meet nitrogen dioxide reduction targets along the A26 in Royal Tunbridge Wells, which is identified as an Air Quality Management Area." We can see no reason why the score should not be --/--- because of the substantial use of private vehicles in the location and its proximity to the A26.

Biodiversity: It is not clear why this site is not scored at – rather 0/-. The site has protected species such as bats, dormice, adders and great crested newts. We note the draft local plan made reference to this site being a Biodiversity Opportunity Area and this reference appears to have been removed. It is not clear why that would be the case other than to justify the lower harm score. As well as providing habitat itself (through the presence of trees and hedgerows, the site provides wildlife corridors between Hargate Forest, Friezland Wood & Broadwater Warren. In addition, the site is only just outside the Ashdown forest 7km protection zone and we would expect a proper impact assessment to be carried out given the negative air quality score.

Education/Employment/Equality: It is not clear why these criteria have been more positively assessed than for sites 24, 73, 99, 116 and 176 for example. These sites are examples of a mix of sites that are either very close to this site (24 and 176) or have similar characteristics of being greenfield adjacent to the LBD (73, 99 and 116). This list of sites is not intended to be exhaustive, but illustrative of the inconsistent scoring. If anything we consider the site should be scored net negative for employment given the loss of very local employers at the Turners Pie Factory and Telephone Engineering sites (which we nonetheless support as Brownfield development sites).

Heritage: this score is too low. It does not adequately take account of the Scheduled Monument (Historic England) that is in part in the site and the role played in its setting, nor does it adequately reflect the role in the setting of the Broadwater Down conservation area as set out in the Conservation Area Assessment, along with other heritage constraints (listed buildings and historic farmstead).

Land use: as set out in our Regulation 18 response this site has been misclassified as Urban grade 4 when it is ALC Grade 3a and 3b and therefore its land use score should reflect this we consider it should be scored as --/- - - . We note site 114 (not allocated) for example is assessed as --/--- and that site is at best unused pasture land. Site 146 (not allocated) has already been developed as a golf course so it should score 0 or maybe - as loss of green space.

Landscape: For the reasons set out above we consider the landscape value of the site (including that part outside of the AONB) to be undervalued. It should therefore be scored consistently with other sites (30, 99 & 116) at - - - .

Services and facilities: It is not clear why this has been scored positively. We consider there will be an obvious increase in pressure on existing services and facilities that are already stretched, especially when considered with the other five sites identified for development in the Broadwater ward which will result in an additional c.500 dwellings.

Travel: It is not clear why this has been scored so positively in comparison to other sites, for example 24 and 176 (which are very close to this site) and 73, 99 and 116 (which are greenfield adjacent to the LBD). The site is on the borough/county boundary. Increased traffic is acknowledged, as is the borough's low bus usage, and the existing cycle lanes on other sites are listed as issues not positive factors in relation to active travel. Site 146 is on the A264 which gets 62% less traffic (9,034 vehicles per day based on 2016 data) than the A26 (23,496 vehicles per day based on 2016 data). Development here would give a fairer distribution of traffic and less congestion; this should score ++. Site 146 also has good existing access as it's to a golf course. There is some overlap here with services and facilities. [TWBC: see attached supporting information].

In our previous Regulation 18 representation we made reference to factual errors, some of which appear to still be present in the reissued SHELAA for site 137 / AL/RTW 16. Firstly, the size of the site is not 55.79 ha; c.15 ha is available in the borough (with the remaining area in Wealden (with no defined boundary on the site) which has deemed it unsuitable for development). Given the conclusion of the sustainability assessment and SHELAA, the land available to the borough for development is the eastern end only which is c.6.2 ha. The 'issues to consider' section still incorrectly grades the land as ALC Grade 4, Urban, when in fact the land is agricultural grade 3a and 3b – an assart field which is actively farmed.

We consider the proposal to remove this site from the Green Belt and to develop the land is misguided, and any objective and consistent assessment of the site with the corrections we have highlighted, coupled with the appropriate sustainability scores as set out above will result in the SHELAA assessment concluding the site is unsuitable.

Furthermore, the spreadsheet we have included shows a small selection of sites with reasonable scale which have been excluded. While all of these sites appear to have been excluded at least in part because they are in the Greenbelt and in the setting of the AONB they appear to be no more sensitive to development than this site and in some cases, as we have demonstrated, have fewer constraints. That being the case we consider that TWBC has failed in its duty to carry out an objective and thorough assessment and failed to demonstrate that all other sites have been exhausted before including this site in the Pre-Submission Local Plan (Regulation 18) and as such has not met the requirements of the NPPF.

This site does not meet the sustainability requirements and is therefore unsuitable for development.

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 Avgherinos [REDACTED]
Email Address	[REDACTED]
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Peter Avgherinos [REDACTED]
Comment ID	PSLP_963
Response Date	04/06/21 08:56
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	Web
Version	0.3
Question 1	
Respondent's Name and/or Organisation	Peter Avgherinos
Question 3	
To which part of the Local Plan does this representation 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/RTW5	
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.

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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 a member of the Speldhurst Road Community Action Group (SRCAG).

I am familiar with the Group's representation against Policy AL/RTW5 of the PSLP, submitted by Mathew Rook.

I support Mr Rook and SRCAG's opinion that the policy is unsound and is not compliant with the NPPF. I believe that the policy would cause economic, health and environmental harm to the local area and its residents through pollution, congestion, and loss of biodiversity.

Further, by removing protection from the key land parcel at the apex of the Green Belt, the remainder of the Green Belt would be exposed to continued demand for exploitation by developers.

I agree Policy AL/RTW5, along with associated site AL/RTW5, should be removed from the PSLP.

With that qualification, I am a supporter of the PSLP.

I believe the overall guiding principle that the borough's population needs to be less unevenly distributed is correct. Creating more viable settlements in the east that encourage growth of local commerce, hospitality and entertainment venues, sports clubs and societies, employment and so on, will immensely benefit that region. The population density will remain low and, although reduced, vast tracts of open space will remain. The west of the Borough, meanwhile, will remain heavily congested; limited for open space, and with pollution and traffic difficulties.

The concentration of new housing development over the last half century in Royal Tunbridge Wells and its environs is no longer sustainable. I support the re-adjustment to the allocation of new housing growth made in the PSLP. The new housing growth is directed by the Government not the plan.

Withdrawal of Policy AL/RTW5 from the plan would leave the future of the lands between Royal Tunbridge Wells and Southborough unresolved. The two towns lie either side of a small valley. The area is substantially included in the Green Belt to maintain rural separation of the towns. Full ownership is unclear, but certainly much of the northern side of the valley is the property of Caenwood Estates.

I am not opposed to appropriate development of this area. In fact, I believe the valley could, and should, add more to the amenity of its surroundings. I am not opposed to such development including some new housing. Ideas have been mooted to improve the area through enhanced public access, such as extensions of the footpath network, and even the establishment of a Country Park.

The Country Park concept, which could include carefully located housing land releases to provide the finance, would be of immense health and environmental benefit to the area. At the same time, it would guarantee the separation of the towns. The Park could include pathways and new cycle ways, and other health enhancing facilities. Flood alleviation measures in the valley bottom to improve lands downstream might provide a water feature. Some works might be eligible for grants.

Release of housing land to attract developers to buy into the concept of a park would be needed. However, by guaranteeing the separation of the towns, the Park would allow the current allocation of protected status to lands outside its bounds to be re-assessed. Maintenance of biodiversity and the protection of trees and woodlands would require that protected status be retained by some lands. However, it is expected that sufficient releases to make the concept viable could be found. Something along the lines of an American golf course would be a possible model.

Whatever is done, it needs to be examined holistically to meet the local objective, along the lines outlined in paras 4.74 and 4.75 of the PSLP. Extensive consultations would be needed, and other parties involved.

I would see this as a longer- term aspiration, not part of the PSLP.

Peter Avgherinos

Question 6

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Policy AL/RTW5, and associated site AL/RTW5, should be removed from the PSLP.

The proposed Policy AL/RTW5 is non-compliant with the NPPF, the requirements to protect the Green Belt, and the PSLP's own over-arching policies; all as noted in my answer to Question5..

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_148

Comment

Agent	Mr Jonathan Buckwell ()
Email Address	
Company / Organisation	DHA Planning Ltd
Address	Eclipse House Eclipse Park MAIDSTONE ME14 3EN
Consultee	Axiom Developments ()
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Axiom Developments ()
Comment ID	PSLP_2104
Response Date	03/06/21 11:33
Consultation Point	Section 3: Vision and Objectives (View)
Status	Processed
Submission Type	Email
Version	0.5
Files	DHA Planning for Axiom Developments-full representation.pdf
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Axiom 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

[TWBC: the full representation attached has been divided between Policy STR/RTW1 (PSLP_2099), Vision and Strategic Objectives (PSLP_2104), Policies STR3 (PSLP_2106), STR9 (PSLP_2107), and AL/RTW17 (PSLP_2108).

Question 4a

If 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.

1.1 Introduction

1.1.1 These representations have been prepared by DHA Planning on behalf of Axiom Developments Limited (hereafter referred to as Axiom) in respect of the Tunbridge Wells Borough Council Regulation 19 Local Plan consultation.

1.1.2 These representations relate to land at Colebrooke Park, which Axiom is promoting for employment-generating development as part of the wider development plan review.

1.1.3 Based on the current national and local planning context, we consider this land to be suitable for development.

1.2 The Site

1.2.1 Our client has been promoting land at Colebrooke House for a business park within an attractive parkland campus setting. The site was promoted via the original Call for Sites process in 2016 (site 101) and representations were made at the previous Reg 18 consultation. The site boundary is shown in Figure 1.

1.2.2 The site lies outside of the current settlement boundary for Royal Tunbridge Wells and within both the High Weald Area of Outstanding Natural Beauty (AONB) and the Green Belt.

1.2.3 As a result of the recent A21 dualling project, the site benefits from direct access onto the A21 via the Fairthorne junction. This now provides the site with excellent access to the national road network, whilst also being well-located in relation to the existing employment areas along Longfield Road. The A21 improvements present an excellent opportunity for the site to make a substantial contribution to the local economy through development of the site.

1.2.4 The 8.5ha site comprises a large 19th century residential property set in parkland grounds. Whilst being habitable, the property is currently in need of repairs following a period of under-investment. Its value as a residential property has been substantially affected as a result of the A21 dualling works.

[TWBC: see full representation attached for Figure 1: Proposed allocation site boundary].

1.2.5 There is a unique opportunity to provide employment-generating development which makes the most of the existing characteristics of the site. For example, this could take the form of a high-quality business park, or other employment-generating use set within an established parkland setting and based around the existing 19th century Colebrooke House.

1.2.6 The site provides an opportunity to provide an attractive business location, accessible to the A21 as well as local businesses and services. A Vision Document has been prepared and was submitted with our Regulation 18 representations previously which shows that the site would be capable of delivering around 11,750 sqm of employment-generating floorspace, which would be capable of supporting between 885 and 1,437 jobs if in office use.

1.2.7 The Council's Economic Needs Study (ENS) demonstrates the need for good quality economic development land locally. This was also backed up by responses from stakeholders identifying Tunbridge Wells as a good office and industrial location. ENS paragraph 9.66 in particular identifies demand for offices, and especially higher quality Grade A accommodation in accessible locations, which is the type of development proposed at Colebrooke House. It would score well against all of the bullet points set out in ENS paragraph 10.29, i.e. excellent accessibility; public transport and parking availability; and it being an area with a critical mass of employment use and amenities which would be attractive to investors.

1.2.8 The development would have excellent strategic transport links to the newly upgraded A21 as well as providing opportunities to create and improve existing pedestrian, cycle and public transport links to North Farm, Tunbridge Wells and Tonbridge. Pedestrian, cycle and emergency access links could also be provided into the land to the west, which is also proposed for development as part of the Local Plan proposals.

1.2.9 In respect of deliverability, the site has no planning history of relevance nor a history of unimplemented permissions, and there are no known impediments to the sites being phased for potential development. There is an excellent opportunity to deliver a high-quality employment development scheme during the plan period.

1.3 Background

1.3.1 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.

1.3.2 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.

1.3.3 This submission comment on the plan having regard to these tests of soundness.

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, 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.

1.5 Assessment of Soundness

1.5.1 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.

1.5.2 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.

1.5.3 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

1.5.4 The pre-submission plan is underpinned by vision and strategic objectives.

1.5.5 The vision is set out below:

[TWBC: PSLP Vision has been duplicated here - see full representation attached].

1.5.6 In order to deliver the vision the plan sets a number of strategic objectives:

[TWBC: PSLP Strategic Objectives have been duplicated here - see full representation attached].

1.5.7 Response

1.5.8 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 and other supporting opportunities across the borough.

1.5.9 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.

1.5.10 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 borough-wide needs will actively be pursued in full and in a manner that best complements the distinctive qualities of the borough'.

1.5.11 With the above modification, the objectives and vision will then be positively prepared.

1.6 Summary and Conclusions

1.6.1 In summary, this representation has been prepared on behalf of Axiom 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.

1.6.2 We generally support the Council's overall strategy and do not object to the proposal for the site to be removed from the Green Belt and safeguarded for future employment uses. However, for the reasons set out in these representations, we believe there are strong arguments in favour of allocating the land for development now.

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)?

Supporting Information File Ref No: SI_148

Comment

Agent	Mr Jonathan Buckwell ()
Email Address	
Company / Organisation	DHA Planning Ltd
Address	Eclipse House Eclipse Park MAIDSTONE ME14 3EN
Consultee	Axiom Developments ()
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Axiom Developments ()
Comment ID	PSLP_2106
Response Date	03/06/21 11:33
Consultation Point	Policy STR 3 Brownfield Land (View)
Status	Processed
Submission Type	Email
Version	0.4
Files	DHA Planning for Axiom Developments-full representation.pdf
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Axiom 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 3 Brownfield Land

[TWBC: the full representation attached has been divided between Policy STR/RTW1 (PSLP_2099), Vision and Strategic Objectives (PSLP_2104), Policies STR3 (PSLP_2106), STR9 (PSLP_2107), and AL/RTW17 (PSLP_2108).

Question 4a

If 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: see full representation attached for Figure 1: Proposed allocation site boundary].

1.2.5 There is a unique opportunity to provide employment-generating development which makes the most of the existing characteristics of the site. For example, this could take the form of a high-quality business park, or other employment-generating use set within an established parkland setting and based around the existing 19th century Colebrooke House.

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1.5.3 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.

Policy STR 3: Brownfield Land

1.5.14 We **SUPPORT** this policy which provides in principle support for the effective use of redundant, disused or under-utilised brownfield land and buildings in sustainable locations.

1.6 Summary and Conclusions

1.6.1 In summary, this representation has been prepared on behalf of Axiom 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.

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Supporting Information File Ref No: SI_148

Comment

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Company / Organisation	DHA Planning Ltd
Address	Eclipse House Eclipse Park MAIDSTONE ME14 3EN
Consultee	Axiom Developments ([REDACTED])
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Axiom Developments ([REDACTED])
Comment ID	PSLP_2107
Response Date	03/06/21 11:33
Consultation Point	Policy STR 9 Green Belt (View)
Status	Processed
Submission Type	Email
Version	0.4
Files	DHA Planning for Axiom Developments-full representation.pdf
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Axiom 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 9 Green Belt

[TWBC: the full representation attached has been divided between Policy STR/RTW1 (PSLP_2099), Vision and Strategic Objectives (PSLP_2104), Policies STR3 (PSLP_2106), STR9 (PSLP_2107), and AL/RTW17 (PSLP_2108).

Question 4a

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Policy STR 9: Green Belt

1.5.15 Policy SRT9 sets out that exceptional circumstances justify the proposed release of Green Belt land for development.

1.5.16 We **SUPPORT** this conclusion and agree that some Green Belt release is needed to meet housing and employment need in the areas of the borough affected by that designation.

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Comment by	Axiom Developments ([REDACTED])
Comment ID	PSLP_2099
Response Date	03/06/21 11:33
Consultation Point	Policy STR/RTW 1 The Strategy for Royal Tunbridge Wells (View)
Status	Processed
Submission Type	Email
Version	0.8
Files	DHA Planning for Axiom Developments-full representation.pdf
Data inputter to enter their initials here	KJ
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Development Strategy and Strategic Policies

1.5.12 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/RTW1: The Strategy for Tunbridge Wells

1.5.13 We generally support the aims and objectives of this policy, and in particular we do not object to the proposal for safeguarded land at Colebrooke Park as set out at supporting paragraph 5.16. However, as set out further below, we believe there is a case for identifying further employment development locations in Tunbridge Wells, and the unique circumstances of Colebrooke Park lend themselves to a further allocation for employment-generating uses being made.

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Email Address	
Company / Organisation	DHA Planning Ltd
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Event Name	Pre-Submission Local Plan
Comment by	Axiom Developments ()
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Question 1	
Respondent's Name and/or Organisation	Axiom 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 AL/RTW 17 Land adjacent to Longfield Road

[TWBC: the full representation attached has been divided between Policy STR/RTW1 (PSLP_2099), Vision and Strategic Objectives (PSLP_2104), Policies STR3 (PSLP_2106), STR9 (PSLP_2107), and AL/RTW17 (PSLP_2108).

Question 4a

If 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 Axiom Developments Limited (hereafter referred to as Axiom) in respect of the Tunbridge Wells Borough Council Regulation 19 Local Plan consultation.

1.1.2 These representations relate to land at Colebrooke Park, which Axiom is promoting for employment-generating development as part of the wider development plan review.

1.1.3 Based on the current national and local planning context, we consider this land to be suitable for development.

1.2 The Site

1.2.1 Our client has been promoting land at Colebrooke House for a business park within an attractive parkland campus setting. The site was promoted via the original Call for Sites process in 2016 (site 101) and representations were made at the previous Reg 18 consultation. The site boundary is shown in Figure 1.

1.2.2 The site lies outside of the current settlement boundary for Royal Tunbridge Wells and within both the High Weald Area of Outstanding Natural Beauty (AONB) and the Green Belt.

1.2.3 As a result of the recent A21 dualling project, the site benefits from direct access onto the A21 via the Fairthorne junction. This now provides the site with excellent access to the national road network, whilst also being well-located in relation to the existing employment areas along Longfield Road. The A21 improvements present an excellent opportunity for the site to make a substantial contribution to the local economy through development of the site.

1.2.4 The 8.5ha site comprises a large 19th century residential property set in parkland grounds. Whilst being habitable, the property is currently in need of repairs following a period of under-investment. Its value as a residential property has been substantially affected as a result of the A21 dualling works.

[TWBC: see full representation attached for Figure 1: Proposed allocation site boundary].

1.2.5 There is a unique opportunity to provide employment-generating development which makes the most of the existing characteristics of the site. For example, this could take the form of a high-quality business park, or other employment-generating use set within an established parkland setting and based around the existing 19th century Colebrooke House.

1.2.6 The site provides an opportunity to provide an attractive business location, accessible to the A21 as well as local businesses and services. A Vision Document has been prepared and was submitted with our Regulation 18 representations previously which shows that the site would be capable of delivering around 11,750 sqm of employment-generating floorspace, which would be capable of supporting between 885 and 1,437 jobs if in office use.

1.2.7 The Council's Economic Needs Study (ENS) demonstrates the need for good quality economic development land locally. This was also backed up by responses from stakeholders identifying Tunbridge Wells as a good office and industrial location. ENS paragraph 9.66 in particular identifies demand for offices, and especially higher quality Grade A accommodation in accessible locations, which is the type of development proposed at Colebrooke House. It would score well against all of the bullet points set out in ENS paragraph 10.29, i.e. excellent accessibility; public transport and parking availability; and it being an area with a critical mass of employment use and amenities which would be attractive to investors.

1.2.8 The development would have excellent strategic transport links to the newly upgraded A21 as well as providing opportunities to create and improve existing pedestrian, cycle and public transport links to North Farm, Tunbridge Wells and Tonbridge. Pedestrian, cycle and emergency access links could also be provided into the land to the west, which is also proposed for development as part of the Local Plan proposals.

1.2.9 In respect of deliverability, the site has no planning history of relevance nor a history of unimplemented permissions, and there are no known impediments to the sites being phased for potential development. There is an excellent opportunity to deliver a high-quality employment development scheme during the plan period.

1.3 Background

1.3.1 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.

1.3.2 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.

1.3.3 This submission comment on the plan having regard to these tests of soundness.

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, 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.

1.5 Assessment of Soundness

1.5.1 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.

1.5.2 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.

1.5.3 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.

Place Shaping Policies

1.5.17 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.

Colebrooke Park

Evidence base

1.5.18 The site was assessed in the Strategic Housing and Employment Land Availability Assessment (SHELAA) as site 101. This noted that whilst the site is both the AONB and Green Belt, it is also located in a ward which has one of the highest levels of unemployment in the borough. The significant economic benefits which would arise from development in this location would outweigh any harms to these designations. It also benefits from a location on the A21 and has direct access to the Fairthorne Junction.

1.5.19 The SHELAA concluded that the site is suitable for economic development uses and would act as a natural extension to support economic growth. It is considered to be a valuable opportunity for employment uses in the longer term.

1.5.20 The SHELAA only concluded that it is not suitable for allocation at this time on the basis that the Local Plan already plans positively in employment land terms by providing over the minimum requirement in order to provide a range and choice of sites and premises. It therefore proposes removal of the site from the Green Belt as safeguarded land to meet future employment needs.

1.5.21 The Landscape Assessment undertaken by HDA on behalf of TWBC confirms that the site is "extremely well contained from its surroundings, with only boundary trees and fencing visible from publicly accessible viewpoints." It also confirms that "the enclosure of the site means that with the exception of the boundary woodland, the site has a limited contribution to the character and appearance of the wider landscape."

1.5.22 The study also recognises that there are some potential landscape and recreational opportunities arising from development on the site. In particular, there is the opportunity to provide pedestrian and cycle connections through the site to the public rights of way located to the north and west of the site.

There may also be the opportunity to allow public access to some of the facilities within the proposed business park.

1.5.23 HDA conclude that:

“With a positive and landscape-led approach to design, there is the opportunity to improve the management of features within the site, create new habitats and provide an attractive new campus style business park. This would allow a new evolution of the site as the proximity to the A21 means that its current use may be unsustainable in the long term. There are opportunities to benefit the local community through the development of the business park.”

The Employment Strategy for Tunbridge Wells

1.5.24 TWBC should be making the most of the opportunities presented by the A21 dualling improvements in terms of making Tunbridge Wells a more attractive business location and, therefore, attracting businesses currently based outside the Borough.

1.5.25 The Council's Economic Needs Study recognises that the A21 dualling as well as other recent highway infrastructure improvements in the North Farm area could further unlock potential future allocations for employment growth. We strongly support this view and urge the Council to get best value from these infrastructure improvements by allowing well-designed development in what is a clearly attractive and accessible location for businesses, such as at Colebrooke House. Whilst the ENS summary at 6.94 refers to the infrastructure improvements being a catalyst for further investment, this will only happen if the right sites are allocated. If sites aren't attractive to businesses, or are too slow to deliver, businesses will simply go elsewhere to the detriment of the local economy.

1.5.26 We attended the Tunbridge Wells Stakeholder Workshop referred to in the ENS and agree that the key findings included the lack of supply of land and premises acting as a disincentive to potential investors and constraining the growth of existing businesses (a point that we note has also been raised separately by Locate in Kent). The workshop identified the need to address local transport and congestion issues especially around North Farm (where significant improvements have been made) and workshop attendees identified the potential of the North Farm/A21 corridor for economic growth.

1.5.27 An allocation for development at Colebrooke House would be fully in line with the findings of the ENS and the Stakeholder Workshop. Furthermore, North Farm is already recognised as a well-established employment location. Allocating further development nearby increases the potential for business-to-business services further enhancing the local economy.

1.5.28 The Council's Economic Development Strategy 2018-2021 concludes, amongst other things, that:

(1) A shortage of sites and premises is a major constraint for local businesses and is also a barrier to inward investment from outside the Borough;(2) The shortage has been exacerbated due to the conversion of floorspace from office to residential under Permitted Development legislation, particularly in Royal Tunbridge Wells town centre;(3) The Council's Economic Needs Study recommends, amongst others, employment sites in areas close to main arterial roads (e.g. the A21) where accessibility to the highway network for business operations is quick;(4) Current weaknesses in Tunbridge Wells include traffic congestion in urban areas, a shortage of sites, and ageing office stock;(5) Current threats include limited opportunity for additional road capacity; out commuting, especially of the highly skilled; and pressure for residential development over employment uses; and(6) Opportunities for Tunbridge Wells include the new Local Plan process, as this can provide new employment allocations, therefore improving the amount of land available for economic development and ensuring that such land is located where it is attractive to the market.

1.5.29 NPPF paragraph 80 emphasises the need for planning policies to create conditions to allow businesses to invest, expand and adapt. This approach “should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future”.

1.5.30 Paragraph 81 then requires planning policies to set out a strategy “which positively and proactively encourages sustainable economic growth”, having regard to local economic development strategies.

1.5.31 New commercial development must meet the needs of the market by providing development opportunities in the right places to meet current and future demand. This should include the provision of commercial development around appropriate strategic road network junctions, amongst other locations.

1.5.32 If Tunbridge Wells is to reach its full economic potential, new business land and locations are required in order to meet currently unmet needs, allow existing businesses to relocate to expand, and to attract new businesses to the Borough.

1.5.33 It is currently proposed to meet the economic development needs of those businesses seeking a location near the strategic road network on a single site in Tunbridge Wells – the adjacent proposed AL/RTW17 allocation, where planning permission was granted for such development earlier in 2021. Whilst we agree that is a logical and appropriate site to develop for commercial floorspace, and understand that it meets quantitative requirements, it would be unwise to rely on a single site coming forward to meet the identified need, for the following reasons:

(1) If, for whatever reason, that site does not come forward in the manner envisaged, or indeed at all, there will be no other sites in Royal Tunbridge Wells on which that specific need can be met;(2) The Economic Needs Study and Office Market Review have identified that there is a need for employment floorspace close to the A21, a conclusion with which Axiom fully agree;(3) With development already permitted on the AL/RTW17 site, having more than one development site option in this area provides competition for the market, which assists affordability and therefore delivery. It also stops the Council's economic strategy being frustrated by a lack of choice;(4) NPPF paragraph 82 recognises the need for a variety of sites to be provided, noting that provision should be made to address the requirements of different sectors, including making provision "at a variety of scales and in suitably accessible locations"; and(5) A greater variety of allocated sites allows a greater range of employment buildings, sizes and types to be offered in a wider variety of locations. This makes it more likely that interested companies will find the space that they want within Tunbridge Wells Borough, assisting growth and boosting the local economy. The character of the Colebrooke House site is very different to that of the neighbouring AL/RTW17 site, enabling a very different type of office (or other employment-generating) campus to be provided. Local plans are very good at providing a wide range of housing sites and locations, providing choice in the market. By contrast, the number of options available to companies looking to expand or relocate is much smaller. This needs to be rectified.

1.5.34 To ensure the benefits of economic growth benefit everyone, new commercial provision should be well placed to serve a skilled workforce and to meet the needs of businesses. Whilst it is appropriate for some employment development to be provided in the most accessible locations such as town centres, new provision should also be made close to the strategic road network to meet the needs of businesses, discourage out commuting, reduce congestion on routes into the town centre and offer new opportunities for local people to live and work in the Borough.

1.5.35 Whilst it is recognised that there are other economic development proposals elsewhere in the Borough, including at Paddock Wood and Gills Green, these are locations with different characteristics to Colebrooke Park, which are likely to attract different types of business.

1.5.36 Paragraph 11 of the Executive Summary to the ENS identifies an Objectively Assessed Need for at least 14ha of employment land and this target is referred to throughout the Local Plan and in the Distribution of Development Topic Paper. However, the ENS goes on to recommend identifying a greater quantum of land in recognition of market interest and to provide a sufficient choice of sites for prospective occupiers and investors.

1.5.37 ENS paragraph 8.88 recommends that 20ha of new employment land should be allocated. It is recognised that the four employment land allocations set out in Table 5 would amount to an overall total of 26.5ha, in excess of the ENS target, and this level of ambition is certainly to be applauded.

1.5.38 However, whilst this level of provision is excellent in quantitative terms, it does not change our view that a proper choice of sites must be provided. Whilst we understand the logic behind pursuing a safeguarded land strategy at Colebrooke Park, and we do not object to that strategy, the unique circumstances of Colebrooke Park mean that we believe the Council should go one step further and identify it as being suitable for employment-generating development now.

The unique circumstances of Colebrooke Park

1.5.39 As discussed above, It is important that the market has a choice of economic development sites. Colebrooke House provides a different offer to that available on the neighbouring AL/RTW17 allocation, where development has already been permitted, in that it can provide a high-quality campus type development based on an existing property whilst retaining and improving a more intimate existing parkland setting. Despite being on adjacent land, that setting is of a very different character to the

more open and extensive AL/RTW17 site, and would be suitable for a range of different “campus” type uses.

1.5.40 The Regulation 18 draft plan included a policy proposing to allocate this site for development. We believe that the unique circumstances of Colebrooke Park mean that the benefits of allocating the site for development outweigh any disbenefits.

1.5.41 These circumstances include:

- **Development would provide a secure future use for a non-designated heritage asset:** As noted in the Council’s Landscape & Visual Impact Assessment, the site contains many significant features and is generally attractive, but its condition is in decline. The noise from the recently dualled A21 is a detractor across the site, and this proximity to the A21 means that its current residential use may be unsustainable in the long term. Appropriate development here could enlarge or reinstate lost grounds to the south of the house and reinforce the essence of the original park environment. In these circumstances, allocating the site for development could give it a new lease of life, whereas it is only likely to decline further if left as it is;

- **Development would make best use of a partly brownfield site:** NPPF paragraph 84 notes that “the use of previously developed land, and sites that are physically well related to existing settlements, should be encouraged where suitable opportunities exist.” Colebrooke House is, in part, previously developed land.

- **The site enjoys its own, almost private access:** Whereas AL/RTW17 relies upon highways access onto the more congested Longfield Road, Colebrooke House enjoys what is in effect almost a private, direct access onto the A21 via the little-used Fairthorne Junction.

- **The site has good links for non-motorised users:** The Colebrooke House driveway also provides direct access to the Non-Motorised Route between Pembury, Longfield Road and Tonbridge which was constructed as part of the A21 works to enhance pedestrian and cycle links locally. There is also a public right of way into the neighbouring AL/RTW17 site and the North Farm Industrial Estate beyond.

- **The site is barely visible from outside its boundaries:** The site is surrounded by well-established and mature trees which means there is no visibility into the site. Indeed, despite being adjacent to the busy A21, many people passing the site do not even realise that the existing house is there. The Landscape Study we submitted with our Regulation 18 representations (p38) confirms that if three storey buildings were developed on the site, these would not be visible from beyond the site boundaries.

[TWBC: for Figure 1: View from A21 towards the currently open land at proposed allocation AL/RTW17 and Figure 2: The well-screened Colebrooke House site, which is completely invisible from the A21 see full representation attached].

Conclusions

1.5.42 It is recognised that the PSLP seeks to allocate a significant amount of land for employment purposes in order to provide a choice of sites. Whilst we do not disagree that a choice of sites is available over the borough as a whole, we do however note that the choice of sites within Tunbridge Wells itself is somewhat limited, mainly to the adjacent proposed AL/RTW17 allocation.

1.5.43 Whilst we remain of the view that the site could be allocated for appropriate employment-generating development in the current plan for the reasons set out above, we DO NOT OBJECT to the proposal to designate the site as safeguarded land to meet future development needs. It is clear from the analysis above that the site is a suitable and very well-located opportunity for future employment-generating development.

1.5.44 As well as general E class business uses such as offices, and research and development, it is conceivable that the campus nature of the proposed development site could also be attractive to other forms of employment-generating uses – for example, further/higher education or care facilities and therefore we support flexibility to the employment uses associated with the safeguarding.

1.5.45 As is recognised at PSLP paragraph 4.131, the Council has historically used similar “safeguarded land” designations where land has been removed from the Green Belt to meet future development needs at a later point in the plan period.

1.5.46 We also support the point at paragraph 5.16 that removing the site from the Green Belt is in line with ensuring the long-term permanence of the Green Belt boundary. We agree with the conclusion

of the Council's Green Belt Study Stage 2 assessment that "the A21 would constitute a stronger boundary to the east".

1.6 Summary and Conclusions

1.6.1 In summary, this representation has been prepared on behalf of Axiom 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.

1.6.2 We generally support the Council's overall strategy and do not object to the proposal for the site to be removed from the Green Belt and safeguarded for future employment uses. However, for the reasons set out in these representations, we believe there are strong arguments in favour of allocating the land for development now.

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.

1.5.7 Response

1.5.8 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 and other supporting opportunities across the borough.

1.5.9 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.

1.5.10 Indeed, we would suggest some minor modification to ensure that 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 borough-wide needs will actively be pursued in full and in a manner that best complements the distinctive qualities of the borough'.

1.5.11 With the above modification, the objectives and vision will then be positively prepared.

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 G Ayers [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] Tonbridge [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Mr G Ayers [REDACTED]
Comment ID	PSLP_216
Response Date	19/05/21 12:00
Consultation Point	Policy STR 1 The Development Strategy (View)
Status	Processed
Submission Type	Other
Version	0.9

Data inputter to enter their initials here AT

Question 1

Respondent's Name and/or Organisation Mr G Ayers

Question 3

To which part of the Local Plan does this representation 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 1 The Development Strategy

Policies PSTR/SS1, PSTR/SS3 & PSTR/BM1

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

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 5 – comments

The comments below focus on the integrity and how sound the Local Plan (LP) has been assembled, having regard to its overall deliverability. In affect, not necessarily questioning its constituent parts (although some of these inevitably come into question - notably the sheer scale of new housing projected without corresponding highways infrastructure improvements) but how sound the thinking has been applied to knitting these together to achieve the overall strategic outcome for the Borough? In so doing, this is not merely looking at the results at the very end of the Plan Period after some 15 years but critically :-

i) at the very dawn of implementation in 2022 and

ii) followed closely in the formative years of its implementation (circa 2022 - 2028) when in stark contrast, unparalleled numbers of new homes (Expected Completions within Plan Period table) are being planned and yet highway infrastructure, classified as 'critical' by TWBC themselves, necessary to unlock the housing development, is worryingly not implemented until beyond year 10 into the overall 15 year plan period thereby leading to:-

- 1 increased volume of residents in the Borough which in turn multiples car usage exacerbating congestion, &
- 2 as a consequence, a reduction in air quality; &
- 3 a detrimental impact on the environment and residents well being in those parts of the Borough most effected during the transition phase.

Whilst recognising pressures and concerns by residents elsewhere in the Borough, the comments below focus on the impact locally to the Parish of Brenchley and Matfield even though many of the problems to be encountered arise outside of the immediate vicinity of the two villages.

There are three key areas to consider - housing, highway infrastructure and air quality. The thrust of the problem is that at no stage in the Local Plan, does it appear that deliverability has been baselined against existing conditions? For example, have the key highway routes to unlock the 'sustainable' housing developments been modelled against *origin & destination* traffic criteria to establish the extent of spare capacity on the **existing** highway network?

Further, to what extent has TWBC demonstrated how deliverable the Local Plan is under scrutiny? particularly at the interplay between the sizeable local housing development along with the A21 and A228 infrastructure improvements required to unlock them?

It is evident sections of the LP have been 'reviewed' individually but less apparent is the extent to which TWBC has undertaken due diligence and executive scrutiny to the critical path weaving its way through spine of the Local Plan? Without a CPA (Critical Path Analysis) or simple bar chart, it is impossible to form a view as to how deliverable or robust the LP is in this sense? Not the minutiae or stand alone

subjects but the big bite sized bits of the Local Plan that have undeniable strategic links and dependencies with each other.

One of the tests for soundness within NPPF (National Planning Policy Framework) is whether the Local Plan is Justified, or not. To support this an acceptable LP should contain " ... *an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence.*"

I cannot claim to have read every section of the Local Plan but I am convinced that there is little to no evidence that supports the the LP is based upon proportionate evidence. Similarly, I have no feeling studying the LP, that the strategies adopted are underpinned by any number of various alternatives options. Surely if such alternative scenarios had been interrogated and contrasted in the LP, it would illustrate the current version as the preferred option.

Moving from generic commentary to specifics, my doubt to the soundness of the LP looks at the strategic interplay between the three subject groups below and the impact specifically on Brenchley and Matfield Parish (BAMP) along with nearby Paddock Wood:-

- . The order of magnitude increase in new housing for Paddock Wood, Capel Garden Village and BAMP, generating more traffic leading to congestion and lower air quality on 82160 running through Matfield; and
- . The impact of extra traffic through Matfield until such time as Highways England acquire ring fenced funding for the £1.5m in their 10 year capital programme to implement the enhanced A21 highway & roundabout modelling planned at Kipping Cross and Blue Boys; plus
- . The impact of extra traffic through Matfield (and surrounding village / rural areas) until such time in the future financial contributions from housing developers (via S106, CIL etc) achieve the £20 million necessary to fund the new A228 Colts Hill bypass works.

Item

Hazard

Risk

Consequence

Increased housing and number of residents at Capel Village, Paddock Wood and Matfield

Extra residential car journeys made by new residents within the Boroughs hotspots and extra HGV's continuing to use B2160 & avoid the dedicated HGV A228 route to join A21

1) additional vehicle trips heading to & from A21 Kipping Cross

2) HGV's continuing to avoid designated HGV route up A228 Colts Hill due to congestion at and poor junction configuration to join the A21

1) Vehicular congestion backing up from Kipping Cross into Matfield village, especially during summer and peak times of the day

2) Additional vehicle traffic and HGV's using B2160 through Matfield village

3) lowering of air quality 4) lowering of residents wellbeing, health and increased journey times.

For the first 6 years, the Boroughs' housing projections (Expected Completions Within Plan Period - Housing Supply and Trajectory Topic Paper for the Pre-Submission) are at the highest level across the whole of the Plan Period to 2038. Yet, the highway infrastructure deemed critical (Infrastructure Delivery Plan) by TWBC themselves to address 1) existing baseline transport problems and 2) unlock the spatial needs for projected housing targets " does not reach even the feasibility/ planning stage until at least year 10 of the 15 year programme (10 years for A21 and beyond year 10 for A228 Colts Hill bypass).Q - what happens to transport congestion, environment, air quality and residents health during the first 10 years of the Local Plan when this critical highway infrastructure is not available?

Q - do the contributions and improvements made in latter years exceed the detrimental impact upon residents wellbeing in the first 10 years?

Under Section 3:Vision and Objectives the following statements are made by TWBC :-

Vision - "general concerns about the infrastructure capacity " ...

Vision and Strategic Objectives 1 - Vision " and supporting infrastructure will be **achieved over the plan period** (this claim reinforces a lack of deliverability during the plan period.) " and under Local ambitions: for Paddock Wood with timely infrastructure provision'

Vision and Strategic Objectives 2 - " To achieve the timely delivery of all forms of infrastructure that meets the needs of development... .. "

How and **when** the Local Plan assures residents these bold claims are supportable not clear, especially when housing is forging ahead in the early years and hard infrastructure doesn't emerge until 2/3rds of the plan period has passed.

Question 6

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Section 6 - Recommendations for update to Local Plan

Scale and rate of additional housing plus realisation of A21 and A228 highway improvements

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Address	[REDACTED] [REDACTED] Tonbridge [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Mr G Ayers [REDACTED]
Comment ID	PSLP_225
Response Date	19/05/21 12:00
Consultation Point	Policy STR/SS 1 The Strategy for Paddock Wood, including land at east Capel (View)
Status	Processed
Submission Type	Other
Version	0.4
Data inputter to enter their initials here	AT
Question 1	
Respondent's Name and/or Organisation	Mr G Ayers
Question 3	
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Address	[REDACTED] [REDACTED] Tonbridge [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Mr G Ayers [REDACTED]
Comment ID	PSLP_226
Response Date	19/05/21 12:00
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	AT
Question 1	
Respondent's Name and/or Organisation	Mr G Ayers
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Consequence

Increased housing and number of residents at Capel Village, Paddock Wood and Matfield

Extra residential car journeys made by new residents within the Boroughs hotspots and extra HGV's continuing to use B2160 & avoid the dedicated HGV A228 route to join A21

1) additional vehicle trips heading to & from A21 Kipping Cross

2) HGV's continuing to avoid designated HGV route up A228 Colts Hill due to congestion at and poor junction configuration to join the A21

1) Vehicular congestion backing up from Kipping Cross into Matfield village, especially during summer and peak times of the day

2) Additional vehicle traffic and HGV's using B2160 through Matfield village

3) lowering of air quality 4) lowering of residents wellbeing, health and increased journey times.

For the first 6 years, the Boroughs' housing projections (Expected Completions Within Plan Period - Housing Supply and Trajectory Topic Paper for the Pre-Submission) are at the highest level across the whole of the Plan Period to 2038. Yet, the highway infrastructure deemed critical (Infrastructure Delivery Plan) by TWBC themselves to address 1) existing baseline transport problems and 2) unlock the spatial needs for projected housing targets " does not reach even the feasibility/ planning stage until at least year 10 of the 15 year programme (10 years for A21 and beyond year 10 for A228 Colts Hill bypass).Q - what happens to transport congestion, environment, air quality and residents health during the first 10 years of the Local Plan when this critical highway infrastructure is not available?

Q - do the contributions and improvements made in latter years exceed the detrimental impact upon residents wellbeing in the first 10 years?

Under Section 3:Vision and Objectives the following statements are made by TWBC :-

Vision - "general concerns about the infrastructure capacity " ...

Vision and Strategic Objectives 1 - Vision " and supporting infrastructure will be **achieved over the plan period** (this claim reinforces a lack of deliverability during the plan period.) " and under Local ambitions: for Paddock Wood with timely infrastructure provision'

Vision and Strategic Objectives 2 - " To achieve the timely delivery of all forms of infrastructure that meets the needs of development... .. "

How and **when** the Local Plan assures residents these bold claims are supportable not clear, especially when housing is forging ahead in the early years and hard infrastructure doesn't emerge until 2/3rds of the plan period has passed.

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.

Section 6 - Recommendations for update to Local Plan

Scale and rate of additional housing plus realisation of A21 and A228 highway improvements

Recommendation 1 - Housing development

- explore to what extent the volume of new housing developments between 2022 and 2028 can be skewed to later in the plan period until such time as A21 and A228 highway improvements are realised.
- Tailor housing development projections to meet existing A21 and A228 highway capacity until future improvements of A21 and A228 fully funded and implemented.

Recommendation 2 - Traffic modelling

- using traffic modelling against housing projections and locations, quantify the existing spare highway capacity available on A21 (Kipping Cross and Blue Boys) and A228 to establish if the extra generated journeys made by new residents (in formative LP years) are tenable, or not.
- enforce dedicated HGV routes to service new housing development sites
- Undertake HGV traffic study at junction of B2017 and A228 to establish why, as the KCC preferred HGV route, instead of continuing up Colts Hill A228, HGV lorries divert through Matfield along B2160 to join A21.

Recommendation 3 - Highway Infrastructure

- Notwithstanding LP safeguarding, explore alternative measures to secure gap funding (reference is made within the LP) A21 & A228 improvements in order to pull forward and thereby retain existing LP year housing projections in the early years 2021 - 2031.
- Ensure A264 Pembury junction **and** A228 Colts Hill bypass improvements are dealt with holistically as one overall highway improvement solution.
- Explore traffic calming technology and improved pedestrian safety in Brenchley and Matfield villages.

Recommendation 4 - Air quality

- adopt air quality monitoring points between 1) The Star and The Poet on B2160 Matfield, 2) A21 Kipping Cross and 3) Eldon Way and Rosemary PI B2160 at Paddock Wood.

Recommendation 5 - National Planning Policy Framework

- Along with any supporting evidence trail, highlight to what alternative scenarios have been considered in drafting the LP and methodology employed leading to the option selected in the current version of the Local Plan.

- . Demonstrate how TWBC have assessed the Local Plan as 'deliverable' , what they identify as tier 1 unavoidable adverse impacts to residents, businesses and visitors and the mitigation measures (or compensatory measures) to be adopted.

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